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FAX COVER SHEET
Central Intelligence Agency



Washington, DC 20505

25 August 2004

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|----------------------|-------------------------------------------------------|--------|
| To: | DOJ Command Center For Dan Levin | |
| Organization: | Office of Legal Counsel U.S. Department of Justice | |
| Phone: | | (b)(6) |
| Fax: | | |
| From: | (b)(3) | |
| Organization: | (b)(6) Legal Group DCI Counterterrorist Center | |
| Phone: | | |
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Number of pages (including cover sheet): 6

Comments: (S//NF) Dan, Per our phone conversation earlier this week, a letter requesting interim approval to use certain technniques. Thank you.

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Washington, D.C. 20505

25 August 2004

Transmitted by Secure Facsimile

Dan Levin
Acting Assistant Attorney General
Office of Legal Counsel
Department of Justice
Washington, DC 20530

Dear Mr. Levin:

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(TS/ (b)(3) //NF,) In furtherance of our telephone conversation earlier this week, please provide the Central Intelligence Agency with your legal conclusion that utilizing the following interrogation techniques with detainee Janat Gul would not violate any U.S. statute, including 18 U.S.C. § 2340A, nor would it violate the U.S. Constitution or any treaty obligation of the United States, including Article 16 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted Dec. 10, 1984, S. Treaty Doc. No. 100-20 (1988) (entered into force June 26, 1987):

- Dietary manipulation (so long as the intake is calculated to maintain the general health of the detainee)
- Nudity
- Water Dousing
- Abdominal Slap.

As discussed in our previous correspondence regarding Gul, his interrogation takes place outside territory subject to the jurisdiction of the United States.

(b)(1) (TS/ //NF,) Janat Gul has been in U.S. custody
(b)(3) for approximately 20 days. During that time, as permitted by legal guidance from the Attorney General and in accordance with policy direction from the 20 July 2004 National Security Council

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Principals' Committee, Gul has been questioned by CIA debriefers or interrogators. During a nine-day period, and following completion of medical and psychological examinations that found no medical contraindications to employment of interrogation techniques, CIA interrogators used one or more of the following authorized interrogation techniques with Gul (with two interrogation sessions held on some days): attention grasp, walling, facial hold, facial slap, wall standing, stress positions, and sleep deprivation. Sleep deprivation was effected using standing and sitting positions over a six-day period, allowing during that time only seven hours of sleep before the termination of the sleep deprivation period on 9 August 2004. CIA interrogators started Gul on another period of sleep deprivation on 23 August 2004.

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(TS// [redacted] /NF, [redacted] CIA interrogators assess Gul not to be cooperating, and to be using a sophisticated counterinterrogation strategy. CIA interrogators also assess the further use of the authorized techniques is unlikely to move Gul to cooperate absent concurrent use of the following additional measures: Dietary manipulation; Nudity; Water Dousing; and Abdominal Slap.

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(TS// [redacted] /NF, [redacted] CIA interrogators and CIA Headquarters believe that Gul knows information concerning imminent threats to the United States as well as information that might assist in locating senior al-Qa'ida operatives whose removal from the battlefield could severely disrupt planned terrorist attacks against the United States. Recall from our earlier correspondence that Gul has had longstanding access to senior leaders in al-Qa'ida, the Islamic Movement of Uzbekistan, members of the former Taliban regime, and (less directly) the al-Zarqawi network centered in Iraq. Given Gul's network for moving money, people, and materials, until his recent arrest he was well positioned to support al-Qa'ida's chief of external operations, Abu Faraj al-Libi, whom CIA believes to be overseeing the pre-election threat.

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The interrogation team has carefully analyzed Gul's responsiveness to different areas of inquiry and opine that his resistance increases when questioned about matters that may connect him to al-Qa'ida or evidence he has direct knowledge of operational terrorist activities. This is the case even when he is presented with credible information to the contrary, for instance, transcripts and/or recordings of his own telephone conversations in which he makes reference to senior al-Qa'ida leader 'Abd al-Hadi al-Iraqi. Sometimes when pressed with this evidence, Gul will usually admit to the information or the phone call, but will minimize his involvement and never admit to helping al-Qa'ida. Gul also asserts frequently memory difficulties. In light of Gul's claim of memory difficulties, the CIA psychologist on-scene administered an intelligence and memory examination to Gul and opined that Gul was at least of average intelligence and that his memory is grossly in tact. The psychologist further opined that Gul was attempting to feign memory problems as part of his interrogation resistance strategy. The psychologist's opinion is based in part of the fact that Gul's memory responses were inconsistent and did not follow the pattern of true memory impairment. For example, when asked after a 20-minute delay to recall the names of three objects, Gul initially replied that he was never asked to remember these objects (a response quite atypical, even for people with memory loss). However, later, he recalled two of the objects in a conversation with a CIA interrogator.

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The CIA interrogators believe that Janat Gul maintains a tough, Mujahidin fighter mentality and has conditioned himself for a physical interrogation (i.e., facial slaps and walling). The CIA interrogators believe, therefore, that using more subtle interrogation measures designed more to weaken Gul's physical ability and mental desire to resist interrogation over the long run are likely to be more effective. The interrogators, thus, seek approval to add the four agove-mentioned techniques to Gul's interrogation plan in order to reduce markedly Gul's strong resistance posture and provide an opportunity for the interrogation team to obtain his cooperation.

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(TS/[redacted]/NF, [redacted] Dietary manipulation. There are two reasons to modify Gul's diet. First, providing him solid food at regular intervals detracts from the effectiveness of interrogation techniques, especially sleep deprivation. It detracts from interrogation measures because it sends conflicting signals to the detainee; provides him an abundance of nutrition to maintain his strength against interrogation; removes the possibility of holding out regular, hot meals as an incentive to or reward for his cooperating; and allows him mentally to break up his sleep deprivation into periods between meals when he must either be unshackled so he can feed himself, or be handfed by detention facility personnel. Second, Gul is a heavy man (carrying nearly 300 pounds on a 5'9" frame). Gul's weakness for food may be a vulnerability of his. He appears to the interrogation team to take solace in the food he is provided, eating every last bit. Therefore, we seek to modify his diet to one of only liquid food (e.g., cans of Ensure) sufficient to maintain his health.

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(TS/[redacted]/NF, [redacted] Nudity. The interrogators believe that Gul has a fear of being naked because he has expressed concern when he had been showered that someone may look at him. Thus, removal of his clothing would add to his psychological discomfort and stress in order to wear down his resistance to interrogation. Gul will not be paraded in front of or exposed to other detainees or any detention facility personnel beyond those present for purposes of his hygiene, feeding, and interrogation. In other words, it is Gul's fear of others seeing him naked, not actually exposing him to others while naked, that we seek to exploit.

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(TS/[redacted]/NF, [redacted] Water Dousing. Past experience with detainees who have been interrogated indicates that focused water dousing sessions, in conjunction with sleep deprivation, facilitates in weakening a detainee's ability and motivation to resist interrogations. The interrogation plan would call for Gul to be water-doused strictly in accordance with the protocol described in the enclosure to my letter of 30 July 2004.

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(TS/[redacted]/NF, [redacted] Abdominal Slap. Gul has a very large stomach. The interrogation team assesses that the use of

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abdominal slaps would be an effective additional method of violating Gul's personal space (thus displaying total interrogator control over Gul).

(U//FOUO) If you have any questions, or would like briefings, please contact me and I will obtain answers and/or arrange the required briefings.

Sincerely,

[redacted signature]

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SUBJECT: (TS//[REDACTED]/NF) Letter to Dan Levin Requesting Interim Approval to Use Certain Techniques

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(25 August 2004)

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