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U.S. Department of Justice

Office of Legal Counsel

Office of the Principal Deputy Assistant Attorney General

Washington, D.C. 20530

November 6, 2007

[REDACTED]
Associate General Counsel
Central Intelligence Agency

Dear [REDACTED]

We are in receipt of your November 6, 2007, letter regarding the interrogation of [REDACTED] and our Office has had various discussions with you today and yesterday. You have informed us that as of 1700 E.S.T., November 6, 2007, [REDACTED] will have been subjected to [REDACTED] technique, as that technique is described in CIA guidelines. This Office has concluded that [REDACTED] application of the [REDACTED] technique [REDACTED] complies with applicable legal requirements, subject to specified conditions and safeguards. See Memorandum for John A. Rizzo, Acting General Counsel, Central Intelligence Agency, *Application of the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Convention to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value Detainees* (July 20, 2007). In that opinion, we recognized that the CIA contemplated the possibility of applying the technique for [REDACTED]. We advised, however, that "should the CIA determine that it would be necessary for the Director of the CIA to approve an extension [REDACTED] [REDACTED] with respect to a particular detainee, this Office would provide additional guidance on the application of legal standards to the facts of that particular case." *Id.* at 8 n.7. Under CIA guidelines, the Director would approve extensions of [REDACTED] after seeking guidance from this Office as to the legality of such an additional period, considering the current physical and psychological condition of the detainee and the need for such an extension. You have requested legal guidance with regard to an extension of up to [REDACTED] to authorize the continued application of the [REDACTED] technique until 1700 E.S.T., November 7, 2007.

As set forth below, we conclude that the additional period of authorization requested would comply with all applicable legal standards, including the federal anti-torture statute, the War Crimes Act, the Detainee Treatment Act, and Common Article 3 of the Geneva Conventions, as interpreted by the President in Executive Order 13440 (July 20, 2007). You

[REDACTED]

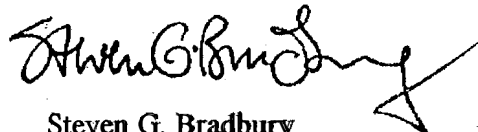
This memorandum is classified in its entirety.

have informed us that medical and psychological personnel have examined [REDACTED] and determined him not to be suffering from any physical or psychological contraindications. [REDACTED] remains in control of his bodily movements and has been observed pacing and kneeling while shackled in the standing position. In addition, psychological personnel have described him as "alert and oriented" and suffering from no mental impairments. The Agency's medical and psychological personnel have noted no indications that [REDACTED] is experiencing, or has experienced, [REDACTED]

In addition, you have informed us of the important need for continuing the technique: [REDACTED] remains resolute in resisting interrogation, and CIA professionals believe him to be adhering to a well-developed, robust, and capable resistance strategy. The CIA continues to believe that [REDACTED] may possess information on [REDACTED]

Based on your report, we conclude that the [REDACTED] would be consistent with all applicable law. [REDACTED] does not appear to be suffering from the physical and psychological conditions that would implicate any of the applicable legal constraints. The continuation of the technique, based on the information you have provided us, also would be in close service of a highly important governmental need. We understand that CIA personnel will administer the technique under the procedures and safeguards described in this Office's July 20, 2007 opinion. Specifically, we understand that the technique will be immediately discontinued if at any time during the period of extension, any of the psychological or medical contraindications present themselves, as described in the July 20 opinion.

Please let us know if we may be of further assistance.



Steven G. Bradbury
Principal Deputy Assistant Attorney General