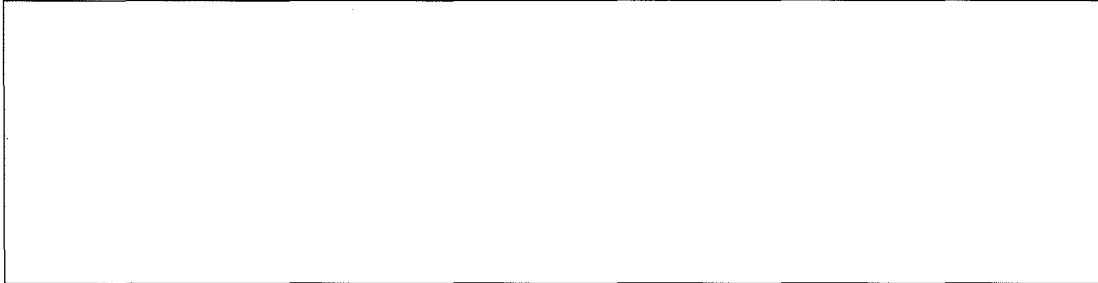
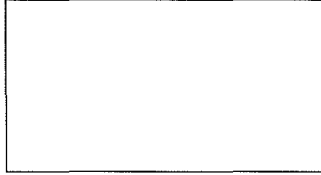
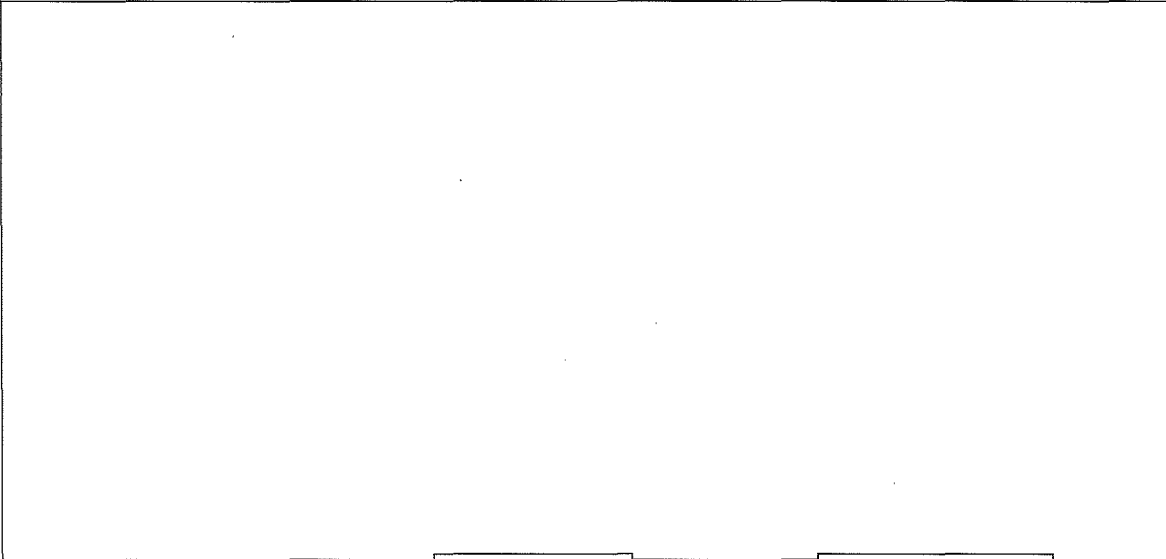


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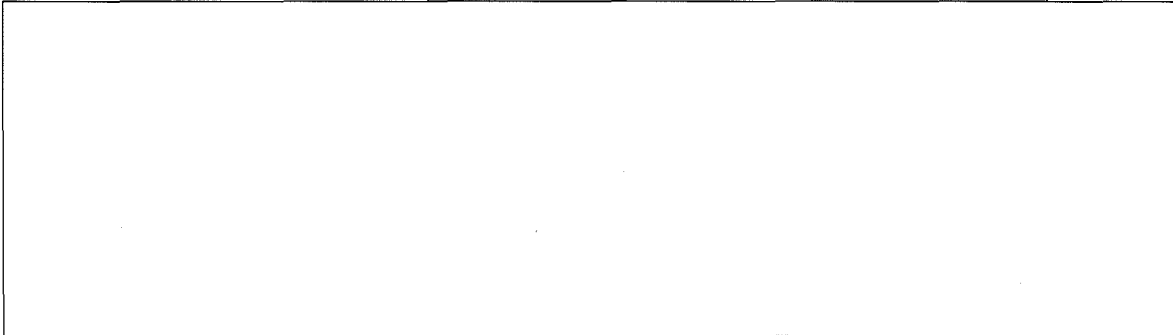
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SUBJECT: EYES ONLY - LEGAL BACKGROUND



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[REDACTED]
SUBJECT: EYES ONLY - LEGAL BACKGROUND

TEXT:

1. ACTION REQUIRED: PLEASE PROVIDE TO ALL MEMBERS OF THE INTERROGATION TEAM.

2. THIS CABLE REFLECTS HQS DISCUSSIONS AND PROVIDES LEGAL BACKGROUND IN SUPPORT OF THE CONTINUING [REDACTED] INTERROGATION OF ((ABU ZUBAYDAH)). A NUMBER OF ISSUES ARE ADDRESSED BELOW; THE INTERROGATION PORTION BEGINS AT PARAGRAPH 7.

[REDACTED]

7. INTERROGATION METHODS. AS STATION AND THE INTERROGATION TEAM ARE AWARE, THE PRESIDENT HAS DETERMINED THAT THE "GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR" DOES NOT/NOT APPLY TO CAPTURED AL-QA'IDA FIGHTERS SUCH AS ABU ZUBAYDAH.

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ACCORDINGLY, THE VERY RESTRICTIVE PROVISIONS OF THAT CONVENTION WITH RESPECT TO THE SUBJECTS UPON WHICH A PRISONER MAY BE INTERROGATED, AND THE MEANS THAT MAY BE EMPLOYED, DO NOT/NOT APPLY TO THE QUESTIONING OF ABU ZUBAYDAH.

8. SEPARATE PROVISIONS OF U.S. LAW APPLY TO THE INTERROGATION OF ABU ZUBAYDAH. AT THIS TIME, IT APPEARS THAT THE PLANNED METHODS OF INTERROGATION AS DISCUSSED WITH THE TEAM MEMBERS AT HEADQUARTERS WILL FULLY COMPLY WITH THOSE PROVISIONS. A SUMMARY OF THE KEY PROVISIONS FOLLOWS.

9. THE UNITED STATES CRIMINAL CODE PROVIDES, AT TITLE 18, SECTIONS 2340 THROUGH 2340B, FOR THE IMPLEMENTATION OF THE "UNITED NATIONS CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT." IN BRIEF, THE U.S. STATUTE MAKES IT A FEDERAL CRIME SUBJECT TO SEVERE PENALTIES FOR ENGAGING IN CONDUCT OF THE TYPE PROHIBITED BY THE TORTURE CONVENTION, WHICH PROHIBITS

"(A)NY ACT BY WHICH SEVERE PAIN AND SUFFERING, WHETHER PHYSICAL OR MENTAL, IS INTENTIONALLY INFLICTED ON A PERSON FOR SUCH PURPOSES AS OBTAINING FROM HIM OR A THIRD PERSON INFORMATION OR A CONFESSION, PUNISHING HIM FOR AN ACT HE OR A THIRD PERSON HAS COMMITTED OR IS SUSPECTED OF HAVING COMMITTED, OR INTIMIDATING OR COERCING HIM OR A THIRD PERSON, OR FOR ANY REASON BASED ON DISCRIMINATION OF ANY KIND, WHEN PAIN OR SUFFERING IS INFLICTED BY OR AT THE INSTIGATION OF OR WITH THE CONSENT OR ACQUIESCENCE OF A PUBLIC OFFICIAL OR OTHER PERSON ACTING IN AN OFFICIAL CAPACITY. IT DOES NOT INCLUDE PAIN OR SUFFERING ARISING ONLY FROM, INHERENT IN OR INCIDENTAL TO LAWFUL SANCTIONS."

10. THE FEDERAL STATUTE DEFINES "SEVERE MENTAL PAIN OR SUFFERING" AS

"THE PROLONGED MENTAL HARM CAUSED BY OR RESULTING FROM: (A) THE INTENTIONAL INFLICTION OR THREATENED INFLICTION OF SEVERE PHYSICAL PAIN OR SUFFERING; (B) THE ADMINISTRATION OR APPLICATION, OR THREATENED ADMINISTRATION OR APPLICATION, OF MIND-ALTERING SUBSTANCES OR OTHER PROCEDURES CALCULATED TO DISRUPT PROFOUNDLY THE SENSES OR PERSONALITY; (C) THE THREAT OF IMMINENT DEATH; OR (D) THE THREAT THAT ANOTHER PERSON WILL IMMINENTLY BE SUBJECTED TO DEATH, SEVERE PHYSICAL PAIN OR SUFFERING, OR THE ADMINISTRATION OR APPLICATION OF MIND-ALTERING SUBSTANCES OR OTHER PROCEDURES CALCULATED TO DISRUPT PROFOUNDLY THE SENSES OR PERSONALITY."

11. AT THIS TIME, NONE OF THE INTERROGATION METHODS DESCRIBED BY [REDACTED] NOR ANY OF THE METHODS DISCUSSED AT HEADQUARTERS WITH THE INTERROGATION TEAM, WOULD APPEAR TO VIOLATE THESE PROHIBITIONS; NOR WOULD THEY APPEAR TO VIOLATE ANY OF THE ADDITIONAL PROVISIONS OF U.S. FEDERAL (OR STATE) LAW THAT APPLY TO THE CONDUCT OF INTERROGATIONS BY USG PERSONNEL. FROM ALL WE HAVE HEARD AND READ, BOTH ON THE LEGAL FRONT [REDACTED] AND THE INTERROGATION TEAM, THE INTERROGATION METHODS THAT ARE BELIEVED TO HAVE THE GREATEST POTENTIAL FOR THE ACQUISITION OF CRITICAL AND ACTIONABLE INTELLIGENCE ALL SHOULD BE ABLE TO BE CONDUCTED WITHIN THE BOUNDS OF THE APPLICABLE U.S. LAW. (THESE CONCLUSIONS ALSO APPEAR TO APPLY TO THE CONTENT OF [REDACTED] WE WILL PROVIDE A MORE DETAILED RESPONSE WITH ANY NECESSARY LEGAL FINE-TUNING EARLY NEXT WEEK.)

12. AS PLANNING FOR THE INTERROGATION OF ABU ZUBAYDAH MOVES FORWARD, PLEASE CONTINUE TO CONSULT CLOSELY WITH CTC/LGL AS TO THE SPECIFIC MEANS AND METHODS ENVISIONED. WE LOOK FORWARD TO ENGAGING IN FURTHER DISCUSSION OF THESE MATTERS WITH THE COMPLIMENTARY GOALS OF ENSURING BOTH THE FULLEST POSSIBLE

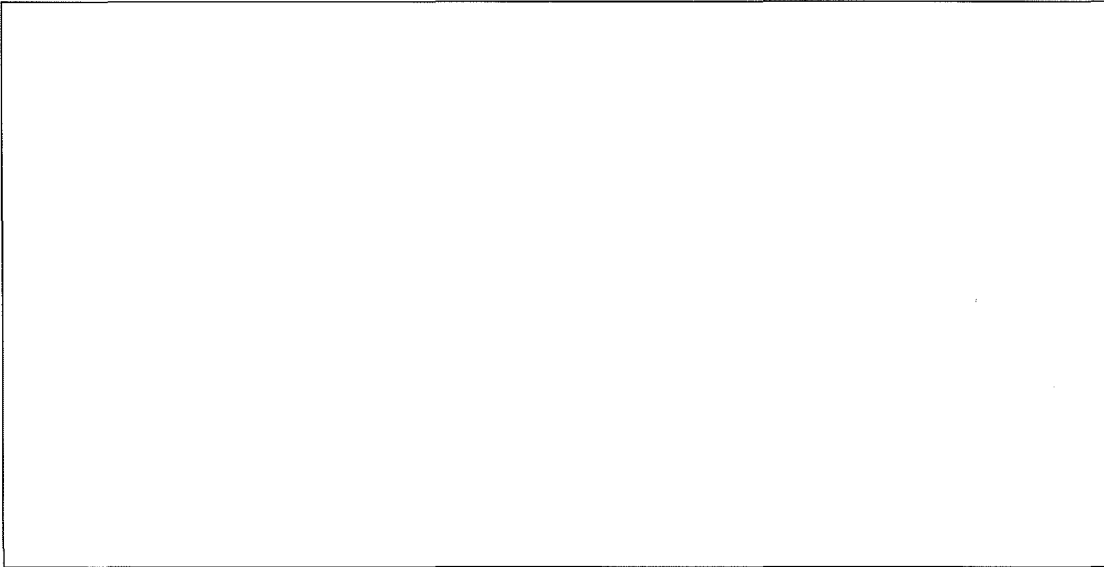
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ACQUISITION OF CRITICAL INTELLIGENCE AND THE FULL LEGAL PROTECTION
OF OUR OFFICERS.

13. REGARDS AND GOOD LUCK.



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