

Exhibit GG

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DEPARTMENT OF JUSTICE



OFFICE OF PROFESSIONAL RESPONSIBILITY REPORT

Investigation into the Office of Legal Counsel's Memoranda Concerning
Issues Relating to the Central Intelligence Agency's Use of "Enhanced
Interrogation Techniques" on Suspected Terrorists

July 29, 2009

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- (6) **Insects:** A harmless insect is placed in the confinement box with the detainee;
- (7) **Wall standing:** The subject may stand about 4 to 5 feet from a wall with his feet spread approximately to his shoulder width. His arms are stretched out in front of him and his fingers rest on the wall to support all of his body weight. The subject is not allowed to reposition his hands or feet;
- (8) **Stress positions:** These positions may include having the detainee sit on the floor with his legs extended straight out in front of him with his arms raised above his head or kneeling on the floor while leaning back at a 45 degree angle;
- (9) **Sleep deprivation:** The subject is prevented from sleeping, not to exceed 11 days at a time;³⁵
- (10) **Use of Diapers:** The subject is forced to wear adult diapers and is denied access to toilet facilities for an extended period, in order to humiliate him;
- (11) **Waterboard:** The subject is restrained on a bench with his feet elevated above his head. His head is immobilized and an interrogator places a cloth over his mouth and nose while pouring water onto the cloth. Airflow is restricted for 20 to 40 seconds; the technique produces the sensation of drowning and suffocation;
- (12) **Mock Burial:** The subject is placed in a box that resembles a coffin, with hidden air holes to prevent suffocation, and is taken to a prepared site, where he hears the sound of digging. The site has a prepared hole, dug in such a way that the box can be lowered into the ground and shovels of dirt thrown in

³⁵ As initially proposed, sleep deprivation was to be induced by shackling the subject in a standing position, with his feet chained to a ring in the floor and his arms attached to a bar at head level, with very little room for movement.

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standards of Article 16. The CIA insisted, however, and although Levin left OLC before that question was addressed, he "thought it would be very, very hard to conclude that it didn't violate the cruel, inhuman and degrading [standard], at least unless you came up with an argument for how it meant something different than [what it would mean if applied] to a United States citizen in New York."⁹⁶

Levin and other OLC attorneys met with CTC officers on August 4, 2004, and requested additional information about the waterboarding procedure. CTC Associate General Counsel (b)(3) responded by fax the next day, noting some of the time limitations that the CIA had placed on the use of the waterboard.

At some point in the process, Levin had himself subjected to the waterboard technique (and the other EITs, with the exception of sleep deprivation) by CIA interrogators. He explained his reason for doing so as follows:

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Levin also asked the CIA for information about how the sleep deprivation technique was administered. He told us that he was surprised to learn that no one at OLC had previously asked the CIA about the methods used to keep prisoners awake for such extended periods, which was an aspect of the technique that he considered highly relevant to analyzing its effect.⁹⁷ He learned that detainees were typically shackled in a standing position, naked except for a diaper, with their hands handcuffed at head level to a chain bolted to the ceiling.

⁹⁶ That question was eventually addressed by Bradbury in the Article 16 Memo, which concluded that thirteen CIA EITs, including the waterboard, sleep deprivation and forced nudity, did not "violate the substantive standards applicable to the United States under Article 16" Article 16 Memo at 39-40.

⁹⁷ Similarly, none of the OLC lawyers who worked on the Classified Bybee Memo appears to have asked the CIA how prisoners were induced to maintain stress positions such as "wall standing."

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