

GOVERNMENT ADMITS ABU ZUBAYDAH SUFFERED FROM COGNITIVE IMPAIRMENT

Jason Leopold has made the full filing revealing the scope of the government's claims about Abu Zubaydah here. I'll be reading through it today, but I wanted to point to one more clear admission that would seem to undermine the claims the government made in justifying his torture.

The government admits that AZ suffered from "cognitive impairment" due to the shrapnel wound he had in his head.

Respondent acknowledged in the factual return that [Zubaydah's] diaries indicate that he suffered cognitive impairment from a shrapnel injury for a number of years.

Yet in the Bybee Two memo, John Yoo asserted (based on this psychological evaluation) that AZ had no pre-existing mental conditions or problems that might make him unfit for things like waterboarding.

According to your reports, Zubaydah does not have any pre-existing mental conditions or problems that would make him likely to suffer prolonged mental harm from your proposed interrogation methods. Through reading his diaries and interviewing him, you have found no history of mood disturbance or other psychiatric pathology[,] "thought disorder[,] ... enduring mood or mental health problems."

Which is probably why, beyond the narrow admission that AZ's diaries made it very clear

he had had a head injury that caused lasting damage, the government doesn't want to provide any further evidence of mental illness or cognitive impairment.

Further evidence that Petitioner suffered any mental illness or cognitive impairment (Request No. 54) would not be relevant without any indication that one of the specific diary passages relied upon by the Government was actually linked to the mental or cognitive impairment.

Now, there are actually redacted passages in both the Bybee Two memo and AZ's psychological evaluation that might include admissions of this injury (in the long redacted section on page 17 of the Bybee Memo and at the end of the first paragraph on Emotional/Mental States/Coping Skills in the psychological evaluation). But one way or another, CIA and/or John Yoo found ways to dismiss any concerns about waterboarding a guy with a known significant head injury.