

DID JAY BYBEE ACCIDENTALLY ADMIT THAT CIA EXPERIMENTED ON ABU ZUBAYDAH WITH SLEEP DEPRIVATION?

[Pages 100-102 of the Jay Bybee Transcript](#) are worth reading closely, not least for the way Jay Bybee tries to shift the focus of discussion on torture from “severe physical or mental pain or suffering” to “prolonged mental harm” to avoid the obvious fact that CIA and DOJ approved extended sleep deprivation without having any clue whether it amounted to torture.

But I’m more interested in the retroactive edit on page 102, which seems to admit that CIA had already subjected Abu Zubaydah to 11 days of sleep deprivation by the time Jay Bybee signed the OLC memos on August 1, 2002. Here’s what Bybee originally said:

The CIA did not indicate that they intended to keep Abu Zubaydah awake for 11 days. They said this is what we have done. Here is the best literature on this.

In notes reflecting Bybee’s requested changes, he asked that “They said this is what we have done” be changed to “They said this is what we know.”

Bybee goes onto make a similar comment (though this one he didn’t try to correct). He repeatedly refers to the CIA’s studies.

Nadler: And if you deprive someone of sleep for a lengthy period of time, could you not be causing severe physical pain, too, without prolonged mental harm?

Bybee: We didn't have any evidence of that from what the CIA told us, and that was based on their studies.

Nadler: What the CIA told us?

Bybee: Not just based on their studies. I'm sorry, based on the literature that they had surveyed.

But both [Jason Leopold](#) and [I have pointed to reasons](#) to believe they already had subjected Abu Zubaydah to 11 days of sleep deprivation. In other words, there is evidence to suggest that the CIA did, in fact, say, "this is what we have done," and that they had done their own studies ... with the guy whose sleep deprivation they were trying to get approved.

Oops! Jay Bybee may have accidentally told the truth!