

AMERICAN
PSYCHOLOGICAL
ASSOCIATION

February 4, 2008

The Honorable Michael B. Mukasey
Office of the Attorney General
Robert F. Kennedy Building
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-2000

Dear Attorney General Mukasey:

We are writing on behalf of the American Psychological Association (APA) to call upon you to safeguard the human rights and physical and psychological welfare of individuals detained by the U.S. government. APA, the world's largest scientific and professional organization of psychologists, unequivocally condemns the use of torture and cruel, inhuman, or degrading treatment or punishment under any conditions, including the detention and interrogation of "enemy combatants," as defined by the U.S. Military Commissions Act of 2006 (see enclosed 2007 APA resolution). **Accordingly, we urge you to establish policies and procedures that fully protect the human rights of detainees, including judicial review of their detentions.**

In separate letters to President Bush and CIA Director Hayden, we called upon the Administration to expand the July 2007 Executive Order to clarify that waterboarding and other "enhanced" interrogation techniques, which are considered torture or cruel, inhuman, or degrading treatment or punishment under the Geneva Conventions, the United Nations Convention Against Torture, and APA's 2006 and 2007 Resolutions Against Torture and Cruel, Inhuman, and Degrading Treatment or Punishment, shall not be used or condoned by the U.S. government. APA's 2007 Resolution calls for the prohibition of all the 19 interrogation techniques specified, as well as any and all others that constitute torture or cruel, inhuman, or degrading treatment or punishment. We continue to urge the Administration to disallow any testimony resulting from the use of any interrogation technique that constitutes torture or cruel, inhuman, or degrading treatment or punishment.

We now call upon you, as Attorney General, to expedite the review of the Office of Legal Counsel opinions that have provided the basis for the Administration's use of waterboarding and other "enhanced" interrogation techniques. It is also critical that a legal opinion be rendered specifically on waterboarding, despite claims that this is no longer necessary since the technique has not been employed by the CIA on prisoners since 2003. A thorough analysis of waterboarding and other "enhanced" interrogation techniques would carry out the intent you expressed during your Senate confirmation hearings to carefully examine the legality of these practices. We look forward to a public report of your investigation and findings.

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Psychologists consulting to the military and intelligence communities, like their colleagues in domestic forensic settings, use their expertise to promote the use of effective and ethical interrogations, while safeguarding the welfare of interrogators and detainees. It is unethical for a psychologist to plan, design, or assist, either directly or indirectly, in interrogation techniques delineated in APA's 2007 resolution and any other techniques defined as torture or cruel, inhuman, or degrading treatment or punishment under the Geneva Conventions, the United Nations Convention Against Torture, or APA's 2006 Resolution Against Torture.

There are no exceptional circumstances to these prohibitions, including laws, regulations, orders, or circumstances induced by a state of war, threat of war, or any other public emergency. APA's 2007 resolution makes clear that conditions of confinement (e.g., lack of human rights protections) -- not just specific interrogation techniques -- can constitute torture or other cruel, inhuman, or degrading treatment or punishment. Accordingly, APA will support psychologists who refuse to work in settings in which the human rights of detainees are not protected. Moreover, psychologists with knowledge of the use of any prohibited interrogation technique have an ethical responsibility to inform their superiors and the relevant office of inspectors general, as appropriate, and to cooperate fully with all government oversight activities to ensure that no individual is subjected to this type of treatment.

We look forward to working with the Administration and Congress to develop policies on interrogation that provide for effective and ethical means to elicit information to prevent acts of violence. Our own work in this area is ongoing, and we plan to make available a casebook and commentary to provide guidance on the interpretation of our resolution. If you have any questions or would like additional information, please have your office contact APA's Director of Ethics, Stephen Behnke, J.D., Ph.D., at (202) 336-6006 or at sbehnke@apa.org.

Sincerely,

Alan E. Kazdin, Ph.D.
President

Norman B. Anderson, Ph.D.
Chief Executive Officer

Enclosure