AMERICAN PSYCHOLOGICAL ASSOCIATION

August 23, 2017

The Honorable Elaine C. Duke
Acting Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Acting Secretary Duke:

On behalf of the American Psychological Association (APA), we are writing to inform you of our association policies that set forth clear and unequivocal guidance regarding the roles and responsibilities of psychologists in the context of national security settings and interrogation processes. We request that the Department of Homeland Security take appropriate action to enable military and other psychologists to abide by APA's national security-related policies, as articulated below, as well as by the Ethical Principles of Psychologists and Code of Conduct (APA Ethics Code). We recognize that the Department of Defense adheres to the APA Ethics Code in defining ethical practice for military psychologists.

It is of paramount importance to understand that APA's Ethics Code applies to all psychologists, including those who serve in national security roles and settings, and calls upon psychologists to "respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights." The Ethics Code also states that "Psychologists do not participate in, facilitate, assist, or otherwise engage in torture, defined as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person, or in any cruel, inhuman or degrading behavior…" Related APA policies provide additional guidance to psychologists working in national security.

Based on media reports of a recent Associated Press investigation involving detention practices in Yemen, we were dismayed to learn that hundreds of detainees were being held in a secret network of prisons and subjected to severe abuse and torture by United Arab Emirates and/or Yemeni forces. Such reports herald back to the atrocities encountered at CIA secret detention facilities set up in the wake of the 9/11 attacks.

Of specific concern to us was the allegation in the report that detainees were being interrogated by American "psychological experts" on a ship off the coast of Yemen. Although the article noted that senior U.S. Defense Department officials denied that the military is involved in interrogations of Yemenis on any ships, we would like to take this opportunity to clarify our APA policy regarding restrictions placed on psychologists in national security settings.

According to our 2015 national security-related policy, psychologists "shall not conduct, supervise, be in the presence of, or otherwise assist any national security interrogations for any

750 First Street, NE
Washington, DC 20002-4242
(202) 336-5500
(202) 336-6123 TDD
www.apa.org

Please Recycle

military or intelligence entities, including private contractors working on their behalf, nor advise on conditions of confinement insofar as these might facilitate such an interrogation."

We therefore request that psychologists be withdrawn from any role in national security interrogations. They may provide general consultation on policy related to humane information-gathering methods that are not related to any specific national security interrogation or detention conditions.

Among its other key provisions, the 2015 policy strengthens APA's 2013 policy entitled, *Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.* That earlier policy rescinded the controversial 2005 Report of the APA Presidential Task Force on Psychological Ethics and National Security (PENS) and two other outdated policies. Therefore, we request that the PENS report no longer be cited in any government documents that refer to the role of psychologists in national security interrogations and that our 2013 and 2015 policies be referenced instead.

The 2015 policy also clarifies a key provision of APA's 2009 policy entitled, *Psychologists and Unlawful Detention Settings with a Focus on National Security*. This policy prohibits psychologists from working in national security detention settings that are operating outside of, or in violation of, either the U.S. Constitution or international law "unless they are working directly for the persons being detained or for an independent third party working to protect human rights" or are providing mental health services to military personnel.

The 2015 policy deems the U.N. Committee against Torture and the U.N. Special Rapporteur against Torture as the authorities for determining whether certain national security detention settings are considered to be in violation of international law. This policy clarification is consistent with APA's status as an accredited non-governmental organization (NGO) at the U.N. committed to promoting and protecting human rights in accordance with the U.N. charter and the Universal Declaration of Human Rights.

Based on reports by the aforementioned U.N. authorities, it is a violation of APA policy for psychologists to engage in any other activities beyond those listed above at the following national security detention sites: the Guantánamo Bay detention facility, any remaining or future "black sites," vessels in international waters, or sites where detainees are interrogated under foreign jurisdiction. Although it is our understanding that placements at national security detention settings continue to be voluntary for military psychologists, we are requesting that psychologists who are working at detention sites that are in violation of the U.S. Constitution or international law, as described above, be offered deployment elsewhere.

And finally, our 2015 policy redefines the term "cruel, inhuman or degrading treatment or punishment" in prior APA policies in accordance with the U.N. Convention against Torture, rather than with the 1994 U.S. Reservations to this treaty (which were used by the George W. Bush administration to justify "enhanced" interrogation techniques). The goal is to ensure that APA policy offers human rights protections to everyone, everywhere, including foreign detainees held outside of the U.S. As stipulated by our 2015 policy, we are also requesting that

the U.S. government withdraw its understandings and reservations to the U.N. Convention against Torture.

We also urge you to take affirmative steps to ensure that national security detainees in U.S. custody are treated fairly and humanely, and that they are granted -- and are able to exercise -- all of the rights guaranteed them under the U.S. Constitution, the U.N. Convention against Torture, and the Geneva Conventions.

To summarize, the two core provisions of our APA policy related to the roles and responsibilities of psychologists in national security:

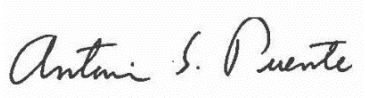
1) *Prohibit psychologists from participating in all national security interrogations or conditions of confinement that might facilitate such interrogations; and*

2) *Prohibit psychologists from working at detention settings operating outside of, or in violation of, either the U.S. Constitution or international law (as deemed by specified U.N. authorities). These settings include the Guantánamo Bay detention facility, any remaining or future "black sites" (including those run by private contractors), vessels where detainees are held in international waters, or sites where detainees are interrogated under foreign jurisdiction. APA requests that psychologists currently working at such sites be offered deployment elsewhere. To remain in compliance with APA policy, psychologists who choose to work at such settings may only treat military personnel (not detainees) or work directly for the persons being detained or for an independent third party to protect human rights.*

In closing, we would like to reaffirm APA's commitment to human rights. We also want to acknowledge the essential roles and valuable contributions of military and other psychologists in providing behavioral health care to service members (especially those with physical and psychological injuries and disorders) and their families, as well as in conducting research and training. Through their professional work, military psychologists strive to achieve, and are responsible to uphold, the highest levels of competence and ethics in our field. We are requesting that military and other psychologists not participate in any national security interrogations or other activities that would risk placing them in conflict with APA's Ethics Code and policies related to national security, which can be accessed at: http://www.apa.org/news/press/statements/interrogations.aspx.

If you have any questions or would like additional information, please do not hesitate to contact either of us or APA's Senior Policy Advisor, Dr. Ellen Garrison (egarrison@apa.org or at 202-336-6066).

Sincerely,



Antonio E. Puente, Ph.D.
President



Arthur C. Evans, Jr. Ph.D.
Chief Executive Officer