

September 22, 2008

Patricia Dixon
Board and Investigative Officer, Office of Ethics
American Psychological Association
750 First Street, NE
Washington, DC 20002

Dear Ms. Dixon:

I am responding to your letter of July 3, 2008, in which you state, “In order to find a violation of the Ethics Code, the Ethics Committee has the burden of proving the allegations.” Prior to proving the allegations I am making, the Ethics Committee has the task of fully investigating the allegations. Despite the Ethics Committee members having available to them undisputed accounts from the Pentagon and elsewhere of John Leso's leadership involvement in torture, it appears no such investigation has been done.

To accommodate your request that I provide hard copies of the URLs referenced in my complaint, I am enclosing the following:

ATTACHMENT A: ORCON [Authorizing agency classified by Originator Control]. 2003. Portion of Interrogation Log for Detainee 063. <http://www.time.com/time/2006/log/log.pdf>

ATTACHMENT B: Army Regulation 15-6: Final Report. Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility.

ATTACHMENT C: Description of Behavioral Science Consultation Teams by Dr. Alfred McCoy.

ATTACHMENT D: Medical Ethics and the Interrogation of Guantanamo 063 by Steven Miles. 2007. *The American journal of Bioethics* 7(4):5.

ATTACHMENT E: FBI complaint from the Deputy Assistant Director of the Counterterrorism Division to Major General Donald J. Ryder, citing specific complaints regarding the “highly aggressive interrogation techniques” during the interrogation of Detainee 063. Though the

detainee's number is redacted, the complaints describe specific actions in the Interrogation Log (Attachment A) as well as corresponding dates.

<http://www1.umn.edu/humanrts/OathBetrayed/FBI%204622-4624.pdf>

ATTACHMENT F: Senate Armed Services Committee Hearing: The Origins of Aggressive Interrogation Techniques, June 17, 2008. Tab 7.

<http://levin.senate.gov/newsroom/release.cfm?id=299242>

I assume I do not need to provide hard copies of the URLs referencing APA statements by Dr. Behnke, or those referencing APA resolutions and ethics codes.

There is a continued sense of frustration as I repeatedly document the Ethical Standards that Dr. Leso has violated. However, at this point it seems that specific actions must be emphasized, repeatedly, for the APA to acknowledge what is undeniable and unavoidable. Dr. Leso's very presence at any point of this interrogation, which is documented, violates the Ethical Standards of 1.01 Misuse of Psychologists Work, 3.03 Other Harassment and finally, 3.04 Do No Harm. Not only do Dr. Leso's actions and presence violate these APA Standards, they also violate the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Geneva Conventions, the Nuremberg Principles, the Uniform Code of Military Justice and sundry other federal criminal laws and international protocols and standards as well.

It has been publicly established for some time that "MAJ L" in the Interrogation Log for Detainee 063 refers to John Leso. John Leso is identified as "Major L (BSCT)" in al-Qahtani's interrogation log by barrister Philippe Sands.¹ Both Sands² and Jane Mayer³ document that Major General Michael Dunlavey, Commanding Officer, JTF-170, created his own BSCT interrogation teams by drafting military psychologists from army hospitals to play direct roles in breaking detainees down. Major General Michael Dunlavey was Leso's initial commanding officer at Guantanamo until Major General Miller replaced Dunlavey on 11/8/2002. A result of Dunlavey's actions was Leso's involvement in the abusive interrogation of Mohammed al-Qahtani.

Prior to the time of the details described in the Interrogation Log (Attachment A), FBI agents reported that "they observed Detainee 063 after he had been subjected to intense isolation for over three months. During that time period, the detainee was totally isolated (with the exception of interrogations) in a cell that was totally flooded with light. By November the detainee was evidencing behavior associated with extreme psychological trauma (talking to non-existent people, hearing voices, crouching in a corner of the cell covered in a sheet for hours on end)." (Attachment E) This was the psychological condition of al-Qahtani on the morning of November 23, 2002.

It was at this point that Dr. Leso is named in the Interrogation Log (Attachment A) when al-Qahtani "was brought in shackles to a plywood interrogation booth, where his hood was removed

and he was bolted to the floor. For forty-eight of the next fifty-four consecutive days, he was allowed only four hours of sleep a night."⁴

I call your attention to the following information which describes Dr. Leso's specific actions, as per your request, indicating also "what prohibitions set forth by APA the behaviors highlighted in the materials violate," also per your request.

ATTACHMENT A

"MAJ L" is identified as present in the Interrogation Log of Detainee 063 (Attachment A)

Tab 1. 23 November 2002

0225: The detainee arrives at the interrogation booth Camp X-Ray. His hood is removed and he is bolted to the floor. SGT A and SGT R are the interrogators. A DoD linguist and MAJ L (BSCT) are present.

ETHICAL STANDARDS VIOLATED: 1.01 Misuse of Psychologists' Work
3.03 Other Harassment

Comments: "Hooding" is degrading and in violation of the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Tab 2. 27 November 2002

1000: Control puts detainee in swivel chair at MAJ L's suggestion (sic) to keep him awake and stop him from fixing his eyes on one spot in booth. Detainee struggled with MP when MP moved chair. Control used "onion" analogy to explain how detainee's control over his life is being stripped away. Control gives detainee three facts: we are hunting down Al Qaida every day, we will not stop until they are captured or killed, we control every aspect of your life. Detainee did not speak but became very angry with control.

ETHICAL STANDARDS VIOLATED: 1.01 Misuse of Psychologists' Work
3.03 Other Harassment

Tab 3. 02 December 2002

2345: SGT M questioned detainee about his family. Detainee was very evasive and refused to provide anything other his family's PO box. BSCT observation indicated that detainee was lying during entire exchange.

ETHICAL STANDARDS VIOLATED: 1.01 Misuse of Psychologists' Work
3.03 Other Harassment

Comments: As with the previous entry dated 27 November 2002, Dr. Leso is clearly observing and assisting in this interrogation. For the entry above dated 02 December 2002, al-Qahtani has been kept awake for 20 hours. Sleep deprivation is a violation of the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as are the comments and threats made by the Control.

Tab 4. 11 December 2002

1530: . . . Detainee began to cry. Detainee asked to sleep in a different room and only be interrogated in the present room. Control asked why the detainee would make such a request and detainee replied that control was human. The BSCT observed that the detainee was only trying to run an approach on the control and gain sympathy.

ETHICAL STANDARDS VIOLATED: 1.01 Misuse of Psychologists' Work
3.03 Other Harassment

Comments: Dr. Leso is observing the continued abuse of al-Qahtani and exacerbating the abuse with his observations.

Tab 5. 25 December 2002

0300: Detainee offered water and refused. Interrogator poured some water on detainee's head and detainee decided to drink a half bottle of water. Interrogator began to play cards with MP to ignore the detainee due to a BSCT assessment that the interrogators may be becoming the family figures of the detainee . . .

ETHICAL STANDARDS VIOLATED: 1.01 Misuse of Psychologists' Work
3.03 Other Harassment

Comments: Dr. Leso continues observing the abuse of al-Qahtani and advising interrogator on further abusive behaviors.

Tab 6. 29 December 2002

2030: Detainee seemed too comfortable. He was questioned about why he was unaffected by our discussion of the victims of 9/11. Detainee immediately sat up in his chair. BSCT observed that detainee does not like it when the interrogator points out his nonverbal responses.

ETHICAL STANDARDS VIOLATED: 1.01 Misuse of Psychologists' Work
3.03 Other Harassment

Comments: Dr. Leso continues to observe and advise in the interrogation of al-Qahtani after 36 days.

ATTACHMENT B

Army Regulation 15-6: Final Report. Investigation into FBI Allegations of Detainee Abuse at Guantanamo Bay, Cuba Detention Facility.

Tab 1. Executive Summary.

In reference to the interrogation of al-Qahtani, the army's finding follows:
"The AR-16 found that the **interrogation of this same high value detainee resulted in degrading and abusive treatment** but did not rise to the level of being inhumane treatment." (Emphasis added.)

Tab 2. THE FIRST SPECIAL INTERROGATION PLAN

This section of the report refers to the interrogation plan which was developed by Dr. Leso and the BSCT team. Dr. Leso was the only psychologist on this team. The following pages list the **findings**, not allegations, of the army's investigation of the interrogation of al-Qahtani.

Finding #11a: On one occasion in October 2002 a military working dog was brought into the interrogation room and directed to growl, bark, and show his teeth at the subject of the first Special Interrogation Plan.

Finding #11b: In November 2002 a military working dog was brought into the interrogation room and directed to growl, bark, and show his teeth at the subject of the first Special Interrogation Plan.

Finding #12a: On 21 and 23 Dec 02, MPs held down a detainee while a female interrogator straddled the detainee without placing weight on the detainee;

Finding #12b: On 04 Dec 02, a female interrogator massaged the detainee's back and neck over his clothing;

Finding #12c: On various occasions between October 2002 and January 2003, a female interrogator invaded the private space of a detainee to disrupt his concentration during interrogation;

Finding #13: On numerous occasions between November 2002 and 15 Jan 03, the subject of the first Special Interrogation Plan was yelled at or subjected to loud music during interrogation.

Finding #14: On several occasions between November 2002 and January 2003 interrogators would adjust the air conditioner to make the subject of the first Special Interrogation Plan uncomfortable.

Finding #15: From 23 Nov 02 to 16 Jan 03, the subject of the first Special Interrogation Plan was interrogated for 18-20 hours per day for 28 of the 54 days, with the opportunity for a minimum of four hours rest per day.

Finding #16a: That the subject of the first Special Interrogation Plan was separated from the general population from 8 Aug 02 to 15 Jan 03.

Finding #16b: On 06 Dec 02, the subject of the first Special Interrogation Plan was forced to wear a woman's bra and had a thong placed on his head during the course of the interrogation.

Finding #16c: On 17 Dec 02, the subject of the first Special Interrogation Plan was told that his mother and sister were whores.

Finding #16d: On 17 Dec 02, the subject of the first Special Interrogation Plan was told that he was a homosexual, had homosexual tendencies, and that other detainees had found out about these tendencies.

Finding #16e: On 20 Dec 02, an interrogator tied a leash to the subject of the first Special Interrogation Plan's chains, led him around the room, and forced him to perform a series of dog tricks.

Finding #16f: On 20 Dec 02, an interrogator forced the subject of the first Special Interrogation Plan to dance with a male interrogator.

Finding #16g: On several occasions in Dec 02, the subject of the first Special Interrogation Plan was subject to strip searches. These searches, conducted by the prison guards during interrogation, were done as a control measure on director of the interrogators.

Finding #16h: On one occasion in Dec 02, the subject of the first special Interrogation Plan was prevented from praying during interrogation.

Finding #16i: On three occasions in Nov 02 and Dec 02, the subject of the first Special Interrogation Plan was prevented from praying during interrogation.

Finding #16j: Once in Nov 02, the subject of the first Special Interrogation Plan became upset when two Korans were put on a TV, as a control measure during interrogation, and in Dec 02 when an interrogator got up on the desk in front of the subject of the first Special Interrogation Plan and squatted down in front of the subject of the first Special Interrogation Plan in an aggressive manner and unintentionally squatted over the detainee's Koran.

Finding #16k: On seventeen occasions, between 13 Dec 02 and 14 Jan 03, interrogators, during interrogations, poured water over the subject of the first Special Interrogation Plan head.

All of the above Findings are in violation of Ethical Standards 1.01, 3.03 and 3.04. In addition, Findings #12a, 12b, 12c, 16b, 16c, 16d, 16f, and 16g are in violation of 3.02 and Findings #16h, 16i, and 16j are in violation of 3.03.

Tab 3. Dr. Leso stated the he “witnessed the use of a MWD (military working dog) named ‘Zeus’ during a military interrogation of the subject of the first Special Interrogation Plan during the November 2002 time period.”

This action was a part of the First Special Interrogation Plan, which was created by Leso and his team, and is a violation of 1.01, 3.03 and 3.04. Leso might deny responsibility for this cruel and degrading action, although it is clear he did nothing to intervene in this illegal abuse which he observed, in violation of Ethical Standard 1.05.

Your letter also requested any additional information regarding John Leso's actions that are in violation of the APA Ethical Code. Dr. Mike Gelles was a witness to Leso's role in the interrogation of al-Qahtani. In speaking with Sands, Gelles described Leso as “a psychologist who . . . was ‘basically a good guy’ who was in over his head because he had ‘no real background in interrogation.’”⁵ When Dr. Gelles saw the actual interrogation plan designed by Leso and other BSCT team members, “Gelles’ needle went to danger,” and Gelles’ team wrote a counter-plan for the interrogation of al-Qahtani, but it was ‘too late.’⁶ Dr. Gelles was aware of Leso's actions.

Dr. Abigail Seltzer, a consultant psychiatrist for Britain's National Health Service and the Medical Foundation for the Care of Victims of Torture evaluated the ORCON Interrogation Log of al-Qahtani (Attachment A) at the request of Philippe Sands. Seltzer highlighted signs of severe distress that were documented in the log:

Detainee began to cry. Visibly shaken. Very emotional. Detainee cried. Disturbed. Detainee began to cry. Detainee butted SGT R in the eye. Detainee bit the IV tube completely in two. Started moaning. Uncomfortable. Moaning. Turned his head from left to right. Began crying hard spontaneously. Crying and praying. Began to cry. Claimed to have been pressured into making a confession. Falling Asleep. Very uncomfortable. On the verge of breaking. Angry. Detainee struggled. Detainee asked for prayer. Very agitated. Yelled. Agitated and violent. Detainee spat. Detainee proclaimed his innocence. Whining. Pushed guard. Dizzy. Headache. Near tears.

Forgetting things. Angry. Upset. Complained of dizziness. Tired. Agitated. Yelled for Allah. Started making faces. Near crying. Irritated. Annoyed. Detainee attempted to injure two guards. Became very violent and irate. Attempted to liberate himself. Struggled. Made several attempts to stand up. Screamed. Emotional problems. Began to cry. Very annoyed. Urinated on himself. Began to cry. Began to cry. Complained of being dizzy. Very angry. Began to cry. Pains in kidneys. Incoherent. Broke down crying. Asked God for forgiveness. Cried. Cried. Became violent. Began to cry. Broke down and cried. Began to pray and openly cried. Began to cry. Began to cry and sob out loud. Cried quietly under the towel. Began to cry and sob loudly. Appeared to be crying. Cried out to Allah several times. Trembled uncontrollably. Yelled. Cold. Said death had been entering his mind. Broke out in tears. Cried for half an hour. Began to cry. Tried to cry again. Crying. Began to cry when talking.⁷

This is the man who Dr. Leso described as “only trying to run an approach on the control and gain sympathy.” As an independent expert, Dr. Seltzer summarized, “It certainly seems that there was an intent to cause harm, for example the humiliation.”⁸

Additionally, a document released during the Senate Armed Services Committee Hearing: The Origins of Aggressive Interrogation Techniques, June 17, 2008, contained the minutes of a meeting on October 2, 2002, which documents the presence of Leso and participation of Leso in a “Counter Resistance Strategy Meeting.” (Attachment F) In this meeting Leso, along with psychiatrist Burney, is describing the application of SERE strategies as taught to psychologists for use with “trained resisters.” Dependence, compliance, deprivation and psychological stressors are discussed in regards to SERE training as well as al-Qahtani’s response to these strategies, which have already been used on al-Qahtani. Leso’s advocacy for these strategies and his use of these strategies are documented in the minutes of this meeting on October 2, 2002. These actions are in violation of APA Ethical Standards previously documented. Examples of the “psychological stressors” which are advocated by Dr. Leso and Dr. Burney are sleep deprivation, withholding food, isolation and loss of time.

An obvious point of discussion in this complaint is Ethical Standard 1.02, which gives psychologists an “out” of they violate an ethical standard that is in conflict with a law. No such reprieve applies to Dr. Leso’s actions, as the rule of Common Article 3 of the Geneva Conventions applies to Mohammed al-Qahtani, as determined by the Supreme Court in June of 2006 in the case of Hamden v. Rumsfeld.⁹

Even prior to the Court’s ruling, international law had determined that “No person can ever fall outside the scope of minimum legal protections. There can be no legal black holes.”¹⁰ Article 75 of the 1977 Geneva Protocol I, in the aftermath of the Vietnam War, is applicable to all states and all persons, and “is unambiguous: Any person who is captured by a party to a conflict must be treated humanely and is entitled to enjoy minimum protections, without discrimination. The particular circumstances of any individual are irrelevant.”¹¹

John Leso cannot fall back on Ethical Standard 1.02, nor can the APA. The APA has hailed Dr. Gelles as a hero for refusing to engage in the very actions that Dr. Leso has committed. There is no defense for war crimes.

In your letter of July 3, 2008, you also requested the following information:

- How many individuals were part of the consultation team when the actions described in your complaint occurred;

This question is irrelevant to the complaint I have filed against John Leso. My complaint pertains to Dr. Leso alone. If a psychologist rapes a patient, it is irrelevant how many other people may have also raped the same person.

- Whether there was a psychiatrist on the consultation team when the actions described in your complaint occurred;

See above.

- In instances where the respondent is not named specifically, evidence regarding whether the individual is, in fact, the respondent.

“Maj L (BSCT)” is the initial entry in the interrogation log. (Attachment A) As previously referenced, “Maj L” is publicly known to be John Leso. The identifying label “BSCT:” is never used in connection with any other person in the interrogation log of al-Qahtani, though it is used repeatedly as an identifier throughout the log. Unless proven otherwise, it follows that “BSCT” in the log refers to John Leso.

I found your closing sentence ominous when you refer to “any other information you believe relevant to our evaluation of the respondent’s behavior,” as it suggests that you somehow have lost sight of the APA's responsibility. This complaint requires an investigation. Your individual or collective, subjective "evaluations" are completely irrelevant. Quoting Dr. Steven Miles, “ The medical accomplices of torture must not rest in the confidence that they can violate civil society and the ethics of medicine with impunity.”¹²

Sincerely,

Dr. Trudy Bond

Attachments Enclosed

¹ Philippe Sands, *Torture Team* (New York: Palgrave MacMillan, 2008), 125.

² *Ibid.*, 126.

³ Jane Mayer, *The Dark Side* (New York: Doubleday, 2008), 196.

⁴ *Ibid.*, 206.

⁵ Sands, 125.

⁶ *Ibid.*, 129-130.

⁷ *Ibid.*, 170-171.

⁸ *Ibid.*, 172.

⁹ www.supremecourtus.gov/opinions/05pdf/05-184.pdf

¹⁰ Philippe Sands, *Lawless World* (New York: Penguin Books, 2006) 149.

¹¹ *Ibid.*, 149-150.

¹² Steven Miles, “Doctors’ complicity with torture: It is time for sanctions,” *BMJ* 2008;337:a1088.