



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

New York Office of the Professions -- Central Administration
475 Park Avenue South 2nd Floor
New York, NY 10016-6901
Tel: 212-951-6400
Fax: 212-951-6537
conduct@mail.nysed.gov

Complaint – John Francis Leso, NY License # 013492

I am a psychologist licensed in the State of New York, License # 010068, issued February 2, 1990. I make this complaint against Dr. John Francis Leso, New York License # 013492, for professional misconduct.

Dr. Leso has been licensed by the State of New York since 1998, and to my knowledge he is not licensed in any other state.

Please find enclosed an accounting of publicly available documents detailing the extent of Dr. Leso's misconduct. I have reviewed this information, and I believe that Dr. Leso violated the professional standards set forth by New York law for licensed psychologists. Specifically, he violated New York Education Law sections 6509 (2) (practice beyond authorized scope, gross incompetence, gross negligence) and (9) (unprofessional conduct); Rules of Regents section 29.1(b)(5) (conduct exhibiting a moral unfitness to practice the profession) and (11) (unauthorized treatment); and Rules of Regents section 29.2(a)(1) (neglect of a patient in need of immediate care), (2) (willful abuse and harassment), and (7) (unwarranted treatment).

Under the authority of his New York license, Dr. Leso has used his expertise for the purpose of harming rather than protecting the health of detainees at Guantánamo Bay, Cuba. Dr. Leso used his training in psychology to exploit the weaknesses of detainees not only in the context of specific interrogations, but also in a systematic fashion; recommending that U.S. personnel use a series of increasingly abusive interrogation techniques designed to degrade, dehumanize, and disrupt the cognitive function of detainees held in U.S. custody, and to increase their mental pain and suffering, for the purpose of modifying their behavior, punishing, or intimidating them. As such, I believe he should be investigated and disciplined accordingly.

Please confirm to my attorney that you will take jurisdiction of this complaint.

Respectfully Submitted,

Dr. Steven Reisner

cc: Kathleen M. Doyle, Executive Secretary
New York Board of Psychology:
psychbd@mail.nysed.gov, Phone: 518-474-3817, ext. 150, Fax: 518-486-4846

Licensing Complaint Against Dr. John Francis Leso
State of New York, License number 013492

I. INTRODUCTION

New York State requires its licensed psychologists to abide by its promulgated standards of professional conduct. Dr. John Francis Leso is a licensed psychologist practicing under the authority of the State of New York. He is also a member of the American Psychological Association (APA).

Dr. Leso led the first Behavioral Science Consultation Team (BSCT) at the United States Naval Station at Guantánamo Bay, Cuba (Guantánamo or GTMO) from June 2002 to January 2003. While at Guantánamo, Dr. Leso co-authored an interrogation policy memorandum that incorporated illegal techniques adapted from methods used by the Chinese and North Korean governments against U.S. prisoners of war. He recommended a series of increasingly psychologically and physically abusive interrogation techniques to be applied against detainees held by the United States. Many of the techniques and conditions that Dr. Leso helped put in place were applied to suspected al-Qaeda member Mohammed al Qahtani under Dr. Leso's direct supervision, as well as to other men and boys held at Guantánamo. Eventually, similar techniques were also used on detainees held in U.S. custody in Iraq and Afghanistan.

Documents made public by the United States Senate Armed Services Committee (SASC), the Central Intelligence Agency (CIA), and the Department of Defense (DoD), among others, show that Dr. Leso violated the professional standards set forth by New York law for licensed psychologists. Specifically, Dr. Steven Reisner ("Complainant") alleges that Dr. Leso violated New York Education Law section 6509 (2) (practice beyond authorized scope, gross incompetence, gross negligence) and subsection (9) (unprofessional conduct); Rules of Regents section 29.1(b)(5) (conduct exhibiting a moral unfitness to practice the profession) and subsection (b)(11) (unauthorized treatment); and Rules of Regents section 29.2(a)(1) (neglect of a patient in need of immediate care), subsection (a)(2) (willful abuse and harassment), and subsection (a)(7) (unwarranted treatment).

To date, Dr. Leso has not been reprimanded for his conduct at Guantánamo by the military, the American Psychological Association, or the state of New York.

As a psychologist licensed in the state of New York, Dr. Leso is bound to adhere to the standards for health professionals expounded by New York law. Complainant brings this evidence to the attention of the New York Office of the Professions in the hope that Dr. Leso will be ordered to cease and desist from engaging in this egregious misconduct and be subjected to all appropriate discipline, up to and including revocation of his license.

II. JURISDICTION

Dr. John Francis Leso is a psychologist licensed by the State of New York, License number 013492. Issued in 1998, his license is valid through the last day of July 2012.¹

Under the direction of the NY Board of Regents, New York State's Education Department administers professional regulation through its Office of the Professions (NYOP) with the assistance of twenty-nine State Boards for the Professions.² This includes the Psychology Board.³ Therefore, jurisdiction is proper.

In addition, the U.S. military requires its psychologists to maintain valid licenses issued by one of the 50 states, and it relies on the states to set professional and ethical standards for their own licensees.⁴ The licensing requirement in the U.S. Code is cited and quoted in the Department of Defense Medical Health System Clinical Quality Assurance Program Regulations (CQA), and states that the "statutory requirement is applicable to all healthcare practitioners practicing independently in military facilities or operational environments."⁵ The term healthcare professional includes clinical psychologists.⁶ According to the CQA, a license is only valid where the "issuing authority accepts, investigates, and acts upon quality assurance information, such as practitioner professional performance, conduct, and ethics of practice, regardless of the practitioner's military status or residency."⁷ Thus, the Department of Defense regulation recognizes that the state licensing authority is the entity responsible for investigating and disciplining cases of unethical conduct, regardless of the location where the misconduct occurs. It follows that New York is the appropriate forum to consider this complaint.⁸

¹ Ex. 1, License Detail for license number 013492.

² See generally N.Y. Ed. Law Art. 130.

³ See N.Y. Educ. Law art. 153, §§ 7602, 6508 (outlining the Psychology Board's duty to assist the Board of Regents and the Education Department in matters of professional licensing and conduct).

⁴ See 10 U.S.C. § 1094; Department of Defense Directive 6025.13-R "Medical Health System Clinical Quality Assurance [hereinafter CQA] Program Regulations Ch 4 1.1.1, 4 1.1.4 (June 11, 2004).

⁵ CQA Ch4 1.1.1 at p. 2, *citing* 10 U.S.C. §1094. The CQA makes clear that "independently" here means that "[h]ealthcare practitioners who do not possess a license or other authorizing document may practice only under a written plan of supervision with a licensed person of the same or a similar discipline." CQA Ch4.1.1.3.

⁶ 10 U.S.C.A. § 1094.

⁷ CQA DL1.1.23.2.

⁸ See *Miles v. Nyquist*, 60 A.D.2d 133, 138 (N.Y. App. Div. 3d Dep't 1977) (holding that the Board of Regents did not exceed its authority in revoking the license of a health care professional based on acts he committed outside New York, because "to the extent regulation of the profession is undertaken in order to preserve high ethics within the professions, it would make no sense to require the regulatory agency to ignore misconduct committed outside this State.").

III. Complainant

Steven Reisner, Ph.D., is Senior Faculty and Supervisor at the International Trauma Studies Program, in New York City. He also serves on the faculties of the Department of Psychiatry and the Psychoanalytic Institute at the New York University Medical School, and has been Adjunct Professor in the Program in Clinical Psychology at Columbia University, Teachers College. Dr. Reisner has worked in diverse roles as a consultant in the effects of war, exile, and torture, including training psychiatrists in Iraq to treat survivors of Saddam Hussein's torture regime, and training returning refugees in Kosovo to use theater and testimony to address the trauma of exile. He is a consultant to the clinical staff at the United Nations helping to train and supervise counselors responsible for the health and well-being of UN staff in over 150 countries. Formerly, Dr. Reisner was Chief Psychologist at Regent Hospital in New York City. His publications have appeared in the *Journal of the American Psychoanalytic Association*, *Psychoanalytic Dialogues*, *Studies in Gender and Psychoanalysis*, and elsewhere.

Dr. Reisner's parents are both Holocaust survivors. His father was detained by the United Soviet Socialist Republic in the early 1940s and subjected to the psychological torture techniques of sleep deprivation and sensory overload. His mother was a prisoner at the concentration camp at Auschwitz.

Dr. Reisner was the recipient of the New York State Psychological Association's Beacon Award, "presented to a psychologist whose leadership or advocacy has established a guiding light for the profession of psychology." The Beacon Award has only been presented six times in NYSPA's history.

IV. Defendant

John Francis Leso graduated from Johns Hopkins University in 1988. While at Johns Hopkins, he entered ROTC and was commissioned as Second Lieutenant from that program. Dr. Leso received a Ph.D. in psychology from SUNY Albany in 1995.⁹ He completed his doctoral training with a residency at Bellevue Hospital in New York City.¹⁰

Dr. Leso entered the military after completing his doctoral training and was subsequently promoted to the rank of major. He was then assigned to the Department of Psychology at Walter Reed Army Medical Center in Washington, D.C. where he served as chief of the clinical psychology service.¹¹ In anticipation of his tour at Guantánamo, Dr. Leso was promoted to

⁹ Ex. 2, Dr. Trudy Bond, *Shrinks, Lies and Torture*, Counterpunch, April 14/15, 2007, at 2, available at <http://www.counterpunch.org/bond04142007.html>.

¹⁰ Ex. 3, Johns Hopkins Magazine Alumni Notes at 6-7, 2002, available at <http://www.jhu.edu/jhumag/0602web/alumnote.html>.

¹¹ *Id.*

director of training for the Department of Psychology at Walter Reed in June 2002, a position he would fill upon his return.¹²

Upon information and belief, Dr. Leso is currently stationed at Fort Rucker, Alabama, where the Army Aviation Survive Evade Rescue and Escape (SERE) School is located.¹³

V. GLOSSARY

The following terms and abbreviations are used in this complaint:

Abbreviations and Terms

BSCT:	Behavioral Science Consultation Team, a team of mental health professionals tasked with supporting interrogation operations.
Detainee:	prisoner, person detained, inmate
DoD:	Department of Defense
GTMO:	United States Naval Station at Guantánamo Bay, Cuba, also “Guantánamo”
The Log:	Excerpt from the interrogation log of Mohammed al Qahtani at Guantánamo from November 23, 2002 through January 11, 2003, also “The Interrogation Log”
SASC:	Senate Armed Services Committee
SERE:	Survive Evade Rescue and Escape, SERE training teaches U.S. military personnel to withstand physical and psychological pressures to which they might be subject if taken prisoner by enemies that did not abide by the Geneva Conventions.
SOP:	Standard Operating Procedure

¹² Ex. 4, Larry James, Fixing Hell at 14-16 (2008); *See also* Ex. 5, SUNY Albany Doctoral Program Notes and News (August 24, 2005).

¹³ Ex. 6, John Francis Leso, Abstract, “Confidentiality and the psychological treatment of U.S. Army aircrew members,” U.S. Army School of Aviation Medicine, Fort Rucker, AL 36362, USA (April 2000); *see also* Ex. 7, General Dynamics Evasion Role Player/Instructor Trainee Job Details, *available at* http://www.resumeware.net/gdns_rw/gdns_web/job_detail.cfm?reqnum=162783&referred_id=158 (last checked 2/16/10); *see also* Ex. 8, Meteor Blades, “Army Psychologist Pleads ‘Fifth’ in Case of Prisoner 900,” Daily Kos, Aug. 14, 2008, at ¶ 9.

VI. STATEMENT OF FACTS

The evidence shows that Dr. Leso developed, recommended, and implemented psychologically and physically abusive interrogation tactics during his tenure at Guantánamo in violation of New York professional standards forbidding gross incompetence and negligence, unprofessional conduct, conduct exhibiting moral unfitness to practice the profession, unauthorized treatment, neglect of a patient in need of immediate care, and willful abuse and harassment. See N.Y. Educ. Law §§ 6509 (2), (9); Rules of Regents §§ 29.(b)(5), (11), 29.2(a)(1), (2), (7) and *Allegations* section below.

A. To Support Interrogations at Guantánamo, Dr. Leso Turned to Psychologically Abusive Techniques.

Dr. John Francis Leso, a major, was deployed to Guantánamo Bay in June 2002 as part of the Army's 85th Medical Detachment's Combat Stress Control Team.¹⁴ Shortly after his arrival at the base, Leso was assigned to the newly created Behavioral Science Consultation Team (BSCT), a team of mental health professionals tasked with supporting interrogation operations in Guantánamo.¹⁵ As the ranking psychologist, Dr. Leso led this team from approximately June 2002 to January 2003.¹⁶

After approximately three months supporting interrogations, Dr. Leso and his team traveled to Fort Bragg for formal training in Survival Evasion Resistance and Escape (SERE) techniques "with the expectation that the BSCT would learn about and bring back interrogation techniques that could be considered for use in interrogations."¹⁷ SERE training was developed

¹⁴ Ex. 9, Inquiry into the Treatment of Detainees in U.S. Custody, Report of the Committee on Armed Services, United States Senate, Nov. 20, 2008 ("SASC Report") at 38, *available at* http://armed-services.senate.gov/Publications/Detainee%20Report%20Final_April%2022%202009.pdf. The BSCT consisted of one psychiatrist, Paul Burney, one psychologist, John Francis Leso, and one psychiatric technician. *Id.*; *see also* Ex. 11, BSCT SOP 2002. Although Dr. Leso's name is redacted from the body of the SASC Report, he is named in supporting documents. *See, e.g.*, Ex.10, 10. Email between DoD CITF Personnel, Subject: FW: Counter Resistance Strategy Meeting Minutes, October 24, 2002 ("Counter Resistance Strategy Meeting Minutes") at 2. Dr. Leso's deployment to Guantánamo and subsequent training at Fort Bragg are also documented in *Fixing Hell*, an autobiographical account by Dr. Larry James, under whom Dr. Leso served at the Walter Reed Army Medical Center prior to his deployment to Guantánamo and who ultimately replaced Dr. Leso in January 2003. *See* Ex.4, *Fixing Hell* at 22.

¹⁵ Ex. 9, SASC Report at 38. BSCT tasks included "consulting on interrogation approach techniques, conducting detainee file reviews to construct personality profiles and provide recommendations for interrogation strategies, observing interrogations and providing feedback to interrogators on detainee behavior, flow of the interrogation process, translator and cultural issues and possible strategies for further interrogation; and providing consultation/training on specific behavioral science interviewing and observational techniques that promote productive interrogation." Ex. 9, SASC Report at 39.

¹⁶ Ex.9, SASC Report at 38; *see* Ex.4, *Fixing Hell* at 24-28; *see also* Ex. 11, BSCT SOP 2002; Ex.12, BSCT SOP 2005.

¹⁷ Ex. 9, SASC Report at 40.

after the Korean War to train pilots to withstand the type of treatment they could expect to receive at the hands of the enemy during wartime.¹⁸

During the resistance phase of SERE training, U.S. military personnel are exposed to physical and psychological pressures (SERE techniques) designed to simulate conditions to which they might be subject if taken prisoner by enemies that did not abide by the Geneva Conventions.¹⁹

At Fort Bragg, Dr. Leso and his team were presented with various SERE interrogation tactics such as “invasion of personal space by female,” extended periods of solitary confinement, exploitation of phobias, the use of military working dogs, “walling,” exposure to cold, and “hooding and hitting in a way that was not injurious.”²⁰

B. Dr. Leso Adapted Psychologically and Physically Abusive Techniques for Use in Guantánamo Interrogations, in Violation of New York Professional Standards.

In October 2002, Dr. Leso and a member of his BSCT prepared a memorandum which proposed three categories of interrogation techniques to be implemented at Guantánamo. Some of the approaches they recommended were based on techniques they had learned at Fort Bragg, and others they “simply made up” in the course of an evening.²¹

On October 2, 2002, Dr. Leso, along with Dr. Paul Burney, a member of his BSCT, presented the memorandum to the Guantánamo Staff Judge Advocate, other personnel from Joint Task Force 170 (the unit to which Dr. Leso was deployed) and a CIA lawyer. Dr. Leso’s memorandum proposed three categories of interrogation techniques to be employed sequentially or in combination, each category representing a different level of severity in cruelty.

Drs. Leso and Burney informed the group that “rapport building and the ‘friendly approach’ were proven methods to overcome resistance, while ‘fear based approaches’ were ‘unreliable’ and ‘ineffective in almost all cases.’” In a seeming contradiction, they also reported that “psychological stressors such as sleep deprivation, withholding food, isolation, and loss of time were ‘extremely effective.’” The interrogation tactics they recommended included fear-based approaches and other “psychological stressors.”²²

Category I techniques included “incentives and ‘mildly adverse approaches’ such as telling a detainee that he was going to be at [Guantánamo] forever unless he cooperated.” The

¹⁸ Ex. 13, Department of Justice, Office of Professional Responsibility Report: Investigation into Office of Legal Counsel’s Memoranda Concerning Issues Relating to the Central Intelligence Agency’s Use of “Enhanced Interrogation Techniques” on Suspected Terrorists, July 29, 2009 (“OPR Report”) at 34.

¹⁹ Ex. 9, SASC Report at xiii.

²⁰ *Id.* at 45-47.

²¹ *Id.* at 50, 53. See also Ex.10, Counter Resistance Strategy Meeting Minutes.

²² Ex. 9, SASC Report at 54; Ex.10, Counter Resistance Strategy Meeting Minutes at 3.

more severe Category II techniques were designated for “high priority detainees.” These techniques included:

stress positions; the use of isolation for up to 30 days (with the possibility of additional 30 day periods, if authorized by the Chief Interrogator); depriving a detainee of food for up to 12 hours (or as long as the interrogator goes without food during an interrogation); the use of back-to-back 20 hour interrogations once per week; removal of all comfort items including religious items; forced grooming; handcuffing a detainee; and placing a hood on a detainee during questioning or movement.²³

Category III techniques were to be used “only for detainees that have evidenced advanced resistance and are suspected of having significant information pertinent to national security.” These techniques included:

the daily use of 20 hour interrogations; the use of strict isolation without the right of visitation by treating medical professionals or the International Committee of the Red Cross (ICRC); the use of food restrictions for 24 hours once a week; the use of scenarios designed to convince the detainee he might experience a painful or fatal outcome; non-injurious physical consequences; removal of clothing; and exposure to cold weather or water until such time as the detainee began to shiver.²⁴

Dr. Leso’s memorandum also made recommendations for the treatment of detainees outside of interrogations while they are in the cell blocks. He proposed:

that resistant detainees might be limited to four hours of sleep a day; that they be deprived of comfort items such as sheets, blankets, mattresses, washcloths; and that interrogators control access to all detainees’ Korans. The BSCT memo described using fans and generators to create white noise as a form of psychological pressure and advocated that ‘all aspects of the [detention] environment should enhance capture, shock, dislocate expectations, foster dependence, and support exploitation to the fullest extent possible.’²⁵

Over the course of the meeting, Drs. Leso and Burney discussed the treatment of one particular detainee identified as “ISN 063” (Mohammed al Qahtani), describing how Mr. al Qahtani “had responded to certain types of deprivation and psychological stressors”²⁶ that had

²³ Ex. 9, SASC Report at 51.

²⁴ *Id.* at 52.

²⁵ *Id.*

²⁶ Ex. 10, Counter Resistance Strategy Meeting Minutes at 2; *see also* Ex. 14, Secret ORCON Interrogation Log of Detainee 063 (“Interrogation Log”) (This log was initially leaked to *Time* in June 2005); *see* Ex. 15, Adam Zagorin

already begun to be applied to him. An FBI Deputy Director later reported to the Army that in November 2002 he observed a detainee, later identified as Mohammed al Qahtani, exhibiting symptoms of “extreme psychological trauma.”

In September or October of 2002 FBI agents observed that a canine was used in an aggressive manner to intimidate detainee #63 and, in November 2002, FBI agents observed Detainee #63 after he had been subjected to intense isolation for over three months. During that time period, #63 was totally isolated (with the exception of occasional interrogations) in a cell that was always flooded with light. By late November, the detainee was evidencing behavior consistent with extreme psychological trauma (talking to non-existent people, reportedly hearing voices, crouching in a corner of the cell covered with a sheet for hours on end).²⁷

After discussing Mr. al Qahtani’s responses to the application of their techniques, Drs. Leso and Burney “continued to address the overall manipulation of the detainees’ environment.”²⁸ Those in attendance discussed not only specific coercive techniques but also “the necessity of medical and psychological cooperation, the opposition of law enforcement agencies, and the importance of preventing Red Cross observers from seeing these prisoners, [and] possibly transferring them to CIA control.”²⁹

C. Dr. Leso’s Program of Cruelty was Implemented at Guantánamo.

Dr. Leso’s recommendations, set forth in his October 2002 memorandum, provided the basis for the Guantánamo SERE Interrogation Standard Operating Procedure (GTMO Interrogation SOP), formalized in December, 2002.³⁰ The GTMO Interrogation SOP describes, in detail, interrogation tactics to be used in Guantánamo and breaks the tactics into two broad categories: “degradation tactics” and “physical debilitation tactics.”

The most brutal techniques provided for in the GTMO Interrogation SOP—and Dr. Leso’s memorandum on which it was based—were found in the Special Interrogation Plans for Mohamedou Ould Slahi and Mohammed al Qahtani.³¹

and Michael Duffy, “Inside the Interrogation of Detainee 063,” *Time*, June 12, 2005 (ISN 063 refers to Mohammed al Qahtani) (see sources cited *supra* note 13); Ex. 9, SASC report at 57.

²⁷ Ex. 16, “Gutierrez Declaration” at 9; Ex. 17, Letter re: Suspected Mistreatment of Detainees, from T.J. Harrington, Deputy Assistant Director, Counterterrorism Division, FBI, to Major General Donald R. Ryder, Criminal Investigation Command, Department of the Army (July 14, 2006).

²⁸ Ex. 10, Counter Resistance Strategy Meeting Minutes at 2.

²⁹ Ex. 18, Steven H. Miles, *Oath Betrayed: America’s Torture Doctors* at xxi (2nd ed., University of California Press 2009) (2006); Ex. 10, Counter Resistance Strategy Meeting Minutes at 3.

³⁰ Ex. 19, JTF GTMO ‘SERE’ Interrogation Standard Operating Procedure, Dec. 10, 2002 [hereinafter “GTMO Interrogation SOP”].

³¹ See Ex. 20, Army Regulation 15-6, Investigation into FBI Allegations of Detainee Abuse at Guantánamo Bay, Cuba Detention Facility, Apr. 1, 2005, at 13 -26 [hereinafter Army Investigation]; Ex.9, SASC Report at xx, xxi, xxii.

Although the approved Special Interrogation Plan for Mohamedou Ould Slahi was never implemented because he had begun to cooperate by the time it was approved, some of Dr. Leso's techniques (such as exposure to cold) were used on Mr. Slahi.³²

Mohammed al Qahtani is an alleged member of the terrorist organization al-Qaeda. He has been accused of attempting to enter the United States in order to take part in the September 11, 2001 attacks, but he was refused entry into the country. Since January 2002, Mr. al Qahtani has been detained at Guantánamo. He was charged on February 11, 2008 with war crimes and murder, and he faced the death penalty if convicted. Susan J. Crawford, the convening authority on military commissions, refused to refer Mr. al Qahtani's case for prosecution. In her words, "We tortured [al] Qahtani... His treatment met the legal definition of torture. And that's why I did not refer the case."³³

An excerpt from the interrogation log of Mohammed al Qahtani (the "Interrogation Log" or "the Log") has been made public and serves as one basis for this complaint. It describes in vivid detail the abuses inflicted on Mr. al Qahtani from November 23, 2002 through January 11, 2003.³⁴ The Interrogation Log and other documents also reveal that Dr. Leso actively participated in the abuses.³⁵

1. Dr. Leso's Category III Technique: Physical Consequences and Exposure to Cold were used at Guantánamo.

New York Education Law prohibits health care professionals from "willfully harassing, abusing or intimidating a patient either physically or verbally." Rules of Regents § 29.2(a)(2). In addition, psychologists may not practice the profession "beyond its authorized scope, with gross

³² See Ex. 20, Army Investigation at 22.

³³ Ex. 21, Bob Woodward, "Detainee Tortured Says U.S. Official," Washington Post, Jan. 14, 2009, at 1.

³⁴ Ex. 14, Interrogation Log; see Ex. 15, Zagorin and Duffy, "Inside the Interrogation of Detainee 063"; Ex. 9, SASC Report at 57. Mr. al Qahtani described the torture methods inflicted on him at his Administrative Review Board Hearing, claiming he had been subjected to:

severe sleep deprivation combined with 20-hour interrogations for months at a time; severe isolation; threatened with rendition to countries that torture more; religious and sexual humiliation;... strip searching, body searches, and forced nudity, including in the presence of female personnel; denial of the right to practice my religion, including prohibiting me from praying for prolonged times and during Ramadan; threatening to desecrate the Koran in front of me; placing me in stress positions for prolonged times; restrained me for many months for days and nights and the restraints were very tight; threats and attacks by dogs;...exposure to low temperature for prolonged times; exposure to loud music for prolonged times....

Ex. 22, Summary of Administrative Review Board Proceedings for ISN 063 at 2028. These claims are supported by the log of his interrogation. See Ex. 14, Interrogation Log.

³⁵ Ex. 14, Interrogation Log at 1, 12. On some of the occasions in which Dr. Leso was present at Mr. al Qahtani's interrogation, the Interrogation Log lists him as "Major L." See Ex. 10, Counter Resistance Strategy Meeting Minutes at 2; Ex. 4, James, Fixing Hell at 22-23.

incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion.” New York Education Law §6509(2).

Dr. Leso’s recommended techniques included “non-injurious physical consequences; removal of clothing, and exposure to cold weather or water until such time as the detainee began to shiver.” The interrogation log documents an increasingly brutal regimen of physical abuse, which resulted in Mr. al Qahtani’s hospitalization.³⁶

Interrogators exposed Mr. al Qahtani to cold temperatures on several occasions.³⁷ In fact, the air conditioning was kept so cold that Mr. al Qahtani had to be hospitalized when he developed a dangerously low heartbeat of 35 beats per minute due to hypothermia.³⁸ On at least seventeen occasions between December 13, 2002 and January 14, 2003, interrogators poured water over Mr. al Qahtani’s head during an interrogation.³⁹

The Army’s Investigation into abuse at Guantánamo confirmed that Dr. Leso’s technique of exposure to cold was used on other detainees at Guantánamo on several occasions between 2002 and 2003.⁴⁰

On multiple occasions, interrogators forcibly hydrated Mr. al Qahtani intravenously.⁴¹ On at least one occasion, interrogators strapped Mr. al Qahtani to a gurney and forcibly hydrated him with enough fluids that – after being denied the privilege of using a toilet – he soiled himself twice. Interrogators used Mr. al Qahtani’s physical distress to pressure him for information.⁴²

This regimen of forcible injections led to the induction of rapid weight gain and loss. The log states that Mr. al Qahtani weighed 119 pounds on December 12.⁴³ Interrogators gave Mr. al Qahtani intravenous fluids that day, three bags the next day, and three bags on December 14.⁴⁴ On December 14, his weight was recorded at 130 pounds.⁴⁵ By December 16, his weight was down to 116 pounds.⁴⁶ Thus, over the span of two days, he gained 11 pounds in fluids, and over the course of the following two days, he lost 14 pounds in fluids. Forcible injections, such as the ones described, caused painful swelling of Mr. al Qahtani’s arms and legs on multiple occasions.⁴⁷ Mr. al Qahtani likened the feeling of the forced injections to “repetitive stabs.”⁴⁸

³⁶ Ex. 14, Interrogation Log at 27.

³⁷ Ex. 20, Army Investigation at 17 (“Finding #14: On several occasions between November 2002 and January 2003 interrogators would adjust the air conditioner to make the [Mohammed al Qahtani] uncomfortable.”); Ex. 14, Interrogation Log at 6, 59.

³⁸ Ex. 14 Interrogation Log at 27; Ex. 20 Army Investigation at 17; Ex. 23, Dr. Steven Miles, “Medical Ethics and the Interrogation of Guantanamo 063,” *The American Journal of Bioethics* 7(4):5, 2007, at 2.

³⁹ Ex. 20, Army Investigation at 19, 21.

⁴⁰ *Id.* at 9 (Finding # 5).

⁴¹ Ex. 14, Interrogation Log at 5, 7, 11, 16, 17, 35, 37, 64, 72.

⁴² *Id.* at 7-8.

⁴³ *Id.* at 33.

⁴⁴ *Id.* at 34, 35, 37.

⁴⁵ *Id.* at 37.

⁴⁶ Ex. 14, Interrogation Log at 41.

⁴⁷ *Id.* at 6, 9, 10, 11, 13, 22, 24, 28.

2. Dr. Leso's Category III Techniques: Threats of a Painful or Fatal Outcome were used at Guantánamo.

New York Education Law prohibits health care professionals from “willfully harassing, abusing or intimidating a patient either physically or verbally.” Rules of Regents § 29.2(a)(2). In addition, psychologists may not practice the profession “beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion.” N.Y. Educ. Law §6509(2).

Dr. Leso's October 2, 2002 memorandum proposed “the use of scenarios designed to convince the detainee he might experience a painful or fatal outcome.”⁴⁹ Just before his interrogation began, interrogators led Mr. al Qahtani to “believe he was sent to a hostile country which advocated torture” and that “he himself might be killed if he did not cooperate with questioning.”⁵⁰

In addition to these threats, interrogators terrorized Mr. al Qahtani with military dogs.⁵¹ These dogs “would be ordered to bark loudly close to the detainee, to sort of sniff or muzzle the detainee, [and] to put paws up on the detainee.”⁵² On at least one occasion in November 2002, Dr. Leso was present when “a military working dog was brought into the interrogation room and directed to growl, bark, and show his teeth at” Mr. al Qahtani.⁵³

3. Dr. Leso's Category III Techniques: 20-Hour Interrogations and Extreme Sleep Deprivation were used at Guantánamo.

New York Education Law prohibits health care professionals from “willfully harassing, abusing or intimidating a patient either physically or verbally.” Rules of Regents § 29.2(a)(2). In addition, psychologists may not practice the profession “beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion.” New York Education Law §6509(2).

In his October 2, 2002 memorandum, Dr. Leso suggested the “daily use of 20 hour interrogations.”⁵⁴ During the period recorded by the log (November 23, 2002 through January 11, 2003), Mr. al Qahtani was regularly allowed only four hours of sleep in a 24 hour day, with interrogations generally beginning at 4 am and continuing until 12 am the following morning.

⁴⁸ Ex. 16, Gutierrez Declaration at 2.

⁴⁹ Ex. 9, SASC Report at 52.

⁵⁰ *Id.* at 88.

⁵¹ *d.* at 91.

⁵² *Id.*

⁵³ Ex. 20, Army Investigation at 14 (Finding #11a); James, Fixing Hell at 29.

⁵⁴ Ex. 9, SASC Report at 52.

Interrogators used a variety of methods to prevent his falling asleep, including forcing him to stand, pouring water on his head, verbally berating him, and playing white noise.⁵⁵

On one occasion, at Dr. Leso's suggestion, Mr. al Qahtani was placed in a swivel chair to keep him awake. Dr. Leso also pointed out that the use of the swivel chair served the additional function of disorienting Mr. al Qahtani by keeping him from focusing his eyes on one spot in the booth.⁵⁶

Only twice between November 23, 2002 and January 11, 2003 did interrogators allow Mr. al Qahtani more than four hours of sleep in a single 24-hour period. On one such occasion, Mr. al Qahtani was hospitalized for a dangerously low heartbeat.⁵⁷ Following his release from the hospital, he was transported back to Camp X-Ray by ambulance where he was interrogated during this ambulance ride.⁵⁸

Sleep deprivation was employed during the interrogation of other Guantánamo detainees. The Army Investigation into detainee abuse at Guantánamo concluded that “[d]uring 2003 and 2004 some detainees were subjected to cell moves every few hours to disrupt sleep patterns and lower the ability to resist interrogation.”⁵⁹

4. Dr. Leso's Category III Techniques: Prolonged Isolation and Sensory Deprivation were used at Guantánamo.

New York professional standards define unprofessional conduct to include “willfully harassing, abusing or intimidating a patient either physically or verbally.” Rules of Regents § 29.2(a)(2). “[P]erforming professional services which have not been duly authorized by the patient or client or his or her legal representative” is also prohibited. Rules of Regents § 29.1(b)(11) (2009). Moreover, a psychologist may not practice the profession “beyond its authorized scope,” with gross incompetence or negligence, nor can they order “excessive tests, treatments, or use of treatment facilities not warranted by the condition of the patient.” New York Education Law §6509(2) and Rules of Regents § 29.2(a)(7) *respectively*. Such unauthorized and unwarranted treatment amounts to professional misconduct in violation of New York Education Law section 6509.

Dr. Leso's October 2, 2002 memorandum proposed “the use of strict isolation without the right of visitation by treating medical professionals or the International Committee of the Red Cross (ICRC).”⁶⁰ From August 8, 2002 until January 15, 2003, Mr. al Qahtani routinely was placed in an “isolation facility” where he had no contact with other detainees.⁶¹

⁵⁵ Ex. 14, Interrogation Log at 4, 9, 10, 16, 24, 32, 36, 40, 59.

⁵⁶ *Id.* at 12.

⁵⁷ *Id.* at 27.

⁵⁸ *Id.* at 27.

⁵⁹ Ex.20, Army Investigation Report Finding #6 at 10.

⁶⁰ Ex. 9, SASC Report at 52.

⁶¹ Ex. 20, Army Investigation at 18, 27. While this use of isolation preceded Dr. Leso's memorandum, it did not precede his assignment to the BSCT supporting this interrogation.

Dr. Leso's memorandum also proposed using "noise as a form of psychological pressure" and further advocated manipulation of the detention environment at Guantánamo to "enhance capture, shock, dislocate expectations, foster dependence, and support exploitation to the fullest extent possible."⁶² This suggestion is consistent with the special interrogation plan for Mr. al Qahtani, which "called for interrogators to 'Induce and exploit Stockholm Syndrome'⁶³ by establishing 'an isolated, austere environment where the detainee becomes completely dependent on the interrogators and the interrogator presents himself as a 'caretaker' of the detainee."⁶⁴

Interrogators frequently used white noise and loud music during Mr. al Qahtani's interrogation.⁶⁵ Serving a dual function, interrogators also used the music to offend Mr. al Qahtani religiously, as he believed music was prohibited by Islam.⁶⁶

Additionally, Dr. Leso's memorandum suggested "placing a hood on a detainee during questioning or movement."⁶⁷ Interrogators frequently hooded and transported Mr. al Qahtani between cell blocks or between interrogation booths at various hours of the late night or early morning.⁶⁸ On December 3, 2002, from 10:00 p.m. to 1:30 the next morning, interrogators hooded and transported Mr. al Qahtani five times.⁶⁹ At one point during this process, his interrogators hooded him and transported him to a room with red lighting, decorated with the U.S. flag, flags of all the coalition forces, and pictures of 9-11 victims, where interrogators subjected Mr. al Qahtani to loud music.⁷⁰

5. Dr. Leso's Category III Techniques: Removal of Clothing and Invasion of Space by a Female were used for Sexual Harassment and Humiliation at Guantánamo.

Rules of Regents section 29.1(b)(5) defines professional misconduct as "conduct in the practice of the profession which evidences moral unfitness to practice the profession." Such prohibited conduct includes physical contact of a sexual nature. Rules of Regents §29.12(a)(2). In addition, psychologists may not practice the profession "beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion." New York Education Law §6509(2).

⁶² Ex. 9, SASC Report at 52.

⁶³ The SASC report defines Stockholm Syndrome as "a psychological event where hostages begin to identify with and grow sympathetic to their captors." Ex. 9, SASC Report at 82 n.614.

⁶⁴ *Id.* at 82.

⁶⁵ Ex. 14, Interrogation Log at 21- 23, 25, 26, 28, 29, 32- 34, 36-40, 42, 43, 46, 54, 55, 57, 60, 67- 69, 72, 73, 75-79.

⁶⁶ *Id.* at 25, 26, 33, 42.

⁶⁷ Ex. 9, SASC Report at 51.

⁶⁸ Ex. 14, Interrogation Log at 1, 20, 21, 27, 43.

⁶⁹ *Id.* at 20-21.

⁷⁰ *Id.* at 21. In addition to using techniques designed to disorient him, Mr. al Qahtani's interrogators attempted to induce feelings of hopelessness by informing him that his family had forgotten him. On one occasion, "[c]ontrol sat in silence and would randomly interject statements about the detainee's family such as how they probably prayed for him often at first, but now have probably forgotten about him. Detainee began to cry but regained composure." *Id.* at 45.

In his October 2, 2002 memorandum, Dr. Leso suggested “removal of clothing” as an interrogation technique.⁷¹ Interrogators implemented this technique, forcibly stripping Mr. al Qahtani as he resisted and making him stand naked in the presence of female interrogators. Mr. al Qahtani felt humiliated, and stated that “he did not like the females viewing his naked body while being searched and if [he] felt he could have done something about it then he would have.”⁷²

In addition to being forced to stand naked in front of female guards, a memorandum dated January 17, 2003 describes “techniques ‘used’ against [al Qahtani] between November 23, 2002 and January 16, 2003, including stripping, forced grooming [and] invasion of space by a female interrogator.”⁷³ Interrogators used ‘invasion of space by a female’ on multiple occasions.⁷⁴ This technique involved a woman touching Mr. al Qahtani “in close proximity.”⁷⁵ On at least two occasions, Mr. al Qahtani was held down “while a female interrogator straddled [him] without placing weight on [him].”⁷⁶ On one occasion, Mr. al Qahtani “struggled for approximately forty minutes attempting to move out of the presence of the female.”⁷⁷ On another occasion in which invasion of space was used, Mr. al Qahtani “cried out to Allah several times.”⁷⁸

Other forms of sexual humiliation included forcing Mr. al Qahtani to look at pictures of women in bikinis, hanging “pictures of swimsuit models around [Mr. al Qahtani’s] neck,” and calling Mr. al Qahtani a homosexual.⁷⁹ At one point, Mr. al Qahtani “was forced to wear a woman’s bra and had a thong placed on his head during the course of an interrogation.”⁸⁰

6. Dr. Leso’s Category II Techniques: Religious Disgrace, Removal of Religious Items and Forced Grooming were used for Religious and Cultural Humiliation at Guantánamo.

New York law prohibits health care professionals from “willfully harassing, abusing or intimidating a patient either physically or verbally.” Rules of Regents § 29.2(a)(2). In addition, psychologists may not practice the profession “beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion.” New York Education Law §6509(2).

The above described behavior was not only intended to sexually humiliate and harass Mr.

⁷¹ Ex. 9, SASC Report at 52.

⁷² *Id.* at 49.

⁷³ *Id.* at 88.

⁷⁴ Ex. 14, Interrogation Log at 23, 25, 28, 29, 39, 46, 57, 60.

⁷⁵ Ex. 9, SASC Report at 90.

⁷⁶ Ex. 20, Army Investigation at 15.

⁷⁷ Ex. 14, Interrogation Log at 25.

⁷⁸ *Id.* at 57.

⁷⁹ *Id.* at 45, 53, 42.

⁸⁰ Ex. 20, Army Investigation at 19.

al Qahtani, but it was also designed to be degrading in light of his cultural background.⁸¹ SERE instruction included themes such as “‘religious disgrace’ and ‘invasion of personal space by a female’ as methods to defeat resistance.”⁸²

Dr. Leso’s October 2, 2002 memorandum contained techniques that were intended to cause religious offense to Muslim detainees, such as the “removal of all comfort items including religious items [and] forced grooming.”⁸³ Interrogators forcibly shaved Mr. al Qahtani’s head and beard on multiple occasions, and on these occasions Mr. al Qahtani often had to be forcibly restrained.⁸⁴ According to Gitanjali S. Gutierrez, Mr. al Qahtani’s lawyer, the shaving of Mr. al Qahtani’s beard violated his religious beliefs and practices.⁸⁵ According to the November 12, 2002 interrogation plan of Mr. al Qahtani, the intention behind shaving Mr. al Qahtani’s beard was for “psychological and hygiene purposes.”⁸⁶

Following the guidelines set forth in Leso’s October 2002 memorandum, interrogators also repeatedly denied Mr. al Qahtani the ability to pray.⁸⁷ Under the five pillars of Islam, which are obligatory acts for Muslims, a Muslim must conduct the ritual prayer five times a day.⁸⁸ When Mr. al Qahtani asked his interrogators to allow him to pray, his interrogator asked if Mr. al Qahtani had earned prayer.⁸⁹ When Mr. al Qahtani attempted to pray, his interrogators would forcibly restrain him to prevent his praying.⁹⁰ In one incident, Mr. al Qahtani’s hands were “cuffed at his sides to prevent him from conducting his prayer ritual.”⁹¹ In another incident, Mr. al Qahtani tried to pray, but the interrogator berated him to make him stop.⁹² On one occasion, interrogators told Mr. al Qahtani that he “would have to regain his honor before he would be allowed to pray.”⁹³ On another occasion he was told that he would not get prayer time until “he demonstrated a genuine change of heart.”⁹⁴ Interrogators also used prayer as a condition to

⁸¹ Ex.9, SASC Report at 45.

⁸² *Id.* at 120.

⁸³ *Id.* at 51.

⁸⁴ Ex. 14, Interrogation Log at 21, 44, 48, 83.

⁸⁵ Ex.16, Gutierrez Declaration at 1.

⁸⁶ Ex. 9, SASC Report at 77.

⁸⁷ Ex. 14, Interrogation Log at 1, 2, 4, 5, 9, 14, 15, 18, 23, 25, 31, 37, 65, 68.

⁸⁸ See The Oxford Dictionary of Islam, *Pillars of Islam*, Ed. John L. Esposito, Oxford Islamic Studies Online, ¶1 <http://www.oxfordislamicstudies.com/article/opr/t125/e1859> (accessed April 7, 2010); see also Qur’an verse 2:43 “You shall observe the Contact Prayers (Salat) and give the obligatory charity (Zakat), and bow down with those who bow down.”

⁸⁹ Ex. 14, Interrogation Log at 14.

⁹⁰ *Id.* at 31, 36; The Islamic prayer is a contact prayer ritual that must be conducted five times a day. The ritual includes: “raising of the hands to the ears and proclamation of the glory and majesty of the ruler for all to hear[], bowing reverently, and then uttering the opening chapter of the *Quran*, the Surat al-Fatihah. Worshipers then utter other Quranic verses while completing the ritual bowing, which is followed by prostration, performed on the knees with both hands on the ground and the forehead touching between them.” The Oxford Dictionary of Islam, *Pillars of Islam*, Ed. John L. Esposito, Oxford Islamic Studies Online, ¶ 3, <http://www.oxfordislamicstudies.com/article/opr/t125/e1859> (accessed April 7, 2010).

⁹¹ Ex. 14, Interrogation Log at 36.

⁹² *Id.* at 70.

⁹³ *Id.* at 37.

⁹⁴ *Id.* at 68.

answering questions, on one occasion telling Mr. al Qahtani that he could pray if he “gave something up first.”⁹⁵

In addition to refusing Mr. al Qahtani prayer, interrogators forced Mr. al Qahtani to pray to an idol shrine of Osama bin Laden. On December 19, Mr. al Qahtani was taken to an interrogation booth where a bin Laden shrine was constructed: Mr. al Qahtani “was told he could now pray to his god—UBL [Usama bin Laden] (sic). [He] was apprehensive and started to walk out of the booth. [He] was not allowed to leave and interrogator played the call to prayer. [He] began to pray and openly cried.”⁹⁶ On January 2, 2003, Mr. al Qahtani was again “shown the bin Laden shrine and told that he could only pray to bin Laden.”⁹⁷ At one point, Mr. al Qahtani was played the call to prayer and told ““this is no longer the call to prayer. You’re not allowed to pray. This is the call to interrogation.””⁹⁸

At times, yelling was coupled with religious humiliation, such as on December 19, 2002, when a “[h]appy Mohammed mask was placed on detainee and he was yelled at when he tried to speak.”⁹⁹

7. Verbal Abuse and Other Forms of Humiliation were used at Guantánamo to Degrade Detainees under Dr. Leso’s Supervision.

New York professional standards prohibit psychologists from committing willful harassment, abuse or intimidation of a patient or client, either physically or verbally, as well as practicing the profession beyond its authorized scope, with gross incompetence or negligence. See New York Education Law § 6509(2); Rules of Regents § 29.2(a)(2).

In addition to “religious disgrace” and “invasion of space by a female,” SERE instructors at Guantánamo also identified “‘degradation’ as a method to defeat resistance, which was understood to include such methods as stripping the individual, having the guard address the individual as if that person were an ‘animal’ or of a ‘very low status,’ and controlling the use of the latrine.”¹⁰⁰

As the psychologist responsible for the interrogation of Mr. al Qahtani, Dr. Leso was aware of the following other techniques that were used against Mr. al Qahtani.

On December 20, 2002, an interrogator tied a leash to Mr. al Qahtani’s chains, “led him around the room, and forced him to perform a series of dog tricks.”¹⁰¹

⁹⁵ *Id.* at 65.

⁹⁶ *Id.* at 47.

⁹⁷ *Id.* at 72.

⁹⁸ *Id.* at 34.

⁹⁹ *Id.* at 45.

¹⁰⁰ Ex. 9, SASC Report at 89.

¹⁰¹ See Ex. 20, Army Investigation into FBI Allegations of Detainee Abuse, 1 Apr 2005, finding #16e at 19.

The interrogation log further documents that interrogators controlled Mr. al Qahtani's use of the latrine (often in combination with forced hydration), causing him to soil himself.¹⁰² On one occasion after such an event, an interrogator told Mr. al Qahtani "[y]ou look like hell. Do you want to see me every day and pray on the floor where you urinated?"¹⁰³

D. Dr. Leso Personally Supervised and Participated in the Psychological Abuse of Mohammed al Qahtani in violation of New York professional standards.

New York Education Law prohibits a psychologist from conducting unauthorized and unwarranted treatment. Moreover, Rules of Regents section 29.2(a)(1) prohibits "abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangement for the continuation of such care...."

Dr. Leso's involvement in psychological abuse at Guantánamo was not limited to bureaucratic recommendations such as his October 2, 2002 memorandum. Multiple sources indicate that Dr. Leso was present inside the interrogation booth and actively participated in the interrogation of Mohammed al Qahtani.

According to the BSCT Standard Operating Procedure issued in November 2002, BSCT tasks included:

consulting on interrogation approach techniques, conducting detainee file reviews to construct personality profiles and provide recommendations for interrogation strategies; observing interrogations and providing feedback to interrogators on detainee behavior, flow of the interrogation process, translator and cultural issues and possible strategies for further interrogation; and providing consultation/training on specific behavioral science interviewing and observational techniques that promote productive interrogation.¹⁰⁴

An FBI email indicated that BSCT personnel "know everything that's going on with each detainee, who they're talking to, who the leaders are, etc."¹⁰⁵

Publicly available documents reveal that Dr. Leso was present for interrogations of Mr. al Qahtani prior to the period recorded in the interrogation log described above. For example, in November 2002, "a military working dog was brought into the interrogation room and directed to growl, bark, and show his teeth at" Mr. al Qahtani, while Dr. Leso was present.¹⁰⁶

During the counter resistance strategy meeting on October 2, 2002, Majors Leso and Burney discussed the treatment of "ISN 063" [Mohammed al Qahtani] and recalled "how he had

¹⁰² Ex. 14, Interrogation Log at 7-8, 10.

¹⁰³ *Id.* at 10.

¹⁰⁴ Ex. 9, SASC Report at 39 n. 277. The SASC Report notes, "While the Committee does not know whether the SOP was ever approved, it comports with what BSCT members told the Committee about their activities." See also Ex. 11, BSCT SOP 2002; Ex. 12, BSCT SOP 2005.

¹⁰⁵ Ex. 24, FBI DOJ Redacted Email re: GTMO, July, 31.

¹⁰⁶ Ex. 20, Army Investigation at 14 Finding #11a; Ex. 4, James, Fixing Hell at 29.

responded to certain types of deprivation and psychological stressors.” The BSCT then “continued to address the overall manipulation of the detainees’ environment.”¹⁰⁷

On some of the occasions in which Leso was present at Mr. al Qahtani’s interrogation, the interrogation log lists him as “Major L.”¹⁰⁸ For example, Dr. Leso was present at the beginning of the application for the Special Interrogation Plan, November 23, 2002 at 2:25 am. At that time, Mr. al Qahtani was brought into the room hooded. His hood was removed, and he was “bolted to the floor.” Dr. Leso was then present to see Mr. al Qahtani repeatedly awakened by his interrogators as well as being denied prayer.¹⁰⁹

Dr. Leso’s presence is also specifically documented on November 27, 2002. On that day, interrogators woke Mr. al Qahtani at 4 am and gave him fluids intravenously until his feet swelled. Interrogators denied Mr. al Qahtani access to the bathroom so that he would not “get a mental break.” At 9:25 am, interrogators placed Mr. al Qahtani in a swivel chair “at MAJ L’s suggestion to keep him awake and stop him from fixing his eyes on one spot in the booth.” One of the interrogators told him, “[W]e control every aspect of your life.”¹¹⁰

These log entries show that Dr. Leso not only designed the interrogation for Mohammed al Qahtani, but actively participated in the use of the suggested methods. Moreover, Dr. Leso’s presence shows he was aware of other abusive techniques being used, including the use of dogs and forcibly injecting Mr. al Qahtani to take excessive fluids until his limbs swelled.¹¹¹

The Army’s own Investigation Report characterizes the interrogation program that Leso developed and supervised in its application to al Qahtani as follows:

[T]he creative, aggressive, and persistent interrogation of the subject of the Special Interrogation Plan resulted in the cumulative effect being degrading and abusive treatment. Particularly troubling is the combined impact of 160 days of segregation from other detainees, 48 of 54 consecutive days of 18 to 20-hour interrogations, and the creative application of authorized interrogation techniques. Requiring the subject of the first Special Interrogation Plan to be led around by a leash tied to his chains, placing a thong on his head, wearing a bra, insulting his mother and sister, being forced to stand naked in front of a female interrogator for five minutes, and using strip searches as an interrogation technique [was] abusive and degrading, particularly in the context of the 48 days of intense and long interrogations.¹¹²

¹⁰⁷ Ex. 10, Counter Resistance Strategy Meeting Minutes.

¹⁰⁸ *Id.*; Ex. 4, James, Fixing Hell at 22-23.

¹⁰⁹ Ex. 14, Interrogation Log at 1-3.

¹¹⁰ *Id.* at 11-12.

¹¹¹ *Id.*

¹¹² Ex. 20, Army Investigation at 20.

At no point recorded in the Log did Dr. Leso intervene to suggest that the treatment of Mr. al Qahtani had gone too far. Dr. Leso's personal participation in this interrogation not only indicates that he promoted the use of these methods, but also itself constitutes a clear violation of minimum standards of professional ethics.

E. Dr. Leso acted with Insufficient Care.

New York Education Law prohibits psychologists from practicing the profession "beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion." Moreover, Rules of Regents section 29.2(a)(1) prohibits "abandoning or neglecting a patient or client under and in need of immediate professional care"

At the initiation of the Special Interrogation Plan recorded the Interrogation Log beginning on November 23, 2002, Mr. al Qahtani was in a state of psychological distress. FBI agents reported that Mr. al Qahtani had been exposed to abusive interrogations and prolonged isolation starting in August 2002 and that he exhibited symptoms of "extreme psychological trauma."¹¹³ Dr. Leso was aware of Mr. al Qahtani's condition. He discussed Mr. al Qahtani's reactions to various psychological stressors at the Counter Resistance Strategy Meeting in October 2002 and has been noted to have been present for interrogations of Mr. al Qahtani prior to and during the period recorded in the Log.

In addition, Dr. Leso's recommended abuses were implemented throughout the Guantánamo system.

[O]ver 200 FBI agents who served at [Guantánamo] reported that they observed or heard about various rough or aggressive treatment of detainees, primarily by military interrogators. The most frequently reported techniques included sleep deprivation or disruption, prolonged shackling, stress positions, isolation, and the use of bright lights and loud music.¹¹⁴

Moreover, Dr. Leso's recommendations eventually migrated from Guantánamo to Afghanistan and Iraq.¹¹⁵

¹¹³ "By late November, [al Qahtani] was evidencing behavior consistent with extreme psychological trauma (talking to non-existent people, reportedly hearing voices, crouching in a corner of the cell covered with a sheet for hours on end)." Ex. 17, Letter re: Suspected Mistreatment of Detainees, from T.J. Harrington, Deputy Assistant Director, Counterterrorism Division, FBI, to Major General Donald R. Ryder, Criminal Investigation Command, Department of the Army (July 14, 2006).

¹¹⁴ Ex. 25, U.S. Department of Justice, Office of the Inspector General, A Review of the FBI's Involvement in and Observations of Detainee Interrogations in Guantánamo, Afghanistan, and Iraq, May 2008 [hereinafter "OIG Report"] at 171; *see also* Ex. 25, OIG Report, at 172-73 (Table 8.1 Survey Results Concerning Interrogation Techniques Observed in Guantánamo).

¹¹⁵ Dr. Leso's recommendations of October 2, 2002 were approved up the chain of command and received the imprimatur of the Secretary of Defense, and subsequently influenced interrogations at Guantánamo and beyond. Secretary of Defense Donald Rumsfeld signed a recommendation based on Leso's work on December 2, 2002. Dr. Leso's recommendations provided the basis for the memo General Dunlavey, Commander of JTF-170, sent on

In his report of his investigation into Abu Ghraib, Major General George Fay said that interrogation techniques developed for [Guantánamo] became ‘confused’ and were implemented at Abu Ghraib. For example, Major General Fay said that removal of clothing ... was ‘imported’ to Abu Ghraib, could be ‘traced through Afghanistan and GTMO,” and contributed to an environment at Abu Ghraib that appeared ‘to condone depravity and degradation rather than humane treatment of detainees.’¹¹⁶

Though others are responsible for the transmission and approval of these abusive techniques outside of Guantánamo, a psychologist with Dr. Leso’s training should have known that implementing combined psychological techniques as he recommended would likely injure detainees and create an environment that appeared to condone depravity and degradation rather than humane treatment.

VII. ALLEGATIONS

A. Dr. Leso’s Unprofessional Conduct Constitutes Willful Abuse and Harassment prohibited by New York Education Law §6509(9) and Rules of Regents §29.2(a)(2).

Dr. Leso’s conduct, alleged above, amounts to abuse and harassment of a patient as proscribed by New York Education Law §6509(9) and Rules of Regent §29.2(a)(2). His recommendation and supervision of extreme sleep deprivation, removal of religious items, forced grooming, threats of death or injury, sensory deprivation, and exposure to cold and other “non-injurious physical consequences” taken individually and as a whole constitute willful abuse and harassment.

New York Education Law looks to the Board of Regents to define professional misconduct. N.Y. Educ. Law § 6509 (2010).¹¹⁷ According to the Rules of the Board of Regents, unprofessional conduct includes “willfully harassing, abusing or intimidating a patient either physically or verbally.” 8 NYCRR § 29.2(a)(2) (2009).

October 11, 2002 to General James Hill, Commander of the U.S. Southern Command (SOUTHCOM), requesting authorization to use these aggressive interrogation techniques. Ex. 9, SASC Report at xvii. On October 25, 2002, General Hill forwarded the request to General Richard Myers, Chairman of the Joint Chiefs of Staff. *Id.* at xvii. Despite legal concerns raised by the Air Force, the Army, and the Navy, on November 27, 2002, DoD General Counsel Jim Haynes provided a one-page memo to Secretary of Defense Donald Rumsfeld recommending approval of “all but three of the eighteen techniques in the GTMO request.” *Id.* at xvii-xix. Secretary of Defense Donald Rumsfeld signed Mr. Haynes’s recommendation on December 2, 2002. Shortly thereafter, these techniques and the fact that Secretary Rumsfeld had authorized them “became known to interrogators in Afghanistan.” *Id.* at xxii. “From Afghanistan, the techniques made their way to Iraq.” *Id.* at xxiii.

¹¹⁶ Ex. 9, SASC Report at xxiv.

¹¹⁷ N.Y. Educ. Law §6509(9) defines misconduct as “committing unprofessional conduct, as defined by the board of regents in its rules or by the commissioner in regulations approved by the board of regents.”

Dr. Leso designed, oversaw, and occasionally participated in the use of psychological tactics intended to willfully harass, abuse, and intimidate Guantánamo detainees. He did so in his professional capacity as a psychologist in order to modify detainee behavior to provide information to interrogators.

1. Dr. Leso's Recommendation and Supervision of Extreme Sleep Deprivation Constitutes Willful Abuse and Harassment.

In his October 2, 2002 memorandum, Dr. Leso set forth interrogation techniques to be used in Guantánamo interrogations. These techniques include extreme sleep deprivation and the use of twenty hour interrogations of a detainee.

Dr. Leso's recommendations were implemented by interrogators and used during the interrogation of Mohammed al Qahtani. As the ranking psychologist on the BSCT, Dr. Leso had reason to believe that the techniques set forth in his memorandum would be implemented.

Following Dr. Leso's recommendations, interrogators conducted twenty hour interrogations and only permitted Mr. al Qahtani to sleep four hours in a twenty four hour period. Interrogators prevented Mr. al Qahtani from sleeping by forcing him to stand, pouring water on him, and verbally berating him to stay awake.

Dr. Leso oversaw the implementation of this technique and participated in the abuse and harassment of Mr. al Qahtani by suggesting, among other things, techniques to disorient Mr. al Qahtani and keep him awake. *See* Interrogation Log at 12.

As a consequence of Dr. Leso's actions and the acts committed by interrogators under Dr. Leso's advisement, Mr. al Qahtani suffered severe psychological and physical trauma and was hospitalized on one occasion with a dangerously low heart beat.

2. Dr. Leso's Recommendation and Supervision of Removal of Religious Items and Forced Grooming Constitutes Willful Abuse and Harassment.

In his October 2, 2002 memorandum, Dr. Leso advocated the removal of all comfort items and religious items, controlled access to a detainee's Koran, and forced grooming. As a Major and the ranking psychologist on the BSCT, Dr. Leso knew that the techniques set forth in his memorandum would be implemented.

Dr. Leso's recommendations were implemented by interrogators and used during the interrogation of Mohammed al Qahtani. Interrogators repeatedly denied Mr. al Qahtani prayer, removed all religious items including Mr. al Qahtani's Koran, and forcibly shaved Mr. al Qahtani's head and beard on multiple occasions.

Dr. Leso oversaw these measures and was present on one occasion when interrogators denied Mr. al Qahtani prayer and reduced Mr. al Qahtani to tears. *See* Interrogation Log at 2.

As a consequence of Dr. Leso's actions and the actions committed by interrogators under Dr. Leso's advisement, Mr. al Qahtani suffered severe psychological trauma and cultural and religious humiliation.

3. *Dr. Leso's Recommendation and Supervision of Threats of Death and Injury Constitutes Willful Abuse and Harassment.*

In his October 2, 2002 memorandum, Dr. Leso advocated the use of "scenarios designed to convince the detainee he might experience a painful or fatal outcome...." See SASC Report at 52. As a Major and the ranking psychologist on the BSCT, Dr. Leso knew that the techniques set forth in his memorandum would be implemented.

Dr. Leso's recommendations were implemented by interrogators and used during the interrogation of Mohammed al Qahtani. Interrogators threatened to injure Mr. al Qahtani with military dogs, and led Mr. al Qahtani to believe that he would be killed or sent to a hostile country which advocated torture if he didn't cooperate in the interrogation.

As a consequence of Dr. Leso's actions, and the acts committed by interrogators following Dr. Leso's recommendations, Mr. al Qahtani suffered severe emotional distress and psychological trauma.

4. *Dr. Leso's Recommendation and Supervision of Sensory Deprivation Constitutes Willful Abuse and Harassment.*

In his October 2, 2002 memorandum, Dr. Leso advocated the use of hooding a detainee during questioning or movement, and using fans and generators to create white noise as a form of psychological pressure. In addition, Dr. Leso advocated that "all aspects of the [detention] environment should enhance capture, shock, dislocate expectations, foster dependence, and support exploitation to the fullest extent possible." See SASC Report at 52. As a Major and the ranking psychologist on the BSCT, Dr. Leso knew that the techniques set forth in his memorandum would be implemented.

Dr. Leso's recommendations were implemented by interrogators who used white noise during the interrogation of Mohammed al Qahtani, kept Mr. al Qahtani in strict isolation and hooded Mr. al Qahtani when transporting him between cell blocks or interrogation booths.

Dr. Leso was present and oversaw at least one occasion in which Mr. al Qahtani was hooded and transported to the interrogation room for questioning. See Interrogation Log at 1.

As a consequence of Dr. Leso's actions and the acts committed by interrogators following his recommendations, Mr. al Qahtani suffered severe emotional distress and psychological trauma.

5. Dr. Leso's Recommendation and Supervision of Exposure to Cold and Other "Non-Injurious Physical Consequences" Constitute Willful Abuse and Harassment.

Dr. Leso's October 2, 2002 memorandum advocated the use of "non-injurious physical consequences; removal of clothing, and exposure to cold weather or water until such time as the detainee began to shiver...." See SASC Report at 52. As a Major and the ranking psychologist on the BSCT, Dr. Leso knew that the techniques set forth in his memorandum would be implemented.

Dr. Leso's recommendations were implemented by interrogators who degraded Mohammed al Qahtani by forcibly removing his clothing, verbally abusing and ridiculing Mr. al Qahtani, and exposing Mr. al Qahtani to cold weather. In addition, Mr. al Qahtani was intravenously hydrated and refused access to the bathroom. As a result of the intravenous hydration, Mr. al Qahtani experienced painful swelling of the limbs and was forced to soil himself. In addition, Mr. al Qahtani suffered from emotional distress, humiliation, and psychological trauma.

Dr. Leso's acts described above, and the acts committed by interrogators following his recommendations, amount to willful physical and verbal harassment, abuse, and intimidation in violation of Rules of Regent §29.2(a)(2).

F. Dr. Leso's Unprofessional Conduct Includes Unauthorized and Unwarranted Treatment and Neglect of a Patient as Prohibited by Rules of Regents §§ 29.1(b)(11), 29.2(a)(7), and 29.2(a)(11).

Dr. Leso's conduct, alleged above, constitutes unauthorized and unwarranted treatment of Mohammed al Qahtani in violation of the Rules of Regents sections 29.1(b)(11) and 29.2(a)(7) respectively. Dr. Leso's conduct also amounts to neglect of a patient in need of immediate care, as prohibited by the Rules of Regents §29.2(a)(1).

Dr. Leso designed, oversaw, and occasionally participated in the use of psychological tactics that were unauthorized by Mr. al Qahtani, unwarranted by Mr. al Qahtani's condition, and ultimately constituted neglect of Mr. al Qahtani.

New York Education Law defines the practice of psychology as "the observation, description, evaluation, interpretation, and *modification of behavior* for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior...." N.Y. Educ. Law § 7601-a (2010) (italics added by author).

Dr. Leso used his training in psychology to design interrogation techniques that manipulate the psychological condition of a detainee, induce Stockholm syndrome in the detainee, and modify the detainee's behavior for the purpose of eliminating undesired, uncooperative behavior and in turn make the detainee more susceptible to interrogation. The use

of this training constitutes the practice of psychology, pursuant to New York Education Law 7601-a.

Dr. Leso's techniques were implemented by interrogators and overseen by Dr. Leso to alter Mohammed al Qahtani's psychological condition and modify his behavior to eliminate the undesired behavior of not cooperating with interrogators. Such a use of Dr. Leso's psychological training constitutes the practice of psychology on Mr. al Qahtani, pursuant to New York Education Law 7601-a. This rendered Mr. al Qahtani a patient, thereby imposing a duty of care on Dr. Leso; a duty he violated. Dr. Leso's conduct amounts to practice in violation of the professional standard of care.

1. Dr. Leso's Conduct Constitutes Unauthorized Treatment of a Patient

According to the Rules of the Board of Regents, unprofessional conduct includes "performing professional services which have not been duly authorized by the patient or client or his or her legal representative." 8 NYCRR § 29.1(b)(11) (2009). Such unauthorized treatment amounts to professional misconduct in violation of New York Education Law section 6509 and Rules of Regents section 29.1.¹¹⁸

Dr. Leso, in his October 2, 2002 memorandum, advocated using tools of psychological pressure and the creation of a detention environment to enhance a feeling of "capture, shock, dislocate expectations, foster dependence, and support exploitation to the fullest extent possible." See SASC Report at 52.

Dr. Leso's recommendations were incorporated into the final interrogation plan of Mohammed al Qahtani and implemented by interrogators in an effort to induce and exploit Stockholm syndrome in Mr. al Qahtani, disorient Mr. al Qahtani, and force Mr. al Qahtani to feel completely dependent on his interrogators.

Mr. al Qahtani did not authorize the treatment advocated by Dr. Leso and implemented by interrogators.¹¹⁹ Therefore, Dr. Leso's conduct, alleged above, and the acts committed by interrogators under his instruction, constituted unauthorized treatment of a patient and unprofessional conduct as proscribed by Rules of Regents section 29.1(b)(11) and New York Education Law section 6509.

2. Dr. Leso's Conduct constitutes Unwarranted Treatment of a Patient.

Pursuant to the Rules of the Board of Regents, a psychologist may not order "excessive tests, treatments, or use of treatment facilities not warranted by the condition of the patient." 8

¹¹⁸ Indeed, the U.S. Supreme Court has found that the right against unauthorized treatment is a significant liberty interest enshrined in the Constitution. *Sell v. U.S.* 539 U.S. 166, 179 (2003) (citing *Washington v. Harper*, 494 U.S. 210 and *Riggins v. Nevada*, 504 U.S. 127).

¹¹⁹ Ex. 22, Summary of Administrative Review Board Proceedings for ISN 063 at 2027 – 30, in which Mr. al Qahtani's testimony reflects that he was coerced throughout the events described in this complaint.

NYCRR § 29.2(a)(7) (2009). Such unwarranted treatment amounts to professional misconduct in violation of New York Education Law section 6509 and Rules of Regents section 29.2.

Dr. Leso's October 2, 2002 memorandum advocated the use of psychological tactics designed to alter a detainee's mental state, shock and disorient the detainee, exploit, and induce the detainee to feel completely dependent on his interrogators. *See* SASC Report at 52.

Dr. Leso's recommended treatment was implemented by interrogators in an effort to induce Stockholm syndrome in Mr. al Qahtani, disorient Mr. al Qahtani, and force Mr. al Qahtani to feel completely dependent on his interrogators.

Dr. Leso designed these techniques to be detrimental to Mr. al Qahtani's mental health and the treatment was not warranted by Mr. al Qahtani's psychological condition.

As a result of Dr. Leso's recommended treatment, and the acts committed by interrogators following Dr. Leso's recommendations, Mr. al Qahtani's mental health was detrimentally affected. Mr. al Qahtani began exhibiting signs of extreme psychological trauma, emotional distress, memory loss, and anxiety as a result of the severe trauma. Dr. Leso was aware of Mr. al Qahtani's deteriorating mental state.

Dr. Leso's conduct alleged above, and the acts committed by interrogators under his instruction, was unwarranted treatment of a patient and constitutes unprofessional conduct as proscribed by Rules of Regents section 29.2(a)(7) and New York Education Law section 6509.

3. Dr. Leso's Conduct Constitutes Neglect of a Patient.

Rules of Regents section 29.2(a)(1) prohibits "abandoning or neglecting a patient or client under and in need of immediate professional care, without making reasonable arrangement for the continuation of such care...." 8 NYCRR §29.2(a)(1) (2009). Neglect of a patient amounts to professional misconduct in violation of New York Education law section 6509 and Rules of Regents section 29.2. *See* NY Educ. Law § 6509; 8 NYCRR §29.2.

As a result of the interrogation techniques advocated by Dr. Leso, and implemented under Dr. Leso's supervision, Mohammed al Qahtani experienced extreme emotional distress and psychological trauma. Dr. Leso was present during Mr. al Qahtani's interrogation on at least two occasions and witnessed Mr. al Qahtani's deteriorating emotional and mental state. Dr. Leso refused to use his services in such a way as to mitigate and reverse this trauma.

Dr. Leso's conduct constitutes abandoning or neglecting a patient in need of immediate care. Accordingly, Dr. Leso is liable for professional misconduct under Rules of Regents section 29.2(a)(1) and New York Education Law section 6509.

G. Dr. Leso's Conduct Amounts to Practice beyond its Authorized Scope, with Gross Incompetence and Gross Negligence, as prohibited by New York Education Law §6509(2).

Dr. Leso's conduct, alleged above, constitutes the practice of psychology with gross incompetence, gross negligence, and beyond its authorized scope, as prohibited by New York Education Law §6509(2).

New York Education Law defines the practice of psychology as "the observation, description, evaluation, interpretation, and *modification of behavior* for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior...." N.Y. Educ. Law § 7601-a (2010) (italics added).

New York Education Law section 6509(2) defines professional misconduct as practicing the profession "beyond its authorized scope, with gross incompetence, with gross negligence on a particular occasion or negligence or incompetence on more than one occasion."

Dr. Leso used his training in psychology to design and advocate techniques intended to modify the behavior of detainees and make them more cooperative in interrogations. These techniques include extreme sleep deprivation, sensory deprivation, prolonged isolation, religious and cultural humiliation, verbal and physical abuse, hooding, sexual harassment, and threats of death or serious bodily injury.

Dr. Leso's techniques, listed in his October 2, 2002 memorandum, were incorporated into the interrogation of Mohammed al Qahtani and into the treatment of other detainees at Guantánamo. Dr. Leso was present during the implementation of these techniques on at least two occasions and participated in the interrogation on at least one occasion.

The techniques advocated by Dr. Leso were used to such extremes that Mr. al Qahtani twice required hospitalization. Mr. al Qahtani began exhibiting signs of extreme psychological trauma, emotional distress, memory loss, and anxiety as a result of the severe trauma.

Because Dr. Leso had expertise in the healing art of psychology, because he had already witnessed abuses against Mr. al Qahtani, because he knew of the use of isolation in the months prior to the initiation of the Special Interrogation Plan, and most importantly because he knew and had the opportunity to observe the extreme psychological trauma already evidenced by Mohammed al Qahtani prior to Dr. Leso's presentation of his recommendations to his lay superiors, Dr. Leso was uniquely qualified to understand the consequences that would follow from application of his recommended techniques to Mr. al Qahtani and to other U.S. detainees. Thus, he acted with gross incompetence and gross negligence when he ignored these consequences and persevered in support of the program; Dr. Leso abused the authority afforded him by his New York license to practice psychology.

By advocating and supporting these psychological techniques to alter the behavior of detainees, and by using them to such an extent that it threatened the physical and mental health of detainees, Dr. Leso committed practice of the profession of psychology beyond its authorized scope with gross incompetence and gross negligence as proscribed by New York Education Law section 6509(2).

H. Dr. Leso's Unprofessional Conduct Exhibits a Moral Unfitness to Practice the Profession, as Defined by Rules of Regents § 29.1(b)(5).

Dr. Leso's conduct, alleged above, evidences a moral unfitness to practice the profession of psychology as proscribed by New York Education Law §6509(9) and Rules of Regents §29.1(b)(5).

According to the Rules of the Board of Regents, unprofessional conduct includes "conduct in the practice of the profession which evidences moral unfitness to practice the profession." 8 NYCRR § 29.1(b)(5) (2009). Sexual harassment is a form of conduct that evidences moral unfitness to practice the profession under the Rules of Regent §29.1(b)(5).¹²⁰ See *Cerminaro v. Board of Regents of State of N.Y.*, 508 N.Y.S.2d 693, (3 Dept. 1986); see also *Nguyen v Commissioner of Educ.*, 622 N.Y.S.2d 145 (3d Dept. 1995).¹²¹ Dr. Leso explicitly advocated the use of sexual humiliation and harassment of Guantánamo Bay detainees in order to modify their behavior. Dr. Leso is therefore liable for professional misconduct.

Dr. Leso designed, oversaw, and occasionally participated in psychological tactics intended to sexually harass and humiliate Guantánamo detainees. He did so in a professional capacity as a psychologist to modify detainee behavior and coerce detainees into giving information to interrogators.

Dr. Leso's October 2, 2002 memorandum advocated interrogation tactics that use sexual harassment to coerce responses from detainees. One such tactic was forcibly stripping a male detainee in the presence of female interrogators. This tactic is sexual harassment and thus recommending its use is evidence of moral unfitness to practice the profession of psychology as proscribed by Rule of Regents § 29.1(b)(5).

Dr. Leso's recommendations were implemented by interrogators and used during the interrogation of Mohammed al Qahtani. Under the guidance of Dr. Leso, interrogators stripped Mr. al Qahtani of his clothing, forced him to stand naked in the presence of female interrogators, and forced him to look at pictures of women in bikinis. In addition, interrogators employed the

¹²⁰ The Rules of Regents special provisions for the profession of psychology, section 29.12 explains that "in the interpretation of the provisions of section 29.1(b)(5) of this Part and in the treatment of sexual dysfunction, as well as in other areas of the practice of psychology: (i) immoral conduct shall include any physical contact of a sexual nature between psychologist and client...." 8 NYCRR §29.12(a)(2) (2010).

¹²¹ "We have consistently held that misconduct of a sexual nature with a patient warrants the ultimate penalty of revocation *Matter of Wizes v. Board of Regents of State of N.Y.*, 2006 NY Slip Op 7949 (administrative decision to revoke professional license was upheld in New York state court).

tactic of invasion of space by a female, a tactic that involves unwanted touching by a female interrogator in close proximity.

As a consequence of Dr. Leso's actions, Mr. al Qahtani experienced extreme sexual humiliation and psychological trauma.

Dr. Leso's acts described above, and the acts committed by interrogators following his recommendations, amount to sexual harassment and evidence a "moral unfitness to practice the profession." Title 8 NYCRR § 29.1(b)(5). As a result, Dr. Leso's actions constitute unprofessional conduct pursuant to New York Education Law §6509(9).

VIII. REQUEST FOR INVESTIGATION

The Complainant requests an immediate investigation into the responsibility of New York licensee Dr. John Francis Leso for the acts described above. Dr. Leso's conduct, including the acts committed by interrogators following his recommendations and under his supervision, indicates a "moral unfitness to practice the profession," constitutes abuse and harassment of patients, unauthorized and unwarranted treatment, psychological practice beyond its authorized scope, gross incompetence, and gross negligence in violation of Rules of Regents sections 29.1(b)(5), 29.2(a)(2), 29.1(b)(11) and New York Education Law §6509(2) respectively. It is imperative that the New York Office of the Professions (NYOP) in collaboration with the New York Board of Psychology (Psychology Board) and the New York Board of Regents (Board of Regents) immediately open an investigation, make a timely determination of fault, and pursue all appropriate disciplinary action, up to and including the revocation of Dr. Leso's license to practice psychology.

Respectfully Submitted,



Kathy Roberts
Nushin Sarkarati
Andrea Evans
Attorneys for Complainant Dr. Steven Reisner

CENTER FOR JUSTICE & ACCOUNTABILITY
870 Market Street, Suite 682
San Francisco, CA 94102
Tel: (415) 544-0444