



**AMERICAN
PSYCHOLOGICAL
ASSOCIATION**

April 26, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden:

We are writing on behalf of the American Psychological Association (APA) to follow up on our earlier correspondence and to offer our continued strong support and encouragement for your efforts to close the Guantánamo Bay Detention Center (GTMO). Since 2009, our governing APA Council of Representatives has adopted a series of policies expressing serious concerns about the abusive treatment of detainees at GTMO, which has become a global symbol of torture.¹ Its continued use would further damage our nation's image as a leader in the promotion and protection of human rights.

Past reports of detainee abuse at GTMO have ranged from physical mistreatment to torture in the form of “enhanced” interrogation techniques during the early years of the Global War on Terror. More recently, four reports identifying serious continuing issues, including with respect to the apparent lack of treatment availability for prisoners suffering from post-traumatic stress disorder (PTSD), have prompted us to write again:

- [A January 11, 2023, Report of a number of UN Special Rapporteurs and related experts](#) found “systematic” violations of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) based on the continuing deterioration in the physical and mental health of detainee Nashwan al-Tamir, allegedly due to systematic shortcomings in medical expertise, equipment, treatment and accommodations at the Guantánamo Bay detention facility and naval station.
- [An April 6, 2023, Opinion of the UN Working Group on Arbitrary Detention](#) also describes violations of the UNCAT and states that these violations are of such severity that they may constitute “crimes against humanity.”
- [In an August 18, 2023, ruling on a motion to suppress custodial statements](#), Military Judge Lanny J. Acosta, Jr., of the Guantanamo military tribunal, found in the case of Abd al-Rahim Hussein Muhammed al-Nashiri that a) the defendant had been tortured by CIA-contract psychologists, b) the defendant continues to suffer from posttraumatic stress disorder (PTSD) from that abuse, and c) in spite of decades of treatment, including treatment by military psychologists, “There is no evidence of the Accused having ever received any treatment specifically for PTSD.”
- [In a September 21, 2023, ruling on a motion for competency determination](#), a second military judge at Guantanamo, Col. Matthew N. McCall, determined that a detainee was unfit for trial because he continues to suffer from PTSD

¹ See APA 2013, *Policy Related to Psychologists' Work in National Security Settings and Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*: “APA shall continue to inform relevant parties with the US government that psychologists are prohibited from participating in such methods and working in such settings” (<https://www.apa.org/about/policy/national-security>); and APA 2015, *Resolution to Clarify the Roles of Psychologists Related to Interrogation and Detainee Welfare in National Security Setting*: “Subsequent letters shall be sent whenever the APA becomes aware of the existence of detention sites determined by the UN Committee Against Torture and/or the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to be utilizing practices that are considered unlawful by the UN Convention Against Torture or the Geneva Conventions and therefore in violation of APA policy” (<https://www.apa.org/independent-review/psychologists-interrogation.pdf>); APA Professional Practice Guidelines for Operational Psychology (2023), <https://www.apa.org/about/policy/operational-psychology.pdf>.

- with psychotic features, appearing to “tacitly vindicate a claim by the prisoner’s criminal defense lawyer, David I. Bruck, that the C.I.A. torture had made the Yemeni prisoner insane.” Implied, too, in the judge’s decision, is that the detainee has not had adequate treatment.

To the extent that military psychologists have been involved in any aspects of these activities, we point out that such conduct would be at odds with the [2023 APA Professional Practice Guidelines for Operational Psychology](#), which “make clear that operational psychologists conduct their activities in accordance with the APA Ethics Code and APA policies related to national security, including policies prohibiting psychologists from participating in national security interrogations.” *See also* [APA Ethics Code section 3.04\(b\)](#).

Our APA national security-related policies build upon our longstanding anti-torture policies and commitment to human rights in calling for psychologists not to be engaged in supporting detainee operations at GTMO, where detainees are still subjected to indefinite confinement. Some of the remaining 30 detainees of the nearly 800 detained since 2002, based on their suspected ties with al-Qaida and the Taliban, have yet to be presented with charges and/or have their cases proceed beyond the pre-trial state. It is our understanding that the Department of Defense has not placed military psychologists at GTMO over the past five years and it is not clear how their mental health needs are being addressed. It is past time for the detainees to also be relocated so they can receive comprehensive psychological treatment.

Finally, we acknowledge the prohibitions Congress has put in place to close or relinquish control of the Guantanamo Naval Station, and transfer or release individuals detained there. We are not asking you to close the U.S. Naval Station at Guantanamo Bay, Cuba, but rather only to close the detention facility. We strongly encourage your administration to work with Congress to devise a path forward for the transfer or release of the remaining detainees.

Thank you for your leadership then and now for undertaking efforts to close GTMO. APA strongly supports the interagency process being planned by the National Security Council, in collaboration with the Departments of Defense, State, and Justice, to close the GTMO detention center. The United States must once again become a beacon to the world for human rights by promoting justice and safeguarding human welfare for everyone, including detainees in U.S. custody.

Sincerely,



Cynthia de las Fuentes, PhD
President



Arthur C. Evans, Jr., PhD
Chief Executive Officer

cc: Secretary of Defense Lloyd J. Austin, III
Secretary of State Antony J. Blinken
Attorney General Merrick B. Garland