

## **FAQs about NBI 35B**

### **Alliance for an Ethical APA**

**1. What is NBI 35B and why do you oppose it?**

NBI 35B is a bill that would reverse current policy and return military psychologists to Guantanamo Bay.

**2. What is current policy regarding psychologists' involvement at Guantanamo and other illegal sites?**

In 2008, APA's membership voted overwhelmingly in favor of a policy to prevent psychologists from participating in operations that violated international human rights law at places like Guantanamo Bay. Council reaffirmed this policy in 2009, 2013 and again in 2015. The policy states that detainees are entitled to treatment from *independent* psychologists who work for the detainees or for independent human rights groups. This policy is fully consistent with the Geneva conventions and international human rights law.

**3. I've heard that current APA policy is preventing psychologists from offering health care to detainees.**

This is false. Existing APA policy allows psychologists to work in settings that violate international law **if** they are working directly for the victim of ill treatment or for groups like the Red Cross or the Centers for Victims of Torture.

**4. I've heard that APA's policy is causing the Department of Defense to violate the Geneva conventions at places like Guantanamo because the military cannot provide prisoners with medical care.**

This is false. APA's current policy, which calls for independent psychologists to treat detainees, is consistent with international human rights standards, the second and third Geneva Conventions, a Special Report from the United Nations Rapporteur on Torture. If a setting violates international law, psychologists can work directly for the victims of abuse but not for the command that perpetrates that abuse.

**5. Doesn't Geneva require that medical care be provided by military health professionals and not independent ones?**

Just the opposite is true. While Geneva does allow prisoners and civilians to be treated by the force that captured them, it prefers that treatment be given by either a neutral party or by a party from the prisoner's home country.

**6. Would returning military psychologists to Guantanamo put the prison in compliance with international law?**

No. The United Nations High Rapporteur on Torture has declared Guantanamo to be in violation of international law because it practices indefinite detention and because it practices forced-feeding of competent hunger-strikers.

**7. It sounds like the detainees need mental health care. Doesn't existing APA policy limit the care prisoners can receive?**

We believe that the best care would come from independent psychologists who will not be pressured into avoiding questions about torture, would not rotate out after 3 - 9 months, and who would not be forced to hide behind a pseudonym.

**8. I'm told that the mental health care services provided at places like GITMO try to give good services in very difficult situations, where are you getting your information?**

Army psychiatrist Brig. Gen. (Ret.) Stephen N. Xenakis argues that medical and mental health providers failed to inquire into and document physical and/or psychological evidence of intentional harm among the detainees "You cannot provide psychological treatment if you never look into what happened to them when they are tortured.... The psychologists and psychiatrists at Guantánamo are not meeting the standards of care of the military or the profession."

**9. Why don't you believe that the psychologists at Guantanamo would resist pressures imposed by the Pentagon and operate freely and professionally?**

Because the overwhelming weight of evidence indicates otherwise. An independent study by Brig. Gen (Ret.) Xenakis and Vincent Iacopino demonstrated that the diagnoses at GITMO were systematically biased in a way that served the needs of the Pentagon over those of the detainees. Read more details by checking: *Where Even Nightmares are Classified*, NY Times, 2016/11/13.

**10. Doesn't 35B require independent psychologists to work at Guantanamo?**

No. While 35B claims to "encourage" APA to advocate to allow for independent psychologists, its main point is to return military psychologists, without independent monitoring or accountability, to these settings

**11. Could this bill return psychologists to the interrogation process?**

In the short term, maybe not, in the long term yes. We fear that 35B is the first part of a multi-part strategy to undo the reforms enacted in the wake of the Hoffman report.

*The full version of these FAQs including references and citations is available online at:*

*AllianceforanEthicalAPA.com*