

Physicians for Human Rights

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://phr.org/our-work/resources/amicus-brief-united-states-abu-zubaydah/>

Campaign and Advocacy

In *U.S. v. Abu Zubaydah*, the Supreme Court will consider if a detainee can obtain information about their torture while in the custody of the Central Intelligence Agency (CIA) at a so-called black site in Poland, or whether the U.S. government can claim that the state secrets privilege completely blocks from view key information about the detainees experiences. Abu Zubaydah detained since 2002 is seeking to subpoena the two former CIA contractors, psychologists James Mitchell and John Bruce Jessen, who devised the so-called enhanced interrogation techniques used against him and other detainees in CIA black sites and at Guantanamo Bay. Oral arguments in the case will occur during the Supreme Courts fall term.

The *amici* brief makes the case that Mitchell and Jessens actions constituted gross violations of professional ethics, federal law, and international law. The amici include Physicians for Human Rights; the American Psychoanalytic Association; the Coalition for an Ethical Psychology; Psychologists for Social Responsibility; Carol A. Bernstein, MD; David S. Cantor, PhD; Vincent Iacopino, MD, PhD; Steven Reisner, PhD; Gail Saltz, MD; Stephen Soldz, PhD; Kerry J. Sulkowicz, MD; Matthew Wynia, MD, MPH; Stephen N. Xenakis, MD; and Phil G. Zimbardo, PhD.

Abu Zubaydah, a Saudi national, was detained and tortured at a variety of CIA black sites secret overseas facilities before being transferred to Guantanamo Bay. During his time in CIA custody, Abu Zubaydah was water-boarded at least 83 times in just one month and subjected to prolonged sleep deprivation, confinement in small boxes, painful stress positions, and blunt force trauma. Abu Zubaydahs U.S. Supreme Court case follows separate but related cases in the Polish courts and the European Court of Human Rights, where he sought information about his treatment while detained at a CIA black site in Poland.

The *amici* brief provides intimate details of the role of Mitchell and Jessen, including how these two psychologists designed and implemented their system of enhanced interrogation, as well as the inhumane treatment of Abu Zubaydah by Mitchell and Jessen. The amici explain in detail how Mitchell and Jessen violated moral, ethical, and professional standards in their actions, and that enhanced interrogation both conceptually and in practice violated U.S. and international legal prohibitions against torture. They conclude by arguing that transparency and openness are paramount for the mental health professions, the government, and for society at large.

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