Psychologists in the Dock: Complicity in Torture

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Introduction

In any discussion on ethics and torture, we must remind ourselves what exactly are the underlying values of human rights.

“What are human rights when people are being devoured by the dragon in my country? What are human rights when in this country I am nothing, not worthy of enough food or a decent home? People treat you like you are nothing, an animal, your feelings do not matter, your family do not matter, your life does not matter ... they don’t care if I live or die. So tell me, what are my human rights when I am not even human to others?”

Not making a not a mere moral point, but highlighting how in the face of torture and abuses in exile for him, the concept of human rights was theoretical, distant, meaningless – the basic value of being seen and treated as a human being was absent.

This should concern us all – after all, on the face of it human rights and psychology share the same values:

Principles of Human Rights and Psychology

• Human dignity
• Humanitarianism
• Liberty/freedom
• Security/safety
• Promote well-being and do no harm: prevention and protection
• Accountability
• Reparation

One assumes we are ‘Bedfellows’? But are we?

Key Concerns of my talk:
1. Role of psychologists in torture
2. Why now?
3. Response of professional bodies
4. Arguments posed
5. What should psychologists do to uphold the prohibition against torture?
Psychologists & torture: Nothing new

1. Designing torture

Many areas of experimental and clinical psychology have contributed to torture techniques. Include: conditioning, behaviour modification, psychoanalysis, sensory deprivation, aversive conditioning, sensory over-stimulation etc.

2. Refining torture:

-Sensory Deprivation research (or component of SD: monotonous stimulation, isolation etc.)

3. Co-operating with torture

Supervising the administration of techniques, pre and post-torture assessments and testing, giving psychological information on weaknesses to officials, research of prisoners.

4. Training/consultancy

-Supervising or consulting to interrogators in use of torture methods in training – to ‘inoculate soldiers’ against coercion and torture if captured: Programmes called: ‘Resistance to Interrogation (R2I)’ in UK or ‘SERE (Survival Evasion Resistance Escape)’ in USA. In US the same psychologists training and supervising SERE were deployed to devise systems of interrogations and advise on interrogation in Iraq, GTMO.
-Psychologists always present ‘to check on non-induction if undue stress/damage’.

5. Exporting expertise

-Britain also held regular psychological operations (psyops) courses for the members of Ministry of Defense - includes demonstration and use of SD
-methods exported to other countries - Britain regarded as an expert in psychological operations and has been regularly invited to give demonstrations, seminars and lectures in US and in Germany in counter insurgency and torture.

Why Now?

Revelations since February 2005 about the extent of psychologists’ involvement in:

‘WAR against TERROR’ (portrayed as in ‘defence of human rights’)

or rather

WAR of TERROR (‘assault on human rights’)

How has this ‘war’ come to be seen as necessitating measures constituting an assault on human rights? One very powerful rhetorical strategy employed is the use of a language that dehumanizes the ‘other’:
Dehumanising the ‘Other’: Guantánamo

“These are the sort of people who would chew through a hydraulics cable to bring a C-17 [transport plane] down”…. “they are very, very dangerous people.”

General Myers, 2002

So dangerous, to sound almost inhuman, monsters with superhuman powers – which require superhuman effort to curb them…

Psychologists & torture: in ‘war of terror’

1. Design of detention facilities

- Unpredictability and fear: camp conditions to aid interrogation of “priority detainees” (principle function of BSCT teams)
- Reward and punishment systems (behavioural psychology)

For example, asking detainees to tell everything re their friends, colleagues so that they can be rounded up to get a Macdonald's happy meal or a Twinkie/toothbrush, or to get transferred to another part of the camp that is not so humiliating and degrading. Punishment can include denial of meals, medical care - held as rewards (e.g. if in pain we won't give you something unless you 'cooperate').

2. Reports of psychological torture

(PHR report: Break them Down)

- Prolonged isolation (some incommunicado for over two years)
- Sleep deprivation
- Sensory deprivation
- Severe sexual and cultural humiliation
- Religious humiliation
- Stress positions
- Use of dogs to induce fear of death/injury
- Threats to harm relatives

3. Behavioural Science Consultation Teams

Headed and staffed mainly by psychologists
Psychological assessment
Use of psychological information (weaknesses, relationships, fears, phobias etc.)
Making medical files and information available to interrogators, CIA on request (Not GTMO, but Iraq, Afghanistan)
Devising interrogation plans
Reviewing interrogation techniques
Observing and advising on ‘which buttons to push, when to push, how to better establish rapport’
Response of Professional Psychological Bodies

American Psychological Association
- Task Force PENS Report: Psychology Ethics and National Security (though 6 of the 10 members were highly placed in the US military, with links to operations in WOT).
- Resolutions reaffirming its position against torture

British Psychological Society
- Declaration Against Torture
- Relative silence

Overall Position

American Psychological Association
- Torture is unacceptable
- Participation in military interrogation is OK, but not in interrogations employing specific techniques; but in detention conditions. "softening techniques" – like sleep deprivation etc.??

British Psychological Society
- Torture is unacceptable

Arguments posed

Argument 1: Nothing to do with us

“Psychology as a discipline appears to have played no verifiable role in the development of torture techniques …there does not seem to be much that psychologists could add, or have added, to the tools already at hand.”

Suedfeld (1990)

But...History suggests otherwise

Argument 2 Advancing Science

“While our goal is pure knowledge for its own sake, we have no objection to someone's use of that knowledge.” Vernon (1966)

But...what has been done in the name of science?

- CIA and psychological experiments
  - Experiments and methods date back to 1951 when Canada and Britain joined forces with the CIA to research into "confessions", "menticide", "intervention in the individual mind" and methods in "psychological coercion, change of opinions and attitudes, etc."
- CIA in 1950s and 1960s financed and conducted secret research (reputed to be a billion dollars a year in the year 1950 alone).
- CIA provided the majority of funding for around 6 leading psychology departments conducting research on electric shocks, giving LSD to unsuspecting subjects before interrogation, sensory deprivation and isolation.

- **KUBARK (1963)**

- Results of these early CIA torture experiments were codified in 1963 in a secret manual known as "KUBARK Counterintelligence Interrogation".
- The manual, which cites numerous psychological studies and says all detainees should be given a psychological assessment, contains descriptions of different personality types and which techniques to use to interrogate them.
- All of the basic “coercive techniques of interrogation” used in Guantanamo and Iraq are listed in the manual with their specific effects and psychological reasons for using these techniques

**“RULES OF INTERROGATION”**

**Human Resources Exploitation Training Manual (1983)**
- Environmental manipulation
- Sleep adjustment/management
- Sensory deprivation
- Pride and Ego down
- Stress positions
- Solitary confinement
- Dietary manipulation
- Presence of military dogs

- The KUBARK manual in 1983 provided the model for the CIA's Human Resource Exploitation Training Manual - an interrogation manual, lists coercive techniques such as those used in Abu Ghraib, Guantanamo etc. – renamed techniques:
  - **Environmental manipulation** (high vs low stimulation such as white noise vs silence, hot and cold temperatures, bright lights vs darkness)
  - **Sleep adjustment** (sleep deprivation - constant interruption of sleep every 15 mins and forced to change cells to create maximum disorientation)
  - **Pride and Ego down** - personal humiliation designed to shatter self esteem and dignity

  Used not just in WOT, but pervasive, transported elsewhere:

  “They put you in a box like a coffin, you can’t stretch your legs or your arms, you can’t breathe, you see nothing, they keep you in there until you faint – they shine bright lights at you, you are so scared, mad… you feel mad then they interrogate you. I screamed and cried like a baby when they forced me back in that box."
Next time they took me out of the cell, they told me they have a present, a sweetie … they wrapped me in thick, clear plastic sheet, tied it and twisted it at both ends, you can see but not breathe, then threw water, lots of it, over my mouth and face, the plastic clings to your face, you can’t breathe…”

“If torturers use dental drills on healthy teeth, this does not imply that researchers and practitioners who develop, improve, and use such drills in the course of ethical dental practice should feel guilty.”

Argument 3: Responsibility to ‘the public’

American Psychological Association

“Psychologists and physicians have ethical responsibilities to the individual under questioning, as well as (original italics) to third parties and the public”.

Stephen Behnke, Director of Ethics Office, APA (2006)

“Psychologists are aware of their professional and scientific responsibilities to society”.


But…

- Which ‘public’?
  Use of ‘Us and them’ rhetoric common in WOT – but nothing in our ethical codes that suggests we have a duty to ‘our’ public, or that some human lives are more important/worthy than ‘others’?

- Conflation of notions of social responsibility (humanity, social justice), public health (aimed at prevention and health of masses) and state agents (acting on behalf of state).

This argument relies on notion of Dual Loyalty - refers to the sometimes conflicting loyalties to client and state/greater authority – we have a loyalty to the State to help protect national security.

Relies on the communitarian argument to ethics which holds that certain values and virtues can maintain an appropriate social order within a community, and that ethical analysis must examine the extent to which a decision or action helps maintain an ‘appropriate’ social order, rather than focussing on individuals. This could mean considering whether the benefits to society gained by torture outweigh harm to individuals.
• The weighting of one life against hundreds – antithesis of psychological ethics

Premised on wider debate and misunderstandings of: **Right to security: which gives rise to the metaphor of balancing individual vs state rights (liberty or security).**

- Philosophically, the security of the public cannot be logically balanced against the security rights of individual detainees or prisoners – without implying differential worth of human beings.
- Legally, right to state security is not absolute, no country can ever be completely protected from terrorism – the right to be free from torture is absolute: **torture prohibition cannot be subjected to balancing.**
- Essentially, the right to security must be fulfilled within the framework of human rights protection, not at the expense of human rights.

• In summary, **No ‘higher purpose’ justifies torture**

**Argument 4: It’s tradition for psychologists to assist State in law enforcement**


“it is consistent with the [APA] Ethics Code for psychologists to serve in consultative roles to interrogation and information-gathering processes for national security-related purposes, as psychologists have a longstanding tradition of doing in other law enforcement contexts …[ whilst such action does not threaten or cause physical injury or mental suffering].”

**British Psychological Society**

“**Interrogation per se isn’t necessarily wrong. It’s perfectly proper for police, security services, customs and excise to want to get to the bottom of possible wrong-doing and things by questioning people, interrogating them, there’s nothing wrong with that in itself. To an extent at least, psychological principles can be used to help law enforcement**”.

Martin Cranshaw, Chair, Professional Practice Board (2006)

**But…**

• **Blurring ‘interrogation’ and torture**

• **Different legal safeguards**
  In WOT – no due legal process (*habeas corpus*), lack of access to lawyers, held indefinitely, held incommunicado.
Argument 5: They are not psychologists as caregivers but ‘behavioral consultants’

American Psychological Association:

The American Medical Association, the American Psychiatric Association & APA are “bedfellows in that they are all similar in their enforcement actions: Military psychologists, [physicians and psychiatrists, following orders, abiding by clear prohibitions against coercive interrogations, acting strictly as consultants to interrogations and not as caregivers, and reporting coercive or abusive acts to the appropriate authorities, will not be subject to discipline from their professional associations.”

Behnke, Director of Ethics Office, APA, 2006

But…

• Semantics
• ‘Caregiver’ or ‘behavioural consultant’?
• ‘Coercive or enhanced interrogation’ or torture?

Important to remember the purpose of torture prohibition (UNCAT: preamble) - aim is to stop harm to human beings for an illicit purpose – whoever is doing it, whatever we call it, if it is inflicting harm deliberately, for a purpose, causes severe suffering, then it is illegal.

Argument 6: New landscape requires new approaches

“Well these are difficult and unusual times, we must do what we can to help with national security…look what happened with July 7th bombings … perhaps psychologists do need to help by researching and looking at developing ways of interrogating that are more benign…”

Reinforcing the perception that the level of danger to the public justifies a looser interpretation/suspension of our ethical obligations – shifting goal posts – leans on utilitarian view – if it works and we can help, do it.

But … in international law there is no shifting of goal posts allowed with torture:

Torture prohibition: *jus cogens* norm:

• Torture is one of the most serious crimes
• A fundamental standard of the international community
• An unconditional norm - the prohibition is placed at the highest level of international law [and takes precedence over conflicting rules of treaty law or ‘ordinary’ customary international law]

Further…

• The prohibition of torture or other ill-treatment is absolute
• No exceptions or limitations – not even in times of public emergency, war, or in the fight against terrorism or organised crime
• The prohibition cannot be subjected to balancing against other considerations such as national security

Absolute means…Absolute

Argument 7: No need to legalise psychological codes – ethical practice means we need to think

“Psychologists may serve in various national security roles, such as consultant to an interrogation […] and when doing so psychologists are mindful of factors unique to these roles and contexts that require special ethical considerations”. APA (2006)

“Well if you look hard at our new code and read it properly it’s all there … We don’t think it is a good idea to use terms like human rights or to refer to torture directly…it unnecessarily legalises our code [and this is one of the criticisms levelled at the American ethical code …]’

Implies just need to ‘read properly’ - spelling out that psychologists should not be involved in torture in any way would ‘legalise’ the code.

“[It is unusual for the Society [BPS] to set out ethical guidance on specific issues......] the BPS code says: here are the basic principles, here are the values – now looking at these is what you are doing right?.......we say in the code thinking is not optional, you have to think about your action and if you think you can justify it, go ahead, but if it is questionable, then go through the appropriate stages…”

Richard Kwiatkowski, Chair, BPS’s Ethics Committee (2006)

But…

Emphasises:

• Individual responsibility and judgement
-relies on us to know international law, and interpret it appropriately … whilst implication is that this judgement is a professional one.

• **No explicit rules = danger:**

• **Danger to detainee, public, individual psychologist and professional body**

**Utilitarianism**

In examining responses of professional bodies and individual psychologists, it is apparent that the commonest philosophical justifications rely on utilitarian or communitarian arguments.

Utilitarianism focuses on consequences and outcomes. This approach holds that decisions should be judged/made on the basis of their effectiveness - or “the greatest happiness of the greatest number”.

Assumption: torture ‘works’ – gathers information that could prevent harm, therefore torture outweighs moral harm to individual tortured.

**So, does torture work?**

• **Lead to reliable actionable intelligence?**

  - What does ‘work’ or ‘evidence’ mean in IL vs psychology?

  - No reliable psychological evidence: research based on the civilian criminal justice system which suggests techniques less coercive than torture have produced false confessions. Supported by historical accounts of travesties of justice where convictions were based on information extracted in torture

  - Ex-CIA interrogators’ statement (2006) by former US Army Interrogators and interrogation technicians refutes the assertion that “coercive interrogation techniques” (torture) are necessary, adding that prisoner/detainee abuse and torture is counterproductive to the intelligence-gathering mission and must be avoided at all costs.

• **Fear and control?**

  - Achieve political aim: fear, intimidation, control? Yes.

  - Oddly, the harm to society in using torture, and its striking similarity to ‘acts of terrorism’, denounced in the ‘War on Terrorism’, highlights its paradoxical and precarious status as a morally justifiable ‘weapon’ in the “war”.

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• **Institutional degradation**

- Torture not only fails as a counter-terrorist tactic to create national security (Arrigo, 2004);
- it can result in the institutional degradation of the government, police, judiciary and military – and breakdown of institutions and community.
- Errors in torturing innocents can be remedied by scape-goating, cover-up, discrediting of victims and token reparations.

• **Unfair and innocents?**

Torture is also never limited to the ‘guilty’. Many innocent civilians can be subjected to torture, cruel, degrading or inhuman treatment.

• **We have to remember that torture is metastatic**

– related to ‘slippery slope’ argument – and as psychologists we can get sucked into a search for what works best for whom?

- Can this ever be a legitimate quest for psychologists or other health professionals?

**Liberalism**

The common counter position is found in liberalism – underpins both:

• **Rights discourse and professional ethics**

- Liberalism – based on **Kant’s argument that moral obligation arises from reason.**

- holds that ethical judgements are those that assert that all human beings have basic rights and opportunities, and all are equal in these rights (egalitarian liberalism), regardless of the outcome of particular actions. This is in keeping with the dominant legal discourse.

- holds that we should act in such ways that human beings are treated with respect, as ends in themselves, not as means to another’s ends. This thinking underlies professional ethics.

• **But, liberalist approach in professional psychological ethics individualises:**

  **Ethics and ethical behaviour**

Professional ethics largely construct ethical obligations in terms of dyadic relations between psychologist and the individual.

APA PENS report (2005) explicitly supports this position:

“The Task force drew several other conclusions: the development of professional skills and competencies, ethical consultation and ethical self-reflection, and a
willingness to take responsibility for one’s own ethical behaviour are the best ways to ensure that the national security-related activities of psychologists are safe, legal, ethical, and effective” (p.8)

-Ambiguous – on one hand says psychologists have a duty to society to support national security, but then says it is an individual responsibility – you are responsible for that ethical decision – you have to judge for yourself which situations involvement in torture is justifiable. The knowledge and skills needed to make such judgements, are beyond the competencies of psychologists – IL not basis of our psychological training – no safeguards.

Professional ethics or Human Rights?

- A continuum, but with a hierarchy
- Human rights - meta-standard

1. The arguments often construct professional ethics and human rights as if on polar ends, or are they on a continuum?

Jonathan Mann argued that they are on a continuum, both provide a language: -ethics is a language most useful for guiding individual behaviour. -human rights language is helpful for guiding societal level analysis and work to protect and improve the well-being/integrity of people.

2. The idea of a continuum however, cannot obscure the inherent hierarchy of international human rights law (instead I would call it a vertical continuum):

International human rights provides a meta-standard on torture. Professional ethical decision-making has to be within this wider legal framework, not at the expense of the human rights.

Question is what needs to happen to ensure this?

My position is that we have to move beyond condemning torture and making statements and declarations in psychology – need to be explicit and to put in place mechanisms which sever any possibility of psychologists being complicit with torture.

Professional bodies need to ensure:

1. Education and Awareness-raising (torture, IHL)
2. Ethics rules within Codes, beyond declarations (not legally-binding)
3. Appropriate and effective mechanisms to investigate breaches

4. Appropriate and effective mechanisms to support & protect those wishing to complain

5. Appropriate and effective mechanisms to punish breaches

6. Assistance to criminal/ civil proceedings for redress regarding breaches

“I could send a message to everyone who has been shocked seeing the photos…do you still remember the photos? Do you think about those people who have been tortured? Every single day? No, of course not. I am not blaming or judging you, I am trying to tell you that when the general public finish their chat with friends and colleagues about torture and things related to it, they go home and we return to hell.”

“Why do all these people insist on using these photos of the Iraqi prisoners on that box, with hoods and with wires, or the photos with them naked …it is insensitive to us, trying to sell more newspapers….but why do human rights people do this … do they really need to use these images, is it not enough that the whole world saw our humiliation?

Was it not enough to see those images once to remember?

We share the pain of our people, why humiliate us over and over again?

As psychologists, it is useless to talk about human rights or ethics if we fail to remember that we are talking about human beings who are dehumanised, demonised and ‘othered’ to justify all sorts of abuse by the State and by health professionals. As my client reminded me:

“What are my human rights if I am not even human?”