

‘We were always playing catch-up’

PSYCHOLOGISTS IN THE TORTURE CHAMBER

The US’s camp at Guantanamo Bay is infamous for its interrogation techniques, like waterboarding. Psychologists were also involved, as is revealed by the documentary *Doctors of the Dark Side*. During the NIP’S ‘Conscience of Psychology’ congress, there was critical discussion of how the American Psychological Association (APA) dealt with this issue, and what we can learn from it. Can a European Task Force for Human Rights prevent such practices in Europe?

Simulating drowning, solitary confinement, sleep deprivation, locking prisoners up in wooden crates with guards then sitting on top: these are just some of the methods that the United States use to break prisoners at Guantanamo Bay. In 2003, it became known that psychologists were also being deployed there to ‘oversee prisoners’ mental health’, and also refine the effectiveness of these methods. A storm of indignation broke loose within the US professional association, the American Psychological Association (APA). Such practices are a breach of the ethical code and the APA must unequivocally oppose them, thus the cries that were heard across the USA. But that unequivocal opposition against the interrogation techniques remained absent until 2007. What took them so long?

“It is one of the most complex controversies that we’ve ever had to cope with within the APA,” sighs Stephen Behnke, director of the APA’s Ethics Bureau at a workshop entitled “The Social Responsibility of Psychologists”. He stresses that the APA has always condemned torture and deemed it unethical in any circumstances, but has to admit that the Association was always chasing the facts when it came to psychologists’ involvement in Guantanamo interrogations. To his mind, the main crux of the matter lay in where questioning stops and torture begins, and also who draws the distinction and why.

“The United States was living in the aftermath of the attacks on the WTC,” says Behnke. Everyone was tense and expecting a fresh attack. “The Bush administration felt that not enough information was coming in and decided to roll its sleeves up in the interrogation room. The fact is that the US has a federal stature forbidding torture. That statute contains the following passage: “Torture means an act specifically intended to inflict torture”, which means you have to have a specific intention to cause someone harm. At the APA, we read the Bush administration’s memos on waterboarding and other practices, which stated that that they were deployed to establish the truth in the interests of the people and not to inflict torture since there was no intention to inflict harm on those being questioned, on top of which there were medics and psychologists present, and so the interviewees’ welfare was being cared

for. American psychologists reacted to this with shock and we said, “We’re now being used as instruments of torture. Our being there means that there is *no* torture!”. All of this happened in 2002, 2003 and 2004.”

OFF OUR GUARD

The APA was only confronted with this issue in 2004, says Behnke. “Experts in interrogation, including psychologists, raised questions about the questioning methods that were used and concluded: they are probably illegal and, what’s more, won’t work, because the information they produce is unreliable. These psychologists then turned to the APA and demanded a clear position against the violation of human rights and cruel, inhumane, humiliating interrogation methods.” This provoked discussion about what precisely are acceptable interrogation methods and what aren’t,” Behnke continued. “A complicating factor was, for instance, the fact that there are many violations of human rights in American prisons, such as long periods of solitary confinement. Should we also have told forensic psychologists that they shouldn’t be working there, either, any more? These kinds of questions were keeping us busy, which is why the process was a slow one.”

Eventually, it was only in 2005 that a first statement was issued, the ‘PENS Report’ (Psychological Ethics and National Security). Behnke: “It states unequivocally that torture is unethical and forbidden and that any psychologist that gets wind of torture or inhumane treatment, humiliation or forms of punishment is under an ethical duty to report that fact. Then further memos were issued by the Bush administration, contending that waterboarding and such techniques were not forms of torture but means to establish truth. The PENS Report’s declaration still therefore failed to fully address the issue, and the APA was accused of colluding with the Bush administration.”

According to Behnke, however, that was by no means so: “We thought that we’d taken a sufficiently clear stance, but it appeared that the PENS Report wasn’t enough. And so we had to go back to the drawing board and prepare a new statement, in which we said that *when* we talk of torture, cruelty, inhumane treatment and so forth, we’re *specifically talking about* waterboarding, sleep deprivation, the use of dogs, etc. This list was only issued in 2007, which was indeed way too late. It’s only this year that all the APA’s statements over the years have been collated into a single document stating as clear as crystal that we find all of this to be unethical.”

LOOKING BACK

As Behnke looks back at how the whole affair developed, he has to conclude that the APA was poorly prepared in the first place. “In addition, we were too slow in issuing our statements. It took us a long time to understand and clarify what was going on, which meant we were always playing catch-up. We were reactive, not proactive. If I’d been able to advise myself eight years ago, I’d have said: always be open, transparent and inclusive, so involve critics in the discussion as well. We eventually did have a broad discussion within the organisation, in which our biggest critics were also given a say. The fact is, we should have had that discussion much earlier.”

So, now, there's a list of interrogation methods that the APA disapproves of, but will it ever be complete? Over the centuries, it's again and again been shown that human ingenuity knows no bounds when it comes to devising means of torture. "It's impossible to draw up a list that covers every imaginable method," Behnke admits, "and it was even a matter of controversy for us to put that list together because we then got the criticism that people can always dream up something that's not on the list."

He sketches out the balancing act that the APA found itself in: "You could say that you should reason based purely on principle: do no evil, do only good and don't cooperate in torture. But, then, people could say 'if we do this or that, then it involves something different from torture'. So, unfortunately, you're always limited by language. If you get too legalistic, people say, 'yes, but you haven't prohibited this or that method'. And if you take too much of a position of principle, people ask, 'yes, but what does that mean exactly?' That's pretty much the never-ending problem."

DISCIPLINARY ACTION?

Apart from issuing statements, can a professional association taken any other kind of action against psychologists that work in an environment like Guantanamo Bay? "The APA is a private organisation," says Behnke, "and so we're limited in what action we can take against the government. And, as far as individual psychologists are concerned, the documentary names two psychologists, but neither is a member of the APA. If they had been and if there had been an investigation showing that the accusations against them were true, they could have been banned from the association. Incidentally, one of these psychologists was registered with a licensing board that had issued him with his practising certificate and we wrote to the board explaining that, within the APA, his conduct could have led to him being excluded."

Can a professional organisation exert pressure some other way, such as on the government? "We've sent letters to the President," Behnke summarises, "to the Secretary of Defence, to a whole load of people in the government. We said: information obtained through torture is unreliable and would never be admitted in court. That way we try and play a part in policy discussions."

Meanwhile, since taking office in 2008, President Barack Obama has always said that he wants to close the prison at Guantanamo. "And the APA is fully behind him on that," says Behnke.

ZIMBARDO

The *Doctors of the Dark Side* documentary also gives an insight into how the situation at Iraq's Abu Ghraib prison escalated. Among the acts committed, Iraqi prisoners were sexually humiliated by American guards, who are depicted in photos with happy smiles, enjoying the situation. To anyone with even a passing knowledge of psychology, this then conjures up the famous prison experiment conducted by Philip Zimbardo in the 1970s, in which students played prisoners and guards. In just a few days, the experiment got way out of hand. Couldn't (and shouldn't) psychologists be more proactive by drawing on such knowledge and warning governments of situations such as at Abu Ghraib?

Behnke: “The comparison is entirely apropos. When the incidents occurred at Abu Ghraib, there were no psychologists present. Afterwards, a military psychologist was sent in, who asked Zimbardo for advice. I hope the policymakers learned from that and do things differently next time.”

RIGHTS IN EUROPE

So, in Abu Ghraib, as well, it seems the stable door was locked after the horse had bolted. A reaction is only forthcoming once the harm's been done. The question is therefore how a professional group can act more incisively and proactively where there are suspicions that human rights are being violated in a given place. Prof. Robert Roe, President of the European Federation of Psychologists' Associations (EFPA) takes his own slant on the American issue from a European perspective. He argues that European history is all too familiar with situations such as Guantanamo Bay. During the workshop, he drew attention to the Human Rights Task Force recently set up by the EFPA, a work group that emphasises psychologists' responsibilities in the field of prevention.

We have to look further than a psychologist's individual responsibility when it comes to ethics, says Roe. “It's precisely psychologists who ought to know what can go wrong and what the risk factors are that can lead to violations of human rights. Mistreatment is a constant threat in ‘closed institutions’, i.e. boarding schools, monasteries, old people's homes, prisons, remand centres, et cetera, especially where the power differentials are big, no contact is possible with the outside world and secrecy is the norm. And, then, especially when violent means are to hand, such as in police, military and security organisations. Untoward events often only come to light after time and with difficulty, such as we've seen with the cases of sexual abuse within the Roman Catholic church. The fact is that, because risks exist in many quarters, prevention has to be on the agenda of the Human Rights Commission.”

The task force therefore has to examine many areas, but including the quality of organisations like the army and the police. Here, there has to be improvement in what Roe calls ‘the psychological climate’, responsibilities have to be clearly set and ambiguities avoided that could lead to torture.

At the same time, Roe says, it is necessary to be critical about certain political developments: “We have to speak out against the dangers of nationalism and war-mongering, against xenophobia and racism. These are things that create a hostile climate in which it's but a small step to inhumane treatment of ‘the other’ or of people put down as ‘the enemy’.”

Just like Behnke, he stresses the need for publicity and transparency in this regard within the European professional group, so that no documentaries like *Doctors of the Dark Side* need to be produced to get people involved in critical discussion. Roe thinks it's a good thing that the film managed to do this: “This film is good for psychology, and good for humanity in general.”

You can see the documentary at www.journeyman.tv