



Human Rights and National Security: Select Recommendations for the American Psychological Association

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We welcome the opportunity to engage with the American Psychological Association (APA) as it undertakes needed reforms following the disturbing history of collusion documented in the 2015 *Report of the Independent Review Relating to APA Ethics Guidelines, National Security Interrogations and Torture* (Hoffman Report).¹ We commend steps that the APA has taken in the past several months to safeguard against torture and restore the ethical bright lines of the psychology profession, including the passage of Resolution 23B. We further welcome the APA's commitment to increase its engagement with human rights activities and organizations.

With this in mind, we offer a set of preliminary recommendations that we believe will assist the APA in fulfilling its vision as “an effective champion of the application of psychology to promote human rights, health, well-being and dignity.”² These recommendations are designed to address past transgressions, prevent future missteps, and advance ethical and human rights protections within the national security context. We look forward to discussing these and other ideas today at APA headquarters in Washington, D.C.

Hoffman Report and Resolution 23B

Support the independent review (Hoffman Report).

To protect current and future human rights-focused and ethics-focused reforms and commitments, we urge the APA to continue endorsing the Hoffman Report and to publicly affirm its legitimacy and independence. The need for this action has become increasingly clear in recent months in light of attempts to delegitimize the review, including by some of the individuals implicated in the review's findings.

Ensure compliance with Resolution 23B.

We urge the APA to continue advocating for compliance with Resolution 23B's prohibitions on psychologists' involvement in torture and other cruel, inhuman, or degrading treatment or punishment; participation in national security interrogations; and work at national security detention sites such as the Guantánamo Bay detention facility, “black sites,” vessels in international waters, or sites where

detainees are interrogated under foreign jurisdiction, unless psychologists are working directly for the persons being detained, for an independent third party working to protect human rights, or providing treatment to military personnel. The APA should also take prompt steps to ensure that all of these prohibitions are understood to be enforceable standards of the Ethics Code.

Remedies for Torture Survivors

Apologize to the victims of torture and abuse.

We urge the APA to issue a formal public apology to all those harmed by the Association's role in enabling detainee abuses in connection with the U.S. torture program. This process should include consultation with detainee survivors of torture or their representatives to ensure that the apology promotes dignity and healing.

Support efforts to provide medical rehabilitation of torture survivors.

We urge the APA to use its expertise, influence, and resources to help former detainees and their families obtain appropriate mental health care as part of their right to rehabilitation.

Advocate for reparations and remedies for victims and survivors.

We urge the APA to advocate for the effective remedies and reparations owed to victims and survivors of torture and ill-treatment under international law. These include the right to effective investigations that uncover the truth, accountability for perpetrators, compensation, rehabilitation, public acknowledgment of wrongdoing, restitution, and guarantees of non-repetition.

Provide financial support to survivors of torture and abuse.

We urge the APA to make regular and substantial financial contributions to the UN Voluntary Fund for Victims of Torture or other foundations for similar purposes.

National Security Policy

Advocate for an end to indefinite detention of Guantánamo detainees and closure of the prison.

Given that indefinite detention violates international human rights law, we urge the APA to publicly advocate for the release, transfer, or civilian prosecution of all Guantánamo detainees and the closure of the prison. We also urge the APA to release a statement of concern regarding conditions of confinement at Guantánamo, including the use of force-feeding and the punitive use of solitary confinement, which constitute ill-treatment or torture.

Clarify the severe psychological harms of indefinite detention.

We urge the APA to publicly acknowledge and articulate the severe psychological harms of indefinite detention, based on the available psychological and medical research.

Advocate for independent provision of mental health care to Guantánamo detainees.

Because military psychologists at Guantánamo are inextricably linked with a coercive and unlawful detention regime, which precludes therapeutic relationships based on trust, we urge the APA to call on the Department of Defense to allow independent psychologists to provide mental health services to detainees and to evaluate their conditions of confinement.

Advocate for the removal of Appendix M of the Army Field Manual.

Given that Appendix M of the current (2006) Army Field Manual permits detention and interrogation practices that violate human rights, we urge the APA to publicly advocate for its removal. The sleep deprivation, sensory deprivation, and solitary confinement aspects of the “separation” technique as described in Appendix M constitute torture or cruel, inhuman, or degrading treatment. We further urge the APA to review the Army Field Manual for other interrogation practices that may rely on psychological abuse, for example the techniques authorized under Fear Up Approach.

Review APA’s ties with the national security establishment.

We urge the APA to establish an independent task force to review the APA’s ties to U.S. military and intelligence agencies and to recommend best practices for evaluating and monitoring such relationships. Central to this work should be determining how the profession’s human rights and ethics priorities can be effectively protected from manipulation and undue influence by national security interests.

Human Rights and Ethics Education

Clarify the difference between psychological ethics and military ethics.

We urge the APA, in collaboration with scientific and human rights organizations, to prepare and broadly disseminate guidance that clearly explains the ways in which psychological ethics can diverge from military ethics and related directives and legal standards. These materials should emphasize that psychologists are required to follow the ethical standards of their profession, including when there is a conflict between psychological ethics and military standards.

Mandate human rights and ethics training for APA staff and governance.

We call upon the APA to require key staff and members of governance to participate in specialized training that highlights the Association’s human rights and ethics priorities, particularly as they apply to national security settings. The training program should be developed and implemented in collaboration with independent experts in human rights and ethics.

Expand human rights and ethics education for psychologists.

We support the APA’s commitment to devote substantial resources to advancing the ethical knowledge of its members, students in graduate programs, and the public, particularly in light of the profession’s ethics crisis documented in the Hoffman Report. These educational offerings should incorporate international human rights standards and should be developed in collaboration with human rights organizations and independent scientific associations.

Accountability

Hold accountable implicated APA staff, governance and members.

To restore the psychology profession’s integrity and the public’s trust, we urge the APA to investigate APA staff and members of governance for malfeasance documented in the Hoffman Report to determine if it warrants further action, and bring ethics charges where appropriate. We further urge the APA to reopen all ethics complaints against APA members that were improperly closed and to recommend state board investigations for those who are no longer APA members.

Remove procedural barriers to ethics adjudications related to national security.

We urge the APA to remove statutes of limitation and other procedural barriers that may illegitimately obstruct full Ethics Committee review and adjudication of complaints alleging involvement of psychologists in torture or other cruel, inhuman, or degrading treatment or punishment in the context of national security operations.

Review and reform current ethics adjudication processes related to national security.

Given the history of collusion with U.S. government officials, we urge the APA – with input from human rights organizations and other outside experts – to conduct a comprehensive and independent review of the APA’s processes and procedures for handling ethics complaints related to national security psychologists.

Call for state boards to investigate complaints of torture and ill-treatment.

We urge the APA to publicly call upon state licensing boards to initiate good faith investigations into cases of psychologists’ reported involvement in torture and other cruel, inhuman, or degrading treatment or punishment, regardless of when the conduct occurred. Many states do not have statutes of limitation for professional misconduct complaints.

Urge state boards to investigate psychologists’ violations of Resolution 23B.

We urge the APA to educate state licensing boards regarding Resolution 23B and to call on them to conduct good faith investigations into reports of psychologists’ participation in national security interrogations subsequent to the passage of 23B.

Call for investigation of state licensing boards’ adjudication of torture complaints.

We urge the APA to call on state legislatures and oversight bodies to investigate the state boards’ dismissals of complaints against John Leso in New York, James Mitchell in Texas, Larry James in Ohio, and Diane Zierhoffer in Alabama.

Organizational Safeguards

Establish regular consultation with human rights groups.

APA senior leadership should develop regular channels of meaningful consultation with human rights organizations and torture survivors as a key part of resetting the moral compass and demonstrating the APA’s ongoing commitment to human rights.

Appoint Ombudsperson.

We urge the APA to appoint an Ombudsperson responsible for overseeing and reviewing all organizational processes and decisions, including those by the Ethics Office, that bear on allegations of human rights violations in national security settings. The Ombudsperson role would foster transparency and would provide an extra layer of protection against risks of corruption.

¹ Hoffman, DH et al. (2015). Report to the Special Committee of the Board of Directors of the American Psychological Association: Independent Review Relating to APA Ethics Guidelines, National Security Interrogations, and Torture. Chicago: Sidley Austin LLP. <http://www.apa.org/independent-review/revise-report.pdf>

² <http://www.apa.org/monitor/2009/04/vision-apa.aspx>