Report of APA Meeting with Human Rights Organizations

*March 8, 2016*

APA met to discuss our human rights initiatives with representatives from the following four human rights organizations: *Psychologists for Social Responsibility* (PsySR) - Yosef Brody, along with Roy Eidelson and Trudy Bond; *Physicians for Human Rights* (PHR) - Sarah Dougherty; *Harvard Law School’s International Human Rights Clinic* (IHRC) - Deborah Popowski, Michelle Nance, Ariel Simms, and Paige von Mehren; and the *Center for Constitutional Rights* (CCR) - Omar Farah (by phone). APA meeting attendees included Susan McDaniel, Cynthia Belar, Ellen Garrison, Gwendolyn Keita, Clinton Anderson, Gabe Twose Katherine Nordal, Lindsay Childress-Beatty, Ann Springer, and Merry Bullock.

Following introductions and welcoming remarks from Susan McDaniel and Cynthia Belar, each of the human rights groups provided an overview of their respective mission and goals. They expressed their support for efforts to rebuild APA as a leading voice promoting human rights whose decisions and actions reverberate globally. They then recommended actions to be undertaken by APA related to the following five priority areas:

1. Legitimacy of the Hoffman Report

The groups commended APA for commissioning the independent review (IR) and stressed the importance of understanding, accepting, and acting on its findings. They urged APA to support the findings of the IR in the midst of ongoing challenges. They claimed that prior Department of Defense (DoD) policies were not specific and did not apply throughout DoD facilities. They noted problems with abusive interrogation practices allowed by the Army Field Manual, and raised concerns about actions of members of the APA Presidential Task Force on Psychological Ethics and National Security (PENS).

1. Indefinite Detention at Guantanamo

Based on a 2008 Supreme Court decision granting due process rights to Guantanamo detainees, CCR attorneys have been able to visit detainees and assess their physical and psychological condition. They maintained that detainees are only receptive to medical and psychological care provided by independent, non-military personnel and stressed the need for DoD to allow for the provision of such care. APA explained that DoD would like psychologists to treat detainees at Guantanamo, and that this might possibly open the door for independent, non-military psychologists to do so. These psychologists might be more culturally/linguistically trained and experienced working with a traumatized detainee population. All acknowledged that this proposal would be complicated to implement.

Given that indefinite detention violates international law, PHR requested that APA clarify to the U.S. government the psychological harm of indefinite detention and advocate for its end. This was seen as a next step to the 50+ letters that APA already sent to federal officials that expressed serious concerns about indefinite detention. At the meeting, APA pointed out the difficulties involved in conducting rigorous empirical research with detainees at Guantanamo. The challenge stems from the inability of detainees to provide informed consent to participate in research, which is required under our Ethics Code.

1. Compliance with Resolution 23B

According to IHRC’s analysis, APA’s Ethics Code already prohibits torture and cruel, inhuman, or degrading treatment or punishment (CIDTP). As a result, they questioned the need for this proposed amendment to the Ethics Code and then wondered why the proposed wording includes torture but not CIDTP. They also expressed concern that the proposed wording defines torture according to the prevailing view of psychologists, whereas 23B defines torture based on international law. On a related matter, they maintained that enforcement of the national security interrogation prohibition in 23B is derived from already-established APA ethical standards (e.g., 3.04 - Avoiding Harm). PsySR requested that an explicit prohibition against working in unlawful detention settings as defined by our 2015 policy be included in the Ethics Code. The groups were encouraged to submit comments on the proposed Ethics Code revision via the public comment website.

1. Army Field Manual - Appendix M

The Army Field Manual was revised by DoD in 2006 after the disclosure of detainee abuse at Abu Ghraib to explicitly prohibit many abusive interrogation techniques. However, Appendix M of that version, which is still in use, allows extended solitary confinement, along with sleep deprivation and sensory deprivation, to be used with unlawful, enemy combatants under specified conditions. PsySR called on APA to join human rights groups and interrogation experts in calling for the elimination of Appendix M, raising the issue’s profile and stressing the psychological consequences of these techniques.

1. Ethics Adjudication

Roy Eidelson and Trudy Bond commended the IR and the creation of the ethics commission (whose membership includes the former director of PHR), but criticized APA for the handling of ethics cases related to national security. They expressed concerns that APA appears to be engaged in “business as usual.”

The meeting concluded with some discussion of the pending Ethics Code revision, efforts to revise the Army Field Manual, and a mutual interest in working together to urge the U.S. government to withdraw its restrictions (i.e., reservations and understandings) to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.