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April 28, 2009

The Honorable Dianne Feinstein
Chair
Select Committee on Intelligence
U.S. Senate
Washington, DC 20510

Dear Senator Feinstein:

Recent disclosures regarding the treatment of detainees in U.S. custody after 9/11 confirm long-standing allegations that health professionals had an integral role in the design and implementation of torture and abuse. We are writing to you to urge that the Senate Select Committee on Intelligence include a full investigation into the role of health professionals as part of the Committee's ongoing review of the CIA's detention and interrogation program. The confidential International Committee of the Red Cross (ICRC) report on the treatment of detainees by the CIA published last month, the Office of Legal Counsel memos released on April 16th and the Senate Armed Services Committee report released on April 21st document how deeply involved health professionals were in forming and facilitating detention and interrogation policies.

While the exact nature of health professional involvement and the identity of those who participated in interrogations remain unclear, the ICRC report is consistent with allegations that the health professionals were working in collaboration with CIA interrogation teams. The ICRC report, based on access to the CIA's "high-value detainees," states that health professionals supervised and facilitated interrogation practices that included beatings, exposure to temperature extremes, forced stress positions, and waterboarding. The report concludes that "the interrogation process is contrary to international law and the participation of health personnel in such a process is contrary to international standards of medical ethics." The ICRC report also finds that "their primary purpose appears to have been to serve the interrogation process, and not the patient. In so doing the health personnel have condoned, and participated in ill-treatment."

PHR urges your Committee to scrutinize the role of health professionals and their complicity in facilitating the torture regime. When Bush Administration officials decided to ignore the Geneva Conventions and institute a program of “enhanced” interrogation they turned first not to lawyers but to psychologists. One of the first steps DoD and CIA officials took in late 2001, according to the Senate Armed Services Committee report released last week on detainee treatment was to solicit information on detainee exploitation from the military’s Survival, Evasion, Resistance and Escape program, SERE, to find methods of physical and psychological coercion that they could “re-purpose” against detained terrorist suspects. The legal authorization for torture relied on the unsound and unethical advice of health professionals, to justify the conclusion that SERE methods did not violate the legal prohibition against torture. For example, the August 1, 2002 memorandum released earlier this month signed by Jay Bybee (“Interrogation of al Qaeda Operative”), bases its legal conclusions on consultations with “a medical expert with SERE experience,” “outside psychologists,” and “a number of mental health experts.” Some psychologists turned out to be all too willing to cooperate with the Defense Department, setting in motion a process that eventually pulled in psychiatrists and other health professionals in both DoD and CIA interrogation programs and led to ethical and perhaps criminal violations that have stained the reputation of the health professions.

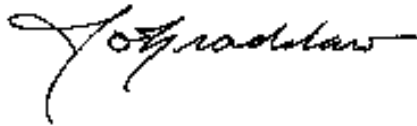
Health professionals, who are collectively held in highest regard by the American public, had the power to stop the torture regime before it started. If those who were recruited by the DoD and the CIA had refused to lend their expertise to constructing a system of harsh psychological coercion, the program would not have been able to move forward quickly toward its goal of “breaking” detainees. Once the psychological basis for the “enhanced” interrogation program had been established, psychologists, psychiatrists and other doctors were enlisted to monitor and help implement the program. This misuse of knowledge represented a fundamental perversion of the healing and therapeutic function of the health professions, violating medical ethics and the overriding ethical duty to “do no harm.”

PHR has long called for the creation of an independent, non-partisan Commission to broadly investigate U.S. detention and interrogation practices and to specifically shine a light on the role of health professionals in this process. In parallel to any such Commission, we support the SSCI in its ongoing investigation focused specifically on the CIA. The Committee should look at the role health professionals played in the design of abusive interrogation techniques, their failure to document evidence of harm perpetrated against detainees and violations of doctor-patient confidentiality that enabled the use of information gathered in the course of treatment for intelligence purposes. By officially investigating the behavior of medical and psychological personnel, the wrongs of the past can be uncovered, addressed and prevented from recurring. Appropriate discipline for ethical misconduct should be handled by state licensing boards; if the Committee discovers evidence that crimes have been committed that information should be pursued.

The enormous prestige of the health professions in this country was earned over many decades, in part by adherence to a strict set of ethical standards. The participation of

some health professionals in ethically disturbing and even criminal behavior while engaged with the national security apparatus serves to erode that high standing, especially if their actions are not investigated and corrected. We have urged the medical and health professions to step up and support investigations, such as yours, that will move toward a restoration of the highest moral and ethical standards, rooted in the respect for human dignity. We look forward to consulting with you and your staff about this issue.

Sincerely,



John C. Bradshaw
Washington Director
Physicians for Human Rights