



Call for an APA Moratorium Resolution

Executive Committee

Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division

48

April 2007

The Executive Committee of the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 of the APA (American Psychological Association) calls on the APA to adopt a Moratorium Resolution on Psychologist's Involvement* in Interrogations at US Detention Centers for Foreign Detainees and Individuals Identified as "Enemy Combatants" under the Military Commissions Act of 2006.

The Executive Committee affirms that:

In August 2006, the APA passed the [Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#), which reaffirmed the APA's long-standing commitment to basic human rights including its position against torture and other cruel, inhuman, or degrading treatment or punishment.

The [2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#) reaffirmed APA's support of the McCain Amendment (specifically its reference to United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture(1)) and defined cruel, inhuman, or degrading treatment or punishment as actions that constitute violations of the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States(2). The Fifth and Fourteenth Amendments to the Constitution of the United States include guarantees that no person shall be "deprived of life, liberty, or property, without due process of law." The inclusion of an internationally documented definition of "cruel, inhuman, or degrading treatment" in addition to the internationally accepted definition of "torture" is of critical importance. It underscores the broad and inclusive scope of the 2006 Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The Executive Committee further affirms that:

The American Psychological Association (APA) is an accredited NGO at the United Nations (UN) and as such is committed to the spirit, purposes, and principles of the UN and other relevant UN instruments (e.g., Universal Declaration of Human Rights(3), Basic Principles for the Treatment of Prisoners(4), the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment(5), and the International Covenant on Civil and Political Rights (ICCPR)(6)).

The United Nations Human Rights Council in 2006 stated, "the United States has the obligation to fully respect the prohibition of torture and ill-treatment. The Special Rapporteur on torture notes the reservations to the Convention and ICCPR made by the United States, indicating that it considers itself bound by the prohibition of cruel, inhuman and degrading treatment only to the extent that it means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth and/or Fourteenth Amendments to the Constitution of the United States" (p. 14-15).

The 2006 United Nations Human Rights Council has determined that indefinite detention constitutes "inhuman" treatment. The report states "uncertainty about the length of detention and prolonged solitary confinement, amount to inhuman treatment and to a violation of the right to health as well as a violation of the right of detainees under article 10, paragraph 1, of ICCPR to be treated with humanity and with respect for the inherent dignity of the human person" (p. 24).

The 2006 United Nations Human Rights Council has called for the immediate closure of the U.S. detention facilities at Guantanamo Bay and called for an immediate cessation of "all special interrogation techniques authorized by the Department of Defense" (p. 25).

The Executive Committee further affirms that:

As stated in the APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, torture victims and victims of other cruel, inhuman, or degrading treatment or cruel, inhuman, or degrading punishment may suffer from long-term, multiple psychological and physical problems (e.g., Carlsson, Mortensen, & Kastrup, 2005; Gerrity, Keane, & Tuma, 2001; Hermansson, Timpka, & Thyber, 2003; Kanninen, Punamaki, & Qouta, 2003; Somnier, Vesti, Kastrup, & Genefke, 1992).

Prisoners held without due process of law, particularly indefinite detention, may suffer long-term psychological harm and related harms (Morishima, 1982; Potts, 1994; Robbins, MacKeith, Davison, Kopelman, Meux, Ratnam, Somekh, & Taylor, 2005)

The Executive Committee further affirms that:

In October 2006, the United States government through the Military Commissions Act(7) declared that certain people held at detention centers are "enemy combatants." As such, these detainees are not guaranteed human rights protections, particularly in relation to due process, and possibly humane interrogation techniques, as established under the Geneva Conventions and other UN documents, treaties, conventions, and protocols that protect the human rights of people without exception.

Current interrogation methods at U.S. detention centers may now legally include techniques defined as torture or other cruel, inhuman, or degrading treatment or punishment under the [2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#) due to changes in the Federal Code resulting from the Military Commissions Bill of 2006.

Psychologists working in U.S. detention centers may be at risk due to an expectation that they can make judgments outside of their area of expertise. The legality of interrogation techniques and whether a particular technique constitutes a violation of law (e.g., whether a technique is abusive or not) is the role of legal counsel. Currently, psychologists are asked to insure that interrogation techniques are non-abusive, safe, and legal. This represents a position outside of their area of training and expertise and is a by-product of the lack of detainee due process of law.

Psychologists working in U.S. detention centers may be at risk (ethically and psychologically) for involvement in interrogations interpreted as legal under U.S. law but inclusive of torture and other cruel, inhuman, or degrading treatment or punishment as defined under international law and the [2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#).

Therefore, the Executive Committee affirms:

Whereas U.S. detention centers are currently in violation of the UN Universal Declaration of Human Rights, the UN Basic Principles for the Treatment of Prisoners, and the UN

International Covenant on Civil and Political Rights by denying due process of law to prisoners. Additionally, U.S. detention centers are currently in violation of the UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment specifically, United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture and the Geneva Conventions.

Whereas U.S. detention centers currently deny prisoners due process of law (e.g., legal representation and subjected to indefinite incarceration) as defined by the Fifth, Eighth, and Fourteenth Amendments of the U.S. Constitution.

Whereas, as defined by the [2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#), the existing context of U.S. detention centers currently constitutes cruel, inhuman, or degrading treatment of prisoners.

Whereas, under the Military Commissions Act of 2006, interrogation techniques may now legally be used against detainees that represent violations of the [2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#).

Be it resolved that the Executive Committee of the Society for the Study of Peace, Conflict, and Violence: Peace Psychology Division 48 of the APA (American Psychological Association) calls on the APA to adopt a Moratorium Resolution on Psychologist's Involvement in Interrogations at US Detention Centers for Foreign Detainees and Individuals Identified as "Enemy Combatants" under the Military Commissions Act of 2006.

Be it resolved that the Executive Committee calls on the APA to more broadly publicize and highlight the full import of the [2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment](#).

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* The Executive Committee of the Society for the Study of Peace, Conflict, and Violence wants it to be clear that this Call for a Moratorium is not intended as an indictment of psychologists currently working within military settings. Rather, this Call for a Moratorium is an expression of concern for the well-being of prisoners at U.S. Detention Centers for foreign detainees identified as "enemy combatants" under the Military Commissions Act of 2006 and also the well-being of psychologists in such settings. The Call for a Moratorium is furthermore, and most importantly, based on the reality that the setting alone is one defined by the UN Human Rights Council, the United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture, and the 2006 APA Resolution Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as "cruel, inhuman, or degrading."

Endnotes

1. United States Reservation I.1 of the Reservations, Declarations and Understandings to the United Nations Convention Against Torture (<http://www.unhchr.ch/html/menu2/6/cat/treaties/convention-reserv.htm>) stating, "the term 'cruel, inhuman or degrading treatment or punishment' means the cruel, unusual and inhumane treatment or punishment prohibited by the Fifth, Eighth, and/or Fourteenth Amendments to the Constitution of the United States."
2. Amendments V, VIII, and XIV of the U.S. Constitution.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

3. UN Universal Declaration of Human Rights, <http://www.un.org/Overview/rights.html>
4. Basic Principles for the Treatment of Prisoners (<http://www.ohchr.org/english/law/basicprinciples.htm>) is a UN Human Rights Instrument adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990. It contains the minimum standards for treatment of prisoners as human beings as set forth in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol.
5. The United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (http://www.unhchr.ch/html/menu3/b/h_cat39.htm) is an international human rights instrument intended to prevent torture and other similar activities. According to the Convention, torture is defined as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions." The Convention also created the UN Committee Against Torture, which focuses on the duties of national leaders to serve in a preventive role concerning the use of torture and other cruel, inhuman, or degrading treatment or punishment.
6. The United Nations International Covenant on Civil and Political Rights - <http://www.ohchr.org/english/law/ccpr.htm>
7. The Military Commissions Act of 2006 - http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s3930enr.txt.pdf

To download a copy of this statement in PDF, [click here](#).

[Resources concerning the use and effects of torture](#)

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