The Role of Psychologists at Guantanamo Bay

Psychologists began working at Gitmo as key members in Behavioural Science Consultation Teams (BSCTs) that consist of psychologists, psychiatrists and physicians. These teams were reportedly “essential in developing integrated interrogation strategies and assessing interrogation intelligence production” (Miller, 2003, p. 5). A U.S. Senate Committee on Armed Services report (USSCAS; 2008) listed psychologists’ tasks as including: conducting detainee file reviews to construct personality profiles, providing recommendations for interrogation strategies, and observing interrogations and providing feedback (USSCAS, 2008). Although prominent APA officials (i.e., Brehm, 2007; Levant, 2007) have insisted that the psychologists’ role was to ensure that EIPs were safe and humane, evidence accumulated over the last 10 years demonstrates that this was not the case. For example, it was revealed that psychologists reviewed detainee medical files to inform the development of EIPs that would exploit detainees’ emotional and physical vulnerabilities in order to facilitate dependence and compliance (USSCAS, 2008; Miles, 2006). Therefore, even psychologists’ most pedestrian tasks at Gitmo were, prima facie, in gross violation of basic health care ethical principles. Unfortunately however, other evidence suggests that these violations were only the tip of the iceberg.

According to the USSCAS report (2008), psychologists were trained in the use of Survival Evasion Resistance (SERE) techniques when they arrived at Gitmo. These techniques were originally developed to train U.S. soldiers to withstand torture by enemies who did not abide by the Geneva Conventions, and as part of the training they would be exposed to various forms of torture to help them establish a physical and psychological tolerance to it (DoD, 2006; USSCAS, 2008). At Gitmo, SERE techniques were integrated into psychologists’ interrogation methods and served an offensive rather than defensive function. They were essentially used to break down detainees physically, emotionally and psychologically and included: stress positions, water-boarding, sleep deprivation, sensory deprivation, walling, exposure to extreme cold, lengthy isolation, forced nudity and sexual and religious humiliation (Benjamin, 2007; Eidelson, 2010; USSCAS, 2008).
Some of the interrogation techniques developed by psychologists were derived solely from the SERE training that they received, while others were developed independently. For example, an interrogation memorandum co-written in 2002 by a former Gitmo psychologist proposed three categories of techniques. The first included incentives and "mildly aversive approaches" (i.e. telling the detainee they would be at Guantanamo forever unless they cooperated), the second included stress positions, isolation, and food deprivation for 12 hours, and the third included strict isolation (without the right to medical care), food deprivation for 24 hours, forced nudity and exposure to cold (Reiner v. NY State Board of Psychology, 2010).

Aside from devising interrogation strategies, psychologists also played more active roles during interrogations. For example, in October 2002, a psychologist oversaw the use of a barking dog to elicit fear in a detainee during an interrogation and on November 27, 2002 advised interrogators on how to deprive him of sleep (Miles, 2007; Reiner v. NY State Board of Psychology, 2010). Another former Gitmo psychologist and senior BSCT member also oversaw interrogations and admittedly watched as interrogators attempted to wrestle a detainee into a pink nightgown after they adorned him with pink panties, a pink wig and lipstick (James, 2008, p.50-51). According to public records, abuses such as this were common practice and included: beatings, sleep deprivation, extreme isolation, rape threats, exposure to loud noise, sexual humiliation, forced nudity and painful body positions (Bond et al. v. Ohio State Board of Psychology, 2010; Khadr, 2008).

Such abuses were also directed at adolescent detainees (Khadr, 2008; Psychologists for an Ethical APA, 2008). For instance, court documents reveal that a juvenile detainee was subjected to emotional abuse, sleep deprivation and isolation on the advice of a psychologist, which ultimately led him to attempt suicide (Psychologists for an Ethical APA, 2008). Detainees at Gitmo were kept under the premise of indefinite detention for years even if they had not been charged with a crime, and they were denied legal counsel.

**Ethical Implications**

Much of the controversy surrounding psychologists’ participation in EIPs at Gitmo has been about the ethical implications of their practices, and whether or not their behavior is in violation of the ethical and legal principles with which they are expected to comply. In terms of their compliance with the American Psychological Association’s (APA) Ethical Principles of Psychologists and Code of Conduct (2003), the answer is somewhat murky. Under ordinary circumstances, it is clear that psychologists would first and foremost be in violation of “Principle A” which states that “Psychologists take care to do no harm”. However, in August 2002, right before Gitmo opened, revised ethical standard 1.02 was introduced which states that, “if psychologists’ ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists make known their commitment to the Ethics Code and take steps to resolve the conflict. If the conflict is unresolved via such means, psychologists may adhere to the requirements of the law, regulations or other governing legal authority” (APA, 2003). In other words, psychologists may disregard the “do no harm” policy during situations in which they choose to follow orders. Therefore, according to standard 1.02, psychologists at Gitmo were not behaving unethically; however, the standard in and of itself is highly unethical and essentially resurrects the “just following orders” excuse for mistreatment of patients from Nuremberg.

In 2005, the APA developed a task force on Psychological Ethics and National Security (PENS) to address growing concerns over psychologists’ roles in EIPs. They ultimately decided that psychologists may serve as a “consultant to an interrogation in a manner that is consistent with the Ethics Code” (APA, 2005). Given that Ethics Code 1.02 remained unchanged, this statement merely gave psychologists permission to follow an unethical variant of a once ethical code. This lack of action was not surprising given that among the 10 task force members were two SERE psychologists, a CIA psychologist, a former chief BSCT psychologist and two employees of the Department of Defense’s Counterintelligence Field Activity (CIFA) (Coalition for an Ethical Psychology, 2008).

In 2007, APA president Sharon Brehm issued a statement to the Washington Monthly stating that “…having psychologists consult with interrogation teams makes an important contribution toward keeping interrogations safe and ethical” (Brehm, 2007). Despite, this position however, it is clear that several other APA Ethics Code elements were violated by Gitmo psychologists in addition to the “do no harm” principle.

Firstly, they did not comply with their duty to report ethical violations in accordance with APA standard 1.05. For example, witnessing of torture during an interrogation was not reported by one psychologist, nor was the use of a barking dog during the interrogation for which another psychologist was present. Secondly, it goes without saying that psychologists did not obtain proper informed consent from either adult or juvenile detainees before ‘treating’ them, and were therefore in violation of APA standard 3.10. Thirdly, psychologists failed to keep adequate records in accordance with APA standard 6.01, given that they did not consistently document contacts with detainees. Fourthly, another psychologist was apparently in violation of APA standard 4.07, by disclosing personally identifiable information of three juvenile detainees in his book “Fixing Hell” (James, 2008).

In addition to violating ethical principles, Gitmo psychologists’ actions were also in violation of the UN Convention Against Torture (UN, 1984), Common Article 3 of the Geneva Conventions (1949), and the UN Convention on Rights to a Child (UN, 1989). Therefore, it is clear that psychologists were not serving a protective function at Gitmo.

**APA’s Response**

Since evidence of psychologists’ participation in torture was brought to light, considerable outrage by APA members has been expressed. In 2006 the group Psychologists for Social Responsibility (PSYSR) called for the closure of Guantanamo Bay (PSYSR, 2008) and in 2009 Psychologists for an Ethical APA (PEAPA) circulated a petition asking other APA members to resign because of the organization’s failure to put forth acceptable ethical standards of professional conduct (i.e. Standard 1.02) and failure to reprimand unethical psychologists (PEAPA, 2009).
It is arguable that the APA's lack of action may be a reflection of their close financial relationship with the military and Department of Defense, as they have received millions of dollars in funding from them since psychologists became involved with EIPs in 2002 (Davis, 2008). In 2008, for example, the APA reported receiving approximately $36 million annually from the Department of Defense (DOD) (De Angelis, 2008). Therefore, there is a clear conflict of interest between the APA and the aforementioned government agencies. While the APA is responsible for judging the ethical conduct of their members who are employed at U.S. detention centers such as Gitmo, they also have a vested financial interest in complying with the expectations of the agencies in charge. Therefore, one is left to wonder whether this is influencing their decision to allow psychologists to continue to work at Gitmo and preventing them from reprimanding those who have apparently grossly violated ethical principles.

To date, the APA is the only professional organization under scrutiny that has not officially barred its members from working at Gitmo. In 2006, both the American Medical Association (AMA) and American Psychiatric Association did just that (AMA, 2006; American Psychiatric Association, 2006).

In 2008, an APA resolution was passed which stated that "psychologists may not work in settings where persons are held outside of or in violation of international law...or the U.S. Constitution...unless they are working directly for the persons being detained or for an independent third party working to protect human rights" (APA, 2008). This resolution became part of official policy; however, it was not integrated into the ethics code and was therefore not enforceable (Eidelson, 2009).

In 2010, APA ethics code 1.02 was finally amended to state that "under no circumstances may this standard be used to justify or defend violating human rights" (APA, 2010). Although this holds psychologists to a higher ethical standard, it still does not explicitly bar them from working at Gitmo, and therefore leaves room for the code to be ignored or subjectively distorted in the name of protecting national security.

**Psychologists' EIPs and National Security**

Given that the inhumane conditions at Gitmo are well-known and psychologists are still permitted to work there, the question now becomes whether such participation can be justified on the basis of protecting the national security of the United States and allied nations. Indeed this has been the stance of those who support the presence of psychologists there. For example, APA president-elect Gerald Koocher stated in an e-mail to the PENS list serve, “The goal of such psychologists work will ultimately be the protection of others by contributing to the incarceration, debilitation, or even death of the potential perpetrator” (Koocher, 2005). Former navy SERE psychologist and PENS taskforce member Bryce Lefever also agreed, stating, “America happens to be my client. Americans are who I care about. I have no fondness for the enemy and I don’t feel like I need to take care of their mental health needs” (Lefever, 2009) (Eidelson, 2009).

In terms of this argument, it is important to consider whether the torturous methods implemented at Gitmo have in fact been effective at extracting valuable intelligence information and saving lives. A recent United States Senate Report based on the review of millions of pages of CIA records revealed that there was little evidence to suggest that EIPs implemented at Gitmo were effective in extracting terrorism related information and that these techniques produced far more information that was false than true (Hosenball, 2012). Consistent with this report, several cases have come to light in which detainees were determined to have made false confessions as a result of torture (Fouad Mahmoud Al Rabiah et. al v. United States et. al, 2009; Saki Bacha and Mohammed Jawad et al. v. Barack Obama et al., 2009). Therefore, it appears that the strategies developed and overseen by Gitmo psychologists have not been as effective at improving national security as they claim or hope them to be.

Other information also reveals that the Gitmo population was not, and is not, even primarily comprised of enemy combatants in the first place. For instance, according to an analysis of DoD data on 517 detainees, most were determined to have not committed any hostile acts against the United States or its Allies and only 8% were classified as Al Qaeda fighters, with the remaining detainees having no ties to Al Qaeda whatsoever (Denbeaux et al., 2006). Additionally, it was revealed in over 700 Gitmo detainee files recently released to major news outlets by Wikileaks that the vast majority of detainees were not deemed to be of high terrorist threat to the U.S., and approximately 150 were innocent (Hope, Winnett, Watt & Blake, 2011). Furthermore, of the “high threat” detainees, many were classified as such based on information obtained from other prisoners via torture, which renders this classification highly questionable (Gjelten, Temple-Raston, Williams, 2011; Worthington, 2011).

Regardless of the validity of the classification, close to 200 “high threat” detainees were in fact released or transferred to other countries rather than kept at Gitmo for further interrogation (Gjelten et al., 2011) while 87 of those cleared for release by president Obama years ago are still currently being held (Worthington, 2012). Therefore, it appears that contrary to common perception, the Gitmo population is not comprised of hardened terrorists who possess valuable information, and many “not guilty” detainees are still there.

There is also evidence which suggests that EIPs were implemented at Gitmo to gather information unrelated to terrorism. For example, declassified government documents reveal that health care professionals monitored and gathered data during EIPs in order to learn more about the effects of these procedures (PHR, 2010). During interrogations involving multiple torture
techniques, for example, data was collected to determine the effects of implementing techniques simultaneously versus sequentially, and determine which was more effective at increasing subjects’ susceptibility to severe pain. Data was also collected during interrogations involving sleep deprivation to determine the effects of this technique and develop a more effective sleep deprivation policy (PHR, 2010). The implementation of EIPs for experimental purposes is corroborated in the Senate report (USSCAS, 2008) in which Gitmo officials Maj. Gen. Mike Dunleavy and Maj. Gen. Geoffrey Miller referred to Gitmo as a “battle lab” and stated that “interrogations and other procedures there were to some degree experimental, and their lessons would benefit [the Department of Defence] in other places.”

Additional claims of human experimentation were also made by a former Gitmo detainee who alleged that detainees were forced to take mysterious injections and unknown medication with negative side effects, which detainees believed were experimental (Impey, 2011). Thus, it is apparent that although EIPs at Gitmo were not effective at extracting terrorism related intelligence information, they were useful for unethically obtaining experimental data. These practices are eerily reminiscent of some of the well-known travesties that occurred during World War II.

**Conclusion**

Overall, it is clear that psychologists have committed gross ethical violations via their participation in EIPs at Guantanamo Bay. It is also clear that, although there is great outrage from fellow psychologists and concerned citizens, their behaviour is being largely ignored by professional psychological organizations, particularly the APA. The APA’s 2010 amendment does offer some restriction on the role that psychologists can play in these EIPs; however, it does not explicitly bar them from working at Guantanamo and thus leaves room for further ethical violations, and the turning of a blind eye.

It is also apparent that there is little evidence to suggest that psychologists’ participation in EIPs is benefiting national security. Rather, it appears to be helping North American governments acquire knowledge on how to most effectively control and demoralize the “enemy”, wherever and however defined.

**References:**


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