

# Physicians for Human Rights

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://phr.org/our-work/resources/from-nuremberg-to-guantnamo-u-s-moral-leadership-fades/>

## Public Facing Advocacy Writing

By [Kerry J. Sulkowicz, MD](#).

Seventy years ago this month, an American military tribunal initiated the first of 12 criminal cases against Nazi doctors for committing war crimes and crimes against humanity in the name of medical science. Held in Nuremberg, the trials [charged doctors](#) for their participation in murder, torture, and other atrocities, including experimenting on prisoners and killing those the Nazis deemed unworthy of life, including people with mental and physical disabilities.

As a psychiatrist and the child of Holocaust survivors, I struggle to fathom how a doctor sworn to do no harm could inflict such incredible pain and suffering on another human being. And yet we know today that in the post-9/11 period, doctors and other health professionals were instrumental in designing and implementing the U.S. torture program that [destroyed](#) thousands of lives and has undermined the moral standing the United States assumed in the postwar period.

In the wake of World War II, those responsible for some of the war's worst crimes were tried before the International Military Tribunals for Germany, known as the Nuremberg Trials, and the Far East, known as the Tokyo Trials. The U.S. government was the leader in pushing for justice, recognizing the importance of a full accounting of the crimes, justice and reparation for the victims, and accountability of those responsible.

In fact, the seeds of modern research ethics and human rights protections, including the Nuremberg Code banning nonconsensual medical experimentation and the conventions against genocide and torture, were first sowed in these years after the war. As people like my parents emerged from the camps, these international compacts were meant as a promise: the horrors you and your families endured must never happen again. And the perpetrators will be held accountable for their crimes.

But after 9/11, something shifted. Using national security as an excuse, the United States broke the promises it had made to uphold human rights and instead engaged in a secret, illegal torture program. And even after President Obama banned the worst of the torture practices upon assuming office, none of those who designed or implemented that program have been held accountable for their crimes.

The U.S. government's failure to pursue justice stands in sharp contrast to its undisputed leadership in promoting justice and accountability for the victims of World War II and its support for the UN Declaration of Human Rights, which captured the vision of a world in which people live free from fear and want.

Instead, the U.S. government is now using every tool at its disposal to prevent the victims of torture from accessing justice and a complete accounting of their suffering while in U.S. custody from the hell of the CIA's Dark Prison black site in Afghanistan to the Kafkaesque world of Guantanamo.

Perhaps nothing is more a betrayal of the spirit of Nuremberg than the willingness of American medical and health professionals to torture detainees and the ongoing cover-up of such crimes. Health professionals were involved in the torture program from the beginning, including two psychologists who undertook [experiments](#) in torture on detainees to test its effectiveness. For a fee of \$81 million, psychologists James Mitchell and Bruce Jessen helped subvert medical ethics and, in the process, ruined lives.

Instead of being held accountable for his actions, James Mitchell is on a book tour attempting to reargue that techniques like waterboarding are not torture despite the fact that the United States convicted several Japanese soldiers for waterboarding U.S. prisoners after World War II. Waterboarding is torture and torture is a crime, one that destroys the very fabric of a rights-respecting society.

With a president-elect poised to take office and threatening to bring back waterboarding and much worse, it is crucial that the current administration act now to preserve and [declassify](#) all the evidence of these crimes committed by the CIA and the U.S. military, including those committed by health professionals who breached their ethical duties. It is an absolutely necessary step for the United States to begin to regain its moral authority in the world.

After the war, the U.S. government didn't try to shield its eyes from atrocities. Rather, during the Doctors Trial, the United States was willing to look perpetrators in the face and reckon with the past. It's time to reassume the mantle of leadership and not shy away from the truth. We owe it to all the victims of warfare and atrocities.

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