

# Physicians for Human Rights

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

<https://phr.org/our-work/resources/an-81-million-betrayal-of-medical-ethics/>

## Public Facing Advocacy Writing

By [Donna McKay, MS](#)

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What would you be willing to do for \$1 million? Most of us would probably do something foolish or embarrassing. In Afghanistan, in the aftermath of the attacks of September 11, 2001, many Afghans sold out their neighbors for bounties offered by the United States for terrorists. Psychologists James Mitchell and Bruce Jessen designed and implemented a torture program for the CIA for more than \$1 million each, \$5 million in indemnity against legal liability, and [\\$81 million](#) for the firm they established Mitchell, Jessen, & Associates. That \$5 million indemnity payment was a tacit recognition that in designing and implementing a torture program, Mitchell and Jessen were breaking the law and that should this come to light, they might need some money to defend themselves. The ethically challenged psychologists, wanting to prove the effectiveness of their methods of torture, tested the theory of learned helplessness on human beings.

[Thanks to the ACLU](#), Mitchell and Jessen are now facing the possibility of some form of accountability for their crimes. It is a scandal that the U.S. government engaged in the torture of people it detained in some cases on the flimsiest of evidence. But it is equally appalling that health professionals, who took an oath to do no harm, used their training to both help build the program of torture as well as justify its use.

Mitchell and Jessen conducted unethical research and experimentation in an attempt to test the purported safety and effectiveness of their theories and tactics. Engaging in torture-related experiments on human beings violates the absolute prohibition against torture and ill-treatment in both domestic and international law. Their abhorrent actions violate the [Nuremberg Code](#), which prohibits any health professionals from engaging in human experimentation without the full and informed consent of the subjects. Their actions also rank among the worst medical crimes in U.S. history.

As the name indicates, this code was drafted in the aftermath of the revelations of horrific forms of experiments conducted on people held in Nazi concentration camps. The name of [Josef Mengele](#) is reviled for his association with these experiments that turned human beings into objects to be used and forced to suffer for his edification.

The United States does not have clean hands on this issue. The infamous [Tuskegee study](#), in which medical professionals studied the impact of syphilis on African-American men while withholding treatment, is a shameful chapter in the history of the U.S. medical profession. Similar to the men held in U.S. detention facilities, black men in the United States have been so vilified that trained health professionals came to see them as objects to be harmed with impunity.

Such actions are a betrayal of the fundamental trust that is required between health professionals and those whom they treat a trust based on informed consent.

Mitchell and Jessen's recommended torture system was designed to destroy the victims' sense of autonomy and control the theory being that it would make them more compliant to their interrogators' demands. The methods they employed included waterboarding, being forced into stress positions and denied sleep for days, being stripped naked and plunged into ice water repeatedly, being slammed into walls while at the end of a choke collar, mock burials, rectal feeding, and sensory deprivation to name a few.

The U.S. government, trying to claim legitimacy even as it undermined well-established international human rights and humanitarian law, renamed these forms of torture enhanced interrogation techniques. The U.S. Department of Justice argued that because psychologists attested to the effectiveness and safety of these methods, the program was legal. For an \$81 million contract with the CIA, Mitchell and Jessen provided a veil of legitimacy for torture.

Torture is defined as the [deliberate infliction of severe pain or suffering](#). Safety and effectiveness of acts of torture are not a defense.

Mitchell and Jessen have added their names to the hall of shame of health professionals who don't just harm people, but turn them into objects. The names of other health professionals who colluded in torture or failed to report it remain hidden behind the U.S. government's shroud of secrecy around its counter-terrorism policies. However, national security laws were never intended to cover up unlawful actions by the government. A comprehensive investigation is needed regarding the complicity of Mitchell and Jessen and all other health professionals in U.S. torture. The public's trust in the healing professions can only be restored through accountability.

Hopefully, the ACLU's case against Mitchell and Jessen will be a critical step toward greater transparency and, ultimately, accountability for those who have done so much to undermine ethical standards within the health profession and broken both U.S. and international laws against torture and human experimentation.

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