**Review of the report:**

**“Nuremberg betrayed: Human Experimentation and the CIA Torture Program” by the Physicians for Human Rights (**<http://physiciansforhumanrights.org/assets/multimedia/phr_humanexperimentation_report.pdf>**)**

**Review by:**

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**Background:**

The report ‘Nuremberg betrayed’ by the Physicians for Human Rights (PHR) describes the enhanced interrogation conducted by the Central Investigation Agency (CIA) of the USA on the detainees following 9/11 attacks. The CIA’s program of “enhanced interrogation” was derived from the US Military’s program “Survival, Evasion, Resistance and Escape” (SERE) which is taught to military personnel to be able to resist interrogation and torture if they became detainees and increase their resilience. The techniques included milder forms of torture on subjects who were ‘volunteers’ from the US military; who could stop the torture any time if they wished. The risk of harm was significant; but precautions were in place.

The CIA aimed to demonstrate “efficacy” and “safety” of torture and to “improvise” torture techniques for collection of intelligence. The intervention included systematic, multiple, harsh torture techniques of far greater severity and longer duration, repeatedly inflicting uncontrollable suffering. This would break them psychologically, disrupt their resilience, induce learned helplessness and result in compliance to interrogation. The CIA received permissions of the department of Justice and the Office of Legal Counsel (OLC) to conduct enhanced and abusive interrogation against international agreements to protect prisoners of war.

The PHR is a non-governmental organization; a global watch dog on human rights violations. The PHR report condemns CIA’s state-sponsored torture on grounds of humanitarianism, research and medical ethics; even if it be euphemistically garbed under phrases like “enhanced interrogation techniques”. The authors disclaim that the whole picture is still not clear, as many more documents are inaccessible.

**Violation of human rights**

Torture or ‘inflicting pain for gain’ amounts to violation of human rights and dignity. However, varying degrees of torture are practised by the states under the justification that it is obliged to protect its sovereignty and welfare of citizens. Is it not utilitarian to ensure the national security, even if it is at the cost of the rights and dignity of a few? Should a human being not lose the claim on human right, after having committed or abetted an act of terror leading to harm or loss of life of many? Yes, in such situations, torture may seem essential; but are the CIA’s extreme techniques of torture justifiable? In a terror attack like 9/11, it may; but pause! On deeper reflections on humanitarian angle, such arguments may seem facetious.

**Violation of research ethics**

‘Torture’ as a counter terrorism measure needs to be contrasted from ‘torture’ as a research intervention. Although based on SERE, the CIA’s improvisation of torture methods was done by psychologists to prove a hypothesis using specific methodologies of interventions on human subjects; the response was measured and analysed for dissemination. Does this not qualify to be a research? If yes, then several serious reflections are crucial: Was the CIA’s hypothesis that torture leads to collection of accurate intelligence appropriate and scientific? Was the purpose and methodology legitimate? Was the protocol approved by an independent ethics committee? Were guidelines of research to protect participants from harm followed? Were the researchers trained in conducting such research and minimize harms? Was there an informed consent process? Were the detainees not ‘vulnerable’ non-consenting subjects? Was it driven by pressures of politics? Was there not a conflict of interest of the psychologists who got significant financial gains? Was the state and legal machinery supporting an unscientific unethical research in the name of national security? Was the research transparent and available for scrutiny? In the post-Nuremberg period, this is far from being justified.

**Violation of medical ethics**

“First-do-no-harm’ was disremembered. CIA directed medical persons to conduct, monitor and calibrate pain. They had the ethics violating duty to indemnify torture and make it “safe”. Doing so or even being present during harmful intervention is against the ethics of medicine and is a blatant transgression of all international agreements and completely flies in the face of the Nuremberg code and the Belmont report.

**Lessons to learn**

The CIA’s program creates a déjà vu. Are Nazi experimentations reincarnating? What does one learn from the behaviour of the US government, legal and healthcare system? Many documents are inaccessible to study. Nevertheless, from whatever has emerged, the US government seems to have crossed the boundary of humanitarianism, and irrevocably stepped far out on the “slippery slope”.

The healthcare professionals need to urgently ensure strategies against recurrences in the future or at the least provide an opting out system from being party to unethical research, without prejudice to their rights and freedom.

What followed next was that many of the detainees were released as ‘innocent’ under changed laws and policies; which means that the research on torture techniques had actually were conducted on the ‘innocent’; the harm caused cannot be undone. Blackstone ratio, the old adage echoes back at the US government – “*It is better that ten guilty persons escape than that one innocent suffer*”.