

PSYCHOLOGISTS FOR SOCIAL RESPONSIBILITY

Psychologists for Social Responsibility Statement on the Right to Rehabilitation for Survivors of Torture

Psychologists for Social Responsibility (PsySR) is an organization that works extensively on social justice issues. One area of focus is anti-torture actions in the United States. These efforts include advocating for accountability and changes in policy on the part of governments and professional organizations, including the role of psychologists in national security settings such as Guantanamo Bay and CIA black sites. PsySR members actively oppose the use of torture at any time for any purpose.

As a signatory to the 1984 United Nations Convention against Torture, ratified in 1994, the United States has an obligation to prevent torture and to ensure the right to rehabilitation to victims of torture perpetrated by the State. Yet, the 2015-2016 annual report from Amnesty International documents 122 countries practicing torture and other forms of cruel and inhumane treatment and punishment — including the United States. The Senate Select Committee on Intelligence study of the CIA's Detention and Interrogation Program brings to light multiple human rights violations and concludes that "The interrogations of CIA detainees were brutal and harsher than represented to policymakers and others."

With a failure to prevent torture, the United States now has an obligation to provide access to rehabilitation.

Health providers understand the profound and long-term consequences of torture that include injury-related conditions, chronic pain, headaches, sleep disturbances, anxiety disorders, persistent feelings of fear, helplessness and hopelessness, and depression. Many victims of torture suffer from Post-traumatic Stress Disorder that can persist throughout a person's lifetime and can be transmitted within families and across generations. Thus, access to comprehensive rehabilitative services is critical for victims of torture and other human right violations and their families. The consequences of torture are far reaching and extend to communities and societies.

As a nation, we are faced with many challenges. One egregious issue is the history and ongoing abuse of detainees at Guantanamo, many who have been tortured. The vast majority have never been charged with a crime. Many were wrongfully picked up and detained. Regardless of the reasons for apprehension, torture violates international law. The torture and maltreatment of Guantanamo detainees has included waterboarding, sleep deprivation, isolation, extreme temperatures, painful positional shackling, threats and humiliation with dogs.

We know that such treatment results in persistent, painful and disabling mental health consequences. Some victims have developed chronic medical conditions secondary to physical maltreatment. A case example is Mr. Mustafa al-Hawsawi, who was sodomized with foreign objects resulting in serious rectal damage and persistent health problems. Yet he remains at Guantanamo. As of January 2017, the great majority of detainees have been released, repatriated or resettled. Many have reported serious and chronic mental health complaints that are shrouded in shame, but they are without access to trauma-informed care. The lack of services for these survivors is damaging and unacceptable.

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Refugees and asylum seekers being resettled in the United States include torture survivors among their numbers. Sometimes their histories have not been identified until they present with serious health issues. Identification and access to specialized rehabilitative services is a right of refugees and asylum seekers who have suffered human right violations in the context of war, including sexual violence. It is a matter of sound medical and mental health practice, as well as social justice and international legal standards.

The United Nations General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law in December of 2005. Rehabilitation is an essential component of these guidelines, which state, “Rehabilitation should include medical and psychological care as well as legal and social services.” The International Rehabilitation Council on Torture (IRCT), based in Denmark, and the National Consortium of Torture Treatment Programs (NCTTP) in the U.S. are member non-governmental organizations committed to providing multidisciplinary rehabilitative services to torture victims. Together they represent a global network of providers — with more than 40 years of experience — that stand together with the United Nations in calling for all countries to fulfill their obligations to prevent torture and provide reparations, including access to holistic rehabilitative services.

In December 2016, the IRCT held its 10th Scientific Symposium in Mexico City with the theme of “Delivering on the Right to Rehabilitation.” A session entitled “Obstacles to providing services to survivors of Guantanamo Bay” exposed the complexities of meeting this legal obligation under these unique circumstances. Services to address medical, psychological, social and legal needs are mostly absent or inadequate for detainees who are released, repatriated or resettled in third countries. The condition of these former detainees is aggravated by the lack of legal reparations. In the absence of rehabilitation, their suffering is most likely chronic, even permanent.

Detainees who have been tortured and are still imprisoned at Guantanamo face severe restrictions on communication with professionals, often depending only on their legal team for supportive human contact, with no access to independent and confidential medical and psychological treatment. Mr. Mustafa al-Hawsawi remains in Guantanamo without any formal rehabilitation, despite persistent advocacy by his legal team and widespread international notice of his case.

Among the human rights abuses and violations of international law committed by the United States at Guantanamo, the denial of the right to rehabilitation must be recognized as significant, and as remediable to at least some degree. In addition to calling for an end to the practice of torture and abuse, PsySR is committed to recognizing and advocating for the right to comprehensive rehabilitative services for torture survivors, including current and former Guantanamo detainees.

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