

Resolution for a Moratorium on Psychologist Participation in Interrogations at US Detention Centers Holding Foreign Detainees, so-called “Enemy Combatants”

Summary and Overview

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This summary and overview emphasizes aspects central to the proposed moratorium resolution. The points below will also address certain misconceptions that have arisen concerning the resolution.

1. The resolution does not allege that any psychologist has behaved in an unethical, illegal, or improper manner, or that any psychologists are currently engaging in harmful behavior. The resolution is prospective and preventative, not accusatory or punitive in purpose or in spirit, and will serve as a protection for military psychologists.
2. The resolution is not enforceable. If passed the resolution will amount to a position statement on the part of APA and will not be binding on any organization or any individual psychologist. In this respect it is similar to the American Psychiatric Association and the American Medical Association resolutions, which are likewise not enforceable.
3. The resolution is necessary because of an ambiguous legal framework that surrounds the conduct of interrogations. The Military Commissions Act (MCA) of 2006 creates a conflict between US law and International Law over what constitutes an act of torture or cruel, inhuman or degrading treatment. According to the MCA, only “grave breaches” of the Geneva Conventions are to be considered War Crimes under US law. Also under the MCA, the President is granted sole power to define what constitutes a “grave breach” as opposed to a less than grave breach of the Conventions. As a consequence of this uncertain legal framework, military psychologists do not have binding or even adequate guidance concerning what interrogation techniques are permissible, which is a critical flaw in the current situation that APA must address.
4. The resolution is intended to address a problem that has a political basis, i.e., the US Congress and President taking an action potentially at variance with International Law, when APA, as a Non-Governmental Organization accredited to the United Nations, is pledged to promote and support International Law. APA has been put in a position where it has to address the contradictions created by this political situation, despite its best intentions to restrict itself to scientific matters. APA must make clear that psychologists behave in accordance with international human rights instruments.
5. Psychologists must now assess whether interrogations are being conducted in a legal manner; thus psychologists are being put in a position of acting as attorneys. Psychologists are not qualified to make the legal judgments that they must now make by virtue of the passage of the Military Commissions Act. In the current situation, even a lawyer would be hard-pressed to address the legal contradictions and determine what interrogation techniques are permissible.
6. The resolution is based on considerable empirical data. The justification statement for the resolution summarizes these data. Further empirical data regarding torture and cruel, inhuman, and degrading treatment are to be found in the statement against torture put forward by Division 9, the Society for the Psychological Study of Social Issues [www.spssi.org; see [Statement on the Use of Torture](#)]. Further elaboration of the empirical basis for this resolution will be detailed in the future development of this resolution.
7. The moratorium will be lifted when United States law governing military interrogations states that orders relevant to the treatment of detainees may not violate the Geneva Conventions.