

WPA Position Statement on Banning the Participation of Psychiatrists in the Interrogation of Detainees

[Pau Pérez-Sales](#),^{1,2} [Joost Jan den Otter](#),¹ [Lilla Hardi](#),^{1,3} [Thomas Wenzel](#),^{1,4} [Gabriel Diaconu](#),^{1,5} [Graciela Cors](#),^{1,6} and [Marianne Kastrup](#)^{1,7}

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Though torture is illegal, as stipulated by a number of well-known conventions and treaties, and thus subjected to international prosecution, psychiatrists have been sometimes involved in situations connected to ill-treatment and torture which are also ethically unacceptable on any grounds.

The purpose of this Position Statement is to provide ethical guidelines for practice, in which psychiatrists are explicitly forbidden, and must refrain, from participating in any procedure linked to the interrogation of a detainee. An exception is the specific case of assessing the liability, when the person is being or has been submitted to ill-treatment or torture, and such events and possible consequences have to be documented.

The Statement is the outcome of a two-year consultation process among key stake holders and members of WPA, including a roundtable in Cape Town^{1, 2} (November 2016), and has been approved by the WPA General Assembly in October 2017.

- The Madrid Declaration establishes the ethical standards for psychiatric practice. Article 2 of the section on “specific situations” says: “Psychiatrists should not take part in any process of mental or physical torture, even when authorities attempt to force their involvement in such acts”.
- The WPA reiterates its position that psychiatrists should not participate in, or otherwise assist or facilitate, the commission of torture of any person under any circumstance. Psychiatrists who become aware that torture has occurred, is occurring, or being planned must report it promptly to a person or persons in a position to take corrective action.
- Every person in military or civilian detention is entitled to appropriate medical care. Denial of adequate health care to a detainee may be considered as ill-treatment or torture, when this is intentionally done by state agents according to one of the purposes stated in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³.
- Psychiatrists working in detention facilities under any kind of contract, either private or public, have a duty to act for the benefit of detainees and not to do harm. Therefore, they should not participate or assist in any way, whether directly or indirectly, overtly or covertly, in the interrogation of any person deprived of liberty on behalf of military, civilian security agencies or law enforcement authorities, nor participate in any other professional intervention that would be considered coercive and against the benefit of the detainee in that context.
- “Interrogation” refers to the attempt to elicit from a person deprived of liberty information that is not intended for the therapeutic benefit of the person. It refers to a deliberate attempt to elicit information from a person deprived of liberty for the purposes of incriminating the detainee, identifying or incriminating other persons, or otherwise obtaining information that might be of value to those who control the detainee. It may involve the creation of environments intended to undermine the self-identity of the detainee or break his or her autonomy, self-determination or will, including but not limited to humiliation, debasement or punishment. It does not include interviews or other interactions with a person deprived of liberty that have been appropriately authorized by a court or by counsel for the detainee or a medical interview that is conducted as part of a therapeutic or forensic process under demand or proper informed consent of the person deprived of liberty.
- Requesting, releasing or causing transfer of medical records or clinical data or allowing access to clinical files for interrogation purposes is a violation of professional ethics.
- Participation includes, but is not limited to, intervention in the environment where the prisoner is held, advising on ways to confuse or debilitate the person to act against his or her will, doing psychological or medical examinations to certify the health of prisoners or detainees for interrogation, being present in the interrogation room, suggesting strategies, asking or suggesting questions, or advising authorities on the use of specific techniques of interrogation with particular detainees.
- Psychiatrists may provide training to military or civilian investigative or law enforcement personnel on the adequate care of detained persons, proper cognitive interview techniques, recognizing and responding to persons with mental illnesses, the possible adverse medical and psychological effects of techniques and conditions of interrogation, and other areas within their professional expertise that will not result in harm to the physical or psychological health or well-being of the person.

Many regimes around the world put pressure on the medical profession. If the reader feels this is his/her case or wishes to contact the WPA Section on Psychological Consequences of Torture and Persecution, the relevant e-mail address is se.sikarra@zerepuap.

[Pau Pérez-Sales](#)^{1,2}, [Joost Jan den Otter](#)¹, [Lilla Hardi](#)^{1,3}, [Thomas Wenzel](#)^{1,4}, [Gabriel Diaconu](#)^{1,5}, [Graciela Cors](#)^{1,6}, [Marianne Kastrup](#)^{1,7}

¹WPA Section on Psychological Consequences of Torture and Persecution; ²SiR(a) Centre, Madrid, Spain; ³Cordelia Foundation, Budapest, Hungary; ⁴Medical University of Vienna, Vienna, Austria; ⁵Medlife Memorial Hospital, Bucharest, Romania; ⁶Latif Clinics, Shfar'am, Israel; ⁷Copenhagen, Denmark

[Go to:](#)

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