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June 8, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Physicians for Human Rights has released a new report “*Experiments in Torture: Evidence of Human Subject Research and Experimentation in the “Enhanced” Interrogation Program,*” which provides evidence indicating that the “enhanced interrogation” program carried out after September 11, 2001 involved doctors and other health professionals in conducting apparently unethical research and experimentation using detainees as human subjects.

We are writing to you to urge that your Administration take immediate action to fully investigate these allegations and restore the damaged regime of US human subject research protections, as outlined below.

Our research and analysis, based on publicly available documentation, provides evidence of health professionals’ engaging in research on interrogation techniques that violates the Geneva Conventions, The Common Rule, the Nuremberg Code and other international and domestic prohibitions against illegal human subject research and experimentation. The report details how:

- Research and medical experimentation on detainees was allegedly used to measure the effects of large-volume waterboarding and adapt the procedure.
- Health professionals monitored sleep deprivation on more than a dozen detainees and the findings to assess varying levels of sleep deprivation to support legal definitions of torture and to plan future sleep deprivation techniques.
- Health professionals apparently analyzed data based on their observations of 25 detainees who were subjected to individual and combined applications of “enhanced” interrogation techniques to determine whether one type of application over another would increase the subject’s “susceptibility to severe pain.”

While the motives of those undertaking this research are not fully known, the research was apparently put to use to serve three purposes:

First, because the EITs had previously been considered torture, there was little scientific evidence prior to Sept. 11, 2001, about their effects on detainees and questions about their impact and effectiveness were arising as the program proceeded. Only experiments on detainees would be likely to determine the effects of more prolonged and intense application of the techniques in a non-simulated interrogation setting, although it is clear such experimentation would be illegal and unethical.



A second purpose of collecting generalizable medical data was to attempt to calibrate the level of pain caused by the techniques in a misguided effort to keep the pain from crossing the threshold deemed by the Department of Justice to constitute torture.

A third purpose to which the results of the experimentation were put was to create a basis for legal defenses for those engaging in acts that arguably constituted torture.

Department of Justice lawyers argued that efforts to refine and improve the application of techniques would provide a potential “good faith” defense for interrogators against charges of torture.

Physicians for Human Rights calls on the White House to investigate thoroughly the full scope of the human experimentation designed and implemented in the post-Sept. 11 period. Victims of research and experimentation perpetrated by the United States must be offered compensation, including health care services, to address ongoing health effects related to the experimentation, and a formal apology.

Recommendations

Based on the findings of this investigation, we urge you to take the following actions:

1. Order the Attorney General to immediately undertake a criminal investigation of alleged illegal human experimentation and research on detainees conducted by the CIA and other government agencies following the attacks on Sept. 11, 2001.
2. Issue an executive order immediately suspending any federally-funded human subject research currently occurring in secret — regardless of whether or not it involves detainees as subjects.
3. Appoint a presidential task force to restore the integrity of the US regime of protections for human subjects of research. This task force, comprising current and former officials from the Department of Health and Human Services, the Food Drug Administration, the National Institutes of Health, the human rights community, and leading health professional associations, should review current human subject protections for detainees and recommend changes to ensure that the human rights of those in US custody are upheld.

The essence of the extensive ethical and legal protections for human subjects is that the subjects, especially vulnerable populations such as prisoners, be treated with the dignity befitting human beings and not simply as experimental guinea pigs. The Nuremberg code and other guidance also call on the medical professional to treat persons with their best interests in mind and not to cause them pain in the service of a research goal. Doctors are required to use treatments that are expected to be effective and not to engage in speculative medicine at the expense of a human research subject.

The use of doctors to monitor intentionally harmful interrogation techniques places them in the service of national security objectives which are in conflict with the best therapeutic interest of those they are monitoring. The result has been a cooptation of health professionals by the national security apparatus and a violation of the highest medical admonition to “do no harm.” The misuse of scientific expertise for expedient and exploratory goals leads to a corrosion of the high standards of the profession.

We respectfully urge you to make the investigation of these alleged crimes and unethical activities and the restoration of a fully enforced regime of human subject research a top priority for your administration. Until these actions are taken US intelligence collection activities and the medical professionals involved in the national security apparatus will remain under a cloud of ethical and legal questions which will further compromise US standing as nation that adheres to high ethical standards and the rule of law.

Sincerely,



Frank Donaghue
Chief Executive Officer