

# California Medical Association Opposition to Cooperation of Physicians in Torture

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Resolution 509-05

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Whereas, Physicians and other medical personnel serving in non-combat roles are bound by international law to treat wounded combatants from all sides, to care for injured civilians, and are required to care for enemy prisoners and to report any evidence of abuse of detainees;<sup>1</sup> and,

Whereas, The Geneva Convention relative to the Treatment of Prisoners of War, U.S. Army regulations, and the War Crimes Act require all military personnel not to engage in and to report acts of abuse or torture;<sup>2</sup> and,

Whereas, The Geneva Convention relative to the Treatment of Prisoners of War requires military medical personnel to provide prisoners monthly health inspections, a system to request medical assistance, and proper medical treatment;<sup>3</sup> and,

Whereas, The World Medical Association states that physicians should not participate in or facilitate torture or other forms of cruel, inhuman and degrading procedures of prisoners or detainees in any situations;<sup>4</sup> and,

Whereas, American Medical Association policy states that “Torture refers to the deliberate, systematic or wanton administration of cruel, inhumane and degrading treatments or punishments during imprisonment or detainment. Physicians must oppose and must not participate in torture for any reason.... Physicians should help provide support for victims of torture and, whenever possible, strive to change the situation in which torture is practiced or the potential for torture is great”;<sup>5</sup> and

Whereas, It has been documented since the spring of 2004 that the U.S. military medical system in Guantanamo Bay, Afghanistan and Iraq failed to protect detainees’ rights to medical treatment, failed to promptly report injuries or deaths caused by beatings, failed to report acts of psychological and sexual degradation, and sometimes collaborated with abusive interrogators and guards;<sup>6</sup> therefore be it

RESOLVED, That the CMA condemns any participation in, cooperation with, or failure to report by physicians and other health professionals the mental or physical abuse, sexual degradation, or torture of prisoners or detainees in military settings; and be it further

RESOLVED, That the CMA supports the rights of physicians and health professionals to be protected from retribution for refusing to participate or cooperate in abuse or torture in military settings and be it further

RESOLVED, That the CMA urges schools and programs responsible for the education of physicians and health professionals to include training in ethical conduct and internationally recognized codes of professional behavior.

1. Bloche MG and Marks JH. When Doctors Go to War. NEJM 2005: 353; 3.
2. Geneva Convention Relative to the Treatment of Prisoners of War. Accessed at <http://tinyurl.com/d7vwvs>; United States Army Regulation AFJ131-304. Accessed at [http://www.army.mil/usapa/epubs/multi\\_services\\_1.html](http://www.army.mil/usapa/epubs/multi_services_1.html).; War Crimes Act of 1996[18USC Section 2441] Accessed at <http://www2.uakron.edu/law/war%20crimes%20Act%20of%201996.doc>
3. Geneva Convention Relative to the Treatment of Prisoners of War. Accessed at <http://tinyurl.com/d7vwvs>.
4. World Medical Association Codes of Ethics. Accessed at <http://www.iit.edu/>
5. American Medical Association Resolution E-2.067 at <http://www.ama-assn.org>.
6. The Fay Report. <http://www.c-span.org/pdf/armyabughraib.pdf> ; Lifton, RJ. Doctors and Torture. NEJM 2004: 351; 415-6; Miles, SH. AbuGhraib: Its Legacy for Military Medicine. Lancet 2004;264;725; Bloche MG and Marks JH. When Doctors Go to War. NEJM 2005: 353; 3-6.