

What is torture?

A contextual analysis of captivity experiences and critique of current debate over definition of torture

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United Nations definition of torture

“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as...

US definition of torture

Section 2340 defines "severe mental pain or suffering" to mean: the prolonged mental harm caused by or resulting from--

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.

Excluded from definition of torture



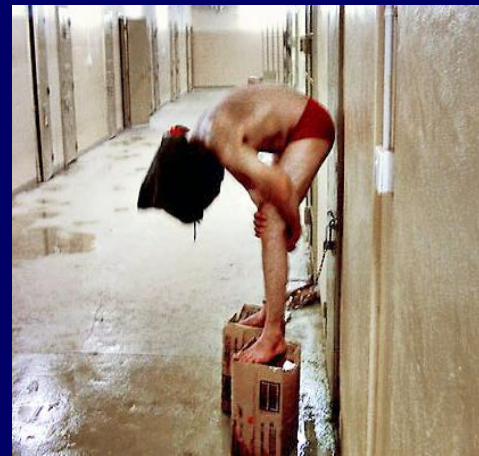
New Yorker, May 10, 2004



Washington Post, May 13, 2004



New Yorker, May 19, 2004



Washington Post, May 21, 2004

Erosion of moral values against torture

- 46% of American public endorse US definition of torture.
- Only about 50% of scientists, engineers, and military leaders take a strong position against torture (Pew Research Center for the People & the Press, 2005).
- Arguments that 'light torture' is acceptable in certain exceptional circumstances (e.g. 'the ticking bomb' scenario).

Erosion of moral values against torture in post 9/11 world has thrown back human rights cause possibly 100 years.

**How can mental health professionals
contribute to human rights cause
against torture?**

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Why study torture?

“Torture is not a problem confined to a remote dictatorship or a totalitarian regime but one that concerns the very moral fabric of the democratic societies in which we live.”

“...as international pressure on torturers grows, more and more sophisticated methods of torture, mainly of a psychological nature, are being developed to avoid leaving physical scars on the tortured individuals. We need a better understanding of these methods and their psychological effects.”

Basoglu 1992, *Torture and Its Consequences: Current Treatment Approaches*, Cambridge University Press.

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Arguments against scientific research on torture - I

“Torture is a political issue and scientific approach
to torture is reductionist medicalising.”

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

**13 years later:
Conclusions of an evaluation report on
torture prevention and rehabilitation centres**

*“...in most cases the centres have very little
impact on primary prevention [of torture].”*

Guillet et al (2005) Torture rehabilitation centres Europe. Human European Consultancy in partnership with the Netherlands Humanist Committee on Human Rights and the Danish Institute for Human Rights.

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Arguments against scientific research on torture - II

“Scientific research on torture helps
torturers develop more effective torture.”

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Suppressed research finding in 1994

Strongest predictor of PTSD in torture survivors =
ASPHYXIATION / SUFFOCATION

Basoglu, 1994 (unpublished data)

**In 2008:
Is “waterboarding” torture?**



[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

**30 years of progress in understanding of torture
did not go beyond the following cliché**

“an act designed to break the will of the person
and destroy his / her personality.”

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

In the meantime...

“...psychologists designed the CIA's "enhanced interrogation" techniques...Jane Mayer, in her new book, "The Dark Side," reports that the central idea was the psychological concept of "learned helplessness."

Stephen Soldz, Ending the mind games on detainees,
Boston Globe, August 2008

Misuse of scientific knowledge - I

“...Martin E.P. Seligman, a professor of psychology at the University of Pennsylvania and a former president of the psychology association, accepted a CIA invitation to lecture at a naval training center about his theories of "learned helplessness."

“Few people in the psychology association believe that Mr. Seligman consciously assisted in the development of detainee abuses. But many say that the association needs to make a more thorough public accounting of how the work of Mr. Seligman and other prominent members may have been misused by government agencies.”

The Dark Side by Jane Mayer, 2008.

Misuse of scientific knowledge - II Criterion of 'prolonged mental harm'

“... ("The most common diagnosis of psychiatric symptoms among torture survivors is said to be post-traumatic stress disorder."); see also Metin Basoglu et al., Torture and Mental Health: A Research Overview, in Ellen Gerrity et al. eds., The Mental Health Consequences of Torture 48-49 (2001)”
(referring to findings of higher rates of post-traumatic stress disorder in studies involving torture survivors)

Justice Department Dec. 30, 2004 Memo on U.S. Torture Policy
for Deputy Attorney General James B. Comey

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

How to resolve the ethical dilemma?

- Conduct socially responsible research
- Promote public understanding of torture & clarify misconceptions
- Support human rights efforts against abuse of scientific knowledge.

Science as an instrument of human rights advocacy

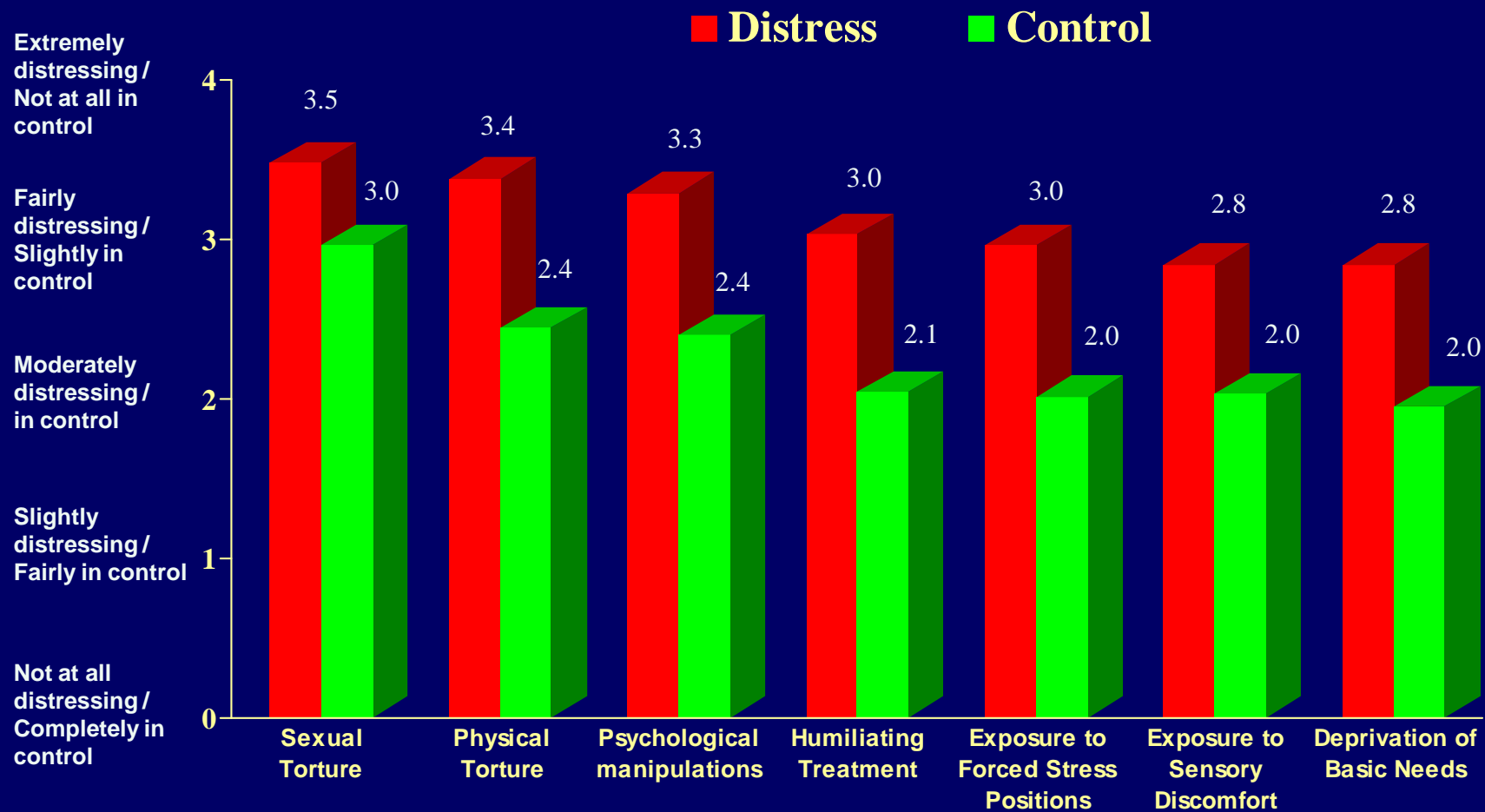
Study 1

Torture versus cruel, inhuman, and degrading treatment – Is the distinction real or apparent?

Basoglu et al 2007, Archives of General Psychiatry

No distinction in terms of associated perceived distress and rates of long-term PTSD and depression

Stressors in a captivity setting – Perceived distress and uncontrollability



[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Predictors of PTSD and depression

- PTSD and depression was associated with loss of control during torture and not with type of torture
- Perceived uncontrollability of stressors more important predictor of traumatic stress than mere exposure to stressor events

Promoting public understanding of torture: The New York Times

“Until now, both sides of the debate have expressed opinions based on personal impressions,” said Dr. Metin Basoglu, the lead author of the study. “But these data clearly suggest that you cannot make a distinction between physical forms of torture and something else called ‘cruel and degrading treatment.’”

The Line Between Torture and Cruelty

The New York Times, March 6, 2007

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Promoting public understanding of torture: Impact of scientific research

ASSOCIATED PRESS: *Ill Treatment May be as Traumatic as Torture*, March 5, 2007.

REUTERS: *Impact of Physical, Mental Torture Similar: Study*. March 6, 2007.

AGENCE FRANCE PRESS: *Mental Torture as Just as Damaging*, March 6, 2007.

THE NEW YORK TIMES: *The Line between Torture and Cruelty*, March 6, 2007.

WASHINGTON POST: *Mental, Physical Torture Inflict Similar Pain*. March 7, 2007.

LOS ANGELES TIMES: *Psychological Torture Just as Bad, Study Finds*, March 6, 2007.

INTERNATIONAL HERALD TRIBUNE: *Provocative new study underscores need for broader definition of torture*. March 5, 2007.

FINANCIAL TIMES: *Distress management*. March 16, 2007.

Promoting public understanding of torture: Impact of scientific research

THE BOSTON GLOBE: *Mental Torture is Just as Damaging as Physical Torture*,
March 12, 2007

GUARDIAN UNLIMITED: *Experts Want New Definition of Torture*. March 5, 2007.

USA TODAY: *Experts Want New Definition of Torture*. March 2007.

ABC NEWS: *Experts Want New Definition of Torture*. March 5, 2007.

CBS NEWS: *Study: Broader Torture Definitions Needed*. March 5, 2007.

MSNBC NEWS: *Ill Treatment May be As Traumatic As Torture*. March 5, 2007.

FOX NEWS: *Experts Want New Definition of Torture*. March 5, 2007.

PRAVDA: *Provocative new study underscores need for broader definition of
torture*. March 6, 2007.

NATURE: *Psychological Attack Ran High on Torture List*, March 5, 2007.

Promoting public understanding of torture: Impact of scientific research

LE MONDE: *La torture mental et aussi traumatisante que la torture physique (etude)*, March 5, 2007.

NOUVEL OBSERVATEUR: *La torture morale fait aussi mal que la torture physique*. March 6, 2007.

LA STAMPA: *Psichiatria: torture fisiche e psicologiche si rquivalgono*, March 7, 2007.

WELT ONLINE: *Seelische Folter ähnlich verheerend wie körperliche*. March 6, 2007.

FINANCIAL TIMES DEUTSCHLAND: *Studie: Seelische Folter ähnlich verheerend wie körperliche*. March 6, 2007.

SPIEGEL: *Psychische Gewalt so verheerend wie körperliche Folter*, March 6, 2007.

FOCUS: *Folter für die Seele*. March 6, 2007

EL MUNDO: *El impacto de la tortura psicológica puede ser tan grave como la física*. March 7, 2007..

Impact of scientific research: The case of Muhammad Salah

“When published to acclaim just two months after his testimony in the Salah case, Basoglu’s study severely undermined U.S. Defense Department and U.S. Justice Department position statements...that argued for a narrow definition of torture which would exclude from the definition of ‘torture’ acts which do not cause severe *physical* pain. Indeed, Basoglu’s work underscores the important role of scientific research in defining what constitutes torture and in evaluating whether a confession is the product of free will or coercion.”

Michael Deutsch and Erica Thompson (2008) Secrets and Lies: The Persecution of Muhammad Salah. *Journal of Palestine Studies*.

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Implications of research findings for international law

Abolish distinction between torture versus other cruel, inhuman, and degrading treatment in international law

Misconceptions about torture

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

the evangelical outpost

Reflections on culture, politics, and religion from an evangelical worldview

smmtheory writes:

The conclusions are subjective and based upon the desired outcome of the people making the conclusion. Using the same standards, giving a kid a time-out (making the child stand with their nose in the corner) would be considered torture, as would any other behavior modification technique (such as Basic Training in the military). Posted on 04.07.2007 1:55 PM

Russ writes:

The day George W. Bush's attorney general, Gonzales, started messing around with the Geneva Convention's rules on torture is the day they purposely played with fire..and got burned. The whole torture theme has done untold damage to our countries honor at home and abroad. Make no mistake, torture is bad, period. Posted on 04.07.2007 2:46 PM

smmtheory writes:

Russ, nobody is arguing that torture is bad. The trouble is, your definition of torture is designed to prevent any progress being made during interrogation of terrorists. Why is that, by the way? Are you overly fond of people that would slit your throat as soon as look at you, or is it just because there's a fellow in the White House that is not a Democrat? Posted on 04.07.2007 4:17 PM

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Outstanding issues in definition of torture

Distinction between torture and other life stressors

- Ordinary police interrogation
- Detention procedures, imprisonment and prison conditions
- Capital punishment
- Particular war strategies (e.g. aerial bombardment)
- Child sexual / physical abuse
- Domestic violence
- Rape
- Sexual harassment
- Stalking
- Bullying
- Others

Science as an instrument of human rights advocacy

Study 2

A multivariate contextual analysis of torture and cruel, inhuman, and degrading treatments: Implications for an evidence-based definition of torture

Basoglu 2009, American Journal of Orthopsychiatry

A contextual analysis of torture

- Intent
- Purpose (e.g. to extract information / confession or as an act of punishment or vengeance)
- Exposure to often multiple, unpredictable, uncontrollable, and potentially traumatic stressors likely to induce intense distress in most people
- Systematic attempts to remove all forms of control from the person to maximize stressor impact and induce a state of total helplessness.

Basoglu, American Journal of Orthopsychiatry, 2009

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

A contextual analysis of torture

Principal Components Analysis of distress ratings
of 46 torture stressors during captivity

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Unrotated component 1: Cruel, inhuman, and degrading treatment

| | | | |
|--------------------------------------|-----|---------------------------------------|-----|
| Food deprivation | .68 | Exposure to extreme hot / cold | .46 |
| Sleep deprivation | .65 | Stripping naked | .45 |
| Prevention of hygiene | .65 | Beating | .45 |
| Water deprivation | .65 | Fluctuations in interrogator attitude | .44 |
| Pulling / dragging by hair | .60 | Cold showers | .44 |
| Forced standing | .60 | Exposure to bright light | .43 |
| Beating over the ears | .59 | Sham executions | .42 |
| Denial of privacy | .58 | Throwing feces / urine at detainee | .42 |
| Infested surroundings | .58 | Isolation / solitary confinement | .41 |
| Restriction of movement | .54 | Humiliating treatment | .46 |
| Threats of torture | .54 | Verbal abuse | .39 |
| Threats of death | .51 | Forced standing with weight on | .37 |
| Rope bondage | .51 | Asphyxiation / suffocation | .35 |
| Prevention of urination / defecation | .50 | Threats against family | .35 |
| Deprivation of medical care | .49 | Exposure to loud music | .34 |
| Witnessing torture | .48 | | |

Unrotated component 2: Physical torture

| | | | |
|-----------------------|------|----------------------------|------|
| Electrical torture | .71 | Genital / anal torture | .41 |
| Hanging by the hands | .68 | Restriction of movement | -.41 |
| Palestinian hanging | .54 | Stripping naked | .39 |
| Humiliating treatment | -.53 | Cold showers | .39 |
| Threats of rape | .52 | Stretching of extremities | .36 |
| Blindfolding | .51 | Sexual advances | .35 |
| Falaqa | .47 | Infested surroundings | -.34 |
| Verbal abuse | -.43 | Needles under fingernails | .33 |
| Fondling of genitals | .43 | Forced standing | .32 |
| Threats of death | -.43 | Asphyxiation / suffocation | .31 |

[M Basoglu, 11th European Conference on Traumatic Stress, Oslo June 17, 2009]

Unrotated component 3: Sexual torture

| | |
|------------------------|------|
| Sexual advances | .68 |
| Rape | .57 |
| Fondling of genitals | .56 |
| Threats of rape | .53 |
| Genital / anal torture | -.36 |
| Humiliating treatment | .35 |

Rotated components – I

| <i>Component 1:</i> | | <i>Component 2:</i> | | <i>Component 3:</i> | |
|--------------------------------------|-----|-----------------------|-----|------------------------|------|
| Infested surroundings | .78 | Beating | .73 | Electrical torture | .68 |
| Prevention of hygiene | .78 | Pulling by hair | .67 | Falaqa | .67 |
| Food deprivation | .71 | Threats of torture | .62 | Hanging by hands | .62 |
| Denial of privacy | .71 | Threats of death | .53 | Palestinian hanging | .52 |
| Water deprivation | .67 | Forced standing | .53 | Genital / anal torture | .51 |
| Restriction of movement | .57 | Rope bondage | .51 | Blindfolding | .50 |
| Sleep deprivation | .53 | Humiliating treatment | .43 | Humiliating treatment | -.42 |
| Prevention of urination / defecation | .50 | Verbal abuse | .42 | Verbal abuse | -.38 |
| Deprivation of medical care | .46 | Beating over the ears | .37 | Cold showers | .32 |
| Witnessing torture | .41 | Witnessing torture | .31 | | |
| Threats of death | .37 | | | | |
| Humiliating treatment | .35 | | | | |
| Sham executions | .32 | | | | |

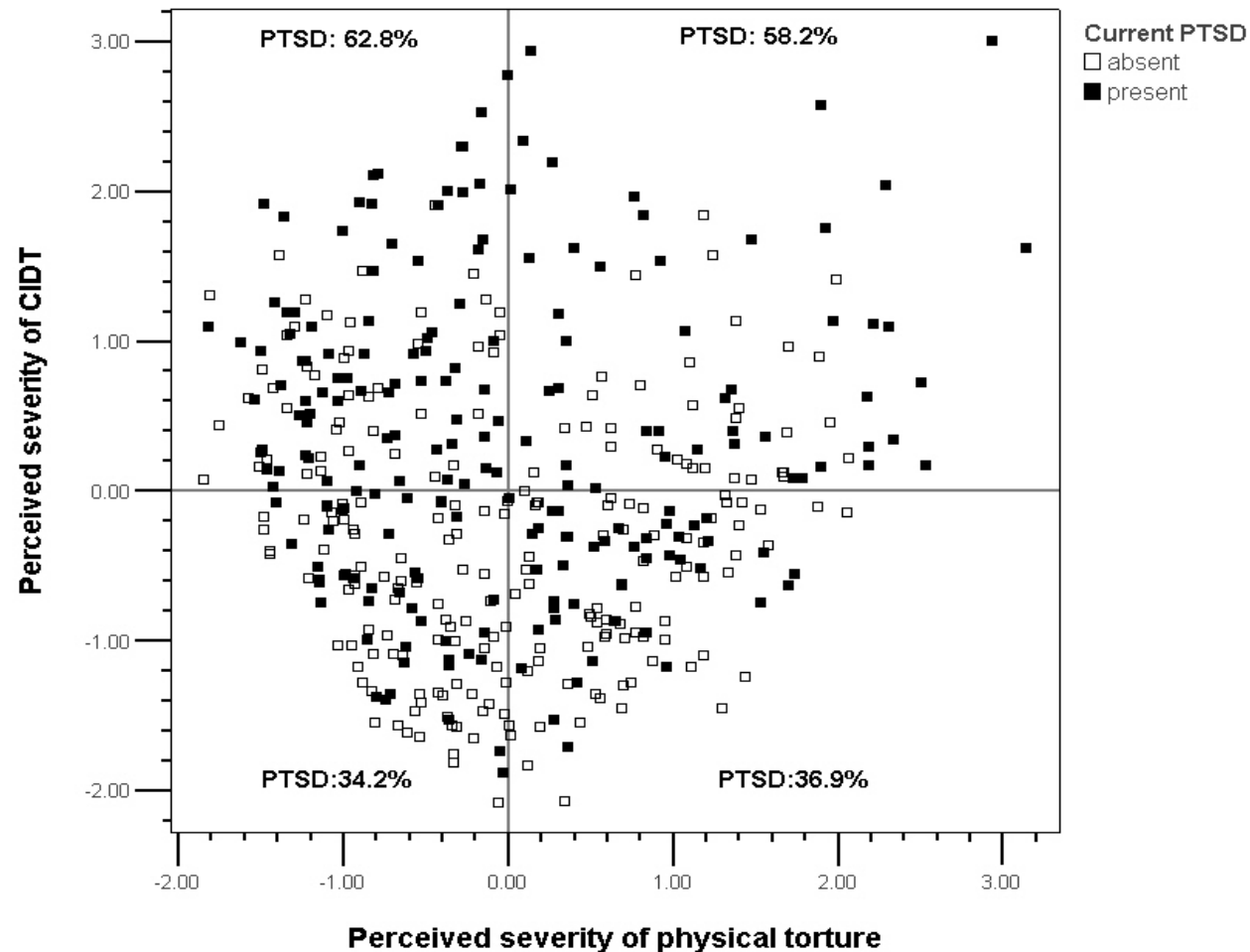
Rotated components – II

| <i>Component 4:</i> | | <i>Component 5:</i> | |
|----------------------|-----|--------------------------------------|-----|
| Sexual advances | .75 | Forced standing with weight on | .63 |
| Fondling of genitals | .79 | Exposure to extreme hot / cold | .63 |
| Threats of rape | .72 | Isolation / solitary confinement | .57 |
| Rape | .68 | Cold showers | .51 |
| Stripping naked | .38 | Exposure to bright light | .41 |
| Pulling by hair | .30 | Stripping naked | .40 |
| | | Prevention of urination / defecation | .34 |
| | | Beating over the ears | .34 |

Predictors of PTSD: Logistic Regression Analysis

| Predictors | Odds Ratio | p |
|--|------------|-----|
| Age | 1.01 | .44 |
| Sex (male) | 1.60 | .12 |
| Education | 0.74 | .01 |
| Marital status (single) | 0.77 | .26 |
| Lower resilience | 1.10 | .50 |
| Time since last torture | 1.00 | .23 |
| War-related captivity experience | 2.76 | .01 |
| Deprivation of basic needs | 1.31 | .03 |
| Beating / threats / forced stress positions / humiliation | 1.17 | .12 |
| Severe physical torture | 1.27 | .10 |
| Sexual torture | 1.47 | .01 |
| Extreme temperatures / isolation / forced stress positions / nakedness | 1.33 | .02 |

Risk of PTSD associated with high versus low intensity physical torture and cruel, inhuman, and degrading treatment



Conclusions - I

Traumatic impact of individual stressor events in captivity settings is dependent on contextual processes:

- Appraisal of threat to physical and psychological wellbeing
- Stress interactions that maximise loss of control

Thus, contextual factors need attention in deciding what constitutes torture.

Conclusions - II

A focus solely on particular methods detracts scientific, legal,
and public attention from contextual factors

&

misleads people into thinking that it is possible to judge
whether particular captivity events constitutes torture on the
basis of their ostensible similarity with other stressful events
in different contexts.

Conclusions - III

The severity of acute or chronic mental suffering is not a reliable criterion in defining torture.

Resilient individuals respond to torture events with relatively less distress and many do not develop PTSD, despite severe torture.

Conclusions - IV

- 'Light torture' is a contradiction in terms.
- Evidence shows that militant political activists are subjected to extreme forms of physical and psychological torture.

Conclusions - V

Torture is not limited to direct infliction of mental suffering by captors. Adverse captivity conditions, such as deprivation of basic needs and isolation, can be as distressing as physical torture.

Conclusions - VI

The broader definition of torture implied by these findings cannot be deemed overly inclusive without denying the reality of torture as it is practiced in real life situations.

Conclusions - VII

The distinction between torture and “other cruel, inhuman, and degrading treatment” needs to be abolished to prevent abuse of definition.

Conclusions - VIII

Although current legal definition of torture can be strengthened with scientific evidence, a perfect definition of torture immune to abuse is not possible.

Torture is an objectionable act first and foremost on moral grounds.

Conclusions - IX

A challenge for moral philosophers:

Torture overlaps with many legally sanctioned acts in terms of its mechanisms of traumatic stress and psychological effects. The United Nations definition of torture “does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”