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The Committee Secretary
Senate Foreign Affairs, Defence and Trade References Committee
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Dear Committee Secretary

**RE: Australian Defence Force's Resistance to Interrogation
Training**

The Australian Psychological Society (APS) is the national professional organisation for psychologists, with over 22,000 members across Australia. Psychologists are experts in human behaviour and use evidence-based psychological interventions to assist people to overcome mental and physical illness and optimise their health and functioning in the community.

The APS has a number of Interest Groups for members that focus on areas relevant to this Inquiry. The APS Military and Emergency Services and Psychology Interest Group includes psychologists who work with current and ex-serving military or emergency services personnel or their families, and provides education and professional development activities in this area. The Psychologists for Peace Interest Group includes psychologists who apply their research and professional skills to issues relating to promoting peace and preventing war, violence, and injustice. The Trauma and Psychology Interest Group promotes and presents best practice trauma management across Australia by providing professional support, supervision and advocacy for practitioners. These Groups have a special interest in the questions posed by this Inquiry and have made significant contributions to this submission.

The APS is pleased to have the opportunity to contribute to the Inquiry into the Australian Defence Force's (ADF's) *Resistance to Interrogation*

Training. We would like to comment on two issues nominated in the Inquiry's Terms of Reference. The first pertains to the wellbeing of military personnel and veterans, and the second relates to the risk that this type of training could be used in ways that contravene the APS's Code of Ethics and Australia's state, national and international legal obligations to not conduct or support the conduct of torture.

Training methods and Ongoing Mental Health and Wellbeing of ADF Personnel

The APS does not have access to details of the ADF's methods of training. We are informed, however, that these methods involve in vivo simulations of what can be expected to occur if an ADF member was captured by forces hostile to Australia while on operational duties, and are specifically designed for that purpose. We understand that this training is conducted with those who wish to volunteer as members of the ADF's Special Air Services (SAS) Regiment, and that there are guidelines which direct that training. We are informed that the need to satisfactorily complete this training is well understood and explained to SAS candidates as a hurdle requirement for entry into the Regiment, and that this induction course contains various other guided training modules which must also be passed for acceptance into the Regiment. We have also been informed that applying to join the SAS, and hence the undertaking of such training, are entirely voluntary decisions. To the best of our knowledge, we understand that no coercion to complete any aspect of that training occurs, that candidates are free to withdraw at any stage in the training and reapply to enter that training without penalty, and that they provide their consent to participate in such training on the understanding that the ADF will work to protect their health and provide treatment if injury occurs.

Based on the information available to us, the APS accepts that participation in such training in the ADF is: (a) a matter of personal choice, (b) for the survival benefit of SAS members should they be captured while on operational duty, and (c) not to be used for any other purpose. The APS, however, is firmly of the view that the process of obtaining informed consent for these practices is of the utmost relevance. To ensure rigorous standards, the informed consent process should be the subject of ongoing professional development for the relevant ADF personnel. Consequently, the APS would be pleased for the Inquiry to prioritise this matter for its consideration.

Given its concern to promote the health and wellbeing of the communities served by its members, the APS would of course strongly prefer that *Resistance to Interrogation Training* was not necessary and did not occur. However, the APS understands why such training does occur, and will in most likelihood continue to occur. In this context, the APS is concerned about the potential for such training to psychologically harm those who undergo it as well as those who provide the training. Whilst there is a substantial body of literature outlining the long-lasting psychological effects of interrogation and torture (e.g., Basoglu et al., 2001; Steel et al., 2009), and some literature on the very similar negative effects on the person who delivers it (Blumenfeld, 2007; Lifton, 2004), there is an absence of robust evidence in the clinical literature about the occurrence of psychological harm to those involved in *Resistance to Interrogation Training*. Nor is there any ADF statement about the precautions it takes to prevent the occurrence of psychological harm to those involved in such training.

The APS acknowledges the possibility that those who voluntarily enter into such training may be, by the nature of their volunteerism, less likely to suffer from the consequences of such training than those on whom such training is involuntarily applied. The APS, however, has not been able to obtain evidence to: (a) support such an assumption, or (b) indicate what responses and procedures are in place in the ADF or in systems of care (i.e., those provided or supported by the Department of Defence and/or the Department of Veterans Affairs) for minimising psychological harms to current serving members or those who have retired from the ADF caused by participating in, or delivering, *Resistance to Interrogation Training*. The APS, therefore, requests that the Senate Committee investigate the basis for such assumptions and obtain data relevant to that matter. In particular, the APS recommends that the Senate Committee seek to ensure the voluntary nature of the training, and that the ADF develop clear responses and procedures within the ADF or in related systems of care for minimising psychological harms caused by participating in, or delivering, *Resistance to Interrogation Training*.

Compliance with international obligations and Australian domestic laws

The APS understands that *Resistance to Interrogation Training*, where an individual who has volunteered to join the SAS goes through a process to prepare them to be interrogated and deal with the possibility of being tortured by an enemy force in the event of their being taken captive, has been used in the Australian military for many years. We

specifically draw the Inquiry's attention to the risk of such training being used in ways beyond its original purpose; that is, to not only train and support Australian ADF personnel in how to resist interrogation if captured during a military operation, but to allow them to apply its processes in reverse to others, such as detainees.

The potential for misuse of the training must be considered a genuine risk. For example, the APS has been deeply concerned to learn of the misuse of psychological knowledge and expertise by military forces of the United States of America (USA) over the past few decades. This has resulted in psychologist-designed training for special forces in the USA to 'harden' them against abuse (*Survival Evasion Resistance Escape - SERE*) being reversed and used as interrogation and torture techniques by members of the US military and security services on enemy combatants or civilians. As evidence of this, the APS refers the Inquiry to a number of references that detail the ways in which *SERE Training* has been reversed to torture prisoners, or treat them in cruel, inhumane or degrading ways (see Senate Select Committee on Intelligence Report, 2014; Lovelace et al., 2010). This is unacceptable even if used for the purposes of eliciting information in an interrogation process (Costanzo & Gerrity, 2009; Miles, 2007; Olson & Soldz, 2007; Zimbardo, 2006). The APS, of course, has no way of knowing if such training has been misused in the Australian context, and again expects that this is a matter which the Inquiry will explicitly investigate.

The APS Code of Ethics is very clear that psychologists must in no way harm individuals and must ensure that their knowledge and expertise is not misused to harm others. The APS has been actively working to enhance its ethical framework to ensure it meets all the challenges of the practice of psychology. The report into the actions of the American Psychological Association (APA) in relation to the misuse of *Survival Evasion Resistance Escape* training in the US clearly demonstrates the dangers of there not being an ethical framework in place or of allowing that framework to be compromised (Hoffman et al, 2015). That report makes it clear that the APA altered its ethical framework post the terrorist acts of 11 September 2001 to make it possible for psychologists to engage in actions that in Australia would not be condoned, and did not adequately enforce that framework when complaints were made.

In the aftermath of the controversy surrounding the APA's policies and positions on torture and treatment of detainees, the APS developed a

Statement which unequivocally condemns the involvement of psychologists in the use of torture or other inhuman or degrading procedures regardless of situation. It considers such practices to be violations of human rights, and as such declared to be unacceptable by Article 5 of the United Nations Universal Declaration of Human Rights. To this end, psychologists do not collude with, facilitate, support or advise on any such practices. They do not provide any premises, instruments, substances, knowledge or skills that might assist others to implement such practices or treatment, nor do they diminish the capacity of the victim to resist such treatment. They also do not participate in any manner (active or passive) nor are they present during any procedure in which torture or any other form of cruel, inhuman or degrading treatment is used or threatened. It is imperative that the Inquiry understand the importance of the ADF recognising psychologists' obligations under the APS Code of Ethics and associated guidelines, and that the Inquiry seek confirmation to this effect.

Australia is also a signatory to international obligations prohibiting torture, including the United Nations Declaration and Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1987) and the Geneva Conventions of 1949 and their additional protocols (2012). These obligations prevent psychologists or any other ADF personnel from undertaking such actions. The APS is also clear that ADF personnel, psychology staff included, are subject to the same laws as any other Australian. For example, they are required while on overseas service to be fully compliant with Australian Capital Territory legislation. In brief, overseas deployment does not prevent ADF personnel (including psychologists) being answerable to Australian law.

Summary and recommendations

To reiterate the APS's concerns, it remains possible that the techniques any organisation may use in this domain could be open to misuse. Moreover, it is our firm opinion that under no conditions is it acceptable that the *Resistance to Interrogation Training* be used in reverse to develop techniques for interrogating or torturing prisoners.

In conclusion, the APS recommends:

1. that the Inquiry address the processes and training surrounding obtaining informed consent to undertake *Resistance to Interrogation Training* to ensure rigorous standards are upheld
2. that clear responses and procedures are developed within the ADF (and in systems of care such as those provided by the Department of Defence and/or the Department of Veterans Affairs) for minimising psychological harms caused by participating in or delivering *Resistance to Interrogation Training*
3. the increased involvement of psychologists around *Resistance to Interrogation Training* to ensure the mental health of personnel is protected
4. that psychologists involved in *Resistance to Interrogation Training* have access to clear and relevant ADF guidelines which assist them to ethically undertake such duties
5. that those psychologists involved in *Resistance to Interrogation Training* are supported by the ADF to remain compliant with their professional codes of conduct and the relevant legal conventions and legislation.

We would be pleased if the Senate Committee were to specifically deliberate on these matters. The APS is grateful for the opportunity to provide input to this Inquiry and would welcome a meeting with the Committee to elaborate on these recommendations.

Kind regards

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References

- Australian Psychological Society (2015). Australian Psychological Society Statement against psychologist involvement in torture and other inhuman treatment.
<https://www.psychology.org.au/community/public-interest/torture/>
- Basoglu, M., Jaranson, J. M., Mollica, R., & Kastrup, M. (2001). Torture and mental health: A research overview. In E. Gerrity, T. M. Keane, & F. Tuma (Eds.), *The mental health consequences of torture* (pp. 35–62). New York: Kluwer.
- Blumenfeld, L. (2007, June 4). The tortured lives of interrogators: Veterans of Iraq, N. Ireland and Mideast share stark memories. *The Washington Post*, A1.
- Costanzo, M.A. & Gerrity, E. (2009). The Effects and Effectiveness of Using Torture as an Interrogation Device: Using Research to Inform the Policy Debate. *Social Issues and Policy Review*, 3(1), 179-210
- Hoffman, D.H., Carter, D.J., Viglucci Lopez, C.R., Benzmilller, H.L., Guo, A.X., Latifi, S.Y., & Craig, D.C. (2015). *Report to the Special Committee of the Board of Directors of the American Psychological Association (APA): Independent review relating to APA ethics guidelines, national security interrogations, and torture.*
<https://www.apa.org/independent-review/APA-FINAL-Report-7.2.15.pdf>
- Lifton, R. J. (2004). Doctors and torture. *New England Journal of Medicine*, 31, 415–416.
- Lovelace, D.C., Boon, K.E., Huq, A. (2010). Terrorism: Commentary on Security Documents, Volume 109. *Terror-based Interrogation*. Oxford University Press, Oxford.
- Miles, S. (2007). Science and Torture. *Archives of General Psychiatry*, 64: 275-6.

Olson, B. & Soldz, S. (2007). Positive illusions and the necessity of a bright line forbidding psychologists' involvement in detainee interrogations. *Analyses of Social Issues and Public Policy*, 7: 1-10

Psychologists for Social Responsibility (November 2006). *Rethinking the psychology of torture: A preliminary report from former interrogators and research psychologists*.
<https://groups.psychology.org.au/Assets/Files/MR-APA-rethinking-torture.pdf>

The Senate Select Committee on Intelligence. (2014). The Senate Intelligence Committee's report on the CIA's detention and interrogation program. Accessed 30/3/2016.
<http://www.washingtonpost.com/wp-srv/special/national/cia-interrogation-report/document/>

Summers F. (2007). *Psychoanalysis the APA and the involvement of psychologists at Guantanamo Bay*.
<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.504.9460&rep=rep1&type=pdf>

Steel, Z., Chey, T., Silove, D., Marnane, C., Bryant, R. A., & van Ommeren, M. (August 6, 2009). Association of torture and other potentially traumatic events with mental health outcomes among populations exposed to mass conflict and displacement. *Journal of the American Medical Association*, 302(5), 537–549.

Zimbardo, P. (2006). *Commentary on the Report of the American Psychological Association's Presidential Task Force on Psychological Ethics and National Security (PENS)*.
<http://pdf.prisonexp.org/PENS-commentary.pdf>