



Legislation Text

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Res. No. 1189

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5891/S.4495A, legislation that would prohibit participation in torture and the improper treatment of prisoners by health care professionals.

By Council Members Dromm, Brewer, Cabrera, Jackson, James, Koppell, Lander, Mendez, Palma, Williams, Rodriguez, Mark-Viverito, Garodnick and Lappin

Whereas, Torture inflicted on prisoners has been commonplace in recent years, and most of this torture is used as part of enhanced interrogation techniques in overseas prisons; and

Whereas, These enhanced interrogation techniques include waterboarding, hypothermia, stress positions, abdomen strikes, threats, forced nudity, and slapping; and

Whereas, In 2004, the Central Intelligence Agency's Inspector General released a report which revealed that health care professionals helped design, monitor, and justify the use of torture at overseas prisons such as Guantanamo Bay; and

Whereas, The Center for Constitutional Rights (CCR) strongly opposes these interrogation practices, expressing that these techniques are in fact cruel treatment; and

Whereas, CCR has emphasized the need for ethical and criminal investigations of health care professionals who take part in torture methods, as well as health care professionals who have broken their commitment to do no harm; and

Whereas, In response to recent accounts of health professionals torturing individuals, CCR launched a campaign entitled "When Healers Harm," to hold health care professionals accountable for their actions; and

Whereas, Although health care professionals themselves are not always the ones inflicting the pain, as many as 50 percent of torture survivors claim that a health care professional had been present during their

torture; and

Whereas, Activists and health care professionals have urged legislators to hold health care professionals accountable for their involvement in torture, as this would also serve as a deterrent and prevent future occurrences; and

Whereas, Health care professionals who participate in such acts violate their professional standards and ethics and should not enjoy the privilege of practicing their profession in the state of New York; and

Whereas, On March 2, 2011, Assembly Member Richard Gottfried (D-Manhattan) and Senator Thomas Duane (D-Manhattan) introduced A.5891/S.4495A, legislation that would prohibit any form of participation in torture and the improper treatment of prisoners by health care professionals; and

Whereas, Participation includes engaging, assisting, monitoring, planning, or failing to report the torture or improper treatment of a prisoner; and

Whereas, The purpose of this legislation is to ultimately bar all health care professionals licensed in New York from participating, directly or indirectly, in torture or other abuses no matter where they happen; and

Whereas, Health care professionals would have a duty to refuse to participate in torture and report abuse to the appropriate authorities; and

Whereas, Further, this legislation would also provide a means for health care professionals to refuse an order to participate in the torture of detainees; and

Whereas, Violators of this law could be convicted of misdemeanors and subjected to professional misconduct proceedings, steps which could ultimately lead to the suspension or revocation of their licenses; and

Whereas, Additionally, health care professionals have an ethical obligation to protect prisoners against torture and other cruel, inhuman, or degrading treatment; and

Whereas, The torture of prisoners has become a systemic problem facilitated by official policy and complacency; and

Whereas, This legislation will address those problems and create ways for health care professionals to

avoid taking part in torture practices, ultimately keeping their professional commitment to do no harm; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.5891/S.4495A, legislation that would prohibit participation in torture and the improper treatment of prisoners by health care professionals.

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