

June 3, 2009

On behalf of the 11,000 members of the New York Chapter of the American College of Physicians (NYACP) who specialize in general and specialty Internal Medicine, **we write to encourage (A.6665B)** amending the public health law prohibiting participation in torture and mistreatment of prisoners by health care professionals in or outside of New York State.

The NYACP strongly believes in creating and upholding policies that prevent inhumane treatment of prisoners and detainees. A health care professional who comes to the aid of a prisoner is fulfilling an ethical principle of beneficence. However, if a health care professional who attends to a prisoner in order to allow torture or mistreatment to commence or continue is violating the ethical principles of medicine. Such actions are in direct conflict with the physician's oath to "First do no harm." We condemn the mistreatment of prisoners and detainees.

ACP has well-established policies regarding the physician obligation to speak out against torture or prisoners or detainees. The ACP's Ethics Manual, Fifth Edition and position paper "The Role of the Physician and the Medical Profession in the Prevention of International Torture and in the Treatment of Its Survivors" require physicians to speak out against torture, condemn interrogation techniques that inflict physical or psychological harm as a means of obtaining information, and endorse the United Nations Standard Minimum Rules for the Treatment of Prisoners.

As further outlined in the ACP Ethics Manual, "Physicians must not be a party to and must speak out against torture or other abuses of human rights ... Under no circumstances is it ethical for a physician to be used as an instrument of government to weaken the physical or mental resistance of a human being, nor should a physician participate in or tolerate cruel or unusual punishment or disciplinary activities beyond those permitted by the United Nations Standard Minimum Rules for the Treatment of Prisoners ... Interrogation is defined as a systematic effort to procure information useful to the purposes of the interrogator by direct questioning of a person under the control of the questioner. Interrogation is distinct from questioning to assess the medical condition or mental status of an individual."

NYACP is committed to promoting patient safety and quality of care, and improving public health. As an organization representing physicians and medical students in training, we have a professional obligation to advocate for the health and human rights of all persons. The Chapter believes that this legislation will help protect the professionalism of medicine and establish a mechanism for health care professionals, who deliver quality health care to prisoners and who are acting in an ethical manner, to safely report cases of torture or suspected torture to proper authorities.