



**INTER-AMERICAN INSTITUTE OF HUMAN RIGHTS
COOPERATIVE AGREEMENT EDG-A-00-02-00030-00**

PSYCHOLOGICAL SUPPORT FOR VICTIMS OF TORTURE IN THE INTER-AMERICAN SYSTEM

1. General framework

The most critical activities during the July-September 2004 quarter were litigation of torture cases and psychological care for victims as cases came before the Inter-American Court. Other on-going project activities included coordinating the team-network of specialists, enriching methodology for psychological care, disseminating information and raising awareness of torture cases in the Inter-American system.

No training activities for the CEJIL team were scheduled for this quarter, nor was any new electronic information added to the directory of organizations. However, the project continued to gather and process information, which should be on the web site by the October-December 2004 quarter.

The formal launch of the Thematic File had to be delayed as certain adjustments were made to the content. It has been rescheduled for the final quarter of 2004.

The final design and preparation work on the self-training course was rescheduled for the October-December 2004 quarter; it should be ready for formal introduction in 2005, when the project will be completed, to coincide with several pre-scheduled dissemination activities. The launch was not included in the 2005 annual plan, but a date will be set during the first quarter of that year.

2. Annual goals

- Consolidate the team-network of professionals specialized in comprehensive psychological care for torture victims with cases coming before the protection bodies of the Inter-American System.
- Advocate for the inclusion of psycho-social reparations for torture cases in the development of jurisprudence by the Court and recommendations by the Inter-American Commission on Human Rights.

3. Implementation of the Project

3.1. Coordination of the team-network of specialized professionals

3.1.1. Description

Coordination of the team-network continued during this quarter (July-September 2004), mainly through the electronic discussion group and the specialized section of the IIHR web site, "Equipo-red del proyecto de asistencia psicológica a víctimas de tortura en el Sistema Interamericano" (Team-network of the project for psychological care of torture victims in the Inter-American system).

The project also distributed new informational capsules about its activities.

3.1.2. Method

The electronic discussion group proved a useful means of coordinating the preparation of technical articles by project specialists. The results will be compiled in a publication scheduled for release in 2005.

3.1.3. Background / Rationale

The specialized section of the IIHR web site was introduced in December 2003. Its main function throughout 2004 has been to serve as a contact point with the project and provide theoretical, conceptual and practical tools to the team-network on psychological care for torture victims. The discussion group offers a forum for sharing information on project activities and the methodology for psychological care.

3.1.4. Institution(s) Responsible and Coordination

The IIHR technical team is responsible for coordinating with the team-network of specialized professionals.

3.1.5. Intermediate steps

- Communicate with the team-network through the discussion group

3.1.6. Results or Outputs

- Operation of the electronic discussion group
- Specialized section of the web site available to the team-network

3.1.7. Impact indicators

“Team-network has better understanding of the methodology used to provide comprehensive psychological support”

“Further strengthening of the team-network”

The specialized section of the web site and the discussion group have continued to strengthen the team-network by facilitating regular communication and an exchange of ideas and information. Members of the team-network are better able to expand their knowledge about psychological care for torture victims in the Inter-American System because of the access they now have to the material displayed in the specialized section of the web site.

Means of verification:

- 5 messages posted to the discussion group from July to September 2004
- personalized e-mail for members of the team-network

3.2. Comprehensive Psychological Support for Victims of Torture or Their Relatives

3.2.1. Description

During its Sixty-third Regular Session, held in San Jose, Costa Rica from June 28th to July 10th 2004, the Inter-American Court held public hearings on one of the project cases, Daniel Tibi vs.. Ecuador. The victims and their family members in this case have been receiving psychological care through the project. The hearings took place on July 7th and 8th 2004. The Court called Ana Deutsch, a member of the team-network, to serve as psychological expert witness in the hearing; she also accompanied the victim and members of the victim's family.

On September 7th and 8th during its Sixty-Fourth Regular Session, the Court held hearings on the case Serrano Sisters vs.. El Salvador, also covered by the project. Again, team-network specialist Ana Deutsch served as psychological expert witness by affidavit. Julieta López, a psychologist from the Salvadorean organization Pro-búsqueda and a co-petitioner in the case, was on hand as accompanying psychologist for the family.

3.2.2. Method

During the case Tibi vs. Ecuador, psychologist Ana Deutsch lent psychological support to the Tibi family on two different occasions. First she traveled to France (where the victims currently reside) one month prior to the hearings to make initial contact, prepare them for the Court hearing, and provide psychological support. She also collected information that she would need in her appearance as psychological expert witness, related primarily to the psychological consequences of torture. Later, during the hearings in Costa Rica, she accompanied and supported the victims before and after the public hearings and rendered expert witness before the Court.

The project also conducted an interview with the mother of Daniel Tibi's daughters (Tibi vs. Ecuador), the victim's wife at the time Daniel Tibi was arrested and imprisoned, to assess the extent of psychological care provided to the victims. The interview, which took place at the IIHR following the hearings, gave a highly satisfactory picture of the care made available through the project.

In the case of the Serrano Sisters vs. El Salvador, the Court agreed to receive expert witness in written form as a sworn statement (a procedure known as an affidavit), which meant that Ana Deutsch did not need to be physically present in Costa Rica. The IIHR and CEJIL technical teams asked Julieta López, the psychologist who had worked with the family for several years, to attend the hearing along with the victim who had been called by the Court to give a statement, providing her with psychological accompaniment and support. This psychologist had already developed a close bond with the victims and had won their trust. As the ideal candidate for providing psychological support, she traveled to Costa Rica to attend to Zuyapa Serrano, sister of the disappeared victims and the only witness to the events, during her stay to testify before the Court. Even though this psychologist is not a member of the project team-network, the decision was consistent with the flexible approach to psychological care that the project developed in 2004 for the purpose of adapting to the needs and conditions of each victim.

3.2.3. Background / Rationale

The goal for 2004 is to provide psychological care in six cases of torture coming before the Inter-American system: five in the Court and one in the Commission. During this reporting period, two cases were handled in the Court, and two more remain pending for 2004: one in the Court and another in the Commission.

3.2.4. Institution(s) Responsible and Coordination

The IIHR is responsible for psychological care of torture victims in the Inter-American system. The IIHR and CEJIL coordinate their decisions for assigning specialists to the cases.

3.2.5. Intermediate steps

- Coordinate the process of psychological care: assign duties and hours to each specialist.
- Perform the logistics necessary to ensure that specialists assigned to the cases are present for hearings.
- Conduct the final case evaluation for Tibi vs. Ecuador.

3.2.6. Results or Outputs

- Reports on the process of psychological care in the Tibi vs. Ecuador case.
- Written expert witness in the Serrano Sisters vs. El Salvador case.

3.2.7 Impact indicators

“Improvement in the quality of the psychological support provided to victims of torture with hearings before the bodies of the Inter-American System”

“Victims more aware of the importance of their presenting their case before the Inter-American System”

“More and better-quality documentation on practices for supporting victims of torture”

“Contributions to the methodology for providing comprehensive psychological support”

The work with these two new cases taught very important lessons that will enrich project methods for comprehensive psychological care of victims and for documenting these practices. The most significant lesson is the importance of adopting a flexible approach to assigning specialists, based on the particular needs of each case. Because of this flexibility, the project successfully met its basic objectives of high-quality care for victims and an effective legal strategy for advocacy with the bodies of the System. The flexible approach proved to be an innovative, educational experience.

Both in the hearings and in personal communications, the victims recognized how important it was for themselves and their families to have appealed to the Inter-American System and stressed that their appearance and their cases in general would have important implications for their societies.

Means of verification:

- A press release from the Court, dated June 25th 2004, reporting that hearings on the case Tibi vs. Ecuador had been set for July 7th and 8th, 2004
- A press release from the Court, issued on October 1st, 2004, reporting that public hearings had been held on the case Serrano Sisters vs. El Salvador
- An evaluation interview with the mother of Daniel Tibi's daughters (Tibi vs. Ecuador)

3.3. Litigation of torture cases before the Inter-American System

3.3.1. Description

Prepare and conduct trips to the region

During this reporting period (July-September 2004), the project traveled to Mexico (July 18th to 27th 2004) to look into the Martín del Campo case and complaints filed on the Sara Santiz case.¹

The objective of this mission was to develop the Martín del Campo vs. Mexico case by meeting with counterparts, experts and authorities. This case is currently pending before the Inter-American Court, which heard preliminary objections in April 2004, as has already been reported.

¹ The report on the mission to Mexico is attached hereto.

The project also finished documenting the Sara Santiz case in Chiapas in preparation for lodging a formal complaint with the Inter-American Commission on Human Rights. CEJIL had evaluated the Santiz case for potential inclusion in the project.

New cases for potential inclusion in the project

During the reporting period (July-September 2004), the project finished collecting documentation on the Sara Santiz case that will be filed with the Inter-American Commission on Human Rights. This case introduces gender issues into the project for the first time.

For informational purposes, following is a brief synthesis of the facts in this case, which is currently being prepared for filing:

Sara Santiz Gómez, a 24-year-old Maya woman and a speaker of the tzeltal language in the municipality of Oxchuc, was the victim of forced sterilization at the Rural Hospital of the Mexican Social Security Institute (IMSS) in Altamirano, Chiapas on 8 August, 1999. When she entered the hospital shortly before giving birth, the attending physician decided it was necessary to perform a caesarean section. Then, without Sara's consent or knowledge, he ordered a bilateral tubal occlusion, or tubal ligation, a method of surgical contraception in which the fallopian tubes are closed, producing permanent sterilization. Mrs. Santiz, who spoke only tzeltal, was never informed of the procedure that was being done and that left her sterile.

This is a model case of circumstances that clearly violate rights to health, family and privacy, and CEJIL is convinced that the facts of the case also breached the right to humane treatment, as guaranteed in article 5 of the American Convention. Article 5 of the Convention sets forth every person's right "to have his physical, mental and moral integrity respected" (5.1) and to be free from "cruel, inhuman or degrading treatment" (5.2). By performing the tubal ligation without Sara Santiz' free, informed consent, the State of Mexico violated her right to humane treatment - - physically, mentally and morally. Moreover, in line with article 5.2, this very serious surgical procedure could be considered "cruel, inhuman and degrading."

It was these arguments that suggested the suitability of this case for inclusion in the project, and the matter was included on the mission to Mexico, as reported above, so that better documentation could be gathered.

Hearings before the Inter-American Court

During the reporting period (July-September 2004), the Inter-American Court of Human Rights held sessions and heard several cases litigated by CEJIL, some of which were included in the project: Tibi vs. Ecuador, Serrano Sisters vs. El Salvador, Martín del Campo vs. Mexico and Panchito López vs. Paraguay.

3.3.2. Method

Tibi vs. Ecuador

On July 7th and 8th, 2004, starting at 9:00 a.m., the Court in public hearing received final oral pleadings from the Inter-American Commission, representatives of the alleged victim and the State of Ecuador on preliminary objections, merits, and costs and reparations. The Court also received statements from witnesses invited by the Inter-American Commission, representatives

of the alleged victim and family members and the State, and the opinions of expert witnesses proposed by the Commission and by representatives of the alleged victim and family members.

Mr. Tibi was arrested on September 27th, 1995, while driving his car to a business meeting in the city of Quito. He was arrested by police officers from the city of Quito, who had no arrest warrant, and flown to the city of Guayaquil, where he was held in a cell and kept illegally for 28 months. Mr. Tibi was tortured on several occasions and forced to confess to having participated in a drug trafficking case.

The hearings included testimony from the victim, family members and expert witnesses, including the professional psychologist attached to this case, Ana Deustch, who gave arguments concerning the impact and repercussions of the incident on the family, as well as a recommendation for comprehensive reparation if damages were proven.

On September 7th 2004, the Court gave judgment on the case, finding that Ecuador was guilty of violating the rights to property, personal liberty, judicial protection and the right to a fair trial protected by the American Convention of Human Rights, as well as the right to humane treatment also protected in the Inter-American Convention to Prevent and Punish Torture.

Serrano Sisters vs. El Salvador

The Court set a public hearing for September 7th, 2004 to hear final oral pleadings from the Inter-American Commission, representatives of the alleged victims and members of their families, and the State of El Salvador on preliminary objections and possible merits, reparations and court costs, as well as statements from witnesses called by the Inter-American Commission, representatives and the State. Ana Deustch, the psychologist acting in this case, gave her statement in writing as she had not been summoned to appear personally at the hearing.

The complaint in this case involved the capture, abduction and forced disappearance of Ernestina Serrano Cruz, then 7 years of age, and her sister Erlinda Serrano Cruz, then 3, by members of the "Atlacatl" battalion of the Salvadoran army during an operation in the Municipality of San Antonio de la Cruz, Department of Chalatenango.

The Court's judgment on this case is currently pending.

Martín del Campo vs. Mexico

As was stated in the previous report, a hearing took place for preliminary objections on this case. The purpose of the mission to Mexico, described at the beginning of this report, was to prepare for the upcoming discussion of the merits by gathering all necessary information and documentation and making contact with the professional psychologist scheduled to appear in the hearing on merits.

On September 3rd, 2004, the Court handed down its judgment on preliminary objections, accepting the position of the State of Mexico and dismissing any further pursuit of the petition, arguing lack of jurisdiction at the time of the incident.²

² The CEJIL press release on the judgment of the Court in this case is attached hereto.

Panchito López vs. Paraguay

On September 2nd, 2004, the Court gave judgment on the case Instituto de Reeducción del Menor Panchito López vs. Paraguay, following the hearing described in the last report.

In this case, the Court's judgment highlighted the arguments and evidence supplied by CEJIL in its capacity as representative of the victims (statements by witnesses, victims and experts), all produced in the framework of this project.

New hearings

On September 1st, 2004, the Commission received requests for hearings for the session scheduled from October 21st through 27st 2004.

During August 2004, CEJIL evaluated a number of cases involving alleged practices of torture to identify those that had advanced enough and seemed best suited for inclusion in the project. At the time this report was prepared, no information was yet available as to whether any of these cases would be included, as the victims and their families had not yet given the necessary authorization.

3.3.3. Background / Rationale

In 2003, three torture cases included in this project came before the Inter-American System, laying the technical, methodological and administrative groundwork for the six cases planned for 2004. The airing of these cases within the system, supported by the comprehensive methodology the project has developed, will make the very complex nature of this problem much more visible. As a result, the bodies of the system can be expected to develop suitable responses.

3.3.4. Institution(s) Responsible and Coordination

CEJIL technical team

3.3.5. Intermediate steps

- Plan the mission to Mexico
- Prepare hearings for the cases Tibi vs. Ecuador and Serrano Sisters vs. El Salvador
- Request hearings with the Inter-American Commission

3.3.6. Results or Outputs

Two project cases heard by the Inter-American Court.

3.3.7. Impact indicators

“More torture cases brought before the bodies of the Inter-American System”

“The protection bodies of the Inter-American System are devoting greater attention to the issue”

With the inclusion of two new cases, the Court has now heard more about this issue, giving it greater visibility in the Inter-American System.

Means of verification:

- Communiqués from the Inter-American Court reporting that hearings have been granted on Daniel Tibi vs. Ecuador and Serrano Sisters vs. El Salvador
- Judgments on the cases Martín del Campo vs. Mexico, Tibi vs. Ecuador and Panchito López vs. Paraguay
- Report on the mission to Mexico

3.4. Enrichment of methods for comprehensive psychological care

3.4.1. Description

Work began on a specialized book covering the most critical issues that arose during project implementation. The book, to appear in Spanish, will cover the following topics, each one assigned to a particular specialist:

- Exhaustion of domestic remedies and psycho-social implications for victims. Gilda Pacheco
- Psychological counseling and psychotherapy. Pilar Raffo
- Interdisciplinary psycho-legal language used in case litigation in the Inter-American System. Alicia Neuburger and Víctor Rodríguez (attorney)
- Torture. Ana Deutsch
- Forced disappearance. Debora Munzcek
- The grieving process. Carlos Portillo
- Impunity. Cristina Bottinelli
- Reparations in cases of torture and forced disappearance in the Inter-American System. Graciela Guillis
- Working with massacre victims, and strategies for collective reparation. Nieves Gómez
- Role of the State and NGOs in mental-health care for torture victims. María Isabel Castillo
- Role of the family: from victims to social protagonists. Jorge Buitrago
- Progress in reconciliation and reparations for torture victims throughout the region. Carlos Beristain

These specialized papers will target attorneys involved in international litigation, commissioners and judges for international protection agencies, the attorneys who support them, and individuals and entities interested in these issues.

The purpose of the publications is to equip the many parties to this process with a better understanding of issues involved. The decision to have the texts prepared individually serves an additional purpose as well. The exercise can become an opportunity for collective action if writers make use of the specialized section of the web site and the discussion group of the team-network to draw on the experience of other members of the network of specialists. They can post inquiries to the entire group or to individual members, especially in cases where topics overlap.

The final document will be edited. Authors were asked to devote their first 20 pages to conceptual development, followed by illustrations based on concrete examples that will clarify the points and facilitate learning of the concept. These papers will be intended for educational and training purposes. When relevant, they should also offer concrete recommendations of psycho-social reparations. Once the papers are finished, they will be placed on the specialized section of the web site under "Equipo-red," to be read by the entire group and discussed when the team gets together in San Jose, Costa Rica in the early months of 2005.

A specialist in international law and human rights has already been contacted about preparing a legal glossary of 70 terms to be included on the glossary page of the specialized section of the IHR web site.

During the time when cases covered by the project were up for public hearing, project staff met with professional specialists assigned to the following cases:

- Alicia Neuburger (Molina Theissen vs. Guatemala) July 16th , 2004
- Ana Deutsch (Daniel Tibi vs. Ecuador) July 8th , 2004
- Julieta López (Serrano Sisters vs. El Salvador) September 9th , 2004

The purpose of these meetings was to evaluate the experience of providing psychological care in each case and compile recommendations to enrich the methodology.

3.4.2. Method

The first step was to select topics for the specialized papers. In August 2004, the IHR held consultations with colleagues, including CEJIL, asking them to reflect on their litigation experience and identify important themes for development in a specialized publication on torture in the Inter-American System. This provided additional input to guarantee that the articles would meet user expectations. Similar informal consultations were held with some of the judges from the Inter-American Court during the August session.

Ana Deutsch and Alicia Neuburger (specialists from the team-network) attended a meeting at IHR offices on July 9th 2004 to discuss what topics should be developed, based on their experiences with psychological care in project cases. The list of topics given above emerged from this meeting and was then forwarded to the specialists.

By the first week of September 2004, lists of sub-topics had been prepared in principle for each paper. The lists were reviewed, and specific recommendations were sent to each specialist. At the same time, general recommendations were posted to the discussion list.

The writers were instructed to limit the discussion of their topics to the implications for torture victims whose cases came before international litigation. They were given until October 2004 to

complete their drafts and send them in for feedback, with the idea that the final versions would be ready by 30 November 2004.

3.4.3. Background / Rationale

The final goal of the project is: "To provide psychological care to torture victims whose cases come before the Inter-American System for Human Rights Protection." This requires a specialized methodology that is continually being fine-tuned. The project has considered a number of mechanisms to enrich this methodology and to begin gathering the theoretical and technical assets needed for providing victims with high-quality care.

3.4.4. Institution(s) Responsible and Coordination

IIHR technical team.

3.4.5. Intermediate steps

- Identify topics for discussion in the specialized papers
- Make contact with specialists to assign topics and prepare preliminary outlines
- Select and hire a person to be in charge of each topic
- Hold meetings with psychologists

3.4.6. Results or Products

- 12 contracts to write papers
- Coordinated work between psychologists and attorneys

3.2.7 Impact indicators

“Continuous improvement of the methodology for providing comprehensive psychological support to torture victims”

“Further development of important aspects of the methodology”

The process of continuously improving the methodology for psychological care has benefited from feedback by psychologists and coordination between the legal team and the psychological team.

Means of verification:

- Contracts
- E-mails to coordinate the preparation of papers
- Scheduled meetings with specialists from the team-network

3.5. Sensitization of the Inter-American System

3.5.1. Description

The project began to develop a specialized report on project progress to date. It will be presented to the human-rights protection bodies of the Inter-American System: to members of the Commission in October 2004, and to the judges of the Court in November 2004.

On September 2nd 2004, Inter-American Court judge Antonio Cancado Trindade contacted the IIHR and requested information on torture, its effects and possibilities for reparations, to bolster his arguments on a case judgment. The project prepared a reply, first by referring to the glossary posted on the specialized section of the web site, and then by consulting the web-based document collection specialized on project issues. The information was found and sent to the Inter-American Court. This contact demonstrates the judges' interest in developing a deeper understanding of torture and its effects on victims, as well as means of reparation, which is one of the basic objectives of the project.

3.5.2. Method

In order to prepare its specialized report for submission to the rights-protection bodies, the IIHR began documenting project cases to date, with details on achievements so far and the outlook for 2005.

3.5.3. Background / Rationale

The process of creating awareness in the Inter-American System began when the project first started in 2002 and has been on-going. It holds critical importance for two project goals in particular: conducting advocacy with the institutions of the system to seek comprehensive reparations for victims and members of their families, and having a real impact on public policies in countries covered by the jurisprudence of the Court.

3.5.4. Institution(s) Responsible and Coordination

IIHR technical team.

3.5.5. Intermediate steps

Gather material for writing the report

3.5.6. Results or Outputs

The final product (specialized report) is still in process and scheduled for completion in October 2004.

3.5.7. Impact indicators

“Progress in the jurisprudence on torture of the Inter-American Commission and Court”

“Progress in sensitizing these bodies to the psychological impact of torture”

“Incorporation of psychosocial reparations for victims or their relatives into the recommendations and judgments issued by the bodies of the Inter-American System”

The progress of these indicators can be measured over the medium term in judgments and recommendations by the protection bodies, and over the short term, in the granting of hearings for cases covered by the project. During 2004, the Inter-American Court granted hearings on four project cases over the course of two sessions; this reveals the Court's interest in the issue and demonstrates that both the commissioners and the judges are aware of the project and open to it.

3.6 Dissemination of information on the project

3.6.1. Description

CEJIL published and released a new edition of the *CEJIL Gazette* entitled (in Spanish) "New prospects for the litigation of torture cases: psychological dimensions." The publication is also available on the CEJIL web site.

3.6.2. Method

The *Gazette* is a CEJIL publication printed in Spanish, English and Portuguese. The first targets of distribution were human-rights organizations and ombudsmen.

3.6.3. Background / Rationale

The plan of action had called for publication of the special issue of the *CEJIL Gazette* as a means to disseminate project information specifically addressing the problem of torture, its psycho-social implications and possible forms of reparation.

3.6.4. Institution(s) Responsible and Coordination

CEJIL is the institution responsible for preparing and publishing the *Gazette* issue specialized on torture.

3.6.5. Intermediate steps

- Design and publish the specialized issue of the *Gazette*.

3.6.6. Results or Outputs

- *CEJIL Gazette* "New prospects for the litigation of torture cases: psychological dimensions" (in Spanish).

3.6.7. Impact indicators

“More people are knowledgeable about the psychological impact of torture and the methodologies used to provide support”

The distribution of the Gazette should bring about a substantial increase in the number of people informed about the project and will spread knowledge about the innovative issues addressed in the text.

Means of verification:

- A copy of the specialized *Gazette*
- Vouchers for distribution of the specialized *Gazette*

4. Lessons learned

The report for the last quarter stated that lessons were being learned about the need to adopt special forms of psychological care tailored to the particular conditions of these victims. The quarter now under report (July-September 2004) saw confirmation of this learning process. The project has continued to build and develop the experimental methodology, receiving input as new forms of treatment emerge. The coordinated work of the legal team and professional psychologists has proven to be a valuable tool favoring both legal case strategies and the emotional condition of victims.

The project has continued to confirm how important it is for victims to receive psychological counseling during the difficult process of appearing before the Court. The ordeal of testifying and recalling extremely painful incidents has severe emotional implications and reactivates traumas from the past. The victims in one particular case reported that it had been very beneficial for them to hear the psychological expert witness, helping them understand better what they had been through. This underscores the importance of comprehensive psychological care. Both the psychological support and the expert witness are an essential part of this process, and the flexible approach is critical for adapting the work to the unique needs of each case.