



**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 sessions of the Inter-American Court, which involved torture cases related to the project, were one of the key activities during the reporting period. Project staff also continued to coordinate the team-network of professional specialists and further develop the psychological support methodology. In addition, progress was made in consolidating the efforts to disseminate the project widely.

Interagency coordination meetings were held during the 62nd Period of Regular Sessions of the Inter-American Court (San Jose, Costa Rica, April 19th - May 8th). Liliana Tojo, of CEJIL, project coordinator Gilda Pacheco and project assistant Maylin Cordero took part. Liliana Tojo and Maylin Cordero also met with IIHR administrative staff a number of times. On May 4th, for example, they coordinated budgetary and administrative matters related to the project. It is worth reiterating the importance of these face-to-face meetings in the case of such an innovative undertaking. They make it possible to enhance the management and implementation of the project.

The work plan for the quarter under review (April-June) did not include any CEJIL training actions.

The analysis of reports submitted by specialists and the preparation and presentation of specialized reports to representatives of the protection bodies of the Inter-American system were rescheduled for later in the year (see schedule for details). The design and preparation of the self-taught course were also pushed back to the last quarter of 2004. The content is related to CEJIL's training process and specialized documents that are still being prepared. The course will therefore be launched in 2005.

According to the schedule submitted with the 2004 work plan, psychological support was due to be provided during the months of January, February and March, and September and October. The Court tends to convene hearings at short notice, however, which makes planning difficult. As it turned out, the hearings in May and July made it possible to extend the comprehensive psychological support to the months of April and May. The periods of sessions also made it possible to hold meetings with specialists and attorneys. Activities under this heading were therefore added to the schedule for April and May.

2. Annual Goals

- To consolidate the team-network of specialist professionals for providing comprehensive psychological support for victims of torture with cases before the protection bodies of the Inter-American System
- To influence the development of the jurisprudence of the Inter-American Human Rights Court and the recommendations of the Inter-American Human Rights Commission, with regard to psychosocial reparations in torture cases

3. Implementation of the Project

3.1. Coordination of the Team-Network of Specialist Professionals

3.1.1 Description

The staff continued to coordinate the team-network during this quarter (April-June), mainly via the electronic discussion list and the specialized section devoted to the project (“Team-network of the project Psychological support for victims of torture”).

3.1.2 Method

The electronic discussion list was used to discuss topics contained in the glossary, such as political violence, the status of victims and victimizers, trauma and traumatic events, and reparations for victims. The staff distributed and posted news updates (“cápsulas informativas”), and concerns raised by members of the team-network (e.g., regarding expert evidence and the concept of post-traumatic stress applied to families). All of this will be useful for new cases that may be included in the project.

News items were posted on the specialized section about the project’s progress and important developments, such as the message from the U.N. Secretary General commemorating the International Day in Support of Victims of Torture. A report was also posted on the expert evidence given in the case of Plan de Sánchez Massacre vs. Guatemala. A member of the team-network was involved, but the case was not included in the project as it was not litigated by CEJIL.

3.1.3 Background / Rationale

Launched in December 2003, this year the specialized section has continued to serve primarily as a link and provide theoretical-conceptual and practical tools to the team-network for psychological support to victims of torture.

3.1.4 Institution(s) Responsible and Coordination

The IIHR team is responsible for coordinating the work of the team-network of specialist professionals.

3.1.5 Intermediate Steps

- Communicate with the team-network via the discussion list
- Edit and post new input on the specialized section

3.1.6 Results or Outputs

- Operation of the electronic discussion list
- Specialized section at the disposal of 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 team-network has been strengthened, as members can now communicate with each other, and exchange ideas and information via the specialized section and discussion list. As they are able to access the systematized jurisprudence, the psychosocial glossary and the articles on specific subjects, the members of the team-network are continually learning more about psychological support for victims of torture in the inter-American system.

Means of Verification:

- 17 messages distributed via the discussion list between April and June

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

3.2.1 Description

During the 62nd Period of Regular Sessions of the Inter-American Court, held April 19th - 8th May, in San Jose, Costa Rica, public hearings were granted to the following cases included in the project: Instituto de Reeducción del Menor “Coronel Panchito López” vs. Paraguay, and Molina Theissen vs. Guatemala. Professional specialists who are members of the project’s team-network provided psychological support in both cases.

A mission was also carried out May 27th -31st to prepare for the litigation phase of the case of Daniel Tibi vs. Ecuador (details can be found in the section Litigation of torture cases in the Inter-American System). Team-network specialist Ana Deutsch provided psychological support and will also give expert evidence. The Court granted hearings in July (details will be included in the corresponding report).

3.2.2 Method

Team-network psychologist Alicia Neuburger was assigned to the case of Molina Theissen vs. Guatemala. She lives in Costa Rica, where the Molina Theissen family also resides. Ms. Neuburger coordinated her efforts with the psychologist who worked with the family before the case was submitted to the Court. She was also in close contact with the legal team assigned to prepare the testimony of the witnesses. This process was carried out in March and April.

Due to the complexity of the case, two psychologists from the team-network were assigned to Panchito López vs. Paraguay. Paraguayan Carlos Portillo was chosen to give psychological support to the victims and their relatives, and to advise the legal team on the cultural patterns

they needed to take into account in handling the case. Mr. Portillo also served as an interpreter when the people interviewed spoke only Guarani, one of Paraguay's two official languages (the other being Spanish). Ms. Deutsch was chosen as an expert witness to testify before the Court, as the legal strategy called for a person who was not a national to do this, and someone with broad experience in presenting expert evidence to the Court. The two experts chosen complemented each other. The psychological support in this case was provided in Paraguay from March 21st to April 3rd , and during the hearings in San Jose, Costa Rica, from April 30th to May 6th .

An evaluation was conducted of the psychological support provided to the mothers of youths imprisoned in the Centro Panchito López who testified before the Court (see annex: Evaluation of the case of Panchito López vs. Paraguay). The support given by the psychological team was rated very positively. In the case of Molina Theissen vs. Guatemala, it has not yet been possible to conduct the evaluation with the relatives for logistical and technical reasons.

The psychological reports on this activity are presently being prepared. Once they are received, they will be studied and reported on. This analysis has been rescheduled for the months of July and August.

3.2.3 Background / Rationale

The goal in 2004 is to provide psychological support in six cases involving torture brought before the Inter-American System (five that are being considered by the Court and one by the Commission). The Court dealt with two cases during the period under review, so three remain pending for 2004.

3.2.4 Institution(s) Responsible and Coordination

The IIHR is responsible for the psychological support provided to victims of torture in the Inter-American System. The IIHR and CEJIL teams of specialists coordinate with each other in assigning the experts for each case.

3.2.5 Intermediate Steps

- Academic coordination of the support process, and distribution of functions and hours allotted to each specialist
- Logistical support, to ensure that the specialists take part in the hearings granted for their respective cases

3.2.6 Results or Outputs

Two cases of torture granted hearings before the Inter-American Court benefited from the psychological support provided by the project.

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 IHR and CEJIL gained important experience from these two cases. As a result, they will be able to improve the quality of the psychological support provided to victims. Assigning two psychologists to the case of Panchito López vs. Paraguay to meet two basic objectives (to provide victims with support of the highest quality and develop the legal strategy for influencing the bodies of the system) proved to be an innovative and enriching experience. The case of Molina Theissen vs. Guatemala showed the importance of protecting victims' privacy in cases where it is necessary because of their public life or work situation. It also highlighted aspects of the bond that is forged between the specialists and the people affected by rights violations.

These lessons are extremely important, as they make it possible to improve the methodology of comprehensive psychological support to victims, and to document these practices.

In both cases, during the hearings and in personal communications, the victims acknowledged how important it was for them and their relatives to have gained access to the inter-American system, and the impact that their appearance before the Court, and the case in general, would have on their social environment. This was one of the main reasons they were willing to testify before the Court and describe the experience of having their rights violated by the State.

Means of Verification:

- Press release from the Court, dated 30 March, announcing hearings for the cases of Panchito López vs. Paraguay and Molina Theissen vs. Guatemala
- Survey of relatives of victims of the Centro Panchito López
- Report of mission to France, case of Tibi vs. Ecuador

3.3 Litigation of torture cases in the Inter-American System

3.3.1 Description

Preparation and implementation of visits to the region

The project carried out a mission to Paraguay during the reporting period (April-June), related to the case of Panchito López vs. Paraguay.¹ The objective was to prepare the hearing scheduled by the Inter-American Court to debate the merits of the case (May 3rd -5th).

¹ A report on the mission to Paraguay is attached.

Documentation missions were also carried out related to the case of Tibi vs. Ecuador. A mission visited Ecuador in June, and another (composed of Ana Deutsch, the specialist assigned to the case, and one of the attorneys, Roxana Althoz) traveled to France in May. The objective was to interview the victim and other witnesses.²

New cases that may be included in the Project

During the period under review (April-June), a new complaint was submitted to the Court that could be included in the project. It is the case of Wilson Gutiérrez and others vs. Colombia.

The facts of the case are summarized below for informational purposes:

On August 24th 1994, Mr. Wilson Gutiérrez Soler was subjected to unlawful arrest and tortured by National Police Colonel Luis Gonzaga Enciso Barón and his cousin, Mr. Ricardo Dalel Barón, a former colonel in the National Army, to extract a confession from him. Despite all the evidence -including forensic and oral evidence regarding the torture-, a military court ordered that all charges against Colonel Enciso Barón be dropped and a civilian court announced that the case against Mr. Dalel Barón had been closed. In addition, after the acts of the torture were denounced, Wilson Gutiérrez Soler and his family were subjected to a campaign of harassment that has so far lasted ten years. Mr. Gutiérrez and his relatives have been followed, subjected to threats and attacks, and their home has been searched. Until now, the acts of torture and harassment have gone totally unpunished.

Hearings of the Inter-American Court

During the reporting period (April-June), the Inter-American Court of Human Rights granted hearings to several cases litigated by CEJIL, some of which were included in the project: Molina Theissen vs. Guatemala; Panchito López vs. Paraguay; and Martín del Campo vs. Mexico.

Next periods of hearings

Toward the end of June, CEJIL began to review the cases that have reached the stage where the Court and Commission might grant them hearings during their next periods of sessions. CEJIL will ask the Commission to grant the respective hearings as soon as possible.

3.3.2. Method

Case of Molina Theissen vs. Guatemala

The hearing for the presentation of evidence in this case was set for 8:30 a.m. on April 26th. On March 1st, the President of the Court ordered the parties to present final oral arguments on preliminary exceptions, merits, reparations and costs, and witness statements and expert evidence from the following individuals proposed by the victim's representatives:

- Emma Theissen Alvarez Vda. de Molina, mother of the alleged victim and an eyewitness. She gave evidence regarding the circumstances in which the alleged offenses occurred.

² Reports on both missions related to the Tibi case (to Ecuador and France) are attached.

- Emma Guadalupe Molina Theissen, sister of the alleged victim, who gave evidence regarding the events that preceded the forced disappearance denounced in the case.
- Ana Lucrecia Molina Theissen, sister of the alleged victim, who gave evidence regarding the efforts to find Marco Antonio Molina, the threats the family received, the disintegration of the family unit when family members were forced to go into exile, the psychological impact of the alleged violations, the moral prejudice and other aspects related to the complaint.
- Alicia Neuburger, a psychologist who gave evidence regarding the impact of the case on the family, the emotional trauma and grief suffered by family members, possible reparations, and any related matters about which the Court may require more details.

In May of this year, the Court issued its judgment in this case. The State asked the Court not to hold a hearing on the merits of the case, as it had acknowledged its international responsibility. However, the Court decided that a public hearing was warranted because of the importance of the case, to demonstrate what had occurred in Guatemala at that time. Issued on May 4th, the judgment established the facts of the case and the violations committed by the Guatemalan State against Marco Antonio Molina Theissen and his relatives. The Court also announced its intention of issuing a judgment ordering reparations.

Case of Panchito López vs. Paraguay

As explained in the report on the mission to Paraguay, this case is of special importance for human rights work throughout Latin America, since in many countries the situation of juvenile and child prisoners is very critical.

Given the complexity of the evidence involved in the case, the hearing was scheduled for May 3rd-5th.

The Court ordered the individuals to appear whose testimony had been offered by the victims' representatives (Raúl Esteban Portillo and Pedro Iván Peña) and the victims' mothers (Teofista Domínguez and Felipa Valdez). The experts involved were Eduardo Gallardo, Luis Ecoibar Faella and Ana Deutsch. The sworn statements of additional witnesses were also presented. These affidavits were obtained during the mission to Paraguay, the objectives of which are also described in this report.

All that remains is for the Court to issue its judgment.

Case of Martín del Campo vs. Mexico

As reported previously, a hearing was granted for this case for the presentation of preliminary objections. As the case is included in the project, the attorneys considered the possibility of having psychology experts take part. They decided it was not necessary at this point in the proceedings, however.

3.3.3 Background / Rationale

In 2003, three torture cases included in the project were litigated in the Inter-American system. This experience laid the technical, methodological and administrative groundwork for the six cases due to be included in 2004. The presentation of these cases in the system, supported by

the comprehensive methodology developed under the project, will raise the profile of the complexity of this issue. The protection bodies are also expected to develop appropriate solutions.

3.3.4 Institution(s) Responsible and Coordination

CEJIL's team of specialists

3.3.5 Intermediate Steps

- Planning of mission to Paraguay
- Preparations for the hearings of three cases (Panchito López vs. Paraguay, Molina Theissen vs. Guatemala, and Martín del Campo vs. Mexico)

3.3.6 Results or Outputs

The Inter-American Court held hearings on three cases included in the project.

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”

These three cases mark an increase in the number of torture cases included under the project and the Inter-American Court is addressing the issue of torture.

Means of Verification:

- Press release from the Inter-American Court giving details of the hearings held in the cases of Panchito López vs. Paraguay, Molina Theissen vs. Guatemala, and Martín del Campo vs. Mexico
- Judgment in the case of Molina Thiessen vs. Guatemala

3.4. Enhancing the methodology used to provide comprehensive psychological support

3.4.1 Description

Project staff systematized the Court's jurisprudence on judgments concerning reparations in torture cases. The objective is to evaluate the development of the Court and the Commission's jurisprudence, based on the cases included under the project. The specialists of the team-network will also have reference material they can use for the expert opinions they present to the protection bodies. The final document is now being edited and will be posted on the specialized section.

During the 62nd Period of Regular Sessions of the Inter-American Court (San Jose, Costa Rica, April 19th – May 8th), coordination meetings took place involving the psychologists and lawyers assigned to the cases included in the project during this quarter: Panchito López vs. Paraguay and Molina Theissen vs. Guatemala (see activity: Litigation of torture cases in the Inter-

American System). The meetings were used to coordinate the strategy and key aspects of the testimony that the witnesses would be giving during the hearings.

On Friday, April 30th, a meeting was held at IIHR headquarters with the specialists assigned to the cases already mentioned, to evaluate the use and content of the specialized section and contribute ideas for the CEJIL training process and the preparation of the manual on psychological support for torture victims in the Inter-American system.

This manual is designed to help the specialists prepare and implement a methodology of comprehensive psychological support for victims and their relatives. Details of the first stage of the process were given in the previous report (January-March). A draft version of the manual has now been completed. However, in a meeting with Liliana Tojo, the CEJIL official responsible for the project (04-05-04), it was decided that it would be better to produce the manual jointly with CEJIL's legal team, so it can be validated and improved with input from them. They have litigated in the system for years and incorporating their experience into the manual would also make it useful for lawyers. This would expand the target audience for the manual to include lawyers as well as psychologists, in keeping with the interdisciplinary spirit of the project.

3.4.2 Method

The research on jurisprudence on reparations in torture cases brought before the Inter-American Court involved the study of printed and electronic documents. The work was divided into three main parts:

- A brief definition of the main concepts used by the Court with regard to reparations
- A table summarizing twenty torture cases resolved by the Inter-American Court, including the main reparations it ordered
- An analysis of the content of the judgments, taking into account the allegations of the victims or their relatives and those of the Inter-American Commission

3.4.3 Background / Rationale

The project's ultimate goal is "to provide psychological support to victims of torture with cases in the Inter-American Human Rights Protection System." However, it is not simply a question of developing a methodology. The project is also creating various channels that will make it possible to improve the methodology continually. The theoretical and technical knowledge acquired will ensure that the victims receive the best possible support.

3.4.4 Institution(s) Responsible and Coordination

IIHR team of specialists

3.4.5 Intermediate Steps

- Identification of the aspects to be addressed in the systematization of jurisprudence on reparations
- Selection and hiring of a consultant to conduct the aforementioned research
- Correcting and editing of the final document on jurisprudence on reparations
- Meetings with psychologists and lawyers

3.4.6 Results or Outputs

- Final document: Systematization of judgments ordering reparations in torture cases in the Inter-American System
- Draft manual on psychological support for torture victims in the Inter-American system
- Work coordinated between psychologists and lawyers

3.4.7 Impact indicators

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

“Further development of important aspects of the methodology”

The psychological support methodology has been improved with feedback from the psychologists, and thanks to the coordination between the legal and psychological teams and the production of the manual that will be used (which is now also being improved and validated). The research on reparations will also provide useful input for the expert evidence given to the Court.

Means of Verification:

- Document on the manual
- Document on the systematization of jurisprudence

3.5. Sensitization of the Inter-American System

3.5.1 Description

The plan for 2004 included the preparation and presentation of a specialized report to the protection bodies of the Inter-American system on the project's findings. However, this activity was postponed because the reports on the psychological support already provided are still not available. Furthermore, it is now felt that it would be better to submit a single report at the end of the year describing all the work carried out in 2004. This would have a bigger impact on the judges of the Court and the members of the Commission, as the documents presented to these bodies must be very pertinent and precise. The preparation of the specialized report has therefore been rescheduled for the months of September and October. It will be presented in meetings with the protection bodies planned for October (Commission) and November (Court).

3.5.2 Method

This activity will still go ahead during September, October and November. The report will be prepared in September and October and submitted to the Commission in October and to the Court in November.

3.5.3 Background / Rationale

The ongoing process of sensitizing the Inter-American system got under way in 2002, when the project began. The activity is considered essential for the project to achieve its goals, especially

as regards persuading the protection bodies to order comprehensive reparations for victims and their relatives, and the impact on public policies in the countries to which the Court's jurisprudence applies.

3.5.4 Institution(s) Responsible and Coordination

IHR and CEJIL teams of specialists

3.5.5 Intermediate Steps

There are no intermediate steps

3.5.6 Results or Outputs

There are no outputs to report in the quarter covered by the report (April-June)

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 medium-term impact of these indicators is measured in the judgments and recommendations issued by the protection bodies. The short-term impact is measured in the hearings granted for cases included in the project. So far this year the Inter-American Court has granted hearings to three cases involved in the project, in just two periods of sessions. This demonstrates the degree of interest in the issue and receptiveness to the project. Both the commissioners and the judges are familiar with this effort and are sympathetic to its aims.

3.6 Dissemination of Information about the Project

3.6.1 Description

An issue of CEJIL's Gaceta was completed called "New approaches to litigating torture cases: Psychological aspects." It is available in Spanish, English and Portuguese.

The content of the Thematic Files on torture cases was also completed. This will be posted on CEJIL's website and includes jurisprudence, instruments, documents, news, publications and links related to the subject.

The design and preparation of the self-taught course scheduled to be completed during this quarter was postponed until October-December, as it was felt that it should include input from the training process that CEJIL will be implementing with its legal team. This means that the self-taught course will not be launched until January 2005.

3.6.2 Method

The tests are being carried out and technical adjustments made for the Thematic Files to be included in CEJIL's website.

The Gaceta is a CEJIL printed publication that is distributed widely among human rights organizations and defenders.

The design and preparation of the self-taught course has been rescheduled for October-December, and it will be launched in January 2005.

3.6.3 Background / Rationale

Both the special issue of CEJIL's Gaceta on torture and the Thematic Files on CEJIL's website were included in the work plan, in order to disseminate information about the project, focusing specifically on the issue of torture, its psychosocial implications and possible types of reparations.

3.6.4 Institution(s) Responsible and Coordination

CEJIL is responsible for preparing and publishing the Thematic Files and the special issue of the Gaceta on torture.

3.6.5 Intermediate Steps

- Design, production and publication of the Thematic Files and the special issue of the Gaceta

3.6.6 Results or Outputs

- CEJIL Gaceta "New approaches to litigating torture cases: Psychological aspects"
- CEJIL's Thematic Files designed and ready for posting on line

3.6.7 Impact indicators

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

The dissemination of the Gaceta and the Thematic Files will result in a substantial increase in the number of people who know about the project. Knowledge of the innovative issues addressed by the project will also increase.

Means of Verification:

- A copy of the special issue of the Gaceta
- Contents of the Thematic Files

3.7 Updating of the Directory of Organizations

3.7.1 Description

The regional directory contains details of organizations that specialize in psychosocial treatment for torture survivors and their relatives. It is available online, in the project's specialized section on the IIHR website.

During the reporting period, information was compiled that will be added to the current twenty entries.

3.7.2 Method

New information about organizations is being compiled continually and added to the Web page each quarter.

3.7.3 Background / Rationale

The directory of organizations was posted online during the October-December 2003 quarter, to afford users easy access to the information. The objective of the directory is to demonstrate to the judges responsible for ordering reparations that local organizations and resources exist that can help victims and their relatives overcome their emotional trauma. It also serves as a database on organizations working in this field.

3.7.4 Institution(s) Responsible and Coordination

IIHR team of specialists

3.7.5 Intermediate Steps

- Electronic and personal contacts with organizations

3.7.6 Results or Outputs

- Electronic directory of organizations that specialize in treating torture victims. Contains entries for 20 organizations involved in the project

3.7.7 Impact indicators

“Users have more access to up-to-date information about organizations that specialize in psychosocial treatment for torture victims”

The electronic directory of organizations provides basic information on organizations and networks involved in tackling the problem of torture in different countries in the hemisphere.

Means of Verification:

- Electronic access to directory of organizations

4. Lessons Learned

One of the lessons learned during this quarter was that the method used to provide comprehensive psychological support must be flexible and adapted to the needs of each case. Different strategies may be called for, geared to the specific circumstances. This was made very clear in the case of Panchito López vs. Paraguay, where a combination of expert evidence and psychological support was used.

Consideration was given to two key aspects during the quarter under review (April-June). The first is the importance of the project making a theoretical-methodological contribution that will benefit other organizations and people who use the Inter-American system.

The second is the need for interdisciplinary contributions to the project's outputs, to incorporate the visions of both the lawyers and the psychologists - what the people involved in the project refer to as the "psycho-legal perspective." This applies to both the manual on psychological support and the self-taught course, which have been rescheduled to incorporate this vision and make them accessible a wider audience.

