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International
Rehabilitation
Council for
Torture Victims



IN PURSUIT OF JUSTICE



The importance of psychosocial support for
torture victims participating in legal proceedings

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The International Rehabilitation Council for
Torture Victims (IRCT) is an independent,
international health-based human rights
organisation, which promotes and supports
the rehabilitation of torture victims, promotes
access to justice and works for the prevention
of torture worldwide. The vision of the IRCT is
a world without torture.

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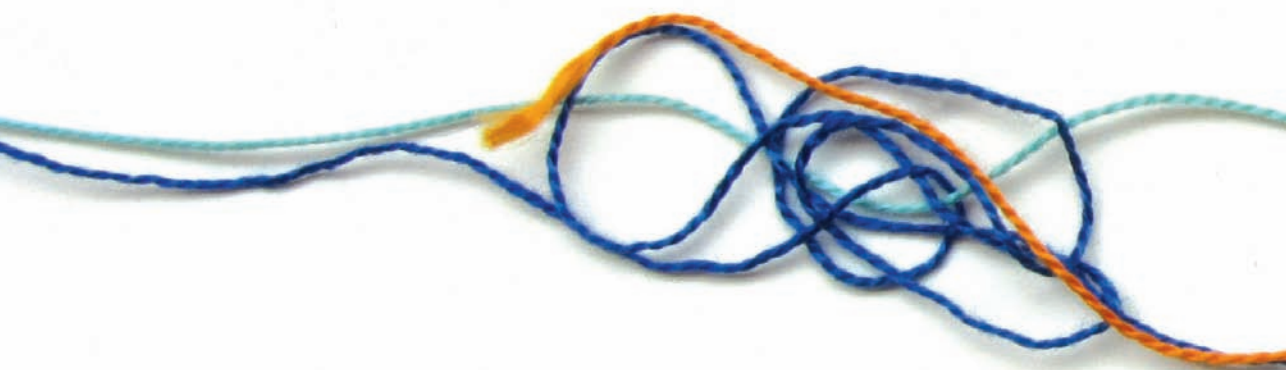
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FOREWORD

Pursuing justice often plays a major role in the rehabilitation of a torture survivor and in the fight against impunity. However, the legal process is for most victims an extremely stressful, emotional and unfamiliar experience. Even where legal proceedings take place, court mechanisms and investigating authorities often do not fully take into consideration, or adequately respond to, the particular needs and expectations of torture victims during the judicial process. This lack of care and support not only affects the victim's important contribution to the legal process but may also ultimately lead to their re-traumatisation.

This report highlights the stories of five torture survivors who chose to pursue justice with psychosocial support from IRCT member centres. It also highlights the role and experience of 37 IRCT member centres who already provide psychosocial support to torture victims involved in legal proceedings.

With this report we emphasise that appropriate psychosocial support is essential to torture victims who pursue justice, to prepare them adequately for court and to manage their expectations and psychological state throughout the legal process. The various multidisciplinary support interventions not only benefit the well-being of the torture victim – by providing both psychological and social support – but also contribute significantly to enhancing the interaction between the victim and the court.

The solution to providing torture victims with adequate care and protection will require a combination of efforts. States need to recognise their obligations to provide – through legislative measures and funding – adequate care and protection to victims that choose to pursue justice. Courts need to better understand the needs and vulnerabilities of torture victims and how these can impact their ability to interact with and contribute to the legal process. Legal professionals and health professionals need to collaborate to share knowledge and expertise and provide a coordinated support to victims.

The IRCT hopes – through this report – to contribute to improving the experience of torture victims at court and highlight the critical role that torture victims play in bringing perpetrators to justice and in the overall fight against impunity.



Victor Madrigal-Borloz,
IRCT Secretary-General

INTRODUCTION

What role does justice play in the rehabilitation process?

Today, thousands of torture victims still suffer from the impact of torture even years after the event. For many victims, seeing the perpetrator brought to justice or receiving compensation for the harm suffered is an essential step in their rehabilitation. Legal proceedings can equally serve to uphold the rule of law by bringing perpetrators to justice as well as facilitating redress and reparations for the victim. To promote the perception of justice and the healing and reconciliation process, it is however crucial for the well-being and ultimate benefit of the victim and the community, that legal proceedings are conducted in a way that recognises the needs of the victim and the challenges that participation in the legal process can present to the victim's own recovery.

The long-lasting and traumatic impact of torture on a victim's physical and mental health is well-documented.¹ Previous studies of survivors of war and human rights violations, including torture, show that victims confronted by impunity for those responsible for their suffering, exhibit strong feelings including fear, helplessness, a sense of injustice, demoralisation and loss of control over life. Recovering from this trauma requires long-term efforts – Post-Traumatic Stress Disorder (PTSD) and depression are often closely associated with fear and loss of control and the perceived threat from those held responsible for the trauma.² Many torture victims also suffer from social isolation as they feel stigmatised in the eyes of others. Thus, a victim's reintegration within society can occur when they are given a voice and are socially acknowledged and supported by the community.

For some torture victims, the experience of participating in legal proceedings can have a positive impact on their well-being and play an integral role in their rehabilitation process. Research has shown that participation in a trial can reduce symptoms of PTSD and facilitate the healing process of torture victims by bringing a sense of justice for the victim.³ In addition, the victim may experience a sense of relief by testifying during court proceedings.⁴ Legal proceedings can help restore a victim's dignity by placing the guilt on the offender and acknowledging the victim's status. Furthermore, reparation may be considered by the victims to be a public acknowledgement of their experience. Indeed, research has shown that immaterial and symbolic measures – such as memorials or apologies – are often perceived to be more important than monetary compensation.⁵

For others, the judicial process may have a negative, even re-traumatising impact on the torture victim. A general distrust in state institutions and a feeling that perpetrators are not adequately punished, particularly if the trial takes place in the country where the torture occurred, may lead to an underlying distrust of the legal process. Participation in a judicial process can also result in the victim having high expectations – for example that the perpetrator is brought to justice, or that they are able to share their story – which may not be met in reality. In many legal systems, a victim's participation in criminal proceedings has been restricted to that of witness or observer, often unable to speak in his/her own words and with limited procedural rights. For example, judges, prosecutors and lawyers may only allow limited interventions from the victim and often they will only be interested in specific aspects of the victim's experience which they consider directly relevant to the presentation of the case. The credibility of the victim may also be questioned – including in open court under cross-examination. The victim may be asked to speak in public about a very traumatic and humiliating experience that perhaps they have not even recounted to their closest family members. While these limitations may feel unfair to the victim, they are often the direct consequence of the court's obligation to ensure the right of the accused to a fair trial.

The frequent lack of care and attention shown to victims by court personnel can also have a negative effect on a torture victim's well-being. Victims can feel disillusioned by what is commonly perceived to be an offender-oriented criminal procedure and will often expect the judge and other parties to show more understanding of their trauma. They may also fail to understand why court proceedings focus on the defendant. In addition, many courts still lack adequate security measures for victims and witnesses during trial with victims sharing a waiting room with offenders, or receiving threats at court. Finally, legal proceedings can be lengthy and are based on procedural rules that are often not clearly explained to the victim or may be misunderstood, thereby raising expectations in relation to the time frame and possible outcomes of the trial that may not be met.

A public trial is likely to be an emotionally painful and stressful process with the risk of the victim's existing psychological state worsening, resulting in re-traumatisation. Even if a complete recovery has been previously achieved, the painful memories that a torture victim has to confront may increase the prevalence and severity of the symptoms suffered as a result of the torture.⁶ Re-traumatisation can also occur due to the victim feeling disempowered by the justice system and the limited role given to them in the proceedings. Memories of the event may be reactivated by attending court and coming

into contact with the perpetrators; having to identify the torturer will be acutely stressful and may trigger dramatic reactions.⁷

Why is psychosocial support important in the pursuit of justice?

Psychosocial support aims to re-empower torture victims and enable the victim to resume as full a life as possible. Psychosocial support can encompass a range of interventions that enhance the ability of the torture survivor to achieve personal and social well-being. In the context of torture survivors, the importance of appropriate psychosocial and legal support in their pursuit of justice and reparation should not be underestimated – it will likely benefit both the torture victim and the legal process. A host of support measures, including practical support, expectation management, briefing and debriefing that are provided to torture victims involved in legal proceedings can help them to strengthen emotionally and encourage them to be more active at trial by building their confidence. If a torture victim is in a position to act as a reliable witness and articulate the facts clearly and with confidence, they contribute constructively, strengthening the overall quality and effectiveness of the legal process. A traumatised torture victim who testifies at trial without support runs a greater risk of providing a poorly prepared testimony that may impact negatively on their case.

Despite the potentially positive impact that psychosocial support to torture victims has on the legal process, the issue currently receives little attention within the legal profession. In general, there is a lack of awareness of the degree to which torture can affect a victim's testimony and therefore the impact that participation in legal proceedings can have on the victim's psychological well-being and their capacity to contribute constructively. Indeed, the manner by which legal professionals treat torture victims at court constitutes a determinant factor for victims' satisfaction with the proceedings and an important factor in mitigating victims' dissatisfaction with a trial.⁸

The aim of this report is therefore to illustrate the key challenges, impact and possible solutions for health and legal professionals to provide torture victims with the psychosocial support needed to ensure their participation in legal proceedings has as positive an effect on their overall recovery process as possible.

The work of the IRCT

The IRCT is an independent, international health-based human rights organisation that promotes and supports the rehabilitation of torture victims, access to justice and the prevention of torture worldwide. The IRCT comprises more than 140 independent

organisations in over 70 countries, making it the largest membership-based civil society organisation to work in the field of torture rehabilitation and prevention.

As a membership organisation, IRCT's members are the focal point for the work of the organisation. Members provide expert knowledge and experience of working with victims of torture in diverse environments. The IRCT Secretariat supports the membership to develop the organisation's strategy, policy framework and project-led work.

IRCT's work supporting torture victims participating in justice

IRCT's members work within diverse regional, national and local contexts and within varied economic, cultural and political environments. The members offer rehabilitation programmes that are oriented towards different target groups and use various methods to address the effects of torture on individuals, families and communities.

All of IRCT's members featured in this report have extensive experience of assisting torture victims involved in legal proceedings and in particular in identifying and responding to their medical and psychological needs so as to ensure that appropriate psychosocial support is offered and that re-traumatisation through their participation in the legal process is mitigated as much as possible.

The 37 members featured in the report come from Asia, Africa, Europe, Latin America and the Middle East and North Africa region. The rehabilitation centres involved have varied resource capacities and degrees of expertise associated with the provision of psychosocial support to torture victims involved in legal proceedings.

Most of IRCT's members in this report assist torture victims in criminal proceedings against the alleged perpetrator(s) of the torture. A large number of these rehabilitation centres also assist victims involved in civil proceedings (e.g. compensation claims against the state) and administrative proceedings (where the state's responsibility is being challenged). A small number of the rehabilitation centres have experience supporting torture victims involved in international or regional human rights proceedings, for example before the International Criminal Tribunal for the Former Yugoslavia, the European Court for Human Rights (e.g. the members in Turkey and Moldova), the Inter-American Commission for Human Rights and the Extraordinary Chambers in the Courts of Cambodia (ECCC), a United Nations-backed Tribunal.

Structure of the report

The report is structured in three parts. Firstly, a number of torture victims give their perspective – through individual stories – of the importance of psychosocial support and the impact legal proceedings had on them. The second part of the report considers the point of view of the professionals working with torture victims in rehabilitation centres. It outlines the positive and negative impact of the experience of being involved in legal proceedings and the resulting impact on the rehabilitation process. Through these two perspectives, the report highlights the particular challenges torture victims face when involved in legal proceedings. It also identifies their most common expectations and needs and gives best practice examples of the specialised support needed to enhance their experience and the success of the judicial process.

The final section of the report outlines key recommendations to improve the measures that ensure torture victims can effectively participate in the pursuit of justice and ensure that the experience of participating in legal proceedings is not detrimental to their health and their rehabilitation process.

In the context of this report, legal proceedings are considered to be any civil, criminal or administrative procedure where allegations of torture or ill-treatment are the focus and where the objective is to hold the perpetrator accountable and/or to provide reparation to the victim. For this reason, the report excludes asylum proceedings although it is acknowledged that many of the challenges arising from a torture victim's participation in asylum proceedings are similar to those seen in civil or criminal proceedings.⁹ The information in the report is obtained either directly from torture victims, through interviews, or from health professionals (doctors, psychologists or social workers) at the rehabilitation centres. The names and specific references to events referred to in the personal stories in Part 1 may have been changed to protect the identity of victims and their families.

ACKNOWLEDGMENTS

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Asia	<i>Cambodia</i>	Transcultural Psychosocial Organisation (TPO)	Latin America	<i>Argentina</i>	Equipo Argentino de Trabajo e Investigación Psicosocial (EATIP)
	<i>India</i>	Society for Social Research, Art and Culture (SOSRAC)		<i>Bolivia</i>	Instituto de Terapia e Investigación sobre las Secuelas de Tortura y la Violencia Estatal (ITEI)
	<i>Nepal</i>	Centre for Victims of Torture (CVICT)		<i>Colombia</i>	Acompañamiento Psicosocial y Atención en Salud Mental a Víctimas de Violencia Política (Corporación AVRE)
	<i>Philippines</i>	Balay Rehabilitation Center (Balay Medical Action Group (MAG)			Centro de Atención Psicosocial (CAPS Colombia)
	<i>Sri Lanka</i>	Survivors Associated			<i>Ecuador</i>
Europe	<i>Albania</i>	Albanian Rehabilitation Centre for Trauma and Torture Victims (ARCT)	<i>Venezuela</i>	Red de Apoyo por la Justicia y la Paz (Red de Apoyo)	
	<i>Armenia</i>	Foundation against Violation of Law (FAVL)	MENA	<i>Iran</i>	Organisation for Defending Victims of Violence (ODVV)
	<i>Bosnia and Herzegovina</i>	Centre for Torture Victims, Sarajevo (CTV Sarajevo) Vive Zene Centre for Therapy and Rehabilitation		<i>Lebanon</i>	Restart Center for Rehabilitation of Victims of Violence and Torture (RESTART)
	<i>Croatia</i>	Rehabilitation Centre for Stress and Trauma (RCT Zagreb)		<i>Palestinian Territory, Occupied</i>	Treatment and Rehabilitation Center for Victims of Torture (TRC)
	<i>France</i>	Parcours d'Exil	Sub-Saharan Africa	<i>Chad</i>	Association Jeunesse pour la paix et la Non Violence/ Centre de Rehabilitation des Victimes de la Torture (AJPNV/ CRVT)
	<i>Georgia</i>	Georgian Center for Psychosocial and Medical Rehabilitation of Torture Victims (GCRT)		<i>Democratic Republic of Congo</i>	Save Congo
	<i>Germany</i>	Berlin Center for the Treatment of Torture Victims (bzfo)		<i>Kenya</i>	Independent Medico-Legal Unit (IMLU) Mwatikho Torture Survivors Organisation (MATESO)
	<i>Kosovo</i>	Kosova Rehabilitation Centre for Torture Victims (KRCT)		<i>Sierra Leone</i>	Community Association for Psychosocial Services (CAPS)
	<i>Moldova</i>	Medical Rehabilitation Center for Torture Victims (RCTV Memoria)		<i>Sudan</i>	Amel Center for Treatment and Rehabilitation of Victims of Torture (ACTRVT)
	<i>Netherlands</i>	Psychotrauma Centrum Zuid Nederland (RvA, NL)			
	<i>Romania</i>	ICAR Foundation in Bucharest (MRCTV Bucharest)			
	<i>Serbia</i>	International Aid Network Center for Rehabilitation of Torture Victims (IAN CRVT)			
	<i>Turkey</i>	Centre of Social Action, Rehabilitation and Readjustment (SOHRAM/CASRA) Human Rights Foundation of Turkey, Ankara Treatment and Rehabilitation Center (TIHV/HRFT Ankara)			
	<i>Ukraine</i>	International Medical Rehabilitation Center for Victims of Wars and Totalitarian Regimes (IRC)			

PART ONE

**VOICES OF THE
TORTURE VICTIMS**

The most effective way to show what it means to be involved in legal proceedings after having been exposed to torture is to give a voice to the survivors themselves. This report presents the personal perspectives of five torture victims from the Philippines, Turkey, Venezuela, Albania and the Democratic Republic of Congo, who have participated, or considered participating, in legal proceedings. Each story addresses a range of barriers dissuading torture survivors from pursuing the perpetrator and seeking redress and illustrates modalities and interventions that helped them to overcome these barriers. The stories also explore the survivors' expectations, as well as the positive outcomes and traumatic experiences that are often encountered when a torture survivor pursues justice.

Seeking justice against his perpetrators: *The story of Randy from the Philippines*



Arrested, blindfolded, beaten and stabbed. Twenty-seven year old Randy is still overcoming his torture for allegedly joining a communist militia in the Philippines. With guidance and support Randy overcame his anger and vengeance. Today, he still seeks legal punishment of the perpetrators.

"I want to get justice. Support through the legal process has helped me locate the people who tortured me. I hope they will one day be punished."

Randy's drive to ensure punishment of those who tortured him is not unique. In fact, seeing punishment for the perpetrator is often the top expectation of torture victims, when taking their case to court.

Randy is still overcoming the torture he experienced in April 2010. A suspected member of the New People's Army (NPA), an armed wing of the Communist Party of the Philippines, the military arrested Randy at his home in the northern part of the country.

Two soldiers escorted Randy outside and beat him. Then, in sight of Randy's family, they stabbed him in the hip with a bayonet. Afterwards Randy was blindfolded and thrown into the back of a van. The journey in the van ended at a military camp. There Randy was detained, doused in water and electrocuted.

"I cannot explain the pain I felt," says Randy. "It felt like my body would explode. I



kept pleading for them to stop, but they did not listen.

"Instead of being killed, I was tortured and then transferred to a police station. There I was forced to sign a confession that I was a member of the NPA," says Randy.

It was during this time that staff from rehabilitation centres in the Philippines – BALAY and the Medical Action Group (MAG) – visited Randy to explain to him how the state had infringed his rights. Initially Randy did not want to pursue justice. In the experience of the rehabilitation centres, a lack of knowledge of their rights and legal processes, and fear of reprisals, are some of the most frequent reasons why victims often do not pursue justice.

"Initially I wanted revenge," says Randy. "I even considered actually joining the New People's Army to find my torturers and to punish them for what they had done."

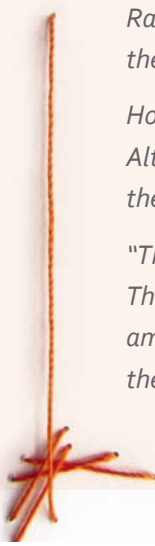
With guidance from BALAY and MAG, Randy's vengeance subsided and he was encouraged to mount a case. Randy's bail was paid and he was moved to a secure location.

"The experts who visited me in prison helped me understand how legal proceedings can have positive effects for me and for other torture survivors," Randy explains. "Filing a case against the soldiers who tortured me was a vital step in my recovery process. I felt the need to file a case not only for my own benefit but also for other victims."

Legal processes can entail trauma – not only must the torture survivor relive their experience in a different setting, but many torture victims find the court's attitudes regarding care towards the victim is often negative. It is something Randy noticed throughout the court proceedings. "The events are still fresh in my mind. I cannot forget it and I can recall all of the details," he says.

In 2011, the prosecutor found probable cause in the torture case filed by Randy and released warrants of arrest against the two soldiers. However, by the time the warrants of arrest were released, the two soldiers had been transferred to a different unit. There were several attempts to locate the soldiers to no avail.

Then in 2012 the criminal case filed against Randy came to a resolution. He was sentenced to be imprisoned for three and a half years. The court favoured the soldiers' testimonies and considered that he had been arrested as part of a legitimate operation. Randy and his relatives' testimonies were given less credibility and considered inconsistent.



Randy's lawyer immediately filed a motion to appeal his criminal conviction with the Court of Appeal; the appeal is still pending.

However, the case filed by Randy against the military is currently at a standstill. Although the court sent out warrants of arrest against the two soldiers in 2011, they are still at large.

"There is still no justice because the torture case has not yielded any clear results. The military personnel who tortured me are still unpunished," Randy explains. "I am not satisfied. Developments and updates about the case have been limited and the process is very slow."

Expectations of torture victims

The experience of IRCT members shows that going to court is seen by the majority of torture victims as an important first step towards achieving full rehabilitation and redress.

The specific expectations that torture victims have of what can be achieved through justice will vary as shown by their stories. IRCT's members contributing to this report ranked the top expectations of torture victims involved in legal proceedings according to their work with clients. The most common expectations were:


- ***The perpetrator obtains punishment;***
- ***The victim is given space to talk (truth-telling);***
- ***The public acknowledges the victim's status;***
- ***The perpetrator is publicly exposed;***
- ***Monetary compensation is received; and***
- ***The court offers security.***

The importance that a victim sees the perpetrator punished is illustrated by Randy's story. The act of punishment can affect a victim's sense of security, which is essential for their psychological health. Previous studies have shown that PTSD and depression are less likely to develop when victims feel safe.¹⁰ Victims may also rely on a court sentencing the perpetrator in order to remove the perpetrator from their community and provide them with a guarantee of non-repetition.

As in the case of Veli Saçılık, legal proceedings may afford torture victims a

space to talk and express the harm they have suffered. What is valued particularly highly is the public acknowledgment of the damage suffered. Being able to speak publicly before a court of law helps to restore a sense of dignity and can be an essential step in the recovery process. For many torture victims, monetary compensation is an important element that motivates them to participate in the legal process since it is the manifestation of an acknowledgment that a wrong was done. Furthermore, as Veli Saçılık's case illustrates, for many torture survivors their physical and psychological health and their economic situation will have significantly worsened since the event. Therefore, there is often an expectation that the court will assist the victim by providing monetary compensation for the harm suffered.

In search of justice at the European Court of Human Rights: *The story of Veli from Turkey*



Thanks to psychosocial support and assistance in understanding his legal rights, Veli Saçılık's case progressed into a complex back-and-forth case eventually reaching the European Court of Human Rights.

Veli always hoped for a positive outcome in his case – after all, with his right arm missing, the physical scars were obvious.

It was July 2000 when Veli's story began. One of 60 prisoners in Burdur Prison, southwest Turkey, Veli tried to defend himself against an onslaught of 415 Turkish state forces who, responding to calls from the Prison Governor, fired tear gas and destroyed the prison with bulldozers to prevent what was portrayed as an internal uprising.

As Veli tried to defend himself, a bulldozer crushed the wall behind him.

"I looked through the hole, and I saw a bulldozer outside, breaking the wall. I shouted to him to stop the attack, to stop this treatment of prisoners. And then my right arm was just ripped off," says Veli.

Veli was then held by the security forces where he was beaten and forced to remain without food and water. Hours after the incident, he was transferred to hospital where he received treatment, but his arm was missing and could not be saved.

Veli accessed the services provided by the Human Rights Foundation of Turkey

(HRFT) where the expert team explained what legal rights Veli had and the processes he would need to go through to pursue justice.

Undeterred by the lengthy legal process ahead, Veli and the other prisoners lodged a criminal case against the members of the security forces. Veli also lodged a claim for compensation against the government for the loss of his arm.

None of the Turkish authorities were ever charged for causing injury in the attack. However, Veli and the other prisoners' fight for justice continued and they lodged a case before the European Court of Human Rights, alleging that the actions of the security forces amounted to ill-treatment within the meaning of Article 3 of the Convention and that the Turkish authorities had failed to adequately examine their allegations.

Then in March 2005, in relation to Veli's claim for compensation, the Turkish Court ruled that the Ministry of Justice and Ministry of Interior should award Veli 140,000 Euros in compensation.

Receiving monetary compensation is one of the expectations of torture victims when going to court. For Veli, receiving compensation was particularly important to prove the state's culpability.

"But then the Ministries launched a campaign against the ruling," Veli explains. Although the compensation awarded by the lower court was paid to Veli, the Ministries lodged an appeal eventually leading to a decision of the higher court in 2008 to quash the compensation payment, thereby condemning Veli to pay back the money.

Meanwhile, the European Court of Human Rights gave its ruling in July 2011 in relation to the case brought against the Turkish authorities, noting that Turkish authorities used "systematic, disproportionate and unjustified violence" towards the inmates – in a prison which had seen "no problems or uprisings" – and had therefore violated Article 3 of the European Convention on Human Rights.²¹

Support from HRFT has been paramount through this legal wrangling. Veli says: "It has taken a lot of work since the attack to feel right again. This case is still ongoing and reminds me of the events."


"With the help of the rehabilitation centre, I am being given a space to talk. I expect access to rehabilitation and I am being given that too," says Veli.

Factors that dissuade torture victims from seeking justice

Many of the torture victims featured in this report highlight a number of factors that initially dissuaded them from participating in legal proceedings, the most common being fear of reprisals. This includes direct threats or intimidation against the victim and their family or the risk that counter allegations or charges will be brought if the victim files a complaint. Other common dissuasive factors, as identified by the rehabilitation centres, are:

- *Fear of reprisals including fear for safety;*
- *No belief in the justice system;*
- *Fear of being re-traumatised through legal proceedings;*
- *Lack of knowledge or awareness of legal rights and court processes;*
- *Length of trial or legal process;*
- *Fear of stigmatisation from community or family members; and*
- *Financial costs of legal proceedings.*

Fourteen years in the pursuit of justice: *The story of José from Venezuela.*



On 1 March 2000, José was forcibly arrested in his home in Maracaibo by armed police. The police beat José, electrocuted him and threatened to kill him unless he revealed the location of a health professional who was missing at the time. Following this incident, it took years of support to overcome the slow legal proceedings and attempt to find justice.

José knew of the missing health worker, thanks to extensive media coverage at the time. However, he had nothing to do with her disappearance. Despite this, the police drove José to an unknown destination and detained him for 11 days.

The torture he suffered during his detention left José with severe psychological and physical injuries, most notably difficulties in socialising with family and friends and the inability to move his arms without some form of pain for two years.

The scars from torture prevented José seeking justice initially. Following the incident, José claims he experienced further victimisation by state agencies, the justice system as well as the prosecution courts.

José explains: "The law establishes an obligation on the authorities to offer protection to victims of torture and other ill-treatment but the Public Prosecutor never once offered me any type of support. My family and I received threats to our safety."

The reprisals could have dissuaded José entirely from seeking judicial proceedings, regardless of the tailored psychosocial and legal support he was receiving. Yet with help from the local rehabilitation centre, Red de Apoyo, with both rehabilitation and legal support, José's case is still developing 14 years later.

"The criminal procedures law in my country establishes that the judicial process should move quickly – the proceedings should progress to trial quickly and expeditiously," José explains. "But in my case the opposite happened."

Even with support from Red de Apoyo, José became frustrated at the slow pace of the case – a major dissuasive factor when victims seek justice.

"They provide me with great legal support and, in the beginning, they helped me with my physical recovery, psychological attention, and in many ways with emotional support," he remarks. "This strength has not desisted my search for justice."

Support has helped José have faith in justice, even over a lengthy period of time – a faith that could have waived and been a major dissuasive factor.

Since the incident, José has fought impunity tirelessly: "I am pursuing this case so that this kind of cruel, inhuman and degrading treatment does not happen again in my country," he says.

Today, José also works at the Universidad Experimental de la Seguridad which carries out dialogue sessions with police staff to teach them about the legislation criminalising torture and the damage that torture inflicts.

"The day the trial is over is going to be a very important day for me, to see justice served," José says, echoing one of the most common expectations of torture victims going to trial.

"If it is not favourable, I will continue to take action, because there was, and there still is, a flagrant violation of human rights in Venezuela."


As José's case illustrates, a broken and slow judicial system causes a lack of trust forcing many of them to remain silent. As a result, perpetrators often go unpunished and, consequently, torture is accepted and impunity prevails. Fear of reprisals and

lack of trust in the justice system are the two most common reasons given by torture victims for not pursuing justice according to the 37 IRCT members contributing to this report. Many torture rehabilitation centres refer to the scepticism shown by torture victims of the degree of judicial independence in their country. In these cases, victims anticipate failure in their quest for justice as they confront a police and judicial system that is corrupt and lacking in impartiality and independence. These factors, together with a lack of accessible knowledge on legal proceedings, high legal costs and a fear of possible re-traumatisation through participating in a trial contribute to impunity.

This is very apparent in the story of Catholic Priest Dom.

Fear of re-traumatisation and a lack of trust in the judicial system dissuades the pursuit of justice:

The story of Dom from Albania



Fearing re-traumatisation and lacking belief in the legal process can affect the motivation of a torture victim when considering pursuing justice. For Dom, a Catholic Priest, his confidence in legal proceedings was tested by the lack of progress shown by the state to give Albanian political prisoners an opportunity to be heard.

Now 73-years-old, Dom was just 24 when the Albanian army launched a campaign of religious persecution across the country.

Arrested for his religious beliefs, the persecution targeted those whom the state felt posed a threat to the party ruling at the time, between 1945-1991, under the dictatorship of Enver Hoxha.

"My only sin was that I believed in God," Dom reflects today. "I lived in Puka, a small town, and found strength in my life by praying. This was considered as an attempt to establish a conspiracy against the state, so I was arrested."

Several months of interrogation, punctuated by torture, have today left Dom disabled.

"Beatings became normal and I soon became physically weak," Dom says. "I vomited every day. I was starved. I became depressed and unwell and was refused treatment."

When I was moved to Spaçi prison in 1970, life became even more difficult."

Many political prisoners were sent to work in the mines in dark, cramped conditions with poor sanitation and risk of serious illness, such as pneumonia.

"I know many prisoners who died in those mines, forgotten in the mountains," says Dom. "Today I still have nightmares."

Dom was released in the early 1990s and was referred to the Albanian Rehabilitation Centre for Trauma and Torture Victims (ARCT). Seeking justice was not a priority at the time – Dom was fearful of re-traumatisation from the legal proceedings. IRCT's members featured in this report note that a fear of re-traumatisation is a common factor preventing torture victims from pursuing justice.

"What could be done to help me?" Dom asks. "Prison was my whole life. I just needed someone to understand me, to talk to me and a quiet place for someone to look after me away from my past.

"The rehabilitation centre is my church now. I come here, I meet people. They offer me medical assistance and the chance to share my story. I am blessed to have them. But we don't have anything from the state."

A positive sentence at trial – whereby the perpetrator is prosecuted – will most likely have a positive effect on the rehabilitation of the survivor. Yet without trust in the system, without assurances that reprisals will not arise, without a guarantee of not being re-traumatised, victims often choose not to follow legal routes.

Today Dom has still not sought justice. "I am old and sick and quite a lot of time has passed since my torture," says Dom. "Justice has never been sought by any of the politically persecuted. Yet today we are still persecuted, labelled as the 'former politically imprisoned'. It seems like we are treated as another class.

"With that, how can we expect a fair trial? There is so much bureaucracy. Where justice mechanisms do exist, the courts are slow. I will die before I can get a decision.

"All I can do is make others aware of the atrocities, share my story of rehabilitation and how necessary it is and hope that this persecution and torture never happens again."

Traumatic aspects of trial

Participating in the legal process can be a highly traumatic experience for torture victims at all stages – from the case identification and the documentation process (where victims are required to provide evidence of the incident which can involve a full medical and/or psychological evaluation) to the trial and the implementation of the court’s decision. As illustrated by the stories in this report, and confirmed by rehabilitation centres working directly with torture victims participating in legal proceedings, there are a number of reasons why the judicial process can be extremely traumatising. These include:

- *Court procedures are perceived to – or may actually – favour the accused; cross-examination techniques can be particularly traumatic by allowing selective presentation of facts and aggressive questioning techniques;*
- *Court staff show a lack of understanding of victims’ needs;*
- *There is a lack of security for victims during trial;*
- *Proceedings are often lengthy, leading to frustration or disillusionment;*
- *Victims may lack understanding of court procedures and legal terminology;*
- *The voice of the victim is given a minimal role; and*
- *The outcome is unsatisfactory – due to a low sentence or acquittal, or unsatisfactory reparation.*

Those victims that decide to persevere can become re-traumatised, in part due to a lack of understanding of how the rights of all parties in a case need to be upheld. The complex legal process and the defendant’s rights, including the presumption of innocence, the right to face the accuser, strict rules on admission of evidence, guilty plea and cross-examination techniques, may not be fully explained to the victim. As a result, victims may experience feelings of unfairness, dissatisfaction and a sense that the validity of their evidence is being questioned.

To torture victims, a lack of care or understanding is frequently shown by legal professionals and court officials towards themselves and their families who testify in court. There is a common impression that courts are insensitive or unaware of the needs of torture victims who participate in legal proceedings for special support. This is exacerbated by an expectation that it is the court’s role to care about the victim or witness and that the court has the resources and understanding to put in place appropriate support measures for victims and witnesses.

Reprisals and intimidation stop access to justice:

The story of Catherine from Democratic Republic of Congo (DRC)

Catherine thought she could depend on the police to investigate the rape of her daughter in March 2014. Instead, Catherine was beaten, threatened and witnessed the arrest of her husband as punishment for her complaints. The rapist was, as it transpired, a policeman himself. Yet psychosocial support helped her overcome her initial dissuasion and she decided to pursue justice.

Catherine's experience with the police derailed her intentions to prosecute. The reprisals, which is commonly a dissuasive factor preventing torture victims pursuing justice, halted the case. As a result, the accused police officer was acquitted due to lack of evidence.


The security concerns Catherine faced were not the only factors dissuading her. Her husband spent two months in prison and lost his job as a result. These economic and traumatic factors made it harder for Catherine to mount a case again. Coupled with the fears of re-traumatisation, Catherine no longer had faith in the police. Frustration with the justice system and fear of facing the perpetrator are reported as two common factors dissuading torture victims from seeking justice.

Catherine expected compensation from the perpetrator of her daughter's rape and a criminal conviction for the rapist, common expectations motivating many torture victims to pursue justice.

Due to the lack of security, neither of these outcomes were achieved. Yet the psychosocial support offered by SAVE CONGO, an IRCT member in the DRC, gave Catherine the strength to go through the trial in the first instance and to come to terms with the trauma she, her daughter and her husband faced following their torture.

"I took comfort in the support of psychologists from SAVE CONGO," says Catherine. "I'm not satisfied at the moment because I have not received any compensation from the perpetrator.

"As an impoverished torture survivor, the cost of private medical care and trial are prohibitive factors which could have stopped me seeking rehabilitation and justice," Catherine explains, echoing that one of the main reasons torture survivors are dissuaded from going to court is the financial burden it places upon them.



"With SAVE CONGO I've been treated by medical doctors, psychologists have visited me and my family to help me overcome my experience and to prepare me for court, and I have been able to participate at a group therapy session at their rehabilitation centre," Catherine explains.

"I'm grateful for their support, especially as they have limited resources to treat victims of torture."




**PERSPECTIVES OF
THE REHABILITATION
CENTRES PROVIDING
PSYCHOSOCIAL SUPPORT**

Not only torture victims themselves but also those that provide support to them offer valuable reflections on how participation in legal proceedings affects the individual, their family and the wider community.

Health and legal professionals working for some of IRCT's members contributing to this report give examples of psychosocial support provided and highlight best practices. Some of these best practice examples are explained in more detail in the case studies below. Other examples are outlined at the end of the report (p. 54-56).

Why is psychosocial support so important for torture victims involved in legal proceedings?



Criminal trials generate for victims and their families an intense physical and emotional mobilisation and destabilisation which requires a specialised intervention."

EATIP in Argentina

All of IRCT's members in this report agree that torture victims involved in legal proceedings need to receive specialised psychosocial support at some point during the judicial process. The potentially traumatic effect that legal proceedings can have on a torture victim makes it essential that rehabilitation centres should be able to offer specialised psychosocial support to torture victims throughout the entire legal process. As many of the victims own stories show, a trial creates certain expectations, triggers bad memories and forces the victim to confront the perpetrator. For these and many more reasons, torture victims are often overwhelmed by their experience seeking justice and are fearful of being subjected to threats and intimidation as a result of their participation in the legal process.

In order to ease the potentially traumatic impact of justice processes psychosocial and legal support should be adapted to the victim and their family's specific needs. Wherever possible it should involve the intervention of multidisciplinary actors (lawyers, psychologists, doctors, social workers, etc.) in order to inform the victim of the procedures and manage their expectations as effectively as possible.

When is psychosocial support required during the legal process?

"The best chance for psychosocial support to work and prevent victims' re-traumatisation through trial is when it is carried out throughout the whole process of trial.

Corporación AVRE in Colombia

The legal process is likely to have a significant impact on a torture victim's life throughout its course, from the investigation phase up until the legal process is concluded. As a result, the need for psychosocial support often lasts throughout the entire legal process, which can take years. Indeed, a majority of IRCT's members contributing to this report indicate that there is a need for continual support throughout the legal proceedings but particularly in the pre-trial phase where the majority of the 37 members in this report indicate that psychosocial support is very often needed.

Before trial: Psychosocial support is important because torture victims often will not initiate legal proceedings without it, either because they anticipate failure or have little knowledge of the procedures. As part of this decision, victims will also need help with managing their expectations, understanding their rights and preparing the case. In addition, support at this stage is crucial as the incident suffered by the victim may have happened recently and therefore trauma may still be acute. Victims need help from both health and legal professionals.

During trial: Psychosocial support is also essential at this stage as the trial itself is a major stress factor and an additional psychological burden for the victim, and the victim's family. Often, the greatest impact of a trial on a victim and his/her family comes once the victim is required to testify, accentuating fears of being interrogated, blamed, and of facing the alleged perpetrators in the court room. The traumatic aspect of a trial is likely to be intensified if the victim is detained. In addition, many victims need psychological support to cope with feelings of helplessness and frustration often relating to the slow court process. The importance of this support is magnified in cases where the victim fears being stigmatised by his/her community or family for seeking justice.

After trial: It is widely acknowledged by professionals working with torture victims that the importance of psychosocial support depends on the outcome of the legal proceedings. For example, if a sentence handed down by the court does not meet

the victim's expectations, it can trigger frustration, destabilisation and in doing so, is likely to increase the victim's trauma. In this case, the continuation of psychosocial support post-trial is critical.

Best practices provided by rehabilitation centres offering psychosocial support

The rehabilitation centres in this report recommend the following best practice examples to be followed when providing psychosocial support to torture victims involved in legal proceedings.

1. Develop specialised psychosocial support for torture victims involved in legal proceedings

Many of IRCT's members address the problem of re-traumatisation of torture victims through legal proceedings by adapting their support to the specific needs of victims involved in a trial. For example, specialised psychosocial support and access to justice programmes help torture victims to overcome the psychological burden of a trial while enhancing the therapeutic impact of justice on the individual's rehabilitation.

The following two case studies give examples of how specialised psychosocial support can be tailored to the torture victim's individual needs.

Philippines: BALAY Center explains the importance of psycho-legal support



The psycho-legal intervention has two objectives: the first is to help our clients in strengthening their resolve in pursuing their case against the perpetrator; the second is to build the case story emphasising the therapeutic side of their story.

The legal pursuit of a case has both therapeutic and legal value in terms of method and outcome. During psychological sessions, the client is able to understand the possible outcome of their case, and they are also able to confront their anxieties and fears in a therapeutic way.

We ensure that terms are clarified and technical language is simplified so clients can fully understand legal proceedings. It is important that all legal and personal



CHAPTER 10
JURISDICTION OF THE COURT


10.1 The jurisdiction of the courts is determined by the Constitution and the law.

10.2 The jurisdiction of the courts is determined by the Constitution and the law.

Section 10 of the Constitution

The jurisdiction of the courts is determined by the Constitution and the law.

COURT OF JUSTICE
Tribune de Justice




issues concerning the case are addressed through psychosocial support and that this support is not just limited to counselling. Support also involves other facets, such as providing sanctuary if there are security threats against the client, as well as full debriefings as different steps of the legal process develop.

Support to the family members is equally important and helps them to fully understand the case, enabling them to better become a support system to the torture victim.

If the skills and understanding of the staff do not match the current overwhelming personal condition of the client, then the likelihood of the person giving up the case is high due to fear of reprisals and re-traumatisation.”

Kenya: IMLU’s Rehabilitation Department explains the role of the team in providing psychosocial support through lengthy justice proceedings



IMLU currently offers psychosocial support in the form of either group therapy or individual therapy. For individual therapy, clients see a qualified counsellor across six sessions of individual counselling. Further sessions can be added as necessary.

If there are clients who have similar issues or circumstances, IMLU may offer 10 sessions of group therapy. For example, IMLU has recently conducted group therapy with a group of historical torture survivors, a group of women whose husbands had been killed by the police. IMLU will also be offering a group session for clients who are disabled as a result of torture.

Psychosocial support aims to help the client psychologically heal from the torture they experienced and empower them to rebuild their lives. The focus of the sessions is generally split in three phases. The first phase of counselling focuses on building safety and providing psycho-education. The psycho-education component provides the client with information on common symptoms after torture (psychological, behavioural, physical and spiritual) and begins to build the client’s awareness of how to manage symptoms such as anxiety and depression.

The next two phases focus on helping the client process the torture narrative and

then on rebuilding their lives and empowering them to heal.

A step in this rebuilding may be legal pursuit of the perpetrators. Justice in Kenya can take years so the psychosocial support in the earlier three phases is incredibly important to prepare them for what may lie ahead. Often, continual follow-up support is needed during the legal process and at the conclusion, depending on the outcome of the case.

A recent example of our psychosocial support concerns a group of nine ex-servicemen of the Kenyan Air Force, who were detained, imprisoned and tortured after a failed coup attempt in Kenya in 1982.

Overcoming the overbearing feelings of shame and stigma they had earlier experienced from society, the group eventually felt empowered and decided to share their stories with the world.

In the beginning of counselling, the group members were going through legal proceedings in the form of a civil case in the industrial court, suing the government over wrongful dismissal and ill-treatment.

Most of the group members had never spoken about the torture they experienced after the 1982 coup attempt and were very hesitant to engage in therapy. In order to build safety, IMLU counsellors provided the group with psychosocial support and education about the impact of torture and normalised their feelings and experiences. The group was then able to start building trust with each other and the counsellor and were then ready to process the trauma.

The final component of the group therapy process was to assist the men with letting go of any part of their story or feelings that they no longer wished to hold onto. The men chose to write letters to their perpetrators and then burned the letters in a letting go ceremony. The men then felt empowered to move on and rebuild their lives. They have now formed a society from which they hope to help others who were tortured after the 1982 coup attempt and assist them in rebuilding their lives. IMLU will be providing the men with peer counselling training in order to further empower the group to reach out to other torture survivors.


2. Integrate the family in the psychosocial support programme

The importance of integrating the family in psychosocial support offered to torture victims participating in legal proceedings is highlighted as a best practice example by many of the IRCT members featured in this report, including Balay Center in the Philippines and RCT Zagreb in Croatia. The inclusion of the family is particularly important as they are often indirectly affected by the torture suffered by the primary victim. For example, where a parent experienced torture, the children will often also need psychosocial support. In terms of participating in legal proceedings, family members often accompany the victim to court and provide a vital source of ongoing emotional support. In addition, integrating the family into support programmes helps the victim to reintegrate into family life and the family to accept and understand the victim's experience and face the rest of the community, particularly where they feel stigmatised.

Croatia: RCT Zagreb explains how they accompany the family throughout their process of seeking justice for 20 years

RCT Zagreb provided a range of psychosocial support services to a Croatian family who lost a husband and father during the persecution of Serbian minorities in Croatia during the early 1990s.


After the torture and murder of her husband (a Serbian national) at the hands of Croatian police, the widow had to identify his body, and then wait for the investigation into his torture and murder to proceed. In the meantime she experienced emotions of fear, hope for justice, and the shame of being stigmatised by the community. The images of her husband's torture remain vivid. Her daughter, who was nine years old at the time, grew up experiencing not only her father's murder but also threats that the family received when they decided to seek justice. Almost 20 years later, the investigation is still not finished and the perpetrators have not yet been identified or punished. The family suffer economic hardship, struggling to provide for their basic needs. The daughter was unable to study due to financial and psychological problems.



Staff from RCT Zagreb visited the family once a month to provide psychosocial support. On these occasions, the rehabilitation centre provided psychotherapy to the widow, counselling to her daughter with a family therapist, support from a social worker (to observe the children's welfare and assist with the family's contact with the health and social welfare system), medical counselling, direct financial help where necessary, and advice regarding the family's decision whether or not to seek justice. Staff from the rehabilitation centre accompanied the widow to court when she sought compensation and provided crisis support after the trial and when the court reached a negative verdict. These multi-disciplinary interventions had a positive effect on the family, helping them to feel safe and supported by professionals they could trust. Without this help they would have been alone since they had been excluded by the community.

3. Create survivor support groups

"A supportive network should be organised around victims composed of different professionals, relatives and friends. Only through cooperation between these actors can victims be helped effectively.




RCTV Memoria, Moldova

Many rehabilitation centres have created survivor support groups as part of their psychosocial support strategy. These groups bring together torture survivors, their families, other relatives and health and legal professionals. Through these support groups, social bonds can grow and the diversity of actors involved can help to encourage social interaction and emotional support that helps the victim throughout the trial and as part of the longer rehabilitation process. The Kenyan rehabilitation centre IMLU gives one example of how specialised psychosocial support can include group therapy.

4. Provide legal assistance to victims; collaborate with legal professionals and the court to improve support

Providing direct legal assistance to torture victims and collaborating with lawyers through a referral system are essential best practice solutions to ensure that appropriate psychosocial support is available to torture victims participating in legal proceedings. As described in Balay Center's case study, this can take the form of specialised sessions provided by legal and health staff to prepare victims for the judicial process, discuss the case and inform victims of the legal procedures.

The rehabilitation centres in this report consider legal professionals to be one of the primary actors to address in order to improve the situation of torture victims involved in legal proceedings. Thus, collaboration between health and legal professionals is essential. In particular, lawyers are likely to have the most influence on managing victims' expectations from trial as well as the best skills needed to prepare victims adequately for court.



Lawyers and judges need additional training in order to address the needs of victims appropriately."

TPO, Cambodia


Despite this, legal professionals often lack the specialised knowledge to understand torture victims' needs and the effect legal proceedings can have on them. Providing training on psychosocial support to lawyers, prosecutors and judges is another example of a best practice solution to overcome this challenge.

Establishing legal clinics to assist victims and their families to access justice is another recommended way of collaborating with legal professionals. Legal clinics may offer a variety of services, including specialised legal advice, assistance with court procedures, access to legal aid and support to torture victims when attending court. In many instances, the legal clinics are run by voluntary staff and on a pro-bono basis. They provide an effective forum for raising awareness of torture victims' rights within the wider community and encouraging victims to engage with legal proceedings to bring perpetrators to justice and contribute to the fight against impunity.

In addition, rehabilitation centres may directly collaborate with the court by offering their expertise during the legal proceedings, for example by monitoring the

trial where sensitive cases of torture are at stake (such as in the case provided by RCTV Memoria, or by providing medical or psychological experts to testify. Many centres also highlight the need for courts and tribunals to establish effective victim and witness support and protection systems. Health and legal professionals working with torture victims can provide extensive expertise in setting up these systems so that victims of crimes such as torture are not re-traumatised by their experience at court.

Moldova: How RCTV Memoria supports engagement in legal proceedings with a multi-disciplinary team



In 2009, Christopher was arrested (together with his friend) while at college. He was taken to the police station by two policemen dressed in civilian clothes, who did not produce any identification. At the police station, the two were separated. Christopher heard his colleague screaming. After some time, Christopher was taken into the yard, where he was beaten. He then spent 20 days in two different police detention settings, being violently beaten with rigid objects, fists and feet, over the whole body and over the head including blows to the ears. He was strangled for about 2 minutes, was forced to stay in the same position for several hours (at the wall with his hands up and forced not to move; any movement was punished with beatings). He was forced to hold a police shield in his hands while the perpetrators kicked the shield with their feet, causing him pain and humiliation. Toilet facilities were restricted; with no water for more than 24 hours and food for three days. He was repeatedly transferred (on at least seven occasions) to different police stations in the city centre and surrounding districts, without any explanation. As a result of this ill-treatment, his health significantly worsened and he was eventually hospitalised.

Christopher's case was referred to RCTV Memoria for medical assistance, documentation of the physical and psychological injuries from the torture and legal review by the centre's legal advisor.

RCTV Memoria offered legal and psychological support to Christopher during the criminal procedure. Throughout the investigation Christopher and his lawyer collaborated with RCTV Memoria's legal advisor. After the first court hearing, and because of pressure and aggressive behaviour shown by the defendants and their

lawyers, the prosecutor investigating the case requested that representatives from RCTV Memoria be present during the trial.

Thanks to RCTV Memoria's intervention, the trial was monitored by NGOs (RCTV Memoria and the Moldovan Institute for Human Rights) and by journalists. Taking into account the complexity of the case and the inappropriate behaviour shown by the defendants and their lawyers, the case was examined by a panel of three judges. RCTV Memoria's legal advisor attended three hearings, while RCTV Memoria's psychotherapist attended four court sessions. The psychotherapist was called as an expert and also monitored Christopher's health and mental state during the proceedings.

The defence team tried to delay the proceedings and hearings were frequently postponed. Unfortunately, since 2012 this case is still waiting to be heard by the Appeal Court in Chisinau, where only 13 cases were heard between 2012 and 2014. Meanwhile, the perpetrators are free and still working in the police force.

Christopher's disappointment at the delays to the court hearings and lack of justice affects his health, which continues to worsen. He and his family also feel intimidated by the perpetrators. During the last two years, Christopher has continued to receive psychological assistance, because of depression and other trauma consequences.

Some of IRCT's members in this report have offered support to victims participating in trials for crimes against humanity. EATIP in Argentina provides an example of the support it offers to victims of the past military dictatorship and how it collaborates with the courts. In addition, TPO Cambodia provides an example (see page 55) of how it collaborated with the Khmer Rouge International Tribunal.

Argentina: EATIP explains how expert support is provided to victims and witnesses in trials for crimes against humanity

Trials for crimes against humanity generate in the direct victims and their relatives an intense organic and/or emotional destabilisation that requires specialised support. When providing treatment to groups or communities



of victims affected by the dictatorship, experience of trauma is usually the common factor.

In recent years EATIP has put a lot of effort into activities that support witnesses and complainants involved in trials brought against perpetrators of the military dictatorship. Professionals from EATIP together with members of the Asociación de Ex Detenidos Desaparecidos (Association of Ex Detainees who were Disappeared) launched individual and group working methods to provide support, counselling and continuous monitoring so that witnesses and complainants are in the best possible shape mentally to testify before the court.

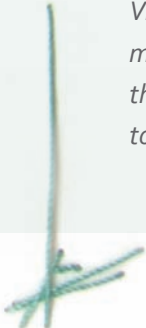
Because much of the pain surrounding the disappearances of victims of the dictatorship is still evident, EATIP begins its support by scheduling meetings between those summoned to testify and staff so a trusting relationship can be built. Staff provide psychological support to the witness and his/her family, during and after the hearing.

These methods are useful to generate a coordinated and honest environment, both to obtain a testimony that provides the legal process with strong evidence and to really understand and treat the trauma suffered by the witness. Support through the legal process prevents or reduces the impact of re-traumatisation which may occur during legal proceedings as witnesses are forced to confront the horrors of their past suffered at the hands of the state.

The support aims to avoid re-traumatisation, prevent the victim or witness exhibiting reactive symptoms and ensure that those directly affected and their families are sufficiently strong emotionally to confront their torturers and testify. Through this support it is hoped that the act of testifying provides the victims with a sense of reparation, both from a personal point of view and as representatives of the larger group of victims to which they belong.

However, EATIP still faces challenges: archives from the dictatorship are not yet declassified, which prevents relatives of the disappeared from gathering information about the existence of their loved ones. Therefore their level of trauma can still never be fully understood.

Moreover, achieving justice is incredibly slow – trials are lengthy and many victims (and perpetrators) are now elderly. In addition, in both the preliminary investigation and the development of the trial, the burden lies with the victims and their families to present sufficiently strong evidence so as to ensure that sentences are handed down by the court.



Victims and society as a whole still struggle to get the basic and exemplary measures they deserve for the past atrocities committed by the state. Moreover, they are still waiting for a strong political response to the impunity that continues to exist.


5. Coordination in the context of forensic examinations

Documenting cases of torture and carrying out a comprehensive medical and psychological evaluation of the victim's injuries sustained as a result of the torture – according to the internationally recognised standards in the Istanbul Protocol¹² – are critical to the preparation of evidence for legal and administrative proceedings. This medical and psychological evidence is prepared in the form of a medico-legal report, submitted to the court in order to support the victim's claim and is, in many cases, an essential piece of evidence. Most rehabilitation centres will either have capacity to prepare medico-legal reports internally, or will be able to refer a victim to an independent forensic expert for evaluation. Independent forensic experts – such as those who belong to the Independent Forensic Expert Group (IFEG)¹³ – may also be called upon to provide direct expert testimony to the court in connection to their evaluation. For many torture victims having a comprehensive medical and psychological evaluation, during which they will need to recount the torture event, can be highly traumatic. Therefore, receiving appropriate psychosocial support to accompany this evaluation process is essential, in particular to aid the victim's understanding of the process, the possible positive and negative effects that the evaluation may have on the victim's psychological state and to provide emotional and psychological support both before and after the evaluation.



**CONCLUSIONS AND
RECOMMENDATIONS**

Many torture victims see justice as an integral part of their rehabilitation. However, as their stories in Part 1 illustrate, torture victims' reasonable expectations of what can be achieved through justice are often not met. Victims are often confronted with a number of factors that can dissuade or stop them from pursuing justice including intimidation, delay, or legal professionals being unable to respond to their specific needs. Even when a torture victim decides to embark on a legal process, this potentially opens them up to aspects of the experience that will be particularly traumatic and for which they need care and support.



It is essential to work on raising the victim's awareness of the judicial process so that they can develop realistic expectations. This would prevent the victim from experiencing burnout due to a negative decision or lengthy proceedings. Also a victim should be prepared for the moment that they are required to testify and thus relieve their trauma while remaining calm and objective. This requires not only awareness raising, but also training and psychological support, to enable the victim to overcome the stressful moments."

TRC in the Occupied Palestinian Territory

As seen in Part 2 of the report, the need for rehabilitation centres to provide ongoing psychosocial support to torture victims at each stage of the legal proceedings must not be underestimated. This support may include preparing torture victims psychologically for trial, advising them on their rights and on the legal process, accompanying victims and their families to court and following up after trial, according to the torture victim's individual needs.

"First and foremost, the judicial process needs to be adjusted more effectively to victims' psychological needs. All participants in the judicial process should consider how they can reduce the psychological burden of victim participation without compromising the legal procedures or fairness to the accused.

TPO in Cambodia

Collaboration between health and legal professionals is also of paramount importance, to provide the victim with the fullest range of psychosocial and legal support necessary, and also to provide specific expertise to the court, for example through expert reports. Maintaining and developing greater collaboration between stakeholders in the health, legal and court sectors is required to foster a greater understanding of the effects that participation in legal procedures can have on victims and the particular need torture victims have for support from courts and legal professionals. Thus it is vital to encourage greater cooperation among all stakeholders involved in legal proceedings (torture victims, health and legal caretakers, court officials, judges, etc.) to ensure that the judicial process takes into account the victim's needs more effectively.

"The staff and material capacity of PRIVA is limited in its ability to respond to the therapeutic needs of severely traumatised victims. Demand is higher than the capacity of the centre to provide psychosocial rehabilitation.

PRIVA in Ecuador

It should also be emphasised that the number of rehabilitation centres worldwide, providing the kinds of psychosocial support interventions described in Part 2 is limited as compared to the number of torture victims in need of support. In fact, the rehabilitation centres contributing to this report stress how lack of staff and financial

resources impacts directly on the ability of many of them to offer adequate and appropriate psychosocial support to all clients involved in legal proceedings.

The challenges that most rehabilitation centres encounter when providing psychosocial support are in many cases accentuated by a lack or scarcity of alternative assistance offered by courts and other state authorities. This underlines the urgent need for external actors to offer more funding and technical assistance, in particular state authorities with responsibility for financing courts and tribunals. Without this financial support, it seems unlikely that appropriate psychosocial support can be made available as a matter of course to all torture victims who want to exercise their right to redress by participating in the judicial process. State Parties to the UN Convention against Torture have an obligation to provide redress and access to fair and adequate compensation, including the means for as full rehabilitation as possible, yet many states still need to fully recognise and assume this responsibility.¹⁴

In the meantime, many hundreds of torture victims either participate in legal processes without the appropriate psychosocial support, or are unable even to access justice. For those victims that do pursue justice, re-traumatisation and a lack of care and support will disadvantage many. A lack of adequate support services available to victims dissuades many from participating in legal proceedings, resulting in more perpetrators evading justice, negatively impacting on the fight against impunity.

Any genuine changes to the current situation will only be effective if institutionalised at a higher level. It is therefore essential that state authorities responsible for providing access to justice through court procedures and other complaints mechanisms acknowledge the importance of the torture victim's well-being throughout the judicial process and act upon this by implementing measures and providing the funding necessary to improve the overall experience of torture victims pursuing justice.

The IRCT recommends that the following non-exhaustive measures and practices are implemented:

To state authorities

Provide all torture victims with an opportunity to obtain redress:

- Enact national legislation to allow torture victims an effective remedy and the right to obtain adequate and appropriate redress – including compensation and

rehabilitation.¹⁵ Access to reparation for torture victims must be established independent to criminal proceedings so that compensation is not unduly delayed until criminal liability has been established.¹⁶

- Provide adequate legal aid to those torture victims lacking the necessary resources to seek judicial remedy.¹⁷
- Ensure that national law and justice systems provide for – and allocate funds to – victims of torture or trauma so that they benefit from adequate care and protection to avoid re-traumatisation in the course of legal or administrative procedures.¹⁸
- Ensure that court decisions on reparation for torture victims are implemented promptly and completely so as not to obstruct the victim’s right to redress.¹⁹

Recognise the obligation to allow torture victims access to rehabilitation:

- Provide access to medical and psychosocial services for victims in the direct aftermath of torture.²⁰
- Ensure the provision for as full rehabilitation as possible for all torture victims, without discrimination and irrespective of whether they pursue a judicial remedy. This rehabilitation must be holistic, including medical, psychological, legal and social support.²¹
- Increase the capacity and financing for rehabilitation services, including psychosocial support, in recognition of states’ obligations under Article 14 UN CAT.

Court authorities must recognise the importance of torture victims in a trial and take into account their need for support and protection:

- Facilitate and encourage non-legal professionals to be present at court to assist torture victims psychologically.
- Enable the torture victim to express his/her evidence in his/her own words, thereby enhancing the victim’s experience at court and acknowledging the essential role the victim plays in providing evidence.
- Train judicial personnel on the impact of torture and ill-treatment, including on a victim’s ability to give evidence and on how to exercise sensitivity towards torture victims.²²
- Establish an effective protection unit for torture victims, their families and witnesses in order to ensure better protection against intimidation and reprisals at all times during the court proceedings.²³
- Develop an effective witness preparation and follow-up unit within the court.

- Apply gender and culturally-sensitive procedures to avoid re-victimisation and stigmatisation of torture victims and to ensure the non-discriminatory treatment of victims and witnesses.²⁴

To rehabilitation centres offering psychosocial support

Provide specialised psychosocial support programmes to all torture victims participating in legal proceedings, wherever resources permit:

- Include an appropriate and structured long-term psychosocial support programme, provided free of charge to all torture victims involved in legal proceedings, at all stages of the legal process.
- Ensure support is proactive, comprehensive, victim-centred and based on multidisciplinary interventions by a variety of highly skilled actors (including medical doctors, psychologists, therapists, social workers, lawyers).
- Take into account the specific needs and difficulties of the torture victim at each stage of the legal process. Manage the victim's expectations, help to deal with his/her emotional difficulties, and provide support according to the victim's current needs.
- Include the victim's family in psychosocial support wherever appropriate.
- Include the victim's lawyer in the programme of support, to help the lawyer to understand the victim's trauma and better handle his/her client's needs during the legal proceedings.
- Create survivor support groups as a forum for torture victims to discuss their experiences of the justice process and in doing so to help them strengthen emotionally. Support groups may include other torture victims, family members and relatives, health professionals, human rights advocates and legal professionals.

Establish inter-disciplinary programmes of exchanges and workshops:

- Share knowledge and expertise and best practice examples on providing psychosocial support to torture victims participating in legal proceedings between rehabilitation centres.

Raise awareness of torture victims' right to redress:

- Inform torture victims of their right to redress, including how to access justice and seek reparation.
- Inform and educate the wider community on torture and its impact on society. In doing so, society increases its understanding and recognition of the existence of torture, the

need to bring perpetrators to justice and the role that justice can play as an essential element of the rehabilitation process for torture victims and the fight against impunity.

- Where resources permit, lobby national decision-makers and legislators to improve state support to torture victims by increasing funding to non-governmental organisations providing rehabilitation services and authorities with responsibility for providing victim-support services.

To health professionals

Collaborate with legal professionals when assisting torture victims involved in a judicial process:

- Facilitate torture victims' access to legal support by placing them in contact with legal support, where appropriate.
- Provide regular training to legal professionals (lawyers and court personnel, including judges and prosecutors) on how to handle traumatised victims. Trainings should include interview techniques for lawyers and prosecutors to enable relevant information to be gathered in a sensitive manner, without re-traumatising the victim.
- Promote a multi-disciplinary approach to sharing expertise. Seminars and conferences, gathering legal and health professionals enable the exchange of knowledge and expertise on support needs of torture victims' involved in legal proceedings and help to increase cooperation and sharing of best practices between the professions.

To legal professionals

Collaborate with health professionals and torture rehabilitation centres:

- Share knowledge and expertise with health professionals and torture rehabilitation centres to develop a multi-disciplinary approach to providing support to torture victims.
- Provide training on legal procedures to health professionals who treat victims participating in legal proceedings. For health professionals who testify as experts, training enables them to prepare adequately for the legal process so as to provide the best possible support to the victim.

Examples of best practice initiatives developed by IRCT members to support torture victims participating in legal proceedings

The list below provides more best practice examples from the rehabilitation centres that contributed to this report on psychosocial support interventions that they offer to torture victims pursuing justice.

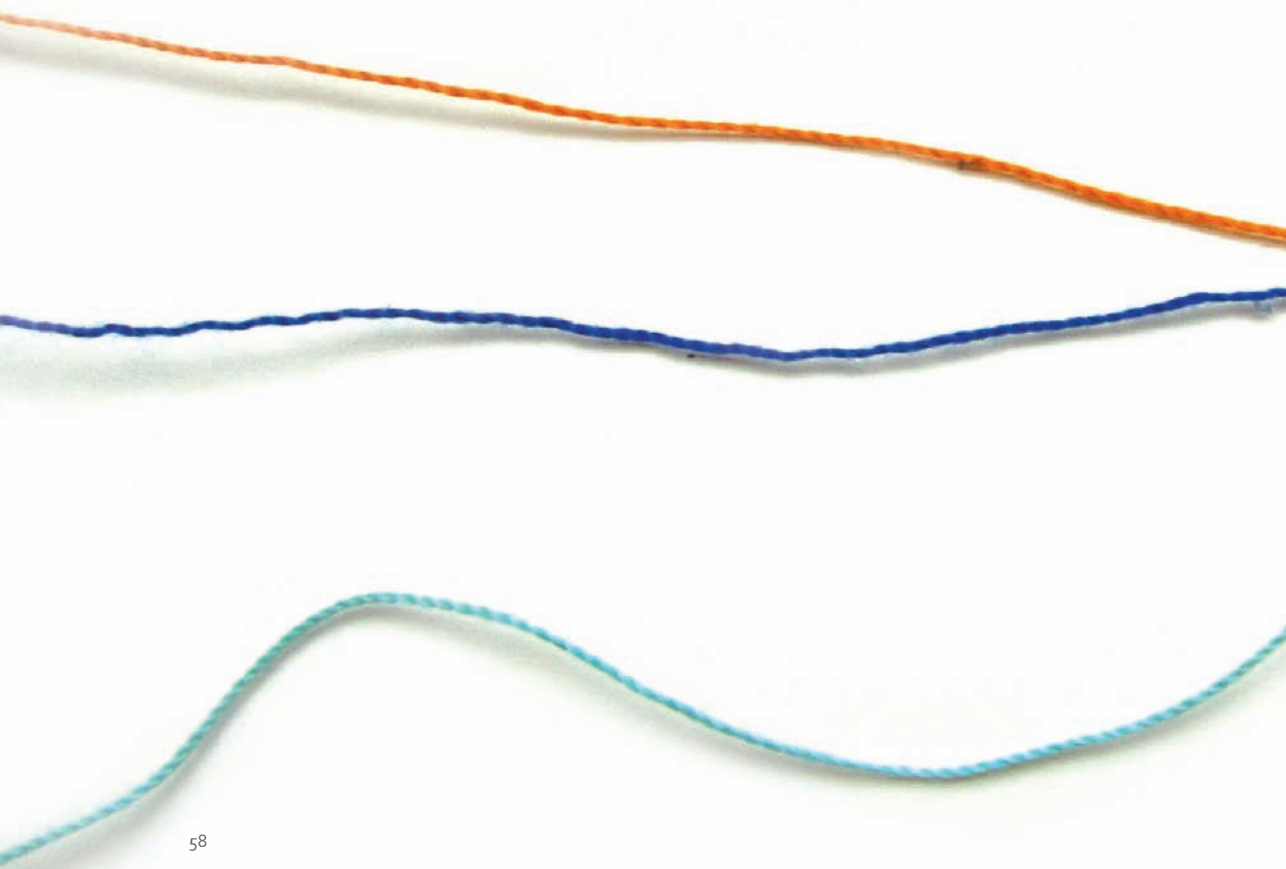
Best practices	Country, IRCT member
Develop specialised psychosocial support for torture victims involved in legal proceedings	
Interdisciplinary programme of support provided – staff accompany victim and family to court, prepare victim psychologically to testify, and provide therapeutic support after testimony.	<i>Argentina, EATIP</i>
Psychosocial support includes assisting victims and their families during exhumations of missing persons.	<i>Bolivia, ITEI</i>
Immediate psychological assistance provided after testimony – victim can share their experience with a professional. Offering this support requires staff to be flexible to meet clients' needs in often unpredictable situations.	<i>Bosnia and Herzegovina, CTV Sarajevo,</i>
Psychosocial support provided in a multidisciplinary team of doctors, psychologists, therapists, sociologists and pedagogues.	<i>Colombia, CCAPS</i>
Pre-trial support provided to prepare victims psychologically for trial; therapeutic interventions after court hearings; psychological follow-up with victims, e.g. when an unfavourable decision.	<i>Germany, bzfo</i>
Staff accompany victims to report incident to police, visit court prior to trial and prepare victim psychologically to testify.	<i>Kenya, IMLU</i>
Support provided to victims when complaint submitted against perpetrator. Contact with lawyers and ongoing psychosocial support to victim is provided.	<i>Moldova, RCTV Memoria</i>
Psychosocial support provided before, during and after trial. The support prepares client for documentation process and mitigates re-traumatisation during court sessions. Individual debriefing sessions after court sessions enable an assessment of victim's need for further support.	<i>Romania, ICAR Bucharest</i>
Consultations provided with psychologists and social workers prior to legal proceedings.	<i>Sudan, ACTRVT</i>

Best practices	Country, IRICT member
Integrate the family in the psychosocial support programme	
Psychological, medical and therapeutic assistance always provided to victim's family as well as to victim.	<i>Colombia, CCAPS</i>
Victim's family is included in support to help them to accept and understand the victim and to face society. It also helps the victim feel more at ease emotionally.	<i>India, SOSRAC</i>
Consultations organised before and after trial with victim and family to discuss trial experience.	<i>Venezuela, Red de Apoyo</i>
Create survivor support groups	
Survivor support groups include victims' family and friends, human rights activists, health caretakers and legal professionals. Creates social interaction and a sense of belonging, providing a forum to discuss emotions and receive emotional support. These groups are crucial in establishing support networks to meet health and social welfare needs of victims and relatives.	<i>The Philippines, MAG</i>
Victims, family members and friends brought together with health staff and lawyers to form a 'supportive network'.	<i>Romania, ICAR</i>
Provide legal assistance to victims; collaborate with legal professionals and the court to improve support	
Seminars organised for legal and non-legal professionals, including prosecutors, lawyers, policemen, social workers, psychologists, pedagogues, etc.	<i>Bosnia and Herzegovina, CTV Sarajevo</i>
Cooperation with Khmer Rouge International Tribunal, the Witness and Expert Support Unit, and the Victims Support Unit. TPO provides psychological services including preparatory psychological interventions, on-site psychological support prior to and during the proceedings/testimony, intensive psychological and psychiatric debriefing and follow-up care after trial. It offers basic legal counselling and collaborates closely with the legal representatives of torture victims who participate in the Khmer Rouge Tribunal. Capacity building programmes developed to train legal staff working for the Khmer Rouge Tribunal on torture victims' trauma.	<i>Cambodia, TPO</i>
Complaints against perpetrators lodged on behalf of torture victims so as to mitigate the risks of direct reprisals against victims.	<i>Chad, AJPNV /CRVT</i>

Best practices	Country, IRCT member
Provide legal assistance to victims; collaborate with legal professionals and the court to improve support	
The rehabilitation centre's own legal team collaborates with external lawyers and other NGOs with legal expertise to assist clients in legal cases.	<i>Colombia, Corporación AVRE; Germany, bzfo; Moldova, RCTV Memoria</i>
Legal clinics established in collaboration with the UN to assist victims and families by accompanying them to court and providing legal advice and assistance. Awareness raising campaigns organised within victims' communities to encourage victims to engage in legal proceedings against perpetrators.	<i>DRC, Save Congo</i>
Meetings held with judges, lawyers, human rights activists to assist torture victims involved in legal proceedings.	<i>Lebanon, RESTART</i>
Direct legal advice provided to torture victims, including legal representation before the court, free of charge.	<i>Kenya, IMLU; Serbia, IAN CRTV; Turkey, SOHRAM / CASRA</i>
Collaborations with court, including monitoring trials and providing experts for court. In some cases, experts produce medico-legal reports as evidence in proceedings.	<i>Moldova, RCTV Memoria; Palestine, TRC</i>
Psycho-legal sessions provided as part of psychosocial support services. These aim to strengthen the resilience of victims and family to participate in legal proceedings.	<i>The Philippines, BALAY</i>
Training to lawyers on trauma management and how to respond to traumatised clients is offered.	<i>Sudan, ACTRVT</i>
Coordination in the context of forensic examinations	
Collaboration with Equipo Peruano de Antropología Forense (EPAF), a Peruvian forensic team. EPAF helped develop skills to conduct post-mortem interviews to collect information on crimes and victims, to identify and document evidence, conduct forensic investigations and produce forensic reports to be used as evidence in legal proceedings.	<i>Kenya, MATESO</i>

NOTES

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3. Sonis J., Gibson J., et al. Probable Posttraumatic Stress Disorder and Disability in Cambodia: Associations with perceived justice, desire for revenge, and attitudes toward the Khmer Rouge Trials. *The Journal of the American Medical Association*. 2009; 302(5): 535. Also: Orth U. Secondary Victimization of Crime Victims by Criminal Proceedings. *Social Justice Research*. 2002; 15(4): 313.
4. Hodžić R. Living the Legacy of Mass Atrocities: Victims' Perspectives on War Crimes Trials. *Journal of International Criminal Justice*. 2010; 8(1): 125.
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7. Ilic Z., Psychological Preparation of Torture Victims as Witnesses toward the Prevention of Retraumatization. In Z. Spiric Z., Knezevic G., Jovic V., Opacic G. (Ed). *Torture in war: consequences and rehabilitation of victims - Yugoslav experience*. 2004. IAN, Belgrade.
8. Hodžić R. Living the Legacy of Mass Atrocities: Victims' Perspectives on War Crimes Trials. *Journal of International Criminal Justice*. 2010; 8(1): 125.
9. The exclusion of asylum proceedings in this report means that it does not include contributions from most IRCT members in Europe, North America, Australia and New Zealand as these centres primarily offer services to torture victims involved in asylum or other status determination procedures.
10. Bašočlu M., Livanou M., et al. Psychiatric and Cognitive Effects of War in Former Yugoslavia: Association of Lack of Redress for Trauma and Posttraumatic Stress Reactions. *Journal of American Medical Association*. 2005; 294(5): 589.
11. Saçilik and Others v. Turkey, (Applications nos. 43044/05 and 45001/05), Judgment of 5 July 2011.
12. The Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). 2004. HR/P/PT/8/Rev.1.
13. The Independent Forensic Expert Group (IFEG) was initially established in 2009 by the IRCT under its EU-funded project on Forensic Evidence Against Torture (FEAT). It brings together a group of more than 30 forensic experts who have specific expertise in conducting forensic examinations in cases of alleged torture through the use of the Istanbul Protocol. It was created to serve as a reference point, providing advice on select individual torture cases and technical issues, and participating in targeted missions to examine torture survivors and assist with bringing cases to court.
14. State obligations under Article 14 of the UN Convention against Torture are outlined fully by the Committee against Torture in its General Comment No. 3 (2012), Implementation of article 14 by State parties (CAT/C/GC/3).
15. General Comment no. 3 (2012), paragraph 20.
16. *Ibid*, paragraph 26.
17. *Ibid*, paragraph 30.
18. *Ibid*, paragraph 21.
19. *Ibid*, paragraph 38.
20. *Ibid*, paragraph 14.
21. *Ibid*, paragraphs 11 and 15.
22. *Ibid*, paragraph 34.
23. *Ibid*, paragraph 31.
24. *Ibid*, paragraph 33.





HOW TO SUPPORT THE IRCT

We need your support to fight torture and to help torture survivors rebuild their lives. By donating even a small sum, you can assist us to put an end to torture and to ensure that torture survivors and their families receive much-needed treatment and other services. Donations can be made in the following currencies: Danish Kroner (DKK), Euros (EUR) and U.S. Dollars (USD).

By bank transfer

Danske Bank
Holmens Kanal Branch
Holmens Kanal 2
1090 Copenhagen K
Denmark
SWIFT code: DABADKKK

Danish Kroner (DKK) account

Registration No. 4183
Account No. 4310-821152
IBAN DK90 3000 4310 8211 52

Euros (EUR) account

Registration No. 4183
Account No. 3001-957171
IBAN DK69 3000 3001 9571 71

U.S. Dollars (USD) account

Registration No. 4183
Account No. 4310-005029
IBAN DK18 3000 4310 0050 29

By cheque

Cheques made payable to the International Rehabilitation Council for Torture Victims (IRCT) should be sent to:
International Rehabilitation Council for Torture Victims
Copenhagen Europe Center
Vesterbrogade 149, building 4,
3rd floor
1620 Copenhagen V
Denmark

By credit card

Please visit www.irct.org to make a donation using a credit card. All transactions are guaranteed safe and secure using the latest encryption to protect your personal information.

The International Rehabilitation Council for Torture Victims (IRCT) is an independent, international health-based human rights organisation, which promotes and supports the rehabilitation of torture victims, promotes access to justice and works for the prevention of torture worldwide. The vision of the IRCT is a world without torture.



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