

Commentary

Professor Elizabeth Lira*

The questions at the heart of the text of the article arise in the professional work of evaluating victims of torture in a centre (NGO). The victims come from various countries, where torture practices exist or have existed, and request international protection.

Dilemmas arise from the possibility of professionals finding themselves in front of clients who, during assessment, have doubts about the client's status as victim, and who develop suspicions that they may be a perpetrator. The centre may decide to exclude them from treatment at some point to prevent international protection from contributing to impunity for any crimes they may have committed. However, the decision to exclude them makes it necessary to examine and review the admissibility criteria in trying to control the risks of committing injustices. Resolving the dilemmas identified in the article involves a process of discernment that guarantees the clients' rights, the safety and certainty of professional procedures and their outcomes, and finally the effective protection of victims.

Torture is an attack on the human bond and severely affects trust in other human beings. The consequences accompany victims for life. When victims undergo a forensic assessment to obtain international protection, they expect to receive understanding, some form of emotional support, and in particular, they expect to be "believed". It is this expectation that allows them to reconstruct their dra-

matic experiences. Memories of that past can reactivate emotions and suffering that are difficult to communicate. Professionals are trained to do their job well and to believe the victims. Pro bono work in an NGO seeks to guarantee a service based on values and ethical principles declared as a commitment to the absolute prohibition of torture. In many cases, the work requires the support of an interpreter who shares the narrative and who also observes the non-verbal language which completes the meaning of what is said.

Evaluations are emotionally charged moments for clients that range from anxiety in the face of an evaluation, to the anguish evoked by the painful memories that are reconstructed. Professionals carry out their work within a framework of confidentiality that reinforces the bond of trust that is established. However, the ethical dilemmas proposed in this article have arisen in professional work when the background information collected calls into question whether the client is indeed a victim. In other words, when doubts are generated about the veracity of the information. Where the victim is "not believed", the professional questions the ethics of his or her actions in the evaluation process and the evaluation's results. For professionals, the greatest difficulty occurs when the data collected allows them to suspect that the client is not a "legitimate victim", understood as "innocent", but rather a perpetrator who presents himself as tortured.

There seems to be no great problem in expressly declaring the exclusion of perpetrators who are not in doubt about such status because they have been reported or are under prosecution. This decision is consistent with the principles of professional work within NGOs serving victims. But it is those dubious, ambiguous cases that require a process of discernment based on a thorough review of the

*) Professor of Psychology at Universidad Alberto Hurtado, Chile.

Correspondence to: lisbethlk@yahoo.es

facts and data available to us: the biographical background, personal motivations, and the decision to apply for international protection. Data analysis can provide a better understanding of the facts of the past, enabling the gathering of evidence to establish whether and under what circumstances the person presenting himself as a victim may be a possible perpetrator at some point in his past. These cases should also lead us to define under which criteria their status as a victim might prevail over the forensic assessment.

I think it is relevant to point out that in contexts of prolonged conflict, especially armed conflict, it can be difficult to establish clear differences between victims, perpetrators, witnesses, and accomplices, not only from a legal perspective. The forced recruitment of children and adolescents can generate devastating cumulative traumatic experiences, precisely because they have participated in, and in many cases been subjected to cruel, inhuman, and degrading acts and torture. It is not easy to reconstitute these stories or emotionally differentiate these experiences for those who were trapped and adapted in circuits of violence, abuses, and coercion based on religious or ideological visions, which did not always make sense to their participants. These and other considerations need to be made to understand the possible trajectories of some clients - by thoroughly analysing the available background. Clarifying the principles and values that frame our work can allow us to deepen these dilemmas to decide on the qualification of a victim whose trajectory allows us to suspect that it is a complex case.

I agree with what is said in the article about the first dilemma. Professional ethics require a good report and an exhaustive characterization of the client's situation, noting - with the resources available - that it presents evidence of having suffered torture. It

is important to bear in mind that professionals conduct themselves within ethical principles and values and, as the article points out, from a "commitment to the absolute prohibition of torture". Evaluating people by doubting the information received can affect not only the relationship of trust with the client but eventually the results of the evaluation. This type of case can generate discomfort and insecurity in the professional, especially if they have limited knowledge about the social and political context of the origin of the consultant. Doubts, as stated in the article, seem to force professionals to become investigators of their clients, since the difficulty presented by the case suggests that if more information were available, it could be adequately resolved. However, if the case has not been reported, it is unlikely that reliable information will be obtained from the country of origin. On the contrary, the lack of information does not ensure their "innocence" nor eliminate the doubts, returning to the professional the responsibility of examining their perceptions, mistrust, critical elements, and evidence to decide on the status of the client as a victim.

The analysis proposed in this article provides elements to think that it is not enough to establish general criteria to support procedures and decisions for doubtful cases. Guaranteeing the client's rights involves making a case-by-case judgment. In cases where there is evidence that the client has been a perpetrator, and that his or her recognition could have negative consequences for other victims, the decision to exclude seems obvious. But this decision requires that sufficient, truthful, and valid information be available to ensure that a decision in favour of his or her application would not endanger other victims. However, in addition, as noted in the article, the risks of refusal, especially deportation to their country of origin, must be weighed. It is precisely this

risk that forces us to delve into the subject's history and to differentiate when the victim's condition prevails in a violent path that sows doubts about the clarity of that classification.

Reasonable doubts regarding a client require that the NGO recognize these difficulties as part of their professional practice in this context and formulate strategies to guarantee the rights of those who consult as well as those who carry out this work. The protection of the client and the professional could be achieved by generating a process of discernment within an extended professional team to evaluate complex cases in a second instance, seeking to guarantee confidentiality, the link with the patient, the values to which the professionals and the NGO adhere.

The power of the decision is a matter of reflection in these cases, weighing up its consequences. The evaluation will affect people's lives. The commitment against torture is not an abstract one. It is expressed in decisions to protect victims. It is expressed in the rigor of the reports, taking into consideration the serious consequences that these experiences have had on the people who suffered them, despite the passage of time. The rejection of torture is clear. The responsibility to protect victims is a priority. But it also requires differentiating in complex cases the status of victims. As it has been said, an exhaustive characterization of the consultant's situation can allow asking the fundamental ethical question regarding the case, after objectifying the individual and collective veracity of their history, identifying the aspects that generate the doubts and hierarchizing their importance in the context of the subject's history. What is the right thing to do in this case? What are the main values in this case? Recognition of victims; truthfulness; security; trust; confidentiality? What are the possible options?

As concluded in the article, the institution can define criteria for rejecting potential clients if the available evidence indicates that they are active perpetrators or if they are claimed by a national or international court for human rights violations as a way of resolving the general dilemma proposed in this article. But responsibility for the life and rights of clients must be assumed if, after a process of discernment, it is concluded that victim status prevails in that case.