

TORTURE

3
2023

*Journal on Rehabilitation of Torture Victims and
Prevention of Torture*

VOLUME 33, N° 3, 2023, ISSN 1018-8185



TORTURE

Journal on Rehabilitation of Torture Victims and Prevention of Torture

Published by the International Rehabilitation Council for Torture Victims (IRCT), Copenhagen, Denmark. TORTURE is indexed and included in MEDLINE. Citations from the articles indexed, the indexing terms and the English abstracts printed in the journal will be included in the databases.

Volume 33, N° 3, 2023
ISBN 1018-8185

The Journal has been published since 1991 as Torture – Quarterly Journal on Rehabilitation of Torture Victims and Prevention of Torture, and was relaunched as Torture from 2004, as an international scientific core field journal on torture.

Editor in Chief

Pau Pérez-Sales, MD, PhD

Editorial Associate:

Berta Soley, MSc.

Editorial Assistant:

Andrea Mølgaard

Editorial advisory board

S. Megan Berthold, PhD, LCSW
Sir Malcolm Evans, PhD
Bernard L. Duhaimé, B.C.L., LL.B., LL.M.
Alice Edwards, PhD
Tania Herbert, DClinPsy
Jens Modvig, MD, PhD
Gavin Oxburgh, PhD
Hans Draminsky Petersen, MD
José Quiroga, MD
John W. Schiemann, MA, PhD
Nora Sveaass, PhD
Daniel Weishut, PsyD, MBA
Mariana Castilla, MSc.

Editorial support and language editing

Madeline Cohodes
Andreea Lachszt
Jennifer Schwartz
Sierra Scott

Correspondence to

IRCT
Fælledvej 12
Globalhagen House
Building C, 2nd floor
2200 Copenhagen N
Denmark
Telephone: +45 44 40 18 30
Email: publications@irct.org

Subscription

<http://irct.org/media-and-resources/publications#torture-journal>
The Journal is free of charge.

The views expressed herein are those of the authors and can therefore in no way be taken to reflect the official opinion of the IRCT.

Front page: Mogens Andersen, Denmark
Layout by Pedro López Andradás

Content

Editorial

Resilience in torture survivors: reflections, learnings and ways forward

Pau Pérez-Sales 3

Scientific articles

Prison overcrowding and ill-treatment: sentence reduction as a reparation measure. A view from Latin America and Europe

Alejandro Forero-Cuéllar 18

Ukrainian universities at the time of war: From occupation to temporary relocation

Natalia Tsybuliak, Yana Suchikova, Olha Hurenko, Hanna Lopatina, Sergii Kovachov and Ihor Bohdanov 39

Tales of resilience: voices from detention and imprisonment in Russia

Daria Rud, Maria Bunina, Mariia Vasilevskaia and Anna Maria Filippova 65

Voice hearing in refugees survivors of traumatic events

Alberto Barbieri, Federica Visco-Comandini, Danilo Alunni Fegatelli, Anna Dessi, Giuseppe Cannella, Antonella Stellacci, Giulia de Lucia and Lucia Maulucci 80

Perspectives

Substitutive trauma: preparing grounds for the Russian attack on Ukraine

Jana D. Javakhishvili 94

News

Enforced disappearances in the context of migration: A brief review of General Comment No.1 of the Committee against Forced Disappearances

Karlos Castilla 109

Introducing the International Guiding Statement on alternatives to solitary confinement

Rachele Stroppa and Dana Moss 113

Book Review

Victoria Canning. Torture and Torturous Violence

Pau Pérez-Sales 120

Letters to the editor

Argentina: the new government and denialism

Dario Lagos and Diana Kordon 123

Call for EAB applicants

The Torture Journal invites to apply for a position on the Torture Journal Editorial Advisory Board 126

Call for papers

Integrating livelihoods in rehabilitation of torture survivors 128

Torture in prison and other detention facilities 130

Resilience in torture survivors: reflections, learnings and ways forward

Pau Pérez-Sales¹

Experiences of torture confront the human being with the most incomprehensible and “animal” part of the very fact of being human. As Marcelo Viñar (2005) wrote, in torture, men - there are, as far as we know, few women torturers - become wolves for other human beings, and are capable of dehumanising them, of destroying them, of breaking them and reducing them to an object in order to achieve ends that need not even be understandable, sometimes as a simple bureaucracy of power. When we say that torture is *inhuman*, we actually reflect an antinomy, because torture is human, *all too* human.

Disguised as professionalism, but torture has to do with experiencing power, with experiencing control and other’s submission, with experiencing the transgression of the basic rules of life ethics with the maximum guarantees of anonymity or impunity.

Does it make sense to talk about resilience in the context of torture?

Resilience is one of the most fashionable terms in the field of self-help psychology and one of the most in decline in the field of scientific psychology. It mixes a multitude of concepts that have to do with resisting and overcoming

stress, crisis or trauma to be that useful for science. In some cases, it refers more to inner strengths and character traits that enable a person to respond well to adversity, recover earlier and function better thereafter. In the self-help world it will relate to the potential elements to be developed that make the person “resilient” in any domain, from business to managing human relations.

To our knowledge, there is no specific academic research on elements of resilience in torture survivors with large samples and a consideration of both individual and environment-related elements, but only qualitative or semi-qualitative studies in some specific populations of survivors. Nor, for that matter, are there any meta-analyses of combined samples that have used shared or comparable methodologies. And yet, it is often heard in therapy groups with survivors that it would be important to be able to learn from how people resisted and coped during and after torture.

What follows is a reflection on which aspects might be relevant, on the basis that there is a lack of a systematic analysis to start from in the specific field of torture. These thoughts are, therefore, intended to provoke reflection and analysis.

Talking about resilience - or post-traumatic growth a linked concept - with survivors requires a moment and a time. The question, badly formulated or formulated at

1) Psychiatrist, Clinical Director at SiRa Center (Madrid), Editor in Chief.

Correspondence to: pauperez@runbox.com

<https://doi.org/10.7146/torture.v33i3.141912>

International Rehabilitation Council for Torture Victims.

the wrong time, can lead the person to think that their suffering is minimised or underestimated. Only after listening and acknowledging the narrative of suffering and pain, and potential meanings attached to it, it is generally possible to open a space to think about *what was useful* - whether there was anything - or *what could be learned* - whether there was any learning at all.

And it requires asking the question in a way that helps to create a realistic framework for reflection: resilience or resistance cannot be associated with the idea of the detection of the woman or man of steel, unaffected by torture, the one to whom suffering has not left a dent. Perhaps the question has more to do with detecting the woman or man of clay, but of a clay that strives not to be dry - and therefore fragile under blows - but moist, and therefore which absorbs the violence of the blows. And it might then be appropriate to discuss whether, in this absorption of blows, the person *was* only *deformed*, or in some sense, it might also be thought that he or she was being *formed*, *learning* and thus taking on *new forms*, and in these forms, there is something more than pain that we can call resilience.

How, if the idea is not how to be made of steel, is it possible to become wet mud? Can we learn from the experience of others, or are all experiences from torture survivors unique and different?

To this end, this paper begins with some initial reflections on the possibility or not of resilience and what resilience would be in that case, who would be resilient and whether it is possible to learn to be resilient. The second part will suggest a non-exhaustive list of core elements that, in the voice of survivors, have been useful during and after torture. Many of the reflections are based on the work with torture survivors in the Basque Country, but also in other contexts.

Actually: Is it possible to be resilient to torture?

If the first reflection is on whether it makes sense to talk about resilience in torture, the second has to do with whether it is, in fact, possible to emerge unscathed from torture. There has been a deep and sometimes harsh debate on this issue. Marcelo Viñar himself, in his double capacity as survivor and therapist, said emphatically that it is impossible to emerge unharmed from torture. For him, no person, faced with absolute horror, defencelessness and cruelty, could emerge unscathed. Only denial, lack of reflection or self-deception could lead a torture victim to claim that torture had not affected them.

In a deep, existential sense, this is very likely to be the case. When we find studies from academia proposing this or that percentage of people who are *resilient* to torture, in most cases these are clinically based studies, generally using psychological questionnaires of depression or post-traumatic stress disorder and considering resilience as synonymous with low scores on the measures proposed and consequently the absence of a psychiatric disorder. From this perspective, resilient people would be those who in the clinical interview or in the questionnaires did not present a mental condition.

But the forms of harm to the human being that torture can inflict go far beyond psychiatric diagnosis and relate to much deeper elements of the human being: the belief in kindness, empathy, care and compassion for others as basic elements of human coexistence; the possibility of establishing a dialogue, of conversing and convincing using logical reasoning; the certainty, necessary to live, that in the world there are unwritten rules that give sense to the relationships between human beings and in which there are basic principles of care and reciprocity.

From this perspective, no one can escape torture untouched as an experience that undermines the very roots of what it is to be *human*. It will not be a clinical harm, but as most survivors report, torture marks a before and after in their lives and leaves a mark that is both indelible and unerasable.

Who decides who is resilient?

This fascinating debate brings us directly to a third essential point of discussion. Is resilience *objective* or *subjective*, that is, who defines whether the survivor is resilient or not?. This is not an easy question. It is certainly necessary to bring here the words of Jean Amery (1966) when, as torture survivor, wrote that torture pushed the human being beyond the limit, to a *breaking point* that would mark them for the rest of their life. And what Amery did not accept under any circumstances was that psychiatrists and psychoanalysts would come to cheapen his testimony and his obsessive search for truth and justice by labelling him as a person who showed the symptoms of this or that “syndrome”. In that deep rage, one could read that he alone was the master of his experiences and the only one who could qualify the consequences in one way or another.

It is part of daily clinical work to meet survivors who consider that the effects of torture are part of what was to be expected in militant contexts. Under this perspective, there would be no major considerations in terms of illness. Moreover, thinking of oneself as resilient is, in itself, a mechanism of resilience. Those who observe themselves by scrutinising symptoms find symptoms. Those who do so by interpreting the signs of affliction as marks of suffering, but not of harm, will likely find reasons to feel even stronger and more capable of facing the future.

But this legitimate perspective cannot hide other realities, at least four: (a) those

survivors who do not want to consider themselves victims of torture because this means looking at the horror and *giving it a name*; (b) those survivors who *compare* their suffering with that of other people they know who have also suffered torture or who even died during torture to conclude that theirs is not so serious to call it torture; (c) those survivors who consider that, if they talked to the family or the therapist, there are those among listeners who may think that *they did something* if managed to get alive from torture; and (d) those that have some *memory too humiliating, too painful or too complex* to put into words. All the more so, if several of the above reasons combine.

Faced with the dilemma of who decides who would be resilient, the temptation is to say that everyone is the master of their past and how it should be read and interpreted. But there is no doubt that we are touching on such intimate and profound aspects of the human being that it is necessary for survivors to allow themselves to listen to the people around them. It is worth remembering, in this sense, how pain and hurt can come out through arguments with a family that seem not to understand, the safe space of a relentless and unrelenting activism, the excessive consumption of alcohol at every meal, or the screaming and kicking in bed at night suffered by the partner for years.

Are you a resilient person or do you have resilient resources?

One of the dangers of the idea of resilience would be to think that there are inherently resilient people and, thus, inherently “weak” people). But the voice of survivors shows that people are not inherently strong or weak, resilient or vulnerable, victims or survivors, but that they *have a range of responses* in which elements of strength and weakness, resilience and

vulnerability coexist, with positive and negative emotions experienced in a mixed way.

Three ideas are important here. First of all, no one faces extreme experiences in a vacuum, but at a *certain point in their life, with a personal backpack of traumatic events and losses -but also of learnings and examples of resilience-, with certain priorities in life and elements that give meaning to it -or with a lack of them-. Therefore, we may or may not be resilient at a given time and in a given context of our lives.*

Second, the strategies can be simultaneously adaptive and non-adaptive, depending on the type of traumatic event and the context. Thus, for example, because of their personal history or their way of understanding life, a person who is resistant to a chronic disabling illness or cancer may be very fragile and vulnerable to separation. Furthermore, the emotional resources available might change with time. Consequently, in the face of extreme experiences, people *articulate contextually and trauma-dependent resilient* (and therefore contextually vulnerable) *responses*.

Moreover, responses not only depend on the moment of life and the circumstances and symbolic connotations of the traumatic experience, but they are also in place *in interaction with the torturing environment and the characteristics and circumstances of the perpetrator*. In other words, the same coping response that allowed one victim to survive, for another meant increased vulnerability and harm. Thus, for example, an attitude of confrontation and dignity in the face of ill-treatment may in one case elicit a response of respect to the victim, and in another, a response of outrage and further harm. Even with the same person at different times. Torture is very often guided by the logic of the absurd, precisely to prevent the victim from having a sense of control, however minimal it may be.

Resilience in general, but surely in the case of survivors of torture, would not be an attri-

bute or a set of attributes that the survivor either possesses or does not possess, although we may see, later on, that some individual and collective responses seem to favour resilient outcomes.

The resilience we learned from our parents

There are forms of resilience that have to do with culture, with what we learned from our grandparents and parents, what has been experienced in group and society. This is especially relevant for societies who have suffered violence, oppression or torture for generations.

The Mayan peoples in the territories that are now southern Mexico and Guatemala have experienced violence, extermination, massacres and torture from colonial times to the present day. This has led them to develop strategies of *passive resistance* that allow them to survive on the edge. These strategies are linked to a cosmovision linked to the integrity of the person, nature and the community, in which reality transcends the individual, which existed before and will survive its temporal condition. Passive resistance is linked to a notion of a circular time, in which there is no separation between past and present and time is linked to the rhythms of nature, and where the ancestors are present in rites and dreams. In contrast to the mainstream notion that understands speech as a vehicle for mutual support, Mayan people defend silence as a coping mechanism of invisibilisation that protects against threats and protects others from their own suffering. And accordingly, instead of direct confrontation there is silence, self-control, containment and passive resistance. (ODHAG, 1999).

The Palestinian people have associated resistance with the idea of *Sumud*. In the face of invasion, oppression, torture, and what is now increasingly being firmly established in the eyes of the international community as a calculated and systematic extermination, Pal-

estinian people have developed a set of strategies and among them the idea of *Sumud*. There have been several anthropological studies of Palestinian torture survivors on the idea of *Sumud*. *Sumud* is linked to a notion of haughty stubbornness, historical stubbornness. It is linked to standing firm despite the continuous assault. It is not simply passive endurance, but an act of “unwavering passive resistance and defiance” that makes it possible to endure life in refugee camps or under military occupation. (Hammad & Tribe, 2021) To this end, there is a process of building a legend of resistance from a collective narrative based on oral tradition, music, ceremonies and rituals (Meari, 2014) and the public respect and role given to former prisoners and torture survivors in society. (Meari, 2014) *Sumud* is the determination to adapt and maintain life in the midst of oppression, it is about daily coping, the tenacious insistence on continuing with daily life as a form of collective affirmation. *Sumud* means despite fear, anguish and humiliation, questioning the soldiers who invade the house and mobilising family, economic and cultural networks of survival. Meari (2014) exemplifies *Sumud* in this dialogue between a Palestinian prisoner and his torturer: “Have you ever interrogated a table? I am a table now. Question a table. If it answers you, come back again, and I will have become a mountain. Then I will be a mountain...”

In Rwanda, there are several qualitative studies on resilience conducted years after the genocide and the policy of ethnic cleansing through systematic rape of women, in many cases with subsequent pregnancies. Forms of resilience were grouped around the culturally and linguistically specific concepts of *kwihangana* (to resist), *kwongera kubaho* (to live again) and *gukomeza ubuzima* (to continue with life/health), and comprised multiple socio-cultural processes that enabled social connection with

similar others to make meaning, regain normality and endure suffering in everyday life. And in this resisting, there were two positions on torture: while some women preferred to see themselves in the socially normative identity of widows and assume “normalcy”, others claimed the status and label of rape survivors and the active search for memory and justice in the face of torture. (Zrally & Nyirazinyoye, 2010).

In other contexts, religious beliefs have played an important role, generally from more individualistic perspectives. Thus, in Cambodia resilience would be associated with a sense of transcendence, of spirituality and acceptance of destiny that goes beyond life, of grounding oneself in the body and consciousness and avoiding negative emotional thinking, in connection with Buddhist moral principles. (Wyatt, 2019, 2023). One study describes how in pre-Taliban Afghanistan, resilience after the war emerged from a sense of moral and social order embodied in the expression of key cultural values: faith, family unity, service, effort, morality and honour, (Eggerman & Panter-Brick, 2010)

In South Africa, by contrast, resilience is associated with the well-known concept of *Ubuntu*, a term that has been universalised to indicate an essentially *relational* ethic, which values relationships of interdependence, friendship and trust, reciprocity and reconciliation, harmonious relationships, in which actions are morally right insofar as they honour the capacity to relate communally, reduce discord and restore communal balances (Ewuoso & Hall, 2019). Collective resilient procedures similar to *Ubuntu* have been described in other African settings (Babatunde, 2018).

In all these forms of collective coping, some of the resilience strategies listed in the table below are put in place.

It is from these cultural frameworks that it is worth thinking, in the second part of this paper, about resilience mechanisms before, during and after torture.

Is it possible to prepare for torture?

It is well-known that there are many military programmes to train elite troops to resist torture (Leach, 2011; Wagstaff & Leach, 2015) some of them including submitting soldiers themselves to torture methods. But ordinary citizens, neighbours or young activists in social movements are not elite troops. There are testimonies of survivors that alleged being mentally prepared for suffering harsh treatment or torture, but many more people describe that you are really never prepared for torture. No matter how much you know, no matter how much you have listened to the testimony of others, this theoretical knowledge did not protect you when it came to the truth. In the end, each person's experience is unique in the face of their past, their fears and their expectations. That is why torture is so destructive: because actually most people is never prepared to face it.

What works during torture?: Resilience mechanisms during interrogation, imprisonment or torture.

Although, as said, there has been no system-

atic study of the mechanisms people have used to resist during torture, if one were to list the things that have come up most often in the dialogue with survivors, they would probably include the following:

- *Time as a source of support and break.* Knowing that detention has a certain time limit is a powerful resilience mechanism. Time limits are marked in some contexts by the law and in others by the time it takes for family and friends to find out about the detention and to set in motion legal and media support mechanisms. Time is such a fundamental factor that Uruguayan interrogators repeated as a mantra to political prisoners: "We have all the time in the world". In the testimonies of the Basque tortured, the judicial prolongation of incommunicado detention, after the initial five days, marked a breaking point for many people. To resist is to resist the moment.
- *Enduring the day to day.* As a resilience mechanism, it is generally related to not having excessive hopes and perspectives of future, but focusing all one's energies on overcoming the small daily challenges.
- *Militancy,* understood in terms of ideology and political commitment or partisan discipline, but not only. It is about knowing that one is part of a wider movement and that

Table 1. Collective resilience

- Collective search for validation and meaning. Building collective narratives in terms of resilience from oral tradition, art or the construction of a collective memory. Tributes, acknowledgements and remembrances.
- Forms of social support for survivors or relatives of imprisoned or tortured persons, both affective (visits, memories...) and practical (forms of practical solidarity for survival), giving them a specific place in the community.
- Creation of physical (monuments, clothing...) or symbolic (dates, celebrations...) elements or spaces of memory. The physical and the symbolic as spaces for preserving the truth in the face of the perpetrators' versions, as spaces of dignity and remembrance.

other people depend on one's own silence. That is why a core element of political torture is the mockery of ideals, pursuing an ideological breakdown, instigating suspicions of betrayal, minimising the moral damage of naming others. Part of this mechanism, some survivors recount, is knowing the unbearable ostracism and isolation that awaits the person suspected of having spoken out.

- For some people, resistance is linked to *religion and faith*, Christian, Muslim or other, and to have in a sense of transcendence a spring to sustain oneself during torture. Resilience is linked to either seeing suffering from the lenses of stoicism or from the inner peace and strength of doing what is thought to be morally correct, among others
- But much more frequent than militancy or religion are the testimonies that speak of the *family* as a source of resilience. The family appears in multiple dimensions and nuances, but in at least five different ways: (a) *the duty to protect*. Testimonies in different countries and places show the systematic use of threats of detention, interrogation or torture, including sexual torture, against parents, siblings and close friends. The use of threats to the family is effective as a breaking mechanism because relatives are the main source of resilience for most people, and the mandate to protect them overrides all other considerations. (b) *survival*: the need to get out of detention for those who have family members who are dependants on the survivor: babies, young children, elderly parents or sick people, (c) *other family members as models of resilience*: to imagine what other family members have already experienced and to have them as an image and model to resist (d) *complicity*: in some cases more than one family member have been detained and interrogated in parallel. Some people refer the strength linked

to be able to identify lies and manipulation trying to induce contradictions and how, in the midst of madness, realising these lies provides a point of control and complicity with the other person being interrogated.

- *To hermetically seal oneself in*. For many people, to resist was to build a protective shell that made the person unreachable. There are testimonies that tell how, for instance, from the very first minute, as a symbol of resistance, people refused to give even the most known and banal information: to acknowledge one's name, age or place of origin. The interrogator became more vicious but the victim remained firm in the idea that if she started by giving banal information, it was impossible to know which the limit was and she would finally break.
- One of the most complex elements in the testimonies of survivors has to do with the *sense of dignity*. On the one hand, maintaining a strong sense of honour and pride is what allows some survivors to continue to feel human in an environment that seeks to dehumanise. The testimonies describe, as examples, about maintaining dignity in the personal aspect, in the internal conviction and self-affirmation, in the small actions inside the cell that help to maintain a sense of active control and combat the idea of helplessness and of being completely in the hands of the other. Other examples relate to listening to understand noises, remembering what was and was not said during interrogation, anticipating answers or detecting emotions and what triggers them.

Perhaps that is why, again, the torturers seek to break that dignity through humiliation, forced nudity, mockery about the body, appearance, smell, bodily needs or menstruation. Again, dignity is a resilience mechanism, but as Paul Steinberg (1972), a survivor of

a German concentration camp reminded us, people who were excessively rigid were the first to succumb, unable to adapt to an environment that used precisely that strength as a form of brokenness. Dignity was an element of vulnerability when survivors were not able to consider it as an internal attribute but as something to be honoured by the perpetrator,

Coming out of torture.

Sometimes families explain what they believe helped the survivor to cope, and this does not necessarily coincide with what the survivors themselves say or what an external observer - including therapists - might consider. Even knowing the limitations of having an answer depending on who you ask, there are a number of elements that seem to have been relevant to the experience of people who have subsequently been able to process the experience of torture better.

- *Understanding silences.* Talking is not easy and in many cases it takes time, the time needed to put distance and words. Semprún (1996) said that after the experience of torture the survivor had to choose between *speaking or living*, because the two were hardly compatible. To pretend to remember everything that happened was to return to the pain of torture and, in turn, not to speak was not to respond to the mandate to bear witness and share. Perhaps those who have survived better were those whose relatives were able to care and protect them *by making it clear that they knew, but without asking directly about the torture.* Silence, when it is a silence based on complicity and speechless knowledge, is protective, very different from the silence that denies reality, that isolates, that makes experience invisible and denies it. There are wise silences and there are deafening silences.

- *Circumscribing negative emotions to the perpetrators* and those who are part of the network that trained, protected and shielded them. Torture breaks human trust and it is quite often impossible to overcome for many survivors, because it leads to fear of the other, anticipation of harm, abuse or abandonment in past or future relationships. However, some people report how they have been able to preserve healthy and fulfilling human relationships by understanding that the cruelty of torture was limited to an exceptional context and situation. That there is evil, but that it is not the norm but, in normal circumstances, the exception. Even, in some cases and cultures, it might lead to understanding that there is a complexity in human beings that makes them capable of both the best and the worst.

Perhaps, and this is especially noticeable in some torture survivors, for example from Navarra (Soto Nolasco, 2023) who defend non-punitivist approaches based on the idea of not wishing on the perpetrators what they did to us. It is in the moral strength of believing that there are other ways of relating between human beings that survivors find the grounds for an ethical resilience, which connects to a large extent with the idea already mentioned of South African Ubuntu.

In the African tradition, whether or not based on Christian roots, perhaps this ethical is more related to the idea of *forgiveness*, which is one step further than idea of non-punitive justice. Forgiveness is also one of the most complex elements of resilience for overcoming torture. It has often been said, especially by non-survivors, that being able to forgive is a sign of ethical stature and resilience. Jean Amery (1966) himself showed his indignation at this idea by insisting that forgiveness is a survivor's privilege and by no means an en-

forceable standard of superior morality. *Resentment*, and why not say it, *hatred* can be as morally correct sources of resilience as forgiveness. Resentment and hatred can be healthy feelings that restore an order in which perpetrators and survivors are in opposite dimensions, in which a clean slate that equates the two allegedly for a better future as if nothing had happened, is not an acceptable option. It is in these blurred contexts that forgiveness, as some studies in post-conflict societies and after truth commissions have shown (Kadima Kadiangandu et al., 2007; Leunissen et al., 2013; Wilson, 2001) becomes a re-traumatising element rather than an element of resilience. This obviously does not mean that acts of revenge are morally desirable, but that symbolic ways of revenge or even revenge compensatory fantasies can be a resilient mechanism in that they restore a certain moral order.

- *Recovering day-to-day life and the psychosocial context.* Resilience also means returning to an environment with challenges and tasks: taking care of the land, family and loved ones, having a job or going back to school, recovering routines and being able to devote energy to new projects. Resilience is far more difficult when torture survivors return to contexts of oppression and misery, without job opportunities and in a situation of ostracism or marginalisation, the chances of making sense of the experience and moving on are much lower, as testimonies from Colombia, the Sahara, Cambodia or Palestine show, to give a few examples. Building resilience is also about providing resources and livelihoods (Brinkman, 2000; EGE, 2020).
- *The feeling of belonging,* those persons that know and feel part of a wider group of survivors and not individualise or privatise ones harm. Being part of collectives of survivors

and especially those who find in the search for truth and justice a sense of challenge and transcendence is mentioned also as a powerful resilience resource.

- To be able to belong, it is first necessary to *recognise oneself as a victim* (affected person, victim or survivor, depending on the meaning attributed to each term) and, therefore, to be able to call things by their name or at least to be able to name them to oneself by their true name. To call torture as torture and to know that it leaves traces.
- *To understand the inner purpose of torture.* It is also described as a resilient resource to understand that the marks of torture are an intended consequence of a strategy aimed to break. That the harms are not accidental but that there is a political and psychological rationale that has models, trainings and theoretical constructions behind it. And knowing that, therefore, the experiences of loneliness, of humiliation or guilt, or having to face the absurd are the result of a calculated strategy that should be somehow dismantled and overcome.
- Finally, and although it may seem obvious, believe in the possibility of transcending and surviving torture. Not to remain anchored in identities of harm and in ruminations and pain without having strong confidence in one's own possibilities to grow from torture, as difficult as this may seem, and to keep a sense of future, including thinking that it is worth fighting for a world in which things will be different.

Cross-cutting resources

Finally, there are some elements that we can call *transversal* or *cross-cutting* and that have to do with dispositions or ways of facing reality. All of them, used in moderation, can be also elements of resilience. The main important

ones are:

- *Optimism*, in a moderate way and not a deluded, unrealistic optimism. Optimism as the tendency to believe that, in general, things will turn out well, that it is worth the effort to resist.
- A *sense of humour* and *irony*, which allow for some emotional distance from the horror. Excess can end up being destructive or generate more violence and outrage.
- *Curiosity*. Interest in what is going on around to try to understand the mechanisms of the underworld of torture, absurd in appearance, but with some rules. Curiosity about the other victims and how they are coping with the situation.
- *Rationality*, as the effort to understand the breaking mechanisms behind apparently banal aspects and how to counteract them. Understanding the logic of everyday violence. However, too much rationality would lead to circling ruminations and ultimately to cognitive and emotional exhaustion.
- *To try to actively forget* what does not help to survive.
- Navigating the *absurd* or the grotesque, the surreal situations, accepting them as abnormalities of an environment that constitutes a world apart from the real world.
- Accept with humility the role of *chance* and *luck*. Taking responsibility for everything that happens around may give a temporary sense of control, but in the end it will be a pain generating mechanism. There will always be something to blame.
- *Managing and understanding guilt* and *shame* as a goal of torture and avoiding judging oneself by the rules of the outside world regarding what was thought or done during torture. Understand that others are responsible for the things that happen inside the detention. Assuming the decisions you made

as the choice you were forced to do in a context where it was impossible to keep distance and be objective.

- *Avoiding isolation*, although relying on others has risks.
- *Choosing to survive* when there is a temptation to suicide and thinking about the reasons for doing so.
- The small *forms of solidarity* that can occur.
- Small *recreational spaces* where available: sport, music or other ways of escaping, if only for a brief moment, from the horror. Accept that there can also be *moments of happiness* and devoting energy to enjoy them: receiving a letter or a visit, having contact with nature or realising some element of resistance that went well.

In thinking about resilience, is torture different from other traumatic experiences?

All the above can help us to think whether torture is a distinctive traumatic experience that demands special considerations when resilience is considered.

The academic literature on trauma considers it essential to separate *resistance* (or the ability not to be negatively affected by a stressor or pathogen) from *resilience* (or the person's ability to recover to the pre-stressor state). (Layne et al., 2007). This core distinction seems however meaningless in the field of torture because, as discussed, (a) it seems impossible to resist torture without any clinical or ontological level of impairment and (b) there is in any case no return to a previous state, but torture leaves a mark, which uses to be a turning point in the person's life. In the field of anti-torture research, resistance and resilience would be synonymous and should be studied in a common and indistinguishable way. Moreover, it is essential to avoid any approach that suggests that resilience is equiv-

Table 2. Resilient mechanism.

BEFORE	
Cultural or culture-based strategies	Personal preparedness strategies
<ul style="list-style-type: none"> • Collective search for validation and meaning • Mechanisms of social support, both affective and practical • Memory – Physic or symbolic - 	<ul style="list-style-type: none"> • Preparation and mentalisation • Strategies for practical training and preparedness • Training in psychological strategies

During torture

- Managing time
 - Enduring the day to day
 - Militancy - sense of communion, conviction and discipline
 - Religion - stoicism and transcendence
 - Hermetically seal oneself in
- Family**
- Duty to protect - avoid harm
 - Survival - to care for dependants
 - Family members as models of resilience
 - Complicity and mutual support during detention
- Elements that can be forms of resistance or vulnerability**
- Sense of dignity

In the way to recover

- Understanding silences
- Circumscribing negative emotions to perpetrators (in a broad sense)
- Ethical resilience: truth - justice - non-punitivist justice - forgiveness - non-repetition
- Resentment - legitimate hatred - responsibility
- Recovering daily life - challenges and tasks. Land, tasks and affections. - Opportunities and psychosocial environment - livelihoods.
- Sense of belonging - survivor organisations
- Recognising oneself as affected, victim or survivor.
- Belief in the possibility of overcoming torture.

Cross-cutting elements

- Healthy attitudes and self-care in as much as possible
- Curiosity
- Rationality
- Intention to forget what does not help to survive
- Non-deluded optimism
- Sense of humour and irony
- Acceptance of the absurd and grotesque
- Handling and understanding guilt and shame as an objective of the torturer
- Accepting the role of chance and luck
- Not isolating oneself
- Small forms of solidarity
- Space for recreation if it exists
- Accepting moments of happiness
- Choosing to survive

alent to the absence of psychopathology or that analyses resilience mechanisms from a health-disease approach.

Furthermore, research on resilience in torture survivors needs to take a historical and cultural perspective, integrating the psychosocial components of trauma and understanding that coping mechanisms have both individual and collective dimensions.

Understanding that each context is different, it is then possible to map elements of vulnerability and resilience to the trauma of torture. Thus, for example, family and social support appear to be elements of protection and resilience in the vast majority of torturing environments.

Finally, it is possible to reflect on therapeutic models based on the idea of resilience. Those models of rehabilitation would promote those factors that foster personal empowerment or post-traumatic growth in the face of torture. For example, early intervention strategies with torture survivors, often community-based, adapted to the characteristics of the group, discussing in an open way the inner logic, mechanisms of harm and impacts of torture and sharing coping strategies will be ways to strengthen resilient resources. Or if, as proposed, the family is a key element of resilience during and after torture, it will be an advisable intervention systemic therapy techniques that analyse communication between survivor and family, that rebuild bridges and overcome points of friction, misunderstandings or silences, or that encourage what we called above *wise silences* as opposed to *harmful silences*. Or, for example, interventions that enable survivors to return to their studies as soon as possible (and as realistically as they can), to have access to a trauma-informed job, or to have basic livelihoods can also be powerful strategies that strengthen the survivors resilient resources.

References

- Amery, J. (1966). *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and its Realities*. Indiana University Press.
- Babatunde, A. O. (2018). The efficacy of traditional cultural practices in the rehabilitation of victims of torture in Nigeria's Niger Delta. *Torture Journal*, 28(3), 46–62. <https://doi.org/10.7146/torture.v28i3.111184>
- Brinkman, I. (2000). Ways of Death: Accounts of Terror from Angolan Refugees in Namibia. In *Africa* (Vol. 70, pp. 1–24). <https://doi.org/10.3366/afr.2000.70.1.1>
- EGE. (2020). *Statement on European Solidarity and the Protection of Fundamental Rights in the COVID-19 Pandemic*. 1–4. <https://ec.europa.eu/info/publications/future-work-future->
- Eggerman, M., & Panter-Brick, C. (2010). Suffering, hope, and entrapment: Resilience and cultural values in Afghanistan. *Social Science and Medicine*, 71(1), 71–83. <https://doi.org/10.1016/j.socscimed.2010.03.023>
- Ewuoso, C., & Hall, S. (2019). Core aspects of ubuntu: A systematic review. *South African Journal of Bioethics and Law*, 12(2), 93–103. <https://doi.org/10.7196/SAJBL.2019.v12i2.679>
- Hammad, J., & Tribe, R. (2021). Culturally informed resilience in conflict settings: a literature review of Sumud in the occupied Palestinian territories. *International Review of Psychiatry*, 33(1–2), 132–139. <https://doi.org/10.1080/09540261.2020.1741259>
- Kadima Kadiangandu, J., Gauche, M., Vinsonneau, G., & Mullet, E. (2007). Conceptualizations of Forgiveness: Collectivist-Congolese Versus Individualist-French Viewpoints. *Journal of Cross-Cultural Psychology*, 38(4), 432–437. <https://doi.org/10.1177/0022022107302312>
- Layne, C. M., Warren, J. S., Watson, P. J., & Shalev, A. (2007). Risk, vulnerability, resistance and resilience. In *Handbook of PTSD. Science and practice*. Guilford Press.
- Leach, J. (2011). Survival psychology: The won't to live. *Psychologist*, 24(1), 26–29.
- Leunissen, J. M., De Cremer, D., Reinders Folmer, C. P., & van Dijke, M. (2013). The apology mismatch: Asymmetries between victim's need for apologies and perpetrator's willingness to apologize. *Journal of Experimental Social Psychology*, 49(3), 315–324. <https://doi.org/10.1016/j.jesp.2012.12.005>
- Meari, L. (2014). Sumud: A Palestinian philosophy of confrontation in colonial prisons. *South Atlantic Quarterly*, 113(3), 547–578. <https://doi.org/10.1215/00387909-1400000>

- org/10.1215/00382876-2692182
- ODHAG. (1999). *Informe Guatemala Nunca Mas*. Arzobispado de Guatemala.
- Semprun, J. (1996). *La escritura o la vida*. Alfaguara.
- Soto Nolasco, M. (2023). Red de Personas Torturadas de Navarra: auto-organización y empoderamiento en la lucha contra el silencio. *Torture Journal*, 33(2), 64–84. <https://doi.org/10.7146/torture.v33i2.137318>
- Steinberg, P. (1972). *Speak you also. A Survivor's reckoning*. Picador. (In Spanish - Crónicas del Mundo oscuro; In French Chroniques d'ailleurs)
- Viñar, M. N. (2005). The specificity of torture as trauma: the human wilderness when words fail. *The International Journal of Psycho-Analysis*, 86, 311–333. <https://doi.org/10.1516/HTXE-6E9W-7BPE-BECD>
- Wagstaff, C. R. D., & Leach, J. (2015). The value of strength-based approaches in SERE and sport psychology. *Military Psychology*, 27(2), 65–84. <https://doi.org/10.1037/mil0000066>
- Wilson, R. A. (2001). *The Politics of Truth and Reconciliation in South Africa*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511522291>
- Wyatt, Z. (2019). Trauma, Resilience and the Power of Human Connection: Reflections from the Field of Cambodia. *American Journal of Applied Psychology*, 8(2), 50. <https://doi.org/10.11648/j.ajap.20190802.14>
- Wyatt, Z. (2023). Intergenerational Trauma in the Aftermath of Genocide. *European Journal of Theoretical and Applied Sciences*, 1(2), 72–78. [https://doi.org/10.59324/ejtas.2023.1\(2\).07](https://doi.org/10.59324/ejtas.2023.1(2).07)
- Zraly, M., & Nyirazinyoye, L. (2010). Don't let the suffering make you fade away: An ethnographic study of resilience among survivors of genocide-rape in southern Rwanda. *Social Science and Medicine*, 70(10), 1656–1664. <https://doi.org/10.1016/j.socscimed.2010.01.017>

Acknowledgements

Mikel Soto and the Network of Tortured People of Navarre for sharing their learnings and experience.

In this issue

With Julian Assange in our minds.

We are reaching the end of 2023 in an extremely complex environment. As Russia's invasion of Ukraine seems to be entering a phase of attrition we are reminded of Julian Assange's reflection, based on the Wikileaks documents, that "*The goal [of the war in Afghanistan] is not to completely subjugate [the country] - the goal is to use Afghanistan to wash money out of the tax bases of the U.S. and E.U. through Afghanistan and back into the hands of a transnational security elite. The goal [of the war] is to have an endless war - not a successful war*".

WikiLeaks founder and Journalist Julian Assange was under extrajudicial detention for seven years, according to the United Nations Working Group on Arbitrary Detentions. He is now held under cruel and inhuman conditions in solitary confinement for almost four years in a high-security prison in Britain designed for terrorists and the worst criminal offenders in the country, without having ever been judged. He has been and is being submitted to Psychological Torture, according to the UN Special Rapporteur Against Torture. Assange will have a final legal challenge to block his extradition from Britain to the U.S. in February 2024 at the High Court in London, the next step in a lawfare process rejected by the human rights community.

The anti-torture movement also observes with concern the support for the actions that

breach international humanitarian law and the severe human rights violations taking place in Gaza as a response to terrorist attacks by radical Palestinian groups that do not represent the majority of the Palestinian population.

The eyes of the world are looking for an end to this situation.

In this issue

We take a look at the Russian invasion of Ukraine. Jana Javakhishvili introduces the concept of "*substitutive trauma*," which refers to the utilisation of unprocessed collective traumatic experiences by political leadership to create shared feelings of victimhood and vengeful attitudes within a population. The analysis explores how a substitutive trauma-based psycho-political dynamic culminated in February 2022 in Russia's war against Ukraine. The article argues that the community of traumatic stress professionals, studying and understanding macro-societal processes, can contribute to reducing and ameliorating such destructive psycho-political developments. Most of Jana's reasonings can surely be applied to the situation in Gaza.

Lopatina et al., present an analysis of the impact of the Russian occupation on the activities of Berdyansk State Pedagogical University in Ukraine, explaining the different challenges faced by the university community under occupation, particularly emphasising human

rights violations and academic freedom and institutional resilience mechanisms to manage to maintain classes despite the invasion.

In a qualitative study with survivors and legal practitioners, Rud et al. also present data on resilience, but in this case of victims of torture in Russia. They analyse law enforcement institutions and ways they challenge an individual's resilience as torturing environments and how it is faced, regardless of the vulnerabilities of the individual, their social status and institutional context. It is a path-breaking study that provides fresh perspectives on a subject that has been scarcely addressed in the anti-torture field.

Also on resilience in torture survivors is the editorial, with reflections, learnings and ways forward in a field that lacks more scientific research.

The issue also addresses the topic of torturing environments. Alejandro Forero's paper reviews prison overcrowding as ill-treatment or torture under international law, focusing on three aspects: minimum standards with respect to living space, the use of tools to establish the existence of harm caused by inhuman con-

ditions of incarceration and some corrective, restorative measures for prisoners that innovative jurisprudence is introducing.

Stroppa presents the work of Physicians for Human Rights Israel and Antigone on an International Guiding Statement of Alternatives to Solitary Confinement, proposing global guidelines for reducing and overcoming the use of solitary confinement in prisons.

Finally, a research study presented by Barbieri et al. examines the prevalence of hallucinations in a sample of treatment-seeking trauma-affected refugees. It analyses the relative role of torture and some other interpersonal traumatic events (i.e., imprisonment, sexual assault, non-sexual assault) as well as PTSD severity and a range of socio-demographic variables in the emergence of hallucinations.

Additionally, Castilla conducts a brief review of the recently published General Comment No.1 of the Committee against Forced Disappearances in the context of migration as a new opportunity to re-humanise the management of migrations in all regions of the world.

Prison overcrowding and ill-treatment: sentence reduction as a reparation measure. A view from Latin America and Europe

Alejandro Forero-Cuéllar¹

Abstract

The article addresses the issue of prison overcrowding and how it can be tantamount to ill-treatment or torture under international law. Faced with such a broad phenomenon, the piece focuses on two elements that may help to assess this circumstance: the existence of a minimum standard with respect to living space, and the use of tools to establish the existence of harm caused by inhuman conditions of incarceration. The article will show novel jurisprudence of some Courts to secure reparation for victims (early release and reduction of sentence time as offsetting) and will address discussion on the scope and limitations of these decisions with the aim of proposing even more courageous measures to ensure group and generalised reparation measures to reduce the rates of structural institutional violence in prisons.

Keywords: prison overcrowding, ill-treatment, minimum standards, torturous environments, offsetting.

Introduction: the situation of overcrowding of prisons in Latin America and Europe.

A custodial sentence entails the restriction or limitation of certain rights. Firstly, the right to freedom of movement. In addition, other restrictions can be derived from the sentence, for example, by the type of offense. However, these limitations and the violent nature of the State's right to punish mean that the execution of the sentence must be endowed with a framework of principles (legality, proportionality, last resort) and guarantees so that there can be no excess in the application of this form of *legal* violence. Those of us who work in contact with prisons know that violations of prisoners' rights are a daily, systematic reality, to a greater or lesser degree depending on the country. The existence in practice of legal - and illegal - restrictions of rights means that it is not entirely accurate to speak of people "deprived of their liberty" but rather of "prisoners," as they are not only deprived of their right to freedom of movement, but also experience many more restrictions on their individual, family, and community development.

Within this framework of guarantees that should place strict limits on the possible harmful effects of deprivation of liberty, the absolute prohibition of torture or ill-treatment is of cardinal importance in international human rights systems. An *absolute* prohibition because, as the international instruments on

1) University of Barcelona. Correspondence to: aleforero@ub.edu

the subject indicate, torture cannot be permitted under any circumstances, not even during war or situations of national emergency, in contrast to other rights, including the right to life.¹

Those of us who work in relation to prisons know that situations of torture and ill-treatment do not only arise from specific or determined acts of violence, but that many systems present material conditions which in themselves can be a cause of inhuman or degrading treatment. In this regard, overcrowding has become a central issue of concern which has been stated in the UN System Common Position on Imprisonment (April 2021). The position stated that overcrowding is the greatest cause of human rights violations in prisons globally. I will use the problem of overcrowding as a variable to assess the lack of a minimum physical living space that would be a possible condition for the production of ill-treatment or torture. I will provide an overview of the Latin American and European systems, which are the ones I know best and because the novel jurisprudence I want to explain here (regarding the reduction of sentence time as offsetting) seems to be the result of the definition of standards and how the nature and scope of reparation is understood by both systems of rights protection.

One of the effects of punitive populism has been to drive up incarceration rates globally, especially in the 21st century. However, the region with the most worrying data is Latin America and the Caribbean. Between 2000 and 2021, while the incarcerated population world-

wide had grown by 24% on average, in Central America it had increased by 77%, and in South America by a spectacular 200%.²

While the average incarceration rate worldwide, according to United Nations data, is 140 per 100,000 in the Americas it is of 376/100,000. Most of the countries in the world with the highest incarceration rates are in Central and South America: El Salvador (564, the fourth highest rate), Panama (436), Uruguay (383), Brazil (381), and Nicaragua (332). The figures for some Caribbean countries are even more alarming: Cuba (510), UK Virgin Islands (447), St. Kitts and Nevis (423), Grenada (413), or St. Vincent and the Grenadines (369).³

In respect to women, a worrying phenomenon emerges; their imprisonment has risen on all continents. Globally, while the total population of women is estimated to have increased by 21% in the 21st century, the number of women in prison has increased much more, by 53%. Worryingly, the number of women in prison in Central America and some South American countries has increased exponentially: in Colombia it has increased almost 3-fold, in Brazil 4.5-fold, in Guatemala 5-fold, and in El Salvador, the number of women prisoners has increased almost 10-fold (Foreo-Cuéllar, 2020, p. 212).

However, the incarceration rate alone does not provide data on prison conditions, as the density rate does. When the number of prisoners exceeds the number of available spaces (which normally is determined by prison authorities), we speak of overcrowding. The European Committee on Crime Problems has established that more than 120% of occupancy is considered critical overcrowding. If we con-

1 See: art 2.2 Convention against Torture (CAT); art 15 of the European Convention on Human Rights (ECHR), art 27 of the American Convention on Human Rights (ACHR), and art 5 of the Inter-American Convention to Prevent and Punish Torture (IACPPT).

2 See data in latest ICPR report, World Prison Population List (Fair & Walmsley 2021).

3 *ibidem*

Table 1. Occupancy level (Latin America and the Caribbean)

Country	Overcrowding rate (number of prisoners per available places)
Haiti	454.4%
Guatemala	357.1%
Bolivia	263.6%
Peru	212.2%
Honduras	195.9%
Grenada	184.3%
Nicaragua	177.6%
Paraguay	167.6%
Dominican Republic	165.1%
Bahamas	161.7%
Antigua and Barbuda	158.7%
Venezuela	157.5%
Brazil	143.8%
Panama	144.7%
El Salvador	135.7%

Source: own elaboration based on ICPR
World Prison Brief data.

tinue looking at data from the Latin American region, some countries are at the top of the world ranking of density, with Haiti as the highest overcrowding in the world (454.5%), and other countries with very high percentages; such as Guatemala (357.1%), Bolivia (263.6%), Peru (212.2%), and Honduras (195.9%)⁴. In many Latin American prisons, the situation of extreme overcrowding has been going on for decades. Therefore, it no longer makes sense to speak of “crisis” as a

definition of the situation of certain prison systems. Systematic non-compliance with the most basic human rights standards has become the rule.

For the purposes of this article, it is clear that the problem we are dealing with is not only *quantitative* but also *qualitative*. In addition to the extreme lack of space, there are serious material, health, food, and security shortages. Many of the region’s prisons are controlled by organised gangs who use extortion and where the law of the strongest rules. This situation is compounded by the under-representation of workers and guards. In practice, this translates into different levels of co-management in which prisoners are subjected to violence from different gangs and officials⁵.

When this “normality” breaks down and poor infrastructure or clashes between rival gangs provoke riots or fires, which are also often controlled with extreme violence by the state, we witness the news of massacres. In the 21st century, the examples are numerous: San Pedro Sula, Honduras, in 2004 (107 deaths), Santiago del Estero, Argentina, in 2007 (more than 30 deaths), San Miguel Prison in Chile, 2010 (81 deaths), Barranquilla, Colombia in 2014 (17 deaths), the fire in Comayagua, Honduras, in 2012 (375 deaths), Guanare, Venezuela, in 2020 (47 deaths), or in the prison of Tuluá-Valle del Cauca in Colombia, where more than 50 people died in 2022. To this must be added the events in Ecuador where between 2021 and 2022, through a dozen massacres, 419 people have died.

The data is staggering. It is estimated that in the region people are 25 times more likely to die in prison than while free in the communi-

4 World Prison Brief data (ICPR)

5 For more details see Sozzo (2022) and Miravalle (2021)

ty.⁶ It is in the face of this devastating situation that custodial sentences in the region are not only referred to as constituting inhuman or degrading treatment. It can be said directly that being imprisoned in the region is equivalent to being sentenced to an arbitrary death penalty (Zaffaroni, 2012, p. 3; Carranza, 2012, p. 46).

In the case of European prisons, although the levels of violence described above are generally not reached most countries in the centre and east have rates above the world average, with Eurasian countries exceeding 200 persons per 100,000 inhabitants.⁷ The latest report requested by the European Parliament on prison conditions in the European Union reveals overcrowding as a persistent problem with negative consequences on many aspects for the life of prisoners (Alonso, 2023). Even though in terms of density the continent does not present the alarming data we have seen above, there are 10 countries with overcrowding (the highest being Romania at 119%).⁸ Moreover, it should be borne in mind that the reality within each country differs greatly from one prison to another and, as the SPACE report also indicates, “there are roughly 1.5 inmates per cell. This suggests that some penal institutions who are theoretically not experiencing overcrowding may have in practice overcrowded cells” (Aebi et al, 2021, table 16). This reality means that most European prison systems struggle to provide decent conditions of detention and there is, among other things, an overload on health services, as the response to the Covid-19 pandemic highlighted.⁹ It is not surpris-

ing that during the first fifteen years of this century, the European Court of Human Rights has increasingly found violations of Article 3 of the ECHR on grounds of overcrowding, as we shall see below. And this is why it is interesting to analyze the two realities here, because although Europe does not have the levels of violence of Latin America, it has developed standards on minimum living space and has had some specific pronouncements on overcrowding (*Torreggiani et al. v. Italy*) that have served as inspiration for the decisions of the Inter-American system.

A final remark about the European system that should concern us: as a *qualitative* aggravating factor of prison sentences in Europe - and a distinctive feature in countries without overcrowding and with *good* quantitative data - we are confronted with the phenomenon of increasing rates of mentally-ill prisoners, self-harm, and suicide.¹⁰

These numbers and data provide a quantitative overview of the prison systems. However, for these data to be transformed into political and legal declarations of ill-treatment or torture, we need to construct indicators. In the following sections, I will refer to two tools that are currently being used, namely the concept of living conditions as an international minimum standard, and the verification of suffering through forensic reports to demonstrate that those conditions produce individual or collective harm.

6 Unpublished data from the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) (see Gusic & Espina, 2020).

7 See Space I. Council of Europe Annual Penal Statistics, 2021.

8 Ibidem.

9 See examples in different countries not only in

Europe but also in diverse countries in Antigone (2020).

10 Two examples of this can be seen in Italy where the number of suicides has broken records (84 in 2022) (Antigone, 2022), or in Catalonia where the last year has seen the highest number of suicides in the last 12 years (EFE, 2023), bearing in mind that since around 2010, the prison population has been reduced by 20%.

Living conditions as inhuman or degrading treatment.

The situation described above in Latin America has led many countries to declare (either by governmental or judicial decisions) that their prison systems are in a situation of *emergency* or *unconstitutional state of affairs*. In other words, the state officially assumes that its prisons *do not comply with the law*. This is what has happened in countries such as Colombia (since 1998 on three occasions¹¹), Peru, first with regard to people with mental illness and then the system in general,¹² Brazil,¹³ El Salvador,¹⁴ and Argentina with regard to the federal penitentiary system.¹⁵ However, Latin America is no exception. In Italy, the government decreed in 2010 a “state of emergency” in the prison system.¹⁶ There are other examples worldwide such as the ruling of the US Supreme Court in relation to the prison system in California,¹⁷ or the European Court of Human Rights in relation to Italy (which we will address below).¹⁸

What is important to note here is that in these decisions, the courts declared that the conditions of habitability do not respect constitutional and international law principles. Therefore, they oblige the public authorities to

take a series of measures to reduce overcrowding and improve these inhuman conditions. In addition, judgments often recognise certain reparation measures. This article addresses what seems to be a novelty: in recent years, some jurisprudence is declaring freedom or reduction of the sentence time as a form of *off-setting* for having been a victim of torture or ill-treatment. This form of reparation would broaden the scope in which the 5 forms of reparation (compensation, satisfaction, restitution, rehabilitation and non-repetition) are usually understood. But this discussion will come later. First, we must ask ourselves: how have these rulings *measured* non-compliance with the rules governing deprivation of liberty? This is where two key elements come into play: 1) the construction of minimum standards of prison habitability, and 2) the finding of suffering as tantamount to torture or ill-treatment.

The Construction of Minimum Standards for Prison Habitability

Although there is no universal rule on this issue, various reports, declarations, documents of principles, and rules at the international level have developed a series of standards. These texts are not binding until they are introduced by international or constitutional courts and become binding law, which has been happening at the international level in recent years.

This article will not address in detail the numerous standards that exist at the international level in all the protection systems. We will, however, highlight some key points regarding the European and Inter-American protection systems. What is relevant is that different instruments have been detailing minimum standards in two ways. On the one hand, a *quantitative* one, e.g., how much minimum space a prisoner should have at his or her disposal. On the other hand, a *qual-*

11 Rulings T-153/1898, T-388/2013 and T-762/2015 of the Constitutional Court.

12 Rulings of the Constitutional Court (Case No. 03426-2008- PHC/TC, and No. 05436-2014- PHC/TC, of 2020).

13 Supremo Tribunal Federal (Ação Direta de Descumprimento de Preceito Fundamental 347, 2015)

14 Constitutional Chamber of the Supreme Court of Justice (119-2014ac, 2016)

15 Resolution No. 184/2019 of the Ministry of Justice and Human Rights.

16 Decree of the President of the Committee of Ministers of 13 January 2010.

17 *Brown vs. Plata* (2011)

18 *Torreggiani and Others v. Italy*, (2013)

itative one, e.g., the conditions of this space (hygiene, ventilation, lighting). To this is added a broader understanding of “habitability,” looking beyond the space of the cell to look at the time available to prisoners outside the cell, and the quality of this time. That is to say, the amount of time and the possibility of accessing other spaces where work, study, leisure activities, sport, health care, religion, or ordinary, family and intimate communication can take place. These spaces must also be governed by standards of sufficient space and conditions of use that respect the inmate’s dignity. Below is a review of the minimum living space as an international standard. I use this standard not because it is the most important indicator we can use, but because it is a crucial starting point for declaring that there are human rights violations. The issue of attempting to define a minimum living space has been key in both European and Latin American jurisprudence and serves in this work to define strong presumptions of the existence of ill-treatment. In any case, as will be seen later in the discussion, this standard remains problematic and some literature advocates using (also) other minimum standards as a reference.

If we explore this issue at the European level, we must refer to the standards set by it two key authorities: the Committee for the Prevention of Torture (CPT) and the European Court of Human Rights (ECtHR). The basis for the construction of these standards is the absolute prohibition of torture which, as mentioned above, is laid down in Article 3 of the ECHR.

As the ECtHR itself explains (2022, p. 8), the starting point and foundation in the construction of the European standards is the strong link between the concepts of “degrading treatment” and respect for “dignity” (*Bouyid v. Belgium* [GC], 2015, § 90). It adds

that “where treatment humiliates or debases an individual, showing a lack of respect for or diminishing his or her human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance, it may be characterised as degrading and fall within the prohibition of Article 3” (*Muršić v. Croatia* [GC] 2016, § 98; *Ananyev and Others v. Russia*, 2012, § 140) (*Ibidem*).

The CPT’s work in this regard has been key. The reports, based on prison monitoring, establish a series of standards that not only serve as recommendations for States but also as guidance for the ECtHR’s work. Since 1989, the Committee has been specifying standards on various elements concerning living conditions. As the issue of minimum living space has become so important in recent years, in 2015 the CPT set out a clear position in a document compiling its standards (*Living space per prisoner in prison establishments: CPT standards*).¹⁹

It is important to note that the CPT has never stated an absolute minimum. The personal space available is a crucial criterion and a starting point for evaluating the adequacy of material conditions and their overall assessment. However, situations must be analyzed on a case-by-case basis. According to these 2015 standards, the CPT states that the minimum standard for personal living space in prison establishments is 6m² of living space for a single-occupancy cell and 4m² of living space per prisoner in a multiple-occupancy cell (in both cases with separate sanitary fa-

¹⁹ Other standards guiding the ECtHR and governments are to be found in the European Prison Rules, revised in 2020, and some recommendations of the Committee of Ministers, for example R(99)22 concerning Prison Overcrowding and Prison Population Inflation.

cility), at least 2m between the walls of the cell, and at least 2.5m between the floor and the ceiling of the cell (CPT, 2015, p. 1). These standards have served as a guide for the European Court to decide on complaints alleging violation of Article 3 regarding insufficient personal space and conditions of habitability, especially when it comes to group cells. However, the Court has made clear on many occasions that, under Article 3, it cannot determine, once and for all, a specific number of square metres that should be allocated to a detainee in order to comply with the Convention (2022, p. 12). The ECtHR needs to examine other circumstances such as 1) the duration of detention, 2) the possibility of outdoor exercise, 3) the physical and mental state of the detainee, 4) the light or natural air, 5) the availability of ventilation, 6) the adequacy of the ambient temperature, 7) the possibility of using the toilet in private and 8) the fulfilment of basic sanitary and hygienic requirements. However, there are occasions where the space available has been considered, in and of itself, as a relevant determinant for establishing whether conditions of detention were degrading within the meaning of Article 3 of the Convention (*Orchowski v. Poland*, 2009, § 122; *Ananyev and Others v. Russia*, 2012, § 143) (ECtHR, 2022, p. 13).

For the ECtHR, it is also relevant how long the person is subjected to these conditions of detention,²⁰ as well as whether they are persons with special needs (older adults, young adults, women, persons with disabilities, or persons with particular medical conditions).

The pilot sentences

The European Court had condemned States on numerous occasions for violating Article 3 (*Peers v. Greece*, 2001; *Kalashnikov v. Russia*, 2002; or *Sulejmanovic v. Italy* of 2009, among others) but as the 21st century progressed, the number of claims against states for violating Article 3 due to overcrowding continued to increase exponentially. The persistence of this phenomenon seemed indicative of a structural deficiency, which prompted a change in methodology. By virtue of Article 61 of its Rules of Procedure, the ECtHR resorted to the so-called “pilot-judgment procedure.”

Under this procedure, the Court, starting with one application, groups together other applications that follow the same pattern - and that demonstrate that the problem is structural- with the aim of resolving the issue in a global manner and, in the event of a conviction, obliging the state to design a Plan of Action to address the issue. This is what has been happening with the phenomenon of overcrowding in judgments against states such as Bulgaria (*Neshkov and Others v. Bulgaria*, 2015); Hungary (*Varga and Others v. Hungary*, 2015); Italy (*Torreggiani and Others v. Italy*, 2013); Poland (*Orchowski v. Poland*, 2009; *Norbert Sikorski v. Poland*, 2009); Romania (*Rezmiveş and Others v. Romania*, 2017); Russia (*Ananyev and Others v. Russia*, 2012); and Ukraine (*Sukachov v. Ukraine*, 2020) (ECHR, 2020, p. 9). Here we will briefly explore three cases: *Ananyev and Others v. Russia*, 2012, *Torreggiani and Others v. Italy*, and *Muršić v. Croatia*, 2016. All three decisions have been emblematic and have helped to define European standards of minimum living space. Moreover, in the *Torreggiani case*, the judgment has served as a reference for decisions of the Inter-American Court.

In the case *Ananyev and Others v. Russia* (2012), the ECtHR laid down what can be

²⁰ For example, 60 days of detention in a 7m space² for two people with poor ventilation and light (*Peers v. Greece*, 2001).

called the “Ananyev test.” In this case, the Court wanted to establish criteria to assess more broadly the lack of physical space: “In deciding whether or not there has been a violation of Article 3 on account of the lack of personal space, the Court has to have regard to the following three elements: (1) each detainee must have an individual sleeping place in the cell; (2) each detainee must dispose of at least 3 sq. m of floor space; and (3) the overall surface of the cell must be such as to allow detainees to move freely between furniture items.” The conclusion of this was that... “The absence of any of these elements created a strong presumption that the conditions of an applicant’s detention were inadequate” (§ 148). As we shall see below, these criteria were decisive for the development of the *Muršić* case.

In the *Torreggiani* case, the complainants pointed to the limited physical space available to them in shared cells. The cells were 9m², which resulted in only 3m² per person. They also reported a lack of access to hot water and little sunlight. The rate of overcrowding in Italian prisons at the time was 151%. In its pilot judgment, the ECtHR acknowledged that the poor conditions of detention proved in the case were not an isolated situation, “but were due to a systemic problem resulting from the chronic malfunctioning of the Italian prison system” (§ 88). The Court also used as sources from CPT reports and the precedent of the Italian decision in the *Sulejmanovic* case (in which the ECtHR found that Italy had violated Article 3 of the Convention on grounds of overcrowding). From that judgment onwards, it was clear that the problem was structural and the number of complaints began to multiply, reaching around 4,000 (Antigone & CILD, 2017, p. 4).

One of the most important things in *Torreggiani* concerns the measures taken by the government as a form of reparation. The

Court orders the State to adopt a series of measures with preventive and compensatory effects to ensure an effective remedy against violations of the Convention arising from overcrowding (§ 99). The Italian government, in a novel measure that is important for the core of this article, established by Decree-Law 26 June 2014, n. 92, that the judge of penal execution, as a compensatory measure, should remove one day of sentence for every 10 days served in conditions considered degrading. In other words, it is ordered to reduce the time of the pending sentence as offsetting for degrading conditions. This is a very important measure which, as we shall see, is developing more strongly in the inter-American sphere.

As noted above, following the line of the *Ananyev* test and other minimum space criteria, the ECtHR provides clearer definitions of available space and its relation to the possible existence of ill-treatment. This is the case of the Grand Chamber’s important decision, *Muršić v. Croatia* (2016). Here the ECtHR establishes a differentiated assessment criterion depending on the square metres available in light of Article 3:

- “When the personal space available to a detainee falls below 3 sq. m of floor surface in multi-occupancy accommodation in prisons, the lack of personal space is considered so severe that a strong presumption of a violation of Article 3 arises” (§ 137).
- “In cases where a prison cell - measuring in the range of 3 to 4 sq. m of personal space per inmate - is at issue the space factor remains a weighty factor in the Court’s assessment of the adequacy of conditions of detention. In such instances a violation of Article 3 will be found if the space factor is coupled with other aspects of inappropriate physical conditions of detention” (§ 139).

- “in cases where a detainee disposed of more than 4 sq. m of personal space in multi-occupancy accommodation in prison and where therefore no issue with regard to the question of personal space arises, other aspects of physical conditions of detention [...] remain relevant for the Court’s assessment of adequacy of an applicant’s conditions of detention of an applicant under Article 3” (§ 140).

Furthermore, it states that in cases of less than 3m², “The strong presumption of a violation of Article 3 will normally be capable of being rebutted only if the following factors are cumulatively met: (1) the reductions in the required minimum personal space of 3 sq. m are short, occasional and minor; (2) such reductions are accompanied by sufficient freedom of movement outside the cell and adequate out-of-cell activities; (3) the applicant is confined in what is, when viewed generally, an appropriate detention facility, and there are no other aggravating aspects of the conditions of his or her detention” (§ 140).

If we now look at the Inter-American system, its Court has also been profuse in determining, through different decisions, solid standards on prison conditions which, when overlooked, can constitute cruel, inhuman, and degrading treatment.

As in the European system, the basis for addressing this issue lies in the obligation of States to respect (and guarantee) human dignity (art 5.1 ACHR. The same article that prohibits torture and cruel, inhuman or degrading treatment or punishment), for example in *Neira Alegria et al. v. Peru*, 1995 (§ 60). The Court has condemned different States for overcrowding as a violation of the Convention. For example, in the case of “*Instituto de Reeduación del Menor*” v. *Paraguay*, 2004, the Court noted that the pris-

oners “were in a situation of permanent overcrowding. They were held in unsanitary cells, with few hygienic facilities and many of these inmates had no beds, blankets and/or mattresses, which forced them to sleep on the floor, take turns with their fellow inmates, or share the few beds and mattresses” (§ 165). Similarly, in the case of *López Álvarez v. Honduras*, 2006, stated that “the alleged victim was in a situation of permanent overcrowding; he was in a small cell, inhabited by numerous inmates; he had to sleep on the floor for a long period of time; he did not have adequate food or drinking water, nor did he have access to indispensable hygienic conditions” (§ 108).²¹ In the broad understanding of the qualitative aspect of overcrowding mentioned above, overcrowding may also affect persons in individual cells, as “[s]uch conditions may result in a reduction of out-of-cell activities, overburden health services, and cause hygienic problems and reduced accessibility to washing and toilet facilities, among others” (*Boyce and others v. Barbados*, 2007, § 93)

In a relevant decision on the issue, the 2006 case *Montero Aranguren and others (Retén de Catia) v. Venezuela*, the Court adopts standards established by the European system of protection of rights, such as the 1992 CPT report which established 7m² as a minimum standard, and decisions of the ECtHR which considered that a space of about 2m² for one inmate is a level of overcrowding which in itself was questionable in light of Article 3 of the ECHR (*Kalashnikov v. Russia*, 2002, *Ostrovvar v. Moldova*, 2005), that a cell of 7m² for two inmates was a relevant aspect in establishing a violation of the same article (*Peers v. Greece*, 2001) and that a cell of 16.65m²

²¹ See in the same sense *Tibi v. Ecuador*, 2004 (§ 150) and *Fleury et al. v. Haiti*, 2011 (§ 85).

Table 2. European standards on minimum living space per prisoners		
Body	Decision / report	Criteria / relevant circumstances
ECTHR	The <i>Ananyev</i> “test” (<i>Ananyev and Others v. Russia</i> (2012), § 148)	<p>“In deciding whether or not there has been a violation of Article 3 on account of the lack of personal space, the Court has to have regard to the following three elements:</p> <ol style="list-style-type: none"> 1. each detainee must have an individual sleeping place in the cell; 2. each detainee must dispose of at least 3 sq. m of floor space; and 3. the overall surface of the cell must be such as to allow detainees to move freely between furniture items. <p>The absence of any of these elements created a strong presumption that the conditions of an applicant’s detention were inadequate.”</p>
CPT	<i>Living space per prisoner in prison establishments: CPT standards</i> (2015)	<p>Minimum standard for personal living space in prison establishments is:</p> <ol style="list-style-type: none"> 1. 6m² of living space for a single-occupancy cell + sanitary facility 2. 4m² of living space per prisoner in a multiple-occupancy cell + fully-partitioned sanitary facility 3. at least 2m between the walls of the cell 4. at least 2.5m between the floor and the ceiling of the cell
ECTHR	Summary of relevant principles and standards for the assessment of prison overcrowding: (<i>Muršić v. Croatia</i> , 2016, §§ 136-141)	<p>Available personal space in multi-occupancy accommodation in regard to Article 3:</p> <ol style="list-style-type: none"> 1. less than 3 sq. m = strong presumption of violation. 2. between 3 and 4 sq. m = weighty factor to which must be added the assessment of other factors. 3. More than 4 sp. m = general conditions must be studied.

Source: own elaboration.

housing 10 inmates constituted an extreme lack of space (*Karalevicius v. Lithuania*, 2005) (§ 90). In *Montero Aranguen*, the IACtHR established that, “In the present case, the space of approximately 30 square centimetres per inmate is clearly unacceptable and constitutes in itself cruel, inhuman and degrading treatment, contrary to the inherent dignity of the human being and, therefore, in violation of Article 5(2) of the American Convention” (§ 91, emphasis added).

The same year, in the decision on the case of *Miguel Castro Castro v. Peru*, the Court stated that “[...] injury, suffering, damage to health or harm suffered by a person while deprived of liberty may constitute a form of cruel punishment when, due to the conditions of confinement, there is a deterioration of physical, mental and moral integrity” (§ 314). It continues to say that “The judicial authorities must take these circumstances into consideration when applying or assessing the penalties established” (*ibidem*).

Pacheco Teruel et al. v. Honduras, 2012, summarises the main standards that the Court has been compiling in its jurisprudence on prison conditions (separation into categories of detainees, food, medical care, education, work, etc.). Among them it states that overcrowding constitutes in itself a violation of personal integrity (§ 67).

The Court indicates something that is very relevant for the purpose of this text. For the Court, inhuman conditions of detention affect the mental health of detainees, with adverse repercussions on the psychological development of their life and personal integrity (case of “*Instituto de Reeducación del Menor*” *v. Paraguay*, 2004, § 168). In the same case, based on the information provided by the *habeas corpus* that had been filed, it stipulated that the assumptions of physical, psychological or moral violence that aggravates the conditions of de-

tention of persons deprived of their liberty had been established (§ 170).

This idea is important because it connects us to the other tool that I want to highlight as useful to support the Court in its assessment of the existence of ill-treatment or torture. That is, a forensic report demonstrating the suffering of the person under certain conditions of detention, as we will see below.

The finding of suffering as tantamount to torture or ill-treatment.

As explored before, the existence of standards on minimum living space and dignified conditions of imprisonment has been used to guide judicial decisions on allegations of human rights violations. As we have just analyzed in the previous section, there are cases in which the courts indicate that, in addition to the square footage, other elements must be assessed in order to decide whether there is degrading treatment. Some of them can be relatively easy to verify, such as the existence of sufficient ventilation or the possibility of using the toilet in private. However, one of them is a challenge to verify, as it requires a medical or forensic report: the physical and mental state of the detainee. A forensic report can determine not only the mental state of the detainee, but also how certain conditions of detention have affected his/her health and caused suffering. Thus, when individual suffering is involved or when courts require more evidence to find a situation of ill-treatment or torture, it is necessary to adduce some form of evidence of suffering or harm. This is where tools come into play to help measure or document that a person or a group of persons have suffered torture or ill-treatment.

One possible useful tool is a forensic or professional report on the degree of suffering that a person has experienced. The UN’s Is-

tambul Protocol is one of the most important guides to determine whether there has been physical or psychological torture. However, as we are seeing, we are faced with situations that often do not correspond to concrete and individual acts of violence. In many cases the environment in which inmates live can itself produce degradation. This is why, for some years now, medical and psychological professionals have also been working on the concept of “torturing environments.”

A torturing environment is defined as an “environment that creates conditions that can be qualified as torture, composed of a set of contextual elements, conditions and practices that bypass the will and control of the victim and compromise the self” (Pérez-Sales, 2017, p. 435). These situations, due to the accumulation of a series of factors, would produce physical or psychological harm in a person that does not correspond, for example, to legal deprivation of liberty. Based on this definition, work has been carried out on the definition of assessment instruments, in the style of questionnaires such as those of the Istanbul Protocol, and which have been configured around the so-called “Torture Environment Scale” (TES). This scale “measures, at the individual level, the likelihood that a person has suffered torture and, at the collective level, whether a given environment can be considered as an environment of torture” (Pérez-Sales, 2017, p. 535).

This tool is being used in specific cases in Latin American countries for expert opinions before the IACtHR,²² and has also been key in

the current resolution of a case in Spain, where it was used to demonstrate that two people detained for jihadism had suffered psychological harm due to the conditions of isolation to which they were subjected. In the latter case, the court recognised that the imprisonment had been unjustified and ordered compensation for the victims. But what is most interesting is that the court not only ordered compensation for having been unlawfully deprived of their liberty, but also for having suffered physical and psychological harm as a result of *the conditions of their imprisonment*.²³ This is a novelty in domestic jurisprudence because it awarded (economic) compensation for the psychological harm caused by the (legal) conditions in which they were deprived of liberty. To demonstrate that these conditions generated suffering, the TES tool was key. In addition to this, an adaptation of the TES in conjunction with the Istanbul Protocol has been used by the Basque Institute of Criminology for its report on torture in the Basque Country between 1960 and 2014 (Etxebarria, Beristain and Pego, 2017).

The concept has been included in the 2020 report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment with regard to psychological torture. In the report, it is noted that one of its objectives is to “Illustrate how various combinations of methods, techniques and circumstances - not all of which may amount to torture if taken in isolation and out of context - can form ‘torturous environments’ violating the prohibition of torture” (§ 15). The Report

22 See the actions of the Community Action Group and Sir[a] for example in the case of indigenous and Afro-descendant communities denouncing the Nicaraguan State who “intentionally set up a torturing environment on the lands of the affected indigenous and Afro-descendant com-

munities, with the aim of breaking the resistance against the Grand Interoceanic Canal project” (see <https://www.psicosocial.net/sira/canal-nicaragua-entornos-torturantes/>).

23 See García (2023)

conceives them as “accumulation of stressors” (§§ 68-70)²⁴ and concludes the following:

*“In practice, torture victims are almost always exposed to a combination of techniques and circumstances inflicting both mental and physical pain or suffering, the severity of which depends on factors such as duration, accumulation and personal vulnerability. Victims tend to experience and respond to torture holistically, and not as a series of isolated techniques and circumstances, each of which may or may not amount to torture. Accordingly, psychological torture may be committed in one single act or omission or can result from a combination or accumulation of several factors which, taken individually and out of context, may seem harmless. The intentionality, purposefulness and severity of the inflicted pain or suffering must always be assessed as a whole and in the light of the circumstances prevailing in the given environment” (§ 86).*²⁵

In the context of this article, the TES could be used to measure the intensity of situations such as overcrowding, the manipulation of environmental conditions (temperature, lighting, food), and how the person experiences the deprivation of liberty: disorientation, fear for their life or their physical or psychological integrity, lack of privacy, or humiliation (also of visiting family members).

This is a very useful approach because it shifts the focus from the perpetrator (intent,

methods) to the victim (suffering, humiliation) in order to decree that the state has violated international (and national) law and that it has a duty to make reparation and guarantee non-repetition. This is a relevant point, which has gradually been opened to understand the phenomenon of torture and ill-treatment beyond intention, wilfulness and the limits set by the definition of article 1 of the United Nations Convention against Torture.

This is also the starting point for understanding the State’s obligation to provide reparation is broader. The States’ position of guarantor in relation to the right of individuals not to be tortured or ill-treated means that it is objectively and directly responsible for the harm caused to a person in its custody. The State is responsible regardless of the individual culpability of the perpetrators (in specific cases) or the reasons for which there is, for example, overcrowding. In the context of this article’s analysis, the existence of prison overcrowding and torturous environments means that the analysis of the authorship is relegated by the certification of the situation and/or individual suffering.

Reparation measures: towards sentencing reduction as offsetting.²⁶

As explored before, the position of guarantor implies that the State not only has a negative obligation (not to torture), but also a positive obligation to prevent situations (or environments) of torture from occurring. States are therefore obliged to take all necessary measures to ensure that situations of torture and ill-treatment do not occur. If they do occur,

²⁴ Something similar can be found at the European level when the ECtHR emphasises that, when reviewing conditions, special attention should be paid to the cumulative effect of relevant factors, as in *Ostrovar v. Moldova*, 2005.

²⁵ The concept is also used in the recent *detailed Conclusions of the UN Human Rights Council’s Human Rights Expert Group on Nicaragua*.

²⁶ In Spanish, the term used by academics and some case law is “*compensación*.” Given that in English the term “compensation” is understood, above all, in an economic sense, we have preferred to use here the term “offsetting.”

they must make comprehensive reparations to the victims and ensure non-repetition.

The international obligation to reparation is fully described in the UN's Basic Principles of 2005 for *Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. Paragraphs 18-23 describe the 5 ways in which reparation is understood: compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition, all of them which should be envisaged as complementary looking for a holistic reparation. *Restitution* should restore the victim to the original situation before human rights violations occurred. Restitution could include, for example, the restoration of liberty. *Compensation* refers to economically compensate the (physical, mental, economic or moral) harm of the victim. *Satisfaction* can refer to measures aimed at restoring the victim's dignity, to verify and acknowledge truth, or, for example, aimed at the cessation of continuing violations. *Rehabilitation* should include psychological and medical care as well as legal and social services. *Guarantees of non-repetition* is orientated towards prevention and can include law reforms and improvement of policies and practices of the criminal justice system agencies.

When talking about torture and ill-treatment, historically, the most common form of reparation has consisted of compensation, practically of a pecuniary nature, something that has been the subject of recurrent criticism, for example, in the European system. It is important to notice that in 2012, the Committee against Torture published a General comment (No. 3) on the implementation of article 14 of the Convention by States parties (victims' right to redress, fair and adequate compensation, including the means for as full rehabilitation as possible). In the Comment, the Committee transposes the UN's 2005 international principles of reparation (for victims of gross viola-

tions of International Human Rights Law and serious violations of International Humanitarian Law) to victims of torture with the aim of achieving *full reparation*. The document explains that "The Committee considers that the term 'redress' in article 14 encompasses the concepts of 'effective remedy' and 'reparation'. The comprehensive reparative concept therefore entails restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and refers to the full scope of measures required to redress violations under the Convention" (§ 2). These relevant observations also establishes something significant for the issue we are dealing with: that it is not necessary for there to be a conviction or identification of the guilty party in order for someone to be considered a victim (§ 3).

From then on, we find that the condemnations of States imply taking measures that go beyond individual pecuniary compensation, pointing to the need to take concrete decisions, for example, for the reduction of the prison population and to achieve the structural and legal reforms to deal with overcrowding of inhuman conditions of detention. This is what declarations of emergency or state of unconstitutionality that we have seen in Latin American countries, as well as the pilot judgments of the ECtHR, have attempted to achieve, despite their limited impact.

However, the IACtHR has recently further developed the understanding of reparations. In Provisional Measures in respect of two prisons in Brazil, the Court stipulated that the amount of sentence remaining to be served by persons who have been subjected to living in overcrowded conditions should be reduced proportionally to the rate of overcrowding. Before detailing this decision of the Inter-American Court, it is worth looking at how it has come to this point.

The origin of this jurisprudence is to be found in the doctrinal position of *unlawful punishment*, which was first expressed by Zaffaroni in 1994. The idea was developed by Vacani in a Phd thesis in 2013, which he later turned into a book (2015). Since then, it has been given a significant boost, especially by these two authors and, as will be seen, by certain jurisprudence. As Zaffaroni (2020) has pointed out, punishment is an exercise of power, which includes not only what the legislative has classified as punishment, but also by other expressions of punitive power exercised outside the law. The execution of a sentence, therefore, may contain both legal and illegal elements. Illegal elements such as torture, poor nutrition, risk of disease, or subjection to violent groups are also part of the sentence. From this point of view, punishment must be understood in both its qualitative and quantitative dimensions. Constitutions and international law establish regulations on the length and conditions of a prison sentence, which must respect basic principles of legality and proportionality. When we face scenarios such as those described above, situations and environments in which sentences are served clearly indicate *over-punishment*. This added suffering must be declared unlawful. As Zaffaroni says for Latin America, “a total deformation of legal punishment, of such an entity, ceases to be a mere deprivation of liberty and becomes a corporal punishment with possible irreversible consequences or even a death sentence by chance” (2020, p. 13).

Todarello and Destéfano, following Zaffaroni and Vacani’s theory, point out that, if one knows the prison reality, it is easier to understand that “prison time is not merely chronological, quantitative or linear, but an essentially qualitative, existential instance” (2020, p. 21). That is, *time* is understood in two dimensions: the chronological or linear running of time, and the existential, e.g., how

that time is lived and experienced. This was also the thesis of Messuti (2001), who theorised on the different dimensions that time takes within the deprivation of liberty and with respect to free society. Her theory also provided a basis for the theory of unlawful punishments. Is in this context, then, offsetting comes into play on two levels with regard to the sentence: its quantitative content and its qualitative content. In this sense, if the qualitative content of the sentence involves the violation of fundamental rights such as the right to life or to physical or psychological integrity, it seems reasonable to offset this excess by re-evaluating its quantitative content.

This theory has been implemented by different courts in Argentina, in cases such as Brian Nuñez,²⁷ Reyna,²⁸ or Orona.²⁹ These cases have been with regard to specific acts of torture (not for overcrowding), and generally provided reparation measures such as the reduction of sentence duration or the way in which is served (open regime, home detention), and have contributed to the jurisprudential construction of offsetting.³⁰

The leap to international justice and the offsetting of time as a form of reparation.

As mentioned, there are some decisions by the Inter-American Court that have taken a step forward in the understanding of the concept of reparation in situations of ill-treatment or torture. These are the Resolutions on Pro-

27 National Chamber of Cassation in Criminal and Correctional Matters - Chamber 3 56449/2013 Reg. No. 451 /2015.

28 Court of Criminal Cassation of the Province of Buenos Aires, Chamber I, Case 75.213 (2016).

29 Court of Criminal Cassation of the Province of Buenos Aires, Chamber I, Case No. 75.213 (2016).

30 For offsetting in Argentina see for example Toderallo and Destéfano (2020, p. 35-40).

visional Measures for Brazil in the cases of Plácido de Sá Carvalho Penal Institute (of 22 November 2018) and the Curado Prison Complex (of 28 November 2018). The Court adopted these resolutions after finding that its previous mandates and recommendations to reduce overcrowding, prevent deaths in custody, and protect the personal integrity of persons deprived of liberty had not been implemented. As Gaio indicates “both centres presented savage material conditions of detention, such as infrastructure incompatible for a place of detention, inadequate lighting and ventilation, insufficient and unhealthy food, appalling hygiene conditions, insufficient or non-existent medical care, exorbitant number of deaths, among others” (2020, p. 173). The situation in the prisons of the State of Rio de Janeiro was so critical that the Federal Supreme Court had established, through a *Binding Summary* (No. 56 of 2016), for all State powers, the mandatory reduction of the prison population, ordering the release of those who were closest to the end of their sentences.

In the case of Plácido de Sá Carvalho (IPPSC), when the Court revisited the situation to see what progress had been made, it found that the situation was still unsustainable:

“a population density of approximately 200% when international criteria - such as that of the Council of Europe - indicate that exceeding 120% implies critical overcrowding; the existence of only nine people in charge of the security of the establishment, which housed more than 3,800 people; numerous deaths of inmates without, in many cases, their causes being established; lack of separation between elderly and LGBTI people; lack of mattresses, clothing, footwear, bedding and towels for all detainees; insufficient sunlight and cross ventilation in the cells; and lack of hot water

available in the prison unit; unstable electrical network and the risk of fire due to exposed wiring; absence of a fire prevention and fire fighting plan; lack of decent spaces for night rest, with overcrowding in dormitories; negligible medical care [...] personal and physical insecurity resulting from the disproportion of staff in relation to the number of prisoners (as there were groups of forces that exercised power within the prison)” (Todarello and Destéfano 2020, p. 30).

The Court’s decision is interesting because it cites and details as jurisprudential precedents the cases of *Brown v. Plata* and *Torregiani et al. v. Italy*, and the decisions of the Constitutional Court of Colombia, which have been previously mentioned. The Court affirmed that the situation of detention implied the violation of art. 5.2 of the ACHR, as well as art. 5.6 (right to reform and social readaptation) which is impossible in these circumstances (Todarello and Destéfano, 2020, p. 30).

The Court, echoing the doctrine of unlawful punishment, stated that “When the conditions of the establishment deteriorate to the point of giving rise to a degrading punishment as a consequence of overcrowding and its effects as mentioned above, the afflictive content of the punishment or of the preventive deprivation of liberty is increased to an extent which becomes unlawful or illegal” (§ 92). When it is established that the prisoners were experiencing a punishment with unlawful suffering greater than that inherent to the deprivation of liberty, “it is equitable to reduce the time of imprisonment, for which a reasonable calculation must be made. On the other hand, this reduction implies offsetting in some way for the punishment suffered up to now in the unlawful part of its execution. [...]” (§ 120). Thus, the Court concludes that

“Since it is beyond any doubt that the ongoing degradation is due to the overcrowding of the IPPSC, whose density is 200%, that is, double its capacity, it would follow that it also doubles the unlawful infliction of pain in excess of the sentence being executed. This requires that the time of unlawful punishment or preventive measure actually suffered be computed at the rate of two days of lawful punishment for each day of actual deprivation of liberty in degrading conditions” (§ 121). Ultimately, the Court’s decision causes the entire population to have their sentences reduced by half, freeing those who have already served their sentences under the new calculation, and reducing the time pending for the rest.

What scope and limits can we observe in this decision?

While this decision is largely novel and offers opportunities to expand the understanding of reparation, it also offers some limitations.

In the first place, as Vacani points out, this decision could aim higher. When analysing the Court’s ruling, this author states that, although the level of density as an objective indicator to measure the illegal part of the sentence is interesting, other indicators could also be of interest, such as

“the minimum number of workers available for the custody of prisoners or the deaths caused in that prison during the period of detention, as these objective data are also collected by the Court with some particularity. In this sense, the reasonable calculation does not necessarily have to correspond to a mathematical or automatic operation. In terms of a qualitative measure of the length of unlawful imprisonment, this value should correspond to the measurement of objective circumstances related to the conditions of confinement (for which the Court adopts the value of over-

crowding as an accurate measure), and also subjective ones, related to the significance of these on the prisoner’s personal circumstances” (2020, p. 202).

This reflection coincides with the two elements that we have been analyzing in this article: to the verification of the violation of minimum standards, it could be useful to apply other tools that can measure subjective suffering such as the Istanbul Protocol or the TES.

If we continue to focus on this decision of the Inter-American Court, deciding to halve the sentence remaining to be served has the effect of early release of some people and reducing the sentence of others. This, on the one hand, can have an impact on overcrowding and, on the other hand, broadens the catalogue of reparation measures. Such a measure could perhaps serve several purposes such as restitution and a guarantee of non-repetition. But what happens to those who continue detained in conditions declared illegal? The Court indicates that “the application of this calculation does not exempt the State from the obligation to redouble its efforts to achieve decent conditions of penal execution for the population that does not attain liberty” (§ 125). There must also be the design and implementation of a Contingency and Structural Reform Plan³¹ which “must be implemented as a priority, without the State being able to allege financial difficulties to justify non-compliance with its international obligations”.³² However, as we know, these structural reform plans are never implemented, and detainees continue

³¹ see details in § 134.

³² Recall that the Court has already indicated the impossibility of excusing economic or structural impediments to reform in *Fleury et al. v. Haiti*, 2011 (§ 83), or in *Pacheco Teruel et al. v. Honduras*, 2012 (§ 67), among others.

in the same situation for years. In some cases, those Plans refer to building new prisons or improving the conditions of the existing ones as part of the solution. But, we know, this is not feasible. First, due to the very dimension of the problem, which would imply a material, personal and budgetary effort that most of the countries (especially in Latin America) cannot assume. Only in Colombia, before the new sentence of the Constitutional Court of 2013, it was said that in order to eliminate overcrowding it was necessary to build 42 new prisons with a capacity for one thousand people each, and to continue building between 13 and 16 of these new prisons annually to assume annual growth (Bernal 2013). Secondly, the problem is not the capacity of the prison system, but rather legislation and a punitive culture. Prisons must manage the results of very harsh laws, a lot of pretrial detention, long sentences and obstacles in accessing semi-liberty regimens.

If the purpose is to stop the degradation of the dignity to which prisoners are subjected, more courageous and direct measures must be taken regarding restitution, reducing prison population. The General comment of the CAT mentioned above is clear when it speaks of restitution:

“Restitution is a form of redress designed to re-establish the victim’s situation before the violation of the Convention was committed, taking into consideration the specificities of each case. The preventive obligations under the Convention require States parties to ensure that a victim receiving such restitution is not placed in a position where he or she is at risk of repetition of torture or ill-treatment”; adding that “[f]or restitution to be effective, efforts should be made to address any structural causes of the violation” (§ 8).

In these cases, when there are structural causes for deprivation of liberty being declared to amount to ill-treatment or torture, it is evident that early release of a large number of detainees should be ordered.

But the offsetting decision could present other problems. For example, the possibility of unintended consequences, such as, that the legislator in the Penal Code or the judges in their decisions increase prison sentences to *offset* (but in the opposite direction) possible future reductions. We can’t ignore, given the punitive culture of some countries, that this could happen. Neither, that much of the daily basis violations of human rights in prisons is the responsibility of judges. That is why authors like Zaffaroni qualify judges as “mediate perpetrators of torture” (2020, p. 17). Given this, there is no other solution than to continue making radical and comprehensive decisions for the decarceration of large parts of the population, but the risk of countermeasures will always be present.

Conclusions

In the analysis of *conditions of habitability as inhuman or degrading treatment or torture*, we have seen how two elements have come into play in a relevant way: the existence of minimum standards on habitability, and the tools to accredit the suffering experienced (Istanbul Protocol, TES). Both elements should be complementary. For example, as stated above, the accreditation of suffering can be an element to be assessed by the courts to declare a situation or environment as ill-treatment, such as overcrowding. On the other hand, the existence of minimum standards could help to complement and update the assessment tools by establishing a strong presumption of ill-treatment or torture where there is a breach or departure from minimum standards as, without the

need to subjectively prove suffering or harm through interviews.

The development of these elements is of vital importance in the fight against torture, and reinforces the path to take more courageous measures towards redress, in line with the very objectives of the Committee against Torture established in its 2012 General Comment on art. 14 of the CAT. The result of declaring the objective violation of the minimum standards, together with that of subjective suffering, could help to better measure the different expressions of individual impact caused by the structural situation or the torturing environment. In this way, different forms of reparation could be specified in more detail, making it more holistic.

This seems to be the path that has been opened up, albeit in a limited and timid manner, by rulings such as that of the ECtHR in the *Torreggiani* case or the more recent ones of the IACtHR on Brazil.

Following the argument I have been making in the article, the Inter-American Court's decision is key, because it clarifies that it is not necessary for the harm to be intentional or for those responsible to be identified, but what is relevant is that a violation of rights due to the conditions or living environments has occurred.³³ In cases such as that of the IPPSC, the torturing environment would be the centre as a whole, we would be dealing with a "torturing system," which would not be caused by a specific policy but precisely by the total absence of such a policy.

Although the Court's ruling has the limitations described above, and has not been implemented in a decisive manner by the authorities of the State of Rio de Janeiro, it is relevant

for its content and its novel interpretation of reparation. Moreover, as the Court's jurisprudence, it is applicable to and guides all the countries of the Inter-American system and, through the control of conventionality, applied in domestic law (Gaio, 2020, p. 174).

But, as I have also pointed out, these measures do not tackle the underlying problem: punitive legislation and judges prone to subjecting people to preventive detention and long sentences with difficult access to semi-open regimes. For this reason, although these measures are useful, they should not be interpreted beyond a practical or pragmatic approach, seeking immediate results for some people, but which do not address the core problem. If the State cannot solve the material situation within a reasonable time, then we must promote alternatives that involve mass decarceration. First, of the people with the highest rates of vulnerability, the elderly, the sick, women with children, the mentally ill, or those convicted for non-violent crimes. The Covid-19 pandemic demonstrated, with all its particularities and limitations, depending on the country, that it is possible to take these series of measures. It is true that the adoption of these measures is often responded to by the mainstream media by generating alarm about the release of "dangerous criminals," "murderers" and "rapists." This media violence ends up influencing judges who take an even more reticent or conservative attitude when it comes to adopting measures to reduce prison overcrowding. On this point, it is relevant to remember again Zaffaroni qualifying judges as mediate perpetrators of torture.

Decisions such as *Torreggiani* or the IPPSC are important steps on the road to reducing institutional violence, but it is clear that they are not enough, as radical criminal and procedural reforms are needed (beyond prison reforms). Faced with the passivity of certain govern-

³³ We can recall here the European case law in the case *Peers v. Greece*, 2001

ments, it must be the collectives of lawyers, public defenders, psychologists and psychiatrists who, together with independent monitoring bodies, continue to provide information on the reality of prisons and put into practice the standards and tools for assessing harm, in order to continue to demand that States are accountable for the systematic violation of human rights in prisons.

References

- Aebi, M. F., Cocco, E., Molnar, L., & Tiago, M. M. (2022). *SPACE I - 2021 - Council of Europe Annual Penal Statistics: Prison populations*. Council of Europe.
- Alonso Merino, A. (2023). Tres metros cuadrados. *Desinformemonos*. 29th May. https://desinformemonos.org/tres-metros-cuadrados/?fbclid=IwAR1gYsLkfkRVCJ9EvRe2wBYLSw9hbaK83UJxMCwYkPF9EJMWUkUkPqPJE_aem_th_ATwuoTRmVYNihCDjEUNKtXk6XvvZkVAQprz4I7vpYYaQbQJGYINTsHYiS5qGXkyORBo#sdfotnote1sym
- Antigone. (2022). Il 2022, l'anno dei suicidi, ci dice della necessità di riformare il sistema, 31 December, <https://www.antigone.it/news/antigone-news/3455-carceri-antigone-il-2022-l-anno-dei-suicidi-ci-dice-della-necessita-di-riformare-il-sistema>
- Antigone. (2020). *Have prisons learnt from Covid-19? How the world has reacted to the pandemic behind bars*. Rome, Antigone Edizione.
- Antigone & CILD. (2017). Joint Submission to the UN Human Rights Committee Concerning Italy. Rome.
- Bernal, C. E., (2013). Reforma al Código Penitenciario: política criminal y grandes negocios. *Razón Pública*. 15 of July. <http://www.razonpublica.com/index.php/politica-y-gobierno-temas-27/6958-reforma-al-codigo-penitenciario-politica-criminal-y-grandes-negocios.html>
- Carranza, E. (2012). Situación penitenciaria en América Latina y el Caribe ¿Qué hacer?. *Anuario de Derechos Humanos*. Universidad de Chile, pp. 31-66.
- Committee against Torture (UN). (2012). *General comment, No. 3, CAT/C/GC/3*.
- CPT [Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment]. (2015). *Living space per prisoner in prison establishments: CPT standards*, Strasbourg. <https://rm.coe.int/16806cc449>
- ECtHR [European Court of Human Rights]. (2022). *Guide on the case-law of the European Convention on Human Rights. Prisoner's rights*. Strasbourg.
- ECtHR. (2016). *Muršić v. Croatia*, 2016 (Grand Chamber. no. 7334/13), 20 October. Strasbourg.
- ECtHR. (2013). *Torregiani and Others v. Italy* (43517/09, 46882/09, 55400/09), 8 January. Strasbourg.
- ECtHR. (2012). *Ananyev and Others v. Russia* (nos. 42525/07 and 60800/08, 10 January. Strasbourg.
- EFE. (2023). La pandèmia agreuja la salut mental a la presó, amb més suïcidis que mai. *Vilaweb*, 20 February <https://www.vilaweb.cat/noticies/pandemia-salut-mental-perso-suicidis/>
- Etxebarria, F., Beristain, C. M., & Pego, L., (Dirs). (2017). *Proyecto de investigación de la tortura y malos tratos en el País Vasco entre 1960 y 2014*, UPV-Basque Government.
- Fair, H., & Walmsley, R. (2021). *World Prison Population List*. London, ICPR, Birkbeck, University of London.
- Forero-Cuéllar, A. (2020). Emergencia carcelaria y sanitaria en los sistemas penitenciarios de América Latina. Some notes for the Argentinean case. *Revista del Ministerio Público de la Defensa de la Nación (La defensa de las personas privadas de libertad)*, (15), 211-222.
- Gaio, C. (2020). Estándar interamericano sobre obligaciones en situaciones graves de hacinamiento y sobrepoblación. *Revista del Ministerio Público de la Defensa de la Nación (La defensa de las personas privadas de libertad)*, (15), 167-179.
- García, T. (2023). Indemnizan con medio millón de euros a un matrimonio que pasó uno y tres años en FIES antes de ser absueltos. *El Salto*, 23 February. <https://www.elsaltodiario.com/terrorismo/indemnizan-medio-millon-euros-un-matrimonio-paso-1-3-anos-fies-antes-ser-absueltos>
- General Assembly (UN) (2005) *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147)*
- Gusis, G., & Espina, N. (2020). Presentación. Zafaroni, R. E. (coord.), *Morir de cárcel*. Buenos Aires, Ediar.
- Messuti, A. (2001). *El tiempo como pena*. Buenos Aires, Campomanes.
- Pérez-Sales, P., (2017). *Psychological torture. Definition, assessment and measurement*. Routledge. London.
- Miravalle, M. (2021). Prison gangs in the Northern Triangle: the critical contribution of prison studies to the theory of gangs. Brotherton, D., & Gude, R. (eds). *Routledge International Handbook of Critical Gang Studies*. Routledge pp. 603-624

- Sozzo, M. (Ed.) (2022). Prisons, Inmates and Governance in Latin America. Cham, Palgrave Macmillan.
- Special Rapporteur Against Torture. Psychological Torture (UN). (2020). *Report A/HRC/43/49*.
- Todarello, G., & Destéfano, L. (2020). Compensación por daños sufridos en el ámbito carcelario y por deficientes condiciones materiales de detención. *Revista del Ministerio Público de la Defensa de la Nación (La defensa de las personas privadas de libertad)*, (15), 17-45.
- Vacani, P. (2015). *La cantidad de pena en el tiempo de prisión. Sistema de la medida cualitativa (Prisión preventiva, vol. 1)*. Buenos Aires, Ad Hoc.
- Vacani, P. (2020). La medida cualitativa de prisión en la Corte Interamericana de Derechos Humanos. Comentario a “Instituto Penal Plácido de Sá Carvalho”. *Revista del Ministerio Público de la Defensa de la Nación (La defensa de las personas privadas de libertad)*, (15), 195-210.
- Zaffaroni, E. R. (1994). Las penas crueles son penas. *Nuevo Foro Penal*, pp. 12-26.
- Zaffaroni, E. R. (2012). La cuestión criminal, 23. *The Telegraph*. 04 July, pp. 1-7.

Ukrainian universities at the time of war: From occupation to temporary relocation

Natalia Tsybuliak^{1,2}, Yana Suchikova¹, Olha Hurenko¹, Hanna Lopatina¹, Sergii Kovachov¹ and Ihor Bohdanov¹

Key points of interest

- The study sheds light on the practical adaptations implemented to navigate the effects of Russia's war against Ukraine, including the shift to a digital educational platform and the decentralisation of the university structure.
- The study underscores the urgent need for intervention and further research into developing effective strategies to protect the rights of university staff and students during war and occupation.

Abstract

Introduction: This paper presents a deep analysis of the impact of the Russian occupation on the activities of Berdyansk State Pedagogical University in Ukraine. This reflection sheds light on numerous challenges faced by the university community under occupation due to the the Russia's full-scale war against Ukraine, particularly emphasizing human rights violations and academic freedom.

Methods: Utilizing a mixed-method approach, this study employs document anal-

ysis, online surveys, and semi-structured interviews.

Results: The findings reveal a profound impact of war and occupation on academic and physical freedom. We share the experiences of staff and students during life under occupation, which are filled with fear of violent actions by the occupiers. Berdyansk State Pedagogical University had to adapt to changing conditions, transitioning to a digital educational platform and decentralizing its structure while concurrently fulfilling its third mission: social service and support of the university community and Berdyansk local community.

Discussion: Our research-reflective piece calls for intervention and further research toward developing effective strategies to protect the rights of staff and students of higher educational institutions in conditions of war and occupation. Conclusions provide a critical view of the catastrophic consequences for academic communities and science if timely measures are not taken.

Keywords: war, Ukraine, university, occupation, relocation, educational process, scientific work, higher education.

Introduction

Since it emerged from the Soviet Union on August 24, 1991, Ukraine has transformed into a democratic nation fostering freedoms

1) Berdyansk State Pedagogical University, Ukraine.

2) Correspondence to: nata.tsibulyak@gmail.com

of speech and self-expression. While most of the population is Ukrainian, the nation is also home to diverse indigenous communities, including Tatars, Karaites, Krymchaks, Russians, and Ukrainian Jews, among others. The official language is Ukrainian, but Russian is prevalent in the eastern and southern parts.

On February 24, 2022, a full-scale war erupted with Russia purportedly aiming to “liberate Ukraine from ‘Ukrainian Nazis’” and combat “forcible Ukrainization”. Ironically, the war ignited in regions predominantly Russian-speaking, rendering the invader’s claim baseless. Since the onset, the conflict has engulfed every Ukrainian, instigating drastic alterations in their lives. Early in the conflict, numerous regions faced occupation or severe clashes, unveiling extensive challenges that will persist for years (Astrov et al., 2022; Chumachenko & Chumachenko, 2022).

The aftermath has been devastating, with significant damage to essential infrastructure like medical and educational facilities, a humanitarian crisis and mass migration (Gostin & Rubenstein, 2022; Grossi & Vakulenko, 2022). The population grapples with pervasive psychological distress, primarily due to continual assaults on civilian infrastructures and losing loved ones (Surzykiewicz, 2022; Shevlin et al., 2022).

Despite the broad global discourse regarding the war’s repercussions (Dzhus & Golovach, 2023; Chudzicka-Czupala et al., 2023), scant attention is given to the Russian-occupied territories. Limited research addresses the Russian authorities’ aggressive strategies in these areas, which warrants further investigation (Malyarenko & Kormych, 2023a; Malyarenko & Kormych, 2023b).

In the article devoted to the occupation of the city of Melitopol, the situation is characterised as follows (Bukricieva & Afanasieva, 2023):

In order to suppress the resistance of the population ... the Russian occupation forces have divided the population in these areas groups...: must be eliminated physically; need to be suppressed and oppressed; can be persuaded to collaborate; and collaborators.

In neighboring cities such as Berdyansk, the occupying forces have commandeered educational institutions, imposing Russian academic standards upon the remaining educators (Lopatina et al., 2023). As employees of the Berdyansk State Pedagogical University (BSPU), we have witnessed firsthand the crippling effects of occupation on educational sectors, which are often the most vulnerable during crises (Polishchuk et al., 2023; Petrić et al., 2022).

Despite the war’s devastation, safeguarding the fundamental right to education is vital, serving individual intellectual and cultural needs and promoting societal and national progression. Maintaining educational efforts during conflicts can alleviate future repercussions, with recent findings indicating lower post-traumatic stress levels in individuals who continued their education amidst hostilities (Fel et al., 2022).

Nevertheless, wars considerably disrupt educational systems, with studies highlighting consequences such as infrastructure and personnel losses, and diversion of educational resources to military endeavors (Lai & Thyne, 2007). Additional challenges include limited access to resources and infrastructure, targeted attacks on educational facilities, and the shift to makeshift learning environments with restricted internet access (Dobiesz et al., 2022).

Although the COVID pandemic spurred advancements in distance education (Klochko et al., 2020), the war has stifled many of these developments, severely limiting educational activities in conflict zones. The situation ac-

Table 1. The main stages of the research

Stage	Description
Stage 1: Survey of University students and teachers	The survey was conducted in April 2022, i.e., at the beginning of the second month of the full-scale war. The survey involved 110 representatives of the academic staff and 1127 students. Two questionnaires were developed: one for students and one for academic staff (Annex 1). The respondents were surveyed using Google Forms.
Stage 2: Analysis of the current situation at the time of the survey	The current situation was assessed based on the analysis of the collected data and own empirical observations, which helped identify critical problems and challenges university students and academic staff face. The analysis included studying access to educational resources, living conditions, and mental health status. In addition, a thorough monitoring of the university's ability to operate under the current situation was carried out.
Stage 3: Interviewing University students and teachers	For a deeper understanding of the situation's specifics, individual semi-structured interviews were conducted with students (45 respondents) and academic staff (25 respondents). This helped to clarify the information obtained from the survey and gain a more detailed understanding of the problems (Annex 2). The interviews were conducted online using video conferencing software. All interviews were recorded, transcribed, and analyzed using thematic analysis to identify recurring themes and patterns.
Stage 4: Development of strategies to overcome identified problems and needs	Based on the data collected, strategies were developed to address identified problems and needs. These strategies included measures to strengthen the university's resources, support the mental health of students and faculty, and ensure safe conditions.
Stage 5: Analysis of the effectiveness of coping strategy implementation	The primary evaluation method employed is reflective analysis, utilizing the authors' experience as representatives of the management and academic staff of Berdyansk State Pedagogical University. This involved assessing the impact of the implemented coping strategy on the university and its community, studying actions, successes, and failures, and exploring ways to enhance the response to the crisis further.

centuates the harsh realities of war, where fundamental human rights, including access to quality education, are forsaken. This crisis is exacerbated by mass displacements, network disruptions, and a fractured social fabric, amplifying trauma and transforming pedagogical dynamics.

Furthermore, the war has ushered in a dark era characterised by torture and abuse in Russian-occupied territories, posing grave threats to the safety and freedom of students and educators alike and infringing upon their right to a secure and unhampered education.

This article encapsulates the ordeal of Berdyansk State Pedagogical University amidst Russia's full-scale assault on Ukraine, spotlighting the hurdles and perils encountered by the academic populace in occupied zones. It narrates the vital survival strategies employed by the university to uphold educational activities and safeguard lives amidst the tumult. Despite adversities, the university has emerged as a stronghold of hope and resilience, offering psychosocial support and fostering community solidarity while nurturing cultural, scientific, and educational resurgence amidst occupation.

Through this research, we endeavor to document and analyze the narratives of individuals who have endured violence in occupied Berdyansk, aiming to develop effective coping and safety strategies to preserve the university community. Our approach intertwines personal reflections, war narratives, and academic analysis through surveys and interviews, offering a comprehensive portrayal of the situation as we actively participate in the unfolding events.

This study is a crucial resource for the Ukrainian and international academic communities, pioneering an in-depth exploration of the impacts of war and occupation on higher education, focusing on preserving academic integrity and safeguarding students and educators from torture and abuse.

Research Methodology

This study utilises various methodological approaches to deeply understand the challenges of war and occupation, primarily focusing on safeguarding the university community's life and health in occupied Berdyansk. The Berdyansk State Pedagogical University (BSPU) prioritised resuming the learning process and exploring remote technologies for student participation in this critical time. We also ex-

amined the academic staff's research activities during martial law and occupation and collected testimonies of violence and rights restrictions on university students and staff in occupied Berdyansk. Additionally, we analyzed the temporary relocation of the university to Ukrainian-controlled areas. We assessed the effectiveness of adopted coping strategies during martial law, although data collection was limited due to communication issues in Russian-occupied territories. The main stages of the research are presented in Table 1.

Through reflective experience, the research addressed the question: "How can a university best respond to the war to safeguard the academic community and fulfill its mission?"

Since this research involved highly confidential information and could put participants at risk, all participants are anonymous, and any collected data that may threaten people's lives will be immediately destroyed upon completion of this research.

Situation Analysis (Retrospective)

National Context

As of February 24, 2022, 336 higher education institutions of various profiles and directions were operating in Ukraine, with 1,335,690 students enrolled¹. The full-scale war impacted the activities of every university (Kozmenko et al., 2023). For approximately two months of the full-scale war, 10% of higher education institutions were located in Ukraine where active military actions were/ were taking place or were under temporary

1 Official Information Source: *Mon.gov.ua*, available at: <https://mon.gov.ua/ua/news/opublikovano-strategiyu-rozvitku-vishoyi-osviti-v-ukrayini-na-2022-2032-roki> (accessed 15 March 2022) [In Ukrainian].

occupation, besieged (blockaded)². On February 25, 2022, following the recommendations of the Ministry of Education and Science of Ukraine (MoES), the educational process in all educational institutions was suspended, and a two-week vacation was declared - from February 25 to March 12, 2022. In the same letter, Minister Serhiy Shkarlet called on educators not to panic and follow the recommendations of state³. After the forced vacations, the MoES recommended starting the educational process depending on the security situation in the regions in a remote or mixed format⁴. Thus, as of March 22, 2022, higher education institutions in 15 regions of Ukraine had the opportunity to resume the educational process; HEIs partially resumed work in 2 regions, universities in 4 regions continued to be on vacation, and only in one region HEIs did not work⁵. As of March 30, 2022, the educational process was resumed in 17 regions of Ukraine, HEIs partially resumed work in 3 regions, and universities in 3 regions were on vacation⁶. As

of April 14, 2022, in each region of Ukraine, HEIs resumed the educational process in a remote or mixed format, as well as in consultation mode and independent student work. Only in two regions were institutions forced to continue to be on vacation⁷.

Local Context

Berdiansk was seized on the fourth day of the war (Figure 1). On February 27th, Russian troops entered the city. From their windows, people witnessed an abundance of military equipment marked with the letter “Z”. In those days, few dared to venture outside. Everyone was waiting to see what would happen next. The city administration continued to function in the initial days, though the city management had to relocate to other buildings, the locations of which were kept confidential. The city was still resonating with the sounds of alarm sirens, and the city mayor was coming live on social media every evening to report on the situation. Concurrently, city activists, including academic staff and students, staged peaceful protests, chanting “Berdiansk is Ukraine”, singing the national anthem, and holding Ukrainian flags. Then the city fell silent. Peaceful demonstrations were dispersed by the occupiers using force. Professors from our university shared their recollections of that day in interviews:

- 2 Official Information Source: *Mon.gov.ua*, available at: <https://mon.gov.ua/ua/news/sergij-shkarlet-ya-ne-dopushu-osvitnogo-maroderstva> (accessed 04 May 2022) [In Ukrainian].
- 3 Official Information Source: *Mon.gov.ua*, available at: <https://mon.gov.ua/ua/news/sergij-shkarlet-vsimg-zakladam-osviti-rekomendovano-pripiniti-osvitnij-proces-ta-ogolositi-kanikuli-na-dva-tizhni> (accessed 25 February 2022) [In Ukrainian].
- 4 Official Information Source: *Mon.gov.ua*, available at: <https://mon.gov.ua/ua/news/osvitnij-proces-mi-mayemo-zapustiti-prinajmni-hocha-b-u-tih-regionah-de-na-sogodni-ce-mozhlivo-i-bezpekova-situaciya-dozvolayeye-sergij-shkarlet> (accessed 08 March 2022) [In Ukrainian].
- 5 Official Information Source: *Mon.gov.ua*, available at: <https://mon.gov.ua/ua/news/sergij-shkarlet-povidomiv-yak-zdijsnyuyetsya-osvitnij-proces-uzakladah-pto-ta-zvo> (accessed 22 March 2022) [In Ukrainian].
- 6 Official Information Source: *Mon.gov.ua*, available

- at: <https://mon.gov.ua/ua/news/sergij-shkarlet-rozpoviv-yak-vidbuvayetsya-ponovlennya-osvitnogo-procesu-v-regionah-de-ce-mozhlivo-ta-dozvolayeye-bezpekova-situaciya> (accessed 30 March 2022) [In Ukrainian].
- 7 Official Information Source: *Mon.gov.ua*, available at: <https://mon.gov.ua/ua/news/bilshist-zakladiv-profesijnoyi-fahovoyi-ta-vishoyi-osviti-zdijsnyuyut-navchannya-u-regionah-de-ce-mozhlivo-ta-dozvolayeye-bezpekova-situaciya> (accessed 14 April 2022) [In Ukrainian].

Figure 1. Map of occupied territories in Ukraine as of February 27, 2022.



P1: “On the last day, when we were at the protest, about 30 armed soldiers of the Russian regime gathered around us. We also numbered around 30, but predominantly women. <...> We continued to protest on the square, singing Ukrainian songs. That is when they began detaining us. I was miraculously not detained, but several guys from our group were captured and taken to the basement. Later, I spoke to one of them, and he recounted how he was interrogated for four days.”

P2: “Occupation, as a phenomenon itself, is terrifying. I remember walking to the market and on sidewalks where people with guns stood on both sides. Their gun was so close to my leg that I could feel its coldness. I was thinking about who they were, coming onto my land, and now I must live by their rules.”

People began to be persecuted at every turn:

P3: “I perhaps can’t recall the details, but things kept worsening. Initially, there was such tension when we had to close the windows, not turn on the lights, and pretend we weren’t there, that we were hiding in our own homes and didn’t have the right to listen to Ukrainian news, dress in blue and yellow [colors of the Ukrainian flag - authors’ note], because they could take you away.”

P4: “There are many fears here. The fear that they will come for you, the fear that they will ask you in which country you live. I know that I live in Ukraine, but you can’t tell that to the people who will come. You have to say what they want to hear.”

Due to the occupation, Berdyansk was on the verge of a humanitarian disaster: food, medicines, and hygiene items were not being delivered to the city:

P5: "There were three of us and no bread. There was nothing left to eat. I went to the store, saw a queue with lots of people and a representative of the occupation authorities was standing nearby. I turned to him and said: "Listen, I need at least one loaf of bread per person." But he replied: "No, only two loaves of bread per family." And I felt so bitter in my soul. I thought: "My God, what will happen next?"

In addition, from the first days of the full-scale war, the gas pipeline was damaged, and the city was left without a gas supply. This led to an increase in the need for citizens in electrical appliances for cooking and heating. From the testimonies of academic staff collected during interviews:

P6: "When our electricity was cut off, followed by the water, it became hard. We hung lanterns on the chandelier at home so that we could somehow have breakfast and dinner."

P7: "I would rather call it survival because they turned off the heating in our building, and it was 3 degrees Celsius in our apartment."

Due to the closure of banks and supermarkets and the halt in cash deliveries to the city, having cash on hand became a significant necessity:

P8: "I had to stand in line for hours at night at the ATM. We had money on the card, but there was no opportunity to pay with a card."

The situation in the occupied cities of Ukraine is brutal and uncompromising. The danger exists not only for journalists and activists but also for ordinary people who have not switched sides with the Russian occupiers. The situation is further complicated by the presence of many "collaborators" who have agreed to work for the occupying power. They watch over acquaintances, friends, and former colleagues and hand them over to the occupying authorities:

P9: "You fear not so much the enemy as those who have switched to their side and know you well. They can betray you, and it's scary because they were once your colleagues, friends."

University context

1. University in the early days of Russian occupation

On February 24, 2022, Berdyansk State Pedagogical University (BSPU), a venerable institution in southeastern Ukraine, found its community of 4,195 students and staff at the heart of looming danger. In a potent symbol of an attack on the nation's cultural and ideological identity, the occupiers prioritised tearing down the Ukrainian flag at the university shortly after entering Berdyansk on February 27. The leadership suspended educational activities to safeguard the BSPU community, restricting building access. Only the management ventured to the university buildings amidst the unfolding crisis. Armed soldiers came to the university a few days after the start of the Russian occupation. They went to the rector, took him out of the university, put him in a car, put a bag over his head, and took him away for "communication". From the rector's memories:

“I was talked to for more than an hour by representatives of the Russian special services. They asked questions: ‘What is your attitude towards the Soviet Union, the red flag, the victory?’ I spoke about how our Ukrainian people will not support them. They can capture territory. But they will be unable to subdue the Ukrainian yearning for freedom.”

The occupiers tried to persuade the rector to head the “new” Russian university in Berdyansk. After receiving a categorical refusal, they still let him go.

From then on, it became clear that being in the university building was dangerous. We, the academic staff and management of the university, began to meet simply in the park. This was university management in the park on a bench under the open sky. It should be noted that at this time in the city, the occupiers had turned off mobile communication and the Internet. So, we agreed every day about the time and place of the meeting. All academic staff were on forced vacations, and students

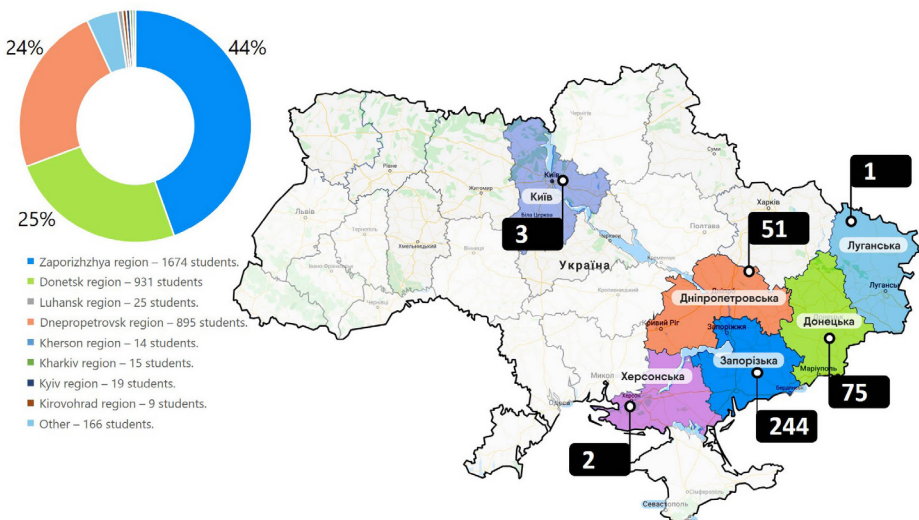
were on holiday. Before us, there was a task of making immediate decisions regarding preserving the university and restoring its work.

2. The contingent of students in the first months of the war

In adherence to the Ministry of Education and Science’s guidance, the university endeavored to resume the education process, safeguarding the students’ uninterrupted right to higher education during the occupation. This entailed a meticulous evaluation of available assets, including personnel, facilities, and communication avenues, amidst substantial constraints posed by the ongoing communications breakdown in regions affected by active combat or temporary occupation. Notably, a significant portion of Berdyansk State Pedagogical University’s student body was situated within these precarious zones (Figure 2).

These data indicate that potentially about 70% of the total BSPU student body was forced to hide in shelters from hourly rocket attacks or seek refuge in safer areas of Ukraine or abroad.

Figure 2. Distribution of BSPU student body by regions of Ukraine.



During the period of BSPU operation under occupation (end of February - April 2022), despite the war, the change in the student body was insignificant: 10 students were expelled from the university, and 14 took academic leave. However, this figure, at that time, did not reflect the actual situation since it was impossible to establish contact with 193 students during two months of full-scale war.

3. Access to the Internet and information sources

Information became a rare asset shortly after the war's onset, with the severing of internet and mobile networks plunging Berdyansk into an isolating information void due to nearby combat activities. Without conventional communication channels, residents gravitated towards improvised hubs like humanitarian headquarters, spontaneous markets, and the central square for fragmentary updates, fostering a breeding ground for uncertainty and rumors. The city's outskirts bore witness to the relentless conflict, with the sounds of distant explosions punctuating the otherwise silenced atmosphere. Amidst this communication blackout, which witnessed gaps lasting up to ten days, Russian propaganda infiltrated the city's channels, perpetuating a narrative of relentless and unfounded accusations against "Ukrainian Nazis".

R 10: "The most terrifying thing was, at that moment, when I started to understand that they brainwashed me very badly. You don't even suspect the force with which they are pressuring you. There were no more Ukrainian channels, almost no communication, and black-outs, and you have one television, where there were only Russian channels, and there was radio, where they kept repeating the same thing. You no longer understand where the truth is and where the lie is. This is the most terrifying thing because you start to lose your mind."

In April 2022, a survey on internet access revealed significant hurdles in reinstating the education process at BSPU amidst the ongoing conflict:

- A notable proportion struggled with unstable internet connections: 36.1% of students and 39.1% of teachers.
- Many reported sluggish internet speeds: 37.5% of teachers and 25.4% of students.
- A minority had access to quality internet: 26.4% of students and 35.5% of teachers.

These findings underscored the technical challenges, disorientation, and trauma that students and faculty faced in the turbulent backdrop of full-scale war and occupation:

R11: "During the month I was in occupation, the scariest thing was the lack of information, total isolation, the information blockade. You know, you can probably survive the lack of some products in the store, but not an information blockade."

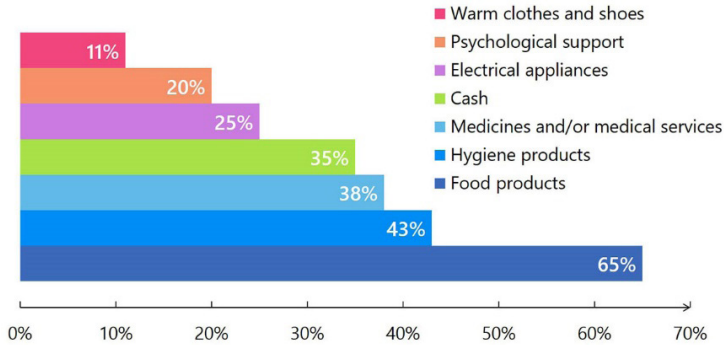
R12: "The silence of occupied cities, isolation from the world and each other is paralyzing. It's scary to see the horrors of war, but it's no less scary to see nothing, hear nothing, and not have the opportunity to speak when you are filled with different emotions."

Moreover, the occupation hindered the functionality of the university's website, a vital tool housing critical educational resources, including Class schedules, Syllabuses, and Repositories, among others.

4. Dormitory

As of February 24, 2022, 120 students lived in the university dormitory, and as of February 27, 2022 (occupation by Russian troops) - 53 students, of which 20 were orphans. The

Figure 3. The needs of students who lived in the dormitory during the occupation period



others were students who had relatives in regions occupied since 2014.

Monitoring students' needs in the dormitory revealed that students felt the most significant lack of appliances for cooking, food, and hygiene products (Figure 3).

During the occupation, the students in the dormitory displayed notable solidarity, supporting one another materially and emotionally, showcasing a distinctive national characteristic of Ukrainians – resilience in the face of adversity. Despite the lesser concern for warm clothing and psychological help, the urgent needs that arose necessitated immediate solutions. Many attempted to flee to safer regions, aided financially and materially by the faculty.

However, the lack of a sanctioned humanitarian corridor posed a significant risk to the student population, with no assurance of safe passage to secure areas in Ukraine. Tensions heightened drastically on March 24, 2022, following the bombing of the “Saratov” vessel near the BSPU student dormitory, instigating a brutal search operation by Russian forces. This incursion saw students and Mariupol refugees violently evicted from their rooms, assembled, and interrogated for particular tattoos, with ruthless scrutiny of personal phones leading to

physical and psychological torment for individuals found with Ukrainian symbols:

R 13: “Probably, the greatest fear I felt when the invaders broke into the dormitory. Of course, it was terrifying when I found out about it because I understood that these people didn’t come in peace.”

R 14: “I couldn’t contact my friends for some time... I was scared because I couldn’t determine if the person was alive or if everything was okay.”

The student the invaders beat that day needed more than a month for physical rehabilitation. This hazardous situation led to the need to organise the emergency relocation of all students from the university dormitory to safer places. Therefore, teachers' homes became temporary shelters for these students. However, this did not solve the general problem of ensuring the safety of university students:

R 15: “The scariest thing is that you constantly meet soldiers on the street who, depending on their mood, can stop you and search you. I had such an experience when

they stopped me, checked my documents and phone, and searched my belongings. And all this happened under the muzzle of a gun. It was a terrifying feeling when you looked and didn't know what to do, or how to act in such a situation. I was trembling with fear then, but I told them I was cold because I did not want to show them my feelings."

R 16: "The scariest thing about the occupation is the restriction of your abilities. Before the war began, before the occupation, we peacefully visited various shopping centers, walked around, and studied freely and calmly. However, now, there are people in uniform at every turn and not with our flag. You need to leave the city, and there are also problems with leaving. These restrictions are tough for me."

R17: "The scariest things are probably two things. Firstly, it's eavesdropping. There are many rumors about phone eavesdropping, so they can take you somewhere, beat you up, or kill you. Secondly, it's scary that they will take you into the ranks of the Russian army. I am of such age that I am already subject to be conscripted into the army. I once saw a car driving by with young boys who were taken into the Russian army."

R 18: "The scariest thing was the fear that the military would get to us, find some information in the phone, some channels. I saw with my own eyes how they stopped a family and checked, even the phone of a 7-year-old child. And you understand that you don't know what to expect from these people. You don't know with what intentions they are doing this."

In the context of our research, it is essential to study a specific case from Berdyansk, which reflects the overall picture of the chal-

lenges faced by young people from the occupied territories of Ukraine.

On June 24, 2023, Vladimir Rogov, a representative of the occupying authority of the Zaporizhia region, reported the death of two Ukrainians, calling them "terrorists". The deceased were two 16-year-olds from Berdyansk - Tigran Oganessian and Nikita Khanganov⁸.

According to Ukrainian human rights activists, the teenagers were killed by snipers. It is also noted that half a year before the murder, the teenagers survived a series of persecutions, including the kidnapping and torture of Tigran in the local police department⁹.

The lawyer who provided legal assistance to the Oganessian family also spoke about the boy's torture after being kidnapped by Russian security forces¹⁰. According to the lawyer, the teenager was under challenging conditions; he was beaten, a taser was used, and a mock execution was staged for intimidation. Before his death, Tigran managed to record and send a video to the network.

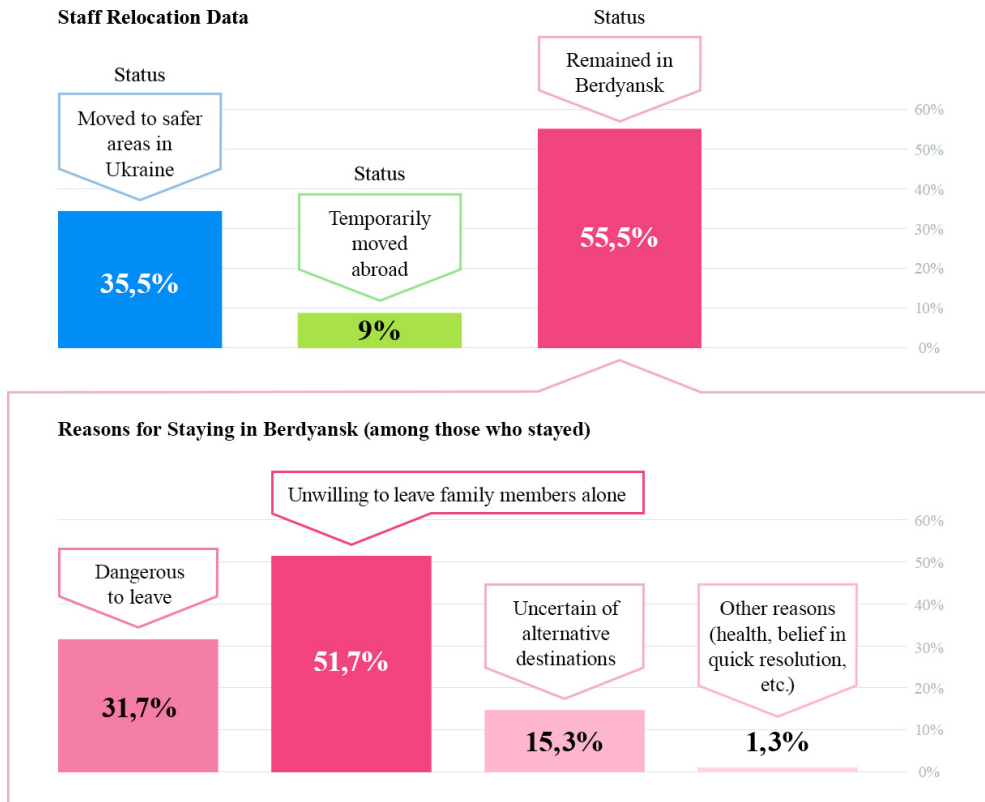
Tigran and Nikita were not students at the Berdyansk State Pedagogical University, as they were still at school; perhaps next year, they would have entered our university.

8 «This is death, guys. Glory to Ukraine!» What is known about the killing of 16-year-old partisans in occupied Berdyansk. New Voice. Ukraine, available at: <https://nv.ua/ukraine/events/tela-ubityh-tigrana-ogannisyana-i-nikity-hanganova-v-berdyanske-tak-i-ne-otdali-ih-roditelyam-50335328.html> (accessed 25 July 2023) [In Ukrainian].

9 "Beaten, simulated execution". Human rights defenders report on the persecution of teenagers in occupied Berdyansk. Radio Freedom, available at: <https://www.radiosvoboda.org/a/novyny-pryazovya-berdyansk-pidlitky-zahroza/32432934.html> (accessed 25 July 2023) [In Ukrainian].

10 "This is death, guys, goodbye! Glory to Ukraine!", - the last words of Berdyansk teenager Tigran Oganessian before being killed by Russian occupiers. VIDEO Source: <https://censor.net/ru/n3426948> (accessed 25 July 2023) [In Ukrainian].

Figure 4. Staff Relocation Trends and Underlying Reasons for Staying in Berdyansk During the Occupation Period



However, this tragedy with the Berdyansk teenagers shows that the study and analysis of the situation with the persecution of young people in the occupied territories are vitally necessary to develop effective global protection strategies.

5. Academic Staff

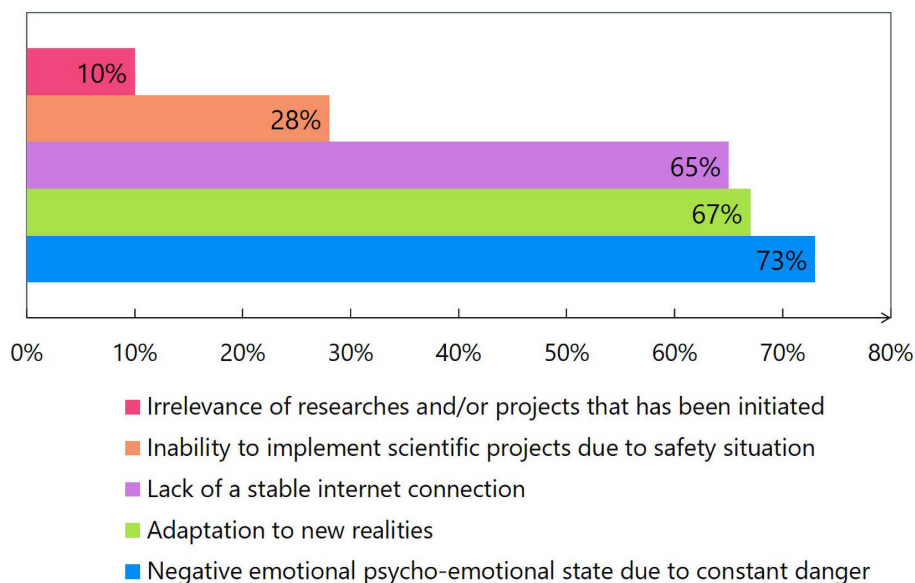
In April 2022, an in-depth analysis was performed to assess the capacity of the BSPU's academic staff to reinstate the educational process and scrutinise the staff members' prevailing security conditions. The war im-

pacted a substantial segment of the academic staff, necessitating relocations to ensure safety. Among those who opted to stay in Berdyansk, the rationales behind their decisions were varied (Figure 4).

Furthermore, the BSPU confronted formidable barriers in fostering another pivotal facet of its mission: the progression of scientific research. The main obstacles were:

- The threat to life, health, and safety;
- Change of priorities and loss of relevance of started or planned scientific projects;

Figure 5. Subjective reasons for the decline in scientific activity of the academic staff during the Russian occupation



- Inability to implement scientific projects due to limited access to material and technical resources;
- Inability to participate in international programs to support science and innovation.

The BSPU's academic staff survey highlights a pronounced dip in scientific activity during the occupation, with analyzed responses delineating the principal factors driving this downturn (Figure 5).

Among other responses, there were also mentions of a decrease in family income, prompting the search for additional (non-scientific) sources of income, lack of conditions for practical work (living conditions, technical conditions), etc.

At the same time, security issues came to the forefront for those academic staff who remained to live in Berdyansk.

R19: "Then, after a month, maybe two, while the occupiers settled in, they appointed a new government, they started to identify pro-Ukrainians [citizens with a Ukrainian position - note by the authors] and university teachers working for Ukraine. So, we started to hide. I had to live in different apartments. I moved from one to another so they wouldn't find me."

R20: "There was a moment when I was still in Berdyansk. My friends called me and said that in 20 minutes I should not be at home and I should not appear there anymore because the occupiers were looking for me. We gathered very quickly and found where we could live with acquaintances. From that moment, I hardly left their house."

These fears are not baseless. The occupying power held three employees of our university captive for almost half a year. They also

took three female teachers “for a talk”, forcing them to write a resignation letter from our university and to be photographed with the Russian flag. From the testimonies of one of the affected teachers (fortunately, she was able to leave Berdyansk and can talk about it):

R21: “And then there was a knock at the door...and I understood they came for me... They took us to the commandant’s office... During the interrogation, I answered very sharply in Ukrainian. And this same commandant said, ‘If you keep answering like this, we will take your daughter away. Russia is big; you won’t find her anymore. We will mobilise your husband, and your mother will also be placed somewhere, and you won’t find her, and you will go very far away.’”

6. Azov State Pedagogical University - a fake university within our university’s walls

An additional problem that has arisen for our university is the attempt by the occupying power to imitate the university structure by establishing the so-called “Azov State Pedagogical University,” whose leadership has been transferred to a former employee of the Berdyansk State Pedagogical University. They are using the buildings and equipment to conduct an educational process that requires recruitment and hiring of staff, as well as student enrollment. The occupiers use intimidation, deception, and coercion to achieve this goal. Teachers become targets of armed visits to their homes, forcing them to work for the newly established institution under threat of deportation or imprisonment.

The occupying power actively destroys local educational resources, labeling them as extremist, and openly boasts about it on social media. They actively establish contact with students, offering education “At Berdy-

ansk University”. When asked about the specific university, they respond ambiguously, trying to confuse the students.

This situation underscores the importance of countering information influence in the context of occupation and preserving and protecting authentic educational institutions and their image.

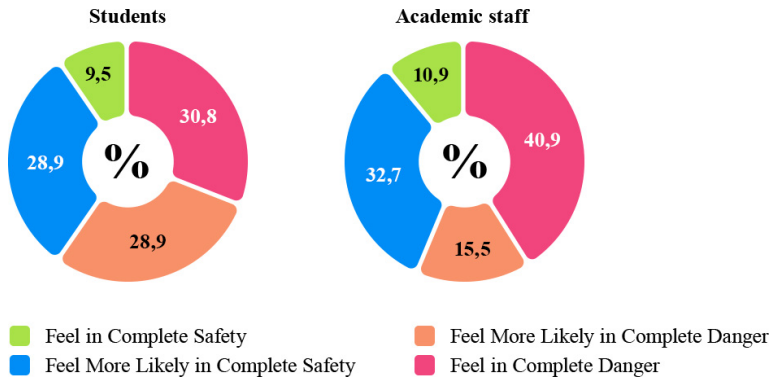
7. “Road of Death – Road of Life”. Leaving occupied Berdyansk

Another significant challenge is the transition from occupied cities. “Every day, approximately 1036 people are leaving the occupied territories,” - such messages were regularly encountered in the information space of Zaporizhzhia and Ukraine. This reflects the large-scale migration processes when thousands of citizens living in Russian-occupied territories are forced to leave their homes and relocate to non-occupational regions. Moving from occupied territories is often accompanied by significant risks and trials that include, but are not limited to, the danger of shelling and insufficient food and water. The journey that took 2 hours in peaceful times now sometimes takes two weeks for some force-displaced persons. The occupiers deliberately create queues of cars to serve as a “human shield” and keep hundreds of people for weeks at checkpoints:

R22: “We spent the night at a gas station, which was already destroyed then. They drove us all into this gas station. They didn’t let us out of the cars at night or allow us to turn on our phones because we were human shields. That night they were shooting at Ukrainian villages from our location. All night we saw these rockets flying out. It was terrifying to see.”

Thus, the documentation of the process of leaving occupied regions highlights the dif-

Figure 6. Perceived Personal Safety Among BSPU Students and Academic Staff (April 2022)



ficulties and challenges faced by displaced persons, but at the same time, it testifies to the importance of free migration and the need for further understanding of this phenomenon in the context of military occupation:

R23: "It was tough. Russian soldiers walked around with guns, looking at who was in the car. Three soldiers approached us, one holding a grenade in his hands. I said that we had children and elderly people. He said that everyone said so and shoved the grenade into the car where there was a child. It was terrifying. My son still remembers this because it was terrifying."

R24: "Picnic on the roadside. This is how thousands of families spend several days during the evacuation from the occupied territories. <...> No country has the right to force people to flee their homes, spend the night in the field under shelling, and feel like they are on the world's edge."

One such road "Berdiansk-Vasylivka" people began to call the "Road of Death", because not everyone survives the transition. Others call it the "Road of Life", symbolizing

freedom. It is worth noting that this road is now closed to exit; leaving the occupied territories to Ukraine is impossible. People who remained under occupation were hostages:

R25: "We had one attempt to leave the city... But we were not allowed to leave, although we wanted to so much. I see this checkpoint, my freedom; we all leave this hell. But no, we were turned back. And we turned back and returned."

Ways to overcome identified problems and results

Preservation of life, health, and psychological support

During the ongoing conflict and temporary occupation of Berdyansk, the BSPU found itself navigating unprecedented challenges, necessitating swift yet judicious decision-making to establish priority goals and adapt to the uncertainties. To gauge the prevailing sentiments regarding personal safety in April 2022, surveys were conducted amongst both students and teachers (Figure 6).

In response to the challenging conditions faced during the occupation, the university provided dormitory students with social, psychological, and emotional support. This support included provisions like food and hygiene products and distributing essential information related to safe behaviour, first aid, information hygiene, stress management, and response protocols for various emergencies.

Ensuring the activity of the university and the educational process

Ensuring the activity of the university and the educational process

Under the conditions of Russian occupation, the activity of the university was effectively blocked. A survey of students was conducted on the desire and ability to study in conditions of martial law and occupation of Ukrainian territories. Almost all students (85%) indicated they wanted to continue their studies, despite several problems and obstacles (Figure 7).

In response to the challenges posed by the occupation, the university extended the student's forced holidays from April 3 to May 2, 2022, with teachers taking their annual paid leave simultaneously. During this hiatus, efforts were made to keep students informed of possible educational alternatives, including attending courses at other institutions or non-

formal/informal education with the prospect of later accreditation of the acquired knowledge. Despite the inability to centralise communication through the university's website, faculty deans, group curators, and teachers leveraged existing channels to maintain contact with students and disseminate crucial updates.

By its autonomy rights as defined by the Law of Ukraine "On Higher Education" (Verkhovna Rada of Ukraine, 2014) and following the recommendations of the Ministry of Education and Science of Ukraine, BSPU took essential steps to preserve the life and health of the university community and the identity of the university itself. With the consent of the Ministry of Education and Science of Ukraine, a decision was made to temporarily relocate to the territory controlled by Ukraine from April 20, 2022¹¹ to the city of Zaporizhia based on Zaporizhzhya National University, i.e., BSPU has been operating under the conditions of occupation by Russian troops for 53 days. The temporary relocation of BSPU allowed the resumption of the educational process under martial law conditions from May 2, 2022.

In addition, a new transitional strategy for Berdyansk State Pedagogical University was

11 Order of the Ministry of Education and Science dated April 20, 2022 No. 357

Figure 7. Monitoring of the motivation of BSPU students to study in conditions of martial law in April 2022.

✓ High motivation	➤ Low motivation
<ul style="list-style-type: none"> ✓ "I want to study very much, but we have to constantly move around together with my family, looking for a safe place to live"; ✓ "I want to study, but the internet is very bad, I can only write messages to my friends and family"; ✓ "I want to study, but my thoughts are all about the war"; ✓ "I want to study, but I spend most of my time in a bomb shelter because of the constant danger" 	<ul style="list-style-type: none"> ➤ "I can't think about studying now, because my family is in Mariupol, I'm very worried about them"; ➤ "I watch the news all the time, it's more relevant than studying"; ➤ "I study Russian philology, and now I have an aversion to my chosen profession"; ➤ "I have to work all the time to support my family"

developed and approved, aimed at ensuring the operation and development of the university during the war and in the post-war recovery period.

Access to e-learning software for synchronous and asynchronous learning

Amid the occupation of Berdyansk and the ensuing campus access restrictions at BSPU, a pivotal transition was initiated - the migration of the website to the cloud, facilitated by cloud technology specialists from EPAM, who offered their services pro bono. This intervention enabled the resumption of the educational process on May 2, 2022 (Suchikova, 2023). Nonetheless, challenges like unstable internet connections hamper the smooth conduct of online classes. To minimise these negative factors in the educational process, a “synchronous-asynchronous” learning format was introduced. It involves both the conduct of online courses using distance education technologies and learning without real-time interaction or with a delay in time.

Intensification of scientific and research work

Science is one of the most vulnerable institutions during a war, as it requires significant time, human, financial, and material resources, creative inspiration, intellectual concentration, and complete immersion. Being under constant stress and even fear hinders and often makes scientific activity impossible (McNutt & Hildebrand, 2022; Moroz, 2022). Understanding this, the governments of many countries, scientific institutions, and organisations have expressed their support for Ukrainian scientists and provided free tools and databases for the free use of their products. Thanks to this, BSPU, like other universities in Ukraine, managed to gain access to electronic collections of books and journals opened. Information to the scientific com-

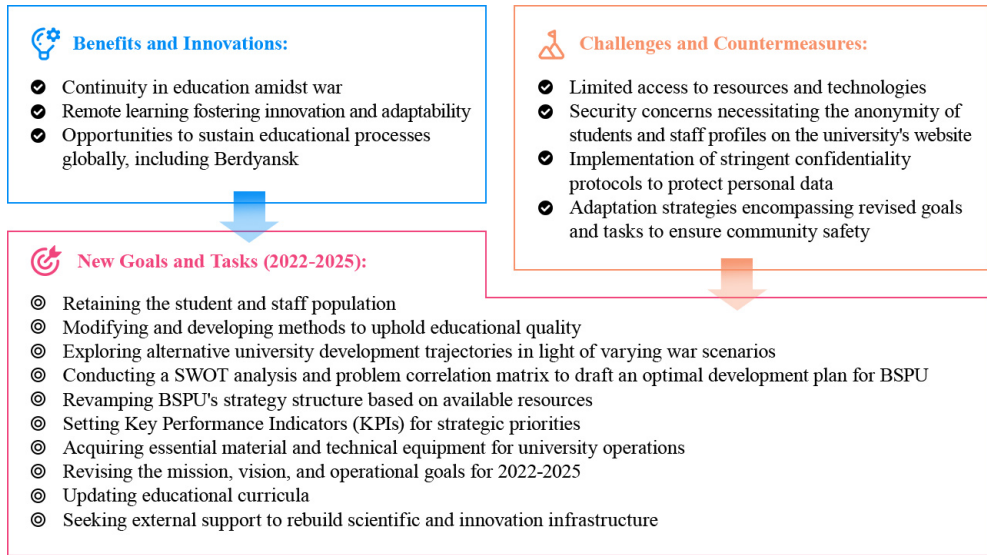
munity about available competitions, opportunities for free publications, emergency scholarships, support programs, etc., was provided through the Facebook page of the BSPU scientific department, as well as at operational meetings online. Evaluating the quantitative and qualitative increase in the effectiveness of scientific research activities of teachers in wartime requires much more time and deserves separate attention (Suchikova et al., 2023a; Peregudova, 2023). The university’s scientists could partially adapt to the realities of war and begin active scientific activity (Suchikova et al, 2023b). Of course, the war will have critical consequences for university science, and the efficiency of scientific research activity will have a negative dynamic.

University without walls

In response to the unprecedented challenges of wartime, the university has swiftly transitioned to a resilient “University Without Walls” model, spearheaded by innovative digital strategies that facilitate continued education and community support at multiple levels (Suchikova & Tsybuliak, 2023). Despite facing certain limitations, such as restricted access to specific resources, the shift to a remote learning environment has fostered innovation and adaptability, enabling the scattered academic community, including a significant faction in Berdyansk, to persist with their educational pursuits.

In alignment with the ongoing commitment to safeguarding the community during the occupation, the university has enacted stringent measures to maintain anonymity and secure personal data, evident in the modifications observed on the official website. These steps, albeit limiting the openness, are critical in safeguarding the identities of students and staff, reinforcing the unwavering resolve to

Figure 8. Adaptive Strategies and Protective Measures: Navigating the ‘University Without Walls’ during the war



protect its academic community amidst evolving challenges.

Figure 8 delineates this strategic approach and the attendant goals for ensuring a secure and progressive educational journey in the forthcoming period.

The third mission of the university

Today, our activity is focused on fulfilling our “third mission” - social service and community support. Primarily, in cooperation with regional and local authorities and social institutions, the university has focused on uniting the community under temporary occupation (Bohdanov, 2023; Suchikova & Kovachov, 2023). This was especially important for maintaining a sense of community and supporting mental health. Students and academic staff have become active volunteers. Several events were initiated and conducted to support the local and regional community, including public online lectures, organizing leisure ac-

tivities for children, providing free psychological assistance, and charitable conferences. In this way, the university has demonstrated its ability to adapt to new circumstances and actively assist those who need this help the most, remaining faithful to its values and mission, regardless of circumstances.

Discussion

War never chooses its victims. It affects everyone who finds themselves in its path, turning routine life into a daily struggle for survival. Moreover, universities are no exception. In the context of aggressive actions and occupation in Ukraine, academic communities have experienced extraordinary hardships and different kinds of torture. The Russian occupation creates an atmosphere of fear and uncertainty among the university community. Those who could not leave the occupied city can be subjected to various forms of pressure, from intimidation and threats to physi-

cal torture.

Unfortunately, what is observed in Ukraine is not unique to this country or this conflict. Universities and their communities routinely encounter similar challenges in war zones and regions marked by high levels of violence. Human rights violations, including abuses and torture, are pervasive in such environments.

The current research raises new questions and highlights issues requiring further scientific investigation and global recognition. It is crucial to focus on developing more effective strategies for safeguarding the rights of workers and students at higher education institutions in such conditions, as well as defining the role of the international community in responding to these challenges.

In light of these findings, the academic community, civil society organisations, international entities, and governments must take more active measures in protecting the rights of the academic community in times of war and occupation. Immediate intervention and additional scientific research are imperative, as failing to act can lead to devastating consequences for academic communities and science.

Conclusions

In this study, we analyzed the profound impacts of the current war and occupation on Berdyansk State Pedagogical University operations. Drawing from personal narratives and testimonies of staff and students, severe human rights violations and threats to academic freedom were highlighted, including episodes of violence perpetrated by occupying forces.

The wartime context demands immediate, adaptable, and informed decisions from the university administration to protect the educational community and maintain the institution's unique identity.

Key challenges include:

- Safety and security of the academic community in a torture environment;
- Hindered university operations during the occupation;
- Significant setbacks in reviving educational activities due to disrupted internet and communication services;
- Challenges in restoring critical website functionalities amidst occupation;
- The vulnerability of research endeavors in conflict settings requires conducive psychological environments.

In light of the unprecedented crisis experienced personally by the staff at the Berdyansk State Pedagogical University, we underscore that a university is not just a building but a vibrant community, a family that radiates an incredible synergy amidst adversities, including the torturing environments imposed by occupying forces that render life unbearable in occupied regions. This reflection is, unfortunately, echoed by numerous higher education institutions in Ukraine and globally.

The ongoing atrocities in Ukraine are a grim reminder that humanity must gear up to mitigate the ramifications of war on the bastions of education and science, which are essential in fostering societal development. Such events should never recur, necessitating preparedness to shield universities from military conflicts and violence.

The study advocates for urgent interventions and continued research to develop robust mechanisms that protect the university community from the dire consequences of war and occupation, with a significant emphasis on preventing physical abuse and torturing environments witnessed in the occupied territories. It is a genuine call to the global academic community, civil societies, international entities,

and governments to escalate their efforts to safeguard the rights of individuals involved in the educational processes under occupation, highlighting the potentially catastrophic consequences without significant countermeasures. Hopefully, this initiative will significantly stimulate international dialogues on education, human rights, humanitarian law, security strategies, and international relations, fostering productive implementations in theoretical and practical domains.

References

- Astrov, V., Ghodsi, M., Grieveson, R., Holzner, M., Kochnev, A., Landesmann, M., ... & Bykova, A. (2022). Russia's invasion of Ukraine: assessment of the humanitarian, economic, and financial impact in the short and medium term. *International Economics and Economic Policy*, 19(2), 331-381. <https://doi.org/10.1007/s10368-022-00546-5>
- Bin-Nashwan, S. A., Hassan, M. K. & Muneeza, A. (2022). Russia-Ukraine conflict: 2030 Agenda for SDGs hangs in the balance. *International Journal of Ethics and Systems*, (ahead-of-print). <https://doi.org/10.1108/IJOES-06-2022-0136>
- Bohdanov, I., Suchikova, Y., Kovachov, S., Hurenko, O., & Aleksandrova, H. (2023). Youth views on the role of local government and universities in the development of deoccupied territories. *Knowledge and Performance Management*, 7(1), 29-46. [http://dx.doi.org/10.21511/kpm.07\(1\).2023.03](http://dx.doi.org/10.21511/kpm.07(1).2023.03)
- Bukricieva, I., & Afanasieva, L. (2023). The Russian Occupation of Melitopol, Ukraine. *Journal of Developing Societies*, 39(2), 236-252. <https://doi.org/10.1177/0169796X231168151>
- Chen, Y., Jiang, J., Wang, L. & Wang, R. (2023). Impact assessment of energy sanctions in geo-conflict: Russian-Ukrainian war. *Energy Reports*, 9, 3082-3095. <https://doi.org/10.1016/j.egy.2023.01.124>
- Chudzicka-Czupala, A., Hapon, N., Chiang, S.-K., Żywiolek-Szeja, M., Karamushka, L., Lee, C. T., Grabowski, D., Paliga, M., Rosenblat, J. D., Ho, R., McIntyre, R. S. & Chen, Y.-L. (2023). Depression, anxiety and post-traumatic stress during the 2022 Russo-Ukrainian war, a comparison between populations in Poland, Ukraine, and Taiwan. *Nature, Scientific Reports*, 13(1). <https://doi.org/10.1038/s41598-023-28729-3>
- Chumachenko, D., & Chumachenko, T. (2022). Ukraine war: the humanitarian crisis in Kharkiv. *BMJ*, 376. <https://doi.org/10.1136/bmj.o796>
- Dobiesz, V. A., Schwid, M., Dias, R. D., Aiwonodagbon, B., Tayeb, B., Fricke, A., ... & Erickson, T. B. (2022). Maintaining Health Professional Education During War: A Scoping Review. *Medical Education*. <https://doi.org/10.1111/medu.14808>
- Dzhus, M., & Golovach, I. (2022). Impact of Ukrainian-Russian war on healthcare and humanitarian crisis. *Disaster Medicine and Public Health Preparedness*, 1-9. <https://doi.org/10.1017/dmp.2022.265>
- Fel, S, Jurek K, Lenart-Kłoś K. (2022). Relationship between Socio-Demographic Factors and Posttraumatic Stress Disorder: A Cross Sectional Study among Civilian Participants' Hostilities in Ukraine. *International Journal of Environmental Research and Public Health*; 19(5):2720. <https://doi.org/10.3390/ijerph19052720>
- Gostin, L. O., & Rubenstein, L. S. (2022). Attacks on health care in the war in Ukraine: International law and the need for accountability. *JAMA*, 327(16), 1541-1542. <https://doi.org/10.1001/jama.2022.6045>
- Grossi, G., & Vakulenko, V. (2022). New development: Accounting for human-made disasters - comparative analysis of the support to Ukraine in times of war. *Public Money & Management*, 42(6), 467-471. <https://doi.org/10.1080/09540962.2022.2061694>
- Haque, U., Naeem, A., Wang, S., Espinoza, J., Holovanova, I., Gutor, T., ... & Nguyen, U. S. D. (2022). The human toll and humanitarian crisis of the Russia-Ukraine war: the first 162 days. *BMJ global health*, 7(9), e009550. <http://dx.doi.org/10.1136/bmjgh-2022-009550>
- Klochko, O. V., Fedorets, V. M., Uchitel, A. D., & Hnatyuk, V. V. (2020, November). *Methodological aspects of using augmented reality for improvement of the health preserving competence of a Physical Education teacher*. CEUR Workshop Proceedings. <https://doi.org/10.31812/123456789/4405>
- Kozmenko, S., Danko, Y., & Kozlovskiy, S. (2023). Academic management in war conditions: Chronicles of aggression and resistance experience of Ukrainian universities. *Problems and Perspectives in Management*, 21(2), 1-3. [https://doi.org/10.21511/ppm.21\(2-si\).2023.01](https://doi.org/10.21511/ppm.21(2-si).2023.01)
- Lai, B., & Thyne, C. (2007). The effect of civil war on education, 1980-97. *Journal of Peace Research*, 44(3), 277-292. <https://doi.org/10.1177/0022343307076631>
- Lavrysh, Y., Lytovchenko, I., Lukianenko, V., &

- Golub, T. (2022). Teaching during the wartime: Experience from Ukraine. *Educational Philosophy and Theory*. <https://doi.org/10.1080/00131857.2022.2098714>
- Lopatina H., Tsybuliak N., Popova A., Bohdanov I. and Suchikova Y. (2023). University without Walls: Experience of Berdyansk State Pedagogical University during the war. *Problems and Perspectives in Management*, 21(2-si), 4-14. doi:10.21511/ppm.21(2-si).2023.02
- Malyarenko, T. & Kormych, B. (2023a). New Wild Fields: How the Russian War Leads to the Demodernization of Ukraine's Occupied Territories. *Nationalities Papers*, 1-19. <https://doi.org/10.1017/nps.2023.33>
- Malyarenko, T. & Kormych, B. (2023b) Russian policy towards the economy of occupied Ukrainian territories: crawling de-modernization. *Eurasian Geography and Economics*, 64:2, 220-237. <https://doi.org/10.1080/15387216.2023.2167097>
- McNutt, M. & Hildebrand, J. (2022). Scientists in the line of fire. *Science*, 375(6585), 1071-1071. <https://doi.org/10.1126/science.abp8817>
- Moroz, Y. (2022). Here in Ukraine, science continues under air raids. *Nature*, 605(7911), 590-590. <https://doi.org/10.1038/d41586-022-01431-6>
- Peregudova, V. (2023). People learn fastest on the barricades: Science at war. *Management in Education*. <https://doi.org/10.1177/08920206231188018>
- Petrić, H. N., Gaiand, N. & Van Noorden, R. (2022). Nature's take: How the war in Ukraine is impacting science. *Nature*. <https://doi.org/10.1038/d41586-022-03155-z>
- Polishchuk, Y., Lyman, I. & Chugaievska, S. (2023). The "Ukrainian Science Diaspora" initiative in the wartime. *Problems and Perspectives in Management*, 21(2), 153-161. [https://doi.org/10.21511/ppm.21\(2-si\).2023.18](https://doi.org/10.21511/ppm.21(2-si).2023.18)
- Shevlin, M., Hyland, P. & Karatzias, T. (2022). The psychological consequences of the Ukraine war: What we know, and what we have to learn. *Acta Psychiatrica Scandinavica*, 146(2). <https://doi.org/10.1111/acps.13466>
- Suchikova, Y. & Tsybuliak, N. (2023). Universities without walls: global trend v. Ukraine's reality. *Nature*, 614. <https://doi.org/10.1038/d41586-023-00380-y>
- Suchikova, Y. (2023). A year of war. *Science*, 379(6634). <https://doi.org/10.1126/science.caredit.adh292>
- Suchikova, Y., Tsybuliak, N., Lopatina, H., Popova, A., Kovachov, S., Hurenko, O., Bogdanov, I. (2023a). Is science possible under occupation? Reflection and coping strategy. [Special issue]. *Corporate Governance and Organisational Behaviour Review*, 7(2), 314-324. <https://doi.org/10.22495/cgobr7i2sip10>
- Suchikova, Y., Tsybuliak, N., Lopatina, H., Shevchenko, L., & Popov, A. I. (2023b). Science in times of crisis. How does the war affect the performance of Ukrainian scientists? *Problems and Perspectives in Management*, 21(1), 408-424. [https://doi.org/10.21511/ppm.21\(1\).2023.35](https://doi.org/10.21511/ppm.21(1).2023.35)
- Suchikova, Y., & Kovachov, S. (2023). Rethinking the goals and values of nanoart during the war: An artists' statement. *Nanoethics*, 17(12). <https://doi.org/10.1007/s11569-023-00447-0>
- Surzykiewicz, J., Skalski, S. B., Niesiołędzka, M., Gladysz, O. & Konaszewski, K. (2022). Brief screening measures of mental health for war-related dysfunctional anxiety and negative persistent thinking. *Personality and Individual Differences*, 195, 111697. <https://doi.org/10.1016/j.paid.2022.111697>
- Vlasenko, K., Chumak, O., Achkan, V., Lovianova, I., & Kondratyeva, O. (2020). Personal e-learning environment of a mathematics teacher. *Universal Journal of Educational Research*, 8(8), 3527-3535. <https://doi.org/10.13189/ujer.2020.080828>

Annex 1

Survey for Students

General Questions

1. Form of study
2. Course
3. Location at the time of the onset of full-scale war

Questions Regarding Safety

4. Did you change your location?
 - Yes
 - No
5. Evaluate your subjective perception of personal safety
 - Feel in complete danger
 - Feel more likely in complete danger
 - Feel more likely in complete safety
 - Feel in complete safety
6. If you stayed at your usual place of residence, specify the main reason (open-ended question)
7. Rate your level of stress and anxiety in the first months of the war on a 5-point scale, where 1 is low and 5 is very high
8. Rate your current level of stress and anxiety on a 5-point scale, where 1 is low and 5 is very high

Questions Regarding Education

9. Rate your readiness to resume education under martial law on a 5-point scale, where 1 is no readiness and 5 is always ready
10. What learning formats are available to you?
 - Synchronous online learning
 - Asynchronous online learning
11. Evaluate the quality of your internet access on a scale of 1 to 5, where 1 is very poor and 5 is very good
12. Which communication tools do teachers use most often? (Multiple answers possible)
 - ZOOM
 - Moodle
 - Telegram
 - Viber
 - Email
 - Social networks

13. What is your motivation for studying? Rate on a 5-point scale, where 1 is low and 5 is very high

14. What factors most affected your studies since 02/24/2022? (Multiple answers possible)

- Emotional state
- Adaptation to new realities
- Lack of stable internet connectivity
- Irrelevance of education
- Importance of education for post-war recovery of Ukraine
- Proactive stance (patriotism)

Questions Regarding Support

15. What support from the university is currently most important to you personally?

- Safety and psychological support
- Access to information and resources
- Technical support
- Social support

16. Which opportunities for students in Ukraine that appeared during the war have you utilised? (Multiple answers possible)

- Internal mobility programs
- External mobility programs
- Participation in online seminars
- Not used

17. What helps you counteract stress and anxiety? (Open-ended question)

Survey for Teachers

General Questions

1. Faculty
2. Scientific Degree

Questions Regarding Safety

3. Has your location changed since 24.02.2022?
 - Yes
 - No
4. If you stayed at your usual residence, indicate the main reason. (Open question)
5. Evaluate the subjective perception of your own safety:
 - Feel in complete danger
 - Feel more likely in complete danger
 - Feel more likely in complete safety
 - Feel in complete safety

Questions Regarding Continuation of Activities

6. What is your attitude towards the educational process under conditions of a full-scale war, where 1 is negative and 5 is positive?
7. Has the quality of your work changed after the full-scale invasion?
 - Yes
 - No
 - Difficult to answer
8. What are the greatest difficulties you have with organizing the educational process?
 - Technical problems
 - Adaptation to new challenges
 - Ensuring cooperation and communication with students
 - Psychological difficulties
 - Support from the administration
9. Which formats of working with students are available to you:
 - Synchronous online learning
 - Asynchronous online learning
10. Evaluate the character of your internet access on a scale from 1 to 5, where 1 is very poor and 5 is very good
11. What digital communication tools with students are currently available to you? (Multiple answers possible)
 - ZOOM
 - Moodle
 - Telegram
 - Viber
 - Email
 - Social Networks
12. What is your motivation for teaching? (Open question)
13. Do you have enough resources for scientific work?
 - Yes
 - No
 - Cannot think about scientific work
14. Which factors most influenced your scientific research activity since 24.02.2022? (Multiple answers possible)
 - Emotional state
 - Adaptation to new realities
 - Lack of stable internet connectivity
 - Irrelevance of initiated research
 - Impossibility of conducting research
 - Proactive stance (patriotism)
 - Questions Regarding Support

15. What support for teaching activities is currently most important for you personally?
 - Safety and psychological support
 - Access to information and resources
 - Technical support
 - Social support
 - International support
16. Evaluate your scientific productivity in 2022 compared to 2021.
 - Decreased
 - Increased
 - At the same level
17. What opportunities for Ukrainian researchers have you utilised that emerged during the war? (Multiple answers possible)
 - Mobility programs
 - Grants
 - Opportunity for free article publication
 - Did not utilise
18. What support for research work is currently the most important for you personally? (open-ended question)

Annex 2

Guideline Questions for the Interview

1. Life situation before the war

- 1.1. Briefly tell about yourself and your life before the war (points to focus on: what year of study you are in, age, where are you originally from, where did you live before the war in Berdyansk).

2. Beginning of the war

- 2.1. Talk about the beginning of the war. (points to focus on: where were you at that moment? Who was with you?)
- 2.2. Tell us what was the most terrifying for you personally when troops were seizing the town (focus on emotions: fear, anxiety).
- 2.3. Tell us what helped you to endure during the first days.

3. Occupation

- 3.1. Tell us what was the scariest thing for you personally during the occupation.
- 3.2. Tell us what concerned you the most? What problems did you encounter?
- 3.3. Describe your typical day during the occupation (points to focus on: what did you do? What were your feelings?)
- 3.4. What event or situation do you remember the most during the occupation?
- 3.5. How did the occupation affect you? What emotions, feelings, and thoughts did it evoke in you? Describe the social moods and emotions in your community.
- 3.6. Tell us what helped you to endure.
- 3.7. Did you personally or your surroundings encounter acts of abuse, restriction of freedom, intimidations, or other forms of danger during the occupation? Tell us about your experience or testimony.

4. Life after the occupation (if you moved out)

- 4.1. Tell us about your evacuation (points to focus on: Was it difficult to make the decision to evacuate? Who among relatives, friends, acquaintances went with you? Why? How long did it take you to leave? How was the journey? What difficulties did you encounter on the way?)
- 4.2. Tell us about what worries you the most now. What problems are you facing?
- 4.3. How does life personally differ for you not at home, but in the controlled territory (or abroad) compared to life during the occupation?

Tales of resilience: voices from detention and imprisonment in Russia

Daria Rud¹, Maria Bunina², Mariia Vasilevskaia³ and Anna Maria Filippova⁴

Abstract

As the exposure to state violence could have long-term negative consequences on the survivors, we analyzed which optics and measures could be used regardless of the vulnerabilities of the individual, their social status and institutional context. We examine the ways in which law enforcement system challenges individuals and measures used to practice resilience.

We use the concept of resilience within torturing environment to achieve our goal. Various actors of Russian law enforcement and penitentiary systems – detainees and prisoners, their family members, human rights activists, state agents etc. – participated in semi-structured in-depth interviews, which we coded basing on grounded theory.

Measures employed by survivors to exercise resilience involve regaining bodily control (both by exercise and self-harm), having projections for future (by threats of legal prosecution or publicity), exploiting bureaucracy to one's advantage, controlling information flow (by bluffing), controlling material evidence, employing allies and preserving the meaning of "normal self".

We believe that our findings can have practical applications, e.g. for preventing some of the negative consequences of torture by training vulnerable individuals to employ resilient strategies. Describing the way to interpret the power imbalances inherent to the torture environment might also be helpful for appreciating even the smallest acts, including the choice not to act.

Keywords: resilience, torturing environment, empowerment, Russia

Introduction

In a sense, the rehabilitation process for those who survived torture begins at the moment when the torture itself starts. The behaviour of different actors during the encounter with torture may either aggravate or alleviate some of its negative aspects. It is therefore essential to study the aspects that transpire instantaneously during such encounters, and positively influence their consequences in order to aid

-
- 1) Sociology department, Higher School of Economics, Moscow. Independent researcher. Correspondence to: Daria.rud.moscow@gmail.com
 - 2) Department of Cultural Anthropology, European University at St Petersburg. Researcher at The Hannah Arendt Research Center (Berlin). Correspondence to: mwbunina@gmail.com
 - 3) Mathematics department, Moscow state university. Research director at The Hannah Arendt Research Center (Berlin). Correspondence to: mariia.vasilevskaia@gmail.com
 - 4) Sociology department, Higher School of Economics, Moscow. Researcher at The Hannah Arendt Research Center (Berlin). Correspondence to: annamariafilippova@gmail.com

the rehabilitation process. One way to look at it is to acknowledge that there is a struggle for power between the torturer and the individual being tortured. When torture or violence is executed by the state agents, this struggle resembles a football match on uneven ground: the match can be held, but the parties are not on equal terms from the very beginning.

First of all, the system itself operates in a manner that tends to provoke violence and encourage impunity of those who express loyalty to it. Secondly, exactly those people who are the most likely to struggle to offer resistance are more likely to be caught by the system. It is hence understandable that the sociological research on this topic usually concerns the ways in which the course of events is influenced by the vulnerabilities of those affected (Clair, 2018; Hannah-Mofat & Maurutto, 2012).

However, vulnerability-focused studies, while being indispensable to the large-scale social policy design on torture prevention, struggle to offer strategies for torture survivors and their supporters during the encounter with torture itself. For that reason, while acknowledging the aforementioned power imbalance, as well as cultural, institutional, and situational aspects of this encounter, we focus on *discovering coping strategies that were applied in the encounter with torture by our informants*. It is important to note that the coping strategy might also be understood as a way to merely analyze different perspectives in the torture environment, not the practical act. We aim to show the wide spectrum of the resistance options and points of view.

The structure of this paper is the following. In the opening section on Russian law enforcement system context, we promote a thesis that Russia is severely unsafe. In the Approach and Methodology section, we review the useful concepts in studying torture. We also explain our choice of the theoretical tradition of un-

derstanding resilience for the present research, as well as our other research design choices. The Methods and Data section provides an explanation of methods used for obtaining data. In the Results section, we present our findings on particular strategies that torture survivors may use within such encounters. In the Conclusion section, we highlight the potential implications of those insights for the specialists working in the fields of human rights and torture rehabilitation.

Russian context

In Russia, places of detention, detainees, and prisoners are more numerous per capita compared to other post-soviet countries (World Prison Population List, 2021), and thus it can be considered a high-imprisonment country, even though the numbers had dropped dramatically since 2000. Along with the decrease in public control over the penitentiary institutions in Russia, violence within the penitentiary institutions is expanding. According to the survey among Russian population (Gudkov et al., 2019), 25% of respondents experienced conflicts with police officers, and 10% of respondents experienced torture (definition of conflict or torture was not provided). Recently, after 26 years of membership, the Russian Federation was excluded from the Council of Europe due to the outbreak of the war in Ukraine (Decisions of Council of Europe, 2022).

However, public awareness of violence transpiring inside the police stations, pre-trial detention centers, and prisons is also growing. A notable public discussion topic on torture followed the leak of photo and video recordings of torture in the system of the Federal Penitentiary Service¹ in 2021.

1 Gulagu.net started publishing the prison torture archive. Retrieved from <https://www.asi>.

Although prosecutors recognise many of the revealed cases of torture as real and widespread (Kommersant, 2019), voices of people who have faced state violence and those who are willing to discuss this topic are rarely heard. Access to many media covering conflicts with the police and the Federal Penitentiary Service² is blocked. People with experience of imprisonment who have been subjected to violence and torture are often regarded with suspicion and distrust, devaluing their experience. As a result, the discussion about torture in Russia remains fragmented.

Most commonly, and individual's penitentiary roadmap begins with being detained, immediately becoming exposed to the risk of physical and emotional violence, and torture. At the police station, the police draw up a report on the arrest and offense. If an administrative offense is imputed, the detainee is released after signing the infringement notice, but they may also be detained until the trial. In case of potential criminal charges, the court decides on detention. For the duration of this decision-making process, subject to sufficient severity of the imputed charge a person can be held in the police department.

Within 48 hours the court usually makes a decision: it is either arrest, written undertaking not to leave town or house arrest. If a court decides to arrest a suspect, the detainee is placed in a pre-trial detention center. From the moment detention is chosen, a person has the status of a suspect or accused and falls under the jurisdiction of the Federal Penitentiary Service.

If the court decides on the guilt of the accused person, their status changes to being convicted. One may appeal this decision after the announcement of the verdict. In the case of a guilty verdict regarding a detained person, their contact with the Federal Penitentiary Service continues: they are either left in a pre-trial detention center or, more commonly, transferred to prison. Prisons differ in the degree of severity of the regime: there are prisons of general, strict and special regimes, as well as colony-settlements (Omelchenko, 2016). Here, contacts of the convicted person with a lawyer and relatives, as a rule, cease. One is left alone with the system.

Everyday life of those in Russian prisons is highly disciplined by a strict schedule and rules of conduct supported by the surveillance system. The extension of surveillance was initially legitimised as a way to provide safety for the prisoners, but, in fact, rarely serves its goals as it's controlled by prison administration.

While a person has the status of a suspect and accused, they can be accompanied by a lawyer — their own or appointed by the state. Those who cannot afford a lawyer are forced to work with given attorneys, provided by the state for free, who usually have closer ties with the prosecution rather than with the client. The lawyer is an important figure in the life of the accused, often being the only bridge between the accused and the outside world (Bocharov, & Moiseyeva, 2017). In prison, an advocate is the only person legally allowed to act on behalf of the incriminated in the outside world.

According to our data, there is a risk of encountering torture throughout the entire time a person has contact with the law enforcement system, both under the both the Ministry of Internal Affairs and the Federal Penitentiary Service: at the time of detention, in the police department, in the pre-trial detention center and in the prison (e.g. distanc-

org.ru/news/2021/10/06/18-gulagu-net-nachal-publikovat-arhiv-s-tyuremnymi-pytkami/

2 News outlets e.g. «Mediazona», «OVD-Info», «Memorial» and some others are blocked online in Russia.

ing and transportation to prison can be viewed as torture (Pallot, 2005; Pallot et al., 2012; Piccentini, & Pallot, 2014), as well as sabotage of medical care (Runova, 2019) etc.). Some of our informants and their close ones were threatened because they filed a complaint of torture. Attempts to hold law enforcement officers accountable for torture can carry risks for everyone, especially for those detained in the police custody, in jail or in prison.

Approach and methodology

As mentioned earlier, the goal of this article is to find possible measures which could be taken when encountering state violence, and to show the analytical optics which make these measures understandable and transferrable. The measures we look for should be applicable regardless of the actor's role in the situation (prisoner or detained, state representative, family member, advocate, bystander, etc), as well as other situational specifics of the encounter, which lie out of control of the actor (institutional, cultural, economical, etc). Instead, they need to operate on the level of perception; more specifically, perception of personal agency, or resilience.

In this chapter, we first outline the specifics of the environment that surrounds torture performed by state agents, as well as review the concept of resilience.

Torture environment

An important argument for concentrating research on the concept of torturing environment is proposed by Koenig et al. (2009). They demonstrate that methods of applying violence can be of secondary importance compared to the fact of applying violence itself, especially when violent acts are numerous. Moreover, the cumulative effect does not equate to the sum of acts in question – it is more damaging.

Pérez-Sales suggests shifting academic research from defining and measuring torture methods, to defining and measuring torturing environments (Pérez-Sales, 2020, p. 451). He describes the torturing environment as “...made up of a group of contextual elements, conditions and practices that obliterate the will and control of the victim, compromising the self” (ibid), highlighting that power is challenging the integrity of an individual. The torture environment concept helps to gather “torture methods which attack human functioning” (ibid). In this context, the more general term of struggle for power, which describes interaction between two distinct entities, becomes replaced with a perhaps more relevant concept of resilience of the individual placed in such an environment.

Resilience

Torture environments weaken human functioning. The torture environment can consist of various elements and can influence human functioning in many spheres — social, psychological, economic etc. In order to protect oneself and to return to the same condition as before the state violence, including restoring resources, measures that ensure the self-preservation in an abnormal environment are required. Such quality can be defined as resilience.

It is often noted that resilience is related to the ability to understand what is happening. Victor Frankl (1959), the founder of logotherapy, implied that searching for meaning is typical for human nature. He considered beneficial for a person to practice an approach of recognising the situation³. In order to stay

3 Frankl's philosophy of meaning seems to be a popular home-remedy for self-medication of trauma. A few months after the beginning of Russia's military aggression in 2022, Russian

safe, it is crucial to acknowledge surrounding events and remain aware of aspects, that concern oneself personally. Resilience requires being able to register and process what is happening at every moment.

Processing the situation of confrontation through the terms of the violence used and the resilience can contribute to the empowerment of survivors and help them to become aware of their own resources. People feel stronger and are more motivated to find inner resources after realising that they are capable of overcoming difficulties and uncertainty (Daly, 2020).

One of attributes of resilience is the ability to maintain balance between normal interactions and the uncertainty caused by power relations (for example, parent-child relationship). Social workers note that such quality is found frequently among children who grew up with parents who have mental disorders (Power et al., 2016).

Working with the concept of resilience is a rare case in sociology. This concept is more typical for psychology and management-related disciplines. However, we decided to use this particular term for several reasons. Firstly, in Russia, the situation when a person interacts with the law enforcement system involves high levels of risk and uncertainty. The concept of resilience is deployed to observe phenomena that are regarded as under threat with respect to one's plasticity (Endreß, 2015, p. 542). Secondly, the concept of resilience is related to a philosophy of being "geared towards tried-and-tested elements of the past and constellations worth protecting" (ibid). Such an approach to understanding resil-

ience is common for self-help practices that are focused on protecting available resources.

Work of resilience in torture environment

Individuals who experience the power of the law enforcement system are often marginalised (Keene et al., 2018). The path to their rehabilitation is related to the ability to meaningfully criticise the punishing and disciplining conditions. Thus, we refer to two significant presuppositions.

Firstly, we assume that torturing environment is a feature of the law enforcement system. In order to show the work of resilience - how it becomes seen and acting for the individual, - we pay some attention to the particular physical and material practices that contribute to the power struggle within the torture environment.

Secondly, we believe that an individual who passed through the torturing environment has ways of "winning oneself back." In other words, they preserve or regain resilience by resisting the impact and imposed meaning of the torture.

Methods and Data

All aforementioned considered, the practical task of this research is identifying tools that contribute to the resilience of those who have encountered the law enforcement system. However, we do not intend to describe the 'objective' efficacy of those techniques. On the one hand, it heavily depends on the subjective perception by the actors involved in the situation of torture. On another hand, as we also aim to challenge the way that research and policy makers usually view the torture survivors as merely vulnerable and stripped of power. We must use their own assessment of the usability of different techniques, helping them voice their own opinions and participate in the discussion.

e-commerce platform "Ozon" and a publishing house "Alpina" noted an increase in sales of Frankl's publications. Apparently, such popularity could be viewed as part of the therapeutic turn in society.

In order to achieve this goal, our data should reflect the first-hand experience of people who became involved in situations of state violence in various roles. Questions do not have standard patterns, and conversations are focused on the specific experience of each respondent. As subjective perception of the actors depends on their individual and supra-individual experiences, we used in-depth interviews as our primary method of data collection in order to include these subjective factors.

Interviews were collected during a large-scale project, that explores perceptions of acceptable and unacceptable actions of law enforcement system in general⁴. The project was commissioned by the human rights organisation Crew Against Torture in 2022.

Several dozens of respondents were interviewed in various regions of Russia, among which 33 survivors (people who in the past experienced detention and imprisonment, or their relatives, regardless of whether they were human rights defenders) and 22 experts (human rights defenders and activists, psychologists, lawyers, etc.).

We based our analysis on all materials of the project, which explored, inter alia, possible actions in situations involving state violence. For clarity and to be succinct, we have selected quotations from 13 interviews for this paper, noting that the remaining ones do not contradict the ones presented here. We find those interviews to be the most suitable for the purpose of illustrating our research.

List of respondents, whose interviews are quoted, is presented in table 1.

Respondents who experienced violence by the law enforcement system were found with assistance of the Crew Against Torture, as well as through personal contacts. There are both those who have faced the law enforcement system once and those who have multiple experiences. We talked with the respondents about themselves, their family, their encounters with the law enforcement system in general, and their experience of violence and torture by law enforcement officers, as well as about what happened afterwards.

Law enforcement and prison officers were found through personal connections as well through posts in online communities. They often had work experience in different bodies within the law enforcement system. Their interviews concerned their career trajectory, daily work tasks, opinion on the profession, situations from their practice, in particular, attitude towards detainees and prisoners, and their experience of interacting with them.

Experts, namely lawyers, human rights activists, medical employees, psychologists, and priests working in prison parishes, were recruited through snowball sampling. That is, personal social contacts of the research team, as well as with the help of human rights organisations and through mutual recommendations of colleagues. Interviews with experts were focused on their career trajectories and the field of expertise, the specifics of work in general, as well as work with survivors of torture and violence in Russia.

The field stage took place from May to July 2022. The interviews were conducted via phone calls, “Zoom” conferences, “WhatsApp” and “Telegram” applications. Transcripts were encoded⁵ and analyzed. The development of

4 “Permitted – Prohibited. A study of state violence in Russia and the public’s perception of it” (URL: <http://tinyurl.com/2vysha4y>)

5 Coding is the process of analyzing the semantic parts of unstructured interview data for the

Table 1. List of respondents.

Code* in quotations below	Fictitious name within the “Permitted – Pro- hibited...” project and special details	Has expe- rience of detention in police de- partment	Has expe- rience of imprison- ment	Has law en- forcement system work experience	Is chosen as an expert for the project
1S	Ildar	yes			
2S	Seraphim	yes	yes	yes	
3S	Anna, mother of the person killed by law enforcement officers				
1E	Aliya, an activist for rights of imprisoned people	yes	yes		yes
4S	Pyotr	yes	yes		
2E	Vasilisa, a former member of the Public Monitoring Commis- sion for Prisons				yes
5S	Kristina, mother of the detained				
6S	Vasily	yes			
7S	Pavel	yes	yes		
8S	Daniil	yes	yes		
9S	Ruslana	yes			
10S	Evgeny	yes			
11S	Veniamin	yes	yes		

* S - survivor or his close ones, E - expert

codes and interpretation was carried out collectively by all research team members through several iterations. Sessions for coordinating the interpretations of the encoders were held. The

coding process was conducted with the help of Taguette service.

Results: Exercising resilience within a torturing environment

We identified several types of practices that are effective at strengthening the resilience of those being subject to a torture environment. As their efficacy is subjective, and their usage

purpose of its subsequent consolidation by meaning, comparison, generalisation, and interpretation of what has been said.

is versatile (i.e. they could be used by the prisoners opposing their supervisors, by the family members of the victims fighting legal battles, or by the police officer who refuses to participate in torture), we did not attempt to structure the results based on the status of the actor or the institution that is responsible for torture. Instead, we list them according to different aspects of challenges we encountered: physical (with resilience understood as reclaiming control of body), temporal (communicating vision of future as resilience), legal (taming the bureaucratic machine as resilience), informational (controlling information as resilience), material (exercising power over material objects as resilience), social (acting together as resilience), and moral (preserving inherent morale as resilience).

Reclaiming control of one's body

Bodily subjugation can manifest itself not only by means of inflicting physical pain and suffering directly. It also comes in indirect forms: for instance, with exercising control over the detainee's or prisoners' living conditions, or over their posture during escorts. In addition, it may involve bureaucratic procedures which limit the individual's freedom of movement by withholding them in a specific place, waiting for hours, or even days.

As this is arguably the hardest disciplinary measure during which to keep one's integrity, the majority of the strategies the detainees and the prisoners use to regain power over their own bodies may be viewed as extreme. Sometimes they try to use physical force themselves against law enforcement officers, even though more often than not this action exacerbates the situation. Other measures involve self-harming actions, such as hunger strikes, suicide attempts and riots (the latter always leading to brutal suppression in prison, which makes riots a self-harming step too).

One officer started swearing at some prisoner, so the prisoner attacked him. It almost came to blows. That prisoner then entered the cell to cut his wrists. Then he called that officer. The officer opened the window. The cell door has windows, you know. The prisoner splashed his blood out into the hallway. There was a riot following that incident. 1S

On another end of the spectrum, there are practices that are not that direct, but much safer. When the person encounters a torture environment, physical and mental exercise could help reclaim the control over their bodies. Our respondents mentioned doing push-ups and yoga, meditating and resting, and exercising control over one's attention and memory:

"When I got into the temporary detention facility, I took a notebook and started writing all kinds of things, describing the cell and so on. <...>"

"Why?"

"I like making my every single day very busy" 2S

Communicating future vision

Law enforcement officers often use threats in order to force an individual to obey the system's rules and to break their will to resist. For example, they may threaten a detainee with a more serious charge or, in cases when the person is arrested, with having to share a cell with people who carry infectious diseases or struggle to maintain personal hygiene. They can threaten to deprive a prisoner of their rights: the right to parole, the right to receive visitors and items, the right to correspondence. They can also place a prisoner in a punishment cell. In some cases, law enforcement officers force detainees, prisoners, human rights activists, and witnesses to cooperate by threatening their relatives and friends.

Expressing the wish to attract public attention, i.e. threatening with exposure, could also contribute to resilience. In the example below, 3S, whose son was killed by policemen, and who tried to hold the killers accountable, was waiting to get a procedural decision confirming her victim status, which would expand the list of legal options to influence the situation. Law enforcement officers denied her request for three months, seeming to prevent her case from progressing. Eventually, 3S decided to confront them using threats, which disrupted their routine interactions:

There was that guy in the office, an acting head of the local investigative committee. I walk into the office and I see him sitting with his feet on the table, playing video games! I said: "Okay, <...> I give you five days <...> to resolve my issue. Next time... I'll make you a media star. I won't come alone" <...> And it did the trick. 3S, mother of the person killed by law enforcement officers

On the other hand, choosing polite and respectful communication over making threats, and highlighting solutions to problems shared by both detainees and guards (for example, fighting against misconduct of the administration) appears to be another successful strategy using the image of the future.

I always speak in a friendly manner. I have never framed a single officer of the pre-trial detention facility. When I lodge a complaint, for example, to the prosecutor's office, I write my questions there. Like 'why prison staff are not provided with conditions, which would allow them to comply with the law?'^{1E}

Combining the technique of setting mental boundaries between oneself and the torturing

environment with this communication strategy gives a particularly effective measure for maintaining resilience - the actor stays resourceful, i.e. resilient:

[I would advise] finding courage and strength to survive the moment and minimise the harmful consequences. Avoid escalating the conflict. Don't provoke and don't annoy your opponents. It's easier to discuss the situation and try to resolve the issue through legal instruments, when things, at least partially, normalise. 2S

Taming the bureaucratic machine

The respondents confirmed that during the interactions with the law enforcement system, they feel resilient when they can see some kind of case advancement within bureaucratic work. For example, it happens when they manage to finally obtain a personal appointment with the officer in charge of the investigation, or receive all the necessary documents, or if there are important developments in the course of the investigation. Every new development provides an individual with a feeling of control over the situation and encourages their confidence regarding their right to have their case considered further, a right to complain, etc.

It is hardly surprising that their opponents are interested in slowing the investigation's progress down. To achieve this goal, they often use bureaucratic hurdles; sometimes such hurdles also occur due to the flaws of the system, and not as a result of someone's conscious effort. Regardless of the reason, those exposed to bureaucratic torture environment often struggle to regain control over their own time. For example, law enforcement officers may refuse to provide applicants with required documents, referring to visiting rules, and make them come over and over again.

The investigator couldn't give me the decision confirming my victim status for more than three months. <...> She appointed me for 10 a.m. once again, and I was there exactly at that time. She told me, "Leave my office, I haven't invited you." <...> I hang around every day to avoid being late. 3S, mother of the deceased by law enforcement officers

However, bureaucratic procedures can also become a useful instrument for the victims as well, since officers are likely to leave those who lodge complaints alone.

"I think they [policemen] were afraid. They learned from my criminal record that I was complaining and appealing against my conviction until the very end." 4S

The facilities within the law enforcement system are frequently unavailable for their intended use. Detainees and prisoners occasionally manage to use formal rules to their advantage. For example, knowledge about punishment cells being overcrowded helped imprisoned 1E to realise that the prison staff made empty threats.

Yes, of course, they were threatening me with punishment cells and other stuff. But those cells were full. And they reached the limited capacity of the pre-trial detention facility. In fact, in order to get into the punishment cell you have to wait in line. I figured it out quickly enough. 1E

In some cases, when officers were obeying the law, survivors and their representatives exploited formal rules in order to achieve certain goals.

We said that we don't care about his written refusal, because the law doesn't say that a

person can refuse to communicate with the PMC [Public Monitoring Commission] . When they brought him to us, we saw that his face was indeed mutilated. We were able to record that important information. 2E

Controlling information

Our data shows it is easy for law enforcement officers to deceive an individual who does not have much experience in this system. Individuals get misinformed frequently about their rights and obligations; many respondents mentioned that nobody explained their situation to them, and the officers in charge claimed that they were not obligated to do so. In some cases, policemen explicitly lied about their actions and motivations:

The investigator said, "I'll let you go home." And then it turned out that my daughter will be transferred to a temporary detention facility instead. It was a kind of manipulation.

The investigator promised us one thing. Then she claimed she couldn't do it. She was like, "Well, I'm sorry, but I can't." 5S, mother of the detained

Many respondents faced deception in various institutions: in the police office, in prison, in the investigative committee, in court, in the prosecutor's office, in medical institutions reporting to law enforcement, etc. Such direct lies not only mislead those lacking necessary information, but also can demoralise those who understand that they are being lied to. On the other hand, detainees and prisoners can also sometimes use certain rhetorical techniques to confuse their opponents by saying something unexpected and "off script". It could be ridiculous nonsense answers to a formal questionnaire or a bluff to buy some time before being put into a cell.

I think he tried to talk himself out of the situation. They had a long conversation. He claimed that he had high blood pressure. Maybe, his head was spinning too. And his memory deteriorated. Nothing of that was true, actually. He was just stalling. 6S

Exercising power over material objects

Some disciplining practices focus on exercising control over material items and surroundings. Unlike measures for manifesting power over the individual's body, materiality-related measures are not supposed to inflict direct physical suffering. Instead, they bind the fate of the individual to certain objects. Manipulating important documents, e.g. identity papers, is a common example.

Everybody who got released [and stayed in the settlement where prison is] all had invalid passports. <...> They were made <by the local issuing body responsible for the prison> with a violation. 7S

However, in most cases, the items to which power is delegated are those that could be used as material evidence. In court, power is expressed by determining which account of the events is “real”: the one produced by the detained, or the one produced by the law enforcement officer. One of the most frequently mentioned objects in this regard are video cameras and voice recorders: not only do they can allow the survivors to hold the torturers accountable, but sometimes their mere existence shifts the ground during the encounter:

The camera was installed in the service car, it was there, I saw it. It reassured me at that moment that nothing would happen to me in that car [at least]. 4S

For their part, officers might refuse to provide recordings or damage them, as well as take and switch off the phones.

We were never allowed to bring video and audio recording equipment to temporary detention facilities, pre-trial detention facilities, and colonies. So we always ended up with only a pen and a piece of paper. At the same time, the officers <...> always had their video recorders turned on and filming. <...> These recordings are stored for a long time. But they're almost impossible to get. 2E

Success stories usually mention independent evaluation initiated by the survivors and their supporters: of the survivors' medical and genetic material, of cigarette stubs, of cell-phone billings, etc. Officers try to counteract that by gathering an alternative collection of materials, hoping that even though they might be obviously falsified or irrelevant, their sheer amount would be already sufficient.

So they gathered some [random] stones, [because] the confession mentioned ten stones. Those stones were later sent for examination, and it showed that there were no fingerprints, nothing. 8S

On a different subject, possessing personal property in prison is another example of how material objects can promote resilience. Those objects help the individual not only to improve living conditions, but to win back some of their integrity, serving as a link to the “free life on the outside”, as well as resisting prison-induced identities with the power of privacy. This privacy is so highly and unanimously valued by the prisoners, that they sometimes engage in its' collective defense, which works as additional resilience practice and promotes solidarity.

They found a phone. <...> One guy rushed to get that phone to at least break it. <...> And the whole prison started banging on the doors, making noise to distract the guards from him. 8S

Acting together

Interactions of the detained or imprisoned person with law enforcement officers do not occur in a vacuum. They are surrounded by numerous people. Some of them are initially hostile toward the detained or imprisoned person. The others, on the contrary, might be supportive. Some people are neutral and can either support or take from the victim's resilience to fight back.

Hostility is often shown by those to whom law enforcement officers delegate their power and who act according to the aforementioned scenarios. In most cases, those are law enforcement officers themselves. However, there are cases where those people are "temporary recruits" or don't have official status. Initially neutral social actors can also become hostile. For example, witnesses may contribute to falsifying evidence. Another example is an "accomplice" that agrees to give false testimony.

How can a friend of mine, relatively speaking, look me in the eyes and say "she stole the money"? That's so absurd. Perhaps this was the most shocking thing in the whole situation. 1E

On the other hand, there are also supportive actors. A detainee needs help from their relatives and loved ones, as well as from lawyers and human rights defenders throughout the entire process. Handling such situations might be difficult even for those experienced in interacting with the system. Those providing advice and material or emotional assistance can serve as resources for resilience.

In some cases, a person cannot achieve any results on their own, even if they perform all the necessary steps. However, having a lawyer to accompany them in the investigative committee or the prosecutor's office might increase their chances of success. The connection is particularly noticeable when we compare the complaints lodged by prisoners and the ones lodged by their relatives. The complaints of individuals from outside of law enforcement facilities turn out to be more effective.

Complaining about the pre-trial detention facility from outside is safer. Because you can always intimidate a detainee. You can always take away their complaints. But if complaints are lodged from outside, the facility then has no choice. They have to address the issue and sort things out. 1E

It is often difficult for relatives to find out what kind of support a detainee might need while in a pre-trial detention facility (food, medicines, personal belongings, financial support, phone payment, etc.). If uncensored phone calls and letters are not available, exchanging information through a lawyer appears to be the only way of maintaining communication with a detainee.

Law enforcement officers may attempt to destroy the faith expressed by close ones outside. The enclosed nature of the system contributes greatly to this task. In some cases, relatives mistakenly trust law enforcement representatives, taking their support of resilience away from the detained:

[Father] was like: "you create the mess, you sort it out. Go and explain yourself. Give them answers. Since you promised them that you would come tomorrow, you should be there". 9S

However, resources of support might come not only from the outside. As has been mentioned above, on some occasions, solidarity between detainees and their collective action can contribute to progress even in the most difficult cases.

Imagine six thousand people standing up and saying: "If you don't call the medics, and the boy dies, we all kill ourselves." There is no way out for them. They have to report the issue. The administration has no choice. 7S

Other respondents felt they were responsible for staying resilient, because it is needed for their collective action with fellows sharing the same views on the struggle of power.

I met a man in the pre-trial detention center. He was tortured by the same officers who tortured me. <...> he approached me. <...> everybody there knew that we [both] were writing complaints. He told me, "Don't give up, for God's sake. Go through with it <...>" 1S

Political opinion in a narrow meaning also strengthens feelings of solidarity and one's rightness, which may not correspond to law enforcement representatives' views. One of the respondents who was arrested at a political demonstration recounted his own experience.

[The policeman] asked me, "Why is everyone laughing here [in the police van]? You were arrested. We will take you in for questioning." <...> I said, "You see, everyone here understands why they are here." He said, "Actually it's the first time I see people laughing after the cops arrested them." 6S

Many survivors of torture, who addressed the human rights defenders, emphasised the selflessness of the human rights defenders who

help without seeking to profit, show a friendly face and empathy towards them; sometimes they even provide financial support from their personal savings. At those moments, the impact of human rights activists on detainees' resilience extends beyond the scope of mandatory legal support. Their involvement encourages the will to fight for justice.

I wouldn't probably win anything. <...> I'm not quite sure I could have made it without [my lawyer] either <...>. And one most important thing: he's doing it for a good cause, he has no axe to grind." 10S

Preserving inherent self-image, morale and goals
Sometimes attacks on human dignity accompany the ones made on the body; in other cases, they are a stand-alone practice. Survivors of state agents' violence often mention that they were insulted, humiliated, and "bad-mouthed". Even a single word or a slight push could be the last drop in the process of "losing oneself" or feeling as "nothing":

They call you names, they can poke you, they can smack your head or your bottom, they can pull and push you. ... For them, you're nothing. It's like an operator in a factory, he does not treat machines as human beings. Same thing here. 11S

Respondents commonly referred to ethical categories, such as "morals", "truth", "justice". As many of them repeatedly mentioned, believing in their innocence and being confident that justice would eventually prevail helped them to endure the situation immensely:

You shouldn't be afraid. Everything will be fine if you're absolutely sure that you didn't do anything. 10S

Continuing to “feel human” is supported by keeping the sense of one’s purpose. For example, 3S, a mother whose son was killed by the police officers, mentioned feeling that she had no right to abandon her mission to find the law enforcement officers who committed the crime because she made a mental promise.

When integrity is challenged, self-understanding and clinging to the previously chosen meaningful values “to the end” empower many.

First of all, you have to be honest with yourself. <...> “Get into the basket, if you call yourself a mushroom.”⁶ If you start something, then you’ll have to keep going until the end. No back down. No half-truths. Never stop until you complete your task. Show yourself respect. You respect yourself if you can go the distance. You see, I respect myself very much. 7S

Not only detainees use the optics of dignity to view their situation. Another example can be seen in criminal investigation officers who offer their victims snacks and other small comforts right after the torture as a form of “apology”. Such gestures may serve as a way for the torturers to maintain their sense of self as a dignified actor in a just situation. The victim could turn this image around by making a choice to refuse to accept these gestures.

Discussion

We demonstrated that torture environment involves specific practices of challenging one’s resilience and measures of exercising it. Measures correspond to the challenge, to the extent that is allowed by the asymmetry of power. Exercising resilience, even though

it might bring positive outcomes for the immediate or future situations, is often related to loss and risk for the survivor. Take a prisoner who writes official complaints in order to change the guard’s attitude, while he is the only person writing and sending these types of documents. His behaviour is risky because of his complaints: administrative staff might perceive them as a strong weapon.

By exercising resilience individuals acquire a sense of inner freedom that is difficult to control externally when they feel that they constitute something “bigger and better” than just an object of attention of the law enforcement system. Even if the situation remains unchanged and there is no apparent success (e.g., in the form of further developments in the case, improvement of detention conditions, cessation of physical violence, etc.), just seeing the ways of potential resilience without practicing them offers alternative optics.

The list of the situations and measures provided in this article is by no means exhaustive, and not each one of them could be regarded as a “best practice”, many of them being more like a last resort (meaning that they are risky and could cause torture escalation). Rather, what this list represents is an invitation for the academic and expert community to broaden our theoretical understanding of resilience and explore practical techniques. On the surface of such work lies the opportunity to offer better help to torture survivors, as well as to provide training. Additionally, dedicating research to this topic may help shift the social perception of torture survivors from someone merely vulnerable, deficient and requiring help, to people who exercise resilience in the most difficult situations; this shift might become empowering in itself.

⁶ Russian proverb meaning the same as “In for a penny, in for a pound”.

References

- Bocharov, T. & Moiseyeva, E. (2017). Byt' advokatom v Rossii: sotsiologicheskoye issledovaniye professii [Being a lawyer in Russia: a sociological study of the profession]. St Peterburg.: Yevropeyskiy universitet v Sankt- Peterburge.
- Catucci, S. (2018). The prison beyond its theory between Michel Foucault's militancy and thought. In Johnsen, B., Giofrè, F., & Fransson, E. (Eds.), *Prison, Architecture and Humans* (pp. 329-342). Cappelen Damm Akademisk/Nordic Open Access Scholarly Publishing.
- Clair, M. K. (2018). *Privilege and punishment: Unequal experiences of criminal justice* (Doctoral dissertation).
- Daly, L.M. (2020) Resilience: An Integrated Review. *Nursing Science Quarterly*, 33(4), 330-338
- Decisions of Council of Europe from 16th of March, 2022. Retrieved from https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a5d7d9
- Endreß, M. (2015). The Social Constructedness of Resilience. *The Social Sciences*, 4, 1-13.
- Foucault, M. (1995). *Discipline and punish: the birth of the prison*. 2nd Vintage Books ed. New York, Vintage Books.
- Frankl, V. E. (1959). *Man's search for meaning*. Boston: Beacon.
- Gudkov, L., Zorkaya N. & Kochergina Y. (2019). Pytki v Rossii: rasprostranennost' yavleniya i otosheniye obshchestva k probleme [Torture in Russia: the prevalence of the phenomenon and the attitude of society to the problem]. M.: Levada-Tsentr. Retrieved from https://pytkam.net/wp-content/uploads/2020/09/analiticheskiy_otchet_final-2.pdf
- Genprokuratura obnaruzhila massovyie narusheniya vo FSIN pri primenenii sily k zaklyuchennym [The Prosecutor General's Office discovered massive violations in the Federal Penitentiary Service when using force against prisoners]. (2019). *Kommersant, Proisshestiya*. Retrieved from <https://www.kommersant.ru/doc/3939066>
- Hannah-Mofat, K., & Maurutto, P. (2012). Shifting and Targeted Forms of Penal Governance: Bail, Punishment and Specialised Courts. *Theoretical Criminology*, 16 (2), 201-219. <https://doi.org/10.1177/1362480612443302>
- Keene D.E., Smoyer A.B., Blankenship K.M. Stigma, housing and identity after prison. *The Sociological Review*, 2018, vol. 66, iss. 4, pp. 799-815. <https://doi.org/10.1177/0038026118777447>
- Koenig, K.A., Stover, E. & Fletcher, L.E. (2009). The cumulative effect: a medico-legal approach to United States torture law and policy. *Essex Human Rights Review*, 6(1), 145-168.
- Lavie, S. (2014) *Wrapped in the Flag of Israel: Mizrahi Single Mothers and Bureaucratic Torture*. New York: Berghahn.
- Omelchenko, E. (2016). Krasnyye i chernyye: gendernoye izmereniye struktur razlichiya i isklyucheniya v muzhskikh koloniyakh [Reds and Blacks: The Gender Dimension of Structures of Difference and Exclusion in Male Colonies]. *Zhurnal sotsiologii i sotsial'noy antropologii*, 19(2), 142-158.
- Pallot, J. (2005). Russia's penal peripheries: Space, place and penalty in Soviet and post-Soviet Russia. *Transactions of the Institute of British Geographers*, 30(1), 98-112. <https://doi.org/10.1111/J.1475-5661.2005.00154.X>
- Pallot, J., Piacentini, L., & Moran, D. (2012). *Gender, geography, and punishment: The experience of women in carceral Russia*. Oxford University Press.
- Pérez-Sales, P. (2020) Psychological torture. In P. Malcolm D. Evans & Jens M. (Eds.), *Research Handbook on Torture: Legal and Medical Perspectives on Prohibition and Prevention* (pp. 432-454). Cheltenham: Edward Elgar Publishing.
- Piacentini, L. & Pallot, J. (2014). 'In Exile Imprisonment' in Russia. *British Journal of Criminology*, 54(1), 20-37. <https://doi.org/10.1093/BJC/AZT062>
- Power, J., Goodyear, M., Maybery, D., Reupert, A., O'Hanlon, B., Cuff, R., & Perlesz, A. (2016). Family resilience in families where a parent has a mental illness. *Journal of Social Work*, 16(1), 66-82. <https://doi.org/10.1177/1468017314568081>
- Rampin et al., (2021). Taguette: open-source qualitative data analysis. *Journal of Open Source Software*, 6(68), 3522, <https://doi.org/10.21105/joss.03522>
- Shankar, A., Cherrier, H., & Canniford, R. (2006). Consumer empowerment: a Foucauldian interpretation. *European Journal of Marketing*, 40(9/10), 1013-103. <https://doi.org/10.1108/03090560610680989>
- Runova, K. (2019). 'Neumestnaya' gumannost': kak rabotayut vrachi v penitentsiarnoy sisteme Rossii ["Inappropriate" humanity: how doctors work in the Russian penitentiary system]. *Zhurnal issledovaniy sotsial'noy politiki*, 17(3), 345-358.
- World Prison Population List, 2021. Retrieved from https://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_13th_edition.pdf

Voice hearing in refugees survivors of traumatic events

Alberto Barbieri¹, Federica Visco-Comandini¹, Danilo Alunni Fegatelli², Anna Dessì³, Giuseppe Cannella³, Antonella Stellacci¹, Giulia de Lucia¹ and Lucia Maulucci¹

Abstract

Introduction: Voice hearing (VH) is commonly associated with psychosis but it has also been reported in PTSD. The aim of this cross-sectional study was to identify the prevalence of VH in a sample of 110 treatment-seeking trauma-affected refugees, and to examine the relative role of certain interpersonal traumatic events (i.e., torture, imprisonment, sexual assault, non-sexual assault), PTSD severity as well as a range of socio-demographic variables in the emergence of VH.

Methods: VH was operationalised in accordance with item 27 of Dissociative Experiences Scale-II. PTSD symptoms were assessed using the PTSD Checklist for DSM-5 (PCL-5). The relationship between potential predictor variables and VH was analyzed using binary logistic regression.

Results: The VH prevalence rate in our sample was 29.1%. Among traumatic events only torture significantly predicted the emergence of VH. Also PTSD severity and a higher

degree of education were significantly associated with VH.

Discussion: Our study confirms that the experience of VH is relatively frequent in refugee population surviving traumatic events. Moreover, this study suggests the construct validity of severe PTSD with VH related to specific interpersonal traumatic events such as torture. These findings have important diagnostic and therapeutic implications, as increased awareness by clinicians that VH is not uncommon in trauma-affected refugees can potentially reduce misdiagnosis, e.g., by preventing cases of PTSD from being misidentified as psychosis. It is crucial to provide health care professionals with adequate knowledge on the diagnosis and treatment of these particularly complex patterns of post-traumatic disorders in refugees, as they are increasingly present in daily clinical practice in both developing and high-income countries.”

Keywords: Voice hearing, hallucinations, PTSD, torture, refugees

Introduction

The term voice hearing (VH) refers to the experience of hearing voices in the absence of corresponding external stimuli and is considered a hallucinatory experience. According to the *Diagnostic and Statistical Manual of Mental Disorders, fifth edition (DSM-5; Amer-*

- 1) Medu Psychè Center for Transcultural Mental Health, via Trebbia 3 00185 Rome, Italy.
Correspondence to:
alberto.barbieri@mediciperidrittiumani.org
- 2) Department of Public Health and Infectious Diseases, Sapienza University of Rome, Piazzale Aldo Moro 5 00185 Rome
- 3) Medu Clinical Center, via Archimede 183 97100 Ragusa, Italy

<https://doi.org/10.7146/torture.v33i3.140211>

International Rehabilitation Council for Torture Victims.

ican Psychiatric Association [APA], 2013), hallucinations are perception-like experiences that occur without an external stimulus. They are vivid and clear, with the full force and impact of normal perceptions, and not under voluntary control. Specifically, auditory hallucinations involve the perception of sound, most frequently of voices (i.e., auditory verbal hallucinations- AVHs) but sometimes of clicks or other noises, that are not restricted to the period of awakening or the onset of sleep. AVHs are usually experienced as voices, whether familiar or unfamiliar, that are perceived as distinct from the individual's own thoughts. On the contrary, the concept of pseudohallucination was originally introduced in psychiatry to designate any hallucinatory phenomenon that does not exhibit some of the above-mentioned characteristics of hallucination. According to Karl Jaspers' characterisation (Jaspers, 1913), auditory pseudohallucinations have been defined as phenomena that, although they have all the characteristics of hallucinations, are not experienced in the outer external world as the true hallucinations but appear in subjective inner space (e.g., experiences recognised as being the person's own thoughts) (López-Silva, Cavieres, & Humpston, 2022). Although in recent years the concept of pseudohallucination has been the subject of several phenomenological, conceptual and empirically-based criticisms (van der Zwaard & Polak, 2001), auditory pseudohallucinations (e.g., having the sensory experience of hearing one's thoughts spoken in one or more different voices) are still mentioned in the DSM-5 (2013) as associated features supporting PTSD diagnosis. In a historical review of the concept of pseudohallucination, Berrios & Dening (1996) conclude that among the various critical aspects is the fact that the concept of pseudohallucination is a vicarious construct

(i.e. one created by a temporary conceptual need, and which is not associated with a biological invariant) of the hallucination one, and that the latter has proven to be much more unstable than is usually recognised. Henceforth, we will use the term VH to refer to the experience of hearing voices in the absence of external stimuli.

While VH is commonly associated with psychosis (American Psychiatric Association, 2013), there is now growing evidence that VH is not uncommon in general population, and is not necessarily an indicator of psychopathology (Baumeister, Sedgwick, Howes, & Peters, 2017; Linscott & van Os, 2013). In this regard, several large-scale investigations have identified rates of up to 16% lifetime prevalence of VH in adult nonclinical community populations (Longden, Madill, & Waterman, 2012). On the other hand, this experience has also been reported by several studies on non-psychotic mental health conditions including trauma-related disorders (Crompton, Lahav, & Solomon, 2017; Jessop, Scott, & Nurcombe, 2008) and dissociative disorders (Dell, 2006; Middleton & Butler, 1998). While the exact pathophysiology underlying VH remains unknown in both psychosis and non-psychotic conditions, VH in trauma-related disorders have been conceptualised predominantly as a dissociative phenomenon (Brewin & Patel 2010; Dell, 2006; Longden, Madill, & Waterman, 2012)). Existing data in the literature on prevalence rates of VH in trauma-related disorders vary widely depending on the VH operational definition/description, on how VH is measured as well as on differences in patient samples. VH has been reported in 13.9-59.6% of patients with PTSD related to military combat (Anketell et al., 2010; Brewin & Patel 2010; Butler, Mueser, Sprock, & Braff, 1996; Crompton, Lahav, & Solomon, 2017; David, Kutcher, Jackson, & Mellman, 1999; Hamner, Frueh, Ulmer, & Arana, 1999;

Mueser & Butler, 1987; Wilcox, Briones, & Suess, 1991), and in 5-85% of civilian samples with PTSD (Anketell et al., 2010; Brewin & Patel 2010; Clifford, Dalgleish, & Hitchcock, 2018; Scott, Nurcombe, Sheridan, & McFarland, 2007). Indeed, there are currently few investigations on VH in the civilian population with PTSD and even fewer among refugees. On the other hand, studies of VH in refugee populations are needed for several reasons. First, this population is exposed to a high number of prolonged interpersonal traumatic events and the consequent risk to develop severe trauma-related psychopathology (Fazel et al., 2005; Palic, Kappel, Nielsen, Carlsson, & Bech, 2014; Steel et al., 2009;). Studies on the prevalence of PTSD in refugees worldwide have found a prevalence between 10–30% (Fazel et al., 2005; Steel et al., 2009). Second, over the past decade, the global population of forcibly displaced people has been drastically growing from 51.2 million in 2013 to 108.4 million in 2022, reaching a record high (UNHCR, 2023). Moreover, refugees present different characteristics than war veterans and the general civilian population since they have to start a new life in a different environment after exposure to trauma, which often involves a new environment with a new culture/society/language and lack of support from surrounding family and friends (Carlsson, Sonne, & Silove, 2014; Kessler et al., 2014). To date, only three studies have investigated VH among trauma-affected refugees showing that this symptom is relatively common in treatment-seeking refugees although its etiology is still poorly understood. In a sample of trauma-affected refugees with PTSD, Nygaard, Sonne, & Carlsson (2017) found that 27.1% of patients reported auditory hallucinations. The PTSD group with auditory hallucinations and other secondary

psychotic features (i.e. delusions and other hallucinations) included significantly more patients exposed to torture ($P = 0.001$) and imprisonment ($P = 0.005$). This is consistent with several case studies (Norredam, Jensen, & Ekstrøm, 2011; Pinto & Gregory, 1995; Wenzel, Kieffer, & Strobl Wenzel, 1999) and quantitative studies (Kucukalić, Bravo-Mehmedbasić, & Dzubur-Kulenović, 2004; Wenzel, Griengl, Stompe, Mirzaei, & Kieffer, 2000) that have described co-occurrence of PTSD and auditory hallucinations in patients who survived torture. In another sample of PTSD refugee patients from the same outpatient clinic as the previous study, Rathke, Poulsen, Carlsson, & Palic (2020) found an auditory hallucinations prevalence rate of 22.4%. Neither torture, nor other war-trauma (ex-combatant, imprisonment, civilian war trauma) predicted PTSD with psychotic symptoms (i.e., auditory and visual hallucinations and persecutory delusions) but comorbid depression did. In a third study on trauma-affected Cambodian refugees, auditory hallucinations rate was rather different (i.e., 42% in the overall sample and 67% in the PTSD group), but in this case not only the auditory hallucinations heard in wakefulness but also those perceived in falling asleep and waking were counted (Hinton, 2021).

The aim of the present study was to identify the prevalence of VH in a sample of treatment-seeking trauma-affected refugees, and to examine the relative role of torture and some other interpersonal traumatic events ((i.e., imprisonment, sexual assault, non-sexual assault) as well as PTSD severity and a range of socio-demographic variables in the emergence of VH. Based on existing evidence, we hypothesised that: (a) our sample would present a relevant prevalence of VH; (b) torture would predict the emergence of VH.

Material and methods

Participants

This study was approved by the Ethics Committee of the School of Cognitive Psychotherapy of Rome (Italy). Before attending the study session, participants first completed written informed consent. The data for these analyses were obtained as part of an initial routine assessment of 110 refugees and asylum-seekers who were seeking treatment and psycho-social support for trauma-related mental health disorders at 3 outpatient units: the two clinical units for victims of torture managed by the humanitarian organisation MEDU (Doctors for Human Rights, Italy) in Rome (MEDU Psych Center) and Ragusa (Italy), and the psychological service in the reception center for asylum seekers (CARA) in Bari (Italy). To be eligible for the study participants were required to: a) be a refugee or an asylum seeker, b) be over the age of 18, c) be in the initial clinical assessment phase and d) be able to speak fluently one of the study languages (English, French, Arabic, Spanish). Exclusion criteria were the presence of a primary psychotic disorder and a bipolar disorder diagnosis, alcohol or drug abuse and the inability to complete the PTSD symptoms or the trauma exposure questionnaires due to mental disability. Of the 151 patients considered eligible for the study, 21 did not complete the PTSD symptoms or the trauma exposure questionnaires (amongst them, some were transferred to reception centers located in other cities [$n=15$], some others left the reception centers autonomously [$n=6$] before finishing the evaluation sessions) and therefore they were not included in the sample. The final sample size was 110 participants. Gender ($\chi^2 = .78$, $p = .51$) and age (two sample t-test; $p = .19$) distribution of the 21 patients not included did not show significant differences with the

sample group of this study. Data was collected between March 2016 and October 2022. The sample comprised 78 men (70.9%) and 32 women (29.1%). Participants in this study had a mean age of 28.6 years ($SD = 7.05$) and they had lived in Italy for a mean of 14.5 months ($SD = 17.5$). Participants were from 33 Countries spread across West Africa ($n = 63$, 57.3%), North Africa ($n = 21$, 19.1%), South Asia ($n = 7$, 6.4%), Central Africa ($n = 7$, 6.4%), East Africa ($n = 4$, 3.6%), Middle East ($n = 5$, 4.5%), South and Central America ($n = 2$, 1.8%).

The majority of participants were unemployed ($n = 100$, 90.9%) with a mean of 7.92 years of education ($SD = 4.96$; range 0-18 years). Regarding legal status, only 14.5% ($n = 16$) of the participants got a residence permit for international protection (i.e. refugee or subsidiary protection status), humanitarian protection or for employment, while the majority were still asylum seekers ($n=94$, 85.5%). Regarding residence, participants were hosted in one of these three types of residences: 1) large reception centers with over 800 guests ($n = 49$, 44.5%); 2) medium to small reception centers with less than 400 guests ($n = 55$, 50.0%); and 3) other small reception facilities ($n = 6$, 5.5%).

Procedure and measures

Measures were administered within a clinical setting as a standard clinical assessment. Participants provided sociodemographic details first, after which they completed, in the following order, the PCL-5 scale, the trauma exposure questionnaires and the DES Item 27. The translated versions of the questionnaires were read out loud for the participants to avoid possible reading disabilities. Participants listened to each item and possible responses in the study languages (i.e. Arabic, English, French, Spanish). Participants then

vocalised their response. The research assessment lasted about 60 to 90 minutes. Participants were assisted by a team which included a trained interpreter/cultural mediator, a medical doctor and/or a clinical psychologist with a minimum of 3 years' experience in mental health work with refugees.

PTSD: We assessed symptoms of PTSD using the PTSD Checklist for DSM-5 (PCL-5; Weathers et al., 2013; Cronbach's $\alpha = .86$ [0.83 - 0.89]). The PCL-5 is a 20-item self-report measure that assesses the 20 DSM-5 symptoms of PTSD. Items are rated on a five-point scale (0 = *not at all*, 1 = *a little bit*, 2 = *moderately*, 3 = *quite a bit*, 4 = *extremely*) and a symptom is considered endorsed if the corresponding item has a score ≥ 2 . A probable diagnosis of PTSD was made on the basis of the PCL-5 cut-off score ≥ 33 (Bovin et al., 2016) and/or according to

the DSM-5 criteria which requires at least the endorsement of: one item from Cluster B (questions 1-5), one item from Cluster C (questions 6-7), two items from Cluster D (questions 8-14), two items from Cluster E (questions 15-20) (APA, 2013). The PCL-5 has been shown to be valid in both western (Bovin et al., 2016) and non-western populations (Ibrahim, Ertl, Catani, Ismail, & Neuner, 2018; Verhey, Chibanda, Gibson, Brakarsh, & Seedat, S, 2018).

Trauma exposure: We assessed trauma exposure using a 23-item instrument developed by Nickerson and colleagues (2016). This scale represented the compilation of trauma event lists from two standardised questionnaires, namely the Harvard Trauma Questionnaire (HTQ) (Mollica et al., 1992) and the Posttraumatic Diagnostic Scale (PDS) (Foa, 1996; Foa, Cashman, Jaycox & Perry, 1997).

Table 1. Descriptive Statistics of the group with VH (n=32) and the group without VH (n=78)

Covariate	Full sample N = 110		VH n =32		NO-VH n = 78	
	Mean	SD	Mean	SD	Mean	SD
Years of education	7.92	4.96	9.75	4.92	7.17	4.96
Age	28.49	7.05	28.75	7.50	28.38	7.05
Number of trauma types	8.72	3.82	7.81	3.78	9.10	3.94
Gender	M = 78 (70.9%) F = 32 (29.1%)		M = 23 (71.9%) F = 9 (28.1%)		M = 55 (70.5%) F = 23 (29.5%)	
Torture	93 (84.5%)		30 (93.7%)		63 (80.8%)	
Imprisonment	87 (79.1%)		26 (81.2%)		61 (78.2%)	
Non-Sexual Assault	84 (76.4%)		22 (68.7%)		62 (79.5%)	
Sexual Assault	35 (31.8%)		15 (46.9%)		20 (25.6%)	
PTSD diagnosis	94 (85.4%)		30 (93.7%)		64 (82.1%)	
Mean PTSD symptoms score	43.84	12.93	47.97	13.14	42.15	12.93

This scale indexed exposure to 23 traumatic events commonly experienced by refugees. Participants were asked to indicate whether they had experienced or witnessed any of the events personally. Overall trauma exposure was represented by a count of the number of traumatic event types each participant experienced (possible range: 0–23). In order to operationalise the concept of torture, this study refers to the definitions contained in articles 1 and 16 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UN General Assembly, 1984). Before responding to the questionnaire, participants were informed about the definition of torture used in this study.

Voice hearing: We assessed VH experience using the Item 27 of the Dissociative Experiences Scale-II (DES-II; Carlson & Putnam, 1993). The Dissociative Experiences Scale (DES-II) is a 28-item self-report instrument and widely used clinical tool to measure dissociation. VH is included as Item 27 on the DES-II: “Some people sometimes find they hear voices inside their head that tell them to do things or comment on things they are doing. Circle a number (0–100) to show what percentage of time this happens to you.”. The symptom was considered endorsed if the item had a score ≥ 20 . The participants were asked how often they had this experience in the last month when they were not under the influence of alcohol or drugs and whether this experience occurred while awake or if they were restricted to the period of awakening or the onset of sleep. The symptom was considered endorsed only if experienced while fully awake. The DES-II has been shown to be valid in both western (Lysenko et al., 2018) and non-western populations (Al-Eithan, Al Juban, & Robert, 2013).

Data analysis

All statistical analyses were conducted in SPSS

Table 2. Trauma Exposure Reported by Participants.

Trauma Type	n	%
Torture	93	84.5
Imprisonment	87	79.1
Lack of food or water	86	78.2
Non-sexual assault	84	76.4
Being close to death	64	58.2
Lack of shelter	57	51.8
Ill health without access to medical care	56	50.1
Disappearance or kidnapping	55	50.0
Murder of one or more strangers	51	46.4
Unnatural death of a family member or friend	40	36.4
Forced separation from family member	37	33.6
Murder of a family member or friend	34	30.9
Sexual assault by a stranger	33	30.0
Enforced isolation from others	28	25.5
Non-sexual assault by a family member or someone you know	25	22.7
Combat situation	24	21.8
Serious physical injury	19	17.3
Serious accident. fire or explosion	18	16.4
Life-threatening illness	17	15.4
Sexual assault contact when you were younger than 18 with someone who was 5 or more years older than you	16	14.5
Sexual by a family member or someone you know	14	12.7
Brainwashing	13	11.8
Natural disaster	1	0.9

Table 3. Logistic regression with VH as outcome variable

	B	S.E.	Wald	Df	OR	95% CI		p
						Lower	Upper	
Gender (M)	.111	.734	.023	1	1.118	.265	4.709	.879
Age	-.082	.043	3.557	1	.921	.846	1.003	.059
Years of education	.222	.072	9.460	1	1.248	1.084	1.437	.002
PTSD severity (PCL-5 score)	.060	.023	7.011	1	1.062	1.016	1.110	.008
Torture	2.698	1.092	6.101	1	14.846	1.745	126.272	.014
Imprisonment	.630	.775	.660	1	1.877	.411	8.581	.417
Non-sexual assault	-.786	.586	1.799	1	.456	.144	1.437	.180
Sexual assault	.783	.658	1.418	1	2.188	.603	7.938	.234
Constant	-5.811	1.865	9.709	1	.003			.002

R² = .322 (Nagelkerke);

χ^2 (8) = 3.416 (Hosmer & Lemeshow), p = .906.

Model: χ^2 (8) = 28.089, p = .000.

Overall accuracy rate = 75.5

22 (IBM, 2013). The relationship between some traumatic experiences (i.e., torture, imprisonment, non-sexual assault and sexual assault), PTSD severity, socio-demographic variables and VH was analyzed using binary logistic regression.

Results

Exposure to Trauma, PTSD and VH prevalence rates

Descriptive statistics of our sample are showed in table 1. The sample was highly trauma exposed as the participants had been exposed to a mean of 8.72 (SD = 3.82) types of traumatic events including torture (84.5%; n = 93), imprisonment (79.1%; n = 87), non-sexual assault (76.4%; n = 84) and sexual assault (31.8%; n = 35). All the participants were survivors of at least one interpersonal traumatic event in their country and/or in the migratory route (see table 2 for frequency of exposure to specific trauma types). According

to the DSM-5 criteria, the participants with PTSD were 85.4% (n=94) of the sample. According to the item 27 of the DES-II, the VH prevalence rate was 29.1% (n=32). The rate of VH was 31.9 % (n=30) among participants with PTSD and was 12.5% (n=2) among participants without PTSD.

Association of trauma types, PTSD severity and socio-demographic variables with VH

The full results of the logistic regression are presented in Table 3. According to our hypothesis, torture significantly predicted the emergence of the VH. Also PTSD severity and a higher degree of education were significantly associated with VH. The Nagelkerke R squared value was equal to 0.322 with an overall accuracy rate of 75%

Discussion

The sample of this study consisted of treatment-seeking trauma-affected refugees. The VH rate in the in the overall sample was

29.1% while in the PTSD group was 31.9%. Although this is consistent with two previous studies on treatment-seeking refugees with PTSD in which the rates of VH were 27.1% (Nygaard, Sonne, & Carlsson, 2017) and 22.4% (Rathke, Poulsen, Carlsson, & Palic, 2020) respectively, differences in the VH operational definition/description and measurement must be considered. In our study, the VH description was operationalised as a dissociative experience according to item 27 (“*Some people sometimes find they hear voices inside their head that tell them to do things or comment on things they are doing*”) of the DES-II. In the other two studies VH was conceptualised as auditory hallucinations, although the definition of auditory hallucinations was not explicitly described and their measurement was based on the patients’ psychiatric records where psychotic symptoms (i.e., hallucinations and delusions) were assessed on the basis of chapters 16–19 of the Schedules for Clinical Assessment in Neuropsychiatry (SCAN), a semi-structured clinical interview (Rijnders et al., 2000). In a another study on treatment-seeking trauma-affected refugees (Hinton, 2021), VH rate was rather different, namely 42% in the overall sample and 67% in the PTSD group. The sample consisted of Cambodian refugees survivors of the Khmer Rouge genocide and VH was conceptualised as auditory hallucinations. Patients were asked whether they had heard any sounds that scared them like a voice calling them or some other sound, and then to describe the sound so that the clinician could ascertain whether it was an auditory hallucination. Notably, auditory hallucinations were heard most often during hypnagogia and/or hypnopompia (i.e., upon falling asleep or awakening) which, according to the DSM-5, is an exclusion criterion for the operational definition of auditory hallucination. Indeed, among patients with auditory

hallucinations, only 46% experienced them when fully awake. Although the authors do not specify what the rate of AH experienced when fully awake among PTSD patients is, it is likely that it is consistent with previous studies on refugees. With regard to non-refugee adult civilian population samples, the few studies found rather discordant VH rates. In a study on 30 patients with PTSD arising primarily from adulthood trauma (50% also reported history of childhood trauma), Brewin & Patel (2010) found a VH rate of 67.0%. VH measurement was through a semi-structured interview developed by the authors. Individuals were first asked about the presence of repetitive thoughts (“a stream of thoughts that repeats a very similar message over and over again inside your head”), and if so whether the individual experienced this as a voice vs. a stream of thoughts. All patients who heard voices regarded them as manifestations of their own thoughts and based on this, the authors conceptualised VH as auditory pseudohallucinations. Anketell et al. (2010) evaluated a mixed sample of general psychiatric outpatients and those who had experienced conflict-related trauma and found that 50% of their sample with chronic PTSD reported VH. In a sample of adult survivors of physical and sexual trauma with chronic PTSD, Clifford, Dagleish, & Hitchcock (2018) administered both the item 27 of the DES-II for measuring VH and the Brewin & Patel’s semi-structured interview. Notably, in their PTSD sample, 32.5% answered positively to Item 27 of the DES-II, a rate very similar to that found in the PTSD group of our study. When the question (i.e., “*Have you been aware in the past week of a stream of thoughts that repeats a very similar message over and over again inside your head?*”) was presented within a semi structured interview, 45% of the PTSD group endorsed such experiences. However, when probed as to

whether they experienced this “*as a voice or a stream of thoughts*”, only 5% of their sample reported VH conceptualised by the authors as an auditory pseudohallucination. Jamieson et al. (2021) criticised the definition of pseudohallucinations used in this study also because the authors used a semi-structured interview instrument that initially asked whether the participant had experienced a very specific and repetitive form of hallucinatory experience. Participants were only asked about hearing the voice if they had approved this initial question and this may have led to an underestimation of the prevalence in this population. Moreover, the semi-structured interview had not been used in previous studies except Brewin and Patel (2010) and there was therefore limited information on how traumatised participants might interact with and experience this interview. Although the pathophysiological and phenomenological nature of VH in the civilian population with PTSD remains undefined, our study confirms what most previous research has found, namely that the experience of VH is relatively frequent in the refugee population. This has important diagnostic and therapeutic implications, as increased awareness by clinicians that VH is not uncommon in trauma-affected refugees can potentially reduce misdiagnosis, for example by preventing cases of PTSD from being misidentified as psychosis. This risk may be particularly significant in the case of refugees and immigrants as communication between patients and clinicians is often hindered by language and cultural barriers, which in turn may foster difficulties in symptom assessment and misdiagnosis (Adeponle, Thombs, Groleau, Jarvis, & Kirmayer, 2012; Kirmayer, Groleau, Guzder, Blake, & Jarvis, 2003). With regard to treatment, it is particularly important to remember that to date, unlike in psychotic disorders, there is no evidence to recommend antipsychotic drugs

for PTSD with secondary psychotic features such as auditory hallucinations and delusions (Compean & Hamner, 2019). On the other hand, a correct and timely diagnosis will allow the appropriate trauma-focused psychotherapeutic and pharmacological treatments to be set up and will reduce the risk of chronicisation.

We also sought to evaluate the relationship of certain interpersonal traumatic events often experienced by refugees, PTSD severity as well as a range of socio-demographic variables with the VH experience. Coherently with our hypothesis, our findings suggest that torture may be relevant to the development of the experience of VH. This is in agreement with Nygaard and colleagues (2017) conclusions. Conversely, the other types of interpersonal traumatic events tested in this study (i.e. detention, non-sexual assault and sexual assault) do not seem to significantly predict VH. In our study, the severity of PTSD symptoms also seems to significantly predict the occurrence of VH. These two latter findings suggest the construct validity of a severe type of PTSD with VH related to specific interpersonal traumatic events such as torture. This is in contrast to some previous studies on individuals with combat trauma PTSD (David, Kutcher, Jackson, & Mellman, 1999; Hamner, 1997) and mixed trauma PTSD (Anketell et al., 2010), in which PTSD severity was not associated with the presence of psychotic symptoms including auditory hallucinations. On the other hand, another study on combat veterans with PTSD but without a primary psychotic disorder, found that in the group of patients with psychotic features (i.e., mainly auditory and visual hallucinations and delusions), a more severe psychosis ratings corresponded to a more severe PTSD disease burden (Hamner, Frueh, Ulmer, & Arana, 1999).

In our sample also a higher degree of education was significantly associated with VH. This is an unexpected finding with no reference in the limited previous literature on the subject. We can only preliminarily hypothesise that a higher degree of education may have corresponded with a greater awareness of the presence of the VH symptom and a bio-psychosocial explanation of the phenomenon, which may have been associated with a greater help-seeking and symptom disclosure attitude. Conversely, a condition of illiteracy or a very low degree of education may have led to a disclosure bias, that is, a certain degree of reticence in declaring a phenomenon (i.e., VH) that may have been regarded by the patient as having a magical or religious origin and therefore little comprehensible to Western clinicians unfamiliar with their culture. A recent narrative review by Ghanem, Evangeli-Dawson & Georgiades (2023) on the phenomenology and explanatory models of hallucinations and delusions across cultures, found that patients who endorsed a bio-psychosocial explanation of their symptoms tended to be more help-seeking than patients endorsing other explanatory models. According to this study, Asian and Latino patients endorsed mainly religious-spiritual explanatory models, while African patients opted for a bewitchment model, seeking help initially through traditional faith healers. Despite this, a recent study showed that the majority of African students at one of Nigeria's most multi-ethnic universities suggested help-seeking according to the bio-psychosocial (i.e., mental health professionals) for hallucinations and delusions during psychosis, with only 10% suggesting religious help-seeking (Aluh, Okonta, & Odili, 2019). Increasing levels of study were associated with better parameters of mental health literacy. This could suggest that a higher level of education may correspond to a greater willingness to disclose

one's voice hearing symptom to mental health professionals and seek their help. Either way, the findings of the present study should be interpreted cautiously and need replication in a larger series of patients.

Our findings should be considered in the context of several limitations. Our sample of trauma-affected refugees represents a culturally diverse and heterogeneous group. They are probably broadly representative for refugees seeking treatment in European countries, but not for refugee populations in general. Although both PCL-5 and DES-II have been shown to be valid in non-western populations, there may have been cultural differences in the description and interpretation of symptoms and experiences, as participants in this study had a wide variety of cultural backgrounds from Africa to Asia and Latin America. Indeed, construct validity of posttraumatic and dissociative symptoms are to some degree limited in non-western patients, when using instruments developed for western populations. At this regard, the use in this study of trained interpreters allowed to enhance a culturally appropriate understanding of the patient's experiences (Skammeritz, Sari, Jiménez-Solomon, & Carlsson, 2019). Nonetheless, while the relevance of culture and religion in shaping hallucinatory experiences is well known (Larøi et al., 2014), this study has the limitation of not specifically investigating the impact of culture and religion in the emergence of VH. Furthermore, this study entailed secondary analysis of existing data, and the data were not collected from all patients consecutively admitted to or evaluated at our 3 outpatient units. Thus, the total sample in our denominator may not be fully representative of trauma-affected refugees, let alone trauma-affected refugees at our 3 outpatient units. On the other hand, as the primary aims of administering the questionnaires is for the purpose of a routine clinical

assessment, there was no active bias to deliberately seek out voice hearing individuals for recruitment. Another major limitation is that our sample of 110 patients is small, and the proportions we observed in our study may not necessarily reflect the true prevalence of VH, which would be best estimated by largescale, population-based epidemiological studies. On the other hand, a sample size of 110 is relatively large in the scope of the existing literature on voice hearing among trauma-affected refugees. Moreover, VH was operationalised in this study in accordance with the narrow definition of item 27 of DES-II and therefore it is likely that not all VH experienced by participants was actually detected. Indeed, this study investigated VH exclusively from one perspective (i.e., dissociation) without claiming to address all multiple pathways of such a complex phenomenon that encompasses both psychopathology and non-clinical population. Finally, we did not examine depression, which is often found in co-morbidity with PTSD and has been shown in some refugee studies to be a predictor of PTSD with psychotic features.

Conclusions

Even with all the limitations described, this study contributes to shed light on a phenomenon that is as common as it is still little studied, that is, the presence of psychotic-like symptoms, and in particular VH, in a rapidly growing population worldwide such as refugee survivors of severe interpersonal traumatic events. Moreover, this study suggests the construct validity of severe PTSD with VH related to specific interpersonal traumatic events such as torture. This is an important area of research, not only because of the theoretical implications, but also and above all to provide health care professionals with adequate knowledge on the diagnosis, psychoeducation and treatment of particularly

complex patterns of post-traumatic disorders that are increasingly present in daily clinical practice in both developing and high-income countries.

References

- Adeponle, A. B., Thombs, B. D., Groleau, D., Jarvis, E., & Kirmayer, L. J. (2012). Using the cultural formulation to resolve uncertainty in diagnoses of psychosis among ethnoculturally diverse patients. *Psychiatric services (Washington, D.C.)*, 63(2), 147–153. <https://doi.org/10.1176/appi.ps.201100280>
- Al-Eithan, M., Al Juban, H., & Robert, A. A. (2013). Dissociative experiences and their relationship to mood problems among Arab mothers of disabled children. *The Pan African medical journal*, 15, 21. <https://doi.org/10.11604/pamj.2013.15.21.2229>
- Aluh, D. O., Okonta, M. J., & Odili, V. U. (2019). Cross-sectional survey of mental health literacy among undergraduate students of the University of Nigeria. *BMJ open*, 9(9), e028913. <https://doi.org/10.1136/bmjopen-2019-028913>
- American Psychiatric Association. (2013). *Diagnostic and statistical manual of mental disorders (5th ed.)*. American Psychiatric Publishing.
- Anketell, C., Dorahy, M. J., Shannon, M., Elder, R., Hamilton, G., Corry, M., MacSherry, A., Curran, D., & O'Rawe, B. (2010). An exploratory analysis of voice hearing in chronic PTSD: potential associated mechanisms. *Journal of trauma & dissociation (ISSD)*, 11(1), 93–107. <https://doi.org/10.1080/15299730903143600>
- Baumeister, D., Sedgwick, O., Howes, O., & Peters, E. (2017). Auditory verbal hallucinations and continuum models of psychosis: A systematic review of the healthy voice-hearer literature. *Clinical psychology review*, 51, 125–141. <https://doi.org/10.1016/j.cpr.2016.10.010>
- Berrios, G. E., & Dening, T. R. (1996). Pseudohallucinations: a conceptual history. *Psychological medicine*, 26(4), 753–763. <https://doi.org/10.1017/s0033291700037776>
- Bovin, M. J., Marx, B. P., Weathers, F. W., Gallagher, M. W., Rodriguez, P., Schnurr, P. P., & Keane, T. M. (2016). Psychometric properties of the PTSD Checklist for Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (PCL-5) in veterans. *Psychological assessment*, 28(11), 1379–1391. <https://doi.org/10.1037/pas0000254>
- Brewin, C. R., & Patel, T. (2010). Auditory pseudohallucinations in United Kingdom war veterans and civilians with posttraumatic stress

- disorder. *Journal of Clinical Psychiatry*, 71, 419–425. <https://doi.org/10.4088/JCP.09m05469blu>.
- Butler, R. W., Mueser, K. T., Sprock, J., & Braff, D. L. (1996). Positive symptoms of psychosis in posttraumatic stress disorder. *Biological psychiatry*, 39(10), 839–844. [https://doi.org/10.1016/0006-3223\(95\)00314-2](https://doi.org/10.1016/0006-3223(95)00314-2)
- Carlson, E. B., & Putnam, F. W. (1993). An update on the Dissociative Experiences Scale. *Dissociation*, 6, 16–27.
- Carlsson, J., Sonne, C., & Silove, D. (2014). From pioneers to scientists: challenges in establishing evidence-gathering models in torture and trauma mental health services for refugees. *The Journal of nervous and mental disease*, 202(9), 630–637. <https://doi.org/10.1097/NMD.000000000000175>
- Clifford, G., Dalgleish, T., & Hitchcock, C. (2018). Prevalence of auditory pseudohallucinations in adult survivors of physical and sexual trauma with chronic post-traumatic stress disorder (PTSD). *Behaviour research and therapy*, 111, 113–118. <https://doi.org/10.1016/j.brat.2018.10.015>
- Compean, E., & Hamner, M. (2019). Posttraumatic stress disorder with secondary psychotic features (PTSD-SP): Diagnostic and treatment challenges. *Progress in neuro-psychopharmacology & biological psychiatry*, 88, 265–275. <https://doi.org/10.1016/j.pnpbp.2018.08.001>
- Crompton, L., Lahav, Y., & Solomon, Z. (2017). Auditory hallucinations and PTSD in ex-POWS. *Journal of trauma & dissociation: the official journal of the International Society for the Study of Dissociation (ISSD)*, 18(5), 663–678. <https://doi.org/10.1080/15299732.2016.1267682>
- David, D., Kutcher, G. S., Jackson, E. I., & Mellman, T. A. (1999). Psychotic symptoms in combat-related posttraumatic stress disorder. *The Journal of clinical psychiatry*, 60(1), 29–32. <https://doi.org/10.4088/jcp.v60n0106>
- Dell P. F. (2006). A new model of dissociative identity disorder. *The Psychiatric clinics of North America*, 29(1), 1–vii. <https://doi.org/10.1016/j.psc.2005.10.013>
- Fazel, M., Wheeler, J., & Danesh, J. (2005). Prevalence of serious mental disorder in 7000 refugees resettled in western countries: a systematic review. *Lancet (London, England)*, 365(9467), 1309–1314. [https://doi.org/10.1016/S0140-6736\(05\)61027-6](https://doi.org/10.1016/S0140-6736(05)61027-6)
- Foa, E.B. (1996). Posttraumatic diagnostic scale manual. Minneapolis, MN: National Computer Systems.1996.
- Foa, E.B., Cashman, L., Jaycox, L., Perry K. (1997). The validation of a self-report measure of posttraumatic stress disorder: The posttraumatic diagnostic scale. *Psychological Assessment*; 9(4), 445–451.
- Ghanem, M., Evangeli-Dawson, C., & Georgiades, A. (2023). The role of culture on the phenomenology of hallucinations and delusions, explanatory models, and help-seeking attitudes: A narrative review. *Early Intervention in Psychiatry*, 17(9), 843–863. <https://doi.org/10.1111/eip.13449>
- Hamner M. B. (1997). Psychotic features and combat-associated PTSD. *Depression and anxiety*, 5(1), 34–38. [https://doi.org/10.1002/\(sici\)1520-6394\(1997\)5:1<34::aid-da6>3.0.co;2-5](https://doi.org/10.1002/(sici)1520-6394(1997)5:1<34::aid-da6>3.0.co;2-5)
- Hamner, M. B., Frueh, B. C., Ulmer, H. G., & Arana, G. W. (1999). Psychotic features and illness severity in combat veterans with chronic post-traumatic stress disorder. *Biological Psychiatry*, 45, 846–852. [https://doi.org/10.1016/S0006-3223\(98\) 00301-1](https://doi.org/10.1016/S0006-3223(98) 00301-1).
- Hinton D. E. (2021). Auditory Hallucination Among Traumatized Cambodian Refugees: PTSD Association and Biocultural Shaping. *Culture, Medicine and Psychiatry*, 45(4), 727–750. <https://doi.org/10.1007/s11013-020-09701-6>
- Ibrahim, H., Ertl, V., Catani, C., Ismail, A. A., & Neuner, F. (2018). The validity of Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5) as screening instrument with Kurdish and Arab displaced populations living in the Kurdistan region of Iraq. *BMC Psychiatry*, 18(1), 259. <https://doi.org/10.1186/s12888-018-1839-z>
- Ivezic, S., Bagarić, A., Oruč, L., Mimica, N., & Ljubin, T. (2000). Psychotic symptoms and comorbid psychiatric disorders in Croatian combat related post-traumatic stress disorder patients. *Croatian Medical Journal*, 41, 179–183.
- Jamieson, M. K., Alderson-Day, B., Allan, S., Brand, R., Gumley, A., Hart, A., Matrunola, C., & Thomas, N. (2021). Reply to Clifford, G., Dalgleish, T. and Hitchcock, C., 2018. Prevalence of auditory pseudohallucinations in adult survivors of physical and sexual trauma with chronic post-traumatic stress disorder (PTSD). *Behaviour research and therapy*, 111, pp.113–118. <https://doi.org/10.1016/j.brat.2020.103789>
- Jaspers K. (1913). *Allgemeine Psychopathologie*. Berlin: Springer
- Jessop, M., Scott, J., & Nurcombe, B. (2008). Hallucinations in adolescent inpatients with post-traumatic stress disorder and schizophrenia: similarities and differences. *Australasian psychiatry: bulletin of Royal Australian and New*

- Zealand College of Psychiatrists*, 16(4), 268–272. <https://doi.org/10.1080/10398560801982580>
- Kessler, R. C., Rose, S., Koenen, K. C., Karam, E. G., Stang, P. E., Stein, D. J., Heeringa, S. G., Hill, E. D., Liberzon, I., McLaughlin, K. A., McLean, S. A., Pennell, B. E., Petukhova, M., Rosellini, A. J., Ruscio, A. M., Shahly, V., Shalev, A. Y., Silove, D., Zaslavsky, A. M., Angermeyer, M. C., ... Carmen Viana, M. (2014). How well can post-traumatic stress disorder be predicted from pre-trauma risk factors? An exploratory study in the WHO World Mental Health Surveys. *World Psychiatry: official journal of the World Psychiatric Association (WPA)*, 13(3), 265–274. <https://doi.org/10.1002/wps.20150>
- Kirmayer, L. J., Groleau, D., Guzder, J., Blake, C., & Jarvis, E. (2003). Cultural consultation: a model of mental health service for multicultural societies. *Canadian Journal of Psychiatry. Revue canadienne de psychiatrie*, 48(3), 145–153. <https://doi.org/10.1177/070674370304800302>
- Kucukalić, A., Bravo-Mehmedbasić, A., & Dzibur-Kulenović, A. (2004). Specific differences in trauma related symptoms between the refugees survivors of torture and refugees of war. *Psychiatria Danubina*, 16(1-2), 55–60.
- Larøi, F., Luhrmann, T. M., Bell, V., Christian, W. A., Jr, Deshpande, S., Fernyhough, C., Jenkins, J., & Woods, A. (2014). Culture and hallucinations: overview and future directions. *Schizophrenia Bulletin*, 40 Suppl 4(Suppl 4), S213–S220. <https://doi.org/10.1093/schbul/sbu012>
- Linscott, R. J., & van Os, J. (2013). An updated and conservative systematic review and meta-analysis of epidemiological evidence on psychotic experiences in children and adults: on the pathway from proneness to persistence to dimensional expression across mental disorders. *Psychological Medicine*, 43(6), 1133–1149. <https://doi.org/10.1017/S0033291712001626>
- Longden, E., Madill, A., & Waterman, M. G. (2012). Dissociation, trauma, and the role of lived experience: toward a new conceptualization of voice hearing. *Psychological Bulletin*, 138(1), 28–76. <https://doi.org/10.1037/a0025995>
- López-Silva, P., Cavieres, Á., & Humpston, C. (2022). The phenomenology of auditory verbal hallucinations in schizophrenia and the challenge from pseudohallucinations. *Frontiers in Psychiatry*, 13, 826654. <https://doi.org/10.3389/fpsy.2022.826654>
- Lyssenko, L., Schmahl, C., Bockhacker, L., Vonderlin, R., Bohus, M., & Kleindienst, N. (2018). Dissociation in psychiatric disorders: a meta-analysis of studies using the dissociative experiences scale. *American Journal of Psychiatry*, 175(1), 37–46.
- Middleton, W., & Butler, J. (1998). Dissociative identity disorder: an Australian series. *The Australian and New Zealand journal of psychiatry*, 32(6), 794–804. <https://doi.org/10.3109/00048679809073868>
- Mollica, R.F., Caspi-Yavin, Y., Bollini, P., Truong, T., Tor, S., Lavelle, J. (1992). The Harvard Trauma Questionnaire Validating a cross-cultural instrument for measuring torture, trauma, and posttraumatic stress disorder in Indochinese refugees. *The Journal of Nervous and Mental Disease*, 180(2), 111–116.
- Mueser, K. T., & Butler, R. W. (1987). Auditory hallucinations in combat-related chronic posttraumatic stress disorder. *The American Journal of Psychiatry*, 144(3), 299–302. <https://doi.org/10.1176/ajp.144.3.299>
- Nygaard, M., Sonne, C., & Carlsson, J. (2017). Secondary psychotic features in refugees diagnosed with post-traumatic stress disorder: a retrospective cohort study. *BMC psychiatry*, 17(1), 5. <https://doi.org/10.1186/s12888-016-1166-1>
- Nickerson, A., Cloitre, M., Bryant, R. A., Schnyder, U., Morina, N., & Schick, M. (2016). The factor structure of complex posttraumatic stress disorder in traumatized refugees. *European Journal of Psychotraumatology*, 7, 33253. <https://doi.org/10.3402/ejpt.v7.33253>
- Norredam, M., Jensen, M., & Ekstrøm, M. (2011). Psychotic symptoms in refugees diagnosed with PTSD: a series of case reports. *Nordic Journal of Psychiatry*, 65(4), 283–288. <https://doi.org/10.3109/08039488.2010.533385>
- Palic, S., Kappel, M. L., Nielsen, M. S., Carlsson, J., & Bech, P. (2014). Comparison of psychiatric disability on the health of nation outcome scales (HoNOS) in resettled traumatized refugee outpatients and Danish inpatients. *BMC Psychiatry*, 14, 330. <https://doi.org/10.1186/s12888-014-0330-8>
- Pinto, P. A., & Gregory, R. J. (1995). Posttraumatic stress disorder with psychotic features. *The American Journal of Psychiatry*, 152(3), 471–472. <https://doi.org/10.1176/ajp.152.3.471b>
- Rathke, H., Poulsen, S., Carlsson, J., & Palic, S. (2020). PTSD with secondary psychotic features among trauma-affected refugees: The role of torture and depression. *Psychiatry Research*, 287, 112898. <https://doi.org/10.1016/j.psychres.2020.112898>
- Rijnders, C. A., van den Berg, J. F., Hodiament, P. P., Nienhuis, F. J., Furer, J. W., Mulder, J., & Giel, R.

- (2000). Psychometric properties of the schedules for clinical assessment in neuropsychiatry (SCAN-2.1). *Social Psychiatry and Psychiatric Epidemiology*, 35(8), 348–352. <https://doi.org/10.1007/s001270050249>
- Scott, J. G., Nurcombe, B., Sheridan, J., & McFarland, M. (2007). Hallucinations in adolescents with post-traumatic stress disorder and psychotic disorder. *Australasian Psychiatry: Bulletin of Royal Australian and New Zealand College of Psychiatrists*, 15(1), 44–48. <https://doi.org/10.1080/10398560601083084>
- Seedat, S., Stein, M. B., Oosthuizen, P. P., Emsley, R. A., & Stein, D. J. (2003). Linking posttraumatic stress disorder and psychosis: A look at epidemiology, phenomenology, and treatment. *The Journal of Nervous and Mental Disease*, 191, 675–681. <https://doi.org/10.1097/01.nmd.0000092177.97317.26>.
- Skammeritz, S., Sari, N., Jiménez-Solomon, O., & Carlsson, J. (2019). Interpreters in Transcultural Psychiatry. *Psychiatric Services (Washington, D.C.)*, 70(3), 250–253. <https://doi.org/10.1176/appi.ps.201800107>
- Steel, Z., Chey, T., Silove, D., Marnane, C., Bryant, R. A., & van Ommeren, M. (2009). Association of torture and other potentially traumatic events with mental health outcomes among populations exposed to mass conflict and displacement: a systematic review and meta-analysis. *JAMA*, 302(5), 537–549. <https://doi.org/10.1001/jama.2009.1132>
- UN General Assembly (1984). Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. United Nations, *Treaty Series*, vol. 1465, p. 85, available at: <https://www.refworld.org/docid/3ae6b3a94.html> [accessed 9 August 2023]
- UNHCR (2023). UNHCR Global Trends. Available at: <https://www.unhcr.org/about-unhcr/who-we-are/figures-glance> [accessed 9 August 2023]
- van der Zwaard, R., & Polak, M. A. (2001). Pseudohallucinations: a pseudoconcept? A review of the validity of the concept, related to associate symptomatology. *Comprehensive Psychiatry*, 42(1), 42–50. <https://doi.org/10.1053/comp.2001.19752>
- Verhey, R., Chibanda, D., Gibson, L., Brakarsh, J., & Seedat, S. (2018). Validation of the posttraumatic stress disorder checklist - 5 (PCL-5) in a primary care population with high HIV prevalence in Zimbabwe. *BMC Psychiatry*, 18(1), 109. <https://doi.org/10.1186/s12888-018-1688-9>
- Weathers, F.W., Litz, B.T., Keane, T.M., Palmieri, P.A., Marx, B.P., Schnurr, P.P. (2013). The PTSD checklist for DSM-5 (PCL-5) Scale available from the National Center for PTSD. <https://www.ptsd.va.gov/professional/assessment/adult-sr/ptsd-checklist.asp>
- Wenzel, T., Griengl, H., Stompe, T., Mirzaei, S., & Kieffer, W. (2000). Psychological disorders in survivors of torture: exhaustion, impairment and depression. *Psychopathology*, 33(6), 292–296. <https://doi.org/10.1159/000029160>
- Wenzel, T., Sibitz, I., Kieffer, W., & Strobl, R. (1999). Capgras syndrome and functional psychosis in 2 survivors of torture. *Psychopathology*, 32(4), 203–206. <https://doi.org/10.1159/000029091>
- Wilcox, J., Briones, D., & Suess, L. (1991). Auditory hallucinations, posttraumatic stress disorder, and ethnicity. *Comprehensive psychiatry*, 32(4), 320–323. [https://doi.org/10.1016/0010-440x\(91\)90080-v](https://doi.org/10.1016/0010-440x(91)90080-v)
- World Health Organisation. (2019). International classification of diseases, 11th ed. <https://icd.who.int>

Substitutive trauma: preparing grounds for the Russian attack on Ukraine¹

Jana D. Javakhishvili²

Key points of interest

- Unprocessed collective trauma (aka Historical trauma) may provide fertile ground for political manipulation.
- To consolidate power, destructive political leaders may exploit unprocessed collective traumas to instigate a form of “substitutive trauma” – a shared sense of victimhood and vengeful sentiments projected onto new targets. Putin’s incursion into Ukraine serves as an example of this malign phenomenon.
- The community of psychotraumatologists should place greater emphasis on understanding macro-societal processes in order to contribute to the mitigation of destructive socio-political developments linked to unresolved collective traumas.

Abstract

This article introduces a new concept, that of “substitutive trauma,” which refers to the utilisation of unprocessed collective traumatic experiences by political leadership to create shared feelings of victimhood and vengeful attitudes within a population. The analysis explores how a substitutive trauma-based psycho-political dynamic culminated in February 2022 in Russia’s war against Ukraine. The article argues that the community of traumatic stress professionals, studying and understanding macro-societal processes can contribute to reducing and ameliorating such destructive psycho-political developments.

Keywords: Substitutive Trauma, Collective Trauma, Historical trauma, Dealing with the Past, Unprocessed Grief, Authentic Mourning, Political Manipulation, Russian Attack on Ukraine

Introduction

The following analysis argues that the war Russia launched against Ukraine on February 24, 2022, was predictable and is a logical outgrowth of malignant socio-political developments that took place in Russia from the beginning of the 21st century and that these developments are largely based on political manipulations utilizing unprocessed collective traumatic experiences from the past, also

- 1) This article is written based on the conference paper “Collective Trauma, Populism and War: The Case Studies of Russia and Georgia” presented by the author at the Nida Forum on September 10 of 2022 in Nida, Lithuania
- 2) Professor of Psychology, School of Arts and Science, Ilia State University, Tbilisi, Georgia.
Correspondence to:
darejan.javakhishvili.1@iliauni.edu.ge

<https://doi.org/10.7146/torture.v33i3.141714>

International Rehabilitation Council for Torture Victims.

called historical traumas (Maerker, 2023). Section 1 of the article reflects on how unprocessed collective trauma, if not authentically mourned, can impede societal well-being. Section 2 describes the two large-scale collective traumas of the Russian population in the 20th century that have been left unprocessed (Soviet-era repression and World War II). Section 3 provides an analysis of how these traumas have been utilised by the Russian political leadership in the 21st century for creating *substitutive trauma* and related political manipulation. Section 4 draws conclusions from the analysis and reflects on possible multi-sectorial solutions.

Unprocessed Collective Trauma Can Turn Populations into Easy Targets for Political Manipulation

War, disasters, genocide, or other massive traumatic events that involve multiple losses require authentic mourning and bereavement. Attribution of meaning in cases of bereavement takes on special importance as it can have favorable or unfavorable effects on the grieving process, determining the extent to which the bereaved are affected (Smid, 2020; Milman et al, 2017). Commemoration practices, which are widespread following wars and disasters across different countries and cultures, might also have both positive and negative consequences, depending on a number of factors (Mitima-Verloop, Boelen & Mooren, 2020; Volkan, 2006). Consequently, both meaning making and commemoration strategies could serve as an effective tool for political manipulation of affected communities.

The unprocessed collective traumatic experiences of large groups, such as nations, could become a stimulus for positive growth and development or, contrarily, a risk factor hindering societal well-being, depending on the interaction between how political leader-

ship approaches these experiences (whether constructively or destructively), and the conscious and unconscious wishes and needs of the population (Volkan, 2019, 2009, 199; 1997 and elsewhere; Hopper, 2003; Javakhishvili, 2014; Javakhishvili, 2018).

In the first case, the process is based on authentic mourning of collective trauma, making positive meaning of painful trauma-related experiences, and deriving lessons that enable the affected group to work toward making the surrounding world a better place (Hopper, 2003; Volkan, 2007). Unprocessed collective trauma, on the other hand, can be utilised by destructive political leaders for political manipulation (Volkan, 1997; Volkan & Javakhishvili, 2022; Kyle & Gultchin, 2018). This article reflects on the second situation, that of unhealthy development, based on the example of contemporary Russia.

Unprocessed traumas from the 20th century in Russia

The Russian journalist Vladimir Yakovlev (whose grandfather was a KGB officer and whose grandmother was a KGB-affiliated agent provocateur), after exploring his family history, discovering the uncomfortable truth, and struggling to reconcile with it, wrote the following (Yakovlev, 2016, p.1):

“At schools we were told about atrocities that German fascists committed; at universities about atrocities committed by Chinese Red Guards or the Cambodian Khmer Rouge. But our teachers forgot to tell us that the most terrible genocide . . . was committed . . . in our own country, and lived through this horror not Chinese or Koreans, but three consecutive generations of our own families. It often seems to us that the best way to protect ourselves from the past is not to know it. But, in fact, this is worse. What we do not know continues

to influence us, through childhood memories, relationships with parents. Not knowing, we are simply not aware of this influence, and therefore are powerless to resist it . . . It doesn't matter who exactly for each of us is the personification of these fears, whom exactly each of us sees as a threat today – America, the Kremlin, Ukraine, homosexuals, Turks, “perverted Europe”, the “fifth column” . . . What matters is whether we realise or not to what extent our personal fears today, our personal sense of an external threat, are only ghosts of the past, the existence of which we are so afraid to admit.”

Yakovlev speaks of the trauma related to the Soviet totalitarian regime, which is largely not acknowledged in contemporary Russia and not dealt with psychologically and legally, while according to experts' estimations, there were at least 11 million people repressed (killed or sent to concentration camps) in the Soviet Union (Roginski & Zhmekova, 2016). During Boris Yeltsin's presidency (1991-1999) some modest steps were implemented for dealing with the past. For example, the non-governmental organisation “Memorial,” initiated by people who survived repressions, and family members of these survivors, began exploring KGB archives, investigating cases of repression, memorializing victims, and thus facilitating authentic mourning. After Vladimir Putin came to power (1999) the organisation was increasingly restricted and finally phased out when the government attempted to register it as a “foreign agent” based on legislation initiated by Putin's regime in 2012 to eliminate civil society in the country.

A second unprocessed collective trauma of Russian society relates to the painful experience of the “Great Patriotic War,” as World War II is called in Russia. The war was narrativised by Soviet propaganda as Russia's great victory over fascist Germany, which attacked the Soviet Union unexpectedly, with Russia depicted simplistically as the “saviour” of the rest of the world. Consequently, a mode of “victorious mourning” – as defined by Hopper (2003) – was manifested, which did not leave space for authentic mourning and dealing with the past. In the widely disseminated Russian war narratives, the fact that the war started not when Germany attacked Russia, but when Germany and Russia divided Europe between them via the Molotov-Ribbentrop pact, is not reflected. Therefore, an honest assessment acknowledging Russia's own responsibility was never applied to WWII-related collective trauma, and lessons went largely unlearned. This turned the theme of WWII into a tool for political manipulation. The Soviet narrative, used by Putin's government, shifted from victorious mourning to the mode of “revengeful mourning” – as defined by Hopper (2003) – projecting an enemy image (“fascist”) onto numerous new objects – the West, Ukrainians, Georgians, America, liberals, Europe, etc. An example of this is how, in the context of the 2022 invasion of Ukraine, Russian officials routinely speak of conducting a “special military operation for the *denazification* of Ukraine.”

Constructing *Substitutive trauma* as a tool for political manipulation

With these two unprocessed collective traumas as a backdrop, Russian society as a whole is vulnerable to political manipulation of trauma-related feelings by destructive political leadership. In fact, Putin's propaganda created a new, “substitutive trauma” for his electorate – the

1 “Perverted Europe” is a message widely used by the Russian propaganda against Europe.

collapse of the Soviet Union. The socio-political life of contemporary Russia is very much shaped by this shared substitutive trauma.

When Putin assumed power as prime minister (in 1999) and then president (in 2000), he positioned himself as a resolute leader capable of resolving long-standing political issues (e.g. Chechens struggle for independence) through application of military force. His success in defeating the Chechens enhanced support among the Russian electorate and thus reinforced the instrumentalisation of military aggression and terror for solving internal and external political problems. Having a KGB background, and, as Volkan & Javakhishvili (2022) have shown in greater detail, a peculiar personal and family background related to the WWII trauma, Putin's political agenda turned into a long-term plan (and corresponding effort) to revive the Russian empire and recolonise former Soviet republics.

On April 25, 2005, in his address to the Federal Assembly of the Russian Federation, Putin conceptualised the break-up of the Soviet Union as the biggest geopolitical catastrophe of the 20th century, and appealed to the meeting and the larger Russian audience to work on reconsolidation of the nation. Later, he brought forth statistics revealing that, at the moment of the collapse of the Soviet Union, 25 million Russians were living in former Soviet republics, stating that for them this was a "drama" – to wake up one morning and find themselves in foreign countries.

In fact, the dissolution of the Soviet Union did not traumatise but liberated from a totalitarian regime not only the Soviet colonies, but above all the Russian population itself. Nevertheless, Putin succeeded in his attempts to project feelings related to Soviet-era repressions and WWII (anxiety, fear, anger, etc.) onto the dissolution of the Soviet Union. An image of nefarious perpetrator was projected

onto the West, which, together with the Soviet Communist Party elite, Putin blamed for the collapse of the Soviet Union.

To institutionalise a narrative corresponding to the substitutive trauma, in 2013 Putin ordered the production of a history handbook for Russian public schools, based on this single narrative and excluding any deviation from its framework. Putin ordered the exclusion of "inconsistencies and possibilities for different interpretations or double-meanings," and proposed a "unified historical-cultural standard" within the new framework (Kovalyova, 2013). Special attention was paid to the history of WWII, including issues around Crimea.

The process of construction of the substitutive trauma in Russia was and still is bolstered by a multitude of propaganda channels. Children and youth are primary targets of state propaganda, with a particular emphasis on the "patriotic upbringing". A crucial institutional mechanism supporting this initiative is the well-endowed "National Program of the Patriotic Education of Citizens of the Russian Federation," which has been established and operational in the country since 2001, executed through a series of five-year national action plans. The program has a number of directions, and special institutional tools are developed for implementing these directions. As an illustration, below we consider two institutional instruments created for so called "military-patriotic upbringing" direction of the program:

"Unarmia" (Juniors' Army) is an organisation modeled after the Hitlerjugend, designed for adolescents aged 11 to 18. It was launched in 2016 personally by the Minister of Defense of the Russian Federation, Sergei Shoigu, and operates under the patronage of the Ministry of Defense. The membership of the organisation expanded from 108 in 2016 to more than

1,4 ml in 2023². Members of 'Unarmia' have the opportunity to utilise military bases of the Russian army, where they receive training in marksmanship, navigating unfamiliar terrain, and engage in projects centered around exploring historical WWII battle sites. Additionally, they are entrusted with the responsibility of caring for WWII veterans. In 2021, the Russian media covered an incident occurred in Novosibirsk, where four youngsters affiliated with 'Unarmia' were reported to have staged an attack on a summer camp for schoolchildren, using the weapons loaded with blanks³.

'The youth anti-fascist movement Nashi' ('Ours'), established with the support of Putin's administration in 2005, primarily targeted youth above the age of 18, including university students. The movement was formed as a pro-regime force with the purpose of countering opposition, including street-level dissent, and mobilizing electoral support. Its creation was a response to the "Colored Revolutions" in Georgia in 2003 and Ukraine in 2004 (Atwal & Bacon, 2012). Officially, the objectives of the Nashi movement were formulated as defending the sovereignty and integrity of Russia, supporting the development of a functional civil society, and advocating for modernisation through a "personnel revolution." However, on the press conference dedicated to the inaugural meeting of the movement, one of its leaders and founders,

Vasilii Yakemenko, stated that Nashi considers Russia to be the historical and geographical center of the world, facing threats from what he described as "an unnatural alliance of liberals, fascists, Westerners, ultranationalists, international foundations, and terrorists." This alliance, according to Yakemenko, is united by a common animosity towards President Vladimir Putin⁴. Before its transformation to several other progovernment ultra-nationalistic movements, 'Nashi' implemented a number of projects, some of them fully focused on military issues. E.g. the project 'our army' sending leaders (referred as "commissars"⁵) of the movement to serve in the Russian army. These commissars were provided with special conditions for physical exercise and education in the army, while also maintaining ongoing communication via social networks to promote army life. Another project – 'Our Common Victory' was dedicated to collecting interviews and videos about WWII, while acknowledging Stalin as paternal figure and saviour, etc.

"The Great Patriotic War" (as WWII is traditionally called in Russia) constitutes a central focus of the "National program for patriotic upbringing", Disseminating knowledge about WWII has become an integral part of the country's educational policy.

2 The data is retrieved from the official site of 'Unarmia' <https://yunarmy.ru/> on October 30, 2023

3 'Shooting in Novosibirsk summer camp by four adolescents from Unarmia' (in Russian): <https://novayagazeta.ru/articles/2021/07/09/v-detskom-lagere-v-novosibirskoi-oblasti-iunarmeitsy-ustroili-strelbu-iz-okholoshchennogo-oruzhiia> retrieved on October 29, 2023

4 Media coverage of the press conference of the one of the founders of the 'Nashi' movement V. Yakemenko retrieved from <https://www.rosbalt.ru/main/2005/04/15/204772.html> on October 29, 2023

5 Commissar - a Communist party official assigned to a military unit to teach party principles and policies and to ensure party loyalty – definition from the Miriam-Webster dictionary, retrieved from <https://www.merriam-webster.com/dictionary/commissar> on November 8, 2023

6 Retrieved from <https://mou47.oshkole.ru/news/73358.html> on October 29 on October 29,

Picture 1. The drawing “Children, Heroes of the War”⁶

ДЕТИ – ГЕРОИ ВОЙНЫ



Since 2015 (the 70-ies anniversary of the WWII) Kindergarten websites feature dedicated sections providing parents with recommendations on why and how to discuss “The Great Patriotic War” with their preschool-aged children^{7,8}. Besides recommendations for parents, these pages often feature drawings intended for children, portraying scenes of battles, wounded soldiers in hospitals, and even portraits of the Soviet leaders – Lenin and Stalin; child sol-

diers are presented as heroes and role models for contemporary Russian children on these pages. As an illustration we can refer to the drawing from the Moscow kindergarten 47’s web page, from the section advising parents, among other messages, on to speak with their preschool age children about the Russian child soldiers as heroes who played a significant role during WWII (See picture 1).

For the 70th anniversary of WWII in 2015, many kindergartens and schools organised plays centered around “The Great Patriotic War,” performed by children alongside their teachers. These plays followed similar narratives, portraying a contented life prior to the war, an attack by fascists, battles accompanied by losses, and ultimately, the celebration of victory. During the celebrations of Victory in WWII, as well as on other dates associated

2023

- 7 Kuznetsk city kindergarten site with the page “Preschoolers about the war: The Great Patriotic War” retrieved from <https://ds-2-kuznetsk.nubex.ru/7650/7654/> on October 29, 2023
- 8 Moscow kindergarten no.47 page on why and how to speak with preschoolers about “The Great Patriotic War” retrieved from <https://mou47.oshkole.ru/news/73358.html> on October 29, 2023

Picture 2. Families' military parade in Tambov⁹



with patriotic sentiments, children and adults (parents, teachers) are encouraged to don military uniforms reminiscent of the 1940s, along with corresponding symbols. For instance, the day of Tambov city in 2015, celebrated with a parade featuring families with children in military-style strollers¹⁰ (see picture 2).

Gradually, children's military uniforms reminiscent of the 1940s became popular among the Russian population. As a result,

numerous shops specializing in military outfits for children began operating throughout the country to meet the heightened demand (see Picture 3).

Another instance of propaganda (for "patriotic upbringing") is the "Children's Book on War"¹¹, created by journalists from a newspaper owned by the Moscow government, in commemoration of the 70th anniversary of the Great Patriotic War. This book features 35 diaries of Soviet children recounting their poignant experiences related to WWII, includ-

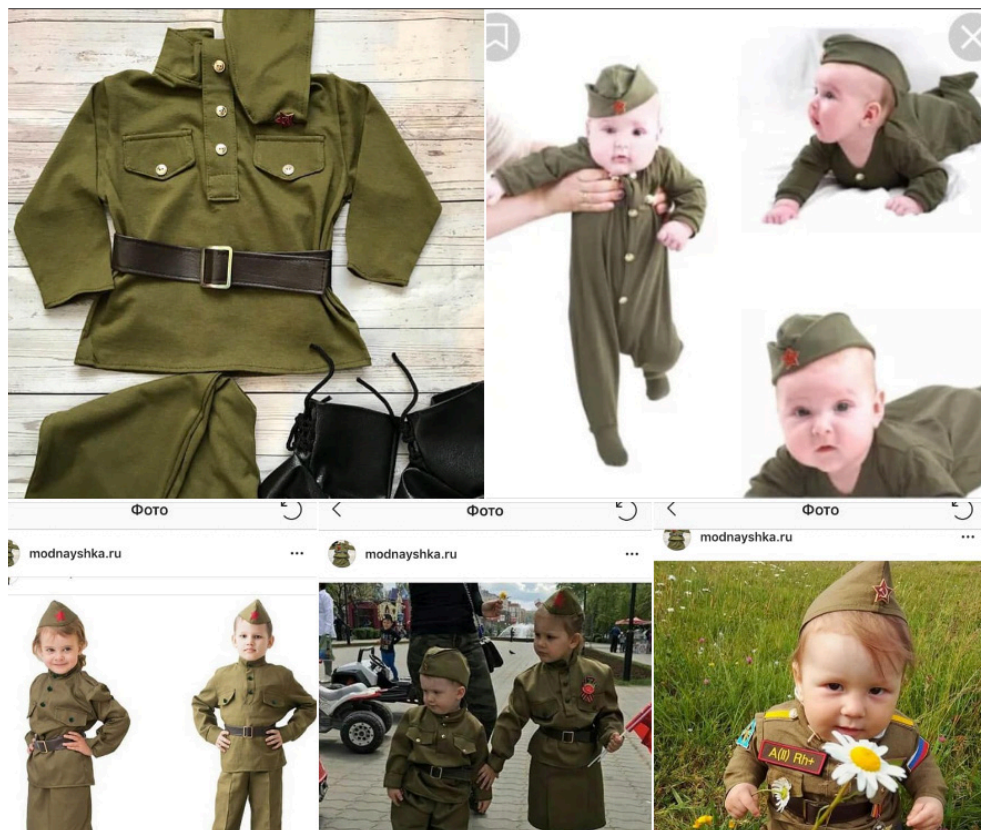
9 Photo by Mikhail Karasev. Retrieved from <https://apostrophe.ua/news/society/2015-06-13/den-rossii-v-tambove-proshel-parad-detskikh-voennyih-kolyasok/26818> on November 9, 2023

10 Coverage of the parade of the children's military trays by the Russian TV channel Russia (2015). Retrieved from <https://vestitambov.ru/new/v-gorodskom-parke-organizovali-parad-kolyasok/> on November 9, 2023

11 Children's Book on War (in Russian language). Retrieved from <https://avidreaders.ru/download/detskaya-kniga-voyny-dnevniki-1941-1945.html?f=pdf> on November 8, 2023

12 Facebook post from January 11 2019, retrieved from <https://www>.

Picture 3. Facebook site of one of the children's military outfit online shops "Modnyashky.ru"¹²



ing instances of hunger, the loss of family members, and the need to grapple with the bodies of deceased relatives, among other hardships. It remains uncertain whether these published stories are authentic or not. The book is prefaced by writer Daniil Granin and artist Ilia Glazunov, both public figures in

contemporary Russia. Granin, a WWII veteran and esteemed citizen of St. Petersburg, asserts:

"Today, in the epoch of rethinking of key human values, when the fecal masses of fascism are again marching through Europe, testimonies of children of war are especially important. These testimonies help us reconnect with ourselves, with the land where we were born (the Soviet Union – Ж.З.)... For the children of our era, the voices of war's children will resonate more profoundly... It's one thing

facebook.com/1540548512709127/posts/1942179069212734/ on November 9, 2023

when a teacher lectures about the war at the blackboard, and another when your peer discusses it with you, despite a 70-year gap.”

Iliia Glazunov, in his introduction, recalls observing German war prisoners marching through Moscow’s Garden Ring in 1945:

*“This somber procession seemed endless. Some marched proudly, feigning indifference to the gathered Muscovites. Standing amidst the crowd, I watched with intense curiosity those who had recently bombed my beloved city of Petrograd, scorning the ‘inferior Slavic race.’ I looked at them with triumphant disdain... and hatred. I was already 14 years old. No one then could have imagined that the defeated would live more prosperously than the victors... And the millions of Russian soldiers who perished on the battlefield would be horrified, unable to fathom that dark times would come - the collapse of our great state (The Soviet Union – *ѝ.ѝ.*), for which they sacrificed their lives... Today, we must raise an elite for our state, a new generation - bold, full of vigor, devoted to our great Motherland. This would be a tribute worthy of the victors of the Great Patriotic War.”*

The open aversion expressed by Glazunov and Granin echoes Putin’s “confession” regarding his feelings towards Germans, which he wrote back in 2015, in his column “The Life is Simple and Cruel” dedicated to the 70-year anniversary of “The Great Patriotic War”¹³: *“We were raised on Soviet books and movies (about WWII - *ѝ.ѝ.*)... and hatred”*. The

prefaces from the “Children’s Book on War,” aligning with Putin’s rhetoric, illustrate how, due to a temporal confluence, the animosity and negative imagery that Russian society harbored against “German fascists” is generalised and projected onto contemporary Europe and the West, which is perceived as “living better than the victors.” This exemplifies a form of malignant envy, as described by Melanie Klein (Klein, 1975).

The educational system encourages children and youth organisations to delve into WWII history, explore battles, and track the graves of fallen soldiers. For instance, in 2018, during “The National Conference of Patriotic Education,” researchers presented studies that showcased a significant interest in the theme of World War II. These included topics such as “Field Rocket Artillery of the Voronezh Front during the Defensive Battles of the Battle of Kursk,” “The Kursk Bulge: a Battle of Technology and Spirit, and Its Significance for the Patriotic Education of Russian Youth,” and “Factors of Military Everyday Life: Thoughts and Feelings of Soldiers in Letters from the Fronts of the Great Patriotic War.” Consequently, young individuals have become deeply engrossed in “The Great Patriotic War,” discussing its details as relevant and current topics.

The Russian Orthodox Church plays a significant role in military propaganda, as seen in the construction of a new military church. This tradition of erecting such churches after victories or in anticipation of conflicts has deep historical roots in Russian culture. However, during the Soviet era, marked by atheism, no such churches were built following the victory in WWII. To address this gap, a decision was made to construct a church in Moscow dedicated to the 75th anniversary of the victory and all other victories of the Russian army. Construction began in September 2018 and

13 Putin’s column “Life is Simple and Cruel” in the newspaper “Russian Pioneer” dedicated to the 70th anniversary of the “Great Patriotic War”. Retrieved on October 29, 2022 from: <https://ruspionier.ru/cool/m/single/4655>

was completed on June 22nd – a date that Russia recognises as the start of the Great Patriotic War, corresponding to Hitler’s initial attack on the Soviet Union.

According to official information from the Russian Orthodox Church, this church stands as the tallest (95 meters) and largest (capable of accommodating 6,000 individuals) Orthodox Christian church in the world. Nearly every architectural detail of the building incorporates symbols related to WWII. For instance, the main dome has a diameter of 19.45 meters (symbolizing the year of Victory – 1945), while the smaller dome measures 14.18 meters in diameter (reflecting the number of days the war endured – 1418). The central stairs are constructed from German murmur, which, according to Russia’s Minister of Defense, Sergey Shoigu, symbolises the defeat of the Germans, or as he put it in a live interview on the opposition TV channel Dozhd (Rain), “trampling the Germans”.¹⁴ In addition to saints, the icons within the church include portraits of Russian military leaders, including Stalin. Although a special icon with Putin’s image was prepared and displayed, he chose not to have it permanently affixed to the wall, deeming it premature. The church is adorned with Soviet symbols, such as the hammer and sickle, and even features the canonised red flag. The Mother of Christ icon located on one of the central walls of the church interestingly resembles the well-known Soviet poster “Motherland is calling” created in June 1941 for war propaganda (see Picture 4 and Picture 5).

Aligned with Putin’s assertive political agenda and the revival of WWII sentiments within society, there has been a noticeable surge in positive attention towards the Russian military forces. This shift has been mirrored in both public sentiment and state investment in the military-industrial complex. As highlighted by the analysts Soldatov and Borogan in 2022, the military forces, under the leadership of Sergey Shoigu, have gained increasing influence in domestic policy-making, particularly following successful operations in 2014 (Crimea) and 2015 (Syria). The victories in Crimea and Syria have been effectively leveraged by Shoigu (and Putin) for public relations purposes. For instance, in 2019, a large-scale mobile exhibition featuring weaponry and military hardware seized from Syria was organised. This exhibition was set up on a train, which embarked on a journey from Moscow to Vladivostok, making 60 stops along the way, and inviting locals to view the exhibit. Shoigu has also played a role in “Time collapse”¹⁵ within Russian society. Since 2017, he has ordered a transition from modern military uniforms to the attire reminiscent of the 1940s, known as the “Winner uniform”. This attire has gained popularity among the general population and even led to the establishment of stores selling military outfits for children. Additionally, Shoigu abolished the rear military uniform, symbolically asserting that the army should be prepared for battle at any time and in any location, underscoring the notion that there are no war-free zones within the country (previously, there were distinct uniforms for combat and real roles.

14 Coverage of the launching of the military church by the TV channel Rain (in Russian). Retrieved from <https://www.youtube.com/watch?v=-zPBfB-Tneg&t=211s> on November 8, 2023

15 Term introduced by Vamik Volkan (1997) to highlight conscious and unconscious connections between a large group’s past historical trauma and present (actual or perceived) threats.

Picture 4. The Mother of Christ Icon in the newly built Russian military church.



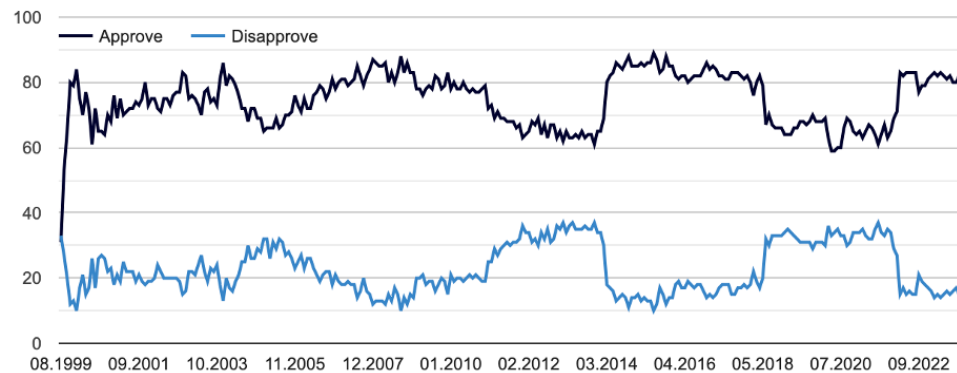
Picture 5. The war propaganda poster from 1941 “Motherland is calling”.



272 Точка А
Родина-мать зовёт! 1941

16 Retrieved from <https://foto.patriarchia.ru/news/velikoe-osvyashchenie-glavnogo-khrama-vooruzhennykh-sil-rossii-2020-06-14/> on October 29, 2021

17 Retrieved from the official site of the Center for Military Glory of Petrozavodsk <https://slavaptz.ru/s-novosti/istoriya-plakata-rodina-mat-zovet> on December 19 2023

Picture 6. Putin's Approval Rating (Levada Center, 2022)¹⁷

Over the past two decades in Russia, the theme of World War II has been actively promoted by Putin's government across various levels and formats. A substantial amount of media content, including TV shows, debates, and series, has been dedicated to "The Great Patriotic War," as it is referred to in Russia. Thousands of historians have delved into various facets of WWII, meticulously examining even the smallest details of specific battles. This extensive focus has led to numerous book publications, the organisation of conferences, conduction of plays related to the war in public schools and kindergartens.

In parallel, Putin interprets current geopolitical developments to present the West (and especially NATO) as an enemy of Russian statehood – e.g., in his speech on February 24, 2022, justifying the invasion of Ukraine, he stated that NATO "is steadily expanding, the military machine is moving and approaching our borders . . . To you and I simply have not been left any other opportunity to protect Russia, our people, except for the one that we are forced to use today."

In addition to identifying external adversaries, propaganda also establishes and singles out "internal enemies," notably civil society leaders and organisations. This is often facilitated by the aforementioned foreign agent law and the associated stigma, which bears a striking resemblance to the term "People's enemy" used to victimise individuals during Stalin's times.

All of the aforementioned highlights how World War II and Stalin's era have progressively integrated into the very fabric of the country's collective consciousness. This development resonates with what Volkan refers to as "Time collapse" (Volkan, 1997) which describes the state of the society in which the undigested past resurfaces in the present. It could also be metaphorically described as a "collective flashback."

Positioning himself as a saviour is typical of Putin and has yielded political benefits. To maintain this image, he is constantly creating binary divisions, identifying (or inventing) internal and external enemies – terrorists, Nazis, fascists, Chechens, oligarchs, Georgia, Ukraine. His depiction of himself as victorious in these

battles – the Second Chechen War in 2000, “anti-terrorist operations” in the Northern Caucasus in 2002-2006, the war against Georgia in 2008, the occupation of Crimea in 2014, the military campaign in Syria in 2015, and the war against Ukraine in 2022 – have been accompanied by increased electoral support (Levada Center, 2022) (see picture 6).

Putin’s image-building as saviour is fed by a narcissistic ideology derived from Russian pseudo-scientific intellectuals of the 20th century – especially, Lev Gumiliov, who spent almost two decades in Soviet concentration camps. After Stalin’s death, Gumiliov was released from confinement, built a scientific career, and produced a theory, according to which Russians are genetically different, having a special energy (so-called “passionarity”) and a mission to change the world. He conceived Russia as a uniquely positioned Euro-Asian civilisation, uniting, protecting, and thus “saving” other sub-civilisations. Gumiliov’s ideas became especially popular in Russia after the collapse of the Soviet Union, in the context of widespread anxiety towards uncertain future, confusion over the country’s national identity and the absence of a clear national project. His theory was turned into an ideology by the new generation of Russian intellectuals, such as Aleksandr Dougin, Piotr Shchedravitski, Efim Ostrovski and others. They produced the ideological concept of the so-called Russki Mir (Russian World), on which Putin’s political strategy is largely based. Russki Mir has three dimensions: cultural-civilisational (emphasizing Russian civilisation as a unique frame uniting many different civilisations); geopolitical (emphasizing control of territories and power distribution); and religious (emphasizing the importance of the Russian Orthodox Church). Russia is supposed to “protect” Russki Mir inside and outside Russia – i.e., compatriots abroad

(meaning former Soviet citizens), as well as Russian-speaking minorities in former Soviet countries (Jilge, 2016 Kudos, 2010; Tiido, 2015). Meanwhile, to bolster territorial claims within the framework of hybrid war, Russia is establishing many Russian language and culture organisations in former Soviet countries, to “plant” or reanimate there “Russki Mir,” as younger generations in these countries often do not speak Russian.

Conclusions and possible solutions

Unprocessed collective trauma can become an instrument for political manipulation in the hands of destructive political leaders. In the case of Russia, we have witnessed how unprocessed traumas from the past have been utilised by the destructive political leader to create a *substitutive trauma* and mobilise the population around it. We argue that these socio-political developments prepared grounds for the war against Ukraine.

Understanding political processes that are influenced by undigested collective traumatic experiences is important for working on prevention and harm-reduction strategies.

Psychotraumatology as a discipline can contribute not only to the prevention and treatment of stress-related disorders but also to a better understanding of ongoing socio-political developments linked to unprocessed collective traumatic experiences.

After a destructive political regime ends, it is important to ensure that societies/countries and all the relevant stakeholders, including the international community, understand the importance of dealing with the past, and know (or are open to learning) how to deal with it in a just, reparative, and meaningful way.

Immediately after liberation from destructive political regimes countries/societies are in multiple (political, social, economic, etc.) crises and struggling for survival. It is

important, in such a chaotic context, not to postpone dealing with the past “to the better future”. Contrarily – dealing with the painful past should be defined as an ultimate priority, critically important both for the survival and development of the country. Political will could play here a crucial role, this is why it is important to raise awareness of new political leadership on how pragmatic it is to invest energy and resources in dealing with the past, what needs to be done in this regard, and how.

Mental Health professionals need to be vigilant towards toxic political leadership, face and address relevant professional dilemmas, and contemplate the implementation of institutional safeguards to thwart harmful socio-political developments instigated by such leaders (Lee, 2017).

Dealing with the past should encompass a multi-dimensional, multi-track process that involves the following components:

- Justice. The framework of justice should be structured to ensure that aggressors admit crimes and human rights violations they committed (1), that bystanders affirm victim’s/survivor’s experience and validated reality of what transpired (2), and that victims/survivors receive moral, material, and procedural satisfaction (3). The application of restorative justice is crucial to preventing the recurrence of such malignant societal developments in the future.
- Facilitating cultural rituals of grief. providing support for cultural rituals that help individuals/families/communities to mourn out grief.
- Accessible mental health and psychosocial support. Mental Ensuring that support is accessible geographically, financially, and tailored to different age-groups; this should include trauma-informed and trauma focused services.
- Memorisation policies and strategies. establishing and enacting memorisation policies that encourage positive meaning-making and guide towards personal growth and development.
- Support for academic studies. Providing ongoing support to ethical academic studies that investigate historical events and draw conclusions thus contributing lessons learned.
- Facilitating artists involvement. Supporting artists in playing a role in symbolizing loss and promoting hope and resilience.

All these aspects should work synergistically. Dealing with the past is a shared responsibility among the key stakeholders in society and it requires coordinated and concerted efforts.

References:

- Atwal, M. & Bacon, E. (2012). The youth movement Nashi: contentious politics, civil society, and party politics, *East European Politics*, 28:3, 256-266. 10.1080/21599165.2012.691424
- Geert E. Smid (2020). A framework of meaning attribution following loss, *European Journal of Psychotraumatology*, 11:1, DOI: 10.1080/20008198.2020.1776563
- Gould-Davies, N. (2020). *What Vladimir Putin Tells Us About His Relations to The West*. International Institute of Strategic Studies. URL: <https://www.iiss.org/blogs/analysis/2020/07/putins-relations-with-the-west>
- Hopper, E. (2003). *Traumatic Experience in the Traumatic Life of Groups: The ForthBasic Assumption: Incohesion: Aggregation/Massification or (ba) I:A/M*. London & New York: Jessica Kingslay Publishers
- Jilge, W. (2016). *Russki Mir: Russian World. On the Genesis of Geopolitical Concept and it 's effect on Ukraine*. Discussion Moderated by Stefan Meister, DGFP <https://dgap.org/en/events/russkiy-mir-russian-world>
- Kazlauskas, E., Gailiene, D., Vaskeliene, I., & Skeryte-Kazlauskiene, M. (2017). Intergenerational Transmission of Resilience? Sense of Coherence Is Associated between Lithuanian Survivors of Political Violence and Their Adult Offspring.

- Frontiers in Psychology*, 8. doi:10.3389/fpsyg.2017.01677
- Kovalyova, A. (2013). *Is Vladimir Putin Rewriting Russia's History Books?* NBC News. URL (retrieved on March 7, 2022): <https://www.nbcnews.com/news/world/vladimir-putin-rewriting-russias-history-books-flna2d11669160>
- Kyle, J. & Gultchin, L. (2018). *Populists in Power Around the World*. Tony Blair Institute for Global Change. Retrieved on August 30, 2022, from: <https://institute.global/sites/default/files/articles/Populists-in-Power-Around-the-World-.pdf>
- Kudos, (2010). "Russian World" – Russia's Soft Power Approach to Compatriots Policies. In: *Russian Public Relation Activities and Soft Power*: 81/10, 2-6 <https://www.research-collection.ethz.ch/bitstream/handle/20.500.11850/26212/eth-2215-01.pdf>falism
- Lee, B.X. (2017). *The Dangerous case of Donald Trump: 27 Psychiatrists and Mental Health Experts Assess President*. New York: NY, Saint Martin's Press
- Levada Center (2022). *Putin's Approval by Years*. Retrieved on April 2, 2022 from: <https://www.levada.ru/en/>
- Maercker A (2023) How to deal with the past? How collective and historical trauma psychologically reverberates in Eastern Europe. *Frontiers Psychiatry* 14:1228785. doi: 10.3389/fpsyg.2023.1228785
- Evgenia Milman, Robert A. Neimeyer, Marilyn Fitzpatrick, Christopher J. MacKinnon, Krista R. Muis & S. Robin Cohen (2017) Prolonged grief symptomatology following violent loss: the mediating role of meaning, *European Journal of Psychotraumatology*, 8:sup6. 10.1080/20008198.2018.1503522
- Huibertha B. Mitima-Verloop, Paul A. Boelen & Trudy T. M. Mooren (2020) Commemoration of disruptive events: a scoping review about posttraumatic stress reactions and related factors. *European Journal of Psychotraumatology*, 11:1, 10.1080/20008198.2019.1701226
- Roginski, A., Zhemkova, E. (2016). *In-between of Sympathy and Indifference* (in Russian language). Memorial. Retrieved on 26 of August, 2022 from: https://www.memo.ru/media/uploads/2017/08/22/mezhdu-sochuvstviem-i-ravnodushuem_reabilitacia-zhertv-sovetskikh-repressiy.pdf
- Soldatov, A. & Borogan, I. (2022). *The Man Behind Putin's Military. How Sergei Shoigu Paved the Way to Russians Ukraine Assault*. Foreign Affairs, Retrieved on April 2: https://www.foreignaffairs.com/articles/2022-02-26/man-behind-putins-military?utm_medium=social
- Tiido A. (2015). The «Russian World»: the blurred notion of protecting Russians abroad. *Polski Przegląd Stosunków Międzynarodowych*. Warszawa: Uniwersytet Kardynała S. Wyszyńskiego, 5, 131–151. file:///Users/janajavakhishvili/Downloads/2413-Tekst%20artyku%20C5%82u-3843-1-10-20180503.pdf
- Volkan, V. D. (1997). *Bloodlines: From Ethnic Pride to Ethnic Terrorism*. New York: Farrar, Straus and Giroux
- Volkan, V.D. (2006). What Some Monuments Tell us about Mourning and Forgiveness. In: Barkan, E., Karn, A. (eds), *Taking Wrongs Seriously: Apologies and Reconciliation*. Stanford, CA: Stanford University Press. 115-131
- Volkan, V.D., Fowler, C. (2009). Large-group Narcissism and Political Leaders with Narcissistic Personality Organization. *Psychiatric Annals*, Vol: 39 (4), 214-223
- Volkan, V. D. (2019). Large-group Identity, Who Are We Now? Leader-Follower Relationships and Societal-Political Divisions. *The American Journal of Psychoanalysis*, 79(2), 139–155. doi:10.1057/s11231-019-09186-2
- Volkan, V. & Javakhishvili, J.D. (2022). Invasion of Ukraine: Observation on Leader-Followers Relationships. *The American Journal of Psychoanalysis*, vol.82, November 2, pp: 189-2010
- Yakovlev, V. (2016). *I was called Vladimir in honor of my grandfather*. Retrieved on August 15, 2022 from: <https://www.ogkochetkov.ru/blog/detail/post-vladimira-jakovleva-menja-nazvali-v-chest-dedahto-krik-dushi/#.YwZCFOxBx-U>

Enforced disappearances in the context of migration: A brief review of General Comment No.1 of the Committee against Forced Disappearances

Karlos Castilla¹

The reasons that lead a person to initiate a migratory movement are manifold. Therefore, the conditions and the way in which this movement is carried out are also diverse and unequal.

Currently, there is not a single country in the world with open borders. This means that each country sets the requirements that a person must meet to enter its territory. This confirms that the “right to migrate” is not fully recognised in any legal system².

Because not everyone can meet these requirements or are denied visas, in many cases people are forced to use forms, routes, and modes of transportation that risk their integrity or lives to make a cross-border migration move. But that’s not all: thousands of migrants disappear on the way to their destination country or in the destination country itself. In many cases, we do not even know whether they have died or whether something

has happened to them. We simply do not know anything more about these people.

Faced with this situation, which has been analyzed, studied, and attempted to be documented for several years as IOM (2013, 2022), Duhaime & Thibault (2017), Castilla (2018), Martinez (2021) and Laakkonen (2022) among many others, the United Nations Committee against Forced Disappearances took a step forward by adopting, on September 18, 2023, its first General Comment dealing specifically with “*enforced disappearance in the migratory context*” (Committee on Enforced Disappearances, 2023). This occurred primarily because the Committee is deeply concerned about the increasing trends of enforced disappearances in the context of migration, and because it notes with great concern that cases of enforced disappearances are frequently reported along various migration routes.

This General Comment (which some States, civil society organisations, academia, and other United Nations agencies participated in drafting) establishes important aspects that must be considered in order to prevent, investigate, address, and punish cases of forced disappearance of migrants. Although there are aspects that could be discussed academically (as some definitions used), we would like to highlight now only some of the most important positive aspects: its purpose and main scope.

1 Research Coordinator at Institut de Drets Humans de Catalunya (IDHC).
Correspondence to: institut@idhc.org

2 Human rights treaties generally recognise the right to enter and leave one’s own country, but not the right to enter another country. Most of what is recognised in the Universal Declaration of Human Rights is that “everyone has the right to seek and to enjoy in other countries asylum from persecution.” See: (Castilla Juárez K. , 2024)

In this way, the Committee first establishes a set of terms that it will use and how it will define them. For example, “migrants” is used to refer to persons who move away from their place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons³. The term “missing persons”, following what was established by the International Committee of the Red Cross for the purposes of its operations, is “a person about whom their family has no news and/or who, on the basis of reliable information, has been reported missing as a result of an international or non-international armed conflict, other situations of violence, disasters or any other situation that may require the intervention of a competent State authority, including in the context of migration.”⁴To clarify, the principal distinctive element between a migrant going missing and a migrant becoming a victim of disappearance is, in the case of the latter, the commission of a crime against a migrant.

Subsequently, the Committee locates the enforced disappearance in these cases using statements such as the following:

- Various practices by some States and their agents in the context of restrictive and dehumanizing border governance directly contribute to the disappearance of migrants (immigration detention, “pushbacks” and “chain pushbacks”⁵ on land or at sea, system-

atic failure of search and rescue, rigid, securitised, and increasingly militarised migration and border governance policies of States).

- Those practices indirectly contribute to the disappearance of migrants by forcing them to choose increasingly dangerous routes that traverse hostile environments or areas affected by armed conflict or other situations of violence, turn to criminal networks of smugglers or traffickers, and exposing them to human rights violations and exploitation, including becoming victims of enforced disappearance.
- The particular vulnerability of the migrants themselves, and of their relatives, who are frequently also migrants and often encounter obstacles and discrimination when searching for their disappeared loved ones, it is a constant situation that must be considered.
- The issue of discrimination is of specific concern in all regulation, governance and management of migration, due to its effects of increasing people’s vulnerability.
- This phenomenon affects all regions of the world, without exception.

On the basis of these general elements, the Committee lays down a series of obligations, mainly addressed to States parties to the Convention for the Protection of all Persons against Enforced Disappearance⁶ (CPED), of which we could highlight the following in summary form⁷:

3 Paragraph 1 of the General Comment.

4 Paragraph 4 of the General Comment.

5 The Committee does not provide a definition of these terms and recognises that there is no “internationally agreed legal definition of the term”. Some of us suggested to the Committee during the drafting process that it should: “although it is a term that has been coined in the media and in social activism to characterise a particular situation, it is necessary to give it a greater unity in

this OG that allows its configuring elements to be clearly identified in order to avoid distorting what it implies. For this reason, we propose: Return at the border without individualised identification.”

6 States bound only in principle to the interpretations of the Committee. Although this interpretation could be followed and implemented by any State wishing to protect the human rights of migrants

7 The complete and detailed document of what is

- *Prohibition of the secret detention of migrants.* They must always be able to communicate with their relatives, consular authorities, legal representatives, or any other person whom they could inform about their fate or whereabouts, from the outset of their detention and regardless of its duration. States parties should also compile and make publicly available exhaustive lists of all places of deprivation of liberty, and ensure that independent and impartial monitors, such as national human rights institutions, national preventive mechanisms, civil society organisations and international organisations, have full access to any location where migrants are deprived of liberty, whether run by the State party or privately.
- *Data collection.* States parties should create and regularly update a single, nationwide database of disappeared persons that include basic information about migrants who may be victims of a disappearance, including the following: information such as age, sex, gender identity, sexual orientation, nationality, ethnic origin and religious affiliation; the place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was a case of enforced disappearance; and information about the status of relevant search and investigation procedures, and of procedures for exhumation, identification and return of remains.
- *Policies and non-criminalisation.* The Committee urges States parties to adopt evidence-based policies to foster access to regular, safe and orderly migration, in accordance with the objectives and commitments of the Global Compact for Safe, Orderly and Regular Migration. The Committee urges States parties to avoid criminalizing migration, both in law and practice, and to facilitate a supportive environment for persons or organisations providing humanitarian or legal assistance to migrants.
- *Non-refoulement and the prohibition of "pushbacks".* The Committee strongly urges States parties to refrain from such practices, including "chain pushbacks", and indirect pushbacks that result from a deliberate failure to search and rescue at sea or on land. States parties, therefore, must refrain from conducting pushbacks, must effectively investigate, prosecute and punish any allegations of such practices, and must not deny their occurrence.
- *Obligation to search and investigate.* Authorities should initiate the search and investigation ex officio as soon as they become aware of or have indications, through any means, that a person has been subjected to disappearance. States parties should take all appropriate measures to search for, identify and return the remains of migrants who are found dead along migratory routes.
- *Victims' rights.* States parties should remove or simplify the administrative procedures in place for migrant victims of enforced disappearance found alive (and the relatives of forcibly disappeared persons) to obtain access to appropriate victim support services before, during and, for an appropriate time, after proceedings. States parties must eliminate any harmful practices that limit or hamper their right to form and participate freely in organisations and associations focused on attempting to establish the circumstances of cases of enforced disappearance and the fate of disappeared persons in the context of migration, and to assist migrant victims of enforced disappearance.

now summarised here for dissemination purposes can be downloaded at the following link: [CED/C/GC/1](https://www.unhcr.org/refugees-and-migrants/2023/1/cedc-gc1)

- *Training and cooperation.* Training should be provided to law enforcement and civil or military security personnel, medical and forensic personnel, public officials, including border officials and other officials involved in border-control measures and the apprehension or deprivation of liberty of migrants, and other persons who may be involved in the custody or treatment of migrants deprived of liberty. The Committee calls on States of origin, transit, destination and return to establish transnational and regional or sub regional mechanisms for the search for disappeared migrants to further facilitate the exchange of information and to guarantee access to justice for the victims and their relatives.

Given the often cross-border character of enforced disappearance in the context of migration, the General Comment is aimed at fostering international and regional cooperation on prevention, search and investigation with regard to the disappearance of migrants in compliance with States parties' obligations under the Convention for the Protection of all Persons against Enforced Disappearance. In this sense, it seems very important not to impose all the obligations on the destination countries, but the countries of origin also have a lot to do, and the transit countries are an essential part of the whole system that is to be created. All States that are parties to the CPED, regardless of their immigration profile.

Although a large part of the commitments are addressed to States, civil society, victims' organisations, academia, and all those interested in respect for human rights also have work to do. From the dissemination of their

content, the promotion of their implementation or the monitoring of their observance, to the promotion of initiatives from our respective fields, so that these commitments are fulfilled even without the will of all States.

The publication of the General Comment, which we have briefly analyzed, is a new opportunity to re-humanise the management of migrations in all regions of the world. Let us not let it pass.

References

- Castilla Juárez, K. (2018). Asesinato de personas migrantes sine permissum en tránsito ¿un crimen de lesa humanidad competencia de la Corte Penal Internacional? *Revista Mexicana de Ciencias Penales*, 1(4), 21-48. <https://doi.org/10.57042/rmcp.v1i4.44>
- Castilla Juárez, K. (2024). Article 13 – Freedom of Movement and the Right of Residence. In H. Cantú Rivera (Ed.), *The Universal Declaration of Human Rights. A Commentary*, (pp. 314-334). Leiden: Brill-Nijhoff.
- Committee on Enforced Disappearances. (2023). *General Comment No. 1 on Enforced Disappearances in the context of Migration*.
- Duhaime, B., & Thibault, A. (2017). Protection of migrants from enforced disappearance: A human rights perspective. *International Review of the Red Cross*, 99(2), 569–587. <https://doi.org/10.1017/S1816383118000097>
- International Organization for Migration. (2013). *Fatal Journeys: Tracking Lives Lost during Migration*.
- International Organization for Migration. (2022). *Global Data Overview of Missing Migrants Data*.
- Laakkonen, V. (2022). Deaths, disappearances, borders: Migrant disappearability as a technology of deterrence. *Political Geography*, 99. <https://doi.org/10.1016/j.polgeo.2022.102767>
- Martinez Castillo, G. (2021). Working with families of disappeared migrants: from objects/subjects of study to knowledge producers. *Alteridades*, 31(62), 57-69. <https://doi.org/10.24275/uam/izt/dcsh/alteridades/2021v31n62/martinez>

Introducing the International Guiding Statement on alternatives to solitary confinement

Rachele Stroppa¹ and Dana Moss²

Abstract

Based on the reflections of a multidisciplinary group of experts, Physicians for Human Rights Israel and Antigone worked on the *International Guiding Statement on Alternatives to Solitary Confinement*, proposing global guidelines for reducing and finally overcoming the use of solitary confinement in prisons.

Keywords: solitary confinement, prison, human rights, alternatives.

Despite the devastating effects of solitary confinement on the minds and bodies of incarcerated individuals, (Shalev 2008; Toch, 1992, Haney 2017; Lobel & Smith, 2019), in defiance of several international recommendations, solitary confinement continues to be extensively used in incarceration settings worldwide.

Actually, it could be argued that imprisonment (as a punishment, not as a custodial option) was even born in solitary confinement. The first recognised penitentiary system, known as the Philadelphia System, employed absolute solitary confinement in institutions like the Walnut Street Prison and the Eastern Penitentiary, since it was considered the most suitable technique for the purpose of achieving the moral reform of the inmate (Howard, 1777; De Beaumont & De Tocqueville, 1833;

De La Rouchefoucauld-Liancourt, 1796). Although the functions attributed to this segregative practice have been changing - and multiplying, as will be seen below - the human rights violations produced by solitary confinement persist over time, demonstrating, thus, the unacceptability of the use of isolation in contemporary prison systems.

According to international standards, solitary confinement means “the isolation of prisoners for a minimum of 22 hours without appreciable human contact¹”, while prolonged solitary confinement refers to “isolation for a period of more than 15 consecutive days” (Mandela Rules, 2015, n° 44). Prolonged isolation is strictly prohibited by international standards, because of the effects that it is likely to produce on incarcerated people, according to the scientific literature². However, prison

1) Associazione Antigone

2) PHRI

- 1 On the meaning of “appreciable human contact” see Brioschi & Paterniti Martello, 2021.
- 2 The Report of the Special Rapporteur on Torture, Juan Méndez, published in 2011, states that the choice of 15 days stems from a review of the literature indicating that beyond this point “some of the harmful psychological effects of solitary confinement may become irreversible”. See General Assembly, United Nations, *Interim Report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman and degrading treatment or punishment*, A/66/268, 5 August 2011, §§19, 26, 60, 79.

authorities commonly claim that, in response to certain individual cases, there are no alternatives, except to place that individual in solitary confinement, including people belonging to vulnerable populations³. Thereby, the lack of credible alternatives to solitary confinement reaffirms the latter as an indispensable tool for the orderly functioning of the prison institution.

For this reason, in January 2022, Physicians for Human Rights Israel (PHRI)⁴ and Antigone⁵ convened an international group of experts with multidisciplinary skills to develop a set of guidelines to overcome solitary confinement at a global level. Specifically, the experts involved were prison administrators, mental health professionals, correctional staff and academics, who have either implemented alternatives to solitary confinement

or proposed alternatives to the practice. Rick Raemisch (former Executive Director of the Colorado Department of Corrections), Dr. Terry Kupers, (Professor Emeritus at The Wright Institute), David C. Fathi, (current Director of the American Civil Liberties Union National Project), Peter Scharff Smith (Professor of Sociology of Law at the University of Oslo) took part in the group, sharing their theoretical perspective and practical experience in the field of prisons and, in particular, about solitary confinement.

The result of this process is the *International Guiding Statement on Alternatives to Solitary confinement*⁶, published in May 2023. The *International Guiding Statement* aims to bridge the gap between international law and medical positions on the harm caused by solitary confinement, by presenting a consensus on measures that can help reduce and ultimately abolish this practice. The *International Guiding Statement* is accompanied by a *Background Brief: Alternatives to Solitary confinement*⁷ aimed at providing additional background information, in which the subscriptions of international experts collected so far also can be known. The document boasts the signature of the former Special Rapporteur on Torture, Professor Juan Méndez, and the former President of the CPT and Italian NPM, Professor Mauro Palma. The *International Guiding Statement* has been already presented to the Committee Against Torture, the UN Special Rapporteur on Torture, and the International Committee of the Red Cross. The dissemina-

3 The criminalisation of vulnerable populations is directly linked with the prison overcrowding phenomenon. In fact, mass incarceration has emerged as a system of racialised social control disproportionately affecting vulnerable populations, resulting in their disproportionate representation in prison worldwide. These communities are also over-represented in solitary confinement. About this point, Mears *et al.* (2021a) question the factors that appear to favour the use of long-term solitary confinement. Thus, there is the possibility that the functioning of the prison system may disadvantage certain groups or contribute to creating conditions that increase problematic behaviour among them. There is also the possibility that staff are more likely to interpret the behaviour of different groups in prison as more problematic. For these authors, the individuals most likely to be placed in solitary confinement are young, racialised men, with little or no schooling and, above all, with mental health problems.

4 For further information about the organisation, refer to <https://phr.org/> (consulted on 02.10.23).

5 For further information about the organisation, refer to <https://www.antigone.it/index.php> (consulted on 02.10.23).

6 To consult the document refer to https://www.antigone.it/upload/5298_SolitaryStatement_paper_Eng_24.08.23.pdf (consulted on 02.10.23).

7 To consult the document refer to https://www.antigone.it/upload/5298_SolitaryBrief_paper_Eng_24.08.23.pdf (consulted on 02.10.23).

tion of these documents and the collection of signatures aims to ensure that its provisions will be used as a reference by international institutions and, thus, become part of soft law.

Surely, the paradigmatic case with respect to the use of solitary confinement is represented by the U.S. *Supermaxes* (Pizzarro & Stenius, 2004; Mears & Reisig, 2006). The phenomenon of *Supermaxes* have proliferated throughout the U.S. national scene (Austin & Irwin, 2001; Shalev, 2009), being today the most used resource to manage “the worst of the worst” (Riveland, 1999). In fact, across the United States, federal and state adult prisons and local and federal jails reported on a given day in 2019 locking approximately 122840 people in solitary confinement (Solitary Watch & the Unlock the Box Campaign, 2023, p. 8), although the number of people subjected to isolation across the country is far greater (*ivi*, p. 11).

According to the CLA and the Liman Center, a snapshot in 2019 found that between 55000 and 62500 people had been in prolonged solitary confinement for at least 15 continuous days. Similarly, a snapshot in 2021 showed that between 41000 and 48000 people had been in prolonged solitary confinement for at least 15 continuous days. Nearly a quarter of those individuals had been in solitary confinement for years, including nearly 4% who had been in solitary confinement for more than a decade (*ivi*, p. 12).

In the face of this dramatic landscape, however, it must be remembered what the Special Rapporteur on Torture reiterated; namely, that prolonged solitary confinement can amount to inhuman or degrading treatment and, in some cases, to torture⁸. In 2007,

the UN General Assembly adopted the *Istanbul Statement on the Use and Effects of Solitary Confinement*, banning the practice for various groups, including those who have mental disabilities⁹. The prohibition was reinforced by the *World Medical Association Statement on Solitary Confinement* (2019) and the *Consensus Statement from Santa Cruz Summit on Solitary Confinement and Health* (2020).

As for the prevalence of solitary confinement in Europe, there is a lack of complete data, which prevents a true understanding of the extent of the phenomenon. In this regard, the *International Guiding Statement* recommends and encourages the collection of data - made available to the public - on the number of people held in solitary confinement, reasons for confinement, duration, indication whether individuals belong to a vulnerable population, and earlier steps to prevent placement¹⁰.

Regarding the formal explanations for the use of solitary confinement, prison authorities cite various justifications, including responding to violence, disciplinary sanctions, security concerns, preventing self-harm, and responding to the requests of individuals. Isolation is thus configured as a hybrid phenomenon, to which the institution resorts to deal with the most problematic situations (Stroppa, 2022), to maintain order in the prison system (Mears *et al.*, 2021b).

Recently, it has been observed that prison administrations are increasingly resorting to solitary confinement to manage individuals with psychiatric problems and even mental disabilities. In fact, the use of solitary confinement is linked to unavailable or low-quality

8 United Nations General Assembly, *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, A/63/175, 28 July 2008, §§ 77-83.

9 Adopted on 9 December 2007 at the International Psychological Trauma Symposium, Istanbul, <https://www.solitaryconfinement.org/istanbul> (consulted on 03.10.23).

10 See Section A.

psychiatric and psychological treatment and a lack of rehabilitation and education programming. Insufficient health services contribute to the deterioration of mental health problems, while a lack of programming leads to idleness, the inability to release tensions, and feelings of despair regarding post-release prospects. These consequences lead to more rule-breaking and violence (Kupers, 2015), and therefore to an increased use of solitary confinement¹¹. Hence, solitary confinement units are moving away from the rehabilitative ideal towards a warehousing approach that does not rest on any pretence of self-transformation (Rhodes, 2004, p. 16). Solitary confinement is becoming one of the main modalities of management in the prison universe.

The *Background Brief* explains in detail the effects of solitary confinement on the incarcerated population. The psychological impacts of solitary confinement range from a state of confusion and inability to concentrate to disturbing hallucinations and paranoia, depression and anxiety, post-traumatic stress disorder, increased suicidal ideation, self-harm, and suicide (Shalev, 2008, p. 20; Haney, 2003, p. 134; Kaba *et al.*, 2014). Psychological symptoms include cardiovascular and gastrointestinal complications, migraines, deteriorating eyesight, fatigue, and muscle pain (Smith, 2006, p. 477, Strong *et al.*, 2021). The effects of solitary confinement depend on individual and environmental factors and may begin to appear after several days. They can continue to impact individuals long after they are released from solitary confinement and may

remain chronic for many years (Kupers, 2016, 2017)¹².

It is important to point out that the experts' view in reasoning on *the International Guiding Statement* does not look at the phenomenon of solitary confinement as something isolated, but rather as the consequence of broader shortcomings that afflict the prison system (as it can be seen in the *Appendix*). In this vein, the increasing presence of psychiatric individuals inside prisons is only one of the causes that may help to explain the placement of people in solitary confinement. Indeed, in order to fully understand the underlying reasons for the application of solitary confinement, it is necessary to analyse the systemic problems that plague prisons. The solitary confinement pipeline includes both conditions within prisons - such as overcrowding, lack of adequate mental health care, a punitive approach to prison management - and broader structural issues, such as mass incarceration, criminalisation of vulnerable populations, as well as insufficient mental health care in the community and the use of prisons as places of detention for individuals with mental health problems, as has been pointed out earlier. Nevertheless, according to the *International Guiding Statement*, until these structural changes are addressed, short-term measures must be implemented to ensure that individuals currently held in solitary confinement can be taken out. As stakeholders increasingly implement the recommendations of the *International Guiding Statement*, more tools and alternatives to solitary confinement will be available for use.

The recommendations in the *International Guiding Statement* are divided into 4 sections

11 As King *et al.* (2008 p. 144) argue, the prison model that relies on solitary confinement as the primary mean of prison governance - combined with the culture of both staff and individuals in incarceration - fosters a self-fulfilling prophecy: that of violence.

12 Regarding the medico-legal documentation of the effects produced by solitary confinement, see Brasholt *et al.*, 2023.

and the *Appendix*. The following is a summary of each one:

- Section A – Documentation, oversight and accountability measures:

Understanding the way in which and the extent to which solitary confinement is carried out, as well as the individuals most likely to be targeted, is a necessary step in reducing and ultimately abolishing this practice. In this vein, the *International Guiding Statement* suggests implementing urgent legislative action to ban solitary confinement in incarceration settings for all individuals, as well as a specific regulation and judicial review¹³ of all forms of solitary confinement until its abolition, and a comprehensive incident report of any use of force.

In addition, in order to document the phenomenon as comprehensively as possible, it is recommended to get comprehensive, anonymised and individual records which include whether the individual belongs to a vulnerable population, the official reason for placement in solitary confinement, steps taken to avoid using the measure and a schedule for removal from confinement¹⁴.

- Section B – Preventing placements in solitary confinement, alternative measures:

In any situation where individuals experience a mental health crisis and acts of self-

harm, the *International Guiding Statement* recommends an immediate assessment by mental health professionals¹⁵, an individualised care plan, and that de-escalation measures be put in place by prison staff. The establishment of an independent body of mental health professionals, which will be authorised to recommend a person's release from prison, is also a recommendation emphasised in the *International Guiding Statement*. In addition, the latter discourages the imposition of solitary confinement even in cases where it is requested by the incarcerated person himself/herself, submitting a different arrangement, having carried out a process to understand the underlying reasons behind that request. Furthermore, in the *International Guiding Statement* it is stated that regularly reviewed, evidence-based risks and needs assessments may contribute to the prevention of the imposition of solitary confinement, especially for purported security reasons.

- Section C – Individualised care plans:

The *International Guiding Statement* recommends that individuals be offered a tailor-made care plan, developed in collaboration with health professionals (with their families' support), that addresses their unique circumstances in a transparent, responsive, and compassionate way, in accordance with full compliance with the principle of normalisation¹⁶. The first objective is to re-

13 Despite often taking part in prolonging solitary confinement measures, judges rarely conduct on-site visits to verify the accuracy of data given by prison authorities. As such, the *International Guiding Statement* recommends the institutionalisation and regularisation of on-site visits by judges involved in solitary confinement cases.

14 This last indication is included in the individualised care plan.

15 According to the *International Guiding Statement*, health professionals should be prohibited from participating in any part of the decision-making process resulting in solitary confinement, as well as they should recommend removal from solitary confinement in all cases.

16 In this regard, current incarceration settings are characterised by a one-size-first-all approach that negatively impacts the health of individuals in

integrate the individual into less restrictive conditions of confinement, but the ultimate and most important goal is to prepare them for life post confinement.

- Section D – Measures to ensure staff competency and well-being:

The approach and decisions taken by staff are key factors in determining whether individuals are placed in solitary confinement. Lack of appropriate training and tools too often result in the use of punitive approaches and the misinterpretation of individual behaviour, such as characterising self-harm as ‘attention seeking’. To minimise triggers, reduce dangerous incidents, de-escalate situations, and avoid the use of restrictive practices (including solitary confinement), it is crucial to offer prison staff training, guidance, and professional support, including secondary trauma care. In this sense, the *International Guiding Statement* includes recommendations on what should be included in training for prison staff, how it should be evaluated, and who should deliver that training and supervision.

- Appendix – Steps for stopping the solitary confinement pipeline:

The *International Guiding Statement* operates within a complex context, and the *Appendix* proposes the broader societal changes needed to end solitary confinement. Therefore, this section provides the comprehensive and holistic view that is a necessary accompaniment to the short-

term and medium-term measures. The holistic view is declined as follows:

1. Reduce the prison population
2. Prevent undue and disproportionate criminalisation of vulnerable populations
3. Implement health and welfare safeguards
4. Mainstream the normalisation principle
5. Ensure the right to health for all.

In conclusion, although there is a long way to go before the use of solitary confinement will end, the recommendations contained in the *International Guiding Statement* are a valuable, fundamental, and pragmatic tool to centralise the issue of prison isolation in the debate on the rights of incarcerated individuals, and to achieve its end.

References

- Austin, J., & Irwin, J., (2001), *It's about time: America's Imprisonment Binge*, Belmont, Wadsworth.
- Brasholt, M., Sveaass, N., Pérez Sales, P., Marboeuf, H., Cakal, E., & Søndergaard, E., (2023), Protocol on medico-legal documentation of solitary confinement, *Torture Journal*, 33(1), pp. 92–118, <https://doi.org/10.7146/torture.v33i1.130739> (consulted on 03.10.23).
- Brioschi, F., & Paterniti Martello, C., (2021), *Monitoring Solitary Confinement in Prison. A Handbook for National Preventive Mechanisms*, Associazione Antigone, https://www.antigone.it/upload2/uploads/docs/handbook_-_monitoring_solitary_confinement_in_prison.pdf (consulted on 03.10.23).
- Consensus Statement from the Santa Cruz Summit on Solitary Confinement and Health, (2020), *Northwestern University Law Review*, 115(335), <https://scholarlycommons.law.northwestern.edu/nulr/vol115/iss1/9> (consulted on 03.10.23).
- De Beaumont, G., & De Tocqueville, A., (1833), *On the Penitentiary System in the United States and Its Application in France*, Philadelphia: Carey Lea and Blanchard, http://davidmhart.com/liberty/FrenchClassicalLiberals/Beaumont/Beaumont_1833PenitentiarySystem.pdf (consulted on 02.10.23).
- De La Rochefoucauld-Liancourt (1796), *Des prisons de Philadelphie, par un Européen*, Paris: Du Pont.

incarceration. People placed in solitary confinement often struggle with the homogenous order of prison systems, demonstrating a connection between solitary confinement and failure to develop individualised care programs.

- Haney, C., (2017), The dimensions of suffering in solitary confinement, *Law and Neuroscience Conference 2017. A question of fit: translating Neuroscience for Law, Clinical Care and Policy*, UCSF/UC Hastings Consortium on Law, Science and Health Policy, California, 16-17 of february 2017.
- Haney, C., (2003), Mental Health Issues in Long-Term Solitary and “Supermax” Confinement, *Crime & Delinquency*, 49(1), pp. 124–156, <https://doi.org/10.1177/0011128702239239> (consulted on 03.10.23).
- Howard, J., (1777), *The State of the Prisons in England and Wales, with preliminary observations and an account of some foreign prisons*. London: William Eyres.
- Kaba, F., Lewis, A., Glowa-Kollisch, S., Hadler, J., Lee, D., Alper, H., Selling, D., MacDonald, R., Solimo, A., Parsons, A., Venters, H. (2014, March), Solitary Confinement and Risk of Self-harm Among Jail Inmates, *American Journal of Public Health*, 104(3), pp. 442–447, <https://www.ncbi.nlm.nih.gov/pubmed/24521238> (consulted on 03.10.23).
- King, K., Steiner, B., Breach, S., (2008), Violence in the supermax: self-fulfilling prophecy. *Prison Journal*, 88(1), pp. 144–168. <https://doi.org/10.1177/0032885507311000>
- Kupers, T., (2015), A Community Mental Health Model in Corrections, *Stanford Law & Policy Review*, 26 (119).
- Kupers, T., (2016). The SHU Post-Release Syndrome, *Correctional Mental Health Report*, 17(6), pp. 81–96.
- Kupers, T., (2017), *Solitary: The Inside Story of Solitary Confinement and How We Can Abolish It*, Berkeley: University of California Press.
- Lobel J. & Smith P. S. (2019), *Solitary Confinement: Effects, Practices and Pathways toward Reform*, Oxford Scholarship Online (ebook).
- Mears, D., P., & Reisig, M., D., (2006), The theory and practice of supermax prisons, *Punishment and Society*, 8 (1), pp. 33–57. <https://doi.org/10.1177/1462474506059139>
- Mears, D., P., Brown, J., M., Cochran, J., C., Siennick, E., (2021a), Extended Solitary Confinement for Managing Prison Systems: Placement Disparities and Their Implications, *Justice Quarterly*, 38 (7), pp. 1492–1518. <https://doi.org/10.1080/07418825.2021.1944286>
- Mears, D., P., Aranda-Hughes, V., Pesta, G., B., (2021b), Managing Prisons Through Extended Solitary Confinement: A Necessary Approach or a Signal of Prison System Failure? *International Journal of Offender Therapy and Comparative Criminology*, 68(1), 62–84. <https://doi.org/10.1177/0306624X211058948>
- Pizzarro, J., & Stenius, V., (2004), Supermax Prisons: Their Rise, Current Practice, and Effects on Inmates, *Prison Journal*, 84 (2), pp. 248–264. <https://doi.org/10.1177/0032885504265080>
- Rhodes, L., A., 2004. *Total confinement. Madness and reason in the maximum security prison*, Berkley and Los Angeles: University of California Press.
- Riveland, C., (1999), *Supermax Prisons: Overview and General Considerations*, Washington DC, US Department of Justice, National Institute of Corrections.
- Shalev, S., (2008), *A sourcebook on solitary confinement*, London, Mannheim Centre for Criminology, London School of Economics.
- Shalev, S., (2009), *Supermax. Controlling risk through solitary confinement*, Portland, Willian Publishing.
- Smith, P., S., (2006), The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature, *Crime and Justice*, 34(1), pp. 441–528, <https://doi.org/10.1086/500626> (consulted on 03.10.23).
- Solitary Watch & The Unlock Box Campaign (2023), *Calculating Torture*, <https://solitarywatch.org/calculating-torture/> (consulted on 03.10.2023).
- Strong, J., K. Reiter, D. Augustine, M. Barragan, K. Chesnut, P. Dashtgard, G. Gonzalez, N. Pifer, and R. Tublitz (2020), The Body in Isolation: The Physical Health Impacts of Incarceration in Solitary Confinement, *PLOS ONE*, 15(10). <https://doi.org/10.1371/journal.pone.0238510>
- Stroppa, R., (2022), *Genealogia, Legalidad y Realidad del aislamiento penitenciario. El caso de Catalunya*, Tesis Doctoral, Universitat de Barcelona.
- Toch, H., (1992), *Mosaic of Despair: Human Breakdown in Prison*, Washington D. C., American Psychological Association.
- World Medical Association, (2019), *Statement on Solitary Confinement*, adopted by the 65th WMA General Assembly, Durban, South Africa, October 2014 and revised by the 70th WMA General Assembly, Tbilisi, Georgia, October 2019, <https://www.wma.net/policies-post/wma-statement-on-solitaryconfinement/> (consulted on 03.10.23).

Victoria Canning. *Torture and Torturous Violence. Transcending the definitions of torture.* Bristol University Press

Pau Pérez-Sales*

Torture and Torturous Violence by Victoria Canning, Associate Professor of Criminology at the University of Bristol, is an essay that extends the process of reflection the author began in 2016. On that occasion, she developed the concept of Sexually Torturous Violence¹ (Canning, 2016)

The current text expands the concept to define torturous violence as the infliction of emotional, psychological, sexualised and/or physical violence which mirrors acts usually inflicted as torture but which fall outside of the dominant legislative requirements to be recognised as such. In the book, the author explores in detail the areas of intersection and disjunction between the legal definition of torture and what she calls Experiential Epistemologies, i.e., knowledge elaborated from experience, in this case, that of survivors, therapists and experts with whom the author has been spoken over the years.

“Torturous violence is sustained, psychologically impactful and harms to the same or similar extent as violence which is definably torture. It can be enabled by coercive control, marital rights, relative powerlessness between perpetrator(s) and victim/ survivor(s), and on structurally violent familial or cultural norms” (...). Torturous violence may be the continuous subjection to sustained violence over a period of months or years or one sustained violation by an individual or group which has deep and long-lasting psychological or psychosocial impacts on the survivor”. (...). “This element is particularly relevant to those living in abusive familial settings, in conflict, during flight from conflict or persecution, or when seeking asylum or safety from domestic violence”.

The book is an essay. By using a style more characteristic of anthropology and philosophy than psychological research, weaves together the ideas that are the core of her thesis, sprinkling them with testimonies from interviews. The author focuses the debate on a problem that has been a classic in the philosophy of human rights over the last 30 years: whether it is only States that are responsible for the violation of fundamental human rights.

This debate does not only concern the field of torture, but has also been raised in the field of forced disappearance, extrajudi-

1 Defined as sexual violence that is torturous in nature in relation to its degradative objectives and effects but does not fall under the UN Convention’s definition in relation to either state accountability or obtaining information

*) Psychiatrist, Clinical Director at SiRa Center (Madrid), Editor in Chief.
Correspondence to: pauperez@runbox.com

cial executions or genocide, to give just a few examples. Should the death of migrants in the Mediterranean in the face of the passivity of states be a case of enforced disappearance? Are the deaths at the borders where drug traffickers impose their law and extort or use migrants as slaves before disposing of them extrajudicial executions? Are the tortures and massacres of paramilitaries extrajudicial executions? This is a debate that generates heated and passionate controversy. On the one hand, those scholars who consider that there are broad sectors of the population whose suffering is being silenced and made invisible; on the other, those who understand that international conventions and treaties arise from its corresponding international declarations of rights, and especially the universal declaration of human rights, and that these agreements constitute frameworks of competence and duties of the States, designed to limit or control their power and protect citizens.

Professor Canning already warns us that her aim is not to increase the polarisation of a debate that is sometimes too acrimonious, but to focus on a trans-disciplinary view that incorporates the perspective of intersectional feminism on the legal definition of torture in accordance with the convention.

The author argues that there are several realities that particularly concern women that should be considered in the sphere of the definition of torture, and especially intimate partner violence, family violence and the use of gender-based violence in the context of armed conflict.

She basically puts forward three arguments in support of her thesis: (a) situations in which there is a prolongation in time of the acts of gender-based violence or sexual violence: incest, prolonged abuse in childhood, systematic violence and mistreatment for years within the couple, sexual slavery and trafficking

and other forms of violence in which there is, as a common element, deep structural and permanent damage to the identity of the person (b) situations of extreme suffering including forms of feminicide, in which, based on existential epistemologies, she tries to show that the subjective experience of the victims would correspond to that of the victims of torture. Furthermore, she goes on to suggest that in the definition of torture there should be a shift from intentionality as the core criterion for distinguishing torture from cruel, inhuman or degrading treatment, to clinical damage and sequelae (c) forms of suffering in which - as she details in an excellent analysis in chapter six - multiple forms of both external oppression and internal self-censorship combine to generate the silence and invisibilisation of the victims.

It is for these situations that she proposes the concept of torturous violence, i.e. torturing forms of violence. In this sense, the author does not take a maximalist approach by demanding that these forms of violence - and in particular, because of their epidemic importance, family and gender-based violence - be considered as forms of torture, but rather proposes that they be considered as forms of torturous violence.

It is well known that the Committee against Torture (CAT), as the treaty body that interprets the Convention, has avoided pronouncing at length on the matter, understanding that it should be the CEDAW the competent organ. The CAT restricts the consideration of gender-based violence as torture when negligence on the part of the State in the duty to protect can be accredited. In some cases, it is not required that the victim has denounced and asked for protection (as in the case of sexual slavery and trafficking, where the duty to protect would be global and systemic) and in others it is (as in intimate partner violence, where in one way or another

the woman should have asked for protection and this protection would not have taken place or would have been insufficient). But Professor Canning chooses not to enter into this debate, and does not consider the current options and lines of argument within the competent bodies of the UN system.

The concept of torturous violence is actually an interesting and remarkable contribution to the field of torture studies. It sheds light on situations in which, effectively, all the elements of torture are present except for the direct role of the State: annulment of the victim's will, deprivation of control over one's own life, humiliation, denigration and relational patterns of breakdown and destruction

However, the concept is not without elements that might warrant further elaboration. For instance, in the clinical field it is well known that both the suffering and the severity of the events correlate poorly with the impacts. In other words, in the face of potentially devastating situations, there will always be resilient people who are able to cope with the damage and even show forms of post-traumatic growth. This is precisely why, when contemporary scholars emphasise intentionality and purpose, they dissociate pain from suffering and clinical consequences and put the focus on the perpetrator - as is generally the case in almost all criminal offences, not just torture. What is important is not whether or not the abuser succeeds in destroying his victim, but his intentionality and his will to subdue and subjugate her and the actions he puts in place to achieve this.

It is perhaps worth remembering at this point that the concept of Torturous Violence helps to find commonalities between torture and sexual violence, sexualised violence and gender-based violence, and thus opens up very interesting fields of research and mili-

tant action, but that this does not necessarily imply that its use leads to better protection for women. In many countries, specially in the Global North, legislation on gender-based violence is more advanced and provides for more far-reaching forms of restorative and punitive justice than anti-torture legislation (perhaps precisely because in the idea that torture is committed by states, states are concerned that their officials enjoy impunity and dilute criminalisation and minimise punishment for torture). The existence of international conventions specifically aimed at violence against women - and in which the concept of Torturous violence can be useful as a framework for phenomenological understanding - can provide recognition, visibility and actions to seek justice and reparation of greater substance and more specific than an ascription to the field of torture, which, although more conspicuous, can ultimately mean greater lack of protection and accountability. It is worth remembering that there are already around 10 countries that consider domestic violence as a form of torture (the most notable, given the dimensions of the violence, Colombia) and that this has not been shown to have led to a reduction in the numbers of femicide, sexual abuse in childhood or gender violence.

We consider Professor Canning's book to be an important contribution that will help define and deepen the contours of torture and, in this sense, a highly recommended read for reflecting on forms of torturous conduct where there is no direct state responsibility and a valuable read for any activists and academics working in this area.

References

- Canning, V. (2016). Unsilencing Sexual Torture: Responses to Refugees and Asylum Seekers in Denmark. *British Journal of Criminology*, 56(3), 438-455. <https://doi.org/10.1093/bjc/azv079>

Argentina: the new government and denialism

Darío Lagos¹ and Diana Kordon¹

Dear Editor-in-Chief:

On 10 December, a new government took office in Argentina, the product of democratic elections.

The human rights movement has dealt a blow with the victory of the representatives of the fascist extreme right, Javier Milei and Victoria Villarruel. They refer to Donald Trump, Benjamin Netanyahu, Jair Bolsonaro and some European sectors, represented by the Spanish Vox, or the Prime Minister of Italy, Giorgia Meloni among others. All of them with an agenda that backlashed human rights achievements and anti-torture work.

In their proposals, Milei and Villarruel openly vindicate the genocidaires of the military dictatorship. Days before the elections, the new vice-president held an act in the Legislature of the city of Buenos Aires, the content of which was the justification of the genocidal actions of the military dictatorship (1976-1984). Denialism of the State terrorism that took place during those years is more than an exercise of manipulation of memory; it is a political interpretation of the present that aims to influence the construction of the future.

The manifestations of the current government in relation to the dictatorship have traumatic effects on people who have suffered different forms of torture and political perse-

cution. Our experience in providing psychological assistance to people who have suffered human rights violations shows us that the mourning process has a private and intimate aspect and another collective aspect linked to the social processing of the facts. In this sense, justice has had and continues to have a truly restorative effect.

On the other hand, beyond the direct victims, the social body as a whole has been affected by the crimes committed by the dictatorship. Today, the fear of the reproduction of repressive mechanisms is present in many, and the threats that circulate in the media and networks function as psychological torture.

The winning formula also explicitly disavows our sovereignty over the Malvinas Islands, perpetuating colonialist models and is determined to proceed with the privatisation of our oil, lithium, national flight company, the liquidation of public works in charge of the state, and against all the rights won by our people: the right to protest, workers' rights, the right to free health and free education, women's rights, the rights of the LGBT+ movement including equal marriage, the rights of indigenous peoples, etc.

Moreover, some of their proposals, which go against the order of our culture, are surprising. They have advocated, for example, the free sale of organs. Extrapolating, this novelty reminds us of the mechanisms of perversion,

1) EATIP (Argentinean Team of Psychosocial Work and Research)

as it violates the necessary limits that support and frame the psychosocial organisers of a society.

On the other hand, on the assumption of guaranteeing control of the "streets", they have already stated that they will not hesitate to repress demonstrations in the public arena.

The dramatic thing is that this programme was made explicit in the electoral platform, and Milei was designated in democratic elections and not anointed through a coup d'état. Even with the emotional impact of this defeat, we are forced to reflect on its causes.

Undoubtedly, large popular sectors, especially the youth, were and are deeply dissatisfied with the government of Alberto Fernández (of the Alianza Frente de Todos, with Peronist hegemony and the participation of different sectors of the centre-left), since it did not resolve the most urgent economic needs of the great majorities, with inflation (more than 120% annually) that is devastating the economy of the population. Suffice it to say that 50% of children live now below the poverty line in Argentina.

The pandemic, the drought and the war in Ukraine, used by the government as an excuse, are not enough to justify these data. The disenchantment of the population with a government from which solutions to problems arising from the policies of the neoliberal government of Mauricio Macri (from 2015 to 2019) were expected was profound. This disillusionment facilitated the increase in the hegemonic discourses of so-called neoliberalism, which value individualism, consumerism, "every man for himself" and meritocracy, to the detriment of collective interest and the construction of shared projects.

The production of subjectivity is a disputed terrain. The ideas of neo-fascistic groups - as we have to call them- have momentarily managed to capture the capacity to be indig-

nant in the face of reality and to propose ways of transforming it. Two slogans have been especially successful: "Change" and "Out with the Caste" (using the term Caste as a synonym for political elites, questioned especially for corruption and favouritism). These slogans found an echo in the feelings of broad sectors of society. They managed to obscure that their concrete proposals on the socio-economic level are not new and have already been practised in times of other governments, resulting in enormous hardship for our people and a huge negative impact on human rights.

In this dispute over the production of subjectivity, they succeeded in terms of the contents of the so-called "common sense" reasoning. They penetrated ideas which already realised with previous neoliberal governments and appeared to generate expectations of improvement in living conditions, thus cultivating feelings of hope. In psychosocial terms, common sense is linked to the feeling of social belonging and has a fundamental aspect of a conservative, traditional character, which favours the incidence of the dominant elite discourses. "Common sense" is the set of spontaneous reasoning applied to the interpretation of everyday life and the social context, which helps to decide on a person's actions. On this common sense, social alienation occurs, whereby people identify with the discourses of the neo-fascist forces and take them as their own, becoming their spokespersons.

The pandemic, with the catastrophic experiences and the necessary imposition of social isolation, also constituted an enabling factor of discourses that uphold individualism and individual survival in an adverse environment as fundamental value.

Communication through social networks played a necessary role in sustaining social links and exchange. However, networks and mass media management are not neutral and

were used very effectively by the dominant sectors and economic elites. The irruption on the social scene of this right-wing, which calls itself "anarcho-libertarian" (in a clear usurpation of historical slogans of the traditional left), is not unique to Argentina.

It aligns with phenomena present in other countries in America and Europe. This space of a new extreme right is heterogeneous and has not yet stabilised ideologically. It is a differential manifestation with respect to the era of globalisation, with American hegemony, of Reagan and Thatcher. This new phenomenon deserves the careful attention of the anti-torture sector.

Shocked by the positions of the current vice-president, some assume a process of social dememory ("This people has no memory"). For our side, we are convinced that the struggle against repression and for Memory, Truth and Justice is a permanent dispute. These words are indelibly inscribed in the hearts of our people. They are inscribed because the occupation of the public square by the Mothers of Plaza de Mayo during the dictatorship, the search for the kidnapped grandchildren by the Grandmothers, and the sustained presence of the human rights organisations found an echo in our people and were taken up by our people. The sustained presence of Human Rights organisations, found an echo in Argentinian society and were taken up in a sustained struggle for justice and against State repression.

During these 40 years of democratic life, in which we have reached unprecedented achievements in the world, such as the trial of more than 1500 genocides, previous denialist attempts have been present. We have had turning points, such as the attempt to impose

the so-called "two for one" (a decision of the Supreme Court of Justice that allowed the release of genocides and which was revoked due to the massive repudiation of the social scene), the pardons granted by the government of Carlos Menem to the leadership of the dictatorship that had been prosecuted and condemned during the government of Raúl Alfonsín (a government that emerged from elections called at the end of the military dictatorship, thanks to the deterioration of that dictatorship also due to the actions of the civilian population), the questioning of the number of disappeared people (which reminds us of the questioning of the number of victims of the Holocaust). Also, the police's impunity in the practice of torture and in what is known as an "easy trigger" (a procedure of real shooting in the street of young people "suspected" of committing some crime) etc. As we pointed out, all these attempts were met with a massive response from society.

In Argentina, then, there are social antibodies to the "Never Again", built up in the social practices of the struggle against impunity. Still, it is also shown that this "Never Again" is a cause for permanent struggle and is not guaranteed once and for all.

From this perspective, we understand that Milei's electoral triumph is despite his denialist and repressive statements and not because of his support for them. At the same time, it is a warning signal to reinforce the struggle against torture, repression and impunity for Memory, Truth and Justice, and an interpellation to assume, as professionals committed to social processes, the essential cultural battle in the dispute for the production of subjectivity.

Argentina. December 2023.

The Torture Journal invites to apply for a position on the Torture Journal Editorial Advisory Board

Introduction:

The Torture Journal Editorial Advisory Board is comprised of a team of motivated leading experts with a keen interest in academia, advancing the research agenda for torture, and strategic development of the journal. As an Editorial Advisory Board member, you will be directly engaging with the Editor in Chief in advising on strategic development, key areas of research, publication policies, quality of submissions and supporting authors, and raising the visibility of the journal.

As an Editorial Advisory Board member, you will be credited as such in all publications.

About the Torture Journal

The Torture Journal is an international scientific journal that provides an interdisciplinary forum for the exchange of original research and systematic reviews by professionals concerned with the biomedical, psychological and social interface of torture and the rehabilitation of its survivors published by the IRCT. First published in 1991, the Torture Journal now publishes three issues a year

The journal seeks to enhance the understanding and cooperation in the torture field through diverse approaches. Its focus is not only biomedicine, psychology and rehabilitation, but also epidemiology, social sciences and other disciplines related to torture. The editors also wish to encourage dialogue among experts whose diverse cultures and experiences provide innovative and challenging knowledge to existing practice and theories. Editorial Board members are an essential part of this.

Please go to Publications Page for the latest version of the journal, or to view the archive, or go to our new platform - a site devoted to Torture Journal readers and contributors. The Torture Journal is indexed in MEDLINE/PUBMED, SCOPUS and other major academic databases.

Role and responsibilities for Editorial Advisory Board members

The Editorial Advisory Board (EAB) supports the Editor in Chief (EIC) to advance editorial policy and to set the strategy and priorities of the Journal in conjunction with the publisher. More specifically, the EAB:

1. Assists the Editor in Chief and the IRCT with developing a strategic approach to the development of the Journal and its focus.
2. Advises on the editorial policy, guidelines, standards and stance of the Journal.
3. Identifies key areas of research where the Journal can publish major new findings.
4. Solicits contributions to the Journal from researchers and practitioners.
5. Promotes the Journal and identify peer reviewers for vetting by the Editor in Chief.
6. Act as referees for the review process and review articles ensuring robust peer review.

7. Ensures research published is according to best practices of sound scholarship, research practices and evidence-informed reasoning by authors.
8. Ensures effective communication of research that is accessible to practitioners, policy makers and the interdisciplinary audience in the torture rehabilitation field.
9. Engages with the widest range of readers and contributors in the torture rehabilitation field;
10. Attends editorial board meetings.

Skills/experience

The Torture Journal are seeking motivated candidates, with diverse backgrounds, and with strong interests and experience in academia, and promoting knowledge. Relevant academic fields not only include medicine, psychology and rehabilitation, but also epidemiology, a range of social sciences and other disciplines related to holistic rehabilitation, torture and research methods. The Editorial Board, as a whole, should be conversant with issues such as:

- International/Global health issues
- Diagnostic and therapeutic methods and techniques in the field of rehabilitation of torture victims
- Mental health care approaches in relation to torture survivors
- Research methods (quantitative, qualitative, mixed, participative),
- Documentation of evidence of torture according to international standards
- Biomedical research and publishing ethics and guidelines, such as WMA Declaration of Helsinki, the CONSORT statement etc.
- Open Access publishing and journal publication management and financing
- Editorial independence, conflicts of interest and confidentiality in a research and/or publishing setting
- Strategic planning.

Application process

To apply, please send your CV and motivational letter to Berta Soley, Torture Journal Editorial Assistant (bs@irct.org). It will be an asset including your own views on how the Journal could be further improved and the way EB could contribute to that.

Deadline for applications:

30th January 2024

For any questions, please contact Pau Pérez-Sales, the Editor in Chief (pau@runbox.com) or Berta Soley, Project Manager and Editorial Assistant (bs@irct.org).

Call for papers. Special section of Torture Journal: Journal on Rehabilitation of Torture Victims and Prevention of Torture

Integrating livelihoods in rehabilitation of torture survivors

Pau Pérez-Sales, Editor-in-Chief

Berta Soley Daró, Guest Editor & Editorial Associate

Background

There is an on-going discussion about the need for a holistic approach to torture rehabilitation, claiming that psychosocial and medical services are not effective if basic needs remain uncovered. Mental and physical health has been a primary focus of rehabilitation programmes, but many found that progress was difficult to maintain without socio-economic support as well. Survivors still have households to feed, battled unemployment and disabilities caused by the atrocities committed against them.

Recognising the complexity and inter-connectivity of social, economic, medical and psychological sequelae of torture, where one aspect can negatively or positively affect the other, **this special edition of the Torture Journal seeks to explore how the integration of rebuilding a life project and the livelihood's component can influence rehabilitation processes.** Indeed, additional academic contributions are required to better understand how healing processes can be enhanced by including socio-economic support in rehabilitation programmes.

Call for papers

Torture Journal encourages authors to submit papers with a psychological, medical or legal orientation, particularly those that are interdisciplinary with other fields of knowledge. We welcome papers on the following:

- a. Defining livelihoods and its relationship with the concept of development in the context of the work with torture survivors. Going beyond a definition centred in material outcomes and working with the idea of *life projects* and finding meaning as part of the work with torture survivors.
- b. Survivor participation in the design and implementation of livelihoods programs
- c. Innovative experiences in livelihoods programs: evolving from a business perspective to livelihoods programmes for social change.
- d. Transcending the individual or family perspective: from cooperatives to collective forms of organisation in livelihoods programmes.
- e. Beyond vulnerability: innovative approaches to resource allocation in precarious

environments.

- f. Ensuring sustainability of livelihood programs. The role of the State and civil society.
- g. Working in unstable contexts: livelihoods programs under conflict situations.
- h. Barriers to livelihoods programmes: limitations to work and employment integration in asylum seekers and refugees.
- i. Transnational experiences connecting refugees, relatives and comrades in the country of origin.
- j. Effects on the overall well-being and quality of life resulting from the integration of a socioeconomic component into the rehabilitation processes.

Deadline for submissions

15th February 2024

Submission guidelines and links

- **Submit your paper here:** <https://tidsskrift.dk/torture-journal/about/submissions>
- Author guidelines can be found here: <https://irct.org/uploads/media/2eefc4b785f87c7c3028a1c59ccd06ed.pdf>
- Read more about the Torture Journal here: <https://irct.org/global-resources/torture-journal>
- For general submission guidelines, please see the Torture Journal website. Papers will be selected on their relevance to the field, applicability, methodological rigor, and level of innovation.

For more information

Contact Editor-in-chief (pauperez@runbox.com) if you wish to explore the suitability of a paper to the Special Section.

About the Torture Journal

Please go to <https://tidsskrift.dk/torture-journal> - a site devoted to Torture Journal readers and contributors – to access the latest and archived issues.

Call for papers. Special section of Torture Journal: Journal on Rehabilitation of Torture Victims and Prevention of Torture

Torture in prison and other detention facilities

Pau Pérez-Sales, Editor-in-Chief, Torture Journal

About the call

This call for papers aims to examine **prisons and other detention facilities (immigration detention centres, juvenile detention centres, etc) as torturing environments**

Torture Journal encourages authors to submit papers with a psychological, medical or legal orientation, particularly those that are interdisciplinary with other fields of knowledge. We welcome contributions related (but not limited) to:

1. Conditions of detention as environments of torture: overcrowding, food, inhuman treatment, etc.
2. Carceral geographies: emotional cartographies in detention spaces.
3. Impacts of isolation and closed regime units. Alternatives.
4. Use of mechanical restraints, chemical restraints and other methods of control and coercion. Intervention programs to abolish restraints.
5. Challenges of forensic documentation in prisons and other closed institutions.
6. Studies on reprisals against persons deprived of their liberty following monitoring visits to investigate allegations of torture.
7. Violent institutional cultures. Generating and perpetuating factors, and intervention programmes on violent milieus.
8. Violence by other inmates and staff. Methods of detection and prevention.
9. Effectiveness of torture prevention measures: videotaping, civil-society monitoring, medical documentation of injuries and others
10. Sexual torture and abuse in closed institutions.
11. Short or adapted forms of the Istanbul Protocol for documenting torture during monitoring visits or short-time evaluations in closed institutions.
12. Self-harm and suicide. Self-inflicted violence in closed institutions.
13. Severe Mental Illness and Torture in closed institutions.
14. Legal contours of torture in detention centres: legal reviews with a special focus on the intentionality and purpose criteria

Deadline for submissions

15th March 2024

Submission guidelines and links

- **Submit your paper here:** <https://tidsskrift.dk/torture-journal/about/submissions>
- Author guidelines can be found here: <https://irct.org/uploads/media/2eefc4b785f87c7c3028a1c59ccd06ed.pdf>
- Read more about the Torture Journal here: <https://irct.org/global-resources/torture-journal>
- For general submission guidelines, please see the Torture Journal website. Papers will be selected on their relevance to the field, applicability, methodological rigor, and level of innovation.

For more information

Contact Editor-in-chief (pauperez@runbox.com) if you wish to explore the suitability of a paper to the Special Section.

About the Torture Journal

Please go to <https://tidsskrift.dk/torture-journal> - a site devoted to Torture Journal readers and contributors – to access the latest and archived issues.

How to support the Torture Journal

Help us to continue keeping the Torture Journal open access and freely sharing knowledge by donating to the IRCT and subscribing. You can donate online at <https://irct.org/>

Alternative methods are also detailed below.

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.

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

EDITORIAL: Resilience in torture survivors: reflections, learnings and ways forward

SCIENTIFIC PAPERS

Prison overcrowding and ill-treatment: sentence reduction as a reparation measure. A view from Latin America and Europe

Ukrainian universities at the time of war: From occupation to temporary relocation

Tales of resilience: voices from detention and imprisonment in Russia

Voice hearing in refugees survivors of traumatic events

PERSPECTIVES: Substitutive trauma: preparing grounds for the Russian attack on Ukraine

NEWS

Enforced disappearances in the context of migration: A brief review of General Comment No.1 of the Committee against Forced Disappearances

Introducing the International Guiding Statement on alternatives to solitary confinement

BOOK REVIEW: Victoria Canning. Torture and Torturous Violence. Transcending the definitions of torture. Bristol University Press

LETTER TO THE EDITOR: Argentina: the new government and denialism

Subscription:

Write to publications@irct.org to receive an email when a new issue is published or for a printed version (stipulating your profession and address).

The Torture Journal is a scientific journal that provides an interdisciplinary forum for the exchange of original research and systematic reviews by professionals concerned with the biomedical, psychological and social interface of torture and the rehabilitation of its survivors. It is fully Open Access online, but donations are encouraged to ensure the journal can reach those who need it (www.irct.org). Expressions of interest in the submission of manuscripts or involvement as a peer reviewer are always welcome.

The Torture Journal is published by the

International Rehabilitation Council for Torture Victims which is an independent, international organisation that promotes and supports the rehabilitation of torture victims and the prevention of torture through its over 150 member centres around the world. The objective of the organisation is to support and promote the provision of specialised treatment and rehabilitation services for victims of torture.

With the generous support of

**Individual donations
from readers**



NSW Service for the
Treatment and
Rehabilitation of
Torture and Trauma
Survivors

ISSN 1018-8185