

# Psychological Torture

Definition, evaluation and measurement

**PAU PÉREZ-SALES**



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ROUTLEDGE

# PSYCHOLOGICAL TORTURE

Sadly, it is highly likely that psychological torture is committed by governments worldwide and yet, notwithstanding the serious moral questions that this disturbing and elusive concept raises, and limited research in the area, there is no operational or legal definition. This pioneering new book provides the first scientific definition and instrument to measure what it means to be tortured psychologically, as well as how allegations of psychological torture can be judged.

Ground in cross-disciplinary research across psychology, anthropology, ethics, philosophy, law and medicine, the book is a tour de force which analyses the legal framework in which psychological torture can exist, the harrowing effects it can have on those who have experienced it, and the motivations and identities of those who perpetrate it.

Integrating the voices both of those who have experienced torture as well as those who have committed it, the book defines what we mean by psychological torture, its aims and effects, as well as the moral and ethical debates in which it operates. Finally, the book builds on the Istanbul Protocol to provide a comprehensive new framework, including practical scales, that enables us to accurately measure psychological torture for the first time.

This is an important and much-needed overview and analysis of an issue that many governments have sought to sweep under the carpet. Its accessibility and range of coverage make it essential reading not only for psychologists and psychiatrists interested in this field, but also human rights organisations, lawyers and the wider international community.

**Pau Pérez-Sales** is Chair of the World Psychiatric Association Section of Psychological Consequences of Persecution and Torture, Editor-in-Chief of *Torture Journal*, a practicing psychiatrist in Hospital La Paz (Madrid) and Director of the SiRa-GAC Center.



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# PSYCHOLOGICAL TORTURE

Definition, evaluation and measurement

*Pau Pérez-Sales*

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# WHY THIS BOOK: THE NEED TO DEFINE AND OPERATIONALISE TORTURE IN THE PRESENT CENTURY

Much has been written about torture from philosophical, ethical, legal and medical points of view since the early writings of Beccaria in the 17th century. However, defining torture remains a challenge: even after over 50 years of considerable efforts by academic researchers, a 2010 review based on 209 peer-reviewed research papers concluded: 'there is no consensus about how to define and operationalize torture. Only a quarter of published studies presented an explicit definition of torture leaves the impression that few in the field believe that defining their primary construct is even a worthwhile endeavor' (Green, Rasmussen and Rosenfeld, 2010b). As the authors stated: 'Obtaining a definition of "torture" is a critical starting point for understanding the impact of its primary construct and its operationalization'.

Torture methods are quickly evolving, faster than the understanding of both society and judges (who are, ultimately, part of society). It is a fact that torture is widespread in our times, even in parliamentary democratic societies. We face an era of change in which old methods based on the production of insurmountable pain coexist with techniques that operate mainly psychologically. Contemporary torture is increasingly the result of sophisticated methods aimed to make torture 'cleaner' for the torturer, widely acceptable to society, hidden from the media, and outside the legal protection available to the average citizen.

This book has several objectives:

1. To define torture in general and psychological torture specifically, while understanding that although pain and brute physical torture is still the main avenue through which torture currently occurs, it is increasingly being replaced by methods centred on the mind and self. Even when torture is purely physical, pain is merely the main but not the only door to access free will and influence the mind. Psychological torture exerting mild and controlled pain is plausibly the main avenue through which torture will occur in the future.
2. To build a theoretical framework for understanding contemporary torture as a necessary step towards redefining torture in legal and medical terms.

**xx** Why this book

3. To propose operational criteria of torture enabling the advancement of academic research in the field.
4. To propose working criteria that would assist legal agents (judges, attorneys, lawyers and others) in deciding when a case could qualify as torture from a medical point of view.
5. To propose adjustments in the Istanbul Protocol (the main tool used worldwide for the documentation of torture) according to the aforementioned objectives.

## SECTION 1

# Premises

# 1

## WHERE THINGS STAND: THE CONCEPT OF TORTURE AND PSYCHOLOGICAL TORTURE

### The definition of torture in the legal arena

Torture is an ill-defined concept. Although many assume they understand it based on the influence of media and films, the fact is that the concept of torture (especially psychological torture) is elusive and blurred. This is not an accident. The UN definition of torture is concrete in certain aspects, but intentionally ambiguous in others, due to a belief that a narrow and overly operational definition of torture would allow governments to dodge the definition easily. Thus, this ambiguity served both a logical and political end.

Legislators seek a broad, qualitative definition of torture while leaving judges the discretion to interpret this definition in specific cases. While this approach may be legitimate, such general definitions undermine researchers' need for a measurable definition of torture. It is undoubtedly difficult to build a common framework for understanding the anthropological, ethical, psychological and legal aspects of torture. The lack of a measurable definition has made the advancement of a comprehensive theory of torture mechanisms extremely difficult, while depriving courts of the medical and psychiatric tools needed to improve decision-making.

In a review Green et al. (2010) found that only thirty per cent of academic research on torture included a definition, and of those studies, two out of three sources cited the 1984 United Nations Convention against Torture (CAT), which is the uncontested legal reference point. Article 1 of the Convention defines torture as:

Any act by which (1) severe pain or suffering, (2) whether physical or mental, (3) is intentionally inflicted on a person (4) for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, (5) when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.  
*(Numbers added for clarity)*

The remaining sources use the definition of the World Medical Association.<sup>1</sup> Although most countries are signatories of the UNCAT, national legislation varies and sometimes includes a definition of torture that is not always compliant with the United Nations standard.<sup>2</sup>

The UNCAT definition has important operational problems, and the two main difficulties are defining severity of suffering and the motivational criteria (Table 1.1).

The fact that these criteria cannot be easily defined impedes the development of an operational definition of torture that could foster human rights research. This difficulty is reflected in the fact that half of the studies reviewed by Green et al. (2010) used broad categories that included torture victims among other victims of different kind of abuses, or made a single category of victims of torture 'and other ill-treatment' (Green et al., 2010).

The severity of suffering criteria is a problem specific to the UN definition; the World Medical Association avoided it. It is also excluded in the definition of the Inter-American Convention to Prevent and Punish Torture, which, drawing from the experience of its predecessor (the UNCAT definition), provided what may well be the best contemporary legal definition of torture. The definition agreed upon by the Inter-American Commission of Human Rights, though limited in its application to the Latin American countries that signed it, deserves special consideration because it goes much further than that of the UN:

For the purposes of this Convention, torture shall be understood to be any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish. (Article 2 of the convention)<sup>3</sup>

The definition explicitly recognises that (1) *physical pain* is not necessarily a requirement for torture; (2) the 'severity' of suffering is not a criterion because the emphasis must be on the *methods* used and not the consequences; and (3) the purpose of torture can be 'to obliterate the personality of the victim', or to 'diminish his mental capacities'. In other words, it specifically recognises psychological torture *even in absence of mental suffering*, if there is an attack to the psychological integrity of the person. The Inter-American Court has affirmed that when the state is clearly involved, there is no need to know the 'intentionality' of the perpetrator, as this is sometimes impossible to elucidate (see discussion in Chapter 6). The Rome Statute of

**TABLE 1.1** Key problems in the UNCAT definition of torture

<i>Criteria</i>	<i>Problems with the criteria</i>
<p><u>Severity of Suffering:</u> Torture is an act that inflicts severe pain or suffering whether physical or mental.</p>	<ul style="list-style-type: none"> <li>• What is 'severe'? How is severity defined?</li> <li>• How is 'mental suffering' defined?</li> <li>• When is 'mental suffering' so severe as to amount to torture?</li> </ul>
<p><u>Motivational Criteria:</u> Torture is intentionally inflicted to obtain a confession, intimidation, coercion.</p>	<ul style="list-style-type: none"> <li>• How can we ascertain the alleged perpetrator's 'intentionality'?</li> <li>• How can the alleged perpetrator's motives and purposes of be ascertained?</li> </ul>

#### 4 Where things stand

the International Criminal Court and, in the 1990s, the International Criminal Tribunals in the former Yugoslavia and Rwanda are also reference points that have established additional criteria for defining torture.

With few exceptions, torture is measured using questionnaires that typically include a checklist of torture methods, and then the total ‘number’ of torture methods suffered is calculated, as if all the methods were comparable.<sup>4</sup> Thus, torture is often measured based only on the quantity and types of acts. A more refined tool would consider key variables of the torturing environment and the subjective experience of the survivor. For instance: (1) the relationship pattern between torturer and tortured; (2) circumstances of the torturing system (political persecution, ethnic cleansing, law enforcement procedure, etc.); (3) whether techniques target identity; and (4) the severity of each experience from both an objective and subjective point of view.

### **The boundaries of torture: the concept of Cruel, Inhuman and Degrading Treatment (CIDT)**

There are excellent, up-to-date reviews on the concept of torture and Cruel, Inhuman and Degrading treatment (CIDT) in international human rights law and international criminal law (Nowak and McArthur, 2008; Rodley and Pollard, 2009; Vos, 2007). Here we will briefly review the most essential topics; [Chapter 4](#) will focus on aspects directly related to the consideration of mental and psychological suffering as factors in the determination of torture allegations in the context of international law.

The definition of torture is closely linked to the legal debate about its boundaries. In 1969 the European Commission of Human Rights (ECHR) introduced the distinction between ‘torture’ and ‘ill-treatment’ and in different sentences established a progressive criterion, considering torture an ‘aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment’, a formula also adopted in 1975 by the General Assembly of the United Nations in their first Declaration against Torture. This distinction disappeared in 1984 when the UN finally approved the Convention against Torture (CAT) and other Cruel, Inhuman or Degrading Treatment or Punishment in which no distinction is explicitly made between ‘torture’ and ‘ill-treatment’ (see Article 1, above). Article 16 of the Convention equates torture and CIDT by stating that any state party is obligated to ‘prevent’ CIDT. However, the level of obligation by the signatory states is not the same. Although the Convention unequivocally prohibits both torture and CIDT under international law (even in times of exception or war), the obligation to criminalise torture and to bring the perpetrators to justice (Articles 4 to 9), the principle of *non-refoulement* (Article 3) and the prohibition of using evidence extracted by torture (Article 15) apply exclusively to torture and not to CIDT. It is, therefore, of the utmost importance to draw a legal distinction between torture and other forms of CIDT in the application of the CAT (Nowak, 2009).

The European Court (1969), when considering allegations of torture by the State of Greece against political opponents, set an historical precedent and established three levels of treatment ([Table 1.2](#)).

The Court established that:

- In Level 1 the key point is dignity and the act does not necessarily need to be intentional.
- Level 2 and 3 are indistinguishable with the only difference that 3 (torture) would be an aggravated form of 2 (inhuman treatment).

**TABLE 1.2** Classical distinction between torture and cruel, inhuman and degrading treatment

Level 1. Degrading treatment	‘Treatment that grossly <i>humiliates</i> a person or drives him to act against his will or conscience.’
Level 2. Cruel or inhuman treatment	‘Treatment that <i>deliberately</i> causes <i>severe</i> suffering, mental or physical, which in the particular situation is unjustifiable.’
Level 3. Torture	‘Inhuman treatment which has a purpose of obtaining information or confessions, or the infliction of punishment, and it is generally an <i>aggravated</i> form of inhuman treatment.’

The concept of ‘unjustifiable’ disappeared in all future definitions and has no application under current international law, although it was at the centre of the recent debate in the United States within the context of the so-called ‘war against terrorism’, where some scholars apply the principle of ‘necessity’ and ‘proportionality’ to advocate for the legalisation of torture under certain conditions (Allhoff, 2005; Dershowitz, 2008; Sussman, 2005)

This distinction was the basis of the well-known sentence *Ireland v. United Kingdom* that established the boundaries of torture for the European Court of Human Rights (ECHR) in the 1970s and the beginning of the 1980s (ECHR, 1978a). The tribunal considered a complaint by the Irish government regarding the case of a group of 228 Irish citizens detained and interrogated by the British Army between 1971 and 1974 and systematically subjected to five techniques<sup>5</sup> (wall-standing, hooding, subjection to noise, sleep deprivation and deprivation of food and drink). The European Commission found that the combined use of the five techniques ‘did not occasion suffering of the particular intensity and cruelty implied by the word torture . . . [but] amounted to a practice of inhuman and degrading treatment’ (Weissbrodt, Aolain, Fitzpatrick and Newman, 2009).

The tribunal was asserting that there was a particular stigma attached to the term ‘torture’, and therefore it should be used selectively and cautiously (Nowak, 2009). For some authors (e.g. Spjut, 1979) this meant that, in practice, treatment should only be declared *torture* when ‘there were acts of extreme barbarity’ and excluded from torture ‘the systematically researched and applied subtle techniques of psychological manipulation which nullify the human will’. This reasoning criminalised the types of crude torture more commonly performed in ‘third world’ countries, while providing legal protection to the more subtle non-pain based forms of ill-treatment practiced in European democracies (Nowak, 2006).

After facing criticism, the court reconsidered their position in subsequent sentences. In the case of *Ahmed Selmouni v. France* (ECHR, 1999), the Court clearly changed its doctrine.<sup>6</sup> It ruled that sustained beatings and humiliation leaving evidence of physical injury (acts that it would have previously categorised as only ‘inhuman’) *did* constitute torture. The Court also supported the qualification of torture based on psychological suffering (in the form of humiliation, debasement and instilling fear or anguish), noting ‘the regrettable failure to order a psychological report’. The Court stated that: ‘Having regard to the fact that the Convention is a living instrument which must be interpreted in the light of present-day conditions . . . the Court considers that certain acts which were classified in the past as “inhuman and degrading treatment” as opposed to “torture” could be classified differently in the future.’ The Court took the view that greater firmness was needed to defend the fundamental values of contemporary democratic societies.

## 6 Where things stand

Two years later, in *Keenan v. United Kingdom* (ECHR, 2001a) the Court moved even further towards disavowing severity of suffering as the defining factor. The sentence explained that: ‘While it is true that the severity of suffering, physical or mental, attributable to a particular measure has been a significant consideration in many of the cases decided (. . .) under Article 3, there are circumstances where proof of the actual effect on the person may not be a major factor. For example, in respect of a person deprived of his liberty, recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3.’ For some authors (e.g. Rodley and Pollard, 2009), the idea implicit in this sentence was that the five techniques once considered ‘inhuman and degrading treatment’ would be qualified as torture and that the Court was moving away from the concept of ‘severity of suffering’ (Vos, 2007).

The UN Human Rights Committee adhered to this doctrine from the beginning, and in 1997, they explicitly challenged the Israeli Government’s claim that the use of the ‘five’ techniques did not cause severe suffering and therefore did not violate Article 1 of the Convention (Ginbar, 2009; Imseis, 2001). The Committee rejected this argument, noting that other criteria, ‘such as intent and purpose of extracting information, were met’.<sup>7</sup> The underlying idea was that purpose and motivation, not severity of suffering, were the core criteria for deciding if torture had occurred.

Under the administration of President George W. Bush, the US tried to bring back the distinction based on the severity of suffering assuming that only torture, not CIDT, would be subjected to prosecution under international law (Greenberg, 2006; Jaffer and Singh, 2006; Nordgren, McDonnell and Loewenstein, 2011). CIDT would therefore be permissible during the interrogation of Guantanamo detainees, and those responsible would not be liable to international prosecution (Rumsfeld, 2003). International human rights groups unanimously rejected this position<sup>8</sup> (because the Convention prohibits both).<sup>9</sup>

There is growing consensus in international law to establish a common threshold of ‘severe pain and suffering’ for both torture and cruel or inhuman treatment, and to shift emphasis from the intensity of suffering to its ‘purpose’ and motivation (Rodley and Pollard, 2009). This approach has been adopted by the ECHR, the UN Committee, and the Inter-American Court. It is also compatible with the Rome Statute of the International Criminal Court (ICC), which does not require aggravation of pain or suffering in order to identify torture in war crimes. Most experts consider this to be the simplest and most practical position (Nowak, 2009; Rodley and Pollard, 2009; Vos, 2007). Thus, if ‘purpose’ is established as the defining criteria which distinguishes torture from cruel or inhuman treatment, it is no longer necessary to define the minimum threshold of pain or suffering. Moreover, this definition reflects the reality of contemporary torture (as well as torture in the foreseeable future), in which interrogators use more subtle mechanisms that are not necessarily based on pain or suffering. This definition prevents attempts by governments to distinguish between subjective gradations of pain and erode the mandate of the Convention while escaping full responsibility for ill-treatment of prisoners (Luban et al., 2012). The resulting gradation would resemble [Table 1.3](#).

In all cases, the above only applies when such pain or suffering is inflicted by (or at the instigation of, or with the consent or acquiescence of) a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

In a personal interpretation, former United Nations Special Rapporteur Manfred Nowak proposed that in addition to purpose, *powerlessness* is an additional key factor for distinguishing torture from CIDT (Nowak and McArthur, 2006). Nowak argues that when a person is rendered

**TABLE 1.3** Contemporary distinction between torture, cruel, inhuman and degrading treatment

Level 1. Degrading treatment	Treatment that grossly <i>humiliates</i> a person or drives him to act against his will or conscience.
Level 2. Cruel or inhuman treatment	Treatment that <i>deliberately</i> causes [severe] <i>mental or physical</i> suffering.
Level 3. Torture	Treatment that <i>deliberately</i> causes [severe] <i>mental or physical</i> suffering with the purpose of obtaining information or confessions, or the infliction of punishment, or any other reason based on discrimination (Cunniffe, 2013).

completely helpless and cannot defend him or herself from the aggressor, such powerlessness should be included as an element in identifying torture. For instance, even though legal force used against protestors would not be considered torture under the UNCAT definition because the aggression was exercised legally, Nowak's principle of proportionality and powerlessness could apply. Beating a person lying on the ground, whether unconscious or defenseless, for the purpose of humiliation or punishment could be considered CIDT or even amount to torture.

### Psychological torture: early definitions

There is not an official definition of or consensus on the meaning of **psychological torture** (PT). Some definitions emphasise the *results* and define PT as the methods 'used to break down a detainee psychologically' (Kramer, 2010), or to 'disrupt profoundly the senses or the personality' (PHR, 2005, citing a US law<sup>10</sup>). The Inter-American Convention specifies, as mentioned above, that PT is 'the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish'.<sup>11</sup>

Others emphasise the *method* of torture. In such cases, PT is defined as methods which cause aversive stimuli not *based on producing physical pain or that do not physically attack the body* (Quiroga and Jaranson, 2008; Reyes, 2008). Cunniffe (2013) argues that because all torture methods affect the mind, the term psychological torture should be reserved for no-touch torture. In their report on torture methods used in Guantanamo, the Center for Constitutional Rights (Center for Human Rights and Humanitarian Law, 2006) classified the following as psychological torture methods: 'Solitary confinement, light and sound manipulation, exposure to the elements and to extreme temperature, . . . sleep deprivation, and threats of transfer for torture in another country.' The report found that 'physical methods' included 'beatings, short-shackling (being tied in painful positions for hours) and stress positions'.

Another point of view sees PT as a set of practices to inflict pain or suffering *without resorting to direct physical violence*, thus including in the definition of PT those techniques in which there is no 'aggression' but there is physical pain (like being held in stress positions for hours) (CSHRA, 2005).

Finally, some authors distinguish PT from **brain torture**, defined as *physical torture that targets the brain*.<sup>12</sup> Examples include: mild but repeated head contusions with a newspaper, a book, or an open hand, as well as dry anoxia through hooding. These torture techniques leave no external marks, and they directly affect brain functioning, and, if repeated, can cause permanent damage as detected by fMRI or SPECT (Panayiotou, Jackson and Crowe, 2010).

## White torture, no-touch torture and clean torture

Although some authors use it interchangeably with the concept of psychological torture (Mausfeld, 2009), the concept of **white torture** refers specifically to torture based on the use of sensory deprivation techniques (Suedfeld, 1990). White torture is named after studies performed by Donald Hebb and others in the 1950s (McCoy, 2012). They showed that a person who was blindfolded, isolated from noise and placed in a closed water tank or wearing special clothes designed to block sensory inputs presented symptoms of confusion after just a few hours, signs of disintegration of personality after twenty-four hours, and hallucinations and psychotic symptoms after about two days. The effects were long lasting: some subjects of these experiments even suffered permanent mental damage. These studies formed the basis for the design of maximum security experimental prisons (like F-Prisons in Turkey for Kurdish prisoners, which are now closed, or the special security modules in Evin prison in Iran). The design of the cells precluded any human contact and the environment was comprised entirely of white tones, with minimal stimulus.

McCoy (2006, 2012) has coined the term **no-touch torture** to specifically describe techniques developed since 1950 by the Central Intelligence Agency (CIA) in different psychology research programs (of which MK Ultra is the most famous). The KUBARK Manual (Central Intelligence Agency, 1963), later refined and updated in the Human Resource Exploitation Manual (Central Intelligence Agency, 1983), describes and explains techniques designed 'to induce psychological regression in the subject by bringing a superior outside force to bear on his will to resist' (p. 89). McCoy groups these techniques into two categories: 'sensory disorientation'<sup>13</sup> and 'self-inflicted pain'.<sup>14</sup>

In his exhaustive review of torture methods throughout history, Rejali (2007) introduces two new terms: **coercion torture** and **clean torture**. He points out that many painful physical techniques of interrogation or control leave few marks. Such practices are referred to as 'clean techniques' in contrast to the scarring techniques of torture; Rejali does not consider them to be psychological techniques. He says that most torture techniques in democracies are clean torture because although they may involve intense physical pain, they leave almost no marks: a fist punching the body leaves few lasting physical traces.

Ojeda (2008), in a seminal review on psychological torture methods, assumes that it is difficult to formulate a satisfying definition because it is impossible to define 'psychological pain' or how much suffering qualifies as enough to reach the level of 'torture'. His solution is to opt for an alternative **extensional definition** of PT, that is, to enumerate a list of categories of techniques that could be considered 'psychological torture' according to the CIA training manuals, scientific knowledge, and other sources.

In this text we will consider psychological torture to be *the use of techniques of cognitive, emotional or sensory attacks that target the conscious mind and cause psychological suffering, damage and/or identity breakdown in most subjects subjected to them; such techniques may be used alone or together with other techniques to produce a cumulative effect*. Thus, PT involves manipulating the input received by the conscious mind, input that allows the person to stay oriented in the surrounding world, retain control and have the adequate conditions to judge, understand and freely make decisions – in effect, the essential constitutive ingredients of an unharmed self.

Most torture techniques are in fact both physical and psychological because the distinction between body and mind is artificial: the two are inseparably interconnected. Sensory deprivation, deprivation of food and inundation with white noise are all techniques that attack basic functions of the body, weakening the person and finally attacking the mind. Hunger, in theory a 'no-touch' technique, can produce unbearable physical pain.

Thus, we can distinguish:

- Pure psychological techniques (such as humiliation)
- Attacks on the self through attacks on bodily functions (such as sleep deprivation)

The range of views on torture presented so far reveal the complexity and lack of consensus in the field. How can psychological torture be understood from a multidisciplinary point of view? Can psychological research produce an operational definition based on objective scientific criteria to improve clinical and epidemiological studies, while facilitating the forensic assessment of cases? Is it possible to reach a consensus on the criteria that could help refine a legal framework to protect against torture? These are the challenges we will address in this book.

## Notes

- 1 The Tokyo declaration of the World Medical Association (1975) is often cited as a precedent. ‘Torture is defined as the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason.’
- 2 In the United States, torture is defined as ‘an act committed by a person acting illegally, specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or lawful control’ (18 U.S.C. 23490(1) 1998). ‘Severe physical or mental pain or suffering’ is defined as follows: (A) the intentional infliction or threatened infliction of severe physical pain or suffering; (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality; (C) the threat of imminent death; or (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality.’
- 3 [www.oas.org/juridico/english/treaties/a-51.html](http://www.oas.org/juridico/english/treaties/a-51.html)
- 4 See Başoğlu, Livanou and Crnobarčić, 2007. The Semi-Structured Interview for Survivors of Torture (Başoğlu et al., 2007) for instance, operationalises torture severity by calculating a combined index. The index includes the total number of types of torture (from a list of 44 events), frequency of exposure to torture, duration of detention and perceived severity of each type of experienced torture (i.e. distress) rated along a 5-point Likert scale.
- 5 (1) Wall-standing: forcing the detainees to remain for periods of some hours in a ‘stress position’, described by those who underwent it as being ‘spread-eagled against the wall, with their fingers put high above the head against the wall, the legs spread apart and the feet back, causing them to stand on their toes with the weight of the body mainly on the fingers’; (2) hooding: putting a black or navy colored bag over the detainees’ heads and, at least initially, keeping it there all the time except during interrogation; (3) subjection to noise: pending their interrogations, holding the detainees in a room where there was a continuous loud and hissing noise; (4) deprivation of sleep: pending their interrogations, depriving the detainees of sleep; (5) deprivation of food and drink: subjecting the detainees to a reduced diet during their stay at the centre and pending interrogations (*Ireland v. United Kingdom*, paragraph 96).
- 6 The full text states: ‘The Court found that . . . he had been subjected while in police custody [to] physical and—undoubtedly (notwithstanding the regrettable failure to order a psychological report on Mr. Selmouni after the events complained of)—mental pain and suffering. The course of the events also showed that pain and suffering had been inflicted on the applicant intentionally for the purpose of, inter alia, making him confess to the offense which he had been suspected of having committed. (. . .) The acts complained of had been such as to arouse in the applicant feelings of fear,

## 10 Where things stand

anguish, and inferiority, capable of humiliating and debasing him and possibly breaking his physical and moral resistance. (. . .) It remained to establish in the present case whether the “pain or suffering” inflicted on Mr. Selmouni could be defined as “severe” within the meaning of Article 1 of the United Nations Convention against Torture (. . .). The Court considered that this “severity” was, like the “minimum severity” required for the application of Article 3, in the nature of things, relative; it depended on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age, and state of health of the victim, etc. The Court was satisfied that a large number of blows had been inflicted on Mr. Selmouni. (. . .) The Court also observed that the applicant had been subjected to a certain number of acts which would have been heinous and humiliating for anyone, irrespective of their condition. (. . .) Under these circumstances, the Court was satisfied that the physical and mental violence, considered as a whole, committed against the applicant’s person had caused “severe” pain and suffering and had been particularly serious and cruel. Such conduct had to be regarded as acts of torture for the purposes of Article 3 of the Convention’ (Summary, paragraph 4).

- 7 Report of the Committee Against Torture, GAOR, 52nd Session. Supplement n. 44 (1997), paras 24–5.
- 8 For a review see [http://en.wikisource.org/wiki/Working\\_Group\\_Report\\_on\\_Detainee\\_Interrogations](http://en.wikisource.org/wiki/Working_Group_Report_on_Detainee_Interrogations) (last consulted May 2014).
- 9 Secretary of Defense Donald Rumsfeld authorised the use of thirty-five techniques. Seventeen were already in use and described in intelligence army manual FM 34–52. Techniques 20–21, 27–29 and 31–35 were explicitly recognised as involving physical contact that can produce pain or harm, or threats of pain or harm. They included: the prolonged use of stress positions for up to four hours; continuous interrogations for up to twenty hours; solitary detention for up to thirty days; forced grooming; hooding; removal of clothing; auditory/environmental manipulation; and other methods. Rumsfeld stated in 2005, prior to the army’s internal investigation, ‘My impression is that what has been charged thus far is abuse, which I believe technically is different from torture . . . I don’t know if . . . it is correct to say . . . that torture has taken place, or that there’s been a conviction for torture. And therefore I’m not going to address the torture word’ (cited in Vos, 2007, p. 6).
- 10 18 U.S.C. §2340(2)(B)
- 11 [www.oas.org/juridico/english/treaties/a-51.html](http://www.oas.org/juridico/english/treaties/a-51.html)
- 12 Another similar category is physical torture when the target is the senses. Again, hearing or sight can be a target for aggression, leaving no external marks.
- 13 A mix of sensory overload and sensory deprivation via isolation then intense interrogation, heat and cold, light and dark, noise and silence, for a systematic attack on all human stimuli.
- 14 Fighting against an external source of pain (like in beatings or shocks) is substituted by fighting against an internal source of pain (such as endless hours of the stress of forced positions) so that there is no aggression and the detainee becomes his or her own enemy.

## SECTION 2

# The voices

# 2

## INTANGIBLE ELEMENTS OF PSYCHOLOGICAL TORTURE: LEARNING FROM THE VOICES OF SURVIVORS

*'Usually, the testimonies denouncing torture that are delivered to agencies working on Human Rights – detailed as they are – merely recount what happened from beginning to end as a chronological narrative. When they mention certain kinds of torture, they are almost always referring to techniques: “they used the bathtub on me,” [or] “the bag”; “they put electrodes on me.” (. . .). Sometimes the reports are very detailed. And yet, when you ask torture victims privately about the testimony, they usually end up confessing that the testimony does not satisfy them, that it pales before all that was actually done to them, that it barely touches on everything they experienced. “I say: They put electrodes on my testicles, but can anyone imagine what that means? Or the theater and the madness that surrounded me? What I felt? Only someone who has been through that can understand.” (. . .). For the readers of the testimonies that regularly circulate, it is very important to know that they are only outlines, small sketches of a skeleton that lacks meat; they give data, list techniques, collect specific phrases. (. . .) Years ago, another victim of torture told me, “If you haven’t been there, you can’t understand anything.” And it’s true.’ (Eva Forest, On Torture, 2006)*

Torture is a widespread phenomenon. Testimony is one of the elements that helps give meaning to the torture experience, though it often presents challenges and feelings of hopelessness, pain and skepticism. There are many autobiographical accounts of torture survivors from all over the world and ample documentation from rehabilitation centres offering descriptions of the subjective experience of survivors. It is possible to access testimonies from almost all conditions and contexts. In this chapter, we offer an overview of the key elements of torture *from the perspective of survivors*. We include a selection of published texts from survivors with especially revealing insights into the psychology of torture.

We will limit ourselves to the question, *What are the core elements of a torture survivor’s experience that can help create a definition of psychological torture?* We will only analyse torture (and not other, connected, forms of exerting strength or coercion linked to politically motivated violence that could be included under a broader spectrum of ‘torture experiences’); we focus on the emotional and psychological components in the description of the experience (not the description of actions or methods).

Out of a great number of testimonies, we have chosen a group of survivors with especially enlightening ways of putting words to feelings and experiences that are usually unspeakable

and indescribable. Testimonies from survivors from Uruguay (Carlos Liscano, Jacqueline Gurruchuga and Beatriz Brenzano, Henry Engler, and Marcelo Viñar) and Argentina (Mario Villani), as well as Cambodia (Vann Nath), Austria (Jean Améry), Spain (Javier Larreta) and the former Soviet Union (Alexander Solzhenitsyn) are represented below.

### **Vann Nath – A Cambodian Prison Portrait**

Vann Nath is one of seven people who survived imprisonment and torture in the S-21 detention centre in Phnom Penh, during the Pol Pot regime in Cambodia.<sup>1</sup> His memoir (Nath, 1998) describes the routines in the prison and mass killing by starvation and hunger.

*'I lay exhausted on the floor, without one grain of rice in my belly. I fell asleep. (. . .). I woke up early the next day, my body aching. I was famished and I wondered what kind of food they would give me when they let me eat (. . .). Then a man carrying porridge in a bucket on a shoulder pole came in the room (. . .). Everyone got four small spoonfuls of porridge and some watery soup with banana leaves floating in it. It tasted delicious to me because I was so hungry. But after a couple of spoonfuls, the food was all gone and the guards ordered [us] to go to sleep. I lay down on the floor and realized that they were not going to give me water. I turned to the prisoner nearby, named Chath. His eyelids were drooping. "Two or three spoons of rice – is that enough?" I asked. "I'm so hungry . . ." (. . .). "Keep quiet, be careful," he said. Eventually I fell asleep.'*

An estimated 12,000 people were killed in the centre through torture and extrajudicial killings.

*'When I woke up, I wanted badly (. . .) to drink some water. (. . .). I began to feel hungry. (. . .). The sky began to darken. The electric power came on in the room, [and] it was bright as daylight. I lay back and looked at a small gecko on the ceiling that was catching insects around the electric light. The gecko was luckier than me, I thought, because it had plenty of insects to eat!'*

Hunger and thirst become an obsession.

*'My belly felt like it was almost touching my backbone. When will they give us another plate of rice porridge? Maybe they only gave one a day. We would starve to death in less than half a month (. . .). Then, I heard the guards ordering us to wake up. I sat up quickly and saw the rice porridge had come. I swallowed my spit because I was so hungry. They were passing the plates out, the same as in the morning. I wanted to save some but I was too hungry. The others were the same and in a blink of an eye, everything was gone and the bowls were licked clean.'*

*'After living that kind of life for several days my body began to deteriorate. My ribs were poking out and my body was like an old man of 70. My hair had overgrown like bamboo roots and had become a nest for lice. I had scabies all over my body. My mind and spirit had flown away. I only knew one thing clearly: Hunger.'*

*'Each night if any crickets or grasshoppers fell down from the electric lights above, we would scramble for them and toss them into our mouths as if they were delicious. When the guard caught us, he would smack our heads as hard as he could with his thick sandal made of rubber auto tire, giving us black eyes or bloody noses.'*

*'I lived that way for more than 30 days. I was never released from the shackles (. . .) If I needed to defecate, I asked the guards to bring the bucket over.'*

*'One day I felt unusually weak and exhausted. I could not hear anything clearly – it felt like my ears were filled with cotton. (. . .). I whispered to Chath, the man next to me: "Brother, I don't think I can make it another ten days. I'm so hungry and I can hardly hear or see." "I feel the same – we have*

*no hope now." Maybe they were going to kill me, maybe not. It did not matter. Wisdom and spirit had flown from me. All I thought about was my stomach . . .'* (p. 42–50).

The text also describes the environment of absolute terror and the permanent state of fear and panic, just waiting for the final moment of torture and killing, while watching trucks arriving with new detainees and hearing how the newcomers are also tortured and disappeared. Nath later explains that even the guards ultimately disappeared.

In a meeting between survivors and torturers, over fifteen years later, in the context of filming a documentary (Panh, 2003), Nath said:

*'I have two types of wounds. One is bodily injury. They have electrocuted me to look for a supposed betrayal, facts about enemies whom I did not know. (. . .). The other one is an injury to the emotions, a psychological wound. I live in fear. They have taken from me everything that is human; they have removed the right to be a human being. I have been tied up and abandoned in a corner, hungry, undignified, humiliated. . . . When you go through all that suffering, you will never be able to forget. (. . .). I would like to live like a father, with the same rights as others. But when humans are tortured so deeply, they will never be able to forget. Even today, I am afraid of everything, without reason or logic. I'm scared and I can never find the causes.'*

*'Forget? Forget? Although I want to forget, I cannot forget. Tonight, for example [before the encounter], I've only slept one hour. Every time I wake up, the images of the prison come to me again and again. I do not want them, but they come. I see you now, and I will see you tonight in my dreams, in front of me as you were at the time. How you walked and talked, your gestures. . . . Your voice will come back to me again. Everything returns again and again. . . . (. . .) If I want to sleep, I have to take medication. I do not want to think about the past, but the past haunts me . . .'* (pp. 39–40).

### **Elements for a definition of psychological torture based on Vann Nath's testimony**

**Torturing System.** S-21 is described as a place of extermination in the context of a country where large parts of the population were annihilated. The communication between guards and detainees, the absolute and unquestionable submission and the extreme terror experienced are only understandable in this context. A person could be tortured to death for any spurious reason, in this context of constant psychological pressure often combined with illogical actions, contradictory messages, arbitrary decisions, cruelty and nonsense.

Torture cannot be separated from the context in which it occurs. Torture and its effects are not isolated events, but part of a larger context that gives birth to torture and keeps it alive. This is what Montagut (2012) and others refer to as *the torturing system*.

**Hunger as an extremely painful, slow death of the body, as a method for breaking the psyche.** Nath's testimony shows the interplay between physical and psychological factors. Food and water restriction, as examples of manipulation of bodily functions, are elements not usually associated with physical pain. They are considered part of the 'softening' process that makes detention uncomfortable and facilitates cooperation. But Nath describes how hunger can come to break the spirit and the mind. Starving, physical pain and emotional and cognitive breakdown go together. He remembers starving as a devastating experience and defines hunger as worse than any other torture method.

**Endless time, no hope.** Time is endless, torture could go on forever, but one thing is for sure: everyone dies, without exception. Even guards, eventually, will die. Suffering is prolonged when one is subjected to a slow death.

**Permanent changes in worldviews.** Nath describes how torture changes the way the person sees others and the world; this change is irreversible. After torture, nothing can be the same again.

**Introjection of fear.** Permanent fear remains years after release, even in minor situations. The person's life is as if he was waiting for (delayed and unexpected) death at any moment.

### Carlos Liscano – *The Truck of Fools*

*The Truck of Fools* is Carlos Liscano's detailed account of nine months of daily torture suffered in Uruguay, followed by thirteen years in various maximum-security prisons and, finally, exile in Sweden (Liscano, 2004). Through a detailed and introspective narrative, the author creates a portrait of the main psychological dilemmas that a prisoner faces, the complex relationship with his torturer, and the intricate, strange and ambivalent relationship with his own body. It is a text unlike any other we know.

**The two of us: my body and me.** *'They have just brought me from the room where they torture; that's on the floor below, down the stairs to the left. You can hear screams, one person tortured, then another and another, all night. I don't think about anything. Or I think about my body. I don't think about it; I feel my body. It's dirty, beaten up, tired, smelly, sleepy, and hungry. Just now, the world consists of my body and me. I don't say it to myself like that, but I know there is no one else but the two of us. It will be many years, almost thirty, before I can tell myself what it is I feel. Not tell myself "what I feel," but what it and I felt'* (p. 17).

**Make the prisoner fight against him or herself.** *'The prisoner's other unequal struggle is with himself. Talk or not talk. In either case he loses, as there is no way to win at this game. If he does not talk, torture and the suffering continue, the prisoner does not know for how long. If he believes he can stay firm on his feet to the end, but can't, and breaks down, it could be disastrous, could lead to his giving out all the information he has without resistance, without making the torturer pull it out. If the tortured prisoner talks, he will be faced with his worst enemy, be left alone with himself, for weeks, months, years, thinking he is shit, asking himself why, telling himself he should and could have stood more, a little more, one more night, another session, another dunking of his head in the tank'* (p. 54).

**Wanting to stop the pain, but fearing guilt.** *'The first thing one wants is for pain to stop, all the rest is secondary. The sick person can do no more than wait for the results of medical treatment. But for the person tortured, relief depends on himself or herself. Only talk, and torture will stop. (. . .). But the pain, when will it stop? It depends on the torturers, they will decide the moment when not to interrogate a prisoner – man or woman – any longer. But the pain also depends on the prisoner: all he has to do is turn over the information wanted for the pain to stop. But then conscience returns: this pain will pass, eventually it will pass. He begs a little more of the body, another bit, another night. Because one day the body will get over the pain. The other pain is forever, to be lived with.'*

**Torture is unique for each person.** *'The details have to do with intimate knowledge of the body, not the human body in general, but one's own. Torture is like an illness, not everyone hurts the same, and only those who have gone through it know what it feels like (. . .). No matter what you know, what you have heard, what you have read about torture. Experience in torment is unlike anything one imagined, and it is unique for everyone'* (pp. 48–49).

**Wishing for death as an escape.** *'Later torture will make me think my age and good health are disadvantages. If my heart gave out in the middle of torture, I'd die, and that would be the end of it. But my heart does not fail me; it is the heart of a strong young man active in sports all his life'* (p. 49).

**Adaptation even to the horror.** *'At night you hear men and women screaming, dogs barking to terrify prisoners. The officers also shout, threaten, yell insults. After a while in the cells one can sleep even with the desperate cries of the tortured (. . .). The torture room smells of mildew and tobacco' (p. 49).*

**Scenery of horror and fear.** *'As a workplace it is inhospitable and insalubrious. There is a two-hundred-liter metal tank, cut in half, full of water. The prisoner, male or female, enters the room, led in with shoves and blows. Torture has not begun yet; this is only to frighten, the "loosening up" process' (pp. 49–50).*

**Alone with the pain: the work of 'softening'.** *'After torture sessions, handcuffed behind his back, the prisoner is placed "de plantón" facing the wall, legs far apart, in the cell or in the corridor. The toes swell, legs swell, the back can barely remain upright. Wrists hurt from the tight handcuffs, lose feeling, first the thumbs, then other fingers, the whole hand. The handcuffs are designed to squeeze on their own accord (. . .). Best leave them the way they are. But in the struggle during torture, the handcuffs tighten of their own accord (. . .). That hurts permanently and so [it] works at softening up [the prisoner]' (p. 55).*

**Manipulation and deceit.** *'There is a good torturer and a bad one. The good torturer [informs] the prisoner that he does not like to torture, but that his partner is a very tough, violent guy, of few words, able and willing to do the worst. To demonstrate, the bad torturer makes himself understood. If it were left to him, the prisoner would soon learn how things work around here (. . .). But the good one has not yet given up on his [friendly] method, and continues arguing' (p. 50). 'The dialogue, or whatever you want to call this, ends at last when the prisoner repeats that he knows nothing. The good torturer gets annoyed, or acts annoyed, and gives his place to the bad one. The bad one hits him, gives him a kick. The prisoner does not know whether it is the good [one] or the bad [one] who is beating . . . him, but supposes it is both. The torturers – there are always four or five – bring the prisoner up to the edge of the tank of water. One sticks his hand in and removes it. Does the prisoner hear the water? (. . .). After a while, long or short, the torturer gets bored and tries to put the prisoner in the tank. It's not an easy task. The prisoner resists. Then . . . the softening up of the stomach muscles [begins]. From the blows, the prisoner doubles over with pain and then is plunged head-first into the tank. This lasts, how long? Impossible to tell. For the prisoner it is an eternity' (pp. 50–51).*

**The unbearable anguish of suffocation: skirting the edge of death.** *'Thanks to blows to the stomach, when the prisoner is ducked in the tank he has no air in his lungs. He is hooded and handcuffed behind. He swallows water, feels he's drowning. That is what it feels like, choking to death. When they take him out of the tank, the cloth hood is full of water. So a hand closes the hood around his neck, and the water takes time to drain out. The drowning sensation goes on for seconds longer. The prisoner yells and yells. They are not normal cries of pain, but bestial, like a desperate animal. His nose and mouth cannot get enough air. The sound comes out in gasps, a succession of explosions. It's a bellow more than a shout. The body moves, jerks. There is no air anywhere' (p. 52).*

*'When he is in the water, the prisoner exerts strength he does not normally have, kicks his legs, moves his torso and bangs his head against the side of the tank. The officers, two of them, have to hold him while he is in the water (. . .). If he does go down to the bottom, a heavy body is hard to lift out, and the prisoner may drown. It's a matter of seconds. An instant of distraction and a corpse is removed from the water. When they do take him out, the prisoner lashes out desperately, hitting whoever is holding him without meaning to. Tough job, torturing – takes strength, resolution, self-forgetfulness' (pp. 54–55).*

*'The body has infinite capacity for resistance' (p. 65).*

**The battle for time and the possibility of hope.** *'[The interrogator] does not approve of torture (. . .). If the prisoner chooses, [everything could] be worked out without violence. All he has to do is answer what he's asked (. . .). Because, the prisoner should know, they have all the time in the world to*

extract information (. . .). [But] The torturer, however, does not have everything in his favor. Even though he shouts repeatedly, “We have all the time in the world to get information out of you,” the prisoner knows, that is not so. (. . .). Facts the prisoner might give tonight that would lead to the arrests of others, won’t be any good by dawn. The torturer is in a hurry, that is his disadvantage’ (p. 53).

**Dependency and hatred towards the torturer and the ‘owner’ of the prisoner.** ‘Each prisoner is assigned a “responsible,” a person who is responsible or in charge of him, usually a captain if the prisoner is “important.” Lieutenants and second lieutenants take charge of prisoners of “minor importance.” (. . .). The “responsible” is the prisoner’s owner: perhaps not of his life, because to kill intentionally he is supposed to get permission, but he is the owner of everything else. (. . .). The prisoner is the property of his “responsible.” (. . .). In my case, I am the property of a captain who arrested me. My captain has illusions of being just. “If you give me the information I want, I shall treat you well.” (. . .). It is up to me for the captain to be able to demonstrate his [sense of] justice. (. . .). He’s not original; they all say the same [things]. My captain is a little older than I am, perhaps thirty. He’s a little heavy, shorter than I am, taciturn, with a thick voice. Smokes all the time. Sometimes gives me a cigarette. The ownership of the prisoner by the “responsible” is absolute. The prisoner sleeps the hours the “responsible” decides, eats if the “responsible” wishes, is handcuffed in front or behind as the “responsible” decides, will have a blanket if the “responsible” orders it (. . .). The “responsible” is “his” owner, but both belong to each other’ (p. 58).

‘As the “responsible” directs the torture of his prisoner, he gets to know him intimately. He sees him at his worst, which is when you know a human being to his depths. He sees him suffer, hears him scream, feels his useless resistance [like that] of a trapped animal. When the prisoner begs to breathe, [begs] that they not beat him, asks to go to the bathroom, lies, invents, humbles himself, the “responsible” is there. When the prisoner is wounded flesh, wet with urine, smelling bad, a soaking rag on a filthy [mattress], the “responsible” is there. To the “responsible” nothing about the prisoner is unfamiliar.’

‘A good “responsible” looks after his prisoner. He does not let others torture him, or a soldier on guard hit him for no reason. A good “responsible” is a little paternalistic with his prisoner; he never tortures beyond what is necessary. He is [possessive], does not allow anyone of the same or lesser rank to interfere with his prisoner. Sometimes, in the early morning, the “responsible” takes a little time to converse with his prisoner in his cell (. . .). He asks after the family, who they are, how many there are, what they do. He also lets the prisoner in on his own feelings, his social and political concerns. The “responsible” might speak of his origins, say he too belongs to the people. He might even let the prisoner know he is not totally in agreement with the form of interrogation, but is not the boss. From which the prisoner should understand that from a certain point of view, the two are victims of the same mistaken decisions of his superiors (. . .). The fact of the “responsible” lends an order to things, to the barracks and also to the prisoner’ (pp. 60–61).

‘The “responsible” is the prisoner’s reference point, a mixture of authoritarian and punishing father, slave-owner, and minor god, who doles out pain, food, water, air, clothing, personal hygiene, trips to the bathroom. The “responsible” is a necessary person to this world of pain (. . .). After a time in the barracks, the prisoner and his “responsible” have developed a relationship in which the “responsible” is treating the prisoner with certain condescension – or maybe not condescension so much as that the “responsible” [is no longer] seeing the prisoner objectively. He thinks he knows everything about his prisoner, but suspects the prisoner is hiding an important part of his life, of his activities. So for a night the rules are changed, and prisoners under suspicion are separated from their “responsible” and interrogated by someone else. (. . .) If the special session gives no result, the “responsible” is assured he can trust his prisoner. But if under brief and intense torture the prisoner gives information his boss does not know, the relationship deteriorates. The “responsible” feels betrayed (. . .). The “responsible” gets irritated, scolds his prisoner for not having given him the information, for making him look bad in front of his colleagues and superiors’ (pp. 58–63).

**Battles of the body, and dignity.** *‘To defecate is a more complicated objective. It must be done hooded, into an invisible hole in the floor. Handcuffs are switched to the front. Then the soldier takes off the handcuffs when the prisoner finishes so he can wipe himself. Then puts them on again, at the back. Many operations. Although it hardly matters because the hood does not let him see, the prisoner knows the toilet has no door and that the soldier is there, leaning against the doorframe, watching him or conversing with another soldier. (. . .). As the difficulties are so many, prisoners would rather not defecate. Then they get diarrhea or become constipated. The last is my trouble; I go four weeks, five, six, without being able to defecate’ (pp. 64–65).*

*‘But [something] stronger and more necessary than the body’s ability to endure pain, something else sustains the prisoner. It is not ideology, not even ideas, nor does it affect all the same or equally. The prisoner holds onto something beyond the rational, the definable. Dignity sustains him. (. . .). He buries himself in his misery and gathers his forces, yells, lies, wants to die to lessen the pain, and wants to live to remember one day that even in torment he held onto the dignity he was taught, remember that he never trusted the torturer, hated him, was capable of killing him with his bare hands, bathing in his blood, and destroying him until not even the dust of his bones remained. Because loathing, pure loathing, also sustains, helps pass the night, another night, endure successive deaths in the tank, the cries of other prisoners’ (pp. 65–66).*

**Shifting worldviews, confronting tangible evil and horror.** *‘Although sometimes I may doubt, I’ll never stop believing in a human being’s shining capacity for indescribable acts of loyalty and sacrifice. But I also know human beings are capable of absolute evil, of hurting others for sport, of allowing a person to die in torment. Before I became a prisoner I did not know that such infinite degradation, such a descent [into] the abyss, was possible. It is scary to look at oneself in the mirror. Those things I learned in solitary prison cells’ (p. 72).*

**Could I ever be like them.?** *‘And I wake up and am afraid. Not afraid of them, but of me, of my feelings, this hatred, so old, so deep that still lives somewhere inside me. And I think: Is this me? Am I like this? Able to do this? I ask my body if it is he who has not been able to forget’ (p. 66).*

**Disgust as bodily experience. Nausea and the struggle for identity and dignity.** *‘Bad smells, urine on clothing, spit and [leftover] food stuck to the beard, hair stiff from not being washed for weeks, skin beginning to shed for lack of sun and washing, all this brings on loathing. No one would put up with someone in such a state next to him. But one has to put up with his own self. This body, dirty, smelling bad, in pain from beatings and from lack of rest, sleepy, that can’t so much as move a foot without asking permission, provokes disgust. It’s one thing to think, “This is disgusting.” It’s different to feel, “Now I am disgusting.” (. . .). But one can’t ask the body to bear pain and at the same time tell [the body that] it is disgusting. You feel for this animal. It’s disgusting but one wants to love it, because it is all one has, because dignity depends on its resistance, some dignity. Because what the torturer wants is for the prisoner to feel disgust toward himself. That he is so defenseless that he thinks he’s worth nothing, and therefore keeping his mouth shut, lying, resisting, will cease to make sense. If one is not worth anything, if one is disgusting, what has he got to defend in the torment? Not even future memories. I don’t know how to explain [the extent to which] disgust toward one’s own body [makes] one see himself differently, and that that knowledge is for life’ (pp. 69–70).*

**Torturers envy prisoners.** *‘Then other times, some nights, torturers show a curious aspect: envy of the prisoners. Because deep down the torturer knows that never will what he does have any dignity, any human, cultural, moral, or ethical value. Suppose they get the information they want, then what? They may succeed in having every man and woman in the country afraid of them – in the street, in factories, in the university – who until they lock up the house and go to bed at night, will fear the torturer.*

*Then what? Will that make the torturer feel proud? Never, not in a thousand years will he be proud to say to his children, "There was a man, or a woman, with information he did not want to give me. He was hooded, handcuffed behind his back. He refused. But I took him to the limit, smashed him, broke him down. Made him feel he was garbage. Made he feel what death was like under water, once, many times, and in the end he gave me the information" (pp. 74–75).*

**The particular method of torture does not matter: it is merely the transactional space built by the torturer to subjugate the tortured.** *'I think every torturer develops his own skills and techniques. He learns to use common instruments – water, electricity, [the] "garrote" – as one learns to use any tool, on the material, which in his case is the body of tortured prisoners. (. . .) My "responsible" has specialized in the tank. (. . .) I don't think he beats me. (. . .) I am sure his thing is the tank. In fact, years later I learn that every arrest center had its own specialized method of torture. (. . .) Where I am there are no electric prods; the tank dominates. Once, as a threat, an officer said he'd bring a prod, and then I'd see what was what. That the tank was nothing compared to the prod' (p. 81).*

### ***Elements for a definition of psychological torture based on Liscano's testimony***

Liscano explains that in torture there is always a double struggle: the relationship with the torturer, and the fight against oneself and against one's own body.

#### **1. The struggle against the torturer**

- a. Torture is a **psychological struggle** against the torturer. Liscano describes physical pain as the space in which that struggle is waged. Understanding the torturer's personality is essential to survival. Liscano describes this as a macabre game of chess in which the torturer seeks the breaking point of the detainee and the detainee seeks to understand and adapt to the demands and peculiar crazes of his torturer in order to stay one step ahead of him, save time, and minimise pain.
- b. There is the obvious relationship based on **domination** and **submission** (involving the 'owner' or 'responsible' of the prisoner), but Liscano also describes a **mutual dependence**. The interrogator needs information and has less time than it may seem. Liscano even goes so far as to suggest that it is unclear whether the torturer always dominates. A link, a type of special relationship definable as a sadistic paternalism, is established.
- c. This means that there are constant attacks on, and questioning of, the detainee's identity by the torturing system and his or her 'responsible'. Knowing how to bend the 'identity', the 'inner self' of the prisoner is the ultimate goal. Torture is then structured around the creation of a sadistic, paternalistic, and manipulative relationship.

#### **2. The prisoner's relationship with his or her body**

Torture is a painful process of becoming aware of one's own body as something unknown and strange.

- a. Liscano describes pain as an extreme form of knowledge that pushes the mind to its limit. Over the course of hours, pressure from a clothing seam or a shackle can cause excruciating pain, and the person needs to put all of their mental energy into turning that pain into a kind of anesthesia.
- b. The prisoner establishes an ambivalent relationship with his or her body: an abject, painful body that is nevertheless the only thing he or she has left. The prisoner has no other option but to love it in spite of the aversion and hate that it provokes.

- Nausea and disgust are basic emotions that exemplify the struggle of the prisoner to preserve his or her dignity and identity.
- c. Liscano shows the psychological nature of physical torture even in the apparently banal event of using the toilet. Defecating or urinating can dominate a prisoner's thoughts, as could other simple things like drinking water, hearing a deafening noise or other psychophysical elements. The system establishes seemingly minor situations that foster a situation of dependence on the torturer and cause a battle for dignity in the face of degradation, humiliation and self-rejection; the final point is to break down resistance and make the detainee give up.
3. The torturing system creates a **deceptive trick**: it is not a struggle between the torturer and the tortured, but a battle of **the tortured against himself**. This causes devastating physical and psychological exhaustion, especially because (in Liscano's description), the system creates a situation in which the enemy is internal: one has the power to stop the torture simply by saying something, but must face the possibility of later suffering permanent guilt. The system designs a situation in which the detainee must rethink everything all the time as they are faced with stressful, exhausting dilemmas.
  4. **Torture is a process** with a perfectly defined way of operating. It is 'professional work' carried out by 'professionally trained' interrogators. Liscano explains how the torture environment includes various routines:
    - a. 'Softening': hitting, yelling, chaos, loneliness. Scenarios of terror.
    - b. Initial 'talk'. 'We have all the time in the world.' Instilling hopelessness. The sooner you talk, the less you will suffer.
    - c. Manipulation: different pre-established roles of the interrogators.
    - d. Pain so strong that the victim wants to die in order to end it.
  5. Detainees will learn:
    - a. Another way to view and understand their own bodies. What their limits are, and how far they are willing to go.
    - b. To hate other human beings as a way to protect themselves and to resist. Trying to remember who they are, where they are and why they are there. They will learn that this hatred will last forever.

In short, Liscano's book describes torture based on the use of physical pain as a transactional space which establishes a relationship of 'trust/submission' between the prisoner and their 'responsible', in which the prisoner is pushed progressively into a state of submission and surrender, but also identification with the aggressor in an attempt to break down the prisoner's identity.

### Jacqueline Gurruchaga and Beatriz Brenzano – *Memories of Sexual Torture*

In 2009, Gurruchaga (JG) and Brenzano (BB), together with a group of 30 other women from Uruguay, collectively chose to report the sexual torture they suffered as political prisoners during the Uruguayan dictatorship (Grupo de denuncia de la violencia sexual sufrida durante el terrorismo de Estado, 2014). They had remained silent for over 30 years.

**Message: absolute dominance – we can do anything we want.** *'We were in places where the neglect and filth was intentional. The inadequate ventilation, the amount of light, ramps, hooks,*

hangers, cattle prods, hoods, handcuffs, toilets, everything was designed for the task at hand. (. . .). The combination of actions was calculated to make us feel extremely vulnerable, denigrated, completely at their mercy. (. . .). In a context of extreme violence, sexual abuse operated as part of the ‘varied menu’ of abuses seeking to break us. They made us feel like they could do anything they wanted to us, even stripping us, groping us, forcing us to touch them, penetrating us with different objects, etc., etc.’ (JG)

**Torture: finding the detainee’s limits.** ‘They combined different types of torture, separated by “softening period” in which they tested more subtle methods, but always with a purpose: to find our limits. The helplessness, the chaos, remaining tied up, hooded, without food, drink, or rest, ragged and filthy, surrounded by loud music and screaming for days on end (. . .).’ (JG)

‘Feeling dirty, soiling ourselves and still wearing the same clothes, menstruating, [and] smelling our smells and their smells made our torture worse, worked against us.’ (JG)

‘We never spoke of torture in general, let alone sexual abuse. It was like a learned behavior. Perhaps it was a matter of decency and dignity. As if it was not okay to feel bad about something that we knew would happen more or less like it finally did. (. . .) In retrospect, it is a bit odd that we have not sought to reflect collectively or in small groups about what torture meant to us, at least in the various places where I went.’ (JG)

**Embodied memory of pain.** ‘The recollection persists as a permanent mark on the memory of the body – the blood, the tears are still there – and to this day it harms us and also affects many of our sexual lives.’ (BB)

**Double victimisation. Hiding the hurt and shame.** ‘The pain and the damage has been so great that for more than thirty years we could not tell anyone – not our families, not our partners, and not our psychologists. The traumatic effects last over time and only now, in the group, have we been able to put them into words (perhaps because of the bonds of affection and caring that now exist between us, that bind us strongly despite the differences in our lives and our political and generational differences); we remember and relive the horror with trembling voices and tears in our eyes. In this long and painful process of denouncing and redress, which has lasted more than two years now, we hear stories of the most cruel, unimaginable, and horrifying acts of sexual violence against women prisoners. (. . .). If we don’t talk about it, it doesn’t heal. After [the preliminary hearing] before to the judge, many of us feel the immense relief of “mission accomplished,” of “finally sleeping in peace” (. . .).’ (BB)

**The value of justice.** ‘We also believe in the potential restorative capacity of the judicial sentence, and fervently hope that they are punished and sentenced for sexual violence, crimes against sexual integrity, and crimes against humanity.’ (BB)

### **Elements for a definition of psychological torture based on the testimonies of Gurruchaga and Brenzano**

1. The purpose of sexual torture is to demonstrate **omnipotence** and **absolute control** even in the most intimate spheres. This includes access to the most inviolable parts of a human being.
2. Torture is finding where each detainee has his or her own **limits**, so as to break these limits.
3. Torture becomes an **indelible memory in the body**. The damage is for life, and is sometimes expressible in words, but in most cases expressed through the body.
4. Sexual torture involves feelings of **humiliation and shame**. Rape often brings social shame on victims and their relatives or other members of their community. Victims may

also feel political shame because they survived and other activists did not. Both social and political shame may cause the person to remain silent and internalise the damage suffered, often for life. This shame is filed away inside the person under ‘do not remember’, amplifying its impact. Because sexual torture cannot be fixed or changed, the victim may not discuss it in order to avoid offending or embarrassing others. But in the end, bearing witness to survivors’ experiences creates a space in which the damage can begin to be repaired, and the search for justice becomes one of the few ways for victims to regain balance in their lives.

### Mario Villani – *Disappeared: Memories of Captivity*

Mario Villani, a physicist and activist in the Argentine left, was kidnapped by the Federal Police in 1977 when he was 38 years old. He remained disappeared until 1981; during that time he was tortured for months and was forced to work as a slave in five clandestine detention and torture centres: Athletic Club, Banco, El Olimpo, Pozo Quilmes and the Escuela de Mecánica de la Armada (ESMA). His testimonies, mostly collected in his book *Memories of Captivity*, offer unique portraits of each torture centre and the dynamics therein, and he worked extensively to cross-check his memories with the facts. His testimonies have been a keystone in the trials of many former torturers in Argentina (Villani, 2011).

**Softening.** *‘I was thrown into the “lion’s den,”<sup>2</sup> chained together with other people, not yet aware that that place temporarily housed the newly kidnapped during the “softening” time. In addition to torture sessions, this period also brought the terror of being in a strange place. Lying on the mat dread started to churn around in my mind. I was thinking of everything a mile a minute. It was difficult to estimate the time since the kidnapping: there were moments that seemed eternal and others were like snapshots. In the “lion’s den” I heard the first screams of people being tortured and the clamor of the guards going in and out to control the prisoners, punching and kicking them when they moved or raised a hand to touch the blindfold. It was an eerie and frightening environment (. . .). During my stay in the “lion’s den” they did not feed me. (. . .) In this and other fields where time does not exist, measuring it became an obsession for me. While blindfolded and isolated, I tried to keep track of the days to know the exact date. (. . .) As I received no food in the “lion’s den,” I could not go to the bathroom’ (p. 43).*

*‘Inside, the light was always on and I could not distinguish day from night (. . .). I guess that was also part of the process of destruction of our personality; it is very difficult to maintain one’s internal clock’ (p. 65).*

**Uncertainty.** *‘Uncertainty itself was a torture method and an important part of this stage. Sometimes it is worse to imagine torture than to suffer it. You try to imagine the pain, but it is never the same as real pain’ (p. 44).*

**Cognitive and emotional exhaustion.** *‘At first I killed time thinking about my life, why I had been kidnapped, if I had taken unnecessary risks or if being an activist had been a mistake. But soon I realized that it was not worth it. (. . .) The only plans I could afford were those that had to do with trying to live until tomorrow. (. . .) This constant struggle to live to see the next day was exhausting, and yet it also formed a sort of callus on the spirit’ (p. 65).*

*‘. . . In the fields, there wasn’t something that could be called a “normal day.” Every day could be repetitive and identical to many others, but it could also be the last. That’s what made the system cruel: repeating a routine hundreds of times in which each “normal” day is the same, but at the same time may be the final day, is a sophisticated system of torture. Such a system did not even need to lay a finger on the victim to cause him to despair’ (p. 67).*

**Intellectual and emotional struggle to maintain spaces of control.** *'I never liked to feel that things happen regardless of my will; it's not that I consider myself omnipotent, but I hate to give up on my personal integrity. I wanted to feel that I was myself, but everything in the detention center – in particular the ambiguity of roles and the uncertainty about where everyone stood – was aimed at destroying the identity of the detainee. Am I myself? Am I the torturer? And if I'm neither the torturer nor myself, who am I?' (p. 78).*

**Dissociation and apparent acclimation to atrocity.** *'Listening to the screams of the tortured (. . .). Oddly enough, this is also part of that kind of non-routine routine, the repeated uncertainty that ends up becoming routine. (. . .). In such a place, it is impossible to ignore the heart-wrenching screams of people being tortured every day, at any time, but you end up "getting used to it"; you can't get earplugs so you end up bitching silently and continuing to work' (p. 81).*

**Living with sudden bursts of brutality and sadism.** *'From my working place, I heard the screams of pain of the tortured and the excitement of the guards who had stopped considering it a "softening" routine and lashed out to the point of becoming sadistic. I could see some terribly beaten detainees, especially those who were beaten in the face with iron chains. (. . .). When the beating began they had clothes on, but after a while the clothes looked torn and bloody; later, they were naked bodies with marks everywhere. They began to take them one or two at a time to the "quirófanos"<sup>3</sup> for interrogation, while still beating those waiting their turn with chains while they lay still on the floor. By the end they were just a mass of motionless bodies (. . .). A few of them had to be taken directly to the infirmary because of the terrible state they were in. I do not know how many hours all of that lasted' (p. 82).*

**Guilt. Awakening the internal enemy. Forced choices.** *'Another persistent memory I have of incidents that interrupted the camp routine is a dilemma that I faced in El Banco when I had to repair a cattle prod ["picana"] (. . .). When [the torturer] told me to fix it I dared to answer: "I cannot." "How can that be if you've repaired a lot more complicated things?" he asked me. I replied, "It is not that I cannot technically; it's that is that I cannot fix an instrument of torture." I had not finished speaking, when I got scared and thought: "Right, it's all over now (. . .)." "You can't? Okay, from now on I'm going to torture with the Variac [electrical transformer] (. . .)." As the days passed, I saw people coming out of the "quirófono" in terrible conditions, including comas. (. . .). I endured this spectacle for about a week until I could not take any more and said, (. . .) "bring me the picana so I can fix it"' (p. 84).*

**Absurdity and loneliness.** *'When the World Cup was held in Argentina in June 1978 [we were obliged to see Argentine matches on TV] (. . .). I could not help thinking that those thousands of Argentines knew nothing of my existence as a disappeared person. The prisoners did not exist for them; and at the same time they and the outside world had disappeared from our lives. (. . .). This made me feel powerless and I found it maddening (. . .). It was part of the basic principles for de-structuring the personality' (p. 86).*

**Manipulation of affection. Emotional breakdown.** *'Suddenly the door opened and Cobani entered to tell me insidiously: "Flaco, Juanita [a prisoner with whom I felt a deep emotional connection] leaves in this 'transfer'"<sup>4</sup> (. . .). In a flash, I saw how I had to react (. . .). I tried to appear strong and swallowed, despite the terrible lump in my throat. I looked into his eyes and I said with simulated indifference, "Cobani, there are many women [in the world] . . ." (. . .) Part of the process of destroying one's personality includes removing any feeling of affection and compassion for others. (. . .) The lump in my throat that I felt for Juanita was added to the fear for my own life. I felt like I was walking a tightrope. But the scariest thing was yet to come. Cobani suddenly asked, "Do you want to say goodbye to her?" I said yes. (. . .). I hugged Juanita, crying. While I hugged her, I felt Cobani's mocking face*