

Human Rights Holistic Strategic Litigation
Workshop on Strategic Litigation of Torture and
Enforced Disappearance
Zimbabwe
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Psychological models that will inform
your approaches with clients

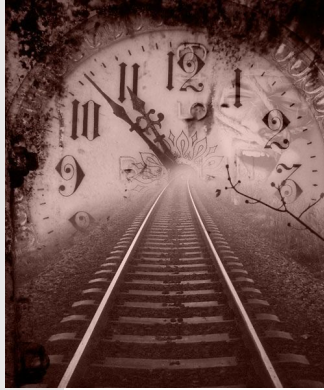
Autobiographical Memory and PTSD

What do we know?

- 50% of torture survivors develop PTSD as a result
- Who develops it is dependent on
 - previous trauma
 - childhood
 - Expectedness / preparation
 - Education
 - Social status
 - Public perception of the event

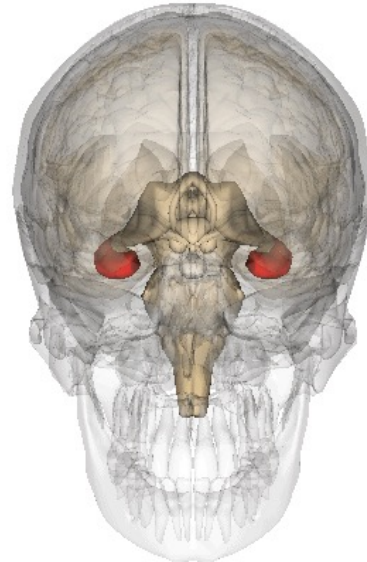
Memories are representations of events designed to protect us from future harm.

When we are threatened our memories do not work the same as when we are feeling safe.

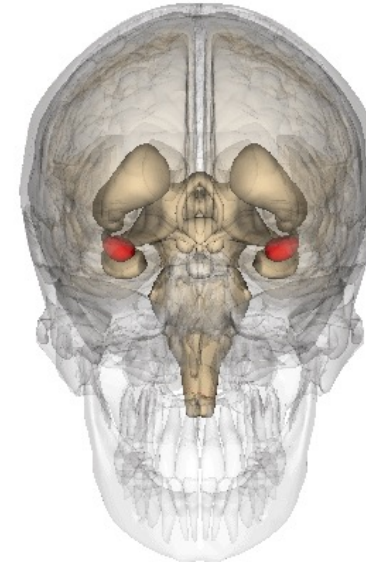


Contextual memory mediated by the hippocampus

Trauma or flashback memory mediated by the amygdala



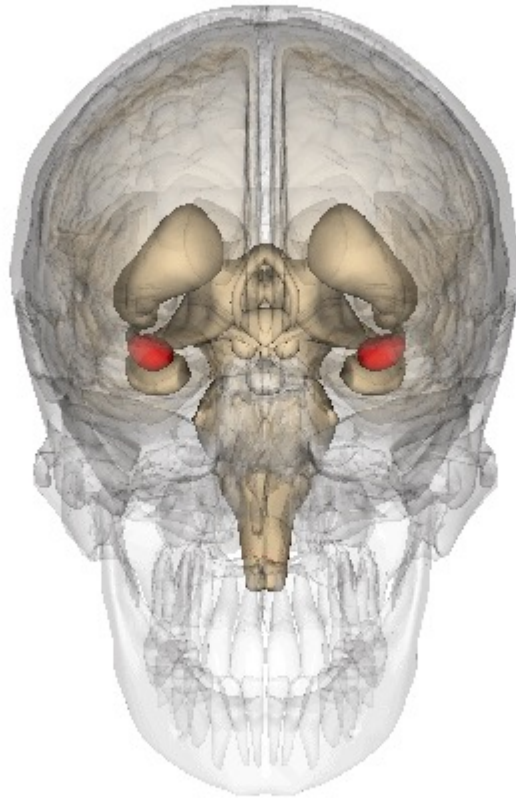
**Control over remembering it, feels in the past, related and linked to other memories, not sensory- normally verbal
Feelings about it change with new information**



Fragmented (in bits), sensory (see feel hear and smell it), feels like its happening now not in the past, triggered by a reminder, no control, have same thoughts as you did when it happened

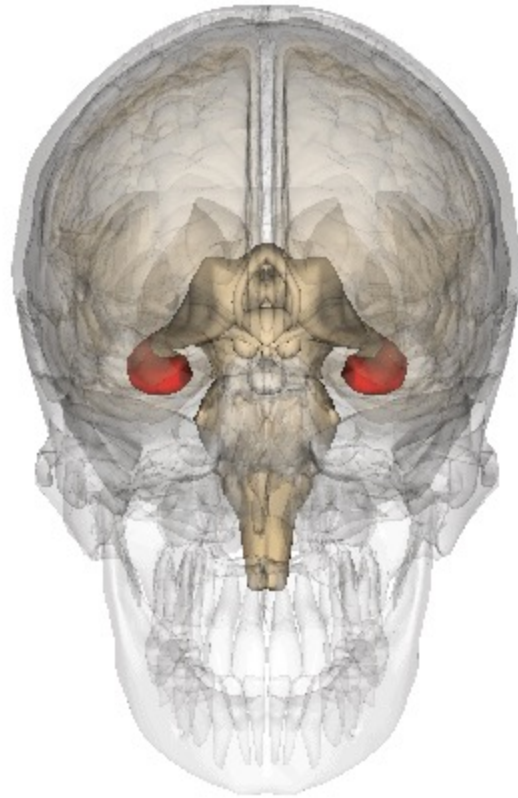


Amygdala

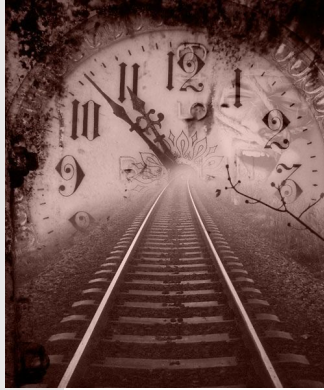


Fast. Draws conclusions.
Handles simple information.
Regulates conflict avoidance (fear) behavior

Hippocampus



Slow and deliberate. Uses complex information

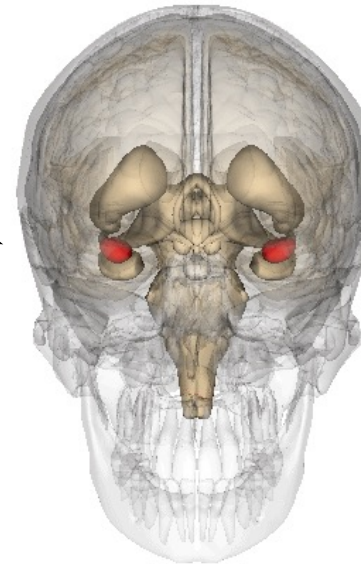
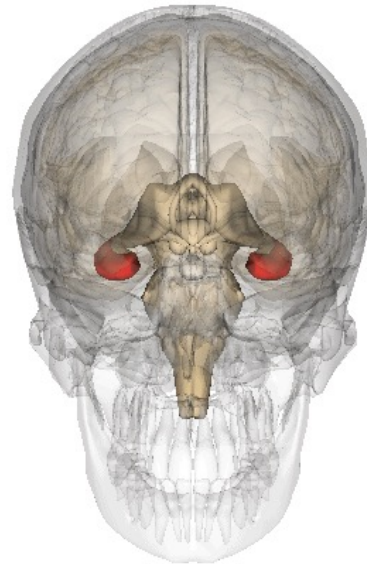


Contextual memory managed by the hippocampus

Trauma memory, or "flash" memory managed by the amygdala



Stress hormones, which normally increase the activity of the hippocampus - saturate it and decrease its activity.



**Controls the memory, feeling of the past, connected to other memories, non-sensory - usually verbal
Induced feelings are modified by new information.**



Fragmented (in pieces), sensory (we see it, feel it, hear it and smell it), impression that it happens now and not in the past, triggered by an element of recall, uncontrollable, brings back the same thoughts that we had in the moment.

Variation of Flashbacks

- Abuser appearing in the room
- Being transported back to event and completely immersed
- Re-experiencing one sensation, e.g. smell or voices
- Seeing a film
- Having the body and emotions feel the same as at time of event
- Awareness of the present varies significantly



The Defence Cascade

Freeze ↘

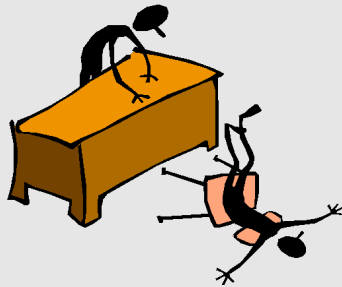
Flight ↘

Fight ↘

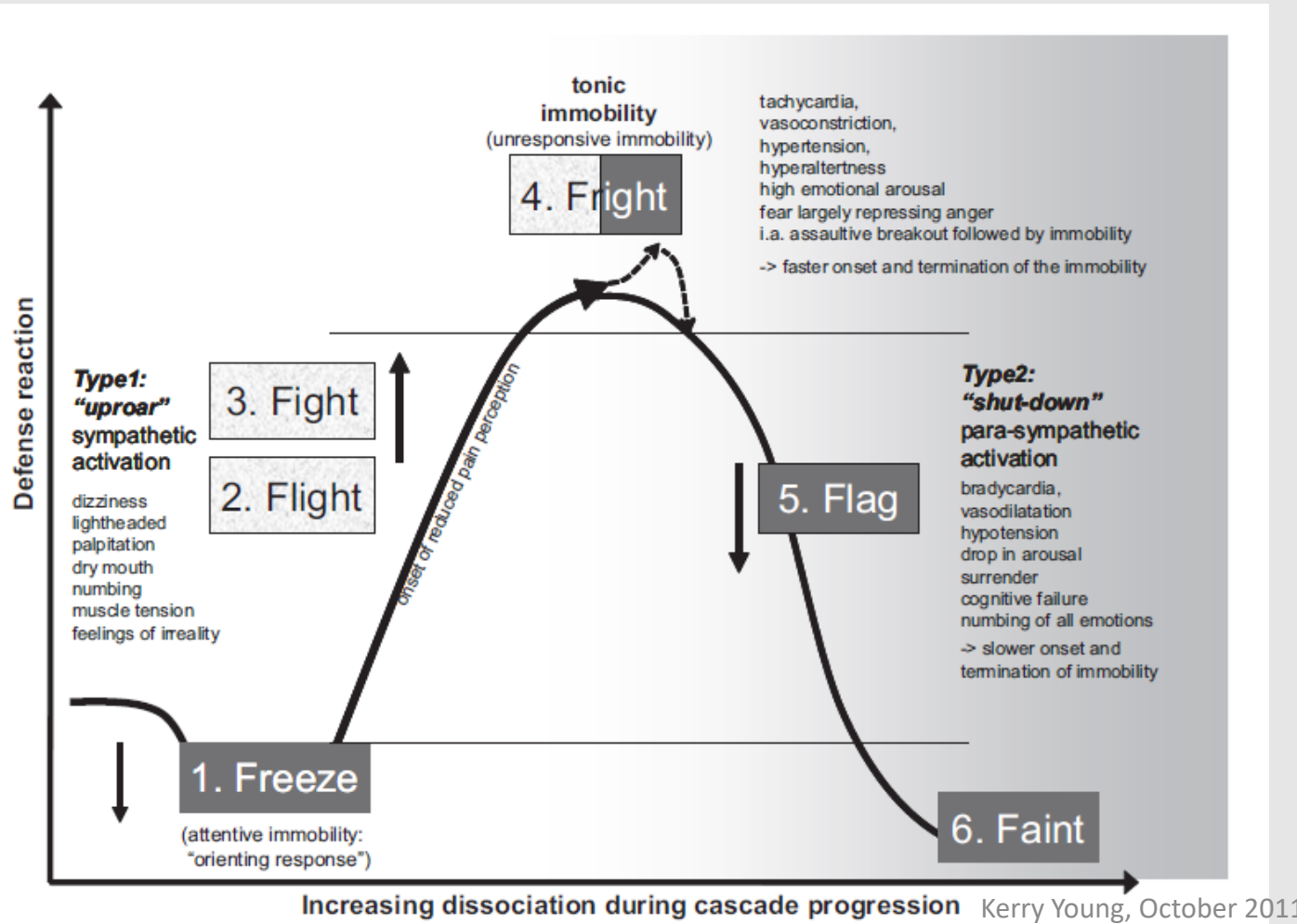
Fright ↘

Flag ↘

Faint ↘

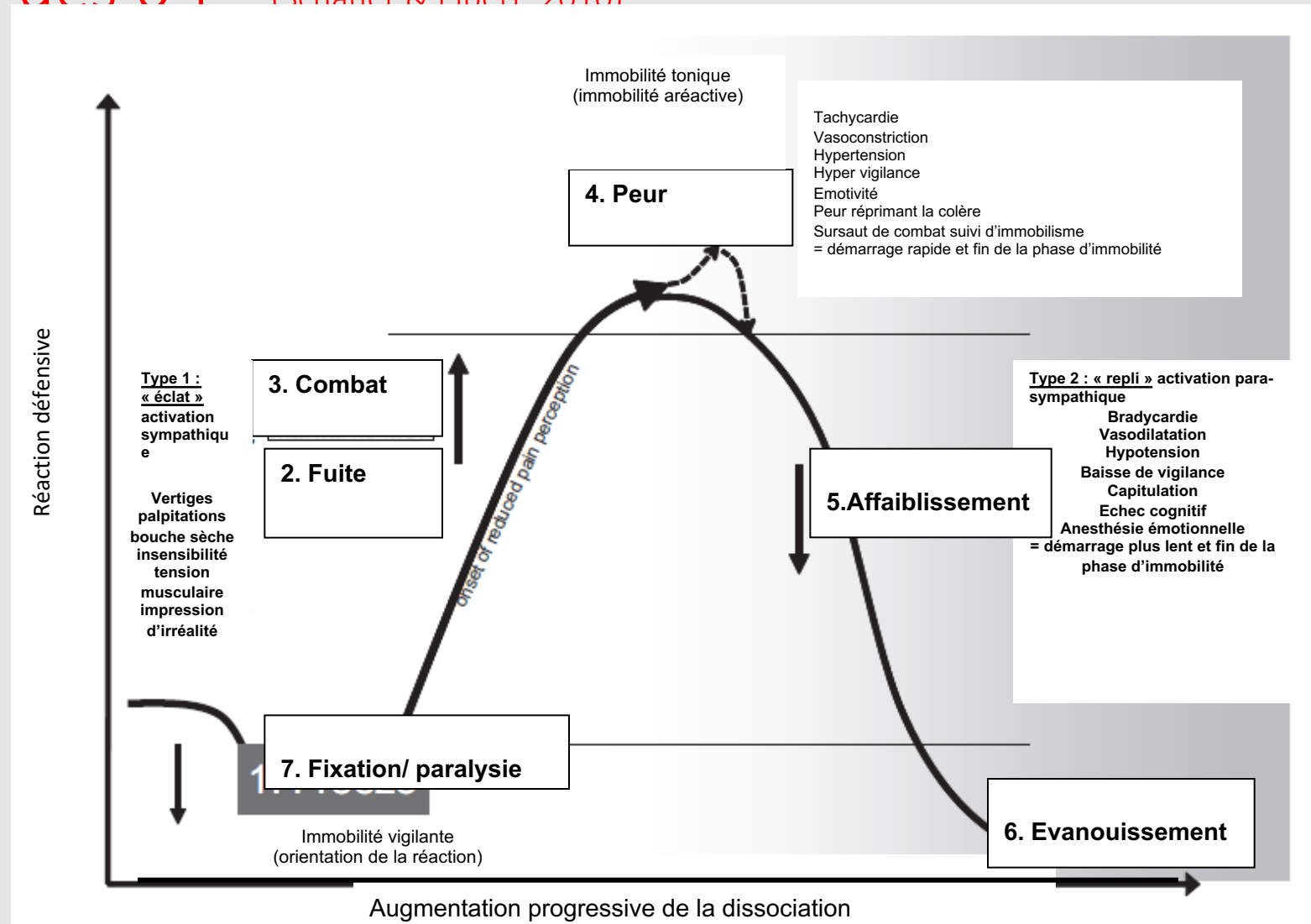


Schematic Illustration of 6-F Defence Cascade (Schauer & Elbert, 2010)



Kerry Young, October 2011

Illustration schématique des réactions de défense dite "cascade des 6-F" (Schauer & Elbert, 2010)

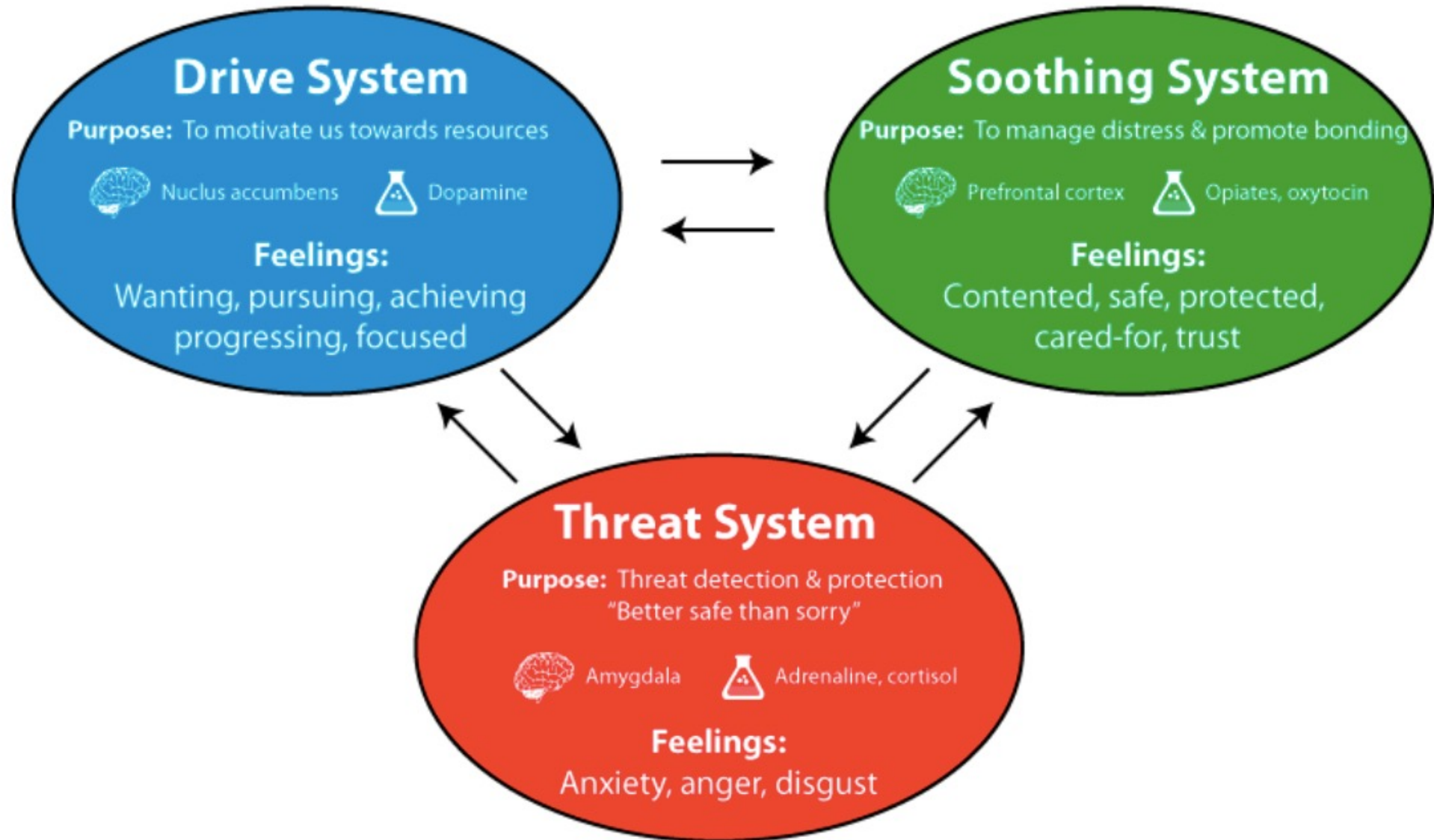


How do we switch off the threat sytem?

Helping with PTSD

Emotional Regulation Systems

Paul Gilbert's evolutionary model proposes that human beings switch between three systems to manage their emotions. Each system is associated with different brain regions and different brain chemistry. Distress is caused by imbalance between the systems, often associated with under-development of the soothing system.



Switch off the threat system...

- Increase predictability... this means managing client expectations.
- Be as physically safe as possible.
- Describing an event in detail to someone who can listen compassionately and ask context questions will reduce distress. For example, detailed witness statements.

And switch on the soothing and drive systems...

- Social and family support is the most important factor
- Encourage activity and exercise
- Balance between activity and rest. Encourage soothing activities.

Predictors of PTSD/ post-traumatic Growth

1. Access to effective social support (friends, family, colleagues, lawyers)
2. Other pressures after the event(s)
 1. Ill-health
 2. Finance/working
 3. Relationship problems
 4. bereavement

What is PTSD?

Criterion A

- Experience/witness actual/threatened death/serious injury/ threat to physical integrity self/others
- Responded to with intense fear, helplessness, or horror

Re-experiencing symptoms
e.g. nightmares, flashbacks

Avoidance of reminders,
detachment, numbing,

psychogenic amnesia

Persistent arousal e.g. sleep
problems, concentration,
hypervigilance, startle response



ICD11: World Health Organization

- Full definition freely available online in different languages.

What is a Flashback?

- Time travel
- You are not completely here
- Your emotions are the same as at the time of the event
- Some or all of the senses
 - See it
 - Feel it
 - Smell it
 - Taste it
 - Hear it

Dissociation

Dissociation is not being present in the present

Examples:

- Flashbacks
- Going blank
- Zoning out- the long stare
- Voices
- Seeing strange people
- Sudden change in personae

My client is having a flashback, what do I do?

- Ask or tell them where they are and what the date is
- Tell them that they are safe
- Ask them to squeeze a stress ball
- Use a strong scent Vicks, perfume, essential oils

Feeling Safe

Zoning Out

Feeling
Threatened



Grounding

- Aims to refocus a person's attention to the present
- Uses all the senses
- Smell is the most effective in getting us to focus on the present (although it is also the most effective in triggering a traumatic memory that feels current)

Grounding exercises

- Inhale a strong scent: smelling salts or 'calming' smell such as lavender
- Squeeze a stress ball

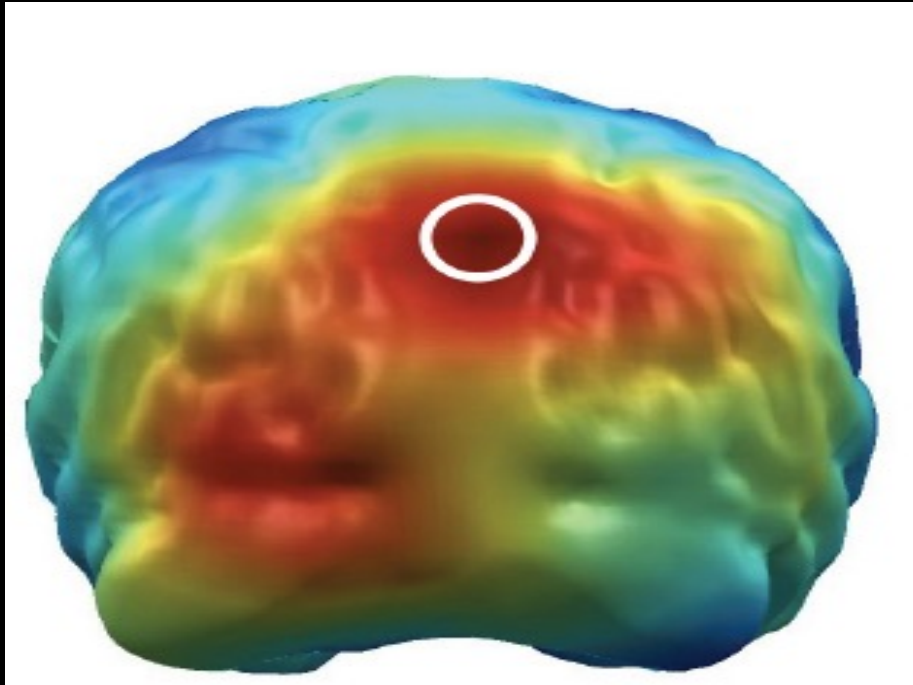


Legal Implications

- Victims literally cannot describe what happened
- Can be re-traumatising and/or healing
- Accounts likely to be fragmented, jumping around in time and place
- Memories lacking contextual details
- Avoidance of details leading people to appear deceptive

Legal Implications

- Numb, zoned out appearance leading courts to believe that people are unaffected, don't care or lying
- Memory discrepancies are normal and expected. Interpreted as deceit
- Trauma begets more trauma. Treating trauma socially, judicially and psychological has beneficial effects lasting generations



Memory and taking a witness Statement

Memories have evolved to understanding
the meaning of our experiences to keep us
safe.

Memory is a CREATIVE process not a direct
recording device.

Memory Distortions can occur

- At the witnessing stage
- At the encoding stage
- At the recall stage

Recall distortions

- Memory changes over time
- Memory changes each time activated
- People with a trauma history, depression and PTSD have an over-general memory- they have difficulties with specific memories
- Specific details more likely to change than the 'main event'

Trauma memory and law

- Higher levels of dissociation during sexual assault were associated with participants reporting more fragmented trauma memories
- Incoherent accounts of trauma during police interview predicted that they would be less likely to proceed with their legal cases (Kelly, Lovett, & Regan, 2005)
- Studies with juries have shown that victims who present as traumatised are less likely to be believed than those who aren't

The difficulties of traumatic memories

- Trauma survivors tell their stories in a highly emotional, contradictory, and fragmented manner leaving out chunks
- They struggle to put it into words and often refuse to do so
- This undermines their credibility and leaves the perpetrators unpunished and justice unfulfilled

Trauma memories (Herlihy & Turner)

- Vivid recollections of aspects the event and some parts not remembered at all
- Discrepancies between recall are common
- Peripheral details are more affected than central details*
- Discrepancies in peripheral details greater when a person has PTSD*
- Traumatic events (regardless of PTSD) increase discrepancies
- People with a history of trauma are less likely to be able to describe what happened and more likely to alter specific details
- Traumatic events are easier to remember/harder to forget
- Trust, dissociation, shame and avoidance all contribute to non-disclosure

Getting the best from memory recall

If you follow these steps you're unlikely to harm people

Getting the best from memory

- Prepare people
- Build rapport
- Use chunking- get headlines and categories first and details later. Then go back and get more details
- Be understanding and empathic
- Ask direct questions in neutral tone

Getting the best from memory

- Take time. Take breaks.
- Ask questions about context. When? How long etc.
- Be alert to avoidance. Ask for details.
- Encourage people to get to the end of a traumatic event. Try not to stop part way through.
- Allow people to be upset but check they are not having a flashback.

Getting the best from memory

- Make the place you are taking the statement as different from the event as possible. For example, do not seem to be like an interrogator.
- Explain to client that memory is likely fallible. Challenges of their recall do not imply an accusation of lying.
- Keep questions simple and short.
- Vary the style of questions at different times. Be aware you are doing this. (see next slide)

Different types of questions

Open Open: *“Tell me” “Tell me more” “and then what happened?”*

Open specific/ contextual: *Who, What, Where, When?*

Closed Specific: *“What Happened at home, last night?”*

Closed: requires a yes or no answer

Forced choice: *“Was it red, blue or something else?”*

Leading: Introducing something that hasn't been brought up by the witness.

Quiz

1. Is a person's confidence in their memories a good predictor of the accuracy of those memories?
 - No
2. Is it true that eye witness testimony reflects not just what a witness originally saw and heard, but also other information obtained later on from the police, other witnesses etc?
 - Yes
3. Is a witness's ability to recall minor details about a crime an indication of the accuracy of their identification of the perpetrator?
 - No
 - Yes
4. Does intense stress at the time of an event impair the accuracy of the memory of that event?
 - Yes
5. Can their attitudes and expectations affect a person's memory of an event?
 - Yes
6. Does the presence of a weapon tend to impair a witness's memory for a perpetrator's face?
 - Yes
7. Does most forgetting tend to occur soon after an event?
 - Yes
8. Do children have better memories for events than adults?
 - No, worse
9. How far back into their childhood can most people remember?
 - 3 or 4 years old
10. Are traumatic memories from childhood that are "recovered" in therapy (having never before been recalled) likely to be false?
 - Yes
11. Are dramatic events more or less likely to be forgotten?
 - Less
12. Is it possible for a perpetrator to have forgotten their criminal act because they've suppressed that specific memory?
 - No
13. T or F: Discrepancies and inconsistencies indicate the person is lying.
 - False