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Mental Health Disturbances Caused by the Absence of Truth and Justice

In this seminar on ‘Strengthening Local Resources for Community Reconstruction’ and within the subject of truth, justice and social reconstruction, I will speak about the significance of the absence of truth and justice for the construction of mental disturbances among individuals and collectives overwhelmed by experiences of post-war and post dictatorship conflicts.

First of all, I should explain my position in this discussion. I speak from the perspective of medical neuropsychiatry and not from the legal field. I speak from my experience within an integral and multidisciplinary social work, which was initiated a few days after the military coup in Chile, the 11th of September 1973.

During all these years until now, Chile has experienced – in the same way as other countries – state terrorism, crimes, impunity, Truth Commissions, attempts of amends and reconciliation obligations. We have also gone through a persistent imposition of denials, concealments, disregards, anti-remembrance actions and the imposition of ‘seeing forward to the future’ ideas. We wonder, is it possible to construct a stable future within the context of unresolved war crimes that were left behind under impunity as persistent and unsolved traumas in the people; traumas that overrun entire communities with ambiguities, fears and distrust?

I will try to give an answer to this doubt.

First, I will show our methodology: the practice of dealing with the social consequences of crimes and impunity has lead us to the deliberate elaboration of a theoretical framework, which is based on a mental health and human rights dimension. In this model, we have combined the contemporary elaboration of universal or regional instruments in relation to human rights, together with the analysis of the psychopathological alterations produced by crimes and impunity.

Reverting the time

Despite of the violence, crimes and the intrinsic aggression directed towards human beings since the very beginning of the human history, it was only after the genocide of the Second World War – in the past century – that the elaboration of human rights Treaties, Norms, Conventions, International Laws between States, and the meaning of its violation, became a reality.

The first designed instrument was the United Nations Charter, which in turn established the creation of the Human Rights Commission. Previously, The International Military Tribunal – established in the city of Nuremberg – defined for first time in history three crime categories judged and evaluated by international law: Crimes against Freedom, War Crimes and Crimes against Humanity.

Therefore, concepts such as dignity, crime, intention, aggression, responsibility, perpetrators, trauma of human origin, and impunity began to be part of our everyday life reflections. It was through the violence resulting from the military coup in Chile that a 'limit situation' was installed during the following years. Limit situation refers to *"those experiences with a dramatic, unavoidable and incomprehensible character and an uncertain duration, which are lived as infinite, causing feelings of total impotence when confronted"*.¹

Trauma of human origin: clinical work

We speak about traumas of human origin when a destructing meaning is concretised, and when we find a bipolar relationship between the victim and his/her intimidator. In this action, a perverse and indissoluble human conjunction is produced, building up a link that will persist in time. The sufferers of those traumas have expressed that they remained absolutely inert, defenceless and powerless against their perpetrator who had all the power and forces to destroy their inner and unique human integrity. These experiences were widely encountered by the entire community.

The first time that we came across with the tortured bodies and minds, besides experiencing an astonishing revelation, we were conscious about the immense shortage of resources undergone by the field of human clinic. This "pathology" did not exist in the medical literature and it was even less studied in the university. We were basically confused about the application of concepts such as health and illness, when facing this specific universe of people without previous diagnostic knowledge, premises or whatsoever. We did not possess the exact words that could allow us to define their symptoms and the psychopathological mechanisms that produced them. To try to interpret them under the ordinary language, codes and specificities of the medical, nostalgic psychiatric knowledge seemed, and still continues to be seen, as an enormous reductive and restrictive analysis of the effects of human aggression over the wholeness of a human being.

We realised that we could not consider all these symptoms and syndromes as abnormalities or pathologies. What was abnormal and pathological for us was in fact the aggression – destruction produced by other human beings and not the symptoms that these actions brought about. Although all these symptoms and syndromes did not differ from its phenomenological expression described in the handbooks of psychiatry, we were dealing with an entirely different task. We were eager to find the disturbed psychopathological mechanisms that were established in the past individual and collective innerness of the sufferers. Thousands of victims perturbed by their experiences of war violence or dictatorships.

The core mechanisms, which originated these symptoms, are sustained by the historical, cultural, racial, genetic and biographical antecedents of the people who suffer them. Likewise, symptoms are nourished by the individual's previous personal and social attributes emerged from a strained nucleus of their perturbed communities. In this way, the emerged symptoms are varied and multifaceted, different and unique in terms of their intensity and configuration; as diverse and unique as individuals and communities are. There are some symptoms and signs that are more predominant and recurrent than others, but there is not a specific syndrome as such.

¹ Bettelheimn Bruno: "Le coeur conscient"., Ed. Laffont, 1979.

In this view, concepts of health and illness must be extrapolated to the outside world. In this particular case, to the dictatorship, to their power, to the society that live under State terrorism, but more importantly, to the perpetrators or to those who are responsible.

Let us see, then, why it is an obligation to demand truth and to get justice.

Impunity as mechanism of psychological disturbance

We believe that there is indispensable to deeper into the analysis of these concepts in order to comprehend the psychological disturbances that affect individuals and communities.

Impunity is a new kind of aggression that comes to sum up the list of crimes in the same way as the traumatic consequences of war, pains, sufferings, loss, bereavements and seclusions do. It must be seen in such way since impunity hinders the main human values, it destroys beliefs and principles and alters the social norms and values that have been constructed by the human brings along the course of history.

According to the Real Academy's Dictionary, impunity means lack of punishment. In the same way, Amnesty – one of the most common mechanisms utilised to establish impunity- means amnesia, a medical term applied to memory loss.

The two main pillars that sustain impunity are negation of truth, in relation to the facts, and the total or partial absence of justice. In other words, the absence of justice experienced by the victims, their relatives and the rest of the society. These two absences pervert the most essential mental functions of human beings. Truth -which means the perception of the objective reality of the outside world as an essential element for the construction of the process of knowing, understanding and imagining- is darkened under impunity.

In this way, any belief that one may have about reality – perception of preciseness, analysis of what is false and real as a grounding knowledge for the future formation of the processes of knowing, thinking and the capacity of choice – is left behind under ambiguity if one do not reach an integral truth .²

As a result, truth, which is also a fundamental pillar for the affective relationship with the social world, is perverted. The actual manifestation of reality has been desecrated or does not exist. The psychopathological mechanisms that originate uncertainty, anxiety and specially mistrust, are to be found in this absence of truth. On the other hand, justice, a permanent value represented along the history of humanity, is denied in the presence of impunity.

Ones own feelings about right and wrong, and about what should and should not be done conform the bases from which our mental space of values and affections are constructed. Similarly, human beings also demand, on the one hand recognition, if they perceive themselves as acting rightly. On the other hand, they feel the need of punishment towards those who infringe the rules. To let perpetrators impugn for their committed crimes is to vanish the fundamental principles of equality between human beings.

In order to establish moral rules within society it is first necessary to base them on truth and justice. Therefore, the prevalence of impunity has produced a dramatic breakdown in the

² Here I use the term 'ambiguity' in its psychopathological meaning.

axiological alignment of the victims and their relatives –the people we work with. This damage is extended to the rest of the society throughout lies, deceit, denials and sarcasm against our demands of truth, justice and vindication. These events have produced strong alterations in mankind, disturbances that can be defined, strictly speaking, as “human catastrophes”.

Psychopathology

Let us illustrate the former assertions. The injured relatives of the disappeared, the detained or the executed have indubitable a painful and difficult task to go through. Its difficulty exists in the lack of knowledge about the actual truth. Here, we do not simply speak about the official truth given by the State, but also, about the “right to know” of what happened with them, in the most minuscule details. In this way, a wide range of questions arises: what happened with him? Which were her last moments or her last thoughts? What did you ask him? What did she answer? Where is he? These questions are incessantly repeated in people’s thoughts and imaginations, being frequently assaulted by horrifying answerless scenes.

Lack of information, denials, impunity and refusal to recognise the deprivation of freedom endured by the victims and their relatives, have all constitute: “the ill-defined and uncertain material that human knowledge incorporates, analyses and synthesises. In this way, truth does not exist, and without truth, it is impossible to construct an internal world with stability. Doubt, mistrust, uncertainty become the absolute meaning of people’s everyday lives. The universe of their subjectivity is disarranged and their human relations are perverted full of fear and disbelief. In this manner, lack of knowledge, creation of sinister fantasies, confusions, uncertainty and a submerged history is what predominates in their subjectivity. Life threats remain a mystery and are perpetually indecipherable. The analysis of social reality lacks of clear indexes and objectivity. Thoughts and remembrances cannot have a normal course without truth, and therefore, ambivalence and confusion are predominant in people’s reasoning”.³

What is even more serious is the instability and the ambivalence erected when ‘the unknown’ and ‘the unresolved’ are related to the life and death dilemma, or when the circumstances of the victim’s death are unknown. The lack of knowledge of what could have happened instigates dilemmas in the thoughts of the relatives of the disappeared.

They are overwhelmed by terror, disbelief and by perverse fantasies and remembrances. When the relatives of the disappeared persistently ignore what happened, the situation becomes extreme. This condition is even more dangerous when it is understood that others do know the truth but they deny it and hide it.

Several personages are missing from the reality, from the objective knowledge: they have neither figure nor face. However, in the world and fantasies of the relatives -parents, children and siblings- the victims acquire different images, faces and behaviours, most of the time, frightening. All these experiences have produced, and keep producing, pains and permanent mental sufferings.

In 1996, jurist Louis Joignet delivered to the United Nations his final report “*Review on impunity against the perpetrators of human rights violations*”. The report analyses several

³ Paz Rojas: Letter to the Especial Relater Against Impunity: Louis Joignet, 9th July 1992.

principles. It refers to ‘the right to know’, which addresses the inalienable right of truth. It also mentions ‘the right of remembrance’, and a principle that grants the effectiveness of the ‘right to know’, ‘the right of justice’ and the ‘right to be compensated’. All these principles should be transparent in order to construct a psychology for the individual and collectives.

Traumas of human origin – not those caused by natural disasters or “technical” failures – do not have clear borders between objectivity and subjectivity, real and imaginary, external and internal reality. On the contrary, the borders between these processes are mixed together, blended, producing an ambiguous analysis of the external and internal reality.

The former statements incited us, some years ago, to propose two thesis: the first one states that impunity, as time goes by, is able to cause severe disturbances and damages, in the same way as torture do. The second thesis states that impunity, in itself, is a crime against humanity.

We have understood that this special clinical work deals with damaged subjectivities, which impinge the biopsychosocial integral system of a human being.⁴ It is mainly a clinical work based on interaction, intersubjectivity, which since the beginning has been necessary to include the perpetrator and his/her system. Likewise, it is a clinical work that goes beyond the limits of individual subjectivities. Human rights violations will in time abandon its hidden spaces to overcome the whole dimension of human beings, the country and its habitants. It will always remain as a senseless anguish in the collective imagination of the people who experienced it, and somehow, tried to forget it without facing the crimes.

Truth Commissions

Towards the end of dictatorships and armed conflicts the so-called Truth Commissions were established in several countries. In Chile, the commission created was named Commission for Truth and Reconciliation without taking into consideration one of the more important values for reaching real reparation: Justice. The hundred of thousands survivors of torture were also excluded. Despite of this, we supported it and encouraged people to go to declare. After the emission of the final report, our hopes for knowing the names of the perpetrators and for reaching an authentic truth and justice began to vanish, to become extinct. The individual and collective subjectivity which had previously imagined a real reparation gradually began to fall down into frustration, tiredness and hopelessness. Not during dictatorship but in “democracy”.

The disturbed psychodynamic processes re-emerge in the psyche with an absolute negation, impunity and with the absence of the most fundamental values of human rights and dignity.

This reality encouraged us to undertake a comparative study between five Commissions, four in Latin America and one in Africa, the South African Commission. We were eager to know innumerable aspects, but specially, we wished to know whether the reparation measures dictated by the Truth Commissions had been implemented. At the same time, whether these measures had reached a certain level of prevention. We also hoped for knowing about the effects and results of the work of such Commissions over the victims, their relatives and their communities. We continue to work on this research, and although it is not yet finished, we can gather the some conclusions: The Commissions have, in some way, established an official

⁴ “Torture et Resistance au Chili”, Katia Resczynski, Paz Rojas, Patricia Barceló. Editions L’Harmattan, 1984.

truth about the facts. But it is a partial truth as the names of the perpetrators are not given, and if they do so, the perpetrators are amnestied without obtaining justice. Commissions have attempted to closure the collective memory and to encourage people to look forward.

Specific disturbances within the community

When we make a detailed exploration of the consequences of these facts in the communities, we conclude that a collective and profound damage has been done. We observed the existence of a ‘dialectical phenomena of negative nature’: on the one hand, the victims of direct violence were traumatised, isolated and marginalized. On the other hand, the enclave they used to live also retain the features of a insane society, in other words, a society that “creates hostility, lies and reservation”.⁵

Furthermore, throughout our social interactions established with the communities we discovered that these groups were building up a special social character based on a pathogenic or an abnormal core. This phenomenon has been constructed under an internalised fear based on mistrust, which destroyed the basic principle of solidarity between human beings.

We were witness of a ‘frozen mourning’; their fears about violence recurrence did not allow them to break through the logic of impunity imposed by the dominant power. The persistent presence of death symbolisms made them unable to act openly, to analyse and think carefully without restrains. Silence and negation were prevalent conducts.

Their social representations, which are the product of the psychological and social analysis of reality, were not coherent. The absence of transparency in their inner psyche did not allow them to reach a collective agreement about the happenings, an agreement that could help them to see into their present. Their analysis were disturbed by their experiences of intense violence and death, which made people deny an external, cruel and unknown reality.

The happenings were registered in the memory of each of the victims, depending on their own internalised experiences and feelings, which were produced at the moment of the military coup and during the following years of dictatorship. The uniqueness of their remembrances, as well as, all the neuropsychological functions involved, could coincide somehow with the experiences of other families and community members. However, the lack of transparency during this transitional period favoured dissociations and confusions.

Reparation measures

Let us unify our praxis with the theory of human rights. In 1989 the United Nations entitled Ms Theo Van Bowen “*the task of undertaking a research about the right of restitution, compensation and rehabilitation – meanings integrated in the concept of reparation – for the victims of human rights violations and fundamental freedom*”. Ms Van Bowen prepared three versions of principles and guidelines about the right of reparation to the victims.

Almost ten years after, in 1998, the Human Rights Commission asked to the president “*to appoint a new independent expert to prepare a reviewed version of the reparation agreement*”. The 18th of January 2000 the new delegate presented his Final Report.

⁵ Fromm, E.: “Psychoanalysis of contemporary society”. Fondo de Cultura Económica. Mexico, 1956.

From this Final Report, I want to highlight some principles and guidelines that focus on the right of reparation to the victims. These principles will help us think about how we should act and demand truth and justice in post-crisis periods. In the II point, named, “**Obligation scope**”, and in the item **b**, the report reveals that “*States should investigate the violations and, when appropriated, they should proceed against the person who committed the violation, according to the internal and international law.*” Within the item **c** it points out that “*States should bring to the victims an equal and effective access to justice*” and at the end, in the item **d**, it is added, “*States should facilitate reparations measures to the victims*”.

In the III point on “**Violations of international human rights and of the humanitarian law that contents crimes under international law**” it is highlighted, among other things, “*the right to process the suspected people who committed those violations, the right to punish the responsible of such violations, and the right to cooperate and assist States and support judicial international organisations to investigate the denounce of such violations*”.

In the VI point: “**Treatment to the Victims**” asserts that States should “*guarantee the security and intimacy of the victims and their relatives...the State should avoid new traumas when the legal and administrative procedures for the construction of justice and reparation are taking place*”.

When we think about these guidelines given by the special expert on impunity and reparation, we can conclude that the principles enunciated by the United Nations have been partially fulfilled or not fulfilled at all.

The construction of a new social subject

When the principles and doctrines on human rights are not fulfilled, societies develop a new way of being and knowing which is, in turn, embraced in their social and political practices. In time of crisis, a new human being emerges founded on fear, mistrust, denial, lost of collective memory and language deformations. All these disturbances lead to social dissociation and the construction of incongruent and sometimes false groups where individualism, supported by a new model, predominates.

Impunity practised by States have cause identity loss within society, which is also aggravated by the absence of demand of truth and justice. We have then transformed ourselves into indifferent and pusillanimous citizens represented in egoism and symbolised in the lost of solidarity.

Mental Health and Human Rights Model

Facing this individual and collective reality, we propose the study and application of a new **Model based on Mental Health and Human Rights**, which can guide us into our therapeutic treatments. This model should consider, first and foremost, that we are dealing with a dynamic interaction of human destructiveness. At the same time, this model should re-enact the individual and social identity and dignity of human beings, based on the fundamental principles of human rights. It should also consider the global dimension of our system according to the paradigm: person-power-aggressor, dictatorial State-society. Likewise, it should try to extract from the innerness of the destructed individuals and communities their imminent experiences of death symbolised in the perpetrator. The model,

through a drastic opposition against impunity, could be able to mend not just the injured but also the aggressor, by reconstructing in both the fundamental values of humanity.

Therefore, this model has an integral and multidisciplinary principle “in which its participants are able to obtain knowledge and experience about this human drama. In addition, the model allows each of its members to contribute with proposals from several and distinct theoretical or practical perspectives, respecting at the same time, each other roles and tasks within an environment of mutual support”. In sum, our main task is to work with people who can be able, not just to implement treatments, but more importantly, to demand Truth and Justice; since in the field of mental health, truth and justice have become real therapeutic means.