

The visibility provided to this case through the publication of the aforementioned scientific article in the *Torture Journal*, and its contribution as a form of expert evidence in the Spanish courts, as well as in the ECHR, have helped to ensure that the denunciation of torture does not go unpunished in an EU member state. When a state that is supposed to be democratic and under the rule of law fails to criminalise these behaviours, it discourages political criticism, and makes torture and ill-treatment invisible.

For all this, I thank the journal on behalf of Agustín Toranzo, and the collective that represents his interest in the present cause, for the progress that this demonstrates in the defence of human rights in Andalusia and Southern Europe. This case reaffirms the importance of documenting torture and recognising academic publishing and its power in promoting justice for victims of torture.

Disappearing refugees inside the United States.

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Dear Editor,

I have been working as a psychotherapist and social worker with refugee survivors of torture since 1990. I am now involved at the Texas-Mexico border, drawn there by the torture of refugee families and their children who are disappeared under the U.S. Administration's phrase, "family separation." In the El Paso Sector, I collaborate with several clinical, legal, and investigative journalism organizations.

We've read of the thousands of children and parents disappeared from one another at the border under that official phrase "family separation." The administration itself has stated that:

"The total number of children separated from a parent or guardian by immigration authorities is unknown.... HHS (Department of Health and Human Services) has thus far identified 2,737 children in its care at that time who were separated from their parents. However, thousands of children may have been separated...." (Office of the Inspector General, 2019 January).

In June 2018, NBC News quotes the former acting head of Immigration Customs Enforcement as saying, "some migrant family separations are permanent. You could be creating thousands of immigrant orphans

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in the U.S.” (Ainsley, 2018). According to CNN in April 2019, government officials stated in a court filing that it may take two years to identify thousands of separated families (Shoichet et al., 2019). The Los Angeles Times also reported in March, 2019 that, “the total number of children separated from a parent or guardian under Trump remains unknown,” in part because children separated from relatives who are not parents (siblings, aunts, uncles, grandparents) were neither counted as “family separation” cases nor separately tracked (O’Toole, 2019).

A March CNN report quotes a former head of the U.S. border security agency, Commissioner Kevin McAleenan, as saying almost 40,000 children will have been taken into federal custody in March 2019 (Sands, 2019). In April 2019, the New York Times reported that U.S. Attorney General William Barr has ordered that even some asylum seekers who have established credible fear and are subject to deportation—which now means virtually anyone because even asylum seekers are charged with an illegal entry—can not be released on bond and may be held in prison indefinitely (Sheer & Benner, 2019).

Like the official federal phrase “waterboarding” that disguises the use of asphyxiation as torture, disappearing people is a well-known form of torture—but not publicly understood as such in the United States, at least not yet. This lack of understanding may be because the U.S. has neither had a recent civil war, nor a current understanding of modern psychological torture. However, it is well understood in Latin America what “family separation” amounts to, as a number of refugees at the border have told me. That is, psychological mass torture, avoiding physical evidence on the body, in an attempt to control a region.

The argument to condemn “family separation” as a form of torture on children

(and of parents, relatives, caretakers) has been, thus far, based on physical, psychological, and physiological grounds. It is well laid out in an article by my colleague at the Stanford Mental Health in Trauma Laboratory, law professor Beth Van Schaack (Van Schaack, 2018). She provides direct evidence from official statements that the policy of “family separation” is deliberately used to control refugees on a large scale.

However, enforced disappearance is not called a form of torture anywhere in the body of the International Convention for the Protection of All Persons from Enforced Disappearance (UN General Assembly, 2006). Instead, enforced disappearance is considered a means by which its victims are placed beyond protection of the law, and therefore may be *subject* to torture. This idea must be revisited, just as it was in 1986 that the UN recognized rape as a form of torture (UN Commission on Human Rights, 1986).

As a therapist working with families of the disappeared from Chile, Fiji, Bosnia and elsewhere, in cases involving disappearance, myself and others in the torture treatment movement know there is additional emotional evidence that disappearance amounts to constant torture. It gives rise to a particular set of painful emotions not provoked by PTSD or other trauma symptoms: unending, unrequited grief and related guilt in addition to trauma symptoms. Those not disappeared are kept ignorant of the existence and condition of the disappeared, sometimes for life. They feel guilt for not being unable to protect or help them. They feel guilt if they try to resolve the anguish by giving the disappeared up for permanently lost or dead. We have only to see the small children held weeping in cages at the U.S. border to recognize that, for them, the disappearance of loved ones is immediately felt and

amounts to torture. Therapeutic experience suggests it will remain with them and their families. There is a reason why thousands of Latin American families acknowledge disappearance as torture. Where are they in the writing of this Convention?

In the U.S. “family separation” policy, there is often a double disappearance, so neither parents nor children know if the other is alive or dead, safe or not. An entire region can’t be controlled by torturing everyone, but as in many countries or regions, attempts are made to torture a number deemed sufficient to foster the obedience of all others in a region. This use of disappearance, therefore, inflicts torture on everyone, by threats and acts in order to warn refugees and asylum seekers back to the south.

The U.S. government and supporters of the use of torture have tried to focus the U.S. public on justifying the use of torture for interrogation. This deliberately obscures the United States’ use of the other main form of modern torture, mass torture—here of a psychological kind—to control a region, a people, a state. U.S. intelligence agencies are shot through with psychologists and others who are informed about the meaning of “disappearance”; advertisements seeking to hire psychologists for the CIA, for instance, appear in professional clinical journals.

Since the U.S. public does not understand from experience how to translate “family separation” as a phrase to disguise torture, and since the U.S. government deliberately misleads its public with phrasing, it is up to the torture treatment movement, law centers, international agencies and some states, to inform the U.S. public that mass torture as “disappearance” is public policy now *inside* the United States.

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