

Evaluating Survivors of Torture: The Western New York Human Rights Clinic



In Partnership with the WNY Center for Survivors of Torture

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Objectives

- Educate physicians and other providers about the newly founded WNY Human Rights Clinic and Center for Survivors of Torture.
- Share our mission, challenges, and background on forensic examinations.
- Describe the Center's work on holistic care.
- Provide information on how physicians can become involved in our efforts.

What is the Human Rights Clinic?



- Mission

“...to facilitate forensic medical and psychological evaluations for survivors of torture seeking asylum in the United States... and educate the community about this population.”



Our Partners

**Western
New York
Center for
Survivors
of Torture**



a lifeline
for all

Jewish Family Service
of Buffalo & Erie County



UB|MD
PHYSICIANS' GROUP



UB Family Medicine

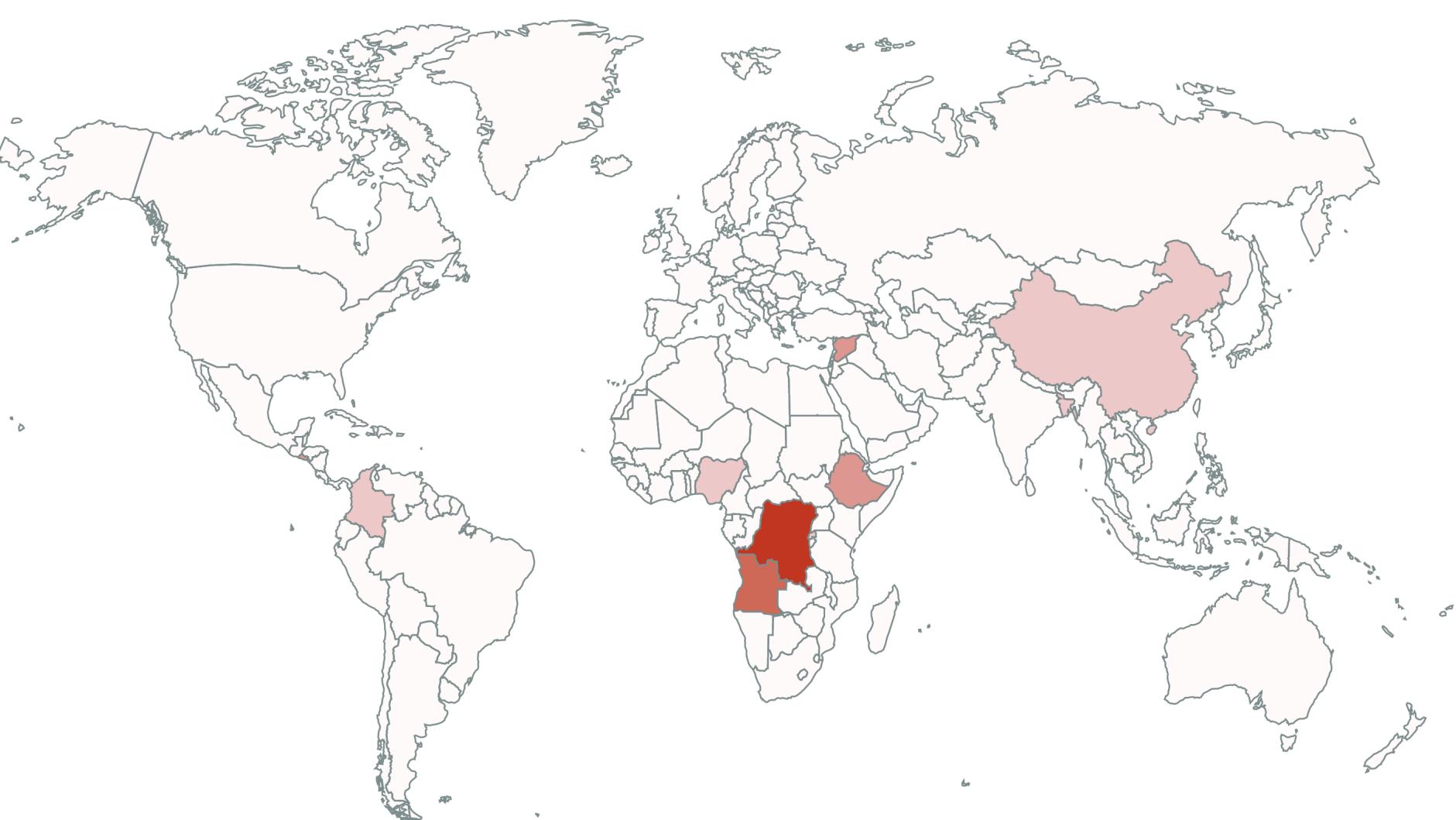
Our Population

Asylum seekers are people who move across borders in search of protection...someone who has applied for protection as a refugee and is awaiting the determination of his or her status.

- Have 1 year from entering US to apply for legal status and withholding of removal

A **refugee** is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of **race, religion, nationality, political opinion or membership in a particular social group**.

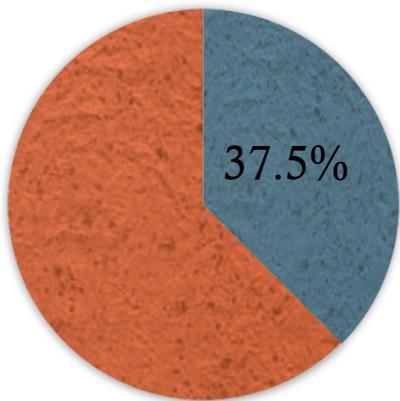
- Arrive with legal status
- NOT in need of forensic examination



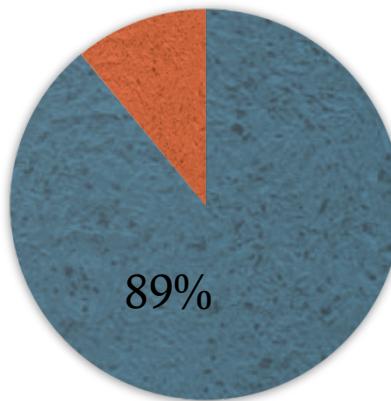
- Democratic Republic of Congo
- Angola
- Ethiopia
- El Salvador
- Syria
- Bangladesh
- China
- Colombia
- Nigeria
- Rwanda

Why Educate Medical Professionals?

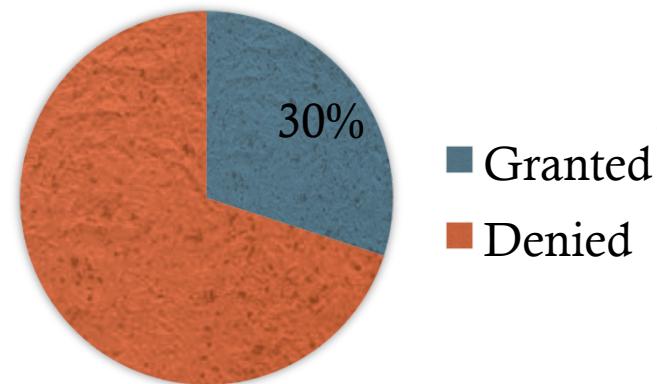
Without Forensic Medical



With Forensic Medical



Buffalo, 2013



Current Pending Immigration Cases in Buffalo: 2,358

Role of the Clinician Examiner

- Objective, trained medical or mental health provider
- Establish rapport and create comfortable setting for interview
- Elicit thorough history of torture and traumatic events, assess for injury, document evidence of abuse
- Correlate the degree of consistency between examination findings and specific allegations of abuse by the applicant
- No long term care

Role of the Clinician Examiner

NOT responsible for:

- Verifying identity of client
- Confirming truth of client's testimony
- Determining whether claims of persecution meet legal criteria for torture
- Predicting what would physically happen if client returned to their country
- Deciding whether client qualifies for asylum

Logistics



Photo from Yale University training

- Referrals through WNY CST, PHR
- Student directors coordinate scheduling, including interpreter
- Medical students scribe history, take photographs, draft affidavit



Examining Asylum Seekers

History

- Social and Past Medical History
- Full history of detentions and arrest
- Pay special attention to:
 - Timeline
 - Body positioning and nature of abuse, including frequency and areas of body involved
 - Pharmacologic torture
 - Conditions of detention
 - Psychological abuse (ex: deprivations, humiliations)
 - Mental status following abuse (ex: loss of consciousness, significant disability)

Most Commonly Reported Torture Types

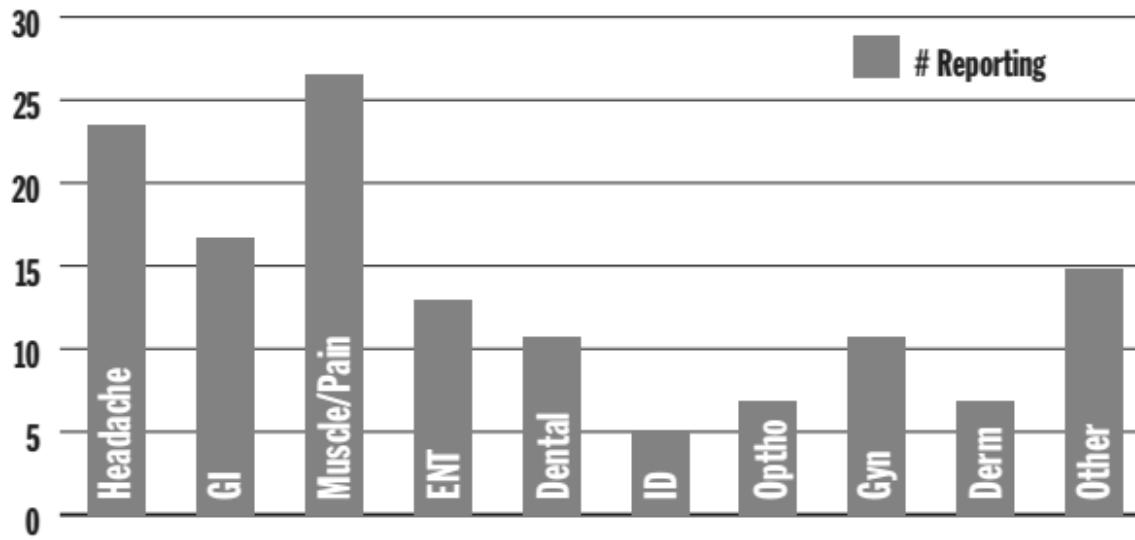
- Blunt trauma or crush injuries
- Forced positioning
- Electrical shocks and burns
- Sexual assault
- Inhumane conditions
- Psychological torture



PHR, Examining Asylum Seekers

Review of Systems

FIGURE 1:
Types of Health Problems



Common Sequelae

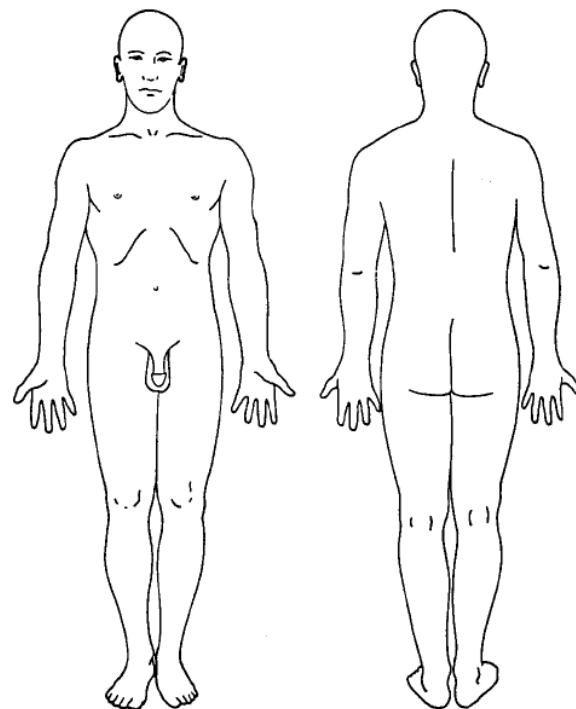
- Chronic pain, disfigurement
- Gynecologic dysfunction
- Psychological
 - PTSD
 - Depression
- “Normal” physical exam
 - Does not rule out history of torture

Physical Exam

- Complete physical exam
- Note unrelated scars
- Students document on body diagram, take photographs with permission
- Sometimes physical evidence is absent (especially in rape cases)
- Role of imaging
- Psychological symptoms can be powerful evidence

Anatomical Drawings for Documentation of Torture and Ill Treatment

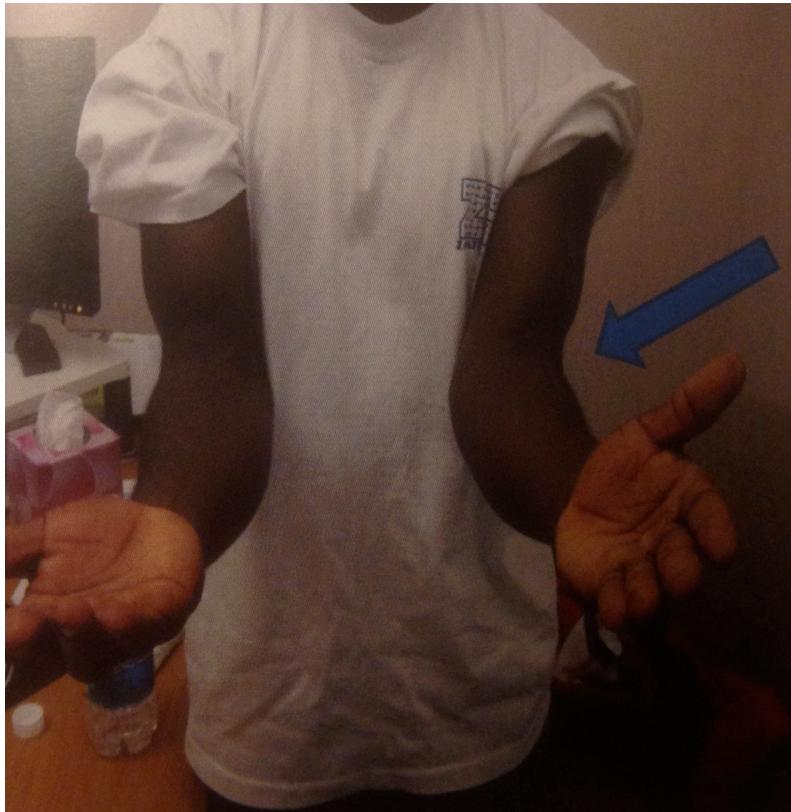
Full Body, Male – Anterior and Posterior Views (Ventral and Dorsal)



Common Findings: Skin



Common Findings: Musculoskeletal



Common Findings: Neurologic



Photograph from PHR's Examining Asylum Seekers

Common Findings: Psychological

- Re-experiencing the event
- Hyper-arousal
- Avoidance, emotional numbing
- Depression, hopelessness
- Dissociation
- Somatic Complaints

Following the Exam

- Refer client back to WNY Center for Survivors of Torture for debriefing and continued case management
- Medical students draft the affidavit and submit to physician within 1 week
- MD revises affidavit and submits to court

The Affidavit

- Legal document prepared to assess the claims and document evidence of torture
- Does not seek to prove or disprove
- Language:
 - “Not consistent with”
 - “Consistent with”
 - “Highly consistent with”
 - “Typical of”
 - “Diagnostic of”



Sample Case: Mr. A

- 43-year-old married Muslim man originally from Bosnia
- Not politically active, no military service
- Has two children, aged 20 and 17
- May, 1992: Detained by Bosnian Serb Police, who came to his house and told him he needed to report to the police station to provide some information

Case: Mr. A. - History

- Police station waiting room: beaten with baseball bats, metal pipes. Fell to the ground and was kicked.
- Alone for four days, then moved to a group cell for two months. Beaten for several hours each day. During the beatings, police made remarks about their intention to “kill all Bosnian Muslims” and that there was “no need for Muslims to exist.” On 3 or 4 occasions, the beatings resulted in loss of consciousness.
- Mid-July, moved to Territorial Defense warehouse, where beatings were less frequent (1-2x/week).

Case: Mr. A. – History, Continued

- Specific accounts of torture:
 - Left facial trauma
 - Right index finger dislocation
 - Genital trauma
 - Mock executions
 - Sexual assault
 - Witness torture, executions, sexual assault of women
 - Asphyxiation
 - Dental trauma
- November 1992- transferred to Batkovic concentration camp
- October 1994- released in prisoner exchange

Case: Mr. A. – Physical Exam

- Mr. A was moderately overweight and healthy in appearance. His vital signs were normal.
Examination WNL with the following exceptions:
 - Two left upper molars and one lower bicuspid were missing
 - 2 cm x 1 cm firm, raised mass palpated at posterior occiput.
 - Hyperpigmented scars on anterior shins bilaterally

Mr. A- Imaging

- PA and Lateral Chest (September 17, 1999): The spine shows multiple compressions throughout nearly all the vertebral bodies, and ribs are deformed from the healing of previous fractures.
- Facial Bone X-Rays (September 17, 1999) : No sign of fracture noted.

Mr. A- Assessment

“Based on my knowledge of methods of torture and their physical effects, and an understanding of specific regional practices of torture in Bosnia, is my judgment that Mr. A’s allegations of torture are highly consistent with and supported by the historical and physical evidence presented above. Mr. A continues to suffer physical sequelae of his abuse.”

The WNY Human Right Clinic: Our Accomplishments to Date

- 17 medical forensic evaluations
- 17 psychiatric forensic evaluation
- 1 client successfully received asylum; remainder awaiting trial
- April 2015: Sent 22 UB medical students to Yale for PHR training
- June 2015: Poster presentation at North American Refugee Health Conference in Toronto



Future Goals

- Expand our capacity by recruiting more clinician evaluators
- Obtain IRB approval for data analysis and future research and publication
- Create sustainable program to train volunteer graduate students as interpreters



How can you help?

Please join us!!

- Training session for interested providers on November 14, 2014, run by HealthRight International. No cost to attend, CME credits provided.
- RSVP: www.wnyhrc.org/training



- Time commitment for volunteer clinicians is flexible. You tell us how many evaluations you want to do.

Thank you!

Acknowledgements:

Center for Survivors of Torture, our fellow student directors, and the incredible clients we have served

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