



Guarda Nacional Republicana

Chefia de Investigação Criminal

1st Social and Criminal Sciences Seminar

1.º Seminário de Ciências Sociais e Criminais

within the compass of the Organization

no âmbito da organização FIEP (França, Itália, Espanha e Portugal)

FIEP



“VICTIMS OF TERRORISM:

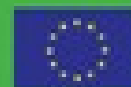
“Vítimas de Terrorismo”

The Psychosocial response of the Security Forces.”

A Resposta Psicossocial das Forças de Segurança”

LISBON

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VICTIMS OF TERRORIST ACTS 2004

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Preface

In the period of 10-22nd of July 2006 I attended, together with Maj. Mircea Tulica the 1 st Social and Criminal Sciences Seminar within the compass of the Organization - FIEP LISBON 2006 “*Victims of Terrorism: The Psychosocial response of the Security Forces*” which was held to Queluz, at the GNR Practical School.

The Romanian Gendarmerie is participating in limiting and eliminating of the natural, technological, environmental or complex disaster consequences. According to the Law, it participates in missions outside the Romanian territory with its own staff and technique, in training activities, in setting up of international forces for performing certain missions within the conflict and managing crisis situations preventing missions.

That’s why, the topic of the seminar was of paramount importance also for us. Listening to the very well documented presentations of the international experts which were present here, I realised that the Psychological Support it’s a real challenge for all the FIEP Gendarmeries, and not only. The EGF will need to take this in account also, because of the wide range of the missions which have to be performed.

The open minded guest lecturers showed us the fact that the psychological assistance it’s a must, from at least two points of vue: a) we need to prepare and to train very well our officers which are acting in the field, and at their turn they have to be “psychologically protected”; b) the civilians need also our psychological support, maybe more than we assume.

The EGIC and ETI teams are the solution and maybe this is not the only one; but it’s still a solution. From this point of vue, I consider that the GNR is the most advanced institution at this time and we have to learn from its achievements. Being a multidisciplinary tool and interconnected with the operational matters, it would be better to have these teams in the field just from the beginning of the operation. If I would have this possibility, I assume that the EGIC and ETI have to be gone along with the operational teams; I mean the psychological officers have to be tasked together with the operational personnel.

In some gendarmerie type forces is not allowed to send civilian experts, e.g. psychologists, together with operational personnel in the mission. The advantage comes in the support of those Gendarmeries which have military experts of this kind. Being a military, as in the Romanian Gendarmerie, a psychologist could be sent either in the field, ready to support in an equal measure his mates, but also the civilian population, preventing the pathologisation of the disaster’s effects.



On the other hand it seems the all we need to re-evaluate the psychologist's role and the place in the context of the different domains of intervention (natural disasters, terrorist crises, technological disasters), because the psychological consiliation is differentiate from a situation to another.

The last, but not the least, the GNR initiative of drafting an operational manual of the psychological assistance to the victims of the terrorist assaults is more than welcomed. We are supporting this with all the necessary force, but there is a problem. My opinion is that meanwhile the FIEP Gendarmeries have different task organisations, the only solution for the general appliance of these best practices is to start from the base level, and after that accordingly with the particular provision of the law, to try to generalise this experience, in order to reach the FIEP common standards.

Ioan-Ovidiu BRATULESCU

Colonel,

Romanian Gendarmerie



Introduction

Secretary of State and Minister of Home Affairs,
Your Excellency,

General Officers and Unit Commanders of the *Guarda Nacional Republicana*,
Distinguished speakers and trainers,
Representatives of the fellow forces of the FIEP Association,

Honourable guests,
Excellencies,

The realization of the first Seminar on Social and Criminal Sciences of the FIEP Association, organized by the *Guarda Nacional Republicana*, corresponds entirely to the strategic guidelines established by the General Commander and also to the vision which engages us with modernity, science, innovation, as important aspects of the institutional goals: GNR's affirmation and revalorization of the operational product which must be assured to society and its citizens.

Subordinated to the theme of *Victims of Terrorism – the Psychosocial Response of the Security Forces*, this seminar suggests the multifaceted and interdisciplinary character of the security production process, in its more actual concept. Furthermore, it is also a good indicator of the “state of art” of the protection and security function, not only in Portugal, but also in Europe and all over the world.

Being this initiative welcomed and financed by the European Union, in the ambit of the Terrorism Victims Program, and also included in the creation process of a European space of Freedom, Security and Justice, the quality of the project is certified which increases our responsibilities before our partners in this event and the prestigious personalities and institutions which have been associated.

In my personal behalf and in the name of the *Guarda Nacional Republicana*, I would like to thank the Spanish *Guardia Civil*, the French Gendarmerie, the Moroccan Royal Gendarmerie and the Turkish *Jandarma* as partners in this project, and I also reinforce, with great satisfaction, the involvement of the Italian *Carabinieri*, the Romanian Gendarmerie and the Chilean *Carabineros*, all present, as a sign of the FIEP association vitality.

Besides the national experts and the FIEP Forces, it is an enormous honour to receive such renowned speakers and trainers from Germany, Netherlands, Belgium, Slovenia and United States of America.

The fairly recognized scientific and technical quality of the speakers and experts consolidates our best expectations in the success of this ambitious and innovative initiative, based in the relations between the security forces with the victims of terrorism.

We all are perfectly aware that, after the accident, the first contact with the victims is established by the security, protection and emergency personnel. It is a decisive moment; everything can be conquered and lost during these brief instants.



And “to conquer” depends, essentially, on the technical, professional and human capabilities and abilities of the officer to deal with the traumatic situation.

As we will be able to better understand, during this formative action, the specific preparation for this first intervention is particularly difficult and demands information from different areas of knowledge which, at least in what concerns the most critical aspects, must be correctly used by the Security Forces’ elements.

The present experts, with different specialisations, offer us a multidisciplinary perspective of the approaches and, besides that, in the majority, they also want to share with us the experience given by the application of the technical and scientific knowledge in a real situation, which is fundamental, seeing that the relation with the trauma is not susceptible of simulated training.

Therefore, I think that all the necessary conditions are reunited so that we are able to answer the challenge of, at the end of works, elaborating a proposal of a manual of operations, concerning to the psychosocial assistance to victims of critical incidents, to be distributed to the security forces of the European space and to all of those who are part of the FIEP Association.

We bet on scientific and technical knowledge applied to operational work, by giving value to the holistic dimension of the security role while sharing responsibilities with the social actors and exercising new abilities and attributions of the police forces whose traditional role (crime control and legality supervision) must now be conjugated with a qualified intervention in emergent areas of the nowadays security concept.

Before concluding, I must refer and underline, with all the respect, the effort made regarding innovation and best work practices which were adopted by the team directly responsible for the organization of this seminar who guaranteed the electronic processing of communications and of all the bureaucratic work related to the event. My congratulations!

I would like once again to assure you my great satisfaction for receiving all the experts, trainers and students, and I wish you all a pleasant stay in Portugal and in the *Guarda Nacional Republicana*, hoping to correspond to your best expectations on professional and personal level.

We will do everything to be worthy of such an honourable and distinguished presence.

I thank you all. Good work!
!

The General Commander

Carlos Manuel Mourato Nunes

Lieutenant-General



Chapter I – Terrorism: Definition, Concepts and Examples

TERRORISM AND DEMOCRACY

I – Preliminary note

In the *Logical-Philosophical Treaty*, Ludwig Wittgenstein asserted that the enigma does not exist. When we are able to formulate a question, we are also capable of responding to it¹. Speaking ironically about this line of thought, Bertrand Russell observes that a person who is questioned about the distance to a certain location and assures himself that he has understood the question may not be able to respond, unless he *really* knows the location in question².

In all case, in spite of the truth being a question of language or of not being able to forego the ontology, a good method to reflect upon the new “global terrorism” phenomenon appears to be through questions. And these questions must be, as much as possible, radical. Radical not in the sense of “extremists”, but in accordance with the etymology. The root of the problem must be found.

Terrorism may be boarded in multiple perspectives – ethical, political, judicial, sociological and criminological, amongst others. In the following pages, I will judge some aspects of the phenomenon, with special incidence on the dominions of Ethics and Law. The “radical” questions which I will try to answer, in accordance with the method that I intend to follow, are:

- a) Is there only one type of terrorism or are there various?
- b) Are there inevitable attacks?
- c) How can we fight terrorism?

¹ *Tractatus Logico-Philosophicus*, 6.4: “Das Rätsel gibt es nicht. Wenn sich eine Frage überhaupt stellen lässt, so kann sie auch beantwortet werden”.

² *A minha concepção do Mundo* (translated from *Bertrand Russell speaks his mind*, by Natália Oliva Teles), pages 18 and 19. Russell refers expressly to a “linguistics philosophy”, developed mainly in England, in contrast with the Continental-European philosophy, which is “more vigorous” and closer to the Greek way of thinking.



II - Is there only one type of terrorism or are there various?

A – The new terrorism

Two questions arise from the inquiry on whether there exists only one type of terrorism or if there exist various: if terrorism changes in nature or configuration according to nationalist, ideological, religious or any other motivations; and if, in parallel with the “properly so-called” terrorism, we may identify a “State terrorism” and even a “good terrorism”, that is, a terrorism which is sponsored by those who fight terrorism in itself, on the first hand, and a terrorism justified by certain objectives or ways of action, on the second.

The characteristics which are traditionally imputed upon terrorism are scarce:

- a) Resorting to violence as a means of solving conflicts, presupposing the uselessness or inconvenience of negotiations;
- b) Acceptance of innocent victims, which illustrates the generic inadequacy between the means and the end results and settles on an ethical relativism of a consequential type (the end justifies the means);
- c) The search for an instrumental effect of intimidation (of *terror*, incurring on a tautology), which requires the advertising of actions;
- d) The pursuit of political ends in the full sense, that is, the pretension of influencing the governing or the exercise of power.

Nevertheless, in regard to this framework, the specificities of an Islamist fundamentalist inspired terrorism are undeniable. In this manner, special traits of this retrovirus species of terrorism arise:

- a) Globalization of the victims, who no longer belong to a circumscribed group (a social class, crowd, ethnic group or confession) to integrate the vast universe of *others* (traced negatively by a religious maniqueist point of view);



- b) The comprehension of the proselytes martyrdom not only as a witness of the sacrifice but also as an enemy weapon of massive destruction;
- c) The “psychoanalytical” transfer of the creativity of the ideological level (dominated by a reductive simplism) to an operational one, fulfilling itself on imaginative and precise levels;
- d) A standard of the apocalyptic convergence of the attacks, which permits an easy identification of their provenience and symbolizes divine power, in a fanatical reading.

B – Terrorism crime

Constituting a normative order which aspires to regulate all of the phenomena with social relevance (*ubi societas, ibi jus*), the Law also participates in the discussion on the nature of terrorism. The criminal concept, just as typified in articles 300 and 301 of the Penal Code³ and is currently foreseen in Law 52/2003, of the August 22⁴, differs from the political and mass media notion of terrorism, revealing itself to be more comprising for various reasons:

- a) In the first place, the grouping of two people is all that is necessary to have terrorist organization⁵;
- b) In the second place, on these exact terms, the simple existence of organization constitutes crime independently of any other concrete activity (which will in fact be punished with autonomy, in true competition with organization crime)⁶;
- c) In the third place, being the organization a preparatory act, in a material sense, of other crimes (for which it would benefit from the general rule of unpunishability of article

³On these norms, cfr. Figueiredo Dias, commentaries about articles 300 and 301 of the Penal Code of the *Comentário Conimbricense do Código Penal, Special Part, Chapter II, 1999* (dir. by Figueiredo Dias). For a better comprehension on the fundaments of punishing associated crimes, see the commentaries on article 299 of that same book and 'Criminal Associations' in the Portuguese Penal Code of 1982, articles 287 and 288”, leaflet of the *Revista de Legislação e Jurisprudência*, 1988.

⁴ As to the new antiterrorist law, cfr. Rui Pereira, “Terrorism and insecurity. The Portuguese response”, *Revista do Ministério Público*, no. 98 (2004), as of page 77.

⁵ Article 300, no. 2, of the Penal Code and article 2, no. 1, of Law no. 52/2003.

⁶ Article 300 of the Penal Code and articles 2 and 3 of Law no. 52/2003. The decision of the Supreme Justice Court was pronounced on May 4, 1994 in the sense of the existence of a true competition between crimes of terrorist organizations and terrorism, which can be consulted in www.dgsi.pt. In regard to this, consult Leal Henriques and Simas Santos, Penal Code, vol. 2, 1996, since they present a jurisprudential minute description on the commentaries of articles 300 and 301.



21 of the Penal Code, if it was not typified as an autonomous crime), the actual preparatory acts of organization constitution are punishable⁷, according to a regression logic that only does not extend itself to infinite because it has the non-partaken criminal decision as an inderrogable limit;

- d) In the fourth place, the list of crimes that fit into the notion of terrorism are very comprehensive, comprising, for example, simple offences against physical integrity and any other threats⁸;
- e) In the fifth place, the already cited Law no. 52/2003 (approved pursuant to the framework decision of the European Union of June 13, 2002), added to the traditional list different sorts of crimes of “second degree” terrorism, such as aggravated theft, robbery and the extortion or forgery of an administrative document⁹, as well as those activities of investigation and development of biological and chemical weapons¹⁰ (but not nuclear, for inscrutable reasons), when one or the other are instrumental of *stricto sensu* terrorist acts;
- f) In the sixth place, terrorist organizations and international terrorism – defined with the amplitude described and practiced against any State or international organization – are now on the same footing as their “domestic” correspondents due to that same law¹¹;
- g) In the seventh place, the sanctionary regime applies to all crimes of this nature, wherever the fact may be carried out (and a more favourable foreign law is never applicable)¹²;
- h) In the eighth and last place, collective people are now punishable, still in terms of Law no. 52/2003, for the practice of these crimes (always without prejudice to the punishment of singular people)¹³.

⁷ Article 300, no. 5, of the Penal Code and article 2, no. 4, of Law no. 52/2003.

⁸ Article 300, no. 2, paragraph a), of the Penal Code and article 2, no. 1, paragraph a), of Law no. 52/2003.

⁹ Article 4, no. 2, of Law no. 52/2003.

¹⁰ Article 2, no. 1, paragraph e), of Law no. 52/2003.

¹¹ Article 3 of Law no. 52/2003.

¹² Article 8, no. 1, of Law no. 52/2003 opens a distinction between terrorism against national targets, punishable no matter where the fact was committed, and “international terrorism”, punishable “as long as the agent is in Portugal and can not be extradited or handed over in the execution of a European detention mandate”. Number 2 of the same article refuses the application of a more favourable foreign law to crimes of terrorism committed abroad against national targets.

¹³ The punishment of collective people is proclaimed to be exceptional in article 11 of the Penal Code. Being common in the Secondary Penal Law (cfr., among others, article 3 of Law no. 28/84, of January 20), this



On a bizarre hypothesis, the legal framework described allows one to classify as a terrorist organization a grouping of two students who intend to slap teachers in order to intimidate them. And, leaving the fiction dominion aside, the coverage of the legal concepts is the reason why the statistics of justice continue to register crimes of terrorism, in spite of the terrorist activity in Portugal having ceased in the mid-80s of last century.

Such confusion only does not lead to aberrant results because the penalties, although severe, present a variation level which permits courts to proceed with the necessary distinctions. Even so, the application of grievous judicial dispositions on dissimulated actions, protection of witnesses or loss of goods, for example, reveals a perversion: “first rate Penal Law”¹⁴ or of the “enemy”¹⁵ risk crossing the line and hitting the “trifle” field.

C – “Good” terrorism

A controversial question was brought on by recent measures which were praised by the British Prime-Minister, Anthony Blair¹⁶. In the sequence of the London attacks of July 7, 2005, the United Kingdom announced severe measures that include the criminalization of terrorism advertising (“fomenting, justifying or glorifying terrorist violence”). Now, won’t there be “good terrorism” that the repressive policy ends up by comprising unjustly?

The political-criminal justification of this controversial initiative is given by the idea that advertising is inductive of terrorist acts. A dangerous incrimination (abstract, abstract-concrete or concrete, depending on how we presume danger or on how we demand case by case verification of dangerous behaviour or results) may be in issue, for which we can anticipate and broaden the defence of judicial goods that are threatened by terrorism.

Nevertheless, usual criticism accuses this policy of being “blind” and of not discriminating situations with several merits. The London Lord Mayor – seconded, amongst

responsibility attained the Primary Penal Law or the Justice Penal Law for the first time within the compass of the fight against terrorism (article 6 of Law no. 52/2003).

¹⁴ The expression “first rate Penal Law” belongs to Silva Sánchez, in *La expansión del derecho penal – Aspectos de la política criminal en las sociedades postindustriales*, 1999, p. 124.

¹⁵ The expression belongs to Günther Jakobs, “*Das selbverständnis der Strafrechtswissenschaft vor den Herausforderung der Gegenwart*”, *Die deutsche Strafrechtswissenschaft vor der Jahrtausende* (organized by Eser and Hassemer), 2000, from pages 47 to 57.

¹⁶ These measures were announced during a speech given on August 5, 2005.



us, by Diogo Pires Aurélio¹⁷ - interpellated Blair, inquiring if Nelson Mandela's supporters who resided in the United Kingdom at the time of apartheid would be punished for expressing their support to the African National Congress. The same question could be formulated, within the context of the Portuguese reality, in regard to the support given to the action of Xanana Gusmão and of the Timorese separatists against Indonesia¹⁸.

In rigor, this problem does not result from the criminalization of the terrorism apology. What is in issue is knowing if there is good terrorism, expressed by words or acts. The South-African militants or the Timorese guerrilla fighters, even when acting abroad, would be punishable in Portugal according to the cited Law no. 52/2003. And that solution contradicts our ethic intuitions.

An effective punishment, in the cases described, would only be deviated because the Portuguese Constitution acclaims the right of the people to insurrection against any form of oppression (article 7, no. 3)¹⁹, justifying revolted behaviour. In essence, it is a cause of valid unlawfulness exclusion in penal matters and within the dominion of International Law.

Large spectrum incrimination, dictated by reasons of social defence and by the protection of the fundamental rights, is opposed by situations of justification and excuse. And it is at this level, of the rule-exception relation, that the Judicial Order is developed, and should evolve. Besides, the principal of legality – *nullum crimen, nulla poena sine lege praevia, stricta, scripta* – invites ample typifications, taking into account the analogy prohibition and, according to some, the extensive interpretation to the detriment of the accused²⁰.

¹⁷ *Diário de Notícias* of August 28, 2005.

¹⁸ Consult Rui Pereira, “*Há terrorismo bom?*” concerning this, *Correio da Manhã* of September 11, 2005.

¹⁹ Cfr. Gomes Canotilho and Vital Moreira, *Annotated Constitution of the Portuguese Republic*, 3rd ed., rev., 1993, pages 78 and 79.

²⁰ Sousa and Brito refuses the compatibility of extensive interpretation with the principle of legality for judicial security reasons, difficulty in distinguishing between this form of interpretation and the analogical application and for there also being a difference between the “possible sense of the words” and the “minimum of correspondence with the letter of the law, with which it suffices, for extensive or restrictive interpretation purposes no. 2 of article 9 of the Civil Code – “The Penal Law in the Constitution”, leaflet of *Estudos sobre a Constituição*, vol. II, 1978, as of page 253. Castanheira Neves questions the scientificity of these categories (analogical application and extensive interpretation), requiring that the interpretation be according to the Constitution, which implies respect for four conditions – legal condition, dogmatic determination of the goals, systematic adequacy and accomplishment guarantee of the *nullum crimen*, but not giving any example that permits an evaluation of the results – “The principle of criminal legality”, *Estudos em Homenagem ao Professor Doutor Eduardo Correia*, vol. I, 1984, as of page 308. Fernanda Palma also criticizes the “logical-analytical positivism” of the classical theory of interpretation, but also chooses as a decisive criterion “the possible sense of



Even so, a good cause such as the fight against racial discrimination or the tyranny of the occupier does not justify all. There is never sufficient justification to sacrifice innocent victims, no matter if they are South-African citizens who belong to the “white minority” or anodyne Indonesian citizens. Only people connected to the repressive and authority apparatuses may be object of violent actions and always in agreement with the necessity, adequacy and proportionality requisites. A relativist moral, which accepts as good any means in name of the ends to attain, continues to be unacceptable.

D – “State terrorism”

The so-called State terrorism constitutes another inevitable topic. The attacks against civilians, the torture of prisoners and even the constitution of terrorist symmetrical organizations to stand up to them seem to show that at times the State resorts to terrorism weapons. On another scale, it is known that there are States which materially encourage or support the actions of international terrorist organizations to fight, out of the classical war framework, other States.

The sacrifice of innocents is always unacceptable and nothing justifies, for example, bombings of indefensive populations. The deliberated annihilation of civilians is not tolerable. The death of people who are foreign to beligerant activities is only excusable as a “colateral” effect – a consequence which was never intended, according to the double effect principle – of an attack on military targets. In its turn, torture is unacceptable both in situations of peace and in state of war. The conventions on the treatment of prisoners constitute inalienable civilizational patrimony²¹.

the text”, which may not coincide with the “normative intention” – General Part of the Penal Law (fasc. A.A.F.D.L.), as of page 97.

²¹ On the concept of torture, see no. 3 of article 243 of the Penal Code, which refers to the “act that consists of inflicting acute physical or psychological suffering, serious physical or psychological fatigue or in the use of chemical products, drugs or other natural or artificial means, with the intention of disturbing the determination capacity or the free demonstration of a victim’s determination”. Article 1 of the United Nations Convention (ratified by Decree no. 57/88 of the President of the Republic, after approval for the effect that by Resolution of the Assembly of the Republic no. 11/88, of March 11) determines, in identical terms, that “for the purpose of the present Convention, the term ‘torture’ designates any act through which acute physical or mental pain or suffering is inflicted intentionally upon a person, namely to obtain from him/her, or from a third party, information or confessions, to punish him/her for an act that he/she or the third party may have committed or are suspected of having committed, for privacy or to pressure a third party, or for any motive based on any form of



In any case, the concepts of an unjust war and torture reclaim autonomy in regard to terrorism. This does not imply that one or the other are not censurable, that those responsible for war crimes are not condemned or that the torturers are not punished. This only implies that the operative concept of terrorism wins nothing in clarity and functionality when confused with other realities.

It makes sense to recall the advertence made by Daniel Defoe in a diverse context: it is as legitimate to compare one form of prison to another as to compare an existing thing to a nonexistent one²². To put prison on the same footing as other modalities of liberty privation is equivalent to minimize prison. To include war crimes in the concept of terrorism leads to the devaluation of terrorism through a subliminal message that compares the State to terrorist organizations.

Whereas the constitution of terrorist groups by a State or by its organs in order to face terrorism corresponds in rigor to a display of terrorism. Such a reaction ends up by taking away the character of a State of right, equalling itself to its enemies. As such, experiences as those lived in our neighbour Spain with Antiterrorist Liberation Groups²³ are to be rejected without hesitation.

In the same manner, the support conceded by certain States to terrorist organizations that attack other States – be it subreptitious or ostensive – must be considered a terrorist activity in the political and judicial-penal sense. In effect, the typical descriptions of crimes of terrorism and terrorist organization still comprise these phenomena even though they are sponsored by a State. In this manner, public penalties are applicable to singular people (and currently even to collective people) who are involved in them. Furthermore, the attacked

discrimination, when such pain or suffering are inflicted by a civil servant agent or by any other person that acts on an official behalf or due to his/her instigation or with his/her formal or tacit consent". The Rome Statute of the International Criminal Court (ratified by the Decree of the President of the Republic no. 2/2002, of January 18, after approval for the effect by the Resolution of the Assembly of the Republic no. 3/2002, of December 30, 2001) also includes a torture notion, in paragraph e) of no. 1 of article 7: "By 'torture' we comprehend the act by means of which serious physical or mental pain or suffering are intentionally caused to a person that is under the custody or control of the accused; this term does not comprise of the pain or suffering that result only from legal sanctions that are inherent to these sanctions or which are accidentally caused by them". This concept of torture is much vaster than the one included in article 243 because it foregoes the special subjective element of illicitude (the open question is that of knowing if the term intention must be understood as fraud or corresponds to all of the fraud modalities). Besides which the notion of torture of the International Criminal Court involves a negative delimitation that comes close to the one formulated by no. 4 of article 243 of the Penal Code.

²² In the preface of Volume III of *Robinson Crusoe*, Daniel Defoe states: "it is as reasonable to represent a species in captivity by any other as it is to represent anything that really exists by anything that does not exist".

²³ On the GAL case see, in great extent, Paddy Woodworth, *Dirty War. Clean Hands*, 2001.



States can unleash legitimate defence against the attacking States, under the terms of the Letter of the United Nations²⁴.

E – Terrorism and terrorisms

The word “terrorism” is, thus, polysemic and the phenomenon that it designates has a multifaceted nature. As to the question if there exists only one terrorism or if there exist various terrorisms, we should respond by refusing the dichotomy. In truth, there exists only one terrorism and there exist various terrorisms, insofar as their displays share an essential structure but, due to their diversity, justify that we speak of ideological terrorism, separatist terrorism, Islamic fundamentalist inspiration terrorism and even of a State terrorism.

It is clear that the autonomy regarding to the various terrorisms claims differentiated responses on the political level and on the criminal prevention and repression level. Thus, the new terrorism, said to be global, distinguishes itself from the ideological terrorism by not settling on structures which are inspired on a Leninist democratic centralism. Well, this specificity prevails upon the investigation methods to be adopted by information services and police.

In effect, global terrorism, which can also be called postmodern, is based on a federative and decentralized formula. Al-Quaida seems to be composed by autonomous cells, with a local recruitment capacity among the more radicalized Islamic sectors. If we can speak of management, it is practised at a distance, through general religious edicts and by the propagation of a doctrine of hate and violence, although usufructing of the Internet and mobile phone celebrity.

As such, “intelligence” and criminal investigation oppose themselves with increased difficulties to face this new terrorism. Will it not be (or was it not?) easy “to infiltrate” Al-Quaida. On the empirical level, the arrests of Renato Curcio or of Andreas Baader and Ulriche Meinhoff revealed themselves to be simpler tasks than that of the so required capture of Ossama Bin Laden.

²⁴ Legitimate defence of the Member States of the United Nations against armed attacks is foreseen in article 51 as a legitimate measure “until the Security Council has taken the necessary measures to keep international peace and security”.



III – Are there inevitable attacks?

It has been said with total reason that the fight between a State of democratic law and terrorism is asymmetric. Resorting to the theory of games, we would say that we are dealing with a dispute in which adversaries try to win through movements which are subject to different rules.

In the development of the “game”, in the first place, terrorism benefits from the advantage of the initiative, being able to choose the circumstances of time, place and manner of each attack. Well, the initiative confers an advantage to the generality of the games. In chess, for example, in spite of the program development like the deep blue not having yet revealed the outcome of the perfect match, empirical data suggests that the most probable result is the victory of the white pieces or a draw.

Furthermore, besides having the initiative, global terrorism chooses anyone (including the believers of Islam, sacrificed in various attacks, and their own proselytes, used as suicide elements) and whatever locations (if we exclude Islam's sacred locations). Well, this confers a high degree of unpredictability to each attack.

Thus, only by chance will policing succeed in preventing attacks. The anticipation of each attack should be sought above all within the compass of the production of information and criminal prevention, resorting to the most intrusive means of investigation and judicial measures, like dissimulated actions²⁵, communication interception²⁶ and witness protection programs²⁷.

In second place, terrorism absolutely contemns the rules of the State of right, including those that consecrate the most elementary rights. Using the image of a football game, we could say that everything happens as if the team players were forbidden to shove or trip their

²⁵ The judicial regime of dissimulated actions is now foreseen, with great amplitude (it embraces a vast catalogue of crimes and covers preventive actions and inquiry), by Law no. 101/2001, of August 25. Cfr., on this regime, Rui Pereira, “The dissimulated ‘agent’ in the Portuguese Judicial System”, *Medidas de combate à Criminalidade Organizada e Económico-Financeira*, Center of Judicial Studies, page 11 and following.

²⁶ Cfr. From article 187 to article 190 of the Penal Process Code, the regime of interceptions that the Constitution reserves for the penal process and is dependent of a judge (article 34, no. 4, and article 32, no. 4), embraces the conversations or communication transmitted by technical means other than the telephone (article 190 of the Penal Process Code).

²⁷ The measures of witness protection in the penal procedure are foreseen in Law no. 93/99, of July 14, and in Decree-Law no. 190/2003, of August 22.



adversaries, under penalty of being shown a foul card, but that these were allowed to do everything.

These advantages of terrorism bring on an obvious question: why are not all attacks successful? Are you not questioning yourself yet if there are inevitable attacks but, in more ample terms, if they are not all inevitable after all. An affirmative answer would have dramatic consequences, as it would lead to an attitude of capitulation. The State of democratic law and the citizens in general should await each attack with the mild resignation of the victim placed before the executioner.

Such an outcome would only not be inevitable because the State has, in the fight against terrorism, advantages, beginning with the ethical-political superiority. The rule of law, the State submission to the rules that it creates, configuring *prima facie* as a disadvantage, ends up by constituting a decisive trump. It is that respect for the rules, associated to the idea of a social contract and legitimated by the expression of a majority wish, which brings on the censure of terrorism by most people.

As a second advantage in the fight against terrorism, the State counts on an organized apparatus. For how vast material and human resources the terrorist organizations may have, these organizations do not compare, even then, to the framework of an organized community like the State, doted of a territorial base and recognized by an international community.

The organs of sovereignty (ordained in obedience to the power separation and interdependence principle), the justice, defence, security, criminal investigation and intelligence services and a public opinion enlightened and informed by independent mass media express a degree of complexity much superior to that represented by a terrorist organization (in spite of being incipient). The framework of the State is prepared to face the challenges of terrorism, with more or less difficulties.

We can, therefore, conclude that not all attacks are inevitable. Nevertheless, it remains to be known if some are. Attending to the preparation degree, to the secret maintained by the copartners and to the rigor manifested in the execution, are there not attacks against which nothing can be done?

Before the London attacks of July 7, 2005 – and even before the Madrid attacks of March 11, 2004 – various others failed thanks to the actions of the intelligence services and of



the police. It is even estimated that until now twenty-four attacks of great dimension have been prevented in Europe²⁸. Nevertheless, it is very difficult to anticipate all of the attacks and, in this gruesome Russian roulette, it is a scarce consolation to know that before each “successful” attempt many have failed.

In brief: in accordance with the empirical data and the “law of probabilities” not all of the attempts may be prevented. But no attempt is inevitable by itself. Even in the more difficult situations of the “game” (equivalent to the execution of a great penalty by the adversary team in football) we can not say – at least *ex ante* – that the defence is condemned to fail (and thus, in football, the goalkeeper concentrates, even though in anguish, on preventing the goal).

IV – How can we fight terrorism?

A – Tolerate intolerance

The question on the limits of the fight against terrorism in the framework of a State of democratic law, in first place, borders upon the question of knowing how we should deal with intolerance, from which terrorism constitutes the most aggressive expression. In order to lessen the terrorist threat we should generally seek to assimilate or integrate the different (prohibiting, as much as possible, the use of the Islamic veil) or develop a “multiculturalist” policy? To what degree should we tolerate intolerance?

In his *Theory of Justice*, John Rawls faces this problem by analyzing it in three questions²⁹:

- a) Do the intolerant (be it an antidemocratic party ou a fundamentalist confession) have the legitimacy to complain for not being tolerated?

²⁸ This number was advanced by Magnus Ranstorp, Director of Investigations at the Center of Assimetric Threat Studies at the Swedish University of National Defence, in Stockholm, during a communication presented on November 26, 2005 at the Calouste Gulbenkian Foundation, subordinate to the theme “Al-Qaida – An Expanded Global Network of Terror”.

²⁹ John Rawls, *A Theory of Justice*, II, 35.



- b) In what conditions do the tolerant (that is, the democratic State of a liberal matrix in issues of individual rights) have the right to not tolerate the intolerant?
- c) When they have that right to be intolerant, with what purpose should the tolerant exercise it?

The response given by Rawls seems to be convincing. The intolerant never have a proper title to complain about not being tolerant with him/her. However, the tolerant only have the right to be intolerant when that is necessary for their preservation (that is to guarantee the subsistence of the State of a democratic law and of the rights of the people). And the purpose of that intolerance will always be the protection of the rights acknowledged to all citizens in the social contract (the rights, liberties and fundamental guarantees, in the terminology of the Constitution).

In this light, the prohibition of the veil (just like, for instance, the Star of David or a cross worn around the neck) seems excessive by the respective public use, even though it may be interpreted as a symbol of submission, not consolidate a degradation of the women's condition according to an objective and universal (or universalizable) consideration. It is up to the State to guarantee that no one is forced to use a veil.

Whereas the feminine excision or the justification of a homicide of an adulterous woman constitute clear examples of the intolerant practices since they affect the right to integrity, liberty and life itself. To the most, not even the consent of the victim justifies such conducts due to putting in issue unavailable rights and the essential dignity of a human being.

In this perspective, it is also possible to question if the terrorism apology, currently decided by the British, which may constitute a crime, taking into account that the State should permit all with a pacific defence of their points of view. Nevertheless, the criminalization of the terrorism apology is not original. In countries which are victims of the terrorist phenomenon, like Spain, such a solution ends up by being consecrated with the fundament of which the prohibited conduct may generate the risk of future attacks.

In fact, public instigation and apology of crimes in general and even – which is even more debatable – the propagation of suicide (articles 297, 298 and 139 of the Penal Code)³⁰

³⁰ Cfr. comments to article 139, article 297 and article 298 of the Penal Code of *Comentário Conimbricense do Código Penal, Parte Especial*, Tomes I and II, 1999 (dir. by Figueiredo Dias), authorship belongs to Faria Costa and Helena Moniz, respectively.



are also punishable in Portugal. And it is the Constitution itself that, limiting the freedom of association, prohibits “racist organizations or organizations that adopt the fascist ideology” (article 46, no. 4)³¹.

D – The “preventive war”

After the attacks of September 11, 2001, the expression “war against terrorism” was introduced into the political and public language. Nevertheless, this designation is questionable for suggesting that global terrorism is a belligerent power and, as a last resource, a subject of International Law. Well, terrorist organizations, be their dimension what may, are always criminal associations and their members never stop being crime agents – they are not soldiers.

Thus, those implied in crimes of terrorism have no legitimacy to invoke the Geneva Convention³² or any other which regards prisoners of war. Although they should benefit from the defence guarantees acknowledged by the State of democratic law to any accused person. They can not be treated as mere objects, deprived of judicial personality and capacity and submitted to inhuman treatments, including torture, under the pretence that that is useless for the investigation and prevention of crimes.

The qualification of certain terrorist attacks like acts of war have the merit of putting emphasis on their consequences – superior to those of many conventional military attacks –, to promote a vast mobilization of resources, and also remind the States that encourage such attacks that they are subjecting themselves to the legitimate defence of the attacked States. However, we need to know in what conditions (and above all as of when) we can unleash a war in response to terrorism.

The Letter of the United Nations – just like the National Defence and Armed Forces Law – only acknowledges defensive war, that is, a war destined to repel aggressions³³. The

³¹ As to the concept of Fascist organizations, in concise terms, see Gomes Canotilho and Vital Moreira, *Constituição da República Portuguesa... op. cit.*, 1993, page 259.

³² I refer to the Geneva Convention Relative to Prisoners of War, adopted on August 12, 1949, which entered into force on October 21, 1950.

³³ Showing preference for the pacific manner in the solution of conflicts, in article 33 the Letter of the United Nations establishes that “the parties of a conflict, which may come to constitute a threat to international peace and security, will seek before all else to find a solution through negotiation, inquiry, mediation, conciliation,



ratio essendi of this restriction to the concept of a just war is easy to learn: force does not constitute the rational means of affirming the justness of a position. There is no fundament to believe that, in a conflict, the strongest is right. Consequently, the appeal to force is only legitimate when it does not result from free choice but is instead imposed by an aggression.

Just like in individual legitimate defence, a precept of self-protection which is applicable in cases in which the State does not succeed in assuring the defence of the relevant judicial interests of the defendant or third party (article 32 of the Penal Code and article 337 of the Civil Code), international legitimate defence requires an actual aggression, that is, a current or imminent aggression. And what we are discussing is precisely if the defence may be anticipated in certain cases to a moment prior to that of the imminence of the aggression.

Preventive defence is acknowledged in the Penal Law as a cause of supralegal justification³⁴. This cause of exclusion of the penal illicitude is conceived by the doctrine as an intermediate figure between the properly so-called legitimate defence (which presupposes an unlawful aggression – besides being current – and admits offence against superior judicial goods by the defendant) and the right of need, a “solidarist” precept that suffices with an objective danger situation and permits the necessitated to sacrifice in a more restricted manner the judicial goods of others who are visibly and clearly inferior (article 34 of the Penal Code and article 339 of the Civil Code).

In this context, preventive defence refers to future aggressions, not only potential but inevitable, that will only be preventable by anticipation. Nevertheless, for this figure not to correspond to a pure *contra legem* interpretation of the standards that foresee legitimate defence, the ponderation criterion of preventive defence should be tighter (even though more generous than in a right of need). Consequently, the agent may only sacrifice judicial goods of identical or inferior value to those that he/she intends to preserve.

arbitration, judicial decision, resource to regional organisms or agreements or any other pacific means at their choice”. Legitimate defence is considered as the *ultima ratio* in view of armed attacks (article 51). In the same way, article 2 of the National Defence and Armed Forces Law (Law no. 29/82, of December 11), establishes in no. 1 the negotiation and reserve priority, in no. 3 the Portuguese appeal to war for cases of effective or imminent military aggression, “in the exercise of the right to legitimate defence which is recognized in the Letter of the United Nations”. The obvious difficulty here is to fit an attack into the concept of military aggression. However, this framework should suffice with an aggression by another State through violent means. Not being the case, the State that privileged a “dirty war” to the detriment of the conventional war would be rewarded.

³⁴ Cfr., with great development, Fernanda Palma, *A justificação por legítima defesa como problema de delimitação de direitos*, vol. I, 1990, as of page 309.



The application of these criteria to International Law seems feasible. Therefore, the controversial figure of preventive war is admitting, in a posterior moment, whenever it is not possible to react successfully to a military aggression that, beyond any reasonable doubt, will be triggered. On the other hand, the criteria of a just war relating to “collateral losses” and the sacrifice of civilians must be applicated with special rigor and in a restrictive sense.

These are the parameters by the light of which, for instance, the recent military intervention in Iraq should be judged. Nevertheless, this without forgetting two other relevant questions: the alleged – but not proven – involvement of Iraq in the September 11 attacks that, if confirmed, would justify a unilateral intervention of the United States of America in the condition of attacked State; and the position of the Security Council of the United Nations as to the violation of its own resolutions regarding to the disarmament in Iraq (it is contradictory to invoke a Security Council resolution and, at the same time, pretend that it be another entity to confirm the respective execution).

E – The sacrifice of innocent people

According to what was made public, George W. Bush gave orders to the United States Air Force to shoot down any suspicious airplane in the sequence of the attack against the Twin Towers of New York. This dramatic decision was immediately understood by the international public opinion. After all, what was at stake was choosing between the death of all of the (innocent) passengers of a plane, sacrificed by “friendly fire”, and the death of those same passengers and other (equally innocent) victims that by chance found themselves at the target spot chosen by the terrorists.

In a second situation, which occurred almost simultaneously in Madeira (Portugal), the mother of sextuplets in gestation did not authorize an “embryonic reduction” which tended to assure the survival of some of them. Well, in spite of the apparent absence of similarity, the same problem arose: either a medical intervention withdrew (without euphemism, killed) some of the embryos, considerably increasing the hypotheses of the rest surviving, or they bet on the survival of all of the embryos, “condemning them” with a high probability to death.



Silent as to the first incident, the Catholic Church did not pass without pronouncing itself on the second. In this manner, the President of the Episcopal Commission for Family Affairs, Don António Martins, supported the attitude of the mother of sextuplets – to not permit that any embryo be “withdrawn” - , highlighting that “life is always inviolable” and adding that, “after becoming pregnant”, the mother had already within her six sacred lives. None of them could serve as a means for the others to live”.³⁵

This position is fundamented on the so-called “double effect principle”, which results from a set of rules which are developed by the classical moral theology, destined to solve difficult cases (like therapeutic abortion). Such rules are based on the psychological and moral difference between what is intended and what can only be anticipated as a concomitant, but not intended, effect of an action³⁶.

The double effect principle has been systematically invoked by the Catholic Church to defend a restrictive position as to therapeutic abortion itself (expressly authorized by the Portuguese Penal Code since 1984)³⁷. Therefore, it would not be admissible to deliberately kill an embryo to save the mother, but it would already be licit to proceed with a directly rescuing intervention of the mother, which would have as a secondary consequence, which was not at all intended, but inevitable, the death of the embryo.

Traditionally, the double effect principle used to be compared to proportionalism. This may generically be understood as the moral theory according to which we reach the standards of conduct by comparing the portions of good and bad which are included in the alternatives of choice and thinking the one that offers better or worse compulsory³⁸. Unlike the double effect principle, proportionalism would always permit, for example, to choose between the life of the mother to the detriment of the embryo, in case of conflict between both, independently of the direct orientation of the medical action.

The truth, however, is that the double effect principle and proportionalism do not constitute terms of a dichotomic classification of moral theories. In restricting their applicability to the “difficult cases”, the double effect principle presupposes that proportionalism or any other moral theory – has already solved the easy cases (and, before

³⁵ See Rui Pereira, “*Torres, gémeos e o duplo efeito*”, *Diário de Notícias* of March 12, 2002, about this.

³⁶ Cfr. Germain Grisez, *The way of The Lord Jesus, I, Christian Moral Principles*, 1983, as of page 307, and critically Rui Pereira, *O Crime de Aborto e a Reforma Penal*, 1995, as of page 91.

³⁷ The Penal Code was modified by Law no. 6/84, of May 11, in what regards to this issue.

³⁸ Germain Grisez, *op. cit.*, as of page 141.



that, has allowed us to distinguish between those cases which are easy and those that are difficult).

What makes the position of the Catholic Church highly debatable in matters of therapeutic abortion is not the formulation of the double effect principle in abstract, but rather its application in the conflict between the life of the mother and that of the embryo, that is, the understanding that both lives are worth the same and that it is consequently irrelevant that one or the other be sacrificed. If, on the other hand, the life of a person who is already born was permitted to be more valuable than the life of the embryo, the conflict would no longer be able to be considered a difficult case and the sacrifice of the second would be acceptable.

Yet, if the inclusion of the therapeutic abortion in the list of difficult cases is still explainable through a certain perspective – from the sacred value of the human life as of the fecundation of the ovule –, the situations of the New York towers and of the Madeira sextuplets seem unsusceptible of such a framing. In fact, in these cases we are not choosing the death of a person to save another person or other people. The “choice” is between the death of a person who would die anyhow, so that no one else will die.

Besides, this reflection was already invoked, after World War II, by those physicians involved in the Nazi “Euthanasia Program”, in order to justify the identification – for a subsequent execution – of chronically mental patients. Those physicians sustained that, if they had not identified the chronically mental patients, the Nazis would then have executed all of the mental patients, be they chronic or not, expanding their Program. If this doubtful allegation were to be true, the physicians would have clearly saved the lives of all of those mental patients who were not chronic.

No matter how painful the decision to shoot down the airplanes may have been, it was ethically and judicially justified because it sought to save the lives of various people and would not implicate the death of any that were not beforehand condemned to die. So it was not about making reason of an arithmetic reflection on the value of the human life, sacrificing one in order to, for example, save various others (which is not licit out of the context of legitimate defence).

In the same manner, “embryonic reduction” may be justified when, in accordance with the prognosis of Medical Science, it entails the death of some instead of the death of all embryos. The only additional problem that arises here – concerning the case of the towers –



results from the need to choose which of the various embryos will perish. But that choice must also be made in accordance with the scientifically available survival viability criteria.

F – The prohibition of torture

The need to prevent and investigate terrorist attacks has put in question an unrevokable prohibition, as a consequence of the essential dignity of the human being: the prohibition of torture. In this context, the signs that suspects of terrorism may have been tortured and the tolerance itself with which such a practice seems to be faced at times are preoccupying.

Even so, it is legitimate to ask if in extreme cases torture is acceptable (if, in judicial language, it is justifiable or, at least, excusable)³⁹. What to do, for example, if someone who indisputably placed a bomb that was ready to explode in an inhabited building and refuses to reveal its location, even invoking the right to silence with a cynicism that is worthy of the wicked enemies of Dirty Harry⁴⁰? Are we condemned to wait the explosion of the bomb with placidity, preferring the death of hundreds or thousands of innocent people to the impairment of a defence guarantee?

The prohibition of torture leaves no room for exceptions. Article 32, no. 8, of the Constitution proscribes torture, as well as other offences against the physical and moral integrity, decreeing the nullity (which must be had as irreparable, taking into account the traditional significance attributed to the nullity concept, in contrast to that of annulment, in our Legal System) of the evidence obtained by such means. Article 126, no. 2, of the Penal Process Code reiterates and densifies this regime, decreeing that the evidence obtained may never be used.

Both the Constitution and the Penal Process Code admit a distinction between the evidence produced with a violation of the physical and moral integrity and the evidence

³⁹ As to the “invincible proscription” of all and whatever form of torture, see Costa Andrade, *Sobre as Proibições de Prova em Processo Penal*, 1992, page 210. On the crime of torture, cfr. Rui Pereira, “*Sobre o Crime de Tortura no Código Penal Português*”, *Estudos de Homenagem ao Professor Doutor Germano Marques da Silva*, 2004, as of page 281.

⁴⁰ In what refers to the homonymous movie of Don Siegel, of 1971, with Clint Eastwood, in which a police officer who is disillusioned with the inefficiency of the judicial system resorts to all means, including homicide, to put an end to the career of a serial killer. The movie had four sequels that popularized the actor as a “tough guy”.



obtained with prejudice to the reserve of the private life. In this hypothesis, evidence is admissible in those cases which are legally foreseen (article 32, no. 8, of the Constitution and article 126, no. 3, of the Penal Process Code). Therefore, the interception and recording of telephone conversations or communication may be ordered or authorized by means of a dispatch from a judge (article 32, no. 4, of the Constitution and articles 187 to 190 of the Penal Process Code).

This prohibition of evidence determines the impossibility of the evidence being produced, admitted or evaluated during any phase of the process. And it also implies, with effect at a distance, the nullity in cascade of all sequential evidence. The hypothesis of, according to a posthumous prognosis judgement, coming to conclude that that sequential evidence may have been obtained even without an “original sin” or a “poisoned tree” should be safeguarded.

Nevertheless, this regime is conceived for the criminal investigation and the penal process. Elapsing from the essential dignity of the human being and from the right to physical and moral integrity, the prohibition of torture profiles as an unsurpassable limit to the State activity – be of the judicial authorities or of the criminal police organs – in those domains. The rigorous regime of the “unusability” of evidence (and not only the disciplinary or penal responsabilization of the torturers, under the terms of article 243 and article 244 of the Penal Code) intends to assure that the illicit activity never compensates.

But it is necessary to clarify, in examples such as the bomb that is about to explode, if it is not possible to resort to legitimate defence (and, in other cases, to the right of need) to oblige the crime agent to reveal the location of the bomb and prevent an explosion and the consequent death of people. But nothing hinders that, in that case, legitimate defence is invoked to justify violence against the author of the crime. In fact, an illicit and current aggression against judicially protected interests is verified and it seems impossible to refute that aggression in a less grievous manner.

Therefore, it is certain that torture is always prohibited as a means of investigating crime practices and collecting evidence on them. But it is not unfeasible to react against current and illicit aggressions through legitimate defence or even get rid of dangerous situations in the exercise of the right of need, perhaps sacrificing the eminently personal judicial goods safeguarded by the prohibition of torture. In all cases, however, it will be



requirable that all presuppositions and requisites of the mentioned justification causes be fulfilled.

G – The “Penal Law of the enemy”

The designation “Penal Law of the enemy” (*Feindstrafrecht*) was used by Günther Jakobs before the attacks of September 11, 2001, at an international colloquium held in Berlin to mark the new millenium⁴¹. Nevertheless, the seriousness of the New York, Madrid or London attacks made more verisimilar the idea that it is necessary to review the Penal Law, creating innovative responses for an increased framework of threats.

The tendency for the development of a “first rate” Penal Law subbranch, which is constituted of more expeditious, effective and grievous substantival and judicial institutes, was unleashed in Europe, back in the 1970s, to respond to the ideologic (Red Brigades, Baader-Meinhoff, April 25th Popular Forces) or nationalist (ETA, IRA) terrorism and to traffic crimes (first, drug trafficking and, later, traffic of human beings).

As of the 80s, the fight against organized crime came to also fall upon economic and financial crime since people had become conscious of the financing and profit importance in the development of criminal associations. At the same time, we assisted to cases in which these associations made a true assault on power; above all in States with more fragile institutions (this occurred in South American countries parasitized by organizations dedicated to drug trafficking). Organized crime began to be faced as a direct threat to the State of democratic law. Phenomena like money laundering and corruption came to be integrated into the “first rate Penal Law”.

More recently, terrorist attacks like the ones that were registered in New York, Madrid and London have justified the creation of new judicial institutes. In general terms, the all-encompassing concepts of authorship and executive acts, the foresight of crimes of an abstract danger, the punishment of preparatory acts, the responsibility of collective people, the permission of concealed actions, the loss of goods of which the provenance is inexplicable, the protection of witnesses and the breach of bank and fiscal secrecy constitute some of the

⁴¹ Cfr. Günther Jakobs, *op. cit.*, *loc. cit.*



privileged means of which the States of the European Union, including Portugal, have availed themselves of to face terrorism and organized crime.

However, there is an essential nucleus of rights, liberties and guarantees that can not be affected in this fight against crime, under penalty of taking away the character of the State of democratic law. The presumption of innocence, the right to legal representation, the right to appeal, the *non bis in idem*, and the prohibition of torture, among others, are inserted into that intangible nucleus.

As has been seen, the ethical-political superiority confers the State of democratic law with a decisive advantage in the fight against terrorism. The linking of judicial rules, many times had as a limitation, ends up by constituting an indispensable trump. The idea of a Penal Law of the enemy is unacceptable as it presupposes that the State has the legitimacy to punish those that it excludes from its own sphere. As Fernanda Palma pointed out, “any concrete Legal System, exactly for intending to be Law, can not conceive any person as its enemy, under penalty of no longer being, in regard to that person, Law”⁴².

H – Negotiation with the terrorists

The issue of knowing if it is legitimate and useful to negotiate with terrorists should be envisaged. A legitimacy problem arises, insofar as the negotiation seems to configure capitulation before force. And a utility problem comes into existence, seeing that the negotiation may have an enlargement effect of terrorism.

In Portugal, the negotiation legitimacy problem with terrorism arises, in an indirect manner, in the context of an amnesty that was decreed for the crimes committed by the April 25th Popular Forces⁴³. In an argumentative line very close to the one followed by Kant in the *Introduction to the Metaphysics of Morals*, several protests against that amnesty, suggesting

⁴² Cfr. Fernanda Palma, *O Princípio da Desculpa em Direito Penal*, 2005, pages 227 and 228.

⁴³ The Constitutional Court appraised the question and considered not unconstitutional the norms of Law no. 9/96, of March 23 (which pardoned certain violations of political motivation committed between July 27, 1976 and June 21, 1991), first at the base of concrete fiscalization, through Decision no. 444/97, *D.R.*, Series II, of June 22, 1997, and then in the dominion of the successive abstract fiscalization, by means of Decision no. 510/98, *D.R.*, Series II, of October 20, 1998. Counselor Fernanda Palma joined a declaration of vote to this last judicial decision in which she stressed that, in spite of not considering the norms acquired unconstitutional, she concluded that the amnesty constituted a true penal law, subject amongst others to the principal of equality.



that the blood shed by the terrorists could not be forgiven (under penalty of dishonouring the actual society that contracted with the crime)⁴⁴.

It is obvious that this argument always presupposes, in one way or another, a retributive conception of punishments and, in the end, of the Retaliation Law – a law which is expressly revoked in the Sermon on the Mount, in the well-known passage in which Christ asserts that “an eye for an eye” does not count (that is, that it makes no sense to oppose an evil to another) and allegorically concludes that one should turn the other cheek⁴⁵.

The retributive conception of punishments does not seem to coadunate with the Portuguese Constitutional and Penal System. Article 18, no. 2, of the Constitution only admits the restriction of fundamental rights implied by public punishments with the purpose of promoting the defence of constitutionally protected rights or interests and article 40, no. 1, of the Penal Code sets up as a goal the defence of judicial goods (and also the social reintegration of the crime agent), omitting retribution⁴⁶.

In the paradigmatic case of amnesty, arbitration should be excluded. Amnesty (as well as generic pardon) is a true penal law, subject, amongst others, to the principle of equality. In the end, it is inadmissible that an amnesty includes felonius homicide and forgets simple offences against physical integrity. But an amnesty that respects the constitutional principles and standards of the Penal Law is legitimate and its political judgement should be situated in the utility plan.

When we question the utility of an amnesty, we wish to know if it contributes towards the cessation of criminal activities in a general and special prevention perspective, promoting judicial peace and social cohesion. An amnesty that is considered to be a trump by the crime agents and encourages them to pursue their activity constitutes an error. Only an amnesty which dissuades these agents from committing future crimes is useful in terms of a criminal policy.

⁴⁴ Cfr. Immanuel Kant, *Metaphysics of Morals, Part I, Metaphysical Elements of Justice* “Even if a civil society resolved to dissolve itself with the consent of all its members (as might be supposed in the case of people inhabiting an island resolving to separate and scatter themselves throughout the whole world) the last murderer lying in prison ought to be executed before the resolution was carried out. This ought to be done in order that every one may realize the desert of his deeds, and that blood-guiltiness may not remain upon the people; for otherwise they might all be regarded as participators in the murder as a public violation of justice”.

⁴⁵ Matthew 5.38 “You have heard that it was said, ‘An eye for an eye and a tooth for a tooth.’ 5.39 But I tell you not to resist an evil person. But whoever slaps you on your right cheek, turn the other to him also.”

⁴⁶ Cfr. Rui Pereira, *O Dolo de Perigo*, 1995, as of page 142.



Nowadays, the negotiation with Al-Qaida does not seem useful because it would be understood as capitulation. The negotiation path should only be followed by someone who is in a position of force and may impose the cessation of the terrorist activity as an irrenounceable condition or when there is no alternative. Imagine that, for example, Al-Qaida disposes of a set of atomic bombs that they can blow up in some of the principal European cities: would it not be advisable, in those circumstances, to “actually speak” with the terrorists?

V – CONCLUSION

The terrorism analysis is not indifferent. It is teleologically directed and intends to infer how we can prevent attacks or, at least, diminish their consequences.

On a civilizational level, the defence of the human rights, the respect for difference (without giving in to a multiculturalism that offends the dignity of a person) and the development with solidarity constitute a trilogy of antidotes to use against terrorism. Unfavorable existential environments may produce saints, in exceptional situations, but constitute crime factors in the majority of the cases.

On a political plan, it is essential to reinforce the international Judicial System (by promoting the reform of the United Nations Organization), fathom the European construction, make the Atlantic alliance more effective, approximate the West with the moderate (and preferably not corrupt) and resolve the open issues in Palestine, Iraq and Afghanistan. Even though there is no causal relation between these issues and the terrorist attacks, they constitute a privileged pretext for the radical indoctrination and propaganda.

In the cooperation context, it is necessary to improve institutes with the European detention warrant and acclaim, with greater amplitude, a profit principle of acts, phases and processes developed abroad, including evidence material that is presently the order of the day. In the horizon, the idea of a European crime proceeding profiles falls in line, as an expression of judicial and police cooperation.

In the penal domain, it is desirable to fathom institutes with the protection of witnesses, the loss of goods in favor of the State and dissimulated actions, developing a “first rate Penal Law”, besides the Justice Penal Law, the Secondary Penal Law and the Mere Social



Ordination Law. The limit always coincides with the nucleus of rights, liberties and warranties as a consequence of the social dignity of the human being.

Within the compass of “intelligence”, it is important to explain the performance possibilities of the information services, for example, in matters of dissimulated actions or interceptions of communication. It would also be desirable that the different information services possessed identical “weapons” in the fight against terrorism, standardizing their capacities. At the European Union level, it is urgent to create a “Eurintel” or “Eurinfor”, that is, a calculated structure oriented to face common threats, without prejudice to the information services of the Member States⁴⁷.

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⁴⁷ See, with greater detail on these measures, Rui Pereira, “Terrorismo e Insegurança ...”, *text. cit.*, as of page 104.



Elements for an analysis model of the global terrorism⁴⁸

(Main aspects to be developed during the communication)

The elaboration of a methodological framework, which is pretended to identify the study object and the operational goals, implies a systematic procedure of evaluation and revaluation of hypothesis, data and analysis, in an always incomplete process and, therefore, in permanent actualisation.

Every model of analysis implies data crossing, either through research and integration of aspects concerning the already processed information, or through the recourse to raw material, resulting from directly qualified sources. Operationally, the construction of an analysis model obeys to the following process:

1. Definition of the analysis scope;
2. Definition of the research criteria;
3. Delimitation of the specific areas to be treated;
4. Data gathering, research and processing;
5. Interaction of the basis interpretation (documents);
6. Realisation of divided analyses;
7. Integrated interpretation of the divided analyses;
8. Definition of the parameters of an analysis matrix.

The crucial construction of each qualitative and quantitative analysis matrix, applied to the reality of the transnational terrorism phenomenon, faces many factors which condition the effectiveness of the analysis relating to *intelligence*, such as:

1. The volatility of divided analyses;
2. The consequent depreciation of data;
3. The complexity of the variables to be interpreted;
4. The intersection of all factors which contribute to consider the terrorist menace;

⁴⁸ Prof. Doutor Heitor Romana



5. The excess of data to be processed.

The new paradigm of the transnational/global terrorism, which has in Al-Qaeda the operative reference, constitutes, in the ambit of the menace level analysis and of the perception of how its *modus operandi* is structured, the main focus of the intelligence services, considering its impact on the organisational and operational culture of the I.S., yet structured according to the paradigm of the ideological terrorism of the Cold War.

Through the intersection of Open Source Intelligence (OSINT) and the elements processed by the Intelligence Services, relating to Al-Qaeda and linked groups' activities, it is possible to elaborate a draft on what can be designated by organisational matrix of the transnational/global terrorism, which has the following main characteristics⁴⁹:

- 1 – “global” conception concerning the political definition of the targets and purposes, and in the strategic planning; the operational and technical components are executed by a local cell (“glocal” strategy);*
- 2 - the structure is decentralized, functioning according to a “holding” logic – one of its mains characteristics is the network communication system, which seems to have been adapted from the management models;*
- 3 - the cells present an hermetic design with its own hierarchy, specific functions, action autonomy and modular connection;*
- 4 - there is a rational function division. The members have high technical skills in several domains;*
- 5 – the human and technical resource mobilization is done according to “scale economy” mechanisms;*
- 6 – the operations planning is due according to a long term scenario. The search for a penetration in the social structure of a specific country is a common practice;*
- 7- a specific methodology of the Intelligence services is used, namely in the construction of contact networks and in the selection of new elements.*
- 8- at the local level, the structure and the organization are based in: a command core; a small group of active cadres; an inferior level of active supporters; and on the ground level a wide group of passive supporters;*

⁴⁹ In *Assuntos de Segurança Interna que Portugal enfrenta*, a communication made on 2nd May of 2006, in the ambit of the I Portuguese Conference.



9 – there are groups that, although not having an organic connection with Al-Qaeda, act according to a scheme of “free-lance terrorism”;

10 – there is a high delocalization capacity in operation planning with a range from Germany to Morocco.

From the above mentioned aspects, in our opinion, it is evident the necessity of perceiving the terrorism phenomenon, not only through the operational components of «terrorists acts, but also by betting on the holistic analysis, where the theoretical-empirical insights of Political Science, International Affairs, Anthropology, Psychology, Geopolitics and Strategy are included.

Thus, we consider as possible the creation of an analysis model with a framework of the Adriano Moreira’s three-dimensional analysis of power, since we also consider that the transnational terrorism question implies, in the future, the study and evaluation of the terrorists groups’ bureaucratic politics mechanisms, that is to say, the study of the “ideology”, of the type of government and of its “thirst for power”:

1. Ideology: It corresponds to the legitimacy and coherence presuppositions which must be present whenever a terrorist action occurs, in order to guarantee the necessary support;
2. Type of government – It concerns the groups’ organisational model (macro, mezzo and micro);
3. Thirst for power - It corresponds to the identification of the manifest and latent core and to the strategic decision type (political conception and operational execution of the terrorists’ acts).

If we focus ourselves on the “Thirst of power”, there are different compounds of analysis, which are:

- a) Operative power – Effective exercise structure of the power expressed to the central and dislocated command of the political planning and of the operational execution;
- b) Decision process – It corresponds to the different levels of decision making and to the factors that condition and determine the decision making process, such as the international conjecture and the socio-political reality of the target States;



- c) Actors– It defines the positioning within the political and operational structures of the heads and of the groups and action subunits' commands;
- d) Adaptation strategy - It concerns the answer to changes, both defensive and offensive, of operations planning and execution.

From this succinct approach to the topics for the construction of an analysis model of the transnational terrorism, it is evident that the Intelligence Services and the Security Forces must make a few readjustments in the organisational ambit which, in the Intelligence Services' case, should imply:

1. the creation of a “large scale economy” between the security intelligence services and the strategic intelligence services, without losing the specific purpose of the attributed mission;
2. a gradual bet on the operational analysis, with a maximisation of the external search capabilities of the strategic intelligence services;
3. the construction of a “early warning system”, with the creation of a centralised database, maintained by static information – mainly from, in Portugal's case, the GNR, PSP and SEF – and by composed information sent by SIS, SED (SIRP) and PJ.
4. The implementation of an "EWS" must obey to the following summary stages:
 - a. Definition of basic technical indications;
 - b. Identification of specific technical indications;
 - c. Menace definition;
 - d. Operational technical procedures;
 - e. Operations management;
 - f. Operational analysis;
 - g. Information processed by the internal security forces;
 - h. Information processed by the allied information services;
 - i. Evaluation of a search and analysis process;
 - j. Menace neutralisation.

The EWS scheme must be integrated into the logic of what has already been referred in many articles as "antiterrorist multilateralism".




The internationalisation of terrorism and its “almost external politics” have lead to an antiterrorist multilateralism which aggregates multiple interests. Such multilateralism, to be efficient, implies the existence of a great response capability in due time, in order to detect and neutralise the menace, which doesn’t seem to be compatible with the political-diplomatic methodologies of nowadays. These methodologies are based on negative entropy: a tendency to walk towards multiple and more complex organisational relationships, which have a perverse effect (the atomisation of decision centres in what concerns the fight against terrorism).


In the EU, we still are in that period that, bearing in mind the general theory of systems, can be designated as *goal-attainment*, where we have not passed yet the goals persecution. This means that we must define purposes, mobilise energies and resources and we also must prove that the EU is able to reach a *pattern-maintenance*, assure that all the actors can stay faithful to the regulations and to the model values and continue to be inspired by them.








ETA





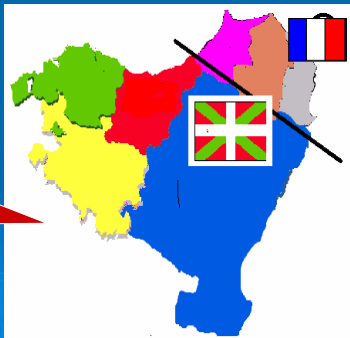
“Revolutionary political organization of marxist-leninist ideology that practices terrorism in order to achieve a change of socio.economic order in a concrete territorial area of Spain and France”.

2

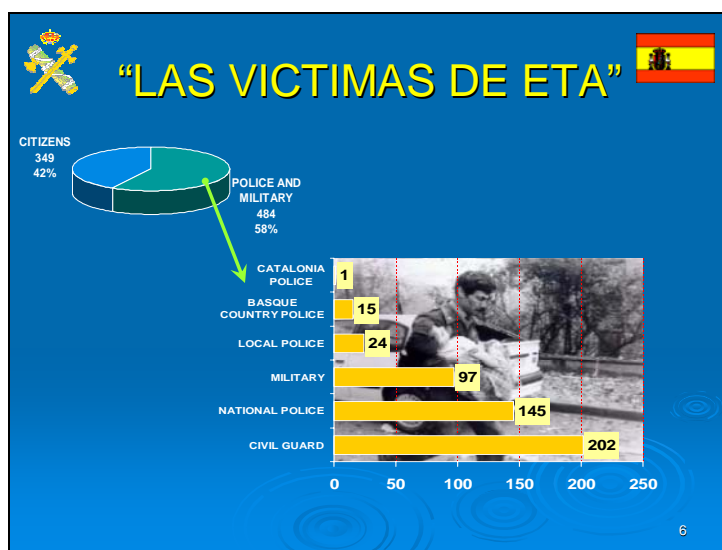
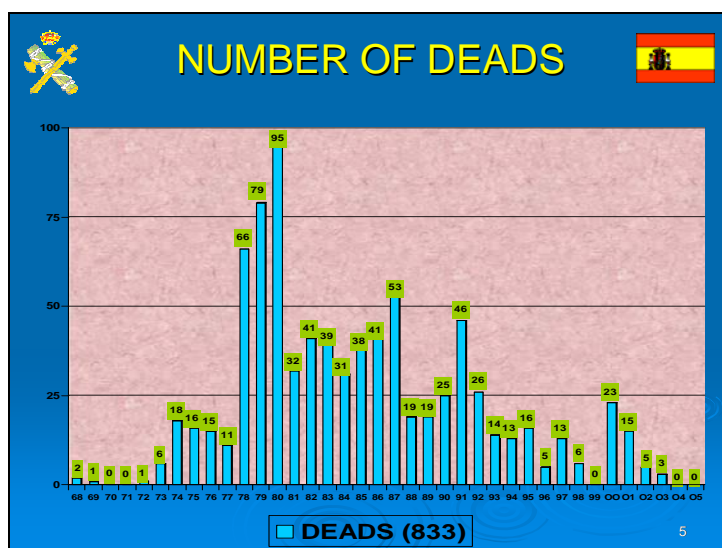
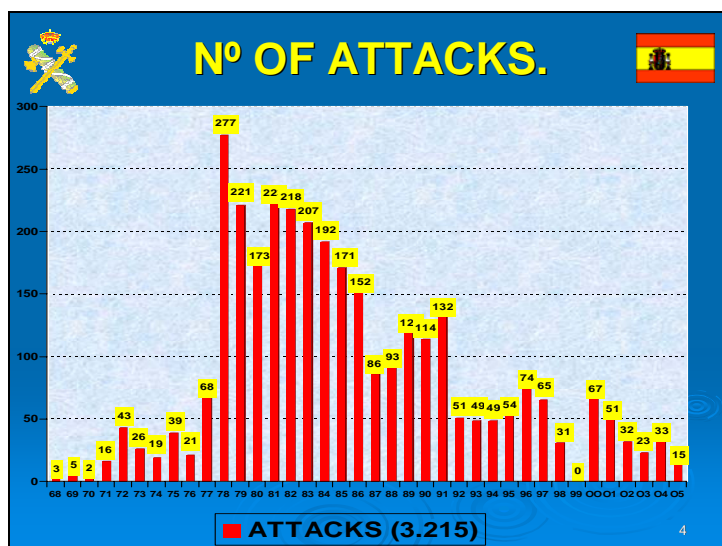


“EUSKALHERRIA”


















 **TERRORISM OF LOW INTENSITY** 

URBAN TERRORISM → 

SOCIAL HARASSMENT AGAINST NON-NATIONALISTS → 

CIVIL DISOBEDIENCE → 



RADICALIZATION OF RELIGIOUS EXTREMISTS

COUNTERTERRORISM UNIT

GUARDIA CIVIL

Lt. JOSÉ L. PEÑAS



1.-TRAINS ATTACKED (11.03.04)

1. 13 explosive devices
2. 10 explosions on 4 trains
3. 191 death toll
4. More than 1600 injured



2.- FAILED ATTACK ON THE HIGH SPEED TRAIN (02.04.04)



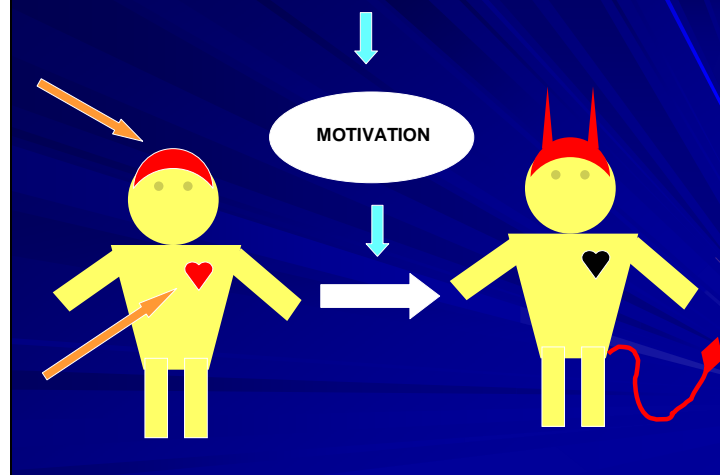
3.- SUICIDE BOMBER ATTACK (03.04.04)

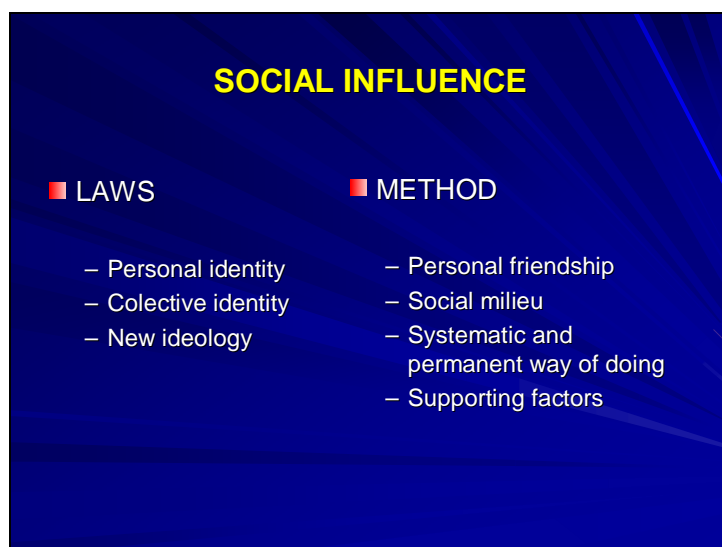
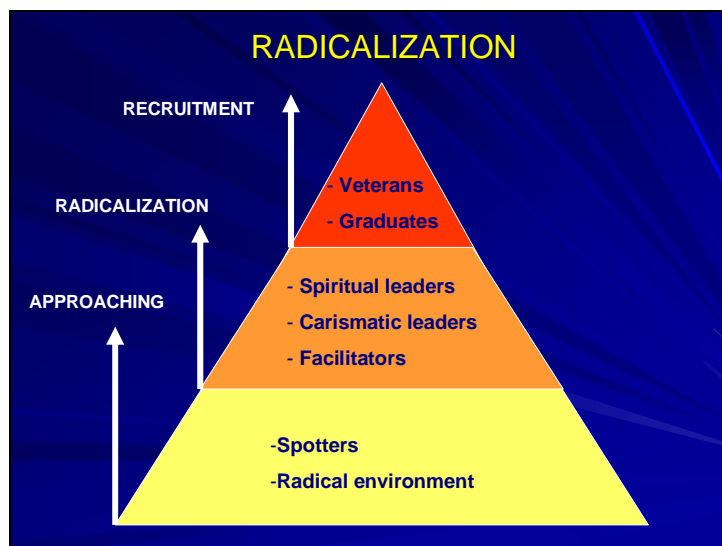
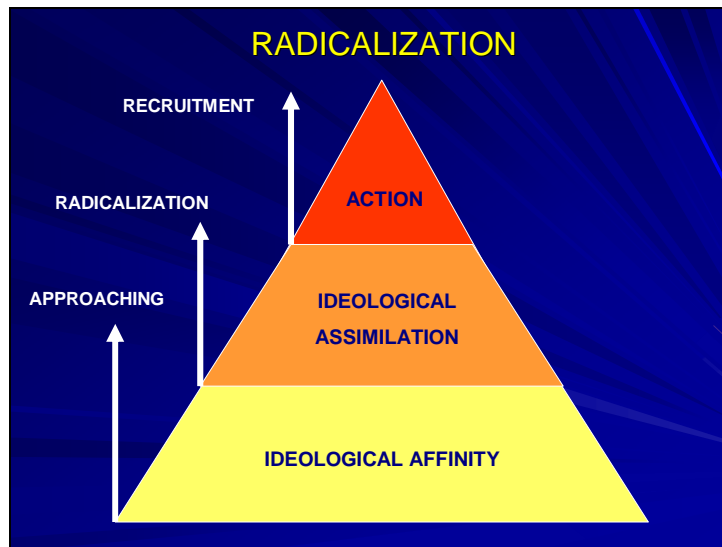
SUICIDE ATTACK (03.04.04)

1. 7 suicide bombers
2. 1 death police officer
3. Several serious injured



RADICALIZATION







PROSELITISM AND PROPAGANDA

- Using several means
 - Audiovisuals (videos, DVD,s, cassettes)
 - Texts, leaflets, magazines
- In many diverse places
- The so-called charitable work
- Derived consequences from the charitable work
- Websites

FACTORS OF RISK

- Social disintegration
- International situation
- Risks in the environment = radicals
- Special situations (prisons)



KEY POINTS IN THE RADICALIZATION

- Isolation
- Intensive indoctrination (doctrinal sessions)
- Techniques to monitor thoughts of recruits
- Adopt fanaticism in the ideology
- Radicalization of the group as a whole



GOALS IN THE RADICALIZATION

- Simplification of the islamist ideology
- Insensibilization
- Socialization
- Justify the violence
- Excite collective self-image, considering themselves as superior ones
- Identification



KEY POINTS IN THE RECRUITMENT

- Based on the before mentioned, less important than radicalization
- Training to act = active measures oriented to action
- Dependence on the obtained means
- Practical preparation
- Cohesion of the group = much important than training in itself
- Terrorists
 - Valuable and respected ones
 - Positive identity in the group (internal) and in the milieu (external)
- Continuation of radical indoctrination
- Basic training
- Internal and external support
- Show other "victories" as examples: Afghanistan, Iraq
- Staging of the compromise

CONCLUSION

THERE ARE NO
GLOBAL STANDARDS OF PERSONALITY
YOU CAN CONSIDER AS A TERRORIST
NEITHER
DEFINED PROFILE OF JIHADIST

THANK YOU FOR YOUR ATTENTION

COUNTERTERRORISM UNIT

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Chapter II – World Lines of Psychosocial Support

Psycho-Social Support in Situations of Mass Emergency (ME)

Dr. Geert SEYNAEVE

In recent years, the European Commission has facilitated an exchange of experiences and discussions among government officials and opinion leaders in emergency health from the different member states with respect to lessons learned and the state of knowledge in disaster medicine. In the EU Policy Paper on Psycho-Social Support in Situations of Mass Emergency the following theses were developed.

- 1) An adequate response to major accidents and disasters not only requires activities of search & rescue and emergency medical care, but also the provision of psycho-social support to people affected (injured and non-injured persons; those indirectly involved like family, friends, the bereaved, witnesses and bystanders; the responders themselves).
- 2) In situations of ME there is a wide range of needs that have a psycho-social impact, which can not be reduced to problems of PTSD (post traumatic stress disorder).

Psychological disorders have a prevalence between 10-30% of those directly involved, but there are also other needs. Different elements should be integrated in a pro-active multi-disciplinary and multi-component psycho-social response mechanism (practical assistance; information and communication; first emotional, psychological, social, cultural and religious support; advice, access and referral to specialised services). This should not be limited to actions of specific teams of psycho-social workers or specialised agencies, but also involves the attitude of responders in general towards people involved. Furthermore, it is evident that social relations and networks of a given society are crucial in coping with possible psychological distress and social problems.

- 3) In the distinctive time phases, an adequate psychosocial response is needed for the evolving needs.

Initiation of PsySoc activities can be coupled with the activation of medical emergency services, rather than establishing ad hoc and separate procedures. In the acute phase, the PsychoSocial Manager (PSM) has a double role. The first function is that of an advocate and interface towards other agencies and authorities (regarding specific technical and logistical responses e.g.). But a PSM should also provide operational co-ordination of the specific



RISC-function (Centre for Reception, Information and Support) which directly organises and provides for a lot of psycho-social activities. It is of utmost importance to prepare for continuity in the transition and long-term phase. Here the PSFC (Psycho-Social Follow-up Co-ordination) does not have a direct operational but more of a co-ordinating function.

The PSFC ensures that normal structures within health or social services respond to the psycho-social needs of the different groups of people involved, providing advice, facilitating access, having a function of interface with a range of experts and specialised organisations.

4) There exists a professional consensus on a number of general principles with respect to Psycho-Social Support in Situations of Mass Emergency.

Flexible arrangements need to be prepared beforehand (including leadership, networking, standard formats for assessing needs and for mobilising resources, for onward referral and advise concerning administrative, judicial, therapeutic or other specific needs) and supported by appropriate training for staff, for the acute, transition and long term phase. Also, the psycho-social response should be pro-active, instead of waiting to react to a problem or demand that may arise. Furthermore, the emphasis should be on empowerment, enhancing individual and social coping mechanisms, and social reintegration, avoiding pathologising and victimisation of the people affected. It is important that privacy, informed consent, professional confidentiality and operational relevancy should govern the crucial aspect of information handling. Further systematic & critical evaluation is needed to continue to develop a clearer understanding of the psychological and social needs that evolve following mass emergencies. Finally, continuous evaluation of efficiency and effectiveness is required, not only of the methodology used for support of individuals, but especially regarding the ME specific approach, with the objective of integrating lessons learned in the event of new situations of ME.

5) Within the EU, there is a general consensus on the fact that it is the responsibility of public authorities to make sure that the psycho-social response for major accidents and disasters is adequately prepared in advance, well co-ordinated, systematically evaluated and properly funded. It is however the responsibility of employer of the ME-responders to make the adequate preparations beforehand, to provide on scene support so as to reduce the exposure to trauma, and to offer specific support to assist with physical as well as psychological recovery in the longer term. Not providing an adequate, pro-active and sustained psycho-social response for those directly and indirectly involved in mass emergencies would unnecessarily lead to a considerable number of people with distress, social difficulties and - in some cases -



long term mental illness. The indirect costs resulting from changing social and health behaviour, sick leave, claims for legal and financial compensation, etc. require further detailed analysis. But the individual, social and economic cost certainly exceeds many times the investment required for the necessary resources and the development of a psycho-social response mechanism.



Ethical Aspects of Psycho-Social Support in Major Incidents in the context of "terrorism"

Dr. Geert Seynaeve
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Lisboa, July 11, 2006

ethics & PsySoc MIM

- ? do ethical aspects influence PsySoc actions, decision making, behavior, thinking, ...?
- ? are moral concepts & judgments helpful in taking certain options, solving conflicts of interests & dilemma's, defining responsibilities?
- impact of context of "terrorism" on Major Incident Management (MIM) by Health Professionals
- values & professional standards with respect to information management in situations of Mass Emergency (PsySoc Eu Policy Paper)
- Socialpsychological research on ethics

Major Incident:

Mass Emergency Public Health Crisis

Disaster Major Accident



Mass Emergency (ME)

= a major incident with a large number of people involved, causing an exceptional **disproportion** - in size or in time - between on the one hand the medical and psycho-social **needs** (in numbers and nature) and, on the other hand, the **response capacity** (the available resources and their organisation)

ME= **DISPROPORTION**

between

(medical &
psycho-social)
NEEDS

response
CAPACITY:
available means
organisation &
co-ordination

3



Public Health Crisis

- outbreaks of infectious disease e.g. Ebola, legionella, BSE, influenza
- unknown toxicological problem
- contamination food chain e.g. dioxin, Coca-Cola
- deficiencies consumer pharmacological products e.g. Braun, Cidex
- nuclear, biological, chemical hazards

Public Health Crisis (PHC)

= a situation that presents an unusual serious health risk to a community (or which is perceived as such)

Rather than an acute disproportion between needs and resources, a PHC is characterised by

- a lack of information
- scientific uncertainty
- and/or public worry
about causes, character or dimension of an unusual health problem

ME-management

organised intervention of

ADDITIONAL MEANS

extra-ordinary
resources
psycho-social inter-
vention team,
hazmat team,...

**more efficient use of
available CAPACITY**

triage
medical regulation
stop non priority
activities
avoid unnecess.
initiatives

15



PHC-management requires:

- swift action
- extra-ordinary decision making
- extra-ordinary measures & control strategies
- surveillance with early detection & early warning
- rapid & adequate exchange of information & communication

MIM & "terror"

Major Incident Management (MIM)

- Mass Emergency approach \Leftrightarrow routine, individualized, patient centered healthcare
 - surge capacity, triage, allocation scarce resources
- + Public Health Crisis approach \Leftarrow deliberate use CBRN



moral theories

general approach ethical problems?

- Utilitarianism
- Deontology
- Eclecticism
- Virtue Ethics

John Stuart Mill, Utilitarianism (1861)
Jeremy Bentham, Introduction to the Principles of
Morals and Legislation (1789)

Utilitarianism

greatest amount of **good** to greatest amount of people

- **Act**-utilitarianism: do what maximizes good in a given situation, good will follow
- **Rule**-utilitarianism: follow rules A1-An in all and any situations, good will follow

Utility: definition ("Good" Happiness), measure ?

Consequence (Consequentialism)

sacrifice minority?

Utilitarian e.g. Public Health

Immanuel Kant, Grundlegung (1785)

Deontology

- duty: intension must be good for another for an action to be good
- **categorical imperatives:**
 - never treat persons merely as means to an end, but always as an end in themselves
 - if a specific action would be good as an universal law, it is good action
 - independently from context, situation, consequences (e.g. lying always wrong)



eclecticism

- **Evolutionism:** need to follow intersubjective norms & mores of given society - Conformism
- **Rights** of individuals (vs government): “negative” rights (freedom from interference from others/gov; right not to help others); “social” rights (help, protection, security from others/gov)
- **Moral Egoism:** If all people do what they consider good, good for all will follow; laissez-faire
- **Social Darwinism:** some individuals, “races” are “better” than others; survival of the fittest)
- **Legalism:** It is right because it is legal; It is wrong because it is illegal (laws reflects previous/existing relationship of forces)

Virtue Ethics (*arete, virtus*)

- aim (*telos*) of humans = character building, develop personal qualities so as to act morally
- no strict rules, no excesses (the golden middle way, Aristoteles)
- how we are →ethics→how we should be

<http://www.iep.utm.edu/v/virtue.htm>

<http://pdm.medicine.wisc.edu> (Larkin, Arnold. Ethical Considerations in Emergency Planning, Preparedness, and Response to Acts of Terrorism; PDM Vol. 18, N°3)



ethical challenges ME + "terror"

- **micro** level: interest individual patients (health care providers) \Leftrightarrow collective
- **meso** (system) level: interaction between different groups/agencies (EMS, firefighter, police, volunteers, authorities, politicians) e.g. metro Valencia vs London underground bombings
- **macro** level: resource allocation, priority setting (Katrina vs "bioterrorism")

Larkin PDM 2003

ethical challenges **micro level** (HC provider-Patient)

1. Care of hysterical, demanding, or grieving patients who demand extra or unneeded care
2. Care of non-citizens, foreigners, prisoners, or terrorists
3. Prioritizing care of VIPs, civil servants, leaders, military, and health care personnel
4. Maintenance of privacy in the throes of overcrowding and media's "right to know"
5. Reporting requirements that impact individual patient liberty, confidentiality, and HIPAA rules

Larkin PDM 2003

ethical challenges **micro level** (HC provider-Patient)

6. Conducting research and procuring informed consent on vulnerable victims under duress
7. Treating victims who are radioactive, contagious, or potential threatening to the individual provider's health
8. Triage rapidly, objectively, accurately and optimally given limited information and time
9. Extending provider scope of practice at the limits of surge capacity
10. Balancing provider roles as agents of state, public health, or individual patients



VICTIMS OF TERRORIST ACTS 2005

With financial support from the VICTIMS OF TERRORIST ACTS Programme
European Commission - Directorate General Justice and Home Affairs

meso level (Provider-Provider)

1. Assisting colleagues even when doing so may endanger self
2. Role shifts, power struggles, turf battles, and teamwork requirements
3. Dealing with provider impairment or reckless behavior
4. Trainee/employee safety before, during and after terrorist attacks
5. Occupational exposure, reporting requirements, and privacy concerns

meso level (Provider-Provider)

6. Optimizing communication between providers and first responders at all levels
7. Conflicts of interest within organizations compete for local, state, or federal funding
8. Magnanimity and goodwill toward colleagues and coworkers under stress
9. Addressing mental hygiene, safety, and wellness needs for self and other providers
10. Policies for quarantine and reciprocity for disability, lost wages, and time off work



macro level (HC provider-Society)

1. Individual willingness/duty to respond altruistically, heroically, to a societal need vs. duty to family
2. Opportunities for fame and fortune by leveraging public ignorance, fear and paranoia
3. Conflicts of interest in setting priorities for resource allocation and preparedness
4. Duty to engage in preparedness courses, disaster drills, vaccination programs, and volunteer corps
5. Justice in resource allocation and stewardship: cost-benefit of stockpiling drugs, new vaccine development, and widespread purchasing of PPE or decontamination equipment

macro level (HC provider-Society)

6. Resisting unethical policies, ethnic profiling, and vilification of specific religious groups or nationalities
7. Duty to honestly enlighten lay persons and federal, state and local policymakers via the media
8. Waiver of consent for research on terrorized populations
9. Establishing protocols for triage, codes of conduct, and activation of disaster plans
10. Scope of expertise and using non-physicians or non-fully trained providers under austere conditions
11. Enduring economic, health, and legal risk in the absence of reciprocity, disability, or Good Samaritan protections

ethical issues – general principles & values PsySoc

- discrimination, harassment & abuse, inequality & dependence, vulnerability: cultural diversity & customs, gender, class, cast ("glass ceiling"), child, older, clandestine immigration, disability
- conflict of interest, greed, inappropriate use of resources, corruption, bribery, acceptance of gifts and gratuities
- accountability, responsibility, liability, trust

↑ international context (Third World)

↑ context of conflict, war (propaganda & disinformation; hostile; security)



professional ethical issues

1. governmental regulations: **law** (criminal offense, liabilities)
2. formalised rules, policies & standards:
ethical code
 - listing of Values and Principles
 - Mission Statement
 - Specific Rules of Conduct
 - Guidelines for Practice
 - Letter from CEO/manager
 - monitoring & reporting to 'authority'
3. organisational culture: **ethical ecosystem** in which professionals operate

PsySoc ME: needs & rights of people affected with regard to information management

EU Policy Paper: information is a vital need for people affected by a ME.

1. Knowing what happened to a loved one, is a pressing, **immediate** and almost vital need that must be attended to in an appropriate way. Communication of information about the actual situation and perspectives, especially of injured victims, also remains a priority in the **later** stages.
2. Providing affected people with **accurate, factual information on the incident itself** is essential in assisting them with coming to terms with what has happened. Some people start this process of asking questions at the site of the accident, others need to know somewhat later (i.e. in hospital, in RISC-centres or at home).

It is important that people affected have **access** to this information, including **updates** on victim recovery and identification, and the disposition of personal effects. Ideally this should happen **before it is released to the media**.



PsySoc ME information management

protection of personal privacy & right of confidentiality need to be guaranteed

- should be part of a code of professional ethics for psycho-social workers that is complementary to existing legal regulations (codes of conduct)
- strict separation of the handling of information in the context of psycho-social assistance, from that of judicial, and legal responsibilities
- whatever legal status they hold
- protection against all possible uses of information for purpose of administrative sanctions or police repression (even within the scope of authorised law enforcement activity)
- a person involved in a ME has the unalienable right, for private reasons and without having to put forward arguments, to demand for his/her name not be registered, or to state that his/her involvement in the incident should not be made public

PsySoc ME information management

Affected people must be protected from intrusion or interference with their private life (i.e. from unwanted assistance, abuse of authority, undesired inquiries). People should have the opportunity, at any time, to express the desire not to be contacted by the press, by family members or even by (well-meaning) psycho-social workers, without having to demonstrate a need or even a reason for such a request.

Collection and processing of data at the scene of a ME, during triage and medical processes in hospitals and in RISC centres must be governed by strict procedures, standardised protocols, clearly established hierarchies and responsibilities. A number of principles on information practice, establishing conditions for handling/disclosure of personally identifiable information should be included in the psycho-social plan.

All (para)medical and psycho-social staff responding to MEs should be sensitised to the specific needs of people involved and staff should be evaluated and monitored to ensure that they are acting according to professional ethics and confidentiality.

PsySoc ME information management

Any communication of data, within the medical and psycho-social structures must follow formal, pre-established rules, indicating clear responsibilities. Obtaining, registering, and communicating information should be restricted to what is relevant and proven to be useful for an adequate medical and psycho-social response. Agencies should specify their authority and purpose for collecting personally identifiable information from an individual. They should not maintain records describing how any individual exercises constitutional rights and liberties. Every effort should be made to avoid methods, attitudes, or questions that are unnecessary, or intrusive.

People affected by a ME should also be provided with a clear explanation about the use and reason for collection of information. The PSM is responsible for informing individuals that a record is maintained on him or her, and there should be provision made for access and a procedure for information to be amended.



PsySoc ME information management

Contacting relatives and loved ones, and informing them on the fate and medical situation of a person involved in a ME, can only be done after informed consent. Agencies should obtain verifiable parental consent prior to collecting, using, and disseminating personal information about children under a specified age (minors). Medical good practice should govern the access of parents to their children's personal information and its further use. Gathering evidence and information from the family should be done in a sensitive manner.

PsySoc ME information management

Information from medical records of patients, personal data registered in RISC centres or other private information, should only be communicated to non-medical or non-psycho-social agencies and authorities, if it is expressly authorised (after informed consent) by the individual about whom the record is maintained (or eventually of his/her legal representative).

Making public the trauma profile of a mass emergency is considered to be a matter of general interest. So it can be accepted that the number of deceased, U1-, U2-, U3-patients, and non-injured are given to the authorities or to the press, on the condition that it is anonymous.

Lists with the names of dead, injured, missing and other affected people, containing a general notice on the gravity of their health situations (e.g. life in danger or not) should be handled with utmost care. Only persons or agencies authorised within the psycho-social plan should collect, review, or create any aggregate list. This information should be used strictly for purposes of disaster victim identification or when required for adequate medical and psycho-social care (triage, appropriate care and services).



PsySoc ME information management

There is no valid argument for giving nominal lists of deceased, injured, non-injured or missing persons to authorities who have no operational task that serves the direct interest of those involved in a major incident. Personally identifiable information, handled in the context of mass emergencies should never be shared with third parties, commercial entities or for profit organisations.

The way of communicating information to people involved in mass emergency should take into account the psycho-social impact. This is one of the reasons why the whole process of managing information concerning the identity and status of victims, as well as organising the notification and communication should be an integral part of the specific functional discipline that is psycho-social support.

Issues ICT & information?

- what information (∃ about ourselves)
- who access (right or privilege?)/limit access
- mis-information & correction
- sensitive, biotech, biometric identification
- monitoring, surveillance & blacklisting (facts, suspicion)
- transfer to others & later evolution

socialpsychological research on ethics

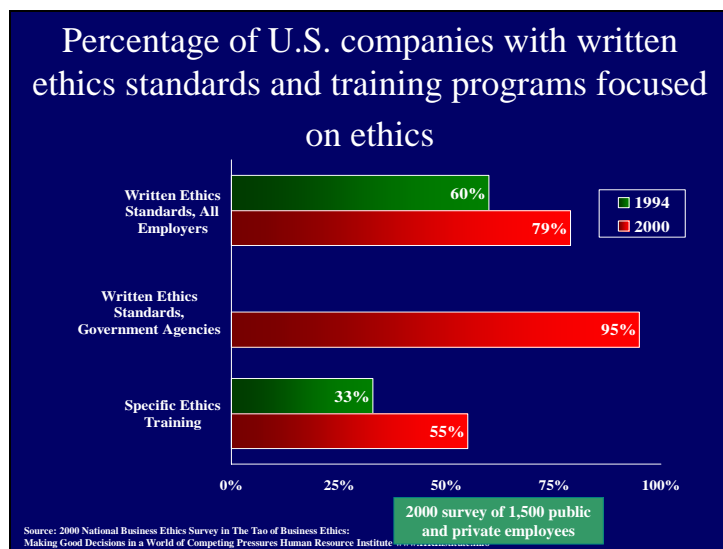
prescriptive attribution research: finding the justifications of actions which have been performed in the past or will be performed in the future (not the explanation, causes, factual reasons)

⇒influences on the preferred patterns of justifications:

- developmental characteristics of age (stage theory of moral development with different steps of higher morality)
- socialpsychological variables: the same individuals justify their actions by different ethical positions at the same time with different importance also depending on the social context



| Content of justification | End | Means |
|---|---|--|
| Generalization | | |
| personal | <u>Hedonism</u> (I pay attention how I feel personally acting like this.) | <u>Intuitionism</u> (I am sure that the action is adequate) |
| social | <u>Utilitarianism</u> (In my opinion, one has to see the consequences for all people.) | <u>Deontology</u> (In my opinion, general principles matter as guidelines for our actions.) |
| <p>differentiations values</p> <p>Schwartz: Self-transcendence ↔ Self-enhancement Openness to change ↔ Conservation</p> <p>Inglehardt : Materialism vs. Postmaterialism</p> | | |



increasing 'moralism'

- **socio-economic** context:
 - "crisis" >1973
 - "deregulation" ⇐ 1 rule: "profit"
 - globalisation: 1 market (implosion stalinist states)
- **politically** driven by social strata disrupted by, confused & powerless vs overwhelming forces
- **psychologically**: frustration, uncertainty, insecurity, personal shortcomings



increasing 'moralism'

vacuum of "social" rules, (perceived)
lack of "justice"

⇒ focus on **individual responsibility**
(conscience, moral feeling) &

⇒ back to **authority** (tradition, heaven,
utilitarian) :

"political correctness" → fundamentalism

ethical values & morals

- eternal ↔ historical, changing socio-economic context, evolution technology (e.g. ICT, biotech, ...)
- universal ↔ culture, gender, class, ...
- justify, classify & judge (actions, attitudes, ideas) via
 - formal criteria
 - simple rules (good/bad)
 - formal analogies of common secondary characteristics (moral twins, paralel of extremes)
 - abstract norms
 - absolute principles
 - infallible criteria
- ↔ **concrete analysis, rational understanding & explanation of origin, dynamics, sense, contradictions of events, conflicts, dialectic between ends & means**

"terror"?

- political qualification, based on 'moral values' (not 'rational' analysis of origin, development & dynamics)
- 'official' wars & 'state terrorism' (colonial crimes, nazi horrors, stalinist repression, Hiroshima, fire bombings Dresden/Hamburg,...)
- moral judgment of individual acts of "terror" & use of violence (means): in context of history & objectives (Wilhelm Tell, Lawrence of Arabia, resistance & liberation movements e.g. Mandela)
- "consequence" management: determined by political decisions ⇐ critical approach



Portuguese National Guard

Taking Charge of Critical Incident Stress

Dr. Thomas Appel-Schumacher

10 July 2006

Lisbon, Portugal

1

Definitions

- **Crisis:** psychological homeostasis is disrupted, usual coping mechanisms failed to reinstate homeostasis, distress has created some functional impairment
- **Crisis Intervention:** urgent and acute psychological “first aid” based upon principles of immediacy, proximity, and expectancy as well as brevity
 - **Critical Incident Stress Management:** multi-component crisis intervention system
 - **Critical Incident:** the stressor event or the stimulus that creates the crisis

2

Critical Incident: Definition

- Any event which has the sufficient emotional power to overcome the usual coping abilities of a person who is exposed to such an event
- Any situation faced by persons directly exposed to trauma that causes them to experience unusually strong emotional reactions which have the potential to interfere with their ability to function during the situation or later

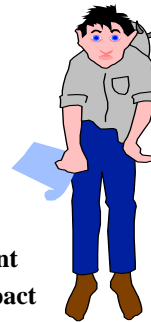


3



EXAMPLES OF CRITICAL INCIDENTS

- Death in the line of duty
- Serious injury to personnel
- Suicide of personnel
- Serious multiple casualty incident
- Traumatic deaths to children
- Serious injuries to children
- Events with excessive media interest
- Victims known to the person at the event
- Any event which has overpowering impact



4

Post-Traumatic Stress Response

- An individual's reaction after exposure to loss of life, threatened loss of life, or physical injury, with response of intense fear, helplessness, or horror
- Presence of:
 - Intrusive memories
 - Avoidance or numbing
 - Hypervigilance



5

Responding to Post-Traumatic Stress: Guiding Principles

- Proximity
- Immediacy
- Expectancy
- Simplicity

6

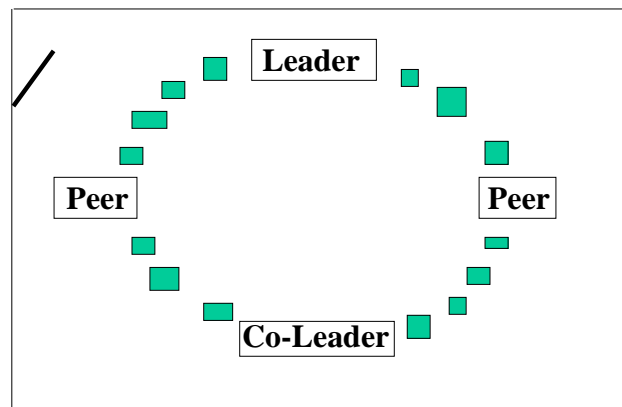


CISM

- Pre-intervention
- On-scene support/Demobilization
- Defusing
- Debriefing
- Group Information Briefing
- Individual intervention
- Family CISM
- Pastoral intervention
- Organizational/Leadership consultation
- Follow-up and Referral

7

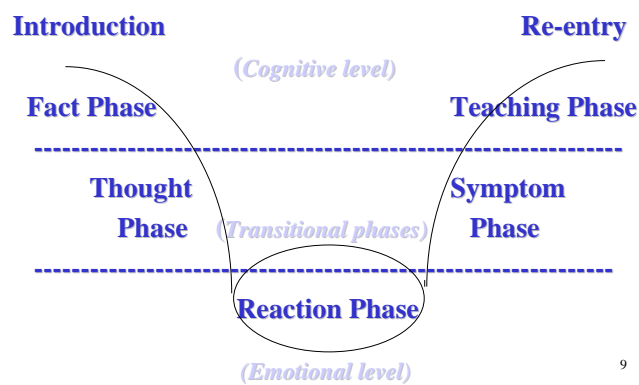
DEBRIEFING SET-UP



8

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CISD INTERVENTION MODEL



9



How CISM Helps Prevent PTSD

- Understands human stress response to critical incidents – assumes individuals are healthy
- Moves from cognitive to emotional to back cognitive
- Provides valuable information about event and self
- Allows personal ventilation
- Teaches appropriate stress management and normalizes stress reactions
- Establishes personal expectation for adaptation to the critical event no matter what the participant is facing

10

Research and CISM

- Problems associated with research
- Desired outcomes
- Anecdotal studies
- Key studies



11

Problems associated with research

General limitations

- Impossible to predict occurrence of critical incident
- Difficult to randomly assign people into intervention groups
- Difficult to establish control group

Methodological flaws

- Inappropriate sample sizes
- Sample included victims wounded or still in hospital
- Groups studied often not members of a professional work group
- Lack of random assignment to intervention or control groups
- Lack of individual difference variables
- Debriefing intervention not well defined or not appropriate
- No formal or consistent training for those delivering the debriefing
- Lack of long term follow-up

12



Studies reporting positive effect of Psychological Debriefing (PD)

- **Deahl, Srinivasan, Jones, Thomas, Neblett, & Jolly (2000)**
 - Dependent variable (DV): alcohol use, depression, anxiety, and PTSD
 - Subjects (Ss): 106 British soldiers involved in peacekeeping mission randomly assigned
 - Independent variable (IV): CISD
 - Findings: treatment group had lower prevalence of alcohol use, and lower scores on anxiety, depression, and PTSD
 - Concerns: units not kept intact for debriefings, little exposure to critical incidents, integrity of debriefing method not assessed

13

Studies reporting positive effect of Psychological Debriefing (PD)

- **Shalev, Peri, Rogel-Fuchs, Ursano & Marlowe (1998)**
 - Dependent variables: Anxiety, self-efficacy, combat evaluation
 - Subjects (Ss): 39 Israeli combat soldiers
 - Independent variable (IV): Historic group debriefing
 - Findings: Debriefed soldiers showed reduced anxiety, improved efficacy, increased group homogeneity
 - Concerns: No control group; no long term follow-up
- **Eid, Johnsen & Weisaeth (2000)**
 - Dependent variables (DV): IES, Gen Health Questionnaire, attitudes
 - Subjects (Ss): 9 Norwegian soldiers and 9 firefighters responding to car tunnel accident
 - Independent variable (IV): group PD
 - Findings: Soldiers (received PD) had lower PTS scores, and self-reported they learned more about themselves
 - Concerns: Two groups were not comparable prior to accident, no randomization

14

Studies reporting positive effect of Psychological Debriefing (PD)

- **Adler, Castro, Bliese, McGurk, Wright, and Hoge (2006*)**
 - Dependent variables: Anger and post-traumatic stress (PTS) symptoms
 - Subjects (Ss): 1000 American soldiers on peacekeeping mission to Kosovo randomly assigned to debriefing, stress education, survey-only groups
 - Independent variable (IV): CISD (Mitchell)
 - Findings: Debriefed soldiers had slightly more positive scores on anger and PTS; soldiers reported positive debriefing experience
 - Concerns: Soldiers experienced few critical incidents

* Not yet published

15



Studies reporting positive effect of Psychological Debriefing (PD)

- **Adler, Castro, Bliese, McGurk, Wright, and Hoge (2006*)**
 - Dependent variables (DV): PTSD symptoms, depression, anger, sleep dysfunction, post deployment reintegration
 - Subjects (Ss): 534 American soldiers; random assignments of 286 to debriefing group and 248 to traditional stress education group
 - Independent variable (IV): CISM (Mitchell)
 - Findings: For soldiers with ≥ 20 combat-related events – Debriefed soldiers reported better adjustment on PTSD, depression, anger, sleep dysfunction measures, and they reintegrated easier back into their communities; little difference between groups with less than 20 events
 - Concerns: Use of self-report to obtain dependent measures; the critical incident was defined as the 12-month deployment; numbers in debriefed groups and stress education groups not same size

* Not yet published

16

Other positive outcomes

- Sharing the experience is helpful
- Stress symptoms reduced
- Realizing they were not alone was helpful
- The debriefing was perceived as helpful
- Number of sick days decreased after using debriefings
- Talking about the incident was helpful
- Hearing others talk was helpful

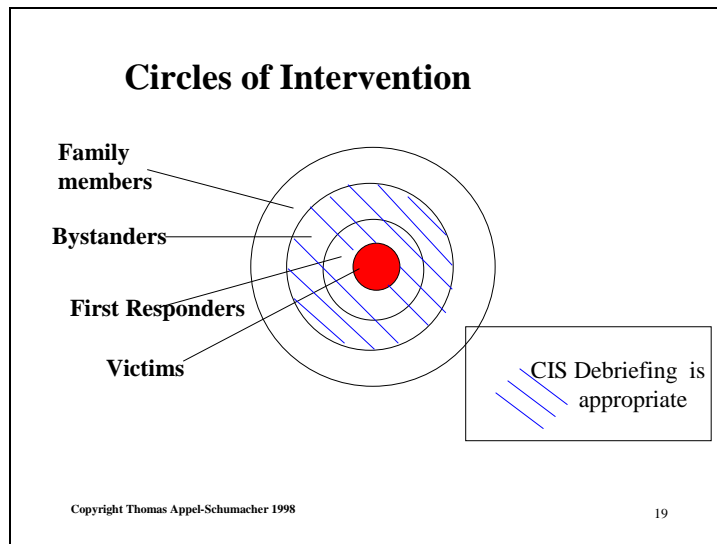
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National Guard Missions and Critical Incident Stress

- Responding to natural disasters (rescue and recovery)
 - Floods
 - Earthquakes
 - Hurricanes
- Responding to man-made disasters
 - Terrorist attacks
 - Major industrial accidents / transportation accidents
- Responding to national emergencies
- Peacekeeping operations

18





Critical Incident Stress Management

- **Why CISM** (debriefings, defusings, demobilizations) **works...**
 - Immediacy, proximity, expectancy, simplicity principles
 - Genuine support is communicated
 - Personal stories are told
 - Catharsis is encouraged
 - De-fragmentizes emotional material
 - Common reactions are communicated and shared
 - Stress reactions are normalized
 - Education provided to respond to the stress

20

**Brief, practical,
designed to limit
stress**

21



**Stabilize
situation and
protect**

22

**Mobilize
resources to
assist distressed
person**

23

**Restore function
as soon as
possible**

24



Key points to take away

- CISM is for healthy and strong individuals
- CISM relies on the expertise and practical knowledge of peers
- Simple questions are asked and the team guides the participants through the steps

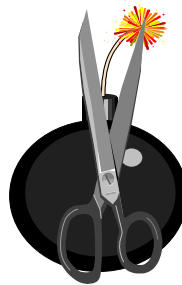
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Back-up Slides

26

Defusing

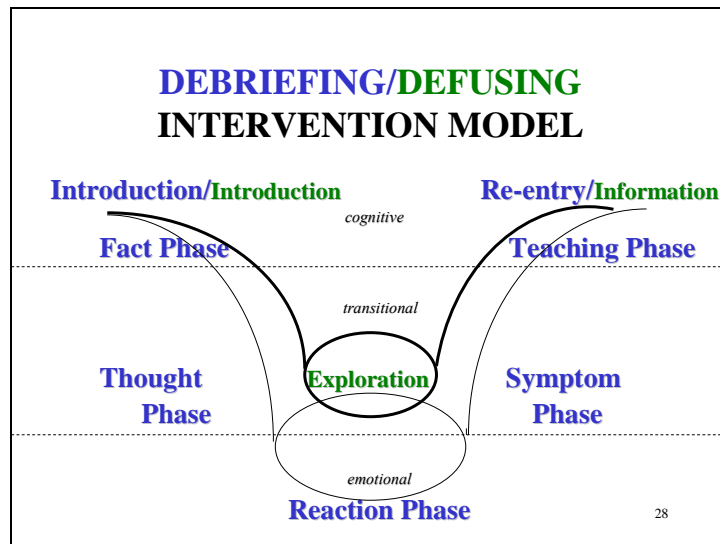
- Introduction
 - 5 minutes
- Exploration
 - Combination of fact, thought, reaction phases
 - Listen to and acknowledge symptoms
- Information
 - Teach stress management
 - Wrap up, determine follow-up



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27





Demobilization

- Only for large-scale disasters
- Information (10 min)
 - Stress management
 - Description of physical, cognitive, emotional, and behavioral symptoms
 - Advice on eating, sleeping, avoiding alcohol/drugs, and interacting with loved ones
 - Normalization
 - Announce upcoming debriefings
- Rest and relaxation (20 min)

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NATO and the Social and Psychological Consequences of Terrorism

“Terrorism, is fundamentally a method of waging social and psychological warfare” – Conclusion from a NATO Workshop on Terrorism

The protection and support of the civilian population is first and foremost a national responsibility. Indeed, according to the 1997 World Development Report by the World Bank, Security, including support to victims of natural and man-made catastrophes, is a bare minimum core-function that all State must guarantee. Institutional support to victims of terrorism is therefore not only a form of denying any false legitimacy terrorist acts may carry; it is also a national imperative. Due to the current international security environment the theme of support to victims of terrorist acts is gathering an ever-greater importance for the work of Security Forces around the world and is high on the agenda of the International Community.

Victims of terrorism can arise from many different types of crises: during times of peace, war and even civil conflict. Terrorists seek to attack the basic structures and foundations of our societies: the civilian population, critical infrastructure, our financial and decision-making institutions, transport networks, the food chain and even our moral pillars and our values. Their objective is to spread fear and anxiety and make us change or question the basic routines of our daily lives. We must be prepared for any situation, for never in history has the terrorist threat been so active and destructive.

NATO

Established on April 4th 1949, with the signing of the North Atlantic Treaty in Washington D.C, NATO is essentially an International Security and Defense Organization.



Currently it has 26 Members, three countries on their way in through the Membership Action Plan and many others are in line for future enlargement in view of NATO's Open Door Policy.

From an organizational point of view, the North Atlantic Council (NAC), in which the 26 Permanent Representatives of Member States sit, is the ultimate decision-making body of the Organization. All decisions taken at NATO are done so by consensus requiring therefore the unanimous support of all Member States. This procedural aspect, while making decisions harder to reach, contributes to strengthening the cohesion and solidarity that make up the backbone of the Alliance. In order to assist the Council in achieving consensus, the NAC is chaired by the Secretary General of the Organization.

From a military point of view, the Council is supported by the Military Committee, where the Military Representatives of the General Staff of Member States are seated. They provide the NAC with military advice and recommendations on the military aspects of NATO's work.

Both the NAC and the Military Committee have support structures composed of specialized Committees for various disciplines organized into different divisions and supported by a dedicated International Staff.

NATO is of course a complex organization of a political and military nature and issues are dealt with from various perspectives in a multifaceted and comprehensive fashion, especially such a complex issue as terrorism. More importantly, in today's highly volatile security environment, answers must be sought by integrating all of the instruments available to the Alliance in a comprehensive manner, be they political, military, economic or civilian in order to achieve its goals.

In relation to terrorism, NATO acts in prevention, in defining the role of the armed forces in the fight against terrorism and in consequence management. Support to victims of terrorism is an important aspect of consequence management, but there is also a substantial amount of work done on the prevention side. It should also be noted that a significant part of NATO's work in the fight against terrorism is done in its Partnerships formations, namely the



Euro-Atlantic Partnership Council, the NATO-Russia Council, the NATO Ukraine Commission, the Mediterranean Dialogue and the more recent Istanbul Cooperation Initiative.

Concerning the support to victims of terrorism one should highlight the work of two of the support Committees to the North Atlantic Council, namely, the Senior Civil Emergency Planning Committee – the SCEPC - (included in the Operations Division) and the Scientific Committee (in the Public Diplomacy Division).

Civil Emergency Planning

The Senior Civil Emergency Planning Committee, in which National Representatives from the 26 Member States sit, is the senior body that advises the Council on matters relating to Civil Emergency Planning (CEP) and Crisis Management. It is responsible for drafting Policy in this area and proposing Crisis Response Measures in case of natural or man-made catastrophes. CEP also supports NATO's Article 5 and Non-Article 5 Operations, promotes civil-military cooperation, develops partnerships, guides the work of its eight specialized Planning Boards and Committees and develops cooperation with other International Organizations.

The work program of the SCEPC is oriented by Multi-annual Ministerial Guidance and an Action Plan for the Protection of the Civilian Population that was developed shortly after the September 11th terrorist attacks against the United States of America. The Ministerial Guidance gives specific orientation to the various actors in CEP, while the Action Plan guides SCEPC's work in specific action items. The Action Plan is a flexible document that is regularly updated in relation to new threats and through the integration of lessons learned.

As mentioned, SCEPC's work is also supported by eight specialized Planning Boards and Committees in various thematic areas, namely: Civil Aviation, Ocean Shipping, Inland Surface Transport, Civil Protection, Medical, Civil Communications, Food and Agriculture and Industrial Planning. All of the Planning Boards and Committees support the SCEPC in their specific area of expertise as well as maintain experts in the different modules that are considered of particular importance.



Another important aspect of NATO's Civil Emergency Planning is the Euro-Atlantic Disaster Response Coordination Center (EADRCC). The EADRCC coordinates and serves as a clearing-house for consequence management assistance by member and Partner countries after a request for international assistance by a stricken nation. The EADRCC also maintains an Inventory of National Capabilities that could be made available to assist a member or Partner country stricken by a terrorist attack. In addition, it also maintains and trains experts, including in areas of direct support to victims of terrorist attacks, to send to theatre in case of necessity and request by a stricken nation.

In April 2005, a proposal was presented to SCEPC concerning support to victims of terrorism. After careful review the SCEPC decided to task specific Planning Boards and Committees to study existing legislation in this field with the aim of promoting best practices as well as enhancing relations with relevant institutions and elements of civil society that deal with this issue. Action was also taken in relation to psychological support to victims with a view to promote best practices and consider support to nations wishing to establish national centers of help to victims of acts of terrorism as well as developing standards in this field. Work is currently undergoing on these specific issues. Civil Emergency Planners at NATO are also considering the inclusion of issues related to social and psychological support to victims of terrorism in the CEP planning process.

Further actions in the CEP field has been developed in relation to risk and crisis communication, minimum standards and non-binding guidelines to improve interoperability of capabilities offered by countries providing international assistance, protection of critical infrastructure, expert teams to be deployed to theatre in support of a stricken nation and international consequence management exercises for civil-military and civil protection units.

During Operations, forces may also be called upon to support victims of terrorism seen that in many cases they will be the first responders after an attack. With this in mind, NATO provides courses in CEP for forces that will be deployed to theatre. Furthermore, one must keep in mind the new types of Operations which security forces will be called upon to carryout. More and more, international peacekeeping operations include an important civil dimension as well as a post-conflict reconstruction role. For example, NATO's Provincial



Reconstruction Teams (PRTs) in Afghanistan have an important task in reconstruction as well as in support of local communities. In order to complete their task successfully, they must conquer the hearts and minds of the communities with which they interact. Techniques of proximity with local communities and civil society are essential for success in these efforts and can prove vital in support to victims of those communities following terrorist attacks.

NATO is currently going through a process of Transformation. An integral part of the Transformation agenda is of course the NATO Response Force (NRF). Launched at the Prague Summit in 2002, the NRF is a joint force of land, sea and air elements that can be tailored to individual missions and deployed rapidly anywhere in the world. The 25,000 strong force will reach Full Operational Capability in October of this year. To date, the NRF has only been used twice, namely in support of the U.S. following hurricane Katrina and in assistance to Pakistan following the devastating earthquake of 2005. In providing support to victims, whether it be a natural disaster or a terrorist attack, we must always bear in mind the social and cultural context. During the 2005 earthquake in Pakistan, many injured women refused to be treated by male doctors. Aware of this particular cultural circumstance, Portugal sent two medical teams composed of female personnel, which proved to be extremely valuable to efforts on the ground. It is therefore fundamental to take social, cultural and religious values into account when supporting victims of terrorist attacks because, the response to an attack may need to vary from country to country depending on these factors. In addition, there will also be differences between societies in their anticipated reactions to attacks. It is also essential that one makes clear from the start what it is doing there, in order to disseminate any misgivings the stricken nation may have. As a security and defense organization, NATO's presence is not always welcome, even when the purpose is simply benign consequence management assistance out of solidarity with the victims of a disaster.

In the field of International Cooperation, NATO initiatives seek to be coherent with efforts of other International Organizations and to bring with it added value and its particular expertise and capabilities. Cooperation in the field of the fight against terrorism is conducted with the EU, the UN and the OSCE. Promoting cooperation between NATO and the EU in this area is fundamental as we share not only the common values, but also common threats.



NATO Science

The Science Committee, responsible for advising the NAC in science related matters, through NATO's Program for "Security Through Science" is also involved in the effort of supporting victims of terrorist attacks. It is directed towards the application of science to security issues and aims at contributing to security, stability and solidarity by applying science to problem solving. The network of scientists that NATO has developed over the years is a real asset to its work in security related sciences. The Science Committee also meets under the auspices of the NATO-Russia Council as the NRC Science Committee. Its work is supported by Advisory Panels, which advise on grants to offer, visits to sponsor and projects to fund in specific scientific fields.

In November 2004, the NRC Science Committee agreed an Action Plan for 2005-2006, identifying six priority topics for security-related civil science cooperation. Among the six priority areas of work identified one can find the Psychological & Sociological Consequences of Terrorism. In fact, the NRC Science Committee held its first workshop on this subject in 2001 (just after the September 11th attacks) and has since established an expert group in this area.

The Advisory Panel dealing with Psychological & Sociological Consequences of Terrorism is the Human and Societal Dynamics Panel. Over the last couple of years the Panel has supported grants for Advanced Research Workshops on several issues related to psychological and sociological aspects of terrorism, such as workshops on: the social and psychological aspects of terrorism; resilience to crises; the media; the impact of terrorism on the public: develop and agenda for research and resilience; psychology and terrorism; integration of people experience of trauma after terrorist attacks in modern society; ideologies of terrorism: understanding and countering the social, psychological and political underpinnings of terrorism; and the psychology of suicide terrorists. The work done under this panel has given NATO extensive knowledge and know-how into understanding the roots and causes of terrorism as well as the impact of terrorist attacks on modern societies.



Practical Measures

Most societies now have well developed disaster management plans in place to deal with eventual terrorist attacks and while no plan will cover all eventualities, it is certain that advanced planning can reduce casualties, the possibility of panic, as well as reassure populations. It is particularly important to develop preventive programs for local authorities, health institutions, civil defense forces, public information officers, and psychosocial and emergency medical teams.

From an operational point of view one should guarantee the “three C’s,” namely: Command, Control and Coordination. This would include, Communications and Public Information that are imperative in dealing with consequence management after a terrorist attack. In modern society people will communicate immediately following a terrorist attack and authorities wishing to disseminate information will need to do so very rapidly. This should be done in close liaison with the media through television and radio but also through the Internet, posters and leaflets. However, given the speed required, it is imperative to have pre-prepared communication messages and strategies for different scenarios. The quick establishment of help and information telephone lines and rapid dissemination of contact numbers can also prove of extraordinary importance. Furthermore, giving accurate information to the public following a terrorist attack is also fundamental. One must make sure that everyone involved in the mitigation efforts is “singing from the same song sheet”, in order to avoid any discrepancies in the message passed, information shared, expert advice given and numbers involved in the incident. In part, communication will also depend on the public trusting the person who conveying the information - maintaining public confidence is a long-term and complex task.

It is also important to guarantee efficient communication between members of the emergency response teams and ensure effective co-ordination between all actors in consequence management on the scene. A rapid and thorough law-enforcement investigation is also fundamental in assuring the public – efforts in finding the guilty parties must not be perceived as being delayed. After a terrorist attack the public want and expect quick and efficient action and answers. In part this can be bettered through: enhanced and more efficient information and intelligence sharing between the military, law enforcement agencies and



emergency response personnel; by having standardized operating procedures and through the development of non-military counter-terrorism strategies. This can and should also be achieved through frequent emergency response exercises, professional training and through international exchanges of experience.

On the scene of the incident, the setting up of a reception center after the attack is highly recommended. An important task of triage is essential. One must provide first and foremost shelter and safety to victims and basic medical treatment to the injured. It is also important to have an information point for families and friends, where they can search for and receive correct information concerning their loved-ones. An extremely useful tool to have at the reception center is to make available cell phones to victims so that they may contact families and friends to reassure them of their safety. It is imperative that families and friends do not flock to the scene of the incident putting themselves in danger and hindering consequence management efforts. The reception centers will also be a location for specialized NGOs, local community support and for first impact psychological support. It may be however that the best time for professional psychiatric intervention is not in the immediate aftermath of an attack, but in the following weeks.

Disaster Psychiatry

Training in disaster psychiatry is particularly important in order to: determine the effects of psychiatric trauma on individuals, conduct risk group evaluation, deal with Post Traumatic Stress Disorder, learn how to establish mass-media contacts and Public Information Management. It is particularly important that first responders and security forces are educated and trained in basic mental health knowledge and skills for when they are confronted with these situations. However, any preventive action or response to a terrorist attack should involve governments, security forces, medical emergency personnel, specialized NGOs, local communities and the general population. In addition, one must not forget the impact that a terrorist attack, not only on the victims, but also on the first responders and other elements involved in the consequence management efforts.



In terms of the psychological preparation of the population to cope following a terrorist attack, one approach offered is that every major incident has a ripple effect in the community, like a stone cast into water. After an attack, every individual has a support circle, which is at the same time, his or her circle of vulnerability. At the center we have the individual. The immediate first circle of support includes family and friends; work environment and neighbors are in the second circle; and the third circle or outer ring is composed of the local communities and national authorities. It is therefore necessary to work with the various levels as well as dealing with the interdependencies or links between them as this will influence the individual and society's ability to deal with the impact of a terrorist attack.

As we know, individuals and groups will have different reactions to terrorist attacks. We can expect around 30% of victims to be affected, however only a small minority will suffer long-term psychiatric or psychological consequences. It is also important to pay particular attention to the more vulnerable groups in society such as children.

We must not despair as reality has shown us that people are more resilient than we expect, however we must continue our work towards understanding how better to manage the consequences of terrorist acts and support victims of terrorism.

*Some of the initiatives presented in this article are taken from the work carried-out by NATO in this field.

Bernardo Costa Pereira

Lisbon, 10 July 2006



Chapter III – Response Mechanism

1st Social and Criminal Sciences Seminar within the compass of the Organization FIEP

“Victims of Terrorism: The Psychosocial Response of the Security Forces”

Lisbon, 10 - 12 July 2006

ABSTRACT

**“Psychosocial Teams and the
Monitoring and Information Centre (MIC)
Of the European Commission”**

Wolfgang G. Krajic

Lisbon, 11 July 2006, 9 a. m., Session 3. a.

(Check against delivery!)

In order to understand the psychosocial response to crisis situations including terrorist attacks in the framework of the European Union (EU), we have to look into the overall system and the distribution of responsibilities amongst the different bodies of the Union.

Rather simplified one could say that the responsibility for coordinating a European response to crises involving components of conflict (war or civil war) lies with the European Council and is implemented by the Council Secretariat with what is known as EU Emergency and Crisis Coordination Arrangements (CCA). The provision of consolidated European humanitarian assistance (particularly in long-term projects) in response to humanitarian crises, because of both, natural and man-made causes, is within the core mandate of ECHO, the



Directorate General (DG) for Humanitarian Aid of the European Commission. EU civil protection assistance interventions (which is EU technical language for disaster response after natural and technological events) are situated within the portfolio of the European Commissions' DG Environment and its Civil Protection Unit (CPU). Additionally, when it comes to the response to terrorist attacks, the DG for Freedom, Security and Justice is playing a prominent role in European response activities. Some of the other bodies of the European Community might be involved as well.

Three of the four afore mentioned bodies of the European Community (with the exception of ECHO) are in one way or the other related to the response after terrorist attacks. However, as we speak, none of them has firm arrangements for the psychosocial support to victims of disasters in place.

One of the reasons is that, like all other big international organizations (UN, NATO, OSCE, etc.), the EU does not own assets, but depends on the ability of member states to support operations. In order to do so in the field of civil protection, member states of the EU (by means of a Council Decision) created in 2001 the "Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions", often referred to as the "Mechanism". One of the tools stipulated by this council decision is the Monitoring and Information Centre (MIC), which is organizationally placed in the Civil Protection Unit of the Directorate General Environment of the European Commission in Brussels.

Amongst other tasks in case of disaster, which would include the consequences of terrorist attacks, the MIC is responsible for informing members of the Mechanism about the priority needs of the affected country, both inside the Union and in third countries, under the precondition that the affected country requests international assistance. At the same time the MIC supports the coordination of assets (teams, material, experts, etc.), which Member States decide to make available through the Mechanism.

This is also one of the potential avenues how psychosocial support in form of teams, experts or expertise can be mobilized to support the affected population, responders and foreign nationals (citizens of EU member states) on the territory of the affected state.



However, as mentioned before, it depends on the member states and their willingness to provide these assets.

So far national psychosocial support teams (often referred to as Crisis Intervention Teams (CIT)) have only been used in order to support citizens of the own country after major accidents (plane crashes etc.), disasters (Tsunami) and terrorist attacks (9/11, Madrid, London) parallel to consular support.

Concerning debriefings for teams that are sent on a European level (EU Coordination and / or Assessment Teams), the policy to date is that only the mission debrief is conducted on Brussels level, where as psychosocial support (stress debriefs etc.) is considered a national responsibility. The main arguments for this approach are the unavailability of internationally trained personnel and language barriers. Taking into consideration that the above mentioned coordination and assessment teams are multi-cultural, multi-language and multi-disciplinary by their very nature, this appeared to be the method of choice.

In conclusion it can be said that psychosocial support to all, the affected population, intervention personnel and foreign nationals on the territory of the affected state, remain a national responsibility and that there is room and a need for the development of a more systematic approach on European level.



1st Social and Criminal Sciences Seminar within the compass of the Organization FIEP
“Victims of Terrorism: The Psychosocial Response of the Security Forces”
Lisbon, 10 - 21 July 2006

International Seminar on
Disaster, Crisis and Emergency Management
Guarda Nacional Republicana (GNR)
Lisbon, 13 July 2006

Wolfgang G. Krajic

Draft Timelines and Objectives

| Time | Topic | Objectives | Remarks |
|------------------|---|---|--|
| 09.00 – 09.15 | Introduction | - Intro of topics, objectives and presenter | plenary, ppt |
| 09.15 – 10.00 | Emergency Environment and Humanitarian Issues | - Disaster Management Cycle - Legal basics (Int'l Law, Int'l Humanitarian Law) - Standards and guidelines | plenary, ppt, case study |
| 10.00 – 10.30 | International Partners and Actors | - Provide overview over int'l systems | plenary, ppt + whiteboard or flipchart, video clip |
| 10.45 – 11.30 | Mini-Workshop “The Matrix” | - comparison of UN, NATO and EU systems in emergency management (political frame and operational issues) | in plenary session with participants involvement |
| 11.30 – 12.15 | Coordination and International Coordination Tools | - Generic intro to coordination - OCHA, UNDAC, (v)OSOCC, Reception Centre, HIC, JLC, MIC, etc. | plenary, ppt, case study |
| 12.15 – 13.45 | Lunch Break | | |
| 13.45 – 14.30 | Civil-Military Coordination and CIMIC | - Different approaches - Guidelines | plenary, ppt, flip chart, case study |
| 14.30 – 15.15 | Information Management (IM) and Assessment | - IM cycle and practical application in Disaster Management - Assessments and their impacts | plenary, ppt, case studies |
| 15.30 – 16.15 | International Staff Management | - Working as a staff member in an international environment | plenary, ppt, case study |
| 16.15 – 17.00 | Discussion, Summary and Wrap-up | - Discussion on all topics - Summary of key messages - Closing | plenary, whiteboard or flip chart |



Remarks:

- All topics will include, besides the general approach, a major component of psychological, psychosocial and “soft”-factor issues.
- All topics will combine some generic / theoretic / scientific background with practical / operational / real-life examples / experiences / case studies
- This workshop is under the European Commission principles for Civil Protection





**THE ORGANIZATION AND PERFORMANCE OF THE PSYCHOLOGIC
ASSISTANCE IN THE FRAMEWORK OF THE ROMANIAN GENDARMERIE**

Colonel Ioan-Ovidiu BRATULESCU

Romanian Gendarmerie is the State's specialized institution, with military status, within the Ministry of Administration and Interior which, according to the law, exercises its attributions on protection of public order and safety, citizens' rights and fundamental liberties, public and private property, crime prevention and detection and other infringements of laws into force, as well as protection of State's fundamental institutions and *countering of terrorist acts*.

Romanian Gendarmerie, by its attributions, organization, training and territorial setting, contributes to guarantee sovereignty, independence, authority, State safety and union, constitutional democracy across the entire national territory, at peace, as well as during *crisis situations*.

Romanian Gendarmerie is organized on military principles, as a unitary system of means and forces, settled according to the administrative-territorial organization of the country and has the following organizational structure:

- a) General Inspectorate of the Romanian Gendarmerie, *aka General Inspectorate*;
- b) Bucharest General Directorate of Gendarmerie;
- c) Special Intervention Brigade of Gendarmerie and Gendarmerie Mobile Groups;
- d) County Gendarmerie Inspectorates;
- e) Educational military institutions for staff training and continuous training;



- f) Specialized units and sub-units, necessary for accomplishing the specific attributions of the Romanian Gendarmerie, including the medical and logistic support, set up according to the law.

The Romanian Gendarmerie, through its specialized structures, has amongst his attributions, the following tasks:

- a) By means and methods provided by the law, it protects life, corporal integrity and freedom of persons, public and private property, citizens, community and State legitimate interests;
- b) In co-operation with the other State competence institutions, it participates in preventing and neutralizing terrorist acts missions on the Romanian territory;
- c) ***It participates in limiting and eliminating the natural, technological, environmental or complex disaster consequences;***

According to the law, it participates in missions outside the Romanian territory with its own staff and technique, in training activities, in setting up of international forces for ***performing certain missions within the conflict and managing crisis situations*** preventing missions; it also participates in increasing-counselling, assistance, training, control activities of the local order forces or of these forces substitution on their domains of activity.

I. THE ORGANIZATION OF THE PSYCHOLOGICAL ACTIVITIES

Accordingly with the law, in the framework of the Romanian Gendarmerie the psychological activities are organized by the specialized structures, as it follows:

- psychological section;
- unit psychologist - which is acting at the level of the General Inspectorate subordinate units.



The activity of the unit psychological officer is dimensioned on the following tasks:

- projecting and planning of this activity at the unit's level;
- evaluation and prediction of the individual differences which are determining the behaviour and performances into day by day activities;
- psychological evaluation of the personnel which is performing missions with a high-risk degree;
- psychological evaluation of the personnel in order to establish the needs and the prophylactic intervention modalities;
- psychological training of the personnel;
- psychological granting of the conscripts in order that those to be affected to the specific missions;
- psychological evaluation of the enlisted personnel in order to renew the application contracts;
- evaluation of the professional climate at the professional micro groups level;
- drafting, validation and scaling of the necessary instruments used for psycho diagnose, in a individual and group manner (in the framework of designed groups);
- facilitation of new-comers integration;
- documentation and professional updating (profile faculties, training centres, clinics and hospitals, libraries, etc.)

II.HOW IS DONE

At the level of the Romanian Gendarmerie the psychological assistance is performed as it follows:

- psychological evaluations(individual and collective);
- assistance and specialized interventions at the individual level(primary consultation) and at a group level(mission);
- psychological training – using specific training programs dictated by the specific activities and requirements of the personnel and also by the non – adaptative effects generated by these;
- diagnosis and organizational intervention.



-

Psychological Evaluations :

- a) evaluations to know the peoples: - the result of these evaluations is used as a base for the initiation and development of some psychological intervention programs(primary consultation);
- b) periodical psychological evaluations of the personnel which is performing high-risk missions – the result is materialized in a psychological recommendation «*able for performing /coordination* » or« *keep in position*» in the case of special missions;
- c) evaluations for the renewal of the application contracts of the enlisted personnel – the result is materialized in a psychological recommendation called« *renewal of the contract*»;
- d) psychological evaluation of the conscripts in order to be tasked on different missions: - the result is materialized in psychological acknowledgments as « *able for guarding objectives*», « *able for performing other missions*», « *not able*».

Psychological Training and Psychosocial Support:

- is done through training programs, evaluation and psychological consiliation which are envisaging the explanation of the psychosocial fundaments of the behaviour, the identification of the stressing factors and the describing of the ways the human being is reacting to these, the acknowledgment and use of the development techniques of the adaptative mechanisms to the requests of work environment.

Psychosocial Diagnosis:

- regarding the group structures is done by the polls and psychometric techniques which are finalised through a diagnosis report.

The **Unit Diagnosis** is performed by the psychologists from the Gendarmerie Psychological Section, in such situations:

- with the occasion of the annual verifications at least one week before these are commencing;
- by the order of the General Inspector of the Romanian Gendarmerie ;
- at the County Chief Inspectors/commanding officers request;



The **Psychosocial Phenomenon Diagnosis** is performed by the unit psychological officer and is aiming to surprise the interpersonal relationship climate and also the inter – grouping cohesion.

III.FINAL REMARKS

The Psychological Officer is the Unit Commander Counsellor on the field of psychological problems, and is directly subordinated to the General Inspectorate Psychological Section and also to the Psychosocial Centre of Ministry of Administration and Interior.

His activity is checked by the Psychosocial Centre of Ministry of Administration and Interior, with the occasion of some verifications organised by the MoAI Verification Body, and also by the psychological officers which are belonging to the General Inspectorate of the Romanian Gendarmerie Psychological Section.

The psychological activity is performed in an individualised space (psychological cabinet, properly positioned and endowed) and is dealing with all the categories of personnel from the unit (officers, NCOs, enlisted personnel, conscripts, etc.)

The results obtained as a follow up of the evaluation tests administration are confidential.

The conclusions are comprised in the framework of some evaluation reports, briefing reports, and case studies, analyses which are presented to the unit commander at his own request or, as an initiative of the psychological officer.



RESPONSIBILITY OF THE SECURITY FORCES ON PSYCHOLOGICAL PROTECTION OF THE VICTIMS OF TERRORISM IN CHILE

I. LEGAL PRINCIPLE

In Chile, one of the ruling principle of the criminal prosecution system is based on the **PROMOTION OF THE DEFINITIVE INTERESTS OF THE VICTIMS**, and its consequence, **PROTECTING THE VÍCTIM**, this constitutes one of the most important foundation of the system design which makes possible the implementation of a set of rules, which search for its enforcement.

In accordance with what it is stated in the Art. 6° of the Chilean Criminal Procedural Code, in virtue of this Principle prosecutors are enforced, by law, to watch out for the interests of victims as well as magistrates are enforced by law, to guarantee their rights as the prosecution lasts.

Carabineros de Chile fulfil the role of providing with protection and assistance to the victim, as an assistant of the Public Ministry, as well as, a treatment according to their victim condition, enabling them to participate in the procedures they should take part in.

The Chilean Criminal Procedural Code, in its Art. 108 states: **“those who have suffered from a crime are considered victim”**, this is a passive subject of a crime, legal owner of a legally protecting interest or a passive subject of an action, one who is an object of a criminal action although he is not a legal owner of the legal protecting interest involved and it points out in its Art.109, rights of the victims among others.

What it was before mentioned make no difference as refer to the action that originates the victim condition, therefore it makes sure this set of rules is totally enforced to those who have been damaged by terrorist acts.



II. CARABINEROS DE CHILE DUTY RELATED TO VICTIM PROTECTION.

Carabineros de Chile, according to the Republic Political Constitution, is the police force responsible for law enforcement, public order and security along the national territory of the Republic.

Law enforcement involves police services enabling the materialization of the juridical rules and regulations, by means of supervising the fulfilment of laws and rules that Carabineros is responsible for and otherwise fulfilling the orders of the courts and Public Ministry.

In order to guarantee public order, Carabineros de Chile should devote its efforts **to watch for the respect of the rules and regulations and to contribute to environment of harmony among citizens for the normal development of the society activities**. Then, once the public order is broken Carabineros de Chile is enforced to re-establishing it immediately according to the laws created for the aim.

To guarantee public order is supported by establishing social peace required by citizens and State to execute their rights and obligations. In this sense, **security is considered a very important value by the community, it emerges as a result of keeping order, a true order, worth of being fulfilled, therefore society makes the Institution responsible for it.**

Victim Assistance is the first duty provided in the Art. 83 of the Criminal Procedural Code commended to Carabineros de Chile to be fulfilled without requiring a previous authorization of the prosecutor, therefore, it should be executed as a priority over other tasks commissioned by law.

This request for help is composed by three parts:

- Providing proper and respectful assistance
- Providing protection



- Providing support duty strictly. In this respect the constable carabineros should consider the kind of crime.

III. MANUAL AND INSTRUCTIONS:

1.- General Instruction of the National Prosecutor N°19, 08.11.2000.

It determines the criteria to take a crime report from the victim, which are mentioned later and they are applicable to victims of a terrorist act.

- a) He will take in charge of the crimes described in the Art. 390 (parricide), 391 (aggravated homicide), 394 (infanticide), 395 (castration), 396 (mutilation), 397 y 398 (serious rape against a child of 12 years) (rape), 141 (kidnapping of a minor), 433 (qualified theft), 363 (statutory rape), 365 (sodomy a minor), 366 y 366 bis (sexual abuse) (other abuses against children) of the Criminal Code, as follows:
- b) They will take first children under 18 years, people who suffer from a mental illness, people older of 65 years and women, following this sequence.
- c) Except for the mentioned criteria, in the previous letters, nobody will be discriminated because of race, colour, finance situation, appearance or language reasons, ethnical and social origin, nationality, sex, age, birth, or family condition, political, beliefs, public opinion or other beliefs or cultural practices, disabilities of mental condition.
- d) Contact situation between the victim and the offender or his family should be forbidden.
- e) In case of sexual crimes or any other crime against children under 18 the victim will be received in an office or a private room apart from the public, in a police specialized unit.
- f) Just one Carabinero will speak with the victim. Children under 18 years and women will be care by carabineros women. Those under 18 years could be accompanied by their parents, grandparents, or watchers.



- g) Victim will be asked for information described in the Art. 174 of the Criminal Procedural Code, then, his or her identity, address, report, and circumstances of the facts, the designation of those who have committed or people who have been witnesses of the fact, everything as well as other information required by report form.
- h) Victim will be heard to tell the facts just once if possible.
- i) A proper and comprehensive language should be used to speak with the victim.
- j) No inductive question should be made, that could cause any health problem, or damage his/her dignity, or honor or it is related to the fact. No comments about it.
- k) Victim will be informed about his/her rights, address and telephone of the regional prosecutor in charge of the nearest Attorney Local Office where victim, he/she will be guided about the course of his/her case.
- l) A confidence relationship and commitment will be re-established with the victim for the success of the investigation.

2. Basic Police Proceeding Manual for Carabineros de Chile 2005:

- Carabineros ask victim if he/she fear for his/her safety or his/her family. In the event some frightening, threats or potential attempt exist the following steps should be followed:
 - a. He/she will advise victim about protection measures he/she should adopt in order to avoid or reduce risks.
 - b. If necessary, victim will be taken to a safe place or he/she will be provision with police protection at the Police Chief instruction.
- If necessary, victim identity and background must be kept in secret and confidential by informing the prosecutor about this condition.
- The carabinero is forbidden to reveal the identity of the victim to the media. (Art. 92 C.P.P.)
- Protection and assistance are not provided against family or victim will.



- In this case, this condition must be stated in a paper duly written.
- Just in strictly extraordinary case, some protection measures should be adopted although of the victim opposition or his/her family as soon as there is a justified suspect that this will be forced by frightening or by other cause.
- In the event there is suspect of any victim's relative involvement in the crime, protection and assistance processing could be adopted although family opposition. As a consequence of the above mentioned, "Difusión de Derechos" Poster (Victim Rights List) should be in every police station and unit, it should be comprehensive and public.

We have already referred Carabineros de Chile participation related to the victim protection. In general Carabineros de Chile is enforced to provide assistance according the situation.

Nevertheless, in the case of the victim is a member of the Police Institution, this institution without detriment of fulfilling its duty commended by law, should complete the support activities by developing the adequate diligencies.

HEALTH CARE ASSISTANCE:

Victims are assisted in Institutional Medical Centers, providing integral health care, supporting the total recovery of the patient.

SOCIAL ASSISTANCE

Victims and their families are supported and assisted by workers of the Social Assistance Service who must continue supporting them during the whole process.

PSYCHOLOGICAL ASSISTANCE:

Psychological Treatment designed to patient recovery as well as his/her total re-insertion to his/her normal life. This psychological assistance is extended his/her family, during the whole process.

PSYCHIATRIC ASSISTANCE:



It is provided under the same conditions above mentioned according to the medical care instructions.

WELFARE ASSISTANCE:

Financing support to face situations derive from consequences of a terrorists acts.

V. CHILEAN PUBLIC MINISTRY DUTIES RELATED TO THE VICTIM PROTECTION

Without detriment of the above mentioned, the Public Ministry is force to take measures to protect victims and witnesses, which is stated in the Art 78 of the Criminal Process which order Public Ministry to be in charge of the protection and information provision to the victim as described as follows

The victim must be informed about the process and results of the proceedings, of his/her rights and the diligencies that should be done to execute them

b. It should order and request the magistrate, in his case, the measures focused on victim protection and his family before potential frightening, threats or attempts.

c. To be informed about his/her potential indemnity right and the way of doing it and the backgrounds are to be forwarded, if applicable, to the state agency in charge of the victim representation in exercising the appropriate legal diligencies of :

- Hear the victim before requesting or solving the suspension of the proceeding or its conclusion for any cause
- In order to fulfill this duty, Chilean Public Ministry keep the units to assist victims and witnesses, structured, organized and distributed autonomously, by each Regional Prosecution Office, according to its authority, and integrated by professionals, technicians and administrative staff, whose common goal is to grant a total and integral, professional and timely service to the victims and witnesses of crimes.



- In relation to the victim they receive medical care, psychological and psychiatric care, by specialists of the public and private health services likewise, social assistance is provided and autonomous protection measures are adopted in coordination with prosecutors.
- In relation to the **witnesses**, they are supported by the mentioned units during oral trial, they are prepared for this situation would be less stress, by means of psychological assistance. Also protection measures are such as transfers, accommodation, identification by witnesses are adopted as well as strengthening the security of their homes.
- By other hand, these logistic resources in order to grant comfort and confidence for the victim and witness, diminishing the secondary victimization during the interviews and questioning of the victim and it is useful for the oral trial.
- In 2005, First Aid Rooms for Victims were built in different Medical Centers of the country “First Aid Victims Room” for victims of sexual attacks, in order to provide basic assistance to them
- The Public Ministry has economical resources within its budget aimed to fulfill this Victim Protection Mission by means of the units of Victim, and Witness Assistance Unit

VI. STATE PSYCHOLOGICAL PROTECTION RELATED TO VICTIMS OF TERRORISTS ACTS IN CHILE.

In every State, Assistance for Victims of any kind of attempt against inhabitants psychic and physical integrity no matter individual situation origin, this is reason why State, not only assists the victim of ordinary faults but also those from terrorist acts and the victims of natural disaster, or catastrophes.

In Chile there is protection system to the victim, composed by different state agencies according to its origin;



- Once individuals are victims of criminal facts the first assistance is a Carabineros de Chile responsibility, once it overcome the first step, victims are transferred to the Victim and witnesses Protection Unit of the National Prosecution Bureau
- In the event the victim are results from catastrophes, natural disasters or important facts, as a terrorist act (without detriment of the judicial follow-up), the state interfere by means of the Ministry of the Interior through the coordination office (Ministry of Interior' National Emergency Bureau – ONEMI), entity that includes all of the emergency services of the country (Carabineros, Health Care Services, Fire, and other agencies).
- The first respond is done by Carabineros de Chile

VII. RESPONSIBILITY OF THE SECURITY FORCES IN THE PSYCHOSOCIAL PROTECTION OF VICTIMS OF TERRORISM

In Chilean case, as explained before, the security forces are in charge of important role, in the specific case of Carabineros de Chile, this role is the Primary Treatment for Victims. Then, the Public Ministry and other agencies take in charge and they continue assisting victims.

The above referred is compatible with the mission from the presentations performed in the first Seminar about criminal and social science among the FIEP Organization called **“VICTIM OF TERRORISM: THE Psychosocial Response of the Security Forces”**, performed in Lisboa 10-21 of July 2006, event made by Portugal Republican National Guard.

Other important aspect of this seminar was the unanimity of the participant-delegation (Spanish Civil Guard, French National Gendarmerie; Carabinieri Italy, Romanian National Gendarmerie, Turkish Gendarmerie, Royal Morocco Gendarmerie, Portugal Republican National Guard and Carabineros de Chile),



aimed at assigning level of maximum importance to the psychosocial treatment for the victims of terrorist acts, of catastrophes or any other similar event that could damage the physical and psychological health of people, no matter the action taken by each state to coordinate and take the responsibility of the post action.

At the same way, considering the seriousness of the consequences that this kind of occurrences could cause in society, it is important to emphasize the fact those who have the mission of recovering people that have been damaged by this action in order them to be able to be useful for society, should be professional of police, medical and social area, specialist in treatment of trauma.



Victims of Terrorism: the psychosocial response of the Security Forces

GNR, Lisbon 10 -21st July
2006

Cap. CC Psc. Barbara Vitale
Carabinieri - Italia

Summary

- Base Maestrale bombing on Nov. 12th 2003 in An Nassiriyah (Iraq);
- Immediate Psychological Support to the Contingent;
- Objectives; the CISM model approach;
- Sample and Methods;
- Results;
- Final Conclusions.

The fact

What has happened?

On the morning of the 12th November 2003, a two men crewed explosive packed vehicle forced the entrance of the M.S.U. compound and detonated killing 19 members of the Italian Contingent billeted there.



[Immediate Psychological Support]

The following day a delegation of the Carabinieri's Central Command, comprising a Psychological Support Unit, left for the site in view of achieving a thorough evaluation of the event, starting to provide immediate support and analysing eventual future methods of intervention.

[Objectives: the CISM model approach (1)]

- Mitigate the impact of the event;
- Stabilization – prevent symptoms/distress/impairment from getting worse;

[...Following]

- Promote recovery - enhance resilience, group/community cohesion, and other naturally occurring healing, salutogenic factors;
- Re-establish functional capacity or seek further assessment and/or higher level of care.

(Everly, 2000; Dunning,

2000)



[The Defusing]

The defusing is a phase of CISM Model and is organised as a group meeting to achieve a sense of security and a constructive perspective of the event.

[Sample and Methods (1)]

Splitting the survivors in groups according to respective units and levels of trauma exposure;

Separate interviewing/defusing of the above groups (each one composed by 20-25 elements of the Carabinieri, directed by an Officer Psychologist and for a 90 minutes long interview);

[Sample and Methods (2)]

The intervenients were invited/encouraged to speak freely on the experience if they wished to do so (or not...)

The Defusing was structured in three phases:

- Exploration
- Information/Education
- Coping and stress reduction strategies



[Exploration]

The participants were asked to debate the event, their role in it, how they knew about it, their immediate actions after it and what were their first thoughts and so on...

[Information/Education]

This way an Information/Education phase was attained thus analysing the motives of their respective reactions, describing the phases of reactions to traumatic situations and the categories of symptoms (cognitive, emotional, physical and behavioural).

[Coping and stress reduction strategies]

This phase seeks to reintroduce the participants to their daily routine, relationship to friends and relatives, and to the importance of allowing time for recovery.



[Results]

As a consequence of this approach model there were no PTSD cases amongst the Carabinieri personnel involved.

[Final Conclusions]

It was important that such psychological defusing was conducted by a Carabinieri Psychologist Officer rather than a civilian one, thus achieving a better identification through a “Esprit de Corps” approach.

[...following]

Another key point is that in this situation of critical incident, no “Rest and Recovery” leave was possible as the personnel was not able to be away from their stations due to the probability of other attacks.





THE VICTIMS OF TERRORIST ATTACKS IN CASABLANCA

By

Rachid BENNIS, Doctor of Sociology at the Royal Moroccan Gendarmerie

Mister President,

Ladies and Gentlemen,

Firstly, I would like to thank the Lieutenant General, Carlos Manuel Mourato Nunes, for his invitation to participate in this seminar on a nowadays international theme.

This meeting is a good occasion to present the Moroccan experience in the fight against terrorism and obscurantism and also in what concerns devices dealing, measures and actions taken by the Moroccan Security Forces, in order to help and support the victims of Casablanca attacks, on the night of 16th May 2003, more than three years ago. These attacks are still present in the memory of people.

I also would like to thank the organisation comity for its warm reception and for its availability and wish all the success to the works of this seminar, whose results will certainly be advantageous, positive and operational.

My intervention will be brief and will link the following aspects:

- I. Circumstances of Casablanca attacks;
- II. Social and psychological actions taken by the State and by the Moroccan Civil Society to assist the families and victims of these attacks;
- III. Terrorism ideology and kamikaze's profile.



I. Casablanca: The 16th may 2003 attacks

On 16th may 2003, a little before local 10.00 p.m., the city of Casablanca was affected by five suicidal attacks, which resulted in the death of 45 people, 12 of them were kamikazes, and a hundred of injuries. The majority of the victims were Moroccan, but four Spanish, three French and one Italian were also dead.

The situation and the context;

Damages (material, hotels, the House of Spain, a restaurant, the Jewish cemetery, the area of the Jewish association...)

Importance of the national and foreign victims: Actions of the civil society and the Moroccan State.

Time symbolism: surprise effects

The series of suicidal attacks which affected with ferocity and stupefaction Casablanca almost three years ago had as targets, on one hand, symbolic places related to both the Jewish Moroccan and the occidental community and also to the tourism and, on the other hand, the democratic process engaged by Morocco.

The execution of these attacks obeyed to a very specific time: Friday night, going out and also relaxation day, congregation of the Jewish community. This detailed planning reveals a reflected preparation and shows the hidden hand of determined and fanatic sponsors, who have an international tentacular logistics.

The dimension of the attacks in Casablanca benefited, on the psychological plan, from the surprise effect, mainly because the Moroccan public opinion and the international observers had never noticed or predicted it.



Post-traumatic state of the Moroccan

The state of mind of the Moroccan, the day after the attacks, was stricken with a certain insecurity feeling, followed by a great tone of agony, stupefaction and consternation which has strongly shaken their security identity references.

This event particularly traumatic changed seriously the attitudes and behaviours of Moroccan people regarding touristic places and areas with a huge occidental connotation (supermarkets, Mc Donald's, restaurants, cafés, sociability areas ...). Escaping, extreme suspicious and panic conducts were observed. The irreducible consequences of the post-traumatic stress provoked by the attacks are obvious.

These effects have also largely increased the suspicion and the conflicts regarding those who showed their religion. They were condemned, branded as potentially guilty and accomplices of those who destroyed for a while the spirit of tolerance and social mixture typical of the Moroccan society.

Furthermore, the survivors who were directly confronted to the attacks revealed certain psychic wounds caused by the terrible memories: psychic and physical hyperexcitation.

The event situation is lived through nightmares, flash-backs, avoiding behaviours and sleeping and digestive disturbances.

Certain victims adopted permanent vigilant attitudes as if they could live the same horror again at any moment.

II. The action of the Moroccan Security Forces

After the attacks, a general mobilisation (security forces, civil society, State, Government, Moroccan Religious Communities, Hebraic and Christian Community, Political



Parties, Human Rights associations) took place in order to help the victims, their family and fellow members.

This help was composed of:

- The visits to the domicile, listening, moral and material aid, medical support provided to the survivors;
- Indemnity for the families who lost fellow-members in the attacks, which has already been done: 25 families received 500 thousand dirham (more or less 50 000 euros), by royal decree. The indemnity was issued by the State general budget.
- Televised information and debates and orientation of the victims towards the medical-social centres;
- Aid and support during the life of each victim and family in all their administrative, medical, judicial, professional and personal procedures;
- To make the access to the judicial processes by the victims easier;
- Fight against oblivion, through the organisation, each year, of a ceremony in honour of all the terrorism victims.

On this subject, we should note the creation of the "Association of the 16th may victims' families", whose president is the widow and also mother of two victims of the terrorist attacks in Casablanca. This association worked for the indemnity of those families who lost relatives in the attacks.

- The annual commemoration of 16th may 2003 attacks

Morocco celebrates, each year, the suicidal attacks of 16th may 2003, mainly through a minute of silence demanded by several NGOs, such as the Moroccan Association of the fight against hate and racism.

This association, created after the five attacks which made 45 deaths and a hundred of injured people, also asked the Moroccan to have or display on the windows the national red and green flag (on the commemoration day).

"This minute of silence throughout the entire kingdom and the national flag demonstration are dedicated to the memory of the victims."



Regarding this commemoration, the Moroccan radio and television broadcast music in Arabic in order to denounce terrorism, “obscurantism and deaths”.

These songs, such as «Ne touche pas à mon pays» (Do not touch my country), shout for “peace, concord friendship and love”.

The commemorative ceremony in memory of the 16th may 2003 attacks was also marked in Casablanca through the organisation of several activities in Mohammed VI square, where King Mohamed VI and the Spanish president José Luis Zapatero had inaugurated a commemorative pillar in memory of the victims.

In the House of Spain – Hispanic circle where almost a hundred of people died – hundreds of youngsters dressed in white with a red cap joined to condemn terrorism. The House of Spain was reopened after a year of reconstruction.

The State Secretariat for Youth positioned, in the middle of Casablanca, about twenty centres where poems were read and petitions signed.

This commemorative day in this city was also marked by the speech of a Rabbi and of an imam, calling for “tolerance, peace and friendship”.

The Moroccan press gives every year an important place to the 16th may 2003 anniversary.

- Participation in international debates: within this ambit, the Royal Gendarmerie sent several officers to participate and contribute to the debates and to the exchange of experiences and cooperation organised by some European and American Security Institutes, in order to improve security, prevention and terrorism comprehension systems.

I sincerely thank you for your attention.

Rachid Bennis, doctor of Sociology, Royal Gendarmerie, Morocco

Rabat, 6th of July 2006



Chapter V – The GNR’s Psychosocial Support Mode

The GNR Psychosocial Support Model⁵⁰

Abstract

The GNR, in response to the new demands of security, protection and rescue within the national and international context, has developed critical incident management mechanisms (Critical Incident Management Department – DGIC), which permit it to increase its human and technical means for catastrophe scenarios, with a proactive, operational and specialized attitude. Amongst these various valences of intervention, the Psychosocial Support is highlighted. In this manner, the GNR qualified its response to critical incidents, like terrorist attacks, humanizing the initial contact with the victims, intervening prematurely, minimizing the psychosocial impacts that result of exposition to traumatic events.

Critical Incident Management

The *Guarda Nacional Republicana*, as a security force of a military statute, with national competence and radius of performance in all of the national territory, or where the interests of Portugal are represented, be it by the designation of the Government of Portugal, or according to the multiple agreements of cooperation with the congener forces or international law organizations like NATO, the European Community or the United Nations, has, amongst other of equal significance, the daily mission of “Supporting, protecting and defending the citizens and safeguarding the goods that are in dangerous situations, due to causes that derive from human action or acts of nature”⁵¹. Added to this preoccupation are the direct or indirect development consequences of the operational activity of the GNR military elements. In this manner, the GNR is constantly confronted with critical incidents to which it must respond.

Homicides, suicides, serious accidents, aggressions and catastrophes have an impact on the population and on the military elements that, until being structured in a new manner to respond to critical incident management in the good-sense and non-specialized training in the psychosocial area, the possible manners of response to incident consequences. The situation

⁵⁰Frederico Galvão da Silva, Captain, Bruno Brito, Psychologist, Criminal Investigation Chieftaincy of the GNR’s General Command

⁵¹ GNR Organic Law revision project: h).no. 1, Art. 2nd - Mission



in force required that the structure create a new form of management of the means, adequate to the established needs and with quick mechanisms, and without the bureaucratic burden that only slows down the inherent actions.

Thus, a Critical Incident Management Department – DGIC was created at the GNR's General Command and under the direct dependency of its General Commander.

Within its structure, the GNR has technicians of psychology, social assistance, religious assistance, public relations and communication with the press, critical incident management and coordination, etc. that in the daily execution of their functions fulfil their duty in the normality regime of the institution.

The new GNR critical incident management paradigm permitted us to administer the institution's existing resources in a manner which was adapted to the real necessities created by the critical incident. The typologies of unidisciplinary teams, the Technical Intervention Teams – ETI, and multidisciplinary teams, the Critical Incident Management Teams – EGIC were created. The DGIC acts by way of the ETI or EGIC.

As was already mentioned, the performance in critical incidents may assume internal or external action perspectives. The manner in which the DGIC will perform will also depend on that factor.

The GNR, as a military institution, is constituted by a series of support services that allow it to support the daily operational activity and the management of its personnel. This support may be social, clinical, logistical, etc. Within the internal perspective of critical incident management, like a serious accident on duty, with the aid of an EGIC, the intention is that the incident resolution pass through an immediate articulation of the services that will obligatorily have to respond to the situation created. Psychological assistance is provided during the moments immediately following the incident and puts in motion the contact with the support services, allowing that the guiding of the military elements be made almost automatically, aiding the local Commands on which are the best options to adopt in the resolution of the verified incident. These interventions increase the force cohesion levels, the service efficiency sensation, free the Incident Commander of part of the activities of a social countenance, being



advised on the best strategies to take in regard to the peripheral or exceptional typical questions of critical incidents⁵².

The DGIC development policy on the behalf of the military apparatus of the *Guarda Nacional Republicana* passes equally through disseminating incident management training through the various levels of command within the institution, and constituting strategic organs at the level of the Territorial Brigades, in order to decentralize the first intervention. The strategic planning, the accompanying of incident suppression operations and the operational reinforcement continue to be functions of the DGIC, sited at the General Command of the *Guarda Nacional Republicana*.

In external intervention, depending on the critical incident created, the multi-modal constitution of the EGIC is elaborated by way of an information analysis and adequate (available) valences to the incident resolution. The performance of the teams stands out in civil protection scenarios and it is normal to have an interconnection of GNR specialists with specialists of other institutions in the constitution of a multi-institutional team of catastrophe suppression. These teams are normally framed into the National Service of Firemen and Civil Protection, future National Authority of Civil Protection.

Psychosocial Intervention – The Theoretical Intervention Model

The GNR psychosocial intervention model was target of a deep debate during the international seminar promoted by the GNR in July of 2006, with the theme “Victims of Terrorism – The Psychosocial Response of the Security Forces”.

There are several factors which influence the model, such as:

- GNR characteristics, whilst a security force with a military statute;
- GNR relations with other mechanisms of response to serious accidents or catastrophes, either within a national or international sphere;
- The different intervention times in catastrophe, focusing on the 1st intervention;
- The protocol intervention models in the management of stress in critical incidents, of North American influence (Critical Incident Stress Management Model – CISM);
- The contextual intervention model, proposed by the “Policy Paper” of the European Community – “Psychosocial support in mass emergencies”;

⁵² Besides psychosocial support, the relation with the Media Organs, the articulation with other institutions which respond to critical incidents, namely other agents of civil protection, advising in risk analysis, etc.



The GNR model then presents characteristics of intervention in crisis, which means that it disposes of specific tools to manage the individual and contextual crisis during and immediately after the critical incident. They take into consideration the symptomatology shown by the critical incident survivors, managing this symptomatology through a direct intervention with the same, for such resorting to CISM technicians, and taking a concern for the context where the critical incident occurred right from the start of the intervention.

The EGIC action is concordant with the readiness of the military response, having the capacity to deploy to the Theatre of Operations – TO in up to 6 hours within a national context, and in 24 hours to an international Theatre of Operations. After arriving on the scene, the intervention objectives of the Psychosocial EGIC are directed towards advising the commanders, supporting the survivors and identifying and contacting the technicians or services that within the crisis recuperation scenario will continue the work of the EGIC that carried out the 1st intervention.

The GNR in the support of Victims of Terrorism

Since the September 11, 2001 attacks that the consequences of terrorist attacks came to be interpreted as consequences of a catastrophe, be it provoked by human action or by an act of nature.

The response to terrorist attacks implies a mobilization and movement of human and technical means, which are very similar to the means that are necessary to suppress a catastrophe. According to this policy, the security or rescue response forces develop protocols of articulation and interaction in their responses, where the intervention area and competence of one force in an incident and not in other stop being linear. The new models of response management point towards an interinstitutional interaction, inclusively appealing to a sole command, variable only with the incident dimension and typology. This paradigm, adopted some years ago⁵³, by emergency and security services, was recently adopted, with the proper adaptations, to the national reality, by way of the legislative diploma, Integrated System of Protection and Rescue Operations – SIOPS. In this manner, the concept of protecting victims of terrorism reveals new demands on the security forces, which in the great majority of the situations are the first force to establish contact with the victims of acts of terror. Thus being,

⁵³ “Incident Command System – Federal Emergency Management Agency, USA”



the GNR psychosocial action with the victims of terrorism is based on the assumption of guiding the victims out of the affected location, to a safe location, either from exposition to the situation or to stimuli associated with the incident, protecting them from climatic adversities, conflicts or other types of threats and providing means in order that they may establish initial contacts with their networks of social referentiation.

It is also up to the GNR to support the mortuary actions, as well as to support the management of information lists relating to the deceased, missing, homeless, etc. Psychosocial support is essential in these situations, where the intervention of the teams may be carried out either directly with the population or indirectly through the management of other teams of psychologists or voluntary psychologists that show themselves to be collaborating.

In conclusion, the GNR psychosocial performance model in catastrophes shows a new proactive and integrated attitude towards the operational scenario and its agents. The humanization gainings in the security force performance, amongst its elements and in the protection and rescue of the population in general, are enormous. This fact justifies the growing concern in the modernization and adaptation of the GNR to the necessities created by the contemporary society, the national population and the global community.



THE ROLE OF THE PSYCHIATRIST IN THE GNR MODEL

In the sequence of a critical incident, in dislocating itself to the location, the psychosocial CIC team may request for the technical advisement of a psychiatrist by way of a mobile phone, if necessary.

Helper to the psychosocial support rendered by the team that finds itself on the field, namely in situations of intense anxiety, panic, agitation, behavioral disturbances, the psychiatrist may give an emergency psychopharmic management indication, by oral intake (medication that will be transported by the teams).

In the trauma management process, if necessary, the victims will be referenced to the clinical services (Clinical Center) for the ambulatory support of a psychiatrist and psychologists. The administration of psychopharmics will only be initiated if the symptomatology keeps up until three weeks after the incident. In more serious situations, it may be necessary to proceed with hospitalization or a temporary withdrawal from the service.

The psychiatric and psychological support should be maintained until complete remission from the trauma emerging symptomatology, in an attempt to avoid the appearance of PTSD.

Subsequently, if the PTSD symptomatology arises, the psychiatrist will prescribe adequate medication helped by psychological support.

We highlight the fact that the different teams (EGIC / Social Service / Psychiatric and Psychological Service / Psychology Cabinet) work in the same institution and in close collaboration, permitting a quick resolution of the situation since the incident to the service reintegration. Therefore, we minimize the suffering of the individual and the disadvantage of the institution.

Margarida Campos, Psychiatrist
GNR Health Service





Psychosocial Support in the GNR: The case of Timor

It is a growing reality that the military elements are considered a risk group regarding to stress, essentially in the performance of activities such as training and, specially, in a Theatre of Operations (TO), given that there the multiple absorbing variables may be the catalyser of an intense stress and the trigger of certain traumatic occurrences, resulting of critical incidents, as for example a serious injury or death. These incidents are intense psychological occurrences, and are beyond those that are considered normal in life. They occur in the Theatre of Operations but also in the heart of the families of the military elements that are situated in any area of the terrestrial globe. The type of traumatic occurrences result from natural disasters (floodings, earthquakes, typhoons), accidental calamities (catastrophes of great proportions, namely automobile, railway, maritime accidents, large structure fires and collapses), and disasters caused in a deliberate manner (combats, bombings, torture). The characteristics of the military elements, the nature of the service, the situations which involve family separation and the situations associated to displacement contribute towards or are facilitators of stress inductors.

We know that military organizations have specific characteristics such as having a well-defined hierarchic structure, a spirit of mission, tasks which involve various risks, and that their elements have a very important and distinctive image: the companionship.

The military psychology has a very important area of intervention here, and should intervene in all phases, such as:

- - Selection, and posting in the recruitment process;
- - Training in matters like stress;
- - Family support;
- - Support within the Theatre of Operations;
- - Integration after demobilization.

This form of support attempts to lessen situations, which are usually common to all those that participate in missions abroad, such as: the risk of death, inattentions, suicides, divorces and deviating behaviours like alcohol abuse and rule violations.

We can thus say that the support rendered is for the commanders in what regards to the group, for the military elements and for the families.



The case of Timor

The team, which is responsible for supporting the whole mission in Timor, was constituted with reference to the manner in which all of the critical incidents that have occurred throughout the national territory have been managed, that is, under the coordination of the Head of the Criminal Investigation Chieftaincy, which creates teams, for each individual situation, that go to the location where the support has become necessary. The team elements are constituted by unit delegates, psychologists, sociologists, social assistants, a chaplain, officers, sergeants, corporals, soldiers and civilians, all with training in post-traumatic stress. Besides the activity they carry out, the elements integrate the teams whenever they are appointed by the Head of the Criminal Investigation Chieftaincy. The support rendered by them may occur throughout the national territory or in the Theatre of Operations, whenever it is justified, either for the commands, the military elements or the families.

The support begins with the preparation of the personnel for the mission: having as tasks the preparation of the military elements for the situations that they will experience, through training; participation in the mission: in the prevention of critical incidents, support to the commands, by way of counselling training and meetings; in the post-mission phase by intervening with reintegration aid, mission evaluation, through meetings, questionnaire application and promotion of group activities that aim towards a rapid integration in the unit to which they belong.



[Traumatic Incident Reduction (TIR)]

When the media
have moved on...

[What is Traumatic Incident Reduction (TIR)?]

- TIR is a brief, one-on-one, non-hypnotic, person-centered, method of eliminating the negative effects of past traumata
- TIR is a secondary/tertiary trauma intervention
- TIR is simple and tightly structured
- TIR makes use of repetition and directed introspection
- TIR is non-invasive
- TIR enables spontaneous meaning-making by client and typically results in complete resolution of traumatic sequelae



[Principle Uses of TIR]

- Addressing and resolving specific, known traumata, whether experienced, caused, or observed.
- Addressing and eliminating inappropriate negative emotions, unwanted by the client and experienced either chronically, or in response to certain experiential triggers, whether or not they are recognized as such by the client prior to the session.

[Anticipated Outcomes of TIR]

- Spontaneous meaning-making by client (cognitive shifts)
- Elimination of PTSD symptomatology
- Relief
- Restored interest in and zest for life
- Elimination of psychosomatic pains and sensations

[Contraindications of TIR]

- Basic needs unmet (Maslow)
- Unsafe environment (distractions)
- Stressful current life situation
- Psychosis
- Untreated chemical dependency
- Lack of interest; sessions enforced
- Not sessionable (sleep/hunger)
- Inability to focus; insufficient ego strength



[Who Can Benefit from TIR?]

- Terrorist attack survivors
- Natural disaster survivors
- Combat veterans
- Hostages
- Prisoners of war
- Police Officers
- EMT Personnel
- Accident survivors
- Rape survivors
- Abuse survivors
- ACOA's
- FESAP's
- Any person with an adjustment problem

[Historical Antecedents of TIR]

- Carl Rogers
 - Person centered
 - Non-judgmental
 - Non-interpretive
 - Unconditional positive regard

[Freud's Observation]

- "What left the symptom behind was not always a *single* experience. On the contrary, the result was usually brought about by the convergence of several traumas, and often by the repetition of a great number of similar ones. Thus it was necessary to reproduce the whole chain of pathogenic memories in chronological order, or rather, in reversed order, the latest ones first and the earliest ones last; and it was quite impossible to jump over the later traumas in order to get back more quickly to the first, which was often the most potent one."
 - (In "Two Short Accounts of Psycho-Analysis")



The TIR Procedure

- Find a traumatic incident of interest to client
- Videotape analogy
- Steps to viewing an incident
- Earlier similar incidents
- End Points
 - Visible relief
 - New realizations about the incident (cognitive shifts)
 - A feeling of resolution
 - Extroversion of attention
 - The past left in the past

The 3 “Active Ingredients” of TIR

- Adherence to TIR protocol

The Protocol (Basic TIR Steps)

- | | |
|---|--|
| <ul style="list-style-type: none">■ INC■ WHEN■ WHERE■ LONG■ START■ AWARE■ GO■ TELL | <ul style="list-style-type: none">■ Indicators of reducing charge:<ul style="list-style-type: none">○ Change (in narrative and/or affect)○ Relief and positive indicators○ Emotional discharge○ Insight (cognitive shifts)○ More awareness of reactions/decisions made during incident |
|---|--|



3 “Active Ingredients” of TIR

- Adherence to TIR protocol
- Communication Exercises (C.E.'s)

3 “Active Ingredients” of TIR

- Adherence to TIR protocol
- Communication Exercises
- The Rules of Facilitation

Rules of Facilitation

- Be *interested in* the viewer and what he is saying; avoid being *interesting to* him.
- Make sure the viewer is “sessionable.”
- Make sure the time is “safe” (the :50 hour is unworkable).
- Act predictably.
- Never try to work with someone against his will or in the presence of any protest.



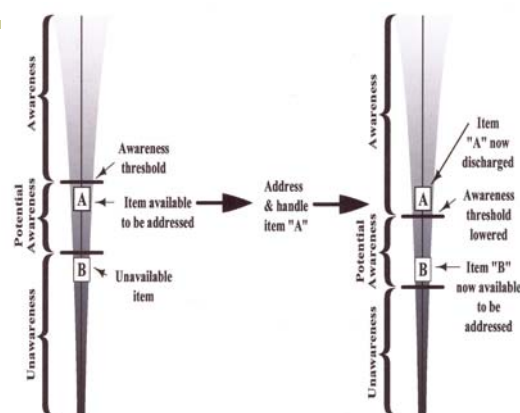
Rules of Facilitation

- Never do anything to interfere with the viewer's *own* process. To do so fosters dependence. Therefore,
 - do not interpret
 - do not comment
 - do not evaluate
 - do not invalidate (and do not *validate*)
 - do not suggest, "help" or predict

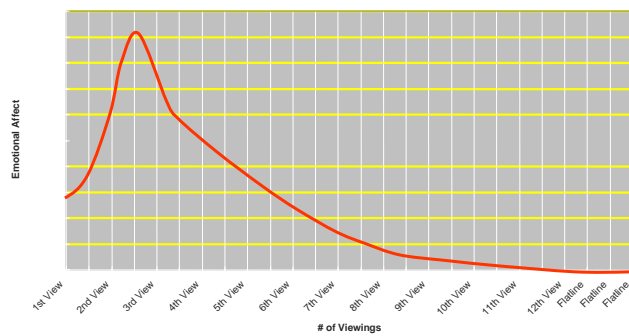
Indicators of End Points

- The viewer experiences positive emotions, manifests improved indicators, and has (at the very least) some sense of relief.
- The viewer's attention is freed from fixation on the trauma - the topic of the session.
- The viewer "extroverts" and re-enters the "here-and-now."
- The viewer typically voices one or more positive cognitive shifts, often transformative.

The Awareness Threshold



[Sample Viewing Profile]



[Professional and Agency Trainings available on request]

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Capítulo VII - Conclusion

Sub-secretary of State and Minister of Home Affairs,
Your Excellency,

General Officers and Unit Commanders of the *Guarda Nacional Republicana*,
Distinguished speakers and trainers,
Representatives of the fellow forces of the FIEP Association,

Honourable guests,
Excellencies,

The seminar that is now being concluded is with no doubts one of the highest points of the ongoing formative action, organised by the *Guarda Nacional Republicana*, since the 10th to the 21st of July.

These last three days were intensively full of interest, during which we had the opportunity to revisit and deepen concepts and also share unique experiences, concerning the relation between security, protection and emergency officers and the victims of terrorism and of other incidents with an enormous traumatic dimension for the people involved.

The first remark I would like to make is related to the high scientific and technical quality of the presentations and also to the constant preoccupation with the interconnection between theoretical knowledge and real experiences in the field.

We have had the privilege to have, in this event, some of the most renowned experts on psychosocial assistance to victims of terrorism and of other critical incidents, especially when the majority of them were directly involved in security and emergency operations within the most tragic events of humanity in recent history. They brought to us extraordinary knowledge and experience whose value could be increased while being subjected to discussion and to scientific analyses, bearing in mind an improvement and a deeper perception of the doctrinal concepts and of operational engagement rules.



The interesting confrontation between theoretical knowledge and real practices was one of the most important goals we had and, please allow me to say that, it was entirely achieved.

A second remark: the interconnection between scientific autonomous subjects on the same theme, with the consequent benefit of synergies regarding the reduction and control of damages caused to the victims, was perfect.

It is an innovative approach, seeing that it provides a sense to the primacy principle of human life protection, even in the most critical situations or in those which are capable of provoking a substantial emotional and rational disorder.

When we put the stress on the victims' protection, we change the traditional paradigm of the security concept in which the police forces usually acted, almost exclusively, in order to pursue criminals and maintain public order and peace.

Of course that this new way of executing security is a work that cannot be done separately. Therefore, each time more it is necessary an interdisciplinary cooperation and coordination, even on the operational level.

Consequently, the formation of multifunctional teams operating in the field makes all sense, while keeping in mind critical incidents. The integration of paramedics, psychologists and sociologists is more and more frequent in the daily operational activity of police forces and in the formation of the security forces' elements, also in the mentioned areas of knowledge.

In such context, what makes the role of security forces even more complex is the fact that everything new that has been mentioned must be done always considering the police traditional functions. For example, in a terrorist attack situation, it is necessary to protect victims, but we also must pursue criminals and guarantee the preservation of proofs, vestiges and marks for criminal investigation.

In this seminar, difficulties in the conjunction and systematisation of operational work were easy to see, especially during the first intervention – undeniably the most relevant one – but the extraordinary scientific, technological and organisational progress, registered in the last



years, relating to the approach of critical incidents and emergency situations, was also made clear.

As one last remark, I would like to stress the fact that, although security forces with military nature are usually underestimated due to a supposed resistance to changes, innovation and modernity, they are today here to work on concepts and anticipate solutions for the most complex security problems of nowadays, underlining the perspective of victimized citizens protection and defence primacy.

In this case as in other most relevant processes of construction of a free, secure and fair European Space, the FIEP Association, which gave birth to the European Gendarmerie Force, has assumed a determinant role in the new post-modern paths.

I would like to end by thanking everyone who has made the realisation of this seminar possible, saluting in a particular way all the experts and trainers who have shared with us their excellent knowledge and inestimable value of their experiences.

I am sure that the final product of this formative action will be applied in the improvement of the operational intervention of the security forces in critical accidents, especially in what concerns the relation with the victims.

Once again, thank you all.

To those who have come from foreign countries to participate in the seminar, I hope and wish that your stay in Portugal, particularly in the *Guarda Nacional Republicana*, besides the professional aspects, may have been socially and culturally interesting.

I can assure you that we will continue doing everything to correspond to your personal and professional expectations.

The General Commander

Carlos Manuel Mourato Nunes

Lieutenant-General





Bibliography

- Barchard, K. (2003). Does Emotional Intelligence Assist in the Prediction of Academic Success? Educational and Psychological Measurement, vol.63, no5, pp.840-858.
- Bar-On, R. (1997). Bar-On Emotional Quotient Inventory (EQ-i): Technical manual. Toronto, Canada: Multi. Health Systems.
- Bar-On, R & Parker, J. D. (2000). The Handbook of Emotional Intelligence . Theory, Development, Assessment, and Application at Home, School and in the Workplace. San-Francisco: JosseyBass.
- Beasley, M., Thompson, T. & Davidson, J., (2004). Resilience in response to life stress: the effects of coping style and cognitive hardiness. Personality and Individual Differences, Vol.34, no1, pp.77-95).
- Elsevier Science;
- Bedell, J. and Lennox, S. (1997). Handbook for Communication and Problem-Solving Skills Training. USA: John Wiley & Sons.
- Benard, B., (1999). Applications of resilience: Possibilities and Promise. In M. D. Glantz, & J. L Johnston (Eds.).
- Resilience and development: Positive life adaptations. Longitudinal research in the social and behaviour sciences. (pp.161-176). Dordrecht, the Netherlands: Kluwer.
- Bower, S. A. & Bower, G. H. (1991). Asserting Yourself: A practical guide for positive change. Cambridge, Massachusetts: Perseus Books.
- Boyatzis, R E., Goleman, D. & Hay/McBer. (1999). Emotional Competence Inventory. Boston: HayGroup.
- Brown, R (2003). Emotions and Behavior: Exercises in Emotional Intelligence. Journal of Management Education, vol.27, no1, pp.122-134.
- Ciarrochi, J., Deane, F.P. & Anderson, S. (2004). Emotional Intelligence moderates the relationship between stress and mental health. Personality and Individual Differences, Vol.32, N°2, pp.197 -209.
- Gardner, H. (1983). Frames of mind: Theory of Multiple Intelligences. New York: Basic Books.



Golby, J. Sheard, M., & Lavallee, D. (2003). A cognitive-behavioural analysis of mental toughness in national rugby league football teams. *Perceptual and Motor Skills*, Apr; Vol. 96(2), pp. 455-462.;

Goleman, D. (1995). *Inteligência Emocional*. Temas e Debates.

Henderson, N. e Milstein, M. (2003). *Resiliency in Schools*. Corwin Press, Inc. (Sage Pub.).

Luthar, S. S., Cicchetti, D. & Becker, B. (2000). The construct of resilience: A Critical evaluation and guidelines for future work. *Child Development*, 71 (3), pp-543-562.;

McKay, M., Davis, M. & Fanning, P. (1995). *Messages: The Communication Skills Book*. USA: New Harbinger Publications, Inc. .

Masten, A. S. & Coastsworth, J. D. (1995). Competence, Resilience and psychopathology. In D. Cicchetti & D. . Cohen (Eds.). *Developmental Psychopathology: Vol.2 Risk, disorder and adaptation.*, pp.715-752. New York: Wiley.

Masten, A. S., & Reed, M.G. J. (2002). Resilience in development. In C. R Snyder & S. J. Lopez (Eds.). *Handbook of positive psychology* (pp.74-88). Oxford: Oxford University Press.

Mayer, J. D., Salovey, P. e Caruso, D. R, (1999b). *Working Manual for the MSCEIT Research Version 1.1*.

Manuscrito em preparação, disponível em Multi-Health Systems, Toronto, Canada.

Ramanaiah, N., Sharpe, J.P., Byravan, A. (1999). Hardiness and major personality factors. *Psychological Reports*, Apr; Vol.84 (2), pp. 497-500. .

Rice, C. L 1999. A quantitative study of emotional intelligence and its impact on team performance. Unpublished master's thesis, Pepperdine University, Malibu, CA.

Richardson, G. E. (2002). The metatheory of resilience and resiliency. *Journal of Clinical Psychology*, 58(3), pp.307-321 ;

Richardson, G. E., Neiger, B. L., Jenson, S., & Kumpfer, K. L, (1990). The Resiliency Model of Health Education, *Journal of Health Education*, 21 (6), 33-39). .

Ruderman, M. N., Hannum, K., Leslie, J. B., & Steed, J. L. (2001). Making connection: Leadership Skills and Emotional Intelligence. *Leadership in Action*, 21 (5), pp.3-7.

Rutter, M. (1987). Psychosocial resilience and protective mechanisms. *American Journal of Orthopsychiatry*, 57(3), pp. 316-331.

Salovey, P., Stroud, L, Woolery, A. & Epel, E. (2004). 138



Perceived Emotional Intelligence, Stress Reactivity, and Symptom Reports: Further Explorations using the Trait Meta-Mood Scale. *Psychology and Health*, vol.17, no5, pp.611-627.) Seaward, B. L. (2002). *Managing Stress. Principles and Strategies for Health and Wellbeing*. UK: Jones and Bartlett Publishers.

Slaski, M. & Cartwright, S. (2003). Emotional Intelligence Training and its Implications for Stress, Health and Performance. *Stress and Health*, Vol.19, no4, pp.233-239.

Topping, K., Holmes, E., & Bremner, W.(2000). The effectiveness of School-Based Programs for the Promotion of Social Competence. In *The Handbook of Emotional Intelligence*, R. Baron & J. Parker (Eds.), pp. 411-432.

