

AFFIDAVITS

Some Guidelines:

Often relied upon by judge to assess credibility and explain confounding aspects of client's presentation (e.g. Memory gaps, additional details coming out after initial application submitted, why client did not file before the one year deadline, etc)

Create an environment that allows client to participate in a natural, reflective, spontaneous way. Remember goal to minimize re-traumatization. Client may or may not report complete history of torture. Note what is difficult to share or remember in both cognitive and emotional sense.

Observe directly and by report client's post-trauma symptoms. Helps to support client's credibility if s/he reports anxious and or depressive symptoms and you observe corresponding behavior or affect (e.g. client has hyperstartle response in a session when hears loud noise outside; client always tearful or when certain themes are discussed) Track client's post-trauma symptoms in detail-descriptions of examples, frequency, and intensity of symptoms will be useful in affidavit.

Listen for and note personal quotes that illustrate client's perspective and individualize and or personalize his/her symptoms.

Make connection between client's symptoms and the post-trauma phenomenon experienced by most survivors (psychological context).

Gather some pre-morbid history of functioning to be able to address question of whether symptoms might have pre-dated traumatic event and or are caused by a medical condition and or substance abuse. Evaluate for psychosis and or malingering and be careful not to draw factual conclusions, when professional opinion is more appropriate.

You must use language that is neutral, as you were not a direct witness to what client experienced. This helps court to see you as an expert and not a biased advocate (e.g. "when client was tortured in detention" vs. "when client reports being tortured in detention").

It is the overall evaluation of symptoms and not the consistency of each symptom with a particular form of torture that is important in assessing the torture story (see levels of consistency).

Also important to be familiar with cultural and political context of client's country of origin and be familiar with methods of physical, psychological, and sexual torture in order to appropriately assess issues of malingering and credibility of client's story.