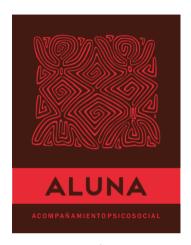


KEYS TOWARDS **PSYCHOSOCIAL** ACCOMPANIMENT

6

Arbitrary **Detention**







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5. ARBITRARY DETENTION.

Fifth Booklet of the Series "Keys towards Psychosocial Accompaniment"

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Arbitrary Detention¹

General objective

The purpose of this text is to know what constitutes the arbitrary detention of people as a strategy of sociopolitical violence in Mexico, as well as **to understand the psychosocial impacts and coping mechanisms** that have to be taken into account in the psychosocial accompaniment to **people who are or have been deprived of their freedom.**

Specific objectives

We will learn:

- The definition of arbitrary detention.
- Its background and current expression in Mexico.
- Its psychosocial impacts and coping mechanisms at a personal, family, organizational, community and social level.
- Some pre-conceptions and keys in psychosocial accompaniment in cases of deprivation of liberty.

What is arbitrary detention?

The Universal Declaration of Human Rights states in Article 9 that "no one may be arbitrarily detained, imprisoned, or banished." Arbitrary detention does not originate from a prohibition, as is the case with other human rights violations, such as torture or forced disappearance, but rather from the recognition of the legitimate exercise of the State to carry out the deprivation of liberty of a person when the commission of an offense that merits his arrest and legal imprisonment has been proven.

The matter of arbitrary detention is regulated by the United Nations Commission on Human Rights following the appointment of a Working Group whose mandate is to attest to the situation of this type of violation of human rights in a given country. Likewise, there is a normative framework to which States must submit, for example, the American Convention on Human Rights, the International Covenant on Civil and Political Rights, the "Set of Principles for the protection of all persons subjected to any form of detention or imprisonment", the "United Nations Rules for the Protection of Juveniles Deprived of Liberty", among others.



¹ This booklet collects the contents of the Workshop on "Psychosocial Accompaniment in Arbitrary Detention Events"-, held on November, 7th 2014 and facilitated by Liliana Souza and Laura Espinosa.



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From the national legal framework, the Political Constitution of the United Mexican States, the Federal Criminal Code and the National Code of Criminal Procedures, among other documents, indicate various forms of deprivation of liberty, among them: arrest, detention in flagrante delicto, detention in urgency, provisional detention for the purpose of extradition, arrest, pretrial detention, punishment, "arraigo"-hold, etc.² Each of them responds to different conditions, actors, powers and institutions, so demonstrating the arbitrariness of detention is not a task easy.

Arbitrary detention is directly linked to the fabrication of crimes and the lack of due process. A review of the legal and statistical behavior of this violation of human rights would require a broad analysis that goes beyond our objectives, so, by way of conceptual contrast, we will mention only two of the legal figures mentioned above that the State usually uses to legitimize this practice.

Arbitrary detention remains an effective control strategy due to the enactment of new laws and regulations that apparently respect, but in fact restrict the human rights and guarantees of the population.

² Hernández, Julio. Aprehensión, detención y flagrancia. Mexico: Instituto de Investigaciones Jurídicas UNAM/ SCJN/ Fundación Konrad Adenauer, 2013. Full text available in: http://biblio.juridicas.unam.mx/libros/8/3568/22.pdf

In accordance with the criteria of the Working Group on Arbitrary Detention, this occurs 1) when there is no legal basis to justify it; 2) when it violates the free exercise of human rights; and 3) when it violates the right to a fair trial.³

Arbitrary detention as a form of sociopolitical violence responds to the exercise of State power, for social control and instilling fear among the population.

Article 16 of the Political Constitution of the United Mexican States says that:

Any person may detain the suspect at the time they are committing a crime or immediately after committing it, placing it promptly at the disposal of the nearest authority and this with the same promptness, to the Public Prosecutor's Office.⁴

The same article adds:

The judicial authority, at the request of the Public Ministry and in the case of crimes of organized crime, may order the establishment of a person, with the modalities of place and time that the law stipulates ... whenever necessary for the success of the investigation, the protection of persons or legal rights, or when there is a well-founded risk that the accused may escape the action of justice.⁵

What are the purposes of arbitrary detention?

From a context of sociopolitical violence, arbitrary detention is a violation of human rights that opens the door to other such as torture, forced disappearance or extrajudicial execution, which may constitute the ultimate aims of detention and which, in turn, pursue, its own purposes of social control.

However, arbitrary detention has its specific purposes:

- It constitutes a constant threat to the population in general to keep it paralyzed and subject to the interests of political and economic power.
- It seeks to demobilize and intimidate organized sectors of the population that represent an obstacle to these interests.
- Subtract leaders from their movements or organizations to demoralize them and their members.
- Search to distract the political subjects of their objectives and to wear them down in the search of the liberation of the prisoners, who are used like "currencies of change".
- Responds to the manufacture of "delinquents" and sustains an underlying structure of corruption and influence peddling within the prison and judicial system.
- In the case of maximum security detention centers, the deprivation of liberty and the treatment of prisoners and pressure is a form of permanent torture.
- It is part of a policy of discrimination and social cleansing against certain sectors, such as the street population, migrants, sex workers, people of sexual diversity, youth groups, street vendors, among others.

³ See the Prospectus No. 26. Working Group on Arbitrary Detention. UN Chap. IV. Clause A. Full text in: http://www.ohchr.org/Documents/Publications/FactSheet26sp.pdf

⁴ Political Constitution of the United Mexican States. Art. 16. Chamber of Deputies of the H. Congress of the Union. Last Reformation DOF 10-07-2015. http://www.diputados.gob.mx/LeyesBiblio/htm/1.htm. See also: National Code of Criminal Procedures. Book I, Title VI, Chap. III, Section II. Art. 146 http://info4.juridicas.unam.mx/ijure/fed/7/147.htm?s

⁵ Ídem. The duration of the arraigo can last hours or extend up to 80 days

Arbitrary detention in Mexico

a) Background⁶

The prison has fulfilled a political function in modern societies. If crime does not exist, Foucault points out, it would have to be invented.⁷ That is, the repressive bodies, legitimized under the discourse of the persecution of crime and the security of society, are necessary for the control of the population and the safeguarding of economic interests that the State protects.

The prison is born in substitution of the corporal punishments and the power of the king on its subjects. From the nineteenth century, it will not be the sovereign and his divine will, but the State who will dictate the laws and sanctions attributable to the transgressors. The prison, then, would become the place where the bodies of the offenders would be disciplined and their souls exorcised for their rehabilitation. Prison, as a *total institution*⁸, will be **one of the main instruments of** *biopolitical* power⁹ over people; the judges, lawyers, jailers, psychologists, doctors, etc., will be those who concretize and legitimize it.¹⁰

One of the speeches that the Mexican State has used throughout its history to justify the arrest and imprisonment of people -as well as the violations of their guarantees and rights- is security. During the period of the Cold War, the "communist threat" was the pretext in Mexico (and Latin America) to legitimize the persecution and repression of various sectors of the population, such as students, workers, peasants, political opponents, intellectuals and leftist artists.

The arrests could be made selectively or massively. The survivors of the student massacre of Tlatelolco, in 1968, and the *Halconazo*, in 1971, for example, were taken to the prison of Lecumberri, known as *The Black Palace*. In this place many prisoners and political prisoners were imprisoned at that time, accused of crimes such as sedition or social dissolution.

The Army operated mainly in rural areas; in the urban areas, intelligence agents, police or paramilitary bodies operated. The testimonies of survivors describe that they were taken to military barracks, especially to Military Camp No. 1, or to safe houses, where they were tortured and lived under deplorable conditions. Those who were not executed or disappeared, would be imprisoned under the crimes of rebellion, robbery, homicide or kidnapping.

⁶ This section was prepared with information from Liliana Souza. Impacto psicosocial de la tortura desde la salud colectiva en luchadores sociales y sus familias en el estado de Guerrero, y su imaginario colectivo. Doctoral Thesis. UAM-X. Mexico, 2011.

⁷ Michel Foucault. Microfísica del poder. España: La Piqueta, tercera edición, 1992.

⁸ Others are the army, the hospital, the monastery. For more information, see Enving Goffman. Internados. Ensayos sobre la situación social de los enfermos mentales. Buenos Aires: Amorrortu Editores, 1972.

⁹ Michel Foucault. Historia de la sexualidad 1. La voluntad de saber. Mexico: Siglo XXI, vigésimo novena edición, 2002.

¹⁰ Michel Foucault. Vigilar y castigar. Nacimiento de la prisión. Mexico: Siglo XXI, 1991.

In more recent decades, we find numerous examples of arbitrary detentions¹¹ that involve different scenarios, interests, actors and mechanisms.

It should be noted that one of the State's strategies since the end of the 20th century has been the accusation of crimes of federal jurisdiction against social activists and human rights defenders, such as kidnapping, terrorism, organized crime or attacks on communication channels, with the purpose of placing them in maximum security prisons, whose conditions of life represent a permanent torture for the prisoners.

Carlos Montemayor, who analyzed in depth the way in which state violence has been exercised in Mexico, explains it as a complex process that also relies on the instances of law enforcement and prosecution, under the following cycle: criminalization-repression-procedural manipulations-unfounded sentences-impunity. In its concrete implementation, this cycle -says Montemayor- requires

"[...] of the consent, coordination or disposition of municipal, state and federal powers; of agents of the Federal Public Ministry, of judges, of medical services, of complementary forces and of prison authorities ".12

Detailing this cycle underlying arbitrary detention in Mexico is a major task, although necessary, since not only has it been applied historically in contexts of political prison but, in general, it is the path that people deprived of their freedom have to travel in our country, whatever the reason.

11 Among the political arrests that took place from the beginning of the nineties to this date we find: indigenous people from the Zapatista National Liberation Army support bases, peasants from the Sierra del Sur Peasant Organization, Zapotec indigenous people from the Loxicha Region, survivors of the Massacre of El Charco, Ecological Peasants of the Sierra de Petatlán, guild leaders and peasants of Puebla, teachers of the National Coordination of Education Workers, students of the General Council of Strike and other student collectives, activist activists, peasants of the People Front in Defense of the Earth, defenders of natural assets and human rights of different states of the republic, activists of the Other Campaign and the Sixth Declaration of the Lacandon Jungle. students of the different Universities and Rural Normal Schools of the Country, to name just some examples.

12 Carlos Montemayor. *La violencia de Estado en México. Antes y después de 1968.* Mexico: Debate, 2010.





b) Arbitrary detention today

Under the pretext of the "war" against drug trafficking and organized crime, since 2006 arbitrary detention has had an alarming increase. According to figures from the Federal Public Security Secretariat, between 2006 and 2011, 75,276 "alleged criminals" were arrested¹³ and, if we add that in 2012, eight new Federal Social Rehabilitation Centers were inaugurated – making a total of 21 maximum security prisons throughout the country– **it becomes clear that more and more people are deprived of their liberty.** ¹⁴

National organizations and international human rights organizations have called attention to arbitrary detention. For example, the Human Rights Center "Miguel Agustín Pro Juárez" warns that 60% of criminal trials in Mexico begin with an arrest in alleged flagrancy or argues a "suspicious attitude" that justifies the arrest of a person and ends in the "spontaneous" confession of crimes.¹⁵

For its part, the latest report of the Special Rapporteur on torture in Mexico says:

The Special Rapporteur observed a tendency to arrest to investigate, instead of investigating to arrest, which is strengthened by the constitutional consecration of the figure of the arraigo, the detention without a judicial warrant in cases of quasi-flagrante and of urgency in serious crimes, and the existence legal of the so-called "equated flagrancy", which continues in some states until the accusatory system comes into force ... In 2012, 6,824 arrest warrants were issued at the federal level, but 72,994 arrests were carried out without a warrant apprehension. In 2013 the figures were 5,539 and 42,080, respectively. The Special Rapporteur noted little effective control, both ministerial and judicial on the legality of detention and considers that these practices lead to arbitrary arrests and increase the incidence of torture and ill-treatment.¹⁶

Although the legitimizing discourse of arbitrary arrests today tries to be justified by public security and the **State's** fight **against organized crime, the connivance between these two actors is becoming increasingly evident**. Although Amnesty International already warned about it in its investigation of torture in Mexico in 2012,¹⁷ this connivance would be nationally and internationally **evidenced after the events of September 26th, 2014 in Iguala, Guerrero**, where dozens of students from a Normal School were detained by the municipal police to be transferred to a drug trafficking cartel, in which the Federal Police and the Army also had responsibility.¹⁸

13 Noel Alvarado "More than 75,000 detainees in the fight against organized crime in Mexico. Of these 2,664 were drug traffickers." Full text available in: http://www.notired-mexico.com/2012/03/mas-de-75-mildetenidos-en-el-combate.html
14 It should be noted that, in that same year, the country's 416 prisons housed 238 thousand 269 prisoners. See in Aurora Vega. "They will open 8 new federal penalties; Companies will participate in its construction".

Full text available in: http://www.excelsior.com. mx/2012/10/02/nacional/862069 15 Simón Hernández. "Arbitrary arrests and lack of control in Mexico." Full text available in: http://centroprodh.org.mx/sididh_2_0_alfa/?p=27635

16 Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez. Assembly of the United Nations. A / HRC / 28/68 / Add.3. December 29, 2014. §47 17 Amnistía Internacional. Culpables conocidos, víctimas ignoradas. Tortura y maltrato en México. Al, España, 2012.

18 To date, 43 students are still missing, three were executed along with several people from the community and dozens of people were injured. See the Ayotzinapa Report of the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights.

Mexico, September 2015. Full text available in: https://drive.google.com/file/d/OB1ChdondilaHd29zWTMzeVMzNzA/view

The arrests in relation to other scenarios, such as the defense of land, water and other natural assets have also demonstrated the collusion between the State and groups of legal economic power, mainly with multinational companies. The detention of human rights defenders and activists who oppose dispossession, the imposition of megaprojects and economic reforms that mean greater impoverishment or even the destruction of their communities is increasingly frequent.¹⁹

Finally, we find constant arbitrary detentions of students, journalists, union leaders and other stigmatized groups, among them: people of sexual diversity, street population, sex workers, migrants, young people from marginalized areas, youth groups, street vendors, etc.

c) Victims and perpetrators

In the two previous sections we have already referred to the victims of arbitrary detention and the perpetrators, so we only list them below.

Víctims

PERPETRATORS

Political opponents, activists, fighters and social fighters, human rights defenders, members of unions and unions. Men, women, young people, students, teachers, journalists, people of sexual diversity, sex workers, street people, migrants, street vendors.

Police of various corporations and different levels of government.
Elements of the Army and the Navy.
Migratory agents
Criminal and paramilitary groups. Private security bodies.
Judicial authorities (public ministries, judges, health personnel, prison authorities).

Testimonies

As we noted earlier, arbitrary detention is associated with various violations of constitutional guarantees (fabrication of crimes, lack of a fair trial, among others) and human rights (forced disappearance, torture, among others). The following testimonies focus exclusively on prison life, however, we must take into account the completeness of the experience for the assessment of psychosocial impacts, which we will review in the next section.

19 It's worth mentioning the resistance to the dispossession and implementation of megaprojects of Petatlán, Wirikuta, Tepoztlán, Xochicuautla, Tlanixco, Zimapan, Xaltepec, San Bartolo, Laguna Verde, La Parota, Atenco, Coajomulco, Cherán, Xoxocotla, etc. See Luis Hernández. Siembra de concreto, cosecha de ira. Mexico: Rosa Luxemburgo Stiftung / Para leer en Libertad, 2013.

And inside the prison, it is the same. It is a small State, but it is the same State. What happens inside the prison is the reflection of society, because there are drugs, there is alcohol, there is prostitution, there is influence peddling, that is, it is the same ... with the difference that you are tied up. (Guerrero social wrestler, arrested in 1997 and imprisoned for four years).²⁰

Before being imprisoned, I saw everything in my favor, I never contemplated the idea of stepping into prison. Now that I am free, I still feel imprisoned, it is as if I am stunned, I am still prey to memories, my anger, to think and rethink the film over and over again ... I do not know where or how to continue with my life project, which I was just building and which had cost me a lot of work to accomplish. This episode has made me question everything and now I not only do not know how to resume my life, but I do not know where I want to go. It's not me anymore, I'm not the same as before. I would like to go elsewhere and get away from everyone and everything, however I realize that I cannot continue running, I cannot continue between these parentheses, but until today and try as hard as I have not found a way to get ahead. (Woman detained in the repression of December 1, 2012 in the Mexico City).²¹

The penalties of Puente Grande / the shadows for you roam / the towers that I see in the distance / the pain cells murmur. / Streamers and barbed wire / opaque and dull wall / sad wanders an individual / because his love is gone. / Joy turned nostalgia / impotence is depression / there are more arrivals than departures / through prison bars. / The concrete pillars / the voice that I emit in silence / the scream in the dark night / verses that I compose and think [...]. (Fragment of the poem "Las Penas de Puente Grande", by the Oaxacan professor Leonel Manzano Sosa. To date he is a political prisoner in CEFERESO No. 2, in Jalisco).²²

6 Psychosocial impacts of arbitrary detention²³

20 Taken from Liliana Souza. Op. cit., p. 257.
21 Personal communication to Laura Espinosa.
22 Full text available in: http://libertad-para-leonel-manzano-sosa. blogspot.mx/2014/10/las-penas-de-puente- grande.html
23 This separation between psychosocial impacts and coping mechanisms has an explanatory and didactic function; however, both manifest themselves simultaneously and singularly from the initial moment of the violent experience.
See the main Booklet, Section "Working with victims").

Without pretending to outline an experience as complex as the deprivation of liberty, in this section we offer a description of the psychosocial impacts of arbitrary detention, taking as reference not only the turning points of the legal process that the person must follow, but also the moment prior to his arrest and after his release.

It should be noted that not all people pass through the total of stages that we indicate below and that the guide for assessing the impacts, confrontations and accompaniment always depend on the individual's unique experience.

TURNING POINTS	Some features
Before the detention	Threats, harassment, previous monitoring, relationship with political activity.
Moment of the detention	Individual, family or collective detention; place; perpetrators. "Sowing" of drugs or weapons.
Forced disappearance	It can last hours, days, weeks, months.
Torture	Physical, psychological, sexual, family.
Conditions of illegal imprisonment	Military barracks, security house, police installations or another place. Cruel, inhuman or degrading treatment.
Presentation before the agent of the Public Ministry and ministerial declaration	Protocol subject or not to Law, crime of which it is accused; torture and interrogation by public officials; access to a public defender or a lawyer of confidence; phone call; exploration by a medical doctor, a psychologist, a social worker.
Admission to official detention center	Separos, rooting center, migratory station, prison, maximum or medium security prisons.
Transfers and entry	Torture and entry treatment in maximum security prisons.
Observation and Classification Center	Criminal studies and conditions of imprisonment.
Entry to population	Conditions of imprisonment, intimidation, mistreatment, corruption.
Formal prison	Freedom or formal prison.
Audiencies	Duration, declarations, cancellations, revictimizations, evidence relief, surveys, confrontations, mistreatment, lack or ignorance of legal information.
Verdict	Expected or not, moment when it is dictated
First anniversary in prison and other significant dates	Related to the possibility of staying several years in seclusion. Family relationships. Economic expenses.
Formal freedom	Expected or not, moment in which it is dictated, release process, reunion with relatives, return conditions.
Follow-up of the legal process on freedom	Audiences, transfers to court, labor instability, new declarations, economic expenses.
Complaints of human rights violations	New legal process as whistleblower (victim). Political complaint (which may have started before).
Trial to perpetrators and repair of damage	Audiences, transfers to court, labor impact, family, new statements, revictimizations, economic expenses

Let's try to enunciate the impacts by retaking some of these moments and attending to the personal, family, organizational, community and social levels.

a) Personal level

There are impacts associated with several of the referred moments, and others that are related to a specific one. For example, if the person carried out political activity prior to the arrest, it is common for him to have some security measures and information about his rights, or, if he had been threatened or harassed, he could have been on constant alert. If, on the other hand, the person did not wait for arrest or did not participate politically, the impacts begin at the time of arrest.

It is common that the person is not presented immediately to the Public Ministry, situation that leaves him in a vulnerable state in front of his captors. In this period, he is considered disappeared and may be subjected to torture, either during the detention itself, during the transfer or while in detention in an illegal place. These facts generate their own impacts.²⁴

From the moment of the presentation before the Public Prosecutor's Office, the arrested person faces the harshness of the judicial institution and little by little he understands his place in the structure: that of the delinquent. There is uncertainty, fear, concern for their integrity, that of their relatives or that of people close to them. Many times, he has been tortured to force him to sign a self-incriminating statement, or is intimidated directly by the Public Ministry agent or by ministerial police to do so. It is common for him not to be allowed to telephone or testify in front of a trusted lawyer. The sensations of humiliation and impotence are intense at those times.

The entrance to the prison site tends to be of a strong traumatic impact. Teasing, threats and humiliations by custodians or other prisoners are common. Body searches and denudations are especially denigrating. It should be noted that in maximum security prisons people are "officially" tortured: beatings, shouting, forced positions, threats with trained dogs, denudations, haircuts, intimidations.

On the other hand, criminal studies,²⁵ produce high levels of stress and uncertainty in the prisoner.

In general terms, people deprived of their freedom alternate moments of deep depression (sadness, guilt, excessive sleep, psychological discomfort, fatigue, etc.) with other stress (fear, anxiety, alertness, nightmares, sweating, etc.) or emotional encapsulation (irritability, tension, among others). The main concern is to learn to survive in prison, which involves a high cost of psychic and physical energy. The main concern is to learn to survive in prison, which involves a high cost of psychic and physical energy.

Usually there is a time of strong depression in prisoners called "el carcelazo", which occurs especially after the sentence, when the first year of being in prison or on significant dates such as Christmas or New Year. There is intense concern about the legal situation, hopelessness, feelings of guilt and, in extreme cases, suicidal ideas.

Although liberation is desired, sometimes there are conflicting feelings about it. Getting out of prison can mean regaining identity, decision-making power, activities, time, etc., but not infrequently it can also represent another risk of another possible torture, disappearance and even extrajudicial execution.

The important thing, from the psychosocial perspective, is that the release is usually as arbitrary as detention itself and, sometimes, it is lived with much suffering, guilt and uncertainty. The person leaves, on occasion, to follow the legal process on parole or with criminal

24 See booklet on "Torture and sexual torture" of this same series.
25 They are carried out in the Observation and Classification Center by several public officials (doctors, psychologists, criminologists, social workers) to determine the degree of "dangerousness" of the prisoner.

records. However, he has to confront an outside world that continued its course while he was imprisoned, in a *parallel world*.²⁶

b) Family level

The impacts of arbitrary detention on the family start from the moment they confirm that their loved one is in prison, and they are often added to the impacts of torture and enforced disappearance.²⁷

The prison represents for the family the radical transformation in their way of life, social relations and worldview. In addition to the enormous suffering and concern for the family prisoner, he has to face legal processes, prison procedures and legal procedures that generate high levels of confusion, impotence and tension. Added to this is the corruption that exists in the law enforcement institutions, which forces them to make a large financial outlay, be it for legal expenses or others. The vulnerability and inexperience of families makes them victims of fraud.

The family dynamic is invariably changed, and begins to revolve around the legal and prison times.²⁸ When the man is the prisoner, the woman usually takes on her expenses and those of the family, so she combines working life with the legal follow-up, human rights management or political denunciation. Work overload begins to undermine her physical and mental health. The tension, stress and wear caused by the legal process, the constant expenses, the expectations of release, generate frustration and often translate into depressive episodes, family disputes and feelings of anger toward the prisoner family member.

The sons and daughters usually live in prison as the abandonment of both parents, as one is imprisoned and the other dedicated to the legal process. This generates sadness, irritability, rebellious attitudes, sibling fights, poor school performance, etc. The parents, for their part, worry about the psychological impact that the visits to the prison may cause on the children, who begin to include the prison experiences in their games and talks.

Cabe destacar que las visitas —sobre todo en penales It should be noted that visits - especially in maximum security prisons - usually cause high levels of stress in the family, which try to control themselves against the prisoner so as not to "increase" their punishment.

Family conflicts are also silenced, possible situations of risk when dealing with political cases, economic or health concerns. Silence begins to spread in family ties, while, paradoxically, the family becomes the main communication bridge between the person who is in prison and the outside world.

The family also resents the inflection points of the legal process, such as sentencing, transfers to other detention centers or significant dates. As with the prisoner, liberation confronts them with a new scenario that changes the relationships inside and outside the family again, demanding a new family configuration with its own challenges.

26 In the words of the wife of a Mexican political prisoner.
27 See sections on psychosocial impacts in the Booklets on "Forced Disappearance" and "Torture and Sexual Torture" of this same series.
28 The federal legal processes entail a high material, emotional and economic wear and tear for the relatives, since the prisoner is taken to a CEF-ERESO, located in a state of the republic different from that of his residence, while the legal process is relieved in federal courts, generally located in a different state from the previous two. This is in violation of Principle 20 of the Set of Principles for the protection of all persons subjected to any form of detention or imprisonment.

c) Organizational, community and social levels

The impacts at the organizational level are presented when the person deprived of their liberty belongs to a group with political activity. While the certainty of imprisonment diminishes the concern about a possible forced disappearance or extrajudicial execution, fantasies about possible torture are activated and can cause fear of being detained, especially if someone visits the prisoner.

Sometimes several members of the organization are imprisoned, arrest warrants have been issued against others, or else, the struggle for the release of the imprisoned companion motivates the suspension of the political activities that initially called the group. Thus, the State is moving forward in its goal of demobilization.

At the community and social levels, the stigmatization of the prisoner and his family is mainly observed. People from close circles, from the extended family, from the neighborhood or from the town, may feel afraid to be related to the family of a "delinquent" and move away to avoid being arrested. Even children can be teased or assaulted by their schoolmates. Some families may even hide the family member's detention and plead another reason for absence to avoid collective rejection.

In the social sphere, the imaginary around which every prisoner is guilty -precisely because they are imprisoned-feeds on the criminalization and stigmatization of some social sectors that the media do. This is the case of young people from certain groups or neighborhoods, street people, sex workers, migrants, trade unionists, street vendors, activists, demonstrators, human rights defenders, etc. The prison is sustained in a discriminatory social discourse that divides the population between good and bad; as long as this is sustained, its social control function will continue to be effective.



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Coping mechanisms in cases of arbitrary detention

Let us now review the coping mechanisms in cases of deprivation of liberty, attending again to the turning points of the legal process and focusing on the same levels: personal, family, organizational, community and social.²⁹

a) Personal level

It is common for the person to put in place mechanisms of resistance and coping with detention from the beginning or even before: knowing in advance his rights and guarantees; having security protocols when his political or labor activity involves that risk. At the moment of being arrested he can argue these rights, shout his data to witnesses, make quick calls from his mobile phone, try to memorize plate numbers, faces of the agents or places and sounds. Anything that helps him maintain his integrity and survive.

If he has experienced torture, once in the Public Ministry the person tries to stay alert without letting his emotions overwhelm him. He may have been forced to sign a self-incriminating statement-which, let us not forget, may be a way to stop the torture-or it may be abandoned once it is made available. If it is a collective detention, detainees tend to take care of each other.

Once in the detention center, the prisoner is forced to quickly learn the penitentiary dynamics, which implies a lot of attention and energy. Many times, other prisoners give him help in the first days. Gradually he learns the routines, the rules, the language, the dynamics of the visits, the "services" he has to pay; In addition, he identifies the strictest custodians and allied prisoners of the authorities. He learns to know what to say and to whom; he tries to maintain communication with his family and lawyer.

A strategy that is very useful for the prisoners is to encapsulate their emotions to be strong in front of other inmates and officials, but also in front of their relatives. There are also those who are actively involved in their own defense studying the laws and knowing the different steps and resources of the process. It also helps them to participate in some of the penitentiary activities, such as attending school, church or sports activities.

For those who are in maximum security prisons this is almost impossible, since they spend most of their time in their cells, so they resort to solo activities -which in many cases are also forbidden- such as reading, writing, painting, exercise, sing or sleep. Finally, in the decisive moments of the process, the prisoners and political prisoners can have an intense activity, from the writing of pronouncements and letters to the authorities and even the hunger strikes.

Liberation brings new challenges for the person, since it means recognizing the new family dynamics and dealing with the changes in oneself and in his loved ones. He must also face stigmatization and lack of economic resources. There are also people who resume their political activities or initiate a legal complaint for the violation of their rights.

b) Family level

Although it is paradoxical, it happens that the impacts on the family are usually, at the same time, coping mechanisms. That is, the shock of family dynamics and the sudden confrontation with the judicial system implies the start-up of all the resources that the family has to face the situation. Among them we find:

- Seek support from close people, legal advice, legal information, etc.
- Go to public organizations and organizations of human rights, as well as the connection with the political organization of the relative (when it is the case).
- Ask family members of other prisoners about prison procedures, especially visits: clothing and food allowances, prohibited items, security measures, written and unwritten rules, etc.
- Get involved in the legal process, identifying the different steps to follow, knowing their rights and the obligations of public officials, supporting lawyers, becoming familiar with the file, etc. Some members of the family, including, begin law studies.
- Participate, when it comes to political imprisonment, in activities of political denunciation, coordinate public events and interact with organizations and solidarity groups, position in the media the struggle for the release of the family member, dialogue with the authorities, make diffusion tours, etc.
- Obtain the economic resources to cover the expenses of the process and cover the daily needs of the family.
- Try to stay emotionally and physically strong to support the family prisoner, take forward the legal process and support children, old and sick family members.
- Search mechanisms that help counteract family stigmatization.

c) Organizational, community and social levels

The coping mechanisms at the organizational level not only include those actions that set-in motion the groups for the release of a detained person for In the second case, the social bond is created between their political activities, but also those mechanisms that are generated among the families and people in solidarity, even though it is not a political prison and that, more often than not, are linked to prison dynamics or the legal process.

In the first case, activities such as demonstrations, sittings, political pronouncements, articulation with other organizations and movements for the freedom of prisoners and political prisoners, dissemination in national and international media, artistic activities, forums and commemorations, etc. were presented. Some prisoners are also articulated - although they are in different prisons - and coordinated actions are

carried out, from joint communiqués to hunger strikes.

family members or other people to deal with situations such as riots, operations, procedural violations or violations of human rights, etc.30 Some women who have their husbands imprisoned in prison maximum security, to cite an example, travel together on visiting days, stay at the same hotel to reduce costs and even entrust the children of all with the same person.

Community support is observed especially in operations with mass arrests. For example, neighbors who open the

30 An example is the experience of the young Mexican Yakiri Rubio, imprisoned for having killed in self-defense a man who, after raping her, tried to assassinate her. Full text available in: http://www.milenio.com/policia/ violacion-asesina-Yakiri-Rubi-homicidio-Ramirez Anava-PGJDF- doctoresioven 0 209979325.html

doors of their homes to the demonstrators to hide from the police or who -even- struggle with them to avoid arrests. In rural and indigenous communities, people defend themselves with sticks or stones, and when arrests have taken place, they can resort to activism-such as closing roads or taking over local government headquarters. They can also support the family of the prisoner with food or by working on the family plot.

At the social level, finally, the denunciation of arbitrary detention as a form of repression and violation

of human rights is confined, above all, to political imprisonment. The social echo is minimal compared to the deprivation of liberty due to criminal acts, however, we find political struggles that have called into question the very existence of the prison, for example, the anarchist-against-jail-movement.



@Aluna Psychosocial Accompaniment

Pre-conceptions held by companions

In the penitentiary system in Mexico, it is rarely possible to enter prisons to provide independent psychological support to people deprived of their liberty. When this happens, it is necessary to have a professional license and the written authorization of some State institution. This hinders the formal entrance to the jail for psychosocial accompaniment, there are those who choose to enter during the visits of family and friends, help with the accompaniment once the person has been released, or work with relatives and not with the prey person.

Whatever may be the case in which we find ourselves, there are some pre-conceptions that are worth analyzing in order not to obstruct our accompaniments in cases of deprivation of liberty. They are between them:



- To think that because they are imprisoned, people lack coping mechanisms. Even in prison, people have personal, social, cultural, spiritual and ideological resources to sustain themselves. Of course, they are limited to a large extent, but sometimes it is also difficult to visualize them because of the harshness and hostility of prison life. An important task in the accompaniment is to recognize what the person can and cannot do to strengthen it and reduce frustration and / or guilt. It is a process that takes time.
- Think that the impacts are due solely to the conditions of prison life. The prison breaks into the history of life and the family novel of a person. This evolution influences the singular way in which the experience means and the impacts are lived. It is important to consider a dialectical relationship between past and present: prison life, adjustments in family dynamics, the legal process, the support network of both the prisoner and the family, the impacts of probable torture, the losses, the context sociopolitical, etc.
- Think that every newly released person needs accompaniment or psychological therapy. Concentrating on survival and the struggle for freedom makes prisoners in control of emotions to be strong. The release does not always mean that the contents are released immediately, because many times the person tries to "recover" the lost time and "leave behind" the prison. The need for accompaniment will be felt by the person when he considers himself capable of looking at the wound and confronting the fantasy of breaking through the loss of control. Respecting their rhythms is part of our work.
- To think that the children will suffer affectations by the fact of entering the jail. More than the prison itself, the impacts and coping mechanisms in children are associated with the responses of adults. Communication and the management of stigma are a challenge because it requires time and space: questioning "the good" and "the bad", allowing questions, children's emotions to arise and understanding the way children assimilate and express traumatic experiences, about all through the game and the fantasy. It is important to emphasize that the prison affects the family group as a whole, no more to some than to others, but in a different way.

② Dos and Don'ts for accompaniment in cases of arbitrary detention

The accompaniments are as unique as the people are. However, it is worth reflecting on some keys that can help us prepare and guide our action, without losing sight of the fact that the victims are the ones who point the way to follow.³¹

Don'ts	Dos
Show an attitude in excess positive or catastrophic about the legal process	Guide the accompaniment towards the management of uncertainty. In spite of how routine life can be in prison, we have seen that there are turning points in the legal process that generate high and low emotional levels in prisoners. The assessment of the various scenarios and their consequences help to reduce anxiety and prepare the person for unfavorable results.
Rummage between silenced impacts and encapsulated emotions	Recognize the function of emotional encapsulation and control. Keeping feelings and emotions at bay requires a lot of energy; paradoxically, the prisoner does it just to stay strong and face jail. The prison limitations prevent the companion from guaranteeing that he will be there to confront the paradox, so it is preferable to work whatever is available and make sure that he is able to contain this tension of forces.
Assume that we understand the situation of people	Be aware of our place as companions. The prison is only understandable to those who live it (the prisoner and his family). Many people keep to themselves the humiliations and experiences that had to happen inside, even years after the liberation. Our job is to work with what the person has the strength to confront.
Unlink the accompaniment of the form of detention and the context	Procure time to analyze the context and specific scenario of arbitrary detention. Generally, the main concern is the attainment of freedom and it is difficult for the family to stop for a deep analysis of the sociopolitical context, especially when it is not political prison. The prisoner has more time, but it is not easy to access it. Thus, it is necessary to create strategies and look for the spaces to work this as far as possible.

Don'ts	Dos
Assume that all prisoners can be accompanied in the same way	Consider the uniqueness of the experience. The fact that several people have been arrested simultaneously or held in the same place does not mean that they follow the same path. Each person experiences this experience in a unique way, manifests differentiated impacts and sets in motion his own coping mechanisms. The accompaniments have to try to respond to this uniqueness.
Employ the same methodology and techniques with the prisoner and his family	Visualize differences and points of encounter between one's own experience and that of others. Although they are in different circumstances, in general the guilt, silence and attempts to appear strong and confident are presented both in the prisoners and their families. However, the resources to achieve the liberation are different, so, the accompaniments must be directed to visualize them and point out the moments in which it is worthwhile to value a change, without losing sight of the fact that the decision is of the ones accompanied.
Assume that the accompaniment ends with the release	Keep in mind the family reunion and reconfiguration. It is common fantasy, both in the prisoner, as in his family, that "everything will be fixed" after the release; however, this is not usually the case. It is important to include in the accompaniment the fantasies of both the release and a possible sentence to foresee answers. In this way, if people terminate the accompaniment, they will have some tools to face challenges and rearrangements.

Guide the accompaniment towards the public or juridical denunciation of the human rights violations **Maintain respect for the decisions of the survivors.** Victims do not always want to denounce, either out of fear, shame, distrust or for some other reason. Or, on the contrary, they make of the denunciation one of their main coping mechanisms. Our role is to contribute in the visualization of possible scenarios, accompany them in their doubts and expectations, as well as respect their decisions. Promoting autonomy is one of the main objectives of accompaniment.



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"El Morralito" (Tool bag)

Finally, we add to the "morralito" some of the questions that have arisen in our experiences as companions, hoping to contribute to collective reflection and improve our work.

How can the psychosocial approach contribute to counteracting the function of discipline, control and social domination of the prison? How to contribute to the closure of maximum security penalties? How to achieve the access of independent psychosocial companions to prisons? How to create the appropriate conditions for psychosocial work inside the prison? How to integrate the experiences of other countries? How to adapt the accompaniments to the turning points of the legal process? How to guarantee that the inmates are not subjected to reprisals or abuses to their biopsychosocial integrity due to their political activities? How to rescue the learning of relatives of people deprived of their freedom for the benefit of more people with imprisoned relatives? How to position politically and socially the damage and wear that the State has to repair to the families of people deprived of their liberty?



NOTES

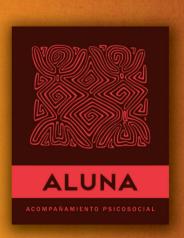


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