

## «The invisible at the centre of attention»<sup>1</sup>

Report on the exchange event of 2<sup>nd</sup> November 2017 between the Independent Expert Commission (IEC) on Administrative Detention and the victims of administrative detention and other compulsory welfare measures

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### Brief explanation of the World Café

On 2<sup>nd</sup> November 2017 an exchange event between the Independent Expert Commission (IEC) on Administrative Detention and the victims of administrative detention and other compulsory welfare measures took place in Bern and involved approximately one hundred participants. In the morning, the witnesses of the times and the researchers discussed, in the form of a World Café, the research brief of the IEC. The discussions took place in small groups seated around fourteen tables and were moderated by victims and head researchers of the IEC, who acted as table moderators. The participants exchanged places for the various rounds of talks building new groups.

The organisers of the event, Joséphine Métraux and Ruth Ammann (IEC), analysed the participants' and moderators' minutes and drew up the present report listing the most important issues.

### Report framework and procedure

This report is based on the notes jotted down by the participants on paper napkins, on the table moderators' memos and on their final presentations, which were recorded on video. The organisers of the event transcribed the notes on the table napkins and the memos and summarised the final presentations. They assigned each statement made by a table or the moderators to a topic field. Then they submitted the raw data and the topic assignation to the table moderators for completion or amendments. This feedback was integrated in the raw data of the single tables. In the end, the organisers merged the raw data of all the tables according to the topics and divided the latter in eight main subject fields with subsections. The results are presented hereunder.

#### 1. Perception of the IEC

Basically, the victims consider the IEC a necessary step; they welcome the fact that it was finally established. The researchers appear to be interested in and aware of the issue. There is a great trust in the work of the IEC. The victims feel the IEC takes them seriously and listens to them. At the same time, not all participants are informed in the same way on the IEC; not everybody knows it exists; its work is not always accessible. In this respect, the victims asked some critical questions: why are there no victims in the IEC? Why are only academics working at the scientific reassessment of what happened? Some participants also pointed out that it would have been better if the IEC had finished its work before the Round Table took place. Some victims also question the independence of the IEC. They are afraid that the facts

<sup>1</sup> Quotation from the final presentation of the table moderator Gabriela Merlini on 2nd November 2017, with which she described the position of the victims in the scientific reassessment of administrative detention and other compulsory welfare measures.

might be whitewashed or downplayed to please the State and that the IEC might be perpetrator-friendly. Others fear that the State might use the results reached by the IEC to tighten (repressive) laws.

## 2. Object of research and work of the IEC

The victims expect the IEC's **object of research** to include the following topics: the stigmatisation of victims; how it works; what consequences and impact does it have; the consequences of administrative detention in general, for individuals and for society; its significance from an economic point of view for individuals and society; the repercussions on the physical and psychological health of the victims; the isolation and stigmatisation that still go on nowadays. In this respect, the victims also mentioned the Child and Adult Protection Authorities (in German: Kindes- und Erwachsenenschutzbehörde, KESB) as institutions currently involved. Some participants wish that the IEC thoroughly tackle the issue of poverty and the relationship between rich and poor in Switzerland, as up to now these issues have not been discussed in depth. Moreover, it is necessary to highlight the economic and social damage caused by this chapter of history.

The reassessment should focus on making the «system» visible: the normality of violence; the laid-back attitude of the authorities that did not side with the victims; the «arbitrariness of the authorities»; the fact that the victims felt they were at the system's mercy; the hostility of society towards everything concerning the physical body and pleasure. The excuse of it being «other times» is not acceptable. The research work should highlight the deliberate acting of the people responsible like doctors and guardians, as well as the perpetrators' religious background. The IEC should analyse especially the role played by medicine, the power of doctors and drug experiments conducted on the victims. Moreover, the participants point out that people who do not fall under the category of «administrative detainees» feel discriminated as far as the reassessment is concerned, i.e. the research field of the IEC is too narrow. Some victims underline also the importance of transgenerational aspects, that is the repercussions on children and on children's children, as well as the significance of the «victim generations» (a notion from the discussion) starting from the Thirties, which opened the path to the reassessment on behalf of the IEC. The victims and their work should be an object of research too, as well as the time after 1981. Regarding the **research work** of the IEC, the participants think it should help to understand why people had to endure administrative detention in general. It is important that the IEC records, renders and disseminates the voices of the victims and of the people involved, underpinning their statements. In this context, some participants asked critically: where are the people who for various reasons do not wish to speak? How did the IEC select the interviewees? Moreover, the participants asked themselves what the term «people involved» actually means, who falls within this category and who does not (see also number 5).

The discussions focussed also on the access to records and anonymisation: the right of the individuals to be forgotten is opposed to the need to preserve the records for historiographical purposes, thus enabling a collective knowledge of history. For the people involved the main issue is here if members of their families could end up in difficult situations because of the stored documents and the possibility to access them. The access to records is considered unjust (who obtains information about whom). Many participants consider the anonymisation of the victims in the research reports very important and stress that third parties should not be able to access the records due to the risk of reprisal.

Concerning the research work, the following critical questions came up: which sources are trustworthy for the reassessment? The records of the authorities transmit a beautified image; the research work should focus on showing how and for what purposes these records were drawn up. What do the researchers do with the information concerning the victims? Some participants fear that the researchers may «rummage around» in the victims' past or that they may doubt their stories. A further problem regards the «victim group» analysed by the IEC: why did the IEC exclude certain «victim groups» and how did it select the interviewees, for example? Some participants point out that it is a mistake to interview only

60 people. Besides, the researchers should pay attention to the language and the notions they adopt in their report.

Basically, the IEC's final report should recount personal histories, which raises the question if the IEC is actually able to take into account all the different life histories. In this respect, the participants feel that it is important to build bridges between the IEC and the victims and recognise the significance of the exchanges between them, because only in this way the victims are recognised as such and involved in the research process as receivers and addressees of the chapter of history outlined by the IEC. Some victims fear that otherwise history might recur, that the reassessment might make the situation worse for the victims and that the stigmatisation might continue.

Some victims are of the opinion that the reassessment should not remain limited to research (see also number 4). The victims wish to see the results of the research (before publication). Some believe that the IEC should not think autonomously, but just write its report using the victims' words. On the contrary, others find that only the abstraction of theory makes it possible to combine individual histories, i.e. what each single person experienced, thus allowing statements that are valid for the whole of society.

### **3. Victims' involvement in the work of the IEC**

The victims recognise that the IEC is really interested in them. The fact that exchanges and discussions take place gives the victims hope. Therefore, they expressly welcome the present exchange event and acknowledge the need for further discussions, underlining simultaneously that they wish to really be able to discuss the issues at hand and be part to the working group. The victims used the following image to express their need: it is necessary to build bridges between the IEC and the victims.

At the moment, the victims are not sure what the aim of their involvement on behalf of the IEC is. They fear that they will be «used» and then «disposed of», but not taken seriously (as experts). On the contrary, the victims wish to be considered for the work they have done in their personal lives and/or for their efforts to reassess the injustice suffered. This work, and not just their «role of victims», should be incorporated into the various levels of research and made visible. On the one hand, the victims are pleased to have had the opportunity of giving an interview and in this respect feel that it is important that the IEC offers them a way out of their silence. At the same time, though, the victims criticise the IEC's focus on administrative detention and the selection of interviewees (see also number 2). On the other hand, the victims ask the IEC to write a shared history by making the researchers work together with people who currently suffer similar experiences because they are exposed to stigmatisation, their children were taken away from them or they live in poverty, or by adopting the peer-to-group method. The victims are aware of the fact that there are actual or possible misunderstandings between the laws of research and what the witnesses of the times experienced and fear that the results could be too theoretical if the researchers do not involve the people who experienced administrative detention. Finally, the critical question came up regarding who has the right to produce knowledge. This question is connected to the above mentioned issue, according to which the victims feel themselves as receivers of the research results of the IEC but also as producers of knowledge and question the way they are involved in the work of the IEC in this double role. This ambivalence regarding the allocation of roles between the IEC and the victims was pinpointed by a table with the following quotation: «Les personnes concernées ont le droit de dire et la CIE d'écrire, mais les personnes concernées n'ont pas le droit d'écrire et la CIE n'a pas le droit de dire.» («The victims have the right to say and the IEC to write, but the victims do not have the right to write and the IEC does not have the right to say»). See also number 5).

### **4. Dissemination of the research work and results of the IEC, website**

The history of administrative detention should reach a wide public, i.e. not only historians and academics. The language used in the final report should be easily comprehensible and not too academical.

Nonetheless, many fear that the knowledge acquired will not last. In this respect, it is important that this chapter of history finds place in school textbooks; this recommendation was repeated various times. This would guarantee a certain sustainability and would represent a form of compensation for the victims. Moreover, the participants hope that the knowledge and the memory of this chapter of history become part of the general awareness of history.

The website of the IEC was praised, but also criticised. Some sections of the homepage are too disorganized. The victims find that there is not enough focus of the topic of compulsory welfare measures beyond administrative detention. Moreover, some victims find the website lacks maintenance and wish the IEC were more active on the social media. An important issue regards the access to information, which takes place mainly through the IEC website. Not all the victims have a computer or an internet connection and so they do not have access to information about the IEC.

## **5. Communication and positioning of the IEC in public**

The victims expect a stronger presence of the IEC in public and in the media. The IEC plays a central role in raising the public's awareness as well as in disseminating the history of administrative detention. Many victims criticise the fact that up to now they had to be the ones to spread information on this chapter of history among the public.

The victims asked why the IEC has not presented any results yet, contrary to their expectations. The IEC's final report is considered important: on the one side, it gives the victims the necessary basis to exercise their rights. On the other hand, they expect the report, as a form of committed history writing, to supply tangible answers to the question «Who was responsible?». The victims' statements incorporated into the research work of the IEC should be used to answer this question.

A further issue under discussion regards the cooperation and coordination between the IEC and other research projects (in particular the NFP 76 project), but also between the IEC and the Federal Office of Justice. The victims want to know how the IEC handles the collected personal data and sources, considering in particular that the victims' personal destinies generate income (for researchers, State employees, etc.). The trust that the victims have in the IEC should not be betrayed, for example by passing on sources directly to other projects or institutions.

Besides, the victims expect the IEC to make the public aware of the problems that still exist and to draw up recommendations. At the end of the research, the IEC could compile a list of measures that should be adopted. Basically, the victims hope that the results achieved by the IEC may be used to carry through political requests on behalf of the victims themselves, but also to show and possibly stop the still persisting discrimination and stigmatisation. The victims expect the IEC to be more active in public also in this respect.

Finally, the victims ask to establish an ethical committee with the mandate of carrying on investigating these issues after the conclusion of the IEC's research.

## **6. Rehabilitation**

Some victims are disenchanted because, for example, the measures suggested at the Round Table are not carried out adequately (legal advice, debt cancellation, amendment of records, old-age poverty, Swiss general travel card and other financial facilitations, places where the victims can meet and exchange their experiences, etc.). The linguistic evolution from «dédommagement» to «réparation» and then to «solidarité» is considered symptomatic in this respect and criticised.

Some of the victims still feel discriminated by the State, as many of them still live in poverty and consider this a direct consequence of their past (custody arrangements, detention, etc.). A proper financial compensation appears therefore essential so that they can live in dignity. In this context some participants point out that the State's allocation of funds is disproportionate: a lot of funds have been allotted to research, while the single victims received only small indemnity payments.

The role of the IEC in the rehabilitation of the victims needs to be clarified.

The victims hope that they will get through the reassessment as pain-free as possible and be able to leave the stigmatisation behind them. To achieve this goal it is necessary to break all taboos; the victims do not want to be chased any more. They hope the conclusion of the IEC's research will help them in this respect. The research results should be considered a memorial as well as a new beginning for the next generation and compensate the victims by recognising their suffering. In this context, the victims underline once more that the research results should be included in school textbooks. Some victims would appreciate some commemorative plaques or a monument, for example on the Rütli meadow. Facing the past should help to model the future and lead to a change of attitude in society.

In order to achieve an actual rehabilitation, it is necessary to focus also on the silence of the victims or better, on the difficulty they have in talking about their past; but at the same time, the victims themselves have to find the courage to talk about what they experienced. To this purpose, they should dive into their painful past once more and face what they endured. But many of them are afraid of new reprisals if they out themselves as «victims». In this context, the tables discussed the definition of «victim»: who is considered a victim and how is it possible to reach all the victims? Various participants pointed out that calling the perpetrators by their name and condemning them for what they did is essential in order to rehabilitate the victims of compulsory welfare measures (see also number 2).

### **7. Solidarity fund**

The victims' poverty today is a very concrete issue and the solidarity fund that has been set up is not enough to guarantee them a life in dignity. This fact is criticised. Moreover, the victims find it complicated to claim compensation, especially considering the difficulties they have to face with regard to the records. The procedure needs to be simplified. Besides, many victims have no idea they are entitled to a solidarity contribution, which is why it would be important to contact for example old people's homes directly. The victims also criticise the fact that the payment procedure takes too long and ask for immediate payment. At the same time they point out that a payment in cash as a form of «compensation» can also be perceived as humiliating (see also number 6).

### **8. Organisation of victims**

Some of the victims feel isolated and would therefore welcome a mouthpiece: how can they make themselves heard? With whom can they speak and when? Many victims complain about the fact that they were the ones who had to make the history of compulsory welfare measures in Switzerland known to the public (see also number 5).

The participants also discussed the relationship among the various victim organisations: the fact that there are too many organisations makes it more difficult to mobilise the victims. Some participants point out that dealing with the work of the IEC costs the victims time and money and therefore it is necessary to provide for spaces to this purpose.