

EX.1

Department of Foreign Affairs
and International TradeMinistère des Affaires étrangères
et du Commerce International

Canada

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Torture Awareness Workshop Reference Materials

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Definition

The term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984).

Torture Awareness Workshop

The revised workshop focuses on creating a greater awareness among consular officials to the possibility of Canadians detained abroad being tortured. It also outlines a framework for reporting such cases so that appropriate action may be taken.

Content of the course is provided below, but should only be used as reference material and as a supplement to the workshop.

To register, or for any content-related questions, please contact francine.geoffroy@international.gc.ca.



Course Modules

- [Module 1: Introduction/Definition/Laws](#)
- [Module 2: Types and Effects](#)
- [Module 3: Techniques](#)
- [Module 4: Procedures for Dealing with Cases](#)
- [Workshop Summary](#)


Reference Materials

- [List of possible signs/indicators to look for](#)
- [Post Interview Checklist](#)
- [Samples questions to ask detainees](#)
- [Case study - Indirect Communications](#)

Videos

- [Gitmo \(24:18 min\) Windows Media Viewer Format \(long version\) - \(295KB\)](#) - 
- [Guantanamo GuideBook Quick Time Format \(short version\) - \(185KB\)](#) - 

Incidents of Abuse and/or Torture

get this ([Consular Framework - Part II: Consular Issues and Case Category Guidelines - Section 7 Arrest & Detention](#) - 

Part of the role of consular officers is to seek to ensure Canadian detainees are not subjected to abuse or torture.

The prohibition on torture is considered to be customary international law and is reflected in several international instruments including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the UN Standard Minimum Rules for the Treatment of Prisoners. International humanitarian law (IHL) also prohibits torture. Many forms of physical abuse, including systematic torture, are calculated to leave no physical evidence. Torture by electric shock and various forms of "water treatment" are two of the more common forms of torture which normally do not leave marks. Where such methods are alleged to have been used, the personal interview of the prisoner is imperative. In all cases of allegations of abuse, it is essential that the officer exercise judgment on the basis of all evidence at hand, including assessment of the prisoner's credibility, in determining the probable veracity of the allegation. Care should be taken to avoid any implication that Canadian officials have prematurely concluded that the local authorities have mistreated the prisoner.

Mission Checklist:

- Maintain an understanding of the host country's interrogation rules and practices.

- Where possible, conduct interviews with detained Canadians in private, consistent with normal security precautions, to prevent the prisoner from fearing reprisals (determine in advance whether authorities have a policy of recording such interviews and advise the detainee of same).
- Take detailed notes during interviews. Verify, during each visit, whether there are any marks or signs of abuse such as bruises, scratches, or cuts.
- Encourage the prisoner to make a formal declaration under oath or sign a written statement about any abuse he/she alleges.
- If there is evidence of abuse, arrange, if possible, to have the prisoner examined by a private medical doctor to determine the extent and probable cause of any injury.
- Protest, in consultation with headquarters, verified incidents of abuse or torture with host authorities. Do so only with the prisoner's consent.

Headquarters Checklist:

- With the detainee's written consent, manage contact with next of kin (if in Canada) or other interested parties. Consult with other DFAIT stakeholder divisions (e.g. geographics, legal, media relations, etc.). (CNO)
- Approve non-recoverable funding for medical examinations to determine whether a detainee has been abused or tortured only with the approval of CNO and legal (JLA). Note: the client should be advised that such provision of funding does not constitute an ongoing commitment to provide medical care.
- Determine appropriate response to incidents of abuse/torture with regards to host authorities in consultation with legal and geographic divisions. (CNO)
- For policy development, seek advice from organizations such as Amnesty International, Centre for Victims of Torture and/or other interested organizations. (CNP)

Related Links and Tools

- [The Torture Reporting Handbook](#) (The Human Rights Centre and Camille Giffard)
- [A Guide for Canadians Imprisoned Abroad](#)
- [Amnesty International](#)
 - [Combatting Torture: A manual for action](#)
- [Arar Commission](#)
 - [Arar Commission Report](#)
- [International Committee of the Red Cross](#)
- [International Covenant on Civil and Political Rights](#)
- [Universal Declaration of Human Rights](#)
- [UN Standard Minimum Rules for the Treatment of Prisoners](#)

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Torture & Abuse Awareness

Intro / Definition / Laws

Module 1

Introduction

- To give Consular Officials a greater awareness of the possibility of torture and abuse in dealing with Canadians imprisoned abroad and to enable them to more readily recognise the signs of torture.
- The workshop is also designed to make staff aware of the protocols for dealing with such cases to ensure that they are properly followed-up on.

Learning Objectives

In this module, you will:

- Learn the history of the Workshop
- Understand the Legal Framework banning torture and what torture is
- Learn where torture takes place and by whom
- Review Recommendations from the Arar Inquiry

The Workshop

- Started in 2004 with Canadian Centre for Victims of Torture
- Given to new recruits in 2005, 2006
- Revised after O'Connor report recommendations

Legal Framework – UN Definition

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:

- Obtaining a confession
- Punishment for an act they have committed or is suspected of having committed
- Or intimidated of coercion
- With the consent or acquiescence of a public official/person acting in an official capacity

UN Definition

Note:

It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Three Elements of Torture

- Infliction of severe mental or physical pain;
- By or with the consent or acquiescence of state authorities;
- For a specific purpose, such as gaining information, punishment or intimidation.

Torture vs. Abuse

- UN Definition of torture is specific
- Abuse of any kind is a consular concern

UN Convention Against Torture

- States to incorporate principles into domestic law and to criminalise the acts
- Conduct of private individuals not addressed.
- Torture must be condemned regardless of circumstances (no exceptions)

Instances of Torture

- Occurs in more than 100 countries
- Countries of widespread climate of violence
- Areas with Armed Conflict
- *Any location!*

Perpetrators

- Police
- Gendarmerie
- Military
- Paramilitary forces (working with military forces)
- State-controlled contra-guerrilla forces
- Prison officers
- Death squads
- Any government official
- Health professionals
- Co-detainees (acting on approval/ authority of public officials)

Organisations Working Against Torture

- International Committee of the Red Cross
- Amnesty International
- Médecins sans Frontières
- Canadian Centre of Victims of Torture
- Physicians for Human Rights
- Human Rights Watch

Canadian Law

- Criminal Code of Canada
 - 269.1 (1)
- Charter of Rights and Freedoms
 - Section 12.
- Anti Terrorism Act – Royal Assent in Dec. 2001

Report on Arar - Recommendations

- Recommendation17

A. Training for Consular Officials

B. Minister of Foreign Affairs to be informed

C. Insistence on Consular Rights of Detainee

Report on Arar – Recommendations (cont)

- Recommendation 18
 - Inform clients how info will be used and shared with other agencies.

Report on Arar – Recommendations (cont)

- Recommendation 23
 - Compensation

Recommendation 16

- The Government of Canada should develop a protocol to provide for coordination and coherence across government in addressing issues that arise when a Canadian is detained in another country in connection with terrorism-related activity. Essential features of this protocol should include consultation among relevant Canadian agencies, a coherent and unified approach in addressing the issues, and political accountability for the course of action adopted.

Possible Torture/Abuse Cases

- Afghanistan
- China
- Egypt
- Guantanamo Bay
- Iran
- Israel
- Mexico
- Saudi Arabia
- Syria
- USA

Module 1 - Summary

In this module, we looked at:

- History of the Workshop
- Legal Definitions and Laws
- What constitutes torture
- Recommendations made in the Arar Inquiry

Questions

Torture Awareness

Types and Effects

Module 2

Learning Objectives

- ◆ Examine the types of torture
- ◆ Look at signs or indicators of torture to help you recognise the possibility of torture
- ◆ Look at some of the effects of torture (short and long term, physical and psychological)

Why effects of Torture are important to understand

- ◆ Awareness of the types of torture will assist you in recognising when they may occur
- ◆ The effects can last a lifetime even with treatment
- ◆ Some effects may be immediate (depression, inattentiveness)
- ◆ Definition of torture is controversial

Definition of Torture

- ◆ US interrogation techniques
 - ◆ Non-physical
 - ◆ Blindfolded / Hooded
 - ◆ Forced Nudity
 - ◆ Isolation
 - ◆ Sleep Deprivation
 - ◆ Light

British Study of Torture

- ◆ Aggressive interviewing
- ◆ Fondling genitals
- ◆ Humiliating treatment
- ◆ Verbal abuse
- ◆ Threats against family
- ◆ Watching torture

All of the above have the same long term effects as physical torture

Main Categories

- ◆ Physical
- ◆ Psychological
- ◆ Sexual

Note: People can be subjected to more than one type of torture and the categories can overlap.

Types of Torture – Physical

- ◆ Beatings
- ◆ Poor conditions of detention
- ◆ Starvation
- ◆ Dehydration / Excess Hydration
- ◆ Suspension in painful positions
- ◆ Electric shocks
- ◆ Asphyxiations
- ◆ Chemical exposures
- ◆ Exposure to loud noises/bright lights
- ◆ Sexual assault

Types of Torture - Psychologic

- ◆ Verbal abuse
- ◆ Threats of death or further torture
- ◆ Harm to others or family
- ◆ Mock execution
- ◆ Forced statements/behaviours
- ◆ Sleep deprivation
- ◆ Sensory deprivation

Types of Torture – Sexual

- ◆ **Nakedness**
- ◆ **Fondling**
- ◆ **Rape**
- ◆ **Force others to witness or perpetrate rape**
- ◆ **Children as the product of rape**

Activity

- ◆ What do you think are some of the signs of torture? Keep in mind physical as well as non-physical symptoms (including psychological)

Physical Signs

- ◆ Many types of torture are designed not to leave marks (or may not be visible due to clothing)
- ◆ Best if doctor is available!
- ◆ If no doctor, make it clear that you are not a doctor.
- ◆ Obtain consent of individual to gather evidence

Note: Modern physical torture is often sophisticated and designed not to leave marks!

Physical Signs (con't)

- ◆ Obvious injuries: swelling, bruising, cuts, grazes, burns, scars (incl. surgical incisions)
- ◆ Rashes (can be caused by many things: conditions, chemical exposure)
- ◆ Skin colouration (ex. Yellowing, redness)
 - ◆ Exposure to chemicals
 - ◆ Restricted diet or starvation
- ◆ Difficulty in moving: walking, climbing stairs, sitting or standing for long periods, bending down, raising arms

Physical Signs (con't)

- ◆ Deformity of shape or posture of back or limbs.
- ◆ Weight loss / gain
- ◆ Alertness
- ◆ Fingernail colouration (haematoma)
- ◆ Dilation of pupils
 - ◆ Signs of drugging
 - ◆ Head injuries

Physical Signs (con't)

- ◆ Slurred speech
 - ◆ Signs of drugging
 - ◆ Brain damage from beatings
- ◆ Range of motion limited
- ◆ Hypersensitivity to:
 - ◆ Lights
 - ◆ Sounds
 - ◆ Touch

Eye Movements

- ◆ Does client avoid eye contact?
- ◆ Check the clients eyes:
 - ◆ Are they alert?
 - ◆ Are pupils appropriate for level of light?
 - ◆ Any movements which appear uncontrolled?
- ◆ Up to the left: creating the story, probable lie
- ◆ Up to the right: recounting known facts

Body Language / Posture

- ◆ Can give clues to what is not being said
- ◆ Lean forward: trust and willingness to talk with you
- ◆ Crossed arms: defensive posture
- ◆ Clasped hands: not telling complete story
- ◆ Hands behind head: competent, unthreatened
- ◆ Signs of a guilty mind: scratching nose, tugging the ear, drumming fingers, etc.

Non-Physical Signs

- ◆ Restlessness / Nervousness
 - ◆ Are others in the rooms?
 - ◆ Certain amount of nervousness / apprehension to be expected
- ◆ Agitation
- ◆ Exaggerated startle response
- ◆ Difficulty falling asleep
- ◆ Irritability
- ◆ Outbursts of anger
- ◆ Difficulty in concentration

Non-Physical Signs (con't)

- ◆ Contradictions
- ◆ Concern for family members
- ◆ Loss of hope / unrealistic expectations
- ◆ Voice (unnatural pauses)
- ◆ Language skills
- ◆ Appropriateness of answers
 - ◆ If interpreter used, do the answers fit the context?
 - ◆ Is the client making statements that do not fit the situation (ie: I am happy to be here)
- ◆ Do the answers seem rehearsed?

Language / Voice

- ◆ Watch for signs of stress: unnatural pauses, throat clearing, etc.
- ◆ Slurring of speech
- ◆ Difficulty speaking
- ◆ Can they be easily understood
- ◆ Grammar and syntax: shows level of education and understanding

After Effects

- ◆ Torture can have multiple after effects
- ◆ Includes the immediate effects as well as longer term effects
- ◆ Understanding the effects will assist in empathising with the client
- ◆ Categories:
 - ◆ Physical
 - ◆ Psychological (less obvious, may be much more difficult to detect)
 - ◆ Social / relationships: family and friends

After Effects – Physical

- ◆ Chronic headaches
- ◆ Paresthesia
- ◆ Hearing / vision loss
- ◆ Bone fractures
- ◆ Musculoskeletal pain
- ◆ Burns
- ◆ Scars
- ◆ Amenorrhea
- ◆ Rash
- ◆ Pregnancy
- ◆ STD's
- ◆ Sexual dysfunction
- ◆ Chronic abdominal pain

After Effects – Psychological

- ◆ Dissociation, depersonalisation and atypical behaviour
- ◆ Re-experiencing the trauma
- ◆ Avoidance behaviours
- ◆ Psychosis
- ◆ Depression
- ◆ Damaged self-concept of foreshortened future

After Effects – Psychological

- ◆ Acute stress disorder
- ◆ Post Traumatic Stress Disorder (PTSD)
- ◆ Somatic complaints
- ◆ Nightmares, panic attacks, flashbacks
- ◆ Substance abuse
- ◆ Sexual dysfunction
- ◆ Psychosomatic disorders

After Effects - Social

- ◆ Personal
- ◆ Family
- ◆ Friends
- ◆ Medical providers
- ◆ Authority figures
- ◆ Fellow citizens

Evaluation / Determination

- ◆ Assess all the clues / signs you have observed
- ◆ Weigh in factors such as prevalence in the country
- ◆ Ends up being a judgement call
- ◆ Follow-up visits may be necessary to confirm / dismiss suspicions

Remember

- ◆ There is no definitive set of rules
- ◆ Not all the signs will be obvious
- ◆ Some indications will be subject to your judgement
- ◆ Important to observe carefully
- ◆ Likely to be overlap in physical/non-physical categories
- ◆ You may not be able to make a definitive determination but the signs may raise your suspicions which will allow you to report back to CNO

Module 2 – Summary

- ◆ Examined types / categories of torture
- ◆ Looked at the effects of torture
- ◆ Reviewed signs to look for to aid in determining if torture may have taken place

Questions

Torture Awareness

Techniques

Module 3

Learning Objectives

- ◆ Approaching the client
- ◆ Obstacles to identifying possible victims of torture
- ◆ Addressing sensitivity
- ◆ Interview techniques
- ◆ Documenting observations / elements to substantiate

Approaching the Client

- ◆ Establish rapport
 - Introduce yourself
 - Purpose of visit
- ◆ Private setting
- ◆ Your posture
- ◆ Risk of re-traumatisation is possible
- ◆ Use trusted interpreters
- ◆ Prepare yourself for your own reactions

Approaching the Client

Informed Consent

- **Explain** nature of the consular visit
- **Why** the information is being sought
- **How** information may be used

Barriers to establishing rapport

- ◆ Mistrust/suspicion
- ◆ Fear of reprisals
- ◆ Language difficulties
- ◆ Cultural difficulties
- ◆ Stigma of torture, shame, guilt
- ◆ Others present (local guards, other prisoners)
- ◆ Families

Family Relations

- ◆ Stress brings out the worst
- ◆ Establish relations early
- ◆ Never lash out
- ◆ Transparent but not confidential
- ◆ Press, politicians, complaints

Addressing Sensitivity

- ◆ Show respect for the client (language, tone, attitude)
- ◆ Be aware of cultural factors
- ◆ Listen and allow expression of personal/family concerns
- ◆ Acknowledge pain and distress while maintaining professional boundaries
- ◆ Do not press them if they become distressed – may not be ready to talk about all details
- ◆ May need to conduct several shorter interviews to establish the facts
- ◆ Try to end interview on a less sensitive subject

Techniques

- ◆ Ask open ended questions
- ◆ Use yes/no questions when appropriate
- ◆ Avoid leading questions
- ◆ Allow client to speak at own pace

Techniques

- ◆ Remember to Empathise
- ◆ If client becomes upset, remain calm and speak in softer tones
- ◆ At close, thank client and ask to meet again in the future

Techniques – Observe Reactions

Remember to observe:

- ◆ Posture of person
- ◆ Body language
- ◆ Eye movements
- ◆ Speech patterns
- ◆ Appropriateness of responses

Considerations

- ◆ Selection of Consular Official
- ◆ Timing of visits
- ◆ Context

Elements to Substantiate Claims of Torture / Abuse

- ◆ Who did What to Whom?
- ◆ Who, Where, Why, How?

Elements to Substantiate

- ◆ Identity of the Alleged Perpetrators
- ◆ Circumstances of arrest/detention
- ◆ Where client was taken/held
- ◆ Holding/detention conditions
- ◆ Description of the mistreatment

Documentating Observation

- ◆ Detailed notes
- ◆ Medical
- ◆ Photographic
- ◆ Tape Recording (where possible)

Documenting Observations

- ◆ No Personal Opinions!
- ◆ Detailed account (put in writing as soon as possible)
- ◆ Post-Interview Checklist

Documenting Responses

(Subtle Hints)

- ◆ Is the client trying to tell you something?
- ◆ Document innocuous comments carefully and follow-up unusual references with family and friends.
- ◆ Pay Close Attention and Follow-Up references

Sample Questions

(if others present)

- ◆ Have you been sleeping? Are you getting enough sleep? Do you have bad dreams?
- ◆ How is your health? Did you seek medical treatment for any condition? When did you see a doctor? For which conditions are you being treated?
- ◆ How is your appetite? What do you usually eat? What did you have for dinner yesterday? What did you have a week ago?

Sample Questions

- ◆ Do you require anything for personal hygiene?
Bath/shower soap, toothpaste, toothbrush?
- ◆ Did you enjoy the reading material provided during last visit? Did you read anything of interest? Is there something specific you would like in terms of reading material in the future?
- ◆ How do you find the weather lately? Do you find a big change from last week?

Module 3 - Summary

- ◆ Approaching the client
- ◆ Obstacles to identifying possible victims of torture
- ◆ Addressing sensitivity
- ◆ Interview techniques
- ◆ Documenting observations / elements to substantiate

Questions

Torture Awareness

Procedures for Dealing With Cases

Module 4

Learning Objectives

- Visit client as soon as possible
- Inform Consular Affairs Bureau
- Detailed Reports (by C4)
- Possible Courses of Action

Visit the Client

- Arrange visit as soon as possible
- Review reference materials in advance, prepare questions and yourself
- Sends message to local officials that we are aware of the case
- Visit should be private (may not always be possible)

Informing the Consular Affairs Bureau

- Remember: “Recommendation 22” calls for notification of Minister – CND will arrange this
- CNO / CND should be informed as soon as possible
- Seek guidance from CNO at any time if unsure

Detailed Reports

- Reports should be as detailed as possible
- Note what you observed at the detention facility:
 - conditions, appearance of other inmates, attitude of guards, etc.
- Reports may be sensitive so secure means of transmission may be necessary (C4, SFAX)

Limitations

- Depends on the country
- Not every action may be possible due to cultural context, relation with host country, other limitations (access itself may be difficult or impeded) - Every case is different and guidelines may not always apply to each case
- Dual nationality limitation

Limitations (con't)

Subject requests no action be taken

- Fear of reprisals (against family, friends, self)
- Torture/mistreatment may worsen

***** SEEK GUIDANCE FROM CNO *****

Possible Courses of Action

We will now discuss the following on the next slides:

- Complaint to MFA
- Involvement of ICRC (limitations on what info they can share with us)
- Follow-up visits
- Other Groups

Possible Courses of Action

Note to MFA

- In conjunction with guidance from CNO
- Make local officials aware of out interest in the case
- Lodges official complaint
- May be enough in some cases to improve the situation and end the torture

Possible Courses of Action

Involvement of ICRC

- Seek guidance from CNO first
- ICRC has extensive experience
- Can arrange their own welfare visits
- Has own protocols and local contacts to protest mistreatment

Possible Courses of Action

Follow-up Visits

- Ensure subject knows that we will follow-up
- Regular visits may make future torture and mistreatment difficult for local officials
- Gives hope to the victim that they are not forgotten about
- Helps to establish the facts

Possible Courses of Action

Advice / Guidance

- Seek advice/ideas from other MCO's in region or those known to have had similar cases
- Seek advice from like-minded missions (UK, USA, Australian, EU countries and others)

Possible Courses of Action

Other Groups / Resources

- Local human rights groups can be source of knowledge and contacts
- Most countries have monitoring/watchdog groups
- NGO's working in the host country

Note: Remember, their agenda/biases must be taken into consideration!

Possible Courses of Action

Other Actions

- Criminal proceedings
- Civil proceedings (depends on country)
- Ombudsman
- National Human Rights Commission / Tribunal
- Truth Commission

Module 4 – Summary

- Visiting the client
- Informing the Consular Affairs Bureau
- Detailed Reporting
- Limitations
- Possible Courses of Actions

Questions



Module 3 Handout/Worksheet - Possible Signs

	Observed	Size	Location	Colouration	Description
Bruises					
Cuts					
Scars (incl. surgical incisions)					
Burns					
(Note if blistering)					
Rashes					
Can be caused by many things: conditions, chemical exposure					
Skin colouration (yellowing, redness)					
Can indicate Exposure to chemicals					
Poisoning					
Restricted diet					
Starvation					
Finger nail colouration					
Finger nail bruising					
Dilation of pupils					



Sign of drugging						
Speech/Language Skills						
Slurred (could be result of drugging, brain damage from beatings)						
Pauses (unnatural)						
Appropriateness of answers						
If interpreter used, do the answers fit the context?						
Is the client making statements that don't fit situation (ex. I am happy to be here)						
Do the answers seem rehearsed?						
Certain amount of nervousness/apprehension is to be expected						
Body language/Posture	Can give clues to what is not being said					
Hand position						
Leaning forward/back						
Able to sit straight						
Difficulty sitting						
Difficulty standing						
Difficulty walking						

[illegible]

Post Interview Checklist
(may be observed by interviewer or described by client)
(does not replace detailed notes)

Conditions of Prisons
YES/NO Describe

Cleanliness		
Attitude of Guards		
(Aggressive or helpful)		
Behaviour of other prisoners		
Food/Hygiene products provided		
(if not, indicate source - friends, family, etc)		
During Interview		
Were others present?		
Guards		
Interpreters		
Other prisoners		
Physical		
Difficulty moving		
Difficulty sitting		
Range of motion		
Weight loss/gain		
Eyes (reddish or yellowing)		
Signs of discomfort		
Psychological	Note if any of these were observed or described by client	
Unusual speech patterns		
Nervousness		
Appear to speak openly or reserved		
Restlessness		
Agitation		
Irritability		

GENERAL OBSERVATIONS:

Outbursts of anger		
Difficulty in concentration		
Unrealistic expectations (+or -)		
Nightmares, panic attacks, flashbacks		
Avoidance behaviours		
Hypersensitive to lights, sounds, touch		
Avoids eye contact		
Anxious/nervous		
Inability to sustain concentration		
Contradictions		
Concern for family members		
Loss of hope		