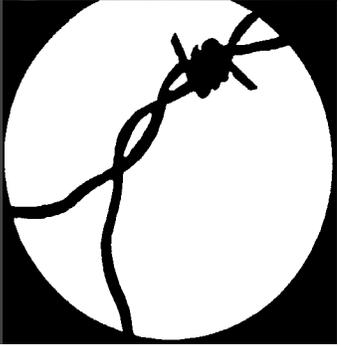




Photos from CCVT June 26 & 30th Anniversary on June 26, 2007

# First Light



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**First Light**, which is published semi-annually, is intended to inform the interested reader about torture, its effects and what we can do in aiding survivors to overcome their experience of torture and war. CCVT views itself as part of a larger global community and is committed to the struggle for human rights, justice and the end of the practice of torture.

We chose to call this publication **First Light** because as the first light before true dawn, it symbolizes the first ray of hope for survivors of torture.

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## Mandate

The Canadian Centre for Victims of Torture aids survivors in overcoming the lasting effects of torture and war. In partnership with the community, the Centre supports survivors in the process of successful integration into Canadian society, works for their protection and integrity, and raises awareness of the continuing effects of torture and war on survivors and their families.

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## The Impact of Impunity on Survivors of Genocide, War and Torture

By Ezat Mossallanejad

The term impunity is used when a person who has committed a criminal act is afterwards exempt from punishment or uses various methods to escape legal prosecution. There is a regrettable tendency in human history to leave perpetrators of massive, horrific crimes unpunished. Impunity is highly detrimental to prevention and eradication of torture, war crimes and crimes against humanity. (1)

Impunity is entangled in a cobweb of complex power relations that spans the world. Power, for instance, is the source of a major contradiction in the implementation of the Convention against Torture: while it is left up to contracting states to implement the Convention, torture is normally practiced with the sanction of the government and by those at the apex of political power. Thus, the very same regime which perpetrates an abuse to begin with is entrusted with its prosecution and prevention. This fact is responsible for the impunity of torturers and the ineffectiveness of the international legal instruments on human rights. It is noteworthy that under the existing legal framework, individuals who have committed war crimes and crimes against humanity (including torture) *cannot* face legal prosecution before losing their political power. There is therefore hardly any accountability for scores of criminals so long as they remain part of the ruling cliques.

Widespread human experiences during transitional periods have shown that it is difficult for victims to forget the horrible past and build a humane society while agents of tyranny and darkness – torturers, rapists, perpetrators of genocide and war crimes – walk freely with no compunction. In 1996, I traveled to Rwanda and visited seven cities, speaking to many people about what was needed to build a peaceful post-genocide society. What I encountered was a common belief in the need for reconciliation as a prerequisite for reconstruction. Reconciliation was, however, considered impossible without introducing some kind of justice for victims of the 1994 genocide.

It is by addressing the problem of impunity against the agents of death under a repressive *ancien regime* that a society under a new government can show its commitment to human rights.

Failure to prosecute torturers and war criminals may provide a green light for the general public to go easy on crime. Impunity for perpetrators of horrible massive crimes may encourage ordinary criminals to continue with their actions on an unprecedented scale. The lack of justice as such, during the period of transition, may provoke hatred and encourage survivors to take justice in their own hands by resorting to all kinds of retaliatory measures. The result could be chaos.

Let me share some of my own experiences about the impact of impunity on the well-being of torture survivors. In early 1998, a lawyer referred to me a young girl, a survivor of torture and rape, from my country of origin, Iran. She refused to accept any help from me and instead asked my associate, a student of Social Work, to provide her with services of the Canadian Centre for Victims of Torture (CCVT). My student told me later that she refused my help because my dialect resembled that of her torturer and rapist in jail. I persuaded the student to extend her help to the vulnerable girl while I absented myself. For a long time I used to leave the CCVT premises before the client's arrival.

Another client of mine had an urgent appointment with me. He badly needed a letter of support from CCVT. Before entering my office, he saw a man with a long beard waiting outside. No sooner had this client reached my office than his body started shaking. He told me in a voice filled with desperation: "What is this bloody torturer doing at CCVT that is our home and a safe haven for survivors? He tortured me, my friends and siblings...."

I asked him to relax and let me investigate. He was so annoyed that he forgot about his urgent

work and left the Center hurriedly. I informed Mr. Mulugeta Abai, the CCVT director, and we initiated a quiet investigation. My client called 4 times within half an hour to find out about the man with beard. I shared the result of our inquiry and assured him the man with the beard was a CCVT volunteer, coming from another country in another continent and speaking a totally different language. The client accepted my explanation, but it took him one week to return.

In the summer of 2002, around midday, a client rushed into my office at the CCVT and immediately collapsed. He used to be a client at the CCVT for more than a decade and my client for five years. To this day he continues to suffer from multiple effects of trauma as a result of torture he experienced in his country of origin. When his torturers failed to extract information from him, they proceeded to torture both his parents (murdering one of them in the process) as he was forced to look on.

After collapsing on the floor in my office, the client began to shiver in the midst of the overwhelming mid-summer heat. As I covered him with a blanket, everyone at CCVT hurried to help. The two physicians on staff, Dr. Teresa Dremetsikas and Dr. Mohammad Ahmad, attended to him but it took a full four hours for him to recover from his initial shock. When he was able to speak clearly he described the events that led to his collapse. It seemed that he had run into his torturer face-to-face and in broad daylight. "I didn't know what to do," he said, "I took a cab and rushed to you". When mental health professionals assessed him a short while later, he was found to be at risk and was admitted to a psychiatric facility where he spent a week. It was not until some time later that I learned the identity of my client's *attacker*; the person who had acted as a trigger re-traumatizing him in the process, was in fact a passerby who resembled the offender.

Rehabilitation of survivors of crimes of genocide, war and torture is a highly complex process. The resultant Post Traumatic Stress Disorder leaves negative effects on survivors' consciousness, values, feelings and the way they relate to others. (2) It has, however, been quite possible for us at the CCVT to empower survivors through a holistic model of rehabilitations and help them to cope with their trauma and participate in social life meaningfully. Rehabilitation becomes extremely difficult in

cases of clients' re-traumatization. This may happen when something (encounter with torturer, for example) acts as a trigger to take survivors back to their experience of torture. In rare cases, re-traumatization has made a client entirely paranoid.

The psychological impacts of impunity run through generations. The case of Mennonite persecution by both Catholics and Protestants during the 15th and 16th century AD is a fitting historical example. The Mennonites rejected all authority except that of the Bible and their own conscience, but adhered to the Christian doctrine of non-violence. For this they withstood brutality and torture. In my frequent encounter with Mennonite colleagues, I have found them forgiving, but not forgetful. I believe that for such atrocities the Mennonites deserve a great apology as a means to the ultimate healing of their historical wounds. (3)

Between 1915 to 1922, approximately 1.5 million Armenians perished as a result of a well-planned genocide by the rulers of the Ottoman Empire. Mass deportation and the relentless slaughter of Armenian civilians resulted in one of history's greatest disasters, a holocaust by any definition. Entire families were murdered; women and girls were violated and raped, and children were sold into slavery or sent to their deaths, perhaps even taking their own lives to escape starvation. Only decades later Hitler, in an attempt to carry forward his plan of the Jewish genocide, uttered these words: "Who after all speaks today of the annihilation of the Armenians?" (4)

To date Turkish authorities and heads of government have denied the Armenian request for an acknowledgement of the genocide and a public apology for the crimes committed against them. Individual Armenians still carry a collective burden as a result of the complete impunity of their perpetrators. The House of Commons in Canada adopted a private motion on April 21, 2004 stating that the "House acknowledges the Armenian genocide of 1915 and condemns this act as a crime against humanity." The government of Turkey condemned this motion as "narrow minded." (5) Denial opened up the old wounds. My Canadian Armenian clients shared their mixed feeling with me and expressed their deep sadness about the position of the government of Turkey.

The barbaric genocide of approximately six million European Jews for merely being Jewish traumatized the entire Jewish population of the world to the extent that even today they have not come out of the initial trauma. The belated acknowledgement of the atrocities of the Holocaust by Germany and Germans' endeavors to compensate for the past left a positive impact on survivors. Successive German governments have tried to ease historical tension between two peoples through reparations, frequent public apologies, financial compensations, and memorials to the survivors.

In September 1988, the fanatical government of Ayatollah Khomeini in Iran initiated a ghoulish massacre in political prisons all over Iran. The executioners did not even spare children as young as 13 and hanged six at a time. For two months at midnight, lorries carried people...into mass graves." (6) The actual numbers of victims is unknown up to today, but according to some estimates between fifteen to thirty thousand innocent political prisoners, some had served their terms, were massacred within a period of less than sixty days.

The Iranian holocaust of September 1988 is commemorated by thousands of Iranians across the world and secretly in Iran. Iranians, especially survivors and families of victims, expect the world to empathize, recognize and condemn this most barbaric state massacre in the contemporary history of their country. The CCVT has served hundreds of Iranian survivors who have chosen Canada as their new homes. They have shared their frustrations with us that the international community has hardly made any concrete effort to reveal the truth and recognize this tragic massacre of innocent prisoners as a crime against humanity. It is unfortunate that 19 years have passed and nobody has been prosecuted. Impunity as such has been acting as a big barrier in the way of rehabilitation of survivors. It is promising that since 1974, more than 30 Truth and Reconciliation Commissions (TRC) have emerged worldwide to address the problem of impunity with the intention of revealing the truth, healing the wounds and laying the foundation for national reconciliation. (7) TRCs have proved their effectiveness in some countries in reinterpretation of the history and acknowledging the gross violations of the dark past. They have unfortunately, been ineffective in other countries and, in many cases, have acted as substitutes for national courts.



It should be noted that the changes of regime in many countries have not led to structural change in the functioning of the state apparatus. Perpetrators remain active in army and Intelligence and use their influence to block the road to justice. Despite these limitations, Truth Commissions have tried their best to reveal the crimes of dark past with the help of tools such as uncovering of mass graves, reviewing secret files of the army and security forces, hearing and analyzing testimonies of survivors, witnesses and perpetrators, etc. They have contributed towards healing and empowering survivors. They have tried to engage in a series of efforts to make good the harm inflicted upon survivors and their families (reparation). They have also contributed towards the restoration of the victim to their original situation before the occurrence of torture or crimes of similar nature (Restitution).

There is no doubt that addressing impunity by Truth and Reconciliation Commissions is the first step in the spiral road of establishing a holistic peace that can be achieved through national and international solidarity. Joan Simalchik, the former Executive Director of the CCVT, has emphasized on the need for a great deal of national solidarity to overcome the problems of impunity:

"After cataclysmic natural disasters, such as floods and earthquakes, communities come together to commit resources, direct rebuilding efforts and learn from their mistakes. 'Unnatural' disasters require similar acknowledgement on a national level, the same psychological rebuilding and efforts to learn." (8)

There is a need for a holistic approach to the problem of transitional justice. Truth, reconciliation (amnesty), reparation and rehabilitation must come

together. Victims should be compensated financially as well. This will help victims whose lives are destroyed to reestablish themselves. There is also a need for ongoing counseling and trauma intervention combined with physical and psychological treatments. The process of justice and accountability should be comfortable and safe in the eyes of survivors. Survivors' participation is imperative. Their voices must be heard through their participation and written submissions. Other measures include apology, restoring legal rights, and revising history book to challenge rhetoric.

As a front-line CCVT counselor, I have found a high level of resilience among our clients who are survivors of crimes of genocide, war and torture. They rarely approach justice as a retributive concept. Most of them are open to the idea of ultimate forgiveness. They see punishment as a means to serve objectives such as correction, deterrence, rehabilitation, reformation, reparation and cure. These objectives are accompanied with the concept of forgiveness, extended even to the perpetrators of heinous crimes, both at the individual and social levels.

The dilemma of forgiveness stems from the fact that all culprits ask for pardon and while granted they repeat the same actions. Therefore, forgiveness must be attached to certain conditions. The perpetrators should show their sincere efforts to overcome their normal sense of denial and expose their past vices in all dimensions. They must show that they are willing to pay their debt to their victims and to the society as a whole.

It is impossible to reform perpetrator until and unless they acquire a new conscience. This new understanding should guide them to care for survivors more than they do for themselves. They must feel remorse and accept punishment in order to get emotional peace. According to the Bosnian scholar and linguist, Prof. Smail Balić, "evil cannot be offset by good when there is no genuine remorse." (9) There is no doubt that remorse and repentance serve no purpose if not accompanied by practical measures by perpetrators to reform themselves and compensate their victims.

There is a need for the survivors and the society as a whole to develop the idea of ultimate forgiveness. We need to have both retrospective and prospective attitudes. The idea of looking back to the crime

should serve the purpose of looking forward to the future of the society.

I agree with the Nobel Prize Laureate, Wole Soyinka, that "capacity to forgive enemy is based on love, at least a certain doctrine of love." (10) The transitional society that has emancipated itself from the regime of hate and terror must develop a new and all embracing perspective of love. Loving the enemy has a powerful healing impact both on survivors and on the entire society.

*\* Ezat Mossallanejad works as a Settlement Counsellor, Researcher and Policy Analyst at Canadian Centre for Victims of Torture (CCVT)*

Notes:

1. For more information on impunity see Amnesty International, *end Impunity: Justice for the Victims of Torture*, AI, London (UK), 2001.
2. For more information see Ezat Mossallanejad, *Torture in the Age of Fear*, Seraphim Editions, Hamilton On, Canada, 2005.
3. For more information on Mennonites' persecution see John S Oyer, *They harry the good people out of the land: Essays on the persecution, survival and flourishing of Anabaptists and Mennonites*, Mennonite Historical Society, 2000.
4. For more information on Armenian genocide see Abraham H. Hartunian, *Neither to Laugh Nor to Weep: An Odyssey of Faith: Memoir of the Armenian Genocide*, Armenian Heritage Press, 3rd Edition, November 1, 1997.
5. [www.cbc.ca/stories/2004/04/21/canada/armenia040421](http://www.cbc.ca/stories/2004/04/21/canada/armenia040421)
6. Veronique Mistiaen, "Memories of a slaughter in Iran," *The Toronto Star*, September. 5, 2004.
7. Joan Simulchik, "Impunity in Chile," in a collection of articles entitled "Crimes and (no) Punishment," from A Symposium on *Impunity and International Justice* moderated by David Webster. See *maisonneuve*, Issue 4, Summer 2003, p. 53.
8. Erna Paris, "Impunity and Accountability," in *Ibid.*, pp. 46-47.
9. As quoted in Simon Wiesenthal, *The Sunflower: On the Possibilities and Limits of Forgiveness*, Schocken Books, New York, p. 111. Prof. Balić's remark is in repose to the following question put before him and other contributors by the book's author, Simon Wiesenthal: "You are a prisoner in a concentration camp, a dying Nazi soldier asks for your forgiveness. What would you do?"
10. Wole Soyinka, *The Burden of Memory, the Muse of Forgiveness*, Oxford University Press, oxford, New York 1999, p. 98.

## 3<sup>rd</sup> International Expert Meeting on Genocide, War Crimes, and Crimes against Humanity

The 3<sup>rd</sup> International Conference on Genocide, War Crimes, and Crimes against Humanity was held in Ottawa from June 5<sup>th</sup> until June 7<sup>th</sup> 2007. Organized by International Criminal Police Organization, (Interpol), it was attended by 106 experts from human rights organizations around the world. People in the field were invited to share their experiences, and a number of global and national issues were discussed. Ezat Mossalanejad of the CCVT attended and gave a presentation on the impact of impunity on survivors of torture. Other topics explored by Canadian participants included Canada's process of dealing with war crime investigations; the causes of genocide from a comparative perspective, and the UN guidelines for children who are victims and witnesses of genocide, war crimes and crimes against humanity.

Canadian Senator and retired Lt. General Romeo Dallaire, author of *Shake Hands with the Devil*, was the keynote speaker. He offered his perspectives on genocide, crimes against humanity and their prevention. According to Dallaire, the ultimate aim should be to stop potential agents of genocide from taking power in the first place. In this way the world community could avoid genocide, instead being forced to react after the crimes have taken place.

It was generally agreed that human rights organizations must increase their protection of civilians, particularly children. Unable to defend themselves, often forced to become minimum-wage killers, children are at major risk in conflict areas. An expansion of the UN peacekeeping and peace-building capacity was suggested, especially in areas such as Sudan. In a bid to avoid punishment for its war crimes the Sudanese government has rejected any cooperation with the International Criminal Court (ICC).

Among other topics discussed was the trial of former President of Liberia Charles Taylor, now underway at the International Criminal Court in The Hague. Another presentation dealt with Co-

lombia. There, 9 different confessions have implicated a possible 2600 war criminals and have identified as many as 500 mass graves -all of which need investigation. Due attention was paid to the diamond conflict countries such as Sierra Leone, Angola and Congo. Other subjects included the role of victims within the ICC system, and the hazardous role of NGOs and the problems posed when they disappear during violent conflicts.

Reference was made to the remark by former UN Secretary General Kofi Annan that : respect for national sovereignty is not an excuse for lack of intervention when genocide, war crimes and other atrocities are being committed. It was shown that beyond preventing and intervening in conflicts, efforts to rebuild post-conflict regions must be boosted. Otherwise, conflicts are more likely to reoccur. Counseling, restitution and rehabilitation are some of the ways to help victims cope with the aftermath of war and violence. It was pointed out that in the aftermath of such conflicts there is a need for national prosecution through collaboration of the affected nation with the international community. To sum up: the international community must adopt a strategy to prevent, to react and to rebuild if it wants to lower the crime rates against humanity.

Finally, according to those present, the future may offer some hope. People at the conference saw a need to build up a global network of people prepared to investigate these crimes wherever they occur. These networks will require focal points, local and regional training, and deployment with the aid of Interpol, Europol, ICC and others. But better communications will mean an increase in networked solutions, and these will lead to the increased investigations and prosecution of torturers, *genocidaires*, war criminals and any others who have committed crimes against humanity.

...and slime had they for mortar.

Genesis, 11:3

### June 26

## United Nations International Day in Support of Victims of Torture

Fifty years ago, the United Nations recognized the need to call for an end of the widespread use of torture. In Article 5 of the Universal Declaration of Human Rights it stated: "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment." In 1966, this admonition was restated in Article 7 of The International Covenant on Civil and Political Rights. "Freedom from torture" is regarded as one of the "basic" human rights. On December 10, 1984, the General Assembly of the United Nations adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On June 26<sup>th</sup>, 1987, the family of nations finally enacted the International Convention against Torture. This Convention was the latest and most important effort by the international community to emphasize the urgent need to bring to an end the continuing practice of multiform of torture.

In late 1997, the **Canadian Centre for Victims of Torture (CCVT)** picked up the call proclaimed by the United Nations' General Assembly to celebrate June 26 as the UN International Day in Support of Torture Survivors. An Evening of Solidarity with Survivors of Torture took place in Toronto on June 26, 1998. Since then, we have celebrated June 26<sup>th</sup> on a regular basis. The CCVT have commemorated the spirit of survivors and have included workshops, speeches, skits, music, dancing, pantomimes and refreshments. Hundreds of people from dozens of communities have responded each year to CCVT invitation. They rallied together to enjoy this special event in the hope that one day torture will be eliminated from the surface of the globe.

This year, the Canadian Centre for Victims of Torture (CCVT) enthusiastically celebrated June 26<sup>th</sup> and commemorated the 30th anniversary of its existence. The theme of this year's celebration was the **Trauma of Exile and the Challenge to Settlement**. The event was funded by Citizenship and Immigration Canada. There were two parts for this event – one day panel discussions and evening of cultural performances. The event intended to facili-

tate interaction among the Human Rights community, survivors of torture, CIC funded workers (ISAP, SWIS, SEPT, HOST, LINC), Universities and Colleges, and other community agencies serving refugees. As a result, we had over 250 participants from all across Ontario and from over 40 organizations, who came with a shared commitment in advocating for refugees and immigrants' rights.

First panel discussion was on "The Role of Volunteers in Creating Hospitable and Welcoming Communities". Panelists included Carol Gamble from Volunteer Toronto, Arsim Aliu from Settlement and Integration Services Organization Hamilton, John Faustmann, Fred Mutawe and Chizuru Nobe from CCVT. This panel discussion addressed the importance and the role of volunteers in the settlement process. Each panelist emphasized that volunteering communities not only provide necessary support, but also create a safe and inviting environment; the one which fosters inclusion and facilitates successful healing.

The topic of afternoon panel discussion was "Investing in the Future - Empowering Child and Youth Survivors". Panelists were Dr. Marlinda Freire, Marilyn Ize-Dukaze from Greenhope for Children, Jorge Barahona from Culturelink, and Mbalu Wembo from CCVT. The workshop addressed problems related to youth newcomers such as intergenerational conflict, settlement needs and difficulties, schooling, etc. Each panelist talked about strategies on how to install positive attitudes in youth and help them contribute to the community we all strive to build.

Community Forum was concluded by powerful performance of Canadian Native Centre of Toronto, one of Canada's largest and oldest Friendship Centres. The audience was visibly taken by their powerful performance and engaging storytelling. The performance was particularly of an interest to CCVT clients, who wish to foster a greater understanding of Aboriginal People and their distinct culture.

The evening portion of the event featured several distinguished speakers and entertainers. Zorana Alimpic and Sanda Kazagic who are volunteers of CCVT hosted it.

CCVT executive director Mulugeta Abai spoke first saying that "now more than ever" there is a need for organizations like CCVT. Keynote speakers included the Honorable Bruce Stanton, Conservative MP for Simcoe North, Khalil Ramal, parliamentary assistant to Ontario Citizenship and Immigration Minister Mike Colle, and Dr. Phillip Berger, a co-founder of CCVT. Both federal and provincial government awarded CCVT with certificates for its 30th anniversary.

Participants were treated to some absolutely exquisite international cuisine and some world class entertainment from first rate performers including the Tamil Nimathy group composed of CCVT clients, a Burundi drumming group called Umurisho, belly dancer Zohreh Rostami, a Tambourine group from Persia called Daf, Alfredo Barahona, reggae performer King Ujah, Cuban group the Rumberos featuring master percussionist Joaquin Nunez.

There was great interest as evidenced by the scarcity of chairs. CCVT staff were forced to find some folded chairs from storage to accommodate the pleasantly surprising surplus of people. On such a hot and humid day it was indeed remarkable to see so many come out.

Celebration of June 26<sup>th</sup> has broadened our networking to work against torture. We need to do



Both federal (left: Honorable Bruce Stanton, Conservative MP for Simcoe North) and provincial government awarded CCVT with certificates for its 30th anniversary.

more on public education and encourage our government to play leadership role in this vital area. Canada is a party to the Convention against Torture and Other Cruel and Degrading Treatment or Punishment and to the Rome Statute for International Criminal Court. Canada should be commended for its War Crimes and Crimes against Humanity Act that address the problem of impunity as the main barrier in the way of prevention of torture. She is internationally obligated to bear international responsibilities for the abolition of torture and protection of torture survivors. Canada should demonstrate her support by ratification of the Optional Protocol to the Convention against Torture and by providing more financial contributions to the UN Voluntary Fund Victims of Torture. There is an urgent need for the Canadian government to reiterate its obligation to the principle of non-refoulement of people who could be subjected to torture in other countries. This principle is enshrined in the article 3 of the Convention against Torture and, in our view, is an absolute, which cannot be balanced with any political consideration.

Let us act today; let us make all our efforts to stop torture; let us expose oppressive and torturing regimes in any part of the globe; let us identify torturers and bring them to justice; let us not let torture continue and take lives of innocent people. And in the words of the former UN Secretary-General, "it is too late to prevent torture from accompanying us into the new century. But it is not too late to redouble our efforts to contain this menace."



CCVT Staff celebrating its 30th anniversary and June 26<sup>th</sup> event

### June 26 Speech by Dr. Philip Berger



In March, 1977 a refugee lawyer named Brent Knazan, now a provincial court judge, referred a Chilean refugee applicant to see me. The lawyer referred the woman for medical care and treatment arising from brutal torture at the bloody hands of the Pinochet regime. She had been subjected to sham executions, burned with cigarettes and - a non-swimmer

- was pushed into a swimming pool with her head forcibly and repeatedly submerged under water.

As professionals do, I wrote the lawyer a report and although it was not his original intention, he submitted the medical report as evidence for her refugee application hearing. Therein began what is now standard practice - the provision of medical evidence in support of claims by refugee applicants of torture by regimes from whom the applicant is fleeing. The work of the CCVT began with the Canadian legal system and we should remember that when evaluating the conduct of recent federal governments in relation to torture.

At the same time, in the late 1970's, a psychiatrist named Dr. Federico Allodi, then head of the Toronto Western Hospital's Transcultural Psychiatry Unit, was performing psychiatric assessments on refugee applicants who had been tortured. His reports were also used as evidence in the refugee determination process of the time.

I got together with Dr. Allodi after an anti-apartheid activist friend of mine met Dr. Allodi at a demonstration in downtown Toronto against Noranda Mines which invested heavily in countries whose governments tortured their citizens. Dr. Allodi established the doctrine that physicians had an ethical duty to protest against governments which were

making his patients sick - in this case by having tortured his patients.

Very quickly other physicians involved themselves in the examination of torture victims for the purpose of refugee application hearings - Dr. Donald Payne and Dr. David Etlin to name just two. But we also recognized that medical legal documentation - although critical - was only one element in the struggle against torture and in the recovery of torture victims from their trauma.

The "torture doctors" as we were then known joined with refugee lawyers and church committees to challenge the then restrictive immigration laws. Relying on the Allodi doctrine of physician protest against governments that were making our patients sick, we protested in the halls of government and on the streets.

"Documents and demonstrations" was the strategy we pursued. We made deputations to parliamentary committees and we participated in an occupation of the offices of the Honorable Ron Atkey, the then Minister of Immigration.

At the same time, we organized a network of physicians and dentists to provide health care to refugee applicants who had been tortured. And one of our members Dr. Ed Domovitch succeeded in persuading the then provincial government of the day - a Conservative Party government - to provide OHIP coverage to refugee applicants. It goes to show you that empathy for political refugees is not wedded to a particular ideology. In fact it was the provincial NDP government in the early 1990's which terminated OHIP coverage for refugee applicants, transferring responsibility to the federal government in a cumbersome and bureaucratic process to which refugee applicants are subject to this very day.

Further, the physicians published reports on their examinations of torture victims in the medical literature and presented their findings at medical conferences. The lay media paid attention. Many of these physicians originally involved in the examination of torture victims were interviewed widely in the media including for a feature in the New York Times magazine. Torture was out of the

closet and the fact of torture began permeating the Canadian consciousness. Ordinary Canadians recognized that their immigrant neighbour could be a refugee- someone tortured- seeking peace and freedom from a brutal regime.

Thus the CCVT was born, but with a much broader mandate and purpose - therapy, social events, medical and psychiatric care, deputations and most importantly a collective outrage against torture. And it was born with a twelve thousand dollar grant approved by a risk taking and courageous civil servant in the then Federal Ministry of Immigration, a grant which has grown to \$1.5 million today- testament to the continuing commitment and vision of Citizenship and Immigration Canada.

Finally, the CCVT of today is rightfully governed and administered by many refugees themselves.

Nonetheless the early years of physician involvement within the legal system is no less relevant today. And I speak now not in any way on behalf the CCVT but as a citizen who still has confidence in the right to speak openly, free of fear of retribution.

Opposition to torture must be unambiguous, absolute. Canadians cannot tolerate for a moment weeks of debate as to whether Canadian Military should hand over prisoners to governments and prison authorities that then torture those detainees. And what is with the Canadian Military? Just yesterday it was reported in the Globe and Mail and

elsewhere that Canada's military probe into the handling of Afghan detainees turned over by Canadian soldiers to Afghan authorities will not investigate serious and credible allegations of torture and abuse. What is the Canadian Military so afraid of?

The weeks of denial, changing stories, uncertain contractual arrangements and failure to investigate allegations of torture in Afghanistan are unacceptable. The association of the Canadian government and therefore its citizens with foreign governments must end where the torture by those foreign governments begins.

Finally, I lessened my engagement with the CCVT in the mid 1980's as I found myself as a doctor confronting the AIDS epidemic in Toronto. One of the slogans enunciated by AIDS activists in those terrible years of sickness was that "Silence Equals Death"- a perfectly suitable cry in the fight against torture. None of us can ever, ever remain silent in the face of continuing torture and unforgivable violations of human rights worldwide.

Thank you for so patiently listening to me.

*\*Dr. Berger is a co-founder of Canadian Centre for Victims of Torture. He is a Chief, Department of Family and Community Medicine and Medical Director, at St. Michael's Hospital, Toronto.*

**This speech was made at CCVT June 26 event on June 26, 2007.**



CCVT senior staff Teresa Dremetsikas, who has been working with CCVT over 20 years, shared a few words on her experiences with CCVT.



Led by master percussionist Joaquin Nunez, there was a spontaneous dance lesson on the stage.

# Healing Social Trauma Through a Community Based Approach

By Chizuru Nobe

One of my favorite tasks as a Volunteer Coordinator at the Canadian Centre for Victims of Torture (CCVT) is to match a volunteer and a client through the Befriending Program. I can sense the mixture of excitement and nervousness in both parties before the first match meeting. A volunteer may raise questions such as “Does s/he speak English?” “Am I sensitive enough to deal with a survivor of torture?” “What if I do something wrong to upset her?” On the other hand, a CCVT client may wonder: “Will s/he be nice to me?” “Can I trust her/him?” “Is my English good enough?” “What will the relationship be like?” I confess I get my own butterfly feelings when I make these matches. “Will they get along well?” “Will they show up to the first match meeting?” “How long will this match last?”

At the same time, I feel great sense of responsibility as someone who connects a survivor to a host community. A survivor could be someone who has only been in Canada for two weeks, and the volunteer I match her with might be her first encounter in her new community in Canada. In addition to being a newcomer, a survivor carries extra burdens on her shoulders – trauma, loss, shame, guilt, physical and psychological scars, and a label as a “torture victim.” A lack of understanding from the host community can impose further hindrance in the settlement and integration process of torture survivors. Without a careful screening process and appropriate training for the volunteers, the match may do more harm than good.

Still, community building programs like the Befriending Program are essential for survivors who have been detached from their community. When the matches are successful and create reciprocity, befriending relationships generate enormous advantages for both parties as well as for the community. The community approach is particularly important in dealing with the issue of torture, as torture has been long known as one of the strongest weapon of tyranny. In this paper, I would like to share my reflections on the social aspects of torture, how it affects the community, and the role of community in the fight against torture.

### “Torture” - Looking through community lenses

It is easy to fall into dichotomy of “torturer” and “victim”, “bad” and “good” when listening to a horrific story that a survivor has gone through. One’s first reaction may be to judge the torturer as a devil disguised as a human being. It is a common belief that “good” people would not torture and only “bad” ones would. But the research suggests an alternative view: under the certain conditions (wars, terrorist attacks, etc) and with well-panned instigations and setting, ordinary people can be encouraged to actively torture others. A certain social climate can promote torture, or at the very least, discourage efforts to resist using it. When encouraged by a respected authority figure or a peer group, people may accept torture as necessary, acceptable or deserved. They may simply be trying to follow orders or to fit in with their peers.

Like many other procedures, once torture becomes established as a part of internally acceptable norm under certain circumstances, its use often becomes institutionalized and self-perpetuating over time. What was once used only in exceptional cases can then become routine. “Torturers are part of a larger apparatus of terror that can act to shield them from the consequences of their actions” (1).

### Understanding Social Trauma

Traditionally, the trauma experienced by survivors is looked upon as a medical condition. An individual survivor is diagnosed as someone who suffers from a severe mental health issue as a result of a torture experience. Few people are aware of the enormous social consequences of torture, or the ways in which the entire fabric of a society is destroyed when a government sanctions torture. It wounds not only individuals, but also the relationships and social arrangements that connect them. When these disconnections happen in a community, it generates a social trauma. According to Ignacio Martin-Baro, the Jesuit psychologist who was assassinated by the Salvadoran military, the symptoms of social trauma include: fear of intervention, sense of powerlessness, ignorance,

blaming the victims and isolation from the community (2). Social trauma weakens our collective resilience and our will to fight against human rights violations. The impacts of trauma go beyond individuals and families into the local, national and global communities.

One result of globalization is that International norms and institutions for the protection of human rights are more developed than at any previous point in history. At the same time, global civil society fosters growing avenues of appeal for citizens who are repressed by their own states. But assaults on fundamental human dignity continue. The blurring of borders and rise of transnational actors that have fostered the development of a global human rights regime may also be generating new sources of human rights abuse (3). It is an unfortunate reality that new instances of torture continue to emerge, not only in so-called "Third World countries" or in countries with a democratic deficit, but also in countries whose governments claim to be defenders of freedom and democracy. After September 11<sup>th</sup>, popular mainstream movies and TV shows began to introduce torture as a necessary, or even heroic, action in the fight against terrorism. The promotion of this kind of ideology is extremely dangerous. We now know that once torture becomes accepted and approved, our community will suffer serious social trauma.

### The Role of Community

What can we, as members of global community, do to overcome this social trauma? Unlike a medical condition, there is no set prescription to heal social trauma. In order to tackle the symptoms of social trauma - isolation, fear, powerlessness, ignorance and blaming the victims, we need to look at the issue from a holistic perspective. The healing process requires community participation.

Since its inception, the Canadian Centre for Victims of Torture deliberately chose the community-based model in order to address the issue of social trauma. All of its programs are carefully designed to break the physical, psychological and emotional isolation. Unlike the clinical approach, which looks at powerlessness as a question of individual aberration, or misperception of reality (4); the centre accepts powerlessness as a legitimate reality. We try to work with those who feel powerless in tackling problems and taking action to alter the situation. CCVT programs are also constructed to break the self-blaming system and to give survivors a chance to look at the relation-

ship between personal issues and political structures. With its more than 250 volunteers, the centre spreads awareness of torture. It fosters trust and reciprocity, and it helps build networks and opportunities for the articulation of grievances in the community.

The practice of torture is a global issue that affects citizens wherever they live. My hope in writing this article is to raise awareness of the social impact of torture. I want to take this opportunity to congratulate the CCVT volunteers who selflessly commit their time and energy to create a welcoming community for survivors. When a volunteer walks in my door, s/he might not realize that s/he is joining a community determined to resist torture. I would also like to take this opportunity to congratulate those brave survivors who have walked away from the dark events in their past into a better, new life. We owe survivors our thanks. By sharing their culture and stories, they contribute to richer society for all of us. Eradication of torture may sound idealistic and unachievable, but as a person who witnesses the creation of a caring community every day, I can't help but have faith in our humanity.

*\*Chizuru Nobe is the Volunteer Coordinator at Canadian Centre for Victims of Torture. This paper was presented at CCVT June 26th event on June 26, 2007.*

Note:

- 1) Simalchik, Joan (1995). *The Politics of Torture: Dispelling the Myths and Understanding the Survivors*
- 2) CCVT (1999). *In Our Midst, Educational Aids to Work with Survivors of Torture and Organized Violence*
- 3) Brysk, Alison (2002). *Globalization and Human Rights: It's a Small World after All*
- 4) Albee, Joffe & Dusenbury (1998). *Bridging the Personal and the Political: Practices for a Liberation Psychology*



**CCVT June 26, Panel discussion**

# CCVT in Pictures



World Refugee Day



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**More pictures from  
CCVT June 26th & 30th anniversary event**



Afternoon Panel Discussion - Investing in the future



CCVT volunteers at reception table



MCs of the night!



Food from Afghan Women's Catering services



Performance by Canadian Native Centre of Toronto



Dance party!



Beautifully decorated dessert table

# Torture: Clinical and Ethical Considerations

By John Derry

Torture is a world wide phenomenon. In 2005, systematic torture occurred in 132 nations [i]. This epidemic of immense suffering shows no sign of abating. Many of the 21 million refugees and other uprooted people in the world have suffered torture. They are often vulnerable to torture in the country of asylum as well because they lack the protection of any government. Although it is difficult to make a precise determination, it is estimated that there are as many as seven million torture victims worldwide among the refugee population alone [ii].

Within the Canadian population there are thousands of people who carry the historical scars of physical and/or psychological torture. The following are some historical examples of people who came to Canada to escape torture, tyranny, war and subjugation:

- Loyalists fleeing the American Revolution
- African-Americans escaping slavery
- Scots dispossessed by the Highland Clearances
- Jews escaping persecution, especially during and after the Holocaust
- Thousands of people from the former USSR and Eastern Europe escaping Stalinist torture and state terrorism

Since the Second World War, Canada has accepted approximately 1 million refugees – more than 30 percent of whom have experienced various degrees of torture (Torture in the Age of Fear, Chapter 9).

In 1998 it was estimated that there were 400,000 torture victims living in the United States [iii], the large majority among the refugee population. Based on the fact that more refugees come to the United States

every year, there may now be over 500,000 torture survivors in the US [iv]. Some researchers have found Post Traumatic Stress Disorder (PTSD) rates as high as 63% in torture victims [v]. This means that the number of torture victims in the US who may exhibit serious psychological symptoms may be over 300,000 men, women and children. Clearly, this is a problem that demands serious attention from ethicists and psychologists.



This is because torture is one of the most perverse aspects of human behavior -both for the torturer and the victim [vi]. Torture victims may hide their traumatic experiences when seeking health care. At the same time, medical ethics oblige clinicians to confront the situation and ask refugees and other uprooted people whether they have been tortured. Doctors often avoid asking about torture for fear of opening a Pandora's box of clinical woes. But the good news is: survivors can bounce back because they are resilient [vii].

The ethical and clinical choice to investigate the effects of torture begin with defining it. In English, the word "torture" comes from the Latin word "torquere" meaning literally "to cause to turn; to twist" [viii]. In Cambodia, the word for torture is 'tieru na kam', derived from the Buddhist word for karma, implying that one is being tortured in response to something that he or she has done [ix]. In this context, torture is linked with the concept of retributive justice. In ancient Rome, legal definitions included any torment inflicted by a public authority for a public good. This definition is too narrow for mod-

ern use.

The definition provided by the World Medical Association (WMA) in its Tokyo Declaration [x] is as follows: a 'deliberate, systematic, or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason'. Most studies, however, define torture by using the definition provided by the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [xi]. *This document* defines torture as '...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 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'.

This definition stressed the political nature of torture and does not include individuals tortured by non-governmental agents. The WMA definition is broad enough to cover the gaps in the Article 1 of the Convention against Torture. While the UN definition is binding on state parties, the WMA's definition can only be used on an ethical basis. It is perhaps too broad. Is it torture when a prison guard yells at a prisoner or slaps him or her on a single occasion? This would blur the distinction between torture and simple assault or even disciplinary action in a prison setting with possibly dangerous prisoners. As a result of this, studies of torture victims using one definition may not be compatible with studies using other definitions.

Thomas Campbell, the author of a recent article on the current state of diagnosis and treatment of torture survivors, has said that he became interested in the issue in 2004 after treating a torture survivor from Liberia. 'I found there was nothing really good in the literature on how to treat and even diagnose what I was seeing' [xii]. Doctors and others who specialize in treating victims find that the physical and psychiatric after-effects of torture are intertwined. The problems persist after the obvious wounds have healed. Post-Traumatic Stress Disorder (PTSD) appears to be worse in

individuals who have been beaten on the head and may be related with physical brain damage and cognitive impairment. According to Campbell, a key question is to determine which forms of treatment work best for the different groups of torture survivors, depending on their symptoms and cultural backgrounds.

The two most widely used modes of rehabilitation are: 1) a clinical approach, which draws upon various types of medical and psychological therapies and 2) a holistic approach, which combines clinical treatments with other social services such as befriending, language instruction, art therapy, appropriate housing, ongoing counselling, legal and immigration services, employment skills training, etc. The goal of the holistic approach is to enhance the coping capacity of torture survivors and to facilitate their participation in social life.

The nature of the trauma is not the only factor determining the psychological sequelae of torture. M. Basoglu and his colleagues have hypothesized that the lower than expected incidence of PTSD in their 1994 study was due to the fact that the people in their studies were political activists dedicated to their cause who knew the potential results of speaking out against their government [xiii]. These results differed from the results of studies which examined non-activist tortured refugees.

Psychological effects of torture can have an impact on a victim's family members, although it is not clear how. Torture is not only intended to break the will of an individual, but of an entire society. Family members may go for long periods without seeing the victim, or, if family members know the fate of the victim they may fear for their own lives. After returning to his or her family after surviving torture, the normal stress involved in family life of a refugee family in exile may be exacerbated leading in some cases to spousal or partner abuse, or divorce. The children of torture victims often exhibit psychosomatic symptoms, depression, learning difficulties, and developmental delays [xiv].

Increasingly, researchers have suggested that the symptoms displayed by torture survivors cannot be adequately explained in the PTSD model [xv]. To deal with this difficulty, researchers have proposed a complex PTSD model to better understand the symptoms exhibited by torture survivors.

Complex PTSD focuses on a number of the symptoms that have been documented by torture survivors. These include: trauma congruent hallucinations, depression, impaired memory, personality changes, suicidal ideation, identity disorders, conduct or substance abuse problems, physical impairments, disturbances in the value-processing system, and intensification of pretrauma disorders or conditions [xvi].

Torture is one of the most horrendous aspects of human behavior. Sadly it is practiced systematically in over half of our world's nations. The effects of torture can be profound and can cause pain and suffering for years after the actual torture has ceased. It affects future generations because the children of torture victims often show more conduct and psychological problems than children of non-victims. Although, like slavery, torture has occurred since the beginning of recorded history, something unprecedented has happened recently.

On the legal side, the international law has absolutely prohibited torture (Article 2 of the Convention against Torture and the joint Article 3s of the 4 all 4 Geneva Conventions). The Rome Statue of the International Criminal Court (which came into enforcement on July 1, 2002) has declared torture as crime against humanity. Under the provisions of the customary international law there is now no safe haven in the world for torturers. The family of nations has accepted the principle of non-return to torture.

On the clinical side, clinics and hospitals have been developed across the world specializing in the treatment of torture victims. These clinical facilities are needed to mitigate the effects of this awful crime. Torture does not just destroy the lives of individuals and families; it destroys entire societies. Psychologists have the techniques and education to mitigate the horrendous effects of the act and therefore clinicians and ethicists need to work together to stop the effects of torture from trickling down to another generation [xvii].

Finally, it should be noted that prevention of torture and rehabilitation of survivors cannot be effective without addressing the culture of violence, tyranny, repression and authoritarianism. This needs ethical commitments at the state and grass-root levels. As relevant today as they were more than half a century ago are the words of Mahatma Gandhi:

"Absolute immorality has to be pacified by the rule of absolute morality".

\* *John Perry is a Jesuit Priest living and working in Winnipeg. He is the author of "Torture: Religious Ethics and National Security". The article is a joint paper with Ezat Mossallanejad.*

### Note:

- i. Amnesty International, 2004..
- ii. M. Basoglu (ed)., Introduction to *Torture and its Consequences*. (New York: Cambridge Press, 1992).
- iii. J.M Jaranson, The science and politics of rehabilitating torture survivors. In: J.M. Jaranson & M.K. Popkin (Eds.), *Caring for Victims of torture*. (Washington, DC: American Psychiatric Press, 1998), oo, 15-40.
- iv. Thomas A. Campbell, Psychological assessment, diagnosis, and treatment of torture survivors: A review, *Classical Psychology Review* (2007).
- v. M. Basoglu, J. Jaranson, R. Mollica, & M. Kastrup, Torture and mental health: A research overview. In: E.
- vi. Garrity, T. Keane, & F. Tuma (eds.), *The mental health consequences of torture* (New York: Plenum Publishers, 2001), pp. 35-62.
- vii. P. Elsass, Treating victims of torture and violence. In: J. Anderson & H. Fuglsang (Eds.) (New York: New York University Press, 2007).
- viii. Peter Aldhous, Insight: The grim aftermath of torture they don't bother to show you. *New Scientist*, February 24-March 2, 2007.
- ix. R. Mollica & Y. Caspi-Yaavin, Measuring torture and torture related symptoms. *Journal of Consulting and Clinical Psychology* 3-4 (1991), 581-7.
- x. Mollica & Caspi-Yavin, 1991.
- xi. World Medical Association, *A declaration on human rights*. Tokyo 1975, p. 1.
- xii. United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), GA Res. 39/46, 39 GAOR Supplement (No. 51), at 197.
- xiii. Aldhous, Insight: The grim aftermath.
- xiv. M. Basoglu, M. Paker, O. Paker, E. Ozmen, I. Marks, C. Incesu, et al. Psychological effects of torture: A comparison of tortured with nontortured political activists in turkey. *American Journal of Psychiatry*. 272-2 (1994), 357-63.
- xv. I. Kira, Torture assessment and treatment. The wraparound approach. *Traumatology* 8-1 (2001), 23-51.
- xvi. J. Hermon, Complex PTSD: A syndrome in survivors of prolonged and repeated trauma. *Journal of Traumatic Stress*. 5 (1992), 377-91.
- xvii. I. Kira, Torture assessment and treatment, 23-5.

## Hierarchy of patriarchies: 'Honour Killings' and 'Gendercide' in Turkey

Zeynep Belir

I will never forget the research I conducted in Turkey on the topic of 'Honour Killings' and 'Gendercide'. While I was a University of Toronto student, I had the opportunity to research this topic during the summer of 2003. I applied for the 'William Beattie Fund' from the 'Trudeau Centre for Peace and Conflict Studies,' at the University of Toronto. This bursary was given to students who proposed a topic that was currently understudied. I received the bursary which partially facilitated my trip to Turkey.

It is important to understand the terminology. 'Honour Killings' or '*Tore-Cinayetleri*' is a term more specific to a practice often applied to girls/women, who are killed with the order of the 'family gathering,' or '*aile meclis karari*,' due to a wide range reasons, like extra-marital relationships, suspicion, gossip, and disobedience. Such an act of crime may also be known as Gendercide, "...gendercide would be the deliberate extermination of persons of a particular sex (or gender). Other terms, such as 'gynocide' and 'femicide,' have been used to refer to the wrongful killing of girls and women. But 'gendercide' is a sex-neutral term in that the victims may be either male or female.

While I was in Turkey, I had a chance to analyze newspaper articles, books and magazines, visit shelters, watch TV and speak to ordinary citizens, men and women. I collected newspaper articles on a daily basis and visited the *Basin (Press) Museum* located at Cemberlitas, near Sultanahmet, in Istanbul. I visited the *Mor Cati Kadin Siginag Vakfi* or 'Purple Roof Women's Shelter Organization' located in the heart of Beyoglu and Elmadaga. I visited the *Kadin Arastirma Dernegi* or 'Association of Research on Women.' I also visited the *Kadin Eserleri Kutuphanesi ve Bilgi Merkezi Vakfi* or 'Library for Women's Collections.'

A story that really touched my heart during my trip was of Ms. Semse Allak. I had come across her story on June 21<sup>st</sup> 2003, while reading the *Sabah*

newspaper. Ms. Allak was stoned until she went into a comma, while five months pregnant, for dishonouring her family. Ms. Allak was from Mardin. When she passed away at the hospital, no one claimed for her body. The organization known as *KAMER, Kadinlar Merkezi* / 'Womens Centre Organization' decided to take her body and perform the funeral. While it is the duty of the male members to carry the coffin; not a single male performed this duty. The women from *KAMER* took on this role. While Ms. Allak was to be buried in a cemetery 'for the unknown people,' *KAMER* made sure that she was buried to a regular cemetery.

While the list of women killed, by their male partners/brothers/friends or family members, is too long to fit into this article, they too deserve to be remembered, analyzed and mentioned.

My chance to research, collect newspaper article, watch TV and speak to people, helped me understand the root causes of the problem. 'Honour Killings' and 'Gendercide' are designed to serve the patriarchal needs and wants of men in certain communities. The root cause lies within the culture and socio-economic situation of the family, which in turn affects the community, the city and eventually the country. The practice of 'Honour Killings' has existed as a culture, a custom and tradition in certain parts of Turkey. In order to break the patriarchal hierarchy, certain reforms



have to be introduced, and the government needs to be a part of this reform. For instance, economic freedom would give hope for women to gain an equal foothold with men. Once women feel that they no longer need to depend on their male members to survive, then there will be a sense of equality among both genders. This sense of equality should be sought for and achieved. Once both genders are equal, and then respect is also achieved, which in turn would break the cycle of 'honour killings' and 'gendercide.'

*\* Zeynep Belir is a refugee advocate and community activist living in Toronto. She has completed her studies from University of Toronto.*

Note:

1. [http://www.gendercide.org/what\\_is\\_gendercide.html](http://www.gendercide.org/what_is_gendercide.html)
2. Address: Cemberlitas, Divanyolu cad. No: 84, Kat 3, Istanbul, Turquie, Tel: 0212 513 8458, Fax: 0212 513 8457

3. Address: Elmadag, Inonu Mah. Nispet Sok, Pinarbasi Apt: 6/5, Istanbul, 30230, Turquie. Contact: Pinar Ilkaracan.
4. Address: Turkiye Cumhuriyeti Istanbul Universitesi Rektorlugu Ogrenci Kultur Merkezi: Kadin Sorunlari Arastirma Merkezi. Contact: Ms. Prof. Necla Arat (director of science information branch), Ms.Gulsevil Erdem (President of the association)
5. Address: Kadin Eserleri Kutuphanesi ve Bilgi Merkezi Vakfi, Fener Mah. Abdullezel Pasa Cad. Fener Vapur Iskelesi karsisi (Tarihi bina) 34220 Halic/Istanbul. Tel: 0212 534 9550, Fax: 0212 523 7408.
6. "A Takim Show" ATV live, 22 June 2003, mid-night debate (Turkish time).
7. Acay, Mursel, "Kadinlar Omuzladi," *Sabah*, 21 June 2003.

Whose eyes are these?

I lost my clothes, my shirt.  
And this hand, mine, slips from the sleeve of a stranger,  
Out of the sleeve of a gypsy errant on a forsaken island.  
On my feet are the shoes of another.  
And the scarf around my neck belonged to a stranger passing by.  
I lost my shoe, and cannot recognize through  
which solitary traveller's eyes my own eyes are looking.  
I lost my eyelids.  
This glare, searching the world over for what  
I have lost, whose is it?  
Oh God! Whose eyes are these?  
And that which we will recover, whose will it be?  
Alas, I have lost my self!

Mohamad Djalali Tchimeh

## Program Helps Torture Victims Find Solace, Healing

By Joan Arehart-Treichel

*Canadian psychiatrists assess and treat individuals who have been the victims of political torture in other countries. Most of these patients are remarkably resilient and do quite well in treatment.*

If eyes are a window to a man's soul, then those of Ezat Mossallanejed, Ph.D., reflect unspeakable horror. The horror stems from two different experiences—being tortured under the regime of the shah of Iran and then forced into exile by Iranian Islamic fundamentalists.

Mossallanejed's journey eventually took him to Toronto, Canada, where he works as a policy analyst and a settlement counselor in a most unusual place—the Canadian Center for Victims of Torture (CCVT) in downtown Toronto.

The CCVT's mission is to assist individuals who have been tortured for political reasons. It was founded 30 years ago by Toronto psychiatrist Federico Allodi, M.D., and Toronto family physician Philip Berger, M.D., and has helped some 16,000 persons. It was the second such center to be set up in the world and has served as a prototype for more than 100 others that have been formed since, a few of them in the United States.

The center is a safe haven for those who have obtained refugee status and for those who seek it. For instance, Mossallanejed nurtures a small tree in his office. It gives both him and his clients comfort and hope, he explains in a soft voice and gentle manner that belie his haunted past.

The center is also a family for torture victims who have lost theirs—for example, for Emed Abbas, a burly Iraqi in a green-checkered jacket who was tortured under Saddam Hussein. "My family is scattered all over the world," he laments.

Moreover, the center offers torture victims help with legal counseling, assistance in obtaining housing, assistance in obtaining employment, English courses, computer courses, medical care, psychiatric assess-

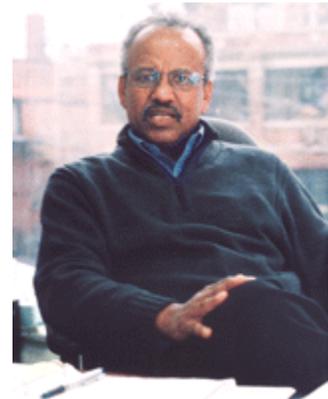
ments to be presented at their refugee hearings by the Canadian Immigration and Refugee Board, and psychiatric treatment for the psychological consequences of their torture experiences. There are even special services for children whose parents have been tortured or who have been tortured themselves, among which are tutoring, a homework club, art therapy, computer training, and medical care.

Finally, CCVT's services are provided not just by its 15 staff members, but by some 300 physicians, lawyers, and other professionals who, among them, speak 40 languages. The services provided by lawyers and physicians are reimbursed by the Canadian government, but as Donald Payne, M.D., a Toronto psychiatrist and CCVT board member, points out, "With most refugee claims, one has to put in a lot more effort than one gets paid for."

### Multiple Challenges to Overcome

Depending on their particular responsibilities, those helping CCVT clients face different types of challenges.

For example, in spite of trying for 12 years to convince the Canadian Immigration and Refugee Board that a particular torture victim de-



Mulugeta Abai: "We have to break the circle of silence surrounding torture."  
Photo: Joan Arehart-Treichel

serves refugee status, Mossallanejed has not managed to do so. Such failures are a downside of his work, he says. Yet another burden, he points out, is continually listening to other people's torture stories while trying to forget his own.

One of the biggest hurdles that Mulugeta Abai, an Ethiopian torture victim and now executive director of the CCVT, faces is raising funds to keep the center afloat. It has been especially difficult since 9/11 because people don't want to think about torture, he explains. "Yet we have to break the circle of silence regarding torture."

"One of the biggest challenges in helping patients from the CCVT," Lisa Andermann, M.D., a psychiatrist at Toronto's Mount Sinai Hospital and a CCVT board member, emphasizes, "is that it is difficult to do traditional psychiatric trauma treatment when clients are still uncertain about their immigration status and are facing very practical everyday problems around finances, housing, work, and organizing their daily lives... Only after issues around immigration are settled, and clients feel secure knowing they can remain in the country, can [such treatment really get under way]."

Payne has assessed or treated more than 1,500 victims of torture and war over the last 28 years. Most have been referred by the CCVT, although some directly by lawyers. At first he was worried that he might not be able to relate to people from cultures vastly different from his own. Yet that has not been a problem, he says. "Once you start talking to these people, they relate back. You quickly pick up on the cultural aspects."

### **Interpreters Can Present Barrier**

What has been an occasional irritation, though, he admits, is when the Canadian Immigration and Refugee Board complains that his psychiatric assessments of torture victims all sound the same. Yet he sees no easy way to satisfy the board on this point, because the torture victims he assesses have often experienced similar atrocities. And what has been an occasional barrier, he adds, is getting interpreters not just to abstract patients' stories, but to tell him the exact words they used, so that he can get a better sense of what they have experienced and how it has affected them.

Yet even without the involvement of translators, it is not always easy to determine what torture victims have experienced and how these experiences af-

fect their day-to-day functioning, Rosemary Meier, M.D., reports. Meier has assessed or treated some 100 CCVT clients over the past 17 years. "Some people can have very florid symptoms, but function fine," she says, "whereas others have symptoms that don't appear to be quite as serious, but that are very detrimental to their ability to continue their lives."

And the symptoms that torture victims experience, Meier continues, "depend not just on their torture experiences, but the context of [those experiences].... People who are politically active perhaps realize they are running risks and are in a different situation from those who [experience torture] as a chance encounter."

To illustrate her point, she cited the example of a woman who had been living in an apartment building in a South American city. "The superintendent came to do a small repair [in her Apartment]. He had been politically active. It was through that that she was trailed, captured, and tortured."

Payne agrees. "A lot of the people we see have been politically involved, where they know that being politically involved is dangerous. They are prepared in some ways for the risks involved. However, some of the torture victims we see weren't prepared."

One such person Payne cites is a man whose brother was politically active, but the man was arrested and tortured "just because of their relationship."

Which symptoms torture victims experience also depends "on where people are at in their lives," Meier points out. Payne concurs, noting, "I have seen some 15- and 16-year-olds who were detained and tortured and who did not have the psychological resources that older people have."

But just as working with CCVT clients presents challenges, it also offers rewards. Mossallanejed said he is particularly proud of two refugees he has helped. One is now a general practitioner in Canada and the other a heart surgeon in the United States.

Abai is especially pleased when CCVT clients find work, then share a little of their income with the center. Their success and generosity "make us

feel successful."

Payne is also delighted when CCVT clients find work because it often means so much to them psychologically. "The bad thing about torture is not the pain itself, but the personal denigration and loss of self-esteem that it inflicts," he explains. "So it is [especially difficult for torture victims] to come here and be on welfare.... But if they can get work again

and support themselves," they usually do quite well.

Indeed, one of the greatest rewards that Payne has received from treating torture victims is that about 80 percent of them have responded well to treatment and have gotten on with their lives. "You get a sense of the real human spirit in these individuals," he declares.

While they were being tortured or imprisoned, Ezat Mossallanejed, Ph.D., and his prison mates used a number of strategies to survive and keep their sanity, he explained in his book, *Torture in the Age of Fear* (Seraphim Editions, 2005). Here are some of them:

- **Physical activity.** "In the four years I was in prison," he wrote, "I discovered the value of regular exercise. It may sound trivial, but exercise is also a method of resistance, a way of regaining control over your life. [Also] if you are healthy, you are better able to withstand torture....Even when I was so badly injured that I could barely move, I made a point of flexing those parts of my body, such as my arms and my neck, which had not been injured."
  - **Task setting.** "To do nothing in prison, day after day for four years, is to go mad," he admitted. "My friends and I knew this, and so we would invent all sorts of distractions for ourselves. For instance, we would take out the less-cooked inner part of our bread, mix it with our saliva by chewing, and knead the bread for hours until we got a dough similar to Playdoh."
  - **Art.** "I was not an artist," he said, "but when it became necessary, I found myself capable of creating art in order to survive, and seeing the finished products in my hand gave me great joy. Such experiences help me to appreciate the Art Therapy Program of the Canadian Center for Victims of Torture" (see accompanying article).
  - **Music.** "I remember one particularly good singer who used to go to the bedside of a severely ill cell-mate and sing the most beautiful songs. That inmate was a very young boy...who had been arrested at random and severely tortured by burning....The singing was one of the few things that seemed to make him happy."
  - **Storytelling and humour.** "I myself have no talent for singing, and so in prison I learned to tell stories instead. I found that humour in particular was valued.... We could make ourselves feel better by making our oppressors appear ridiculous....[In fact] satire was a form of humour particularly suited to our situation, since it is as much about pointing out the absurdity and injustice of a system as it is about laughter. In this way it became another form of resistance, and it minimized the amount of power that our torturers and interrogators held over us."
- Love.** The most important thing that helped Mossallanejed and his fellow prisoners survive was love, he emphasized. "I will never forget an engineer who became totally dysfunctional as a result of the tortures he had undergone. We made a desperate [yet unsuccessful] attempt to take him out of his self-imposed isolation....[Then] a man from his town was brought in... .The new inmate took it upon himself to wash the engineer's clothes and persuaded him to eat well....Within a period of two months, an unbelievable miracle happened. Our engineer was completely cured."



Ezat Mossallanejed, Ph.D., an Iranian torture victim, is now helping others who have experienced torture.  
Photo: Joan Arehart-Treichel

\* Joan Arehart-Treichel is a senior staff writer with the *Psychiatric News*, American Psychiatric Association. We would like to thank *Psychiatric News* and its union for the kind permission to reproduce the article. **This article was published at *Psychiatry News* February 2, 2007 Volume 42, Number 3, page 9. For more information, please go to <http://pn.psychiatryonline.org/cgi/content/full/42/3/9>**

## **Amnesty slams 'politics of fear' The post-9/11 war on terror eroding human rights, report warns**

**by Olivia Ward**

In its most sweeping statement to date, Amnesty International has condemned the "politics of fear" that it says has polarized the world and allowed appalling violations of human rights to burgeon. "Fear thrives on myopic and cowardly leadership," said Amnesty Secretary General Irene Khan, introducing the London-based group's annual report, released yesterday.

She accused politicians worldwide of "short-sighted ... policies and strategies that erode the rule of law and human rights, increase inequalities, feed racism and xenophobia, divide and damage communities and sow the seeds for violence and more conflict."

Canada has not been immune, Khan said. It is one of a number of Western countries whose fear of terrorism has caused them to "collude" with the U.S. government's "unlawful transfer" of suspected terrorists to countries that routinely violate human rights, she added.

"Nothing so aptly portrays the globalization of human rights violations as the U.S. government's program of 'extraordinary renditions,'" Khan said. "Investigations by the Council of Europe, the European Parliament and a public inquiry in Canada have provided compelling evidence confirming ... the complicity, collusion or acquiescence of a number of European and other governments – whether democratic like Canada or autocratic like Pakistan."

Alex Neve, who heads Amnesty's office in Canada, said that the case of Maher Arar, which sparked the public inquiry, "points to where we went terribly wrong, and emphasizes that when we do stray from the path of human rights there can be desperate human costs."

The U.S. State Department dismissed the Am-

nesty report as a "political document" and said it was trying to make Washington "an ideological punching ball."

As the report was released, U.S. President George W. Bush said America was in a head-to-head confrontation with Al Qaeda in Iraq and must not let up on its "war on terror." He warned that the attacks of Sept. 11, 2001, were "just a down payment on the violence yet to come ... the danger has not passed."

But, Amnesty said, the "war on terror" continued to claim lives, and was linked with enforced disappearances – especially in Afghanistan and Pakistan.

The security situation has deteriorated in the south and southeast of Afghanistan, (where Canadian troops are stationed), it said, and the escalating conflict has caused the deaths and injuries of thousands of civilians.

"Serious breaches of international humanitarian law were committed by all parties to the conflict including international and Afghan security forces, and the Taliban."

Amnesty also had sharp words for Sudan, which has broken promises to disarm the deadly jan-jaweed militias and failed to investigate allegations of atrocities in Darfur. The Sudanese government allows "systematic" rape of women by the jan-jaweed, who have "almost complete impunity," it said.

Khan told reporters in London that Khartoum has been "running rings" around the United Nations, and Sudan's allies Russia and China have failed to put their weight behind a ceasefire.

Amnesty said that economic assaults can also deprive people of their rights.

It said the United Nations should develop international standards to hold big businesses responsible for their impact on human rights, including mining, development and tourism projects in the developing world that have left "entire communities evicted from their homes without compensation or alternative shelter."

Women's rights have also been trampled, particularly of those who dare to criticize their governments, Amnesty said. In Iran, women have been arrested for demanding gender equality, and in Afghanistan they have been murdered for promoting education of girls.

In Canada, treatment of indigenous women continues to be worrying, Amnesty said, including "discrimination and violence against indigenous women and girls." Canada's failure to back a 2006 UN treaty on indigenous rights was a setback for its standing in the world, said Neve.

"A process of 25 years was reaching a successful conclusion," he said. "Suddenly, with a change of government there was a complete U-turn. This is something we are not used to seeing, and it's troubling because indigenous people worldwide need stronger international protection. We need and expect more from Canada."

*\*Olivia Ward is a writer working with the Toronto Star. We thank Joan MacDonald, the Toronto Star's union, for kind permission to reproduce this article.*

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### *The Nobodies*

*We are not, but could be.  
We don't speak languages, but dialects.  
We don't have religions, but superstitions.  
We don't create art, but handicrafts.  
We don't have a culture, but folklore.  
We are not human beings, but human resources.  
We do not have faces, but arms.  
We do not have names, but numbers.  
We do not appear in the history of the world,  
but in the police blotter of the local paper.  
The nobodies, who are not worth  
the bullets that kill them.*

*Eduardo Galeano*

# Public Hearing on Crimes against Women in Recent Wars and Conflict Guatemala and United States

By Sister Dianna Ortiz

I am Sister Dianna Ortiz, an Ursuline sister and a citizen of the United States. What I share with you today bares the truth, not just of one woman's suffering, but the suffering of a forgotten people who have been persecuted by both the Guatemalan and United States governments.

In September of 1987, I went to the highlands of Guatemala to live and work with the Mayan people who were in the midst of a long and cruel civil war lasting more than three decades. My ministry was teaching children to read and write in their native language. On January of 1988, I began to receive death threats. That was not uncommon in Guatemala; anyone working to help the poor majority was seen as a potential subversive. But being a U.S. citizen, I thought I was protected from the political violence that was devastating the lives of the Guatemalan people.

With each death threat, my fear intensified and was affecting the way I related to the people in the village. In October 1989, I went to a retreat center near Guatemala City. A walled convent full of foreigners, it seemed a safe place to reflect on whether to remain in Guatemala or return to the United States. On November 2, the morning that I made the decision to remain in Guatemala, I was praying alone in the garden of the church retreat house when two men who had entered the garden through a hole in the wall abducted me at gunpoint.

They forced me onto a bus after showing me a grenade and making it clear that if I tried to escape or

call out for help, innocent people would die. After a half hour ride, they took me off the bus and put me into a waiting police car driven by a uniformed policeman. In the car, they blindfolded me. They drove me to a building, which was cold and damp. They led me down some stairs and into a room. The policeman said, "Bienvenido a su palacio (Welcome to your palace)." I later identified my "palace" as the Old Politechnical School, a military installation in Zone 10 of Guatemala City.



There my life changed forever. My faith in God and in humanity was crushed. The policeman began to remove some of my clothing and touch my body. The one who appeared to be in charge told him that they would get to that later, but first they had to take care of business. I was told that we were going to play a "game." If I answered a question in a way they liked, I would be allowed to smoke. If I answered a question in a way that they didn't like, I would be burned with a cigarette. When I told them that the rules of the game were unfair, I received my first burn.

For every answer I gave they burned me. A doctor in the United States found 111 burns on my back alone. (This wasn't the only place I was burned.)

They asked many questions-questions about my nationality, my line of work, my age, the people of San Miguel Acatan, the village where I taught, and other people, some known to me and others unknown. My perpetrators accused me of being

affiliated with the Guatemalan National Revolutionary Unity (the Guatemalan guerrilla organization) and insisted that I give them the names of my contacts. I had no affiliation with the guerrillas and no contacts to give them.

They intensified their tactics, gang-raping me repeatedly. Then, after pouring wine over my body, they used and abused my body in horrible ways that are too humiliating to describe in detail. Next, they lowered me into a pit packed with human bodies--bodies of children, women and men, some lying face up and caked with blood, some dead and some alive--swarming with rats.

At one point, I was taken to another room. The walls were splattered with dried blood and feces. In the middle of the room was a cot-like bed covered with a sheet. I walked towards it; took the corner of the sheet and slowly pulled it back. On the cot was a woman who had been brutally tortured. Her face was black and blue, swollen. She opened her eyes--offered me a smile--a smile that seemed to cause her much pain. I took hold of her hand; she squeezed mine as if to say that everything would be okay. With tears in her eyes, she asked me my name. I told her my name and in turn, I asked for her name. I couldn't understand her words, but I didn't ask her to repeat her name because I thought she would need her strength for later. "Dianna," she said, "They will try to break you...sea fuerte (be strong)."

The policeman and the other two returned to the room; they had with them video equipment and a camera. One of them started videotaping. The policeman had a small machete. He took hold of both my hands and forced me to hold the machete. I thought God had finally answered my prayers and had brought me a way to die, so I didn't resist. But the policeman put his hands onto the handle, on top of mine, and thrust the machete into the woman's body, again and again. She screamed each time. Blood splattered everywhere.

Now they had a stronger threat. The torturers said that if I didn't cooperate, Alejandro, their boss, would release the videotapes and the photographs they had made of me to the public and the press.

After about twenty-four hours of torture, I was taken out of the detention centre by Alejandro, their boss, who was tall and fair skinned. He used an expletive

that is common in the U.S. and ordered the men to stop the torture, telling them that I was a North American nun and my disappearance had become public. He spoke in halting Spanish, with a thick American accent. His English was American, flawless, unaccented. When I asked him if he was an American, his answer was evasive: "Why do you want to know?" He helped me put my clothes on and led me out of the building into his jeep and said he was going to take me to see a friend at the U.S. Embassy who would help me leave the country. During the ride, he enjoined me to forgive my torturers and said if I didn't there would be consequences for me. He reminded me that my torturers had made videotapes and had taken photographs of the part of the torture I was most ashamed of. In perfect American English, he told me that if I didn't forgive my torturers, he would have no choice but to release the videotapes and photos to the press. At this point, the jeep was stopped in traffic. I jumped out and ran.

I didn't forgive my torturers, if forgiveness means silence. I filed criminal charges against the Guatemalan government in the Guatemalan court system. I also filed a complaint before the Inter-American Commission on Human Rights of the Organisation of American States charging the Guatemalan security forces--the army and the police--with my abduction and torture. In its 1996 Annual Report, the Commission released the results of its investigation of my case and concluded: "Sister Ortiz was placed under surveillance and threatened, then kidnapped and tortured. Agents of the Guatemalan government were responsible for these crimes against her."

In the U.S., under the Alien Torts Claims Act, eleven Guatemalans and I filed a joint civil suit against General Hector Gramajo, who was Guatemalan defense minister in 1989. In April of 1995, a U.S. federal judge found him guilty of murder and torture and was ordered to pay \$47.5 million in punitive damages. (Gramajo continues to refuse to pay punitive damages to his plaintiffs, claiming that he is a poor, retired general.) In response to my attempt to prosecute, a smear campaign was launched by Guatemalan and U.S. officials. I was branded a liar, a lesbian who was involved in kinky sex (that is how I got more than 111 burns), a political strategist who was trying to influence Congress to cut off U.S. aid to

the Guatemalan military-among other things. I have received threatening phone calls and letters, even in the United States. Because I said from the start that my torturers obeyed orders from Alejandro, an American, the U.S. embassy tried to discredit me. Other branches of the U.S. government have since followed suit.

The Department of Justice is one example. In 1995, the Justice Department began what was to be a serious and impartial investigation on my case. I took the risk to trust and work closely with the investigators. This entailed being interviewed by investigators for more than forty hours-relating in detail the humiliation and cruelty I suffered at the hands of my torturers. Added to the pain of remembering and reliving the events in such detail was the pain of being revictimized. During the interview, one of the investigators yelled at me and accused me of being a liar-the exact words that my torturers used. The investigators, with their interrogation and their abuse, recreated the dynamics of my torture. It took me a long time to see that justice in the U.S., as in Guatemala, was a mirage. Again, as in Guatemala, I was cast as the culprit; I was the one being investigated, not those responsible for the crimes against me.

As in the torture, my privacy once again was violated. During the investigation, a number of persons were interviewed. Without my consent, personal and sensitive information was disclosed to the investigators. I had a gynecological exam after my return to the U.S. I learned that I was carrying the seed of one of the men who had raped me. Unable to carry within me what they had engendered--what I viewed as a monster--I turned to someone for assistance and terminated the life of whatever was growing inside me. Am I proud of my decision? NO. But I did what I had to in order to stay alive and to remain sane. As a Catholic, I was raised to believe that it is morally wrong for women to have abortions. Not only was I a Catholic but a nun and I had destroyed what many people would deem a human life. At the time, I believed that I fit the perfect profile of a thief of life. This was my secret--something that I could not disclose to the public.

This was a moral issue between me and my GOD. It was no one else's business. If anyone had the right to disclose this information, it was me. Unfortunately, someone else claimed that right and told the investigators about the incident. I felt betrayed

by the people whom I had trusted and, again, by officials of my own government. I had reached my limit. I could no longer subject myself to the revictimization brought on by the investigators' questions and their abusive treatment and I withdrew from the investigation. But by then I had already given my testimony and had provided detailed sketches of my perpetrators which I had made with the help of a renowned forensic artist. Nonetheless, I expect nothing will come of all my efforts.

What happened to me happens to many women around the world: the burden of proof falls on the victim. She becomes the criminal, not her perpetrator. In torture, the situation can be especially complicated, since the government is often both prosecutor and the accused. Like so many women who have suffered violence, I have lived the agony of not being believed, of being discredited and slandered and called a crazy person. I have been asked to tell my story again and again by those who fail to understand that for a torture survivor, to speak of the past is to relive it in all of its horror.

To people who believe the United States is the greatest country in the world, this may seem a strange statement; but living in the United States I am constantly revictimized because, as a tax payer, I am forced to participate in violence. When I read about the torture and ill-treatment that, according to Amnesty International, has occurred in 150 countries with the past three years, I can't help but wonder which of those atrocities I've financed.

Last year alone, the U.S. funded and trained the militaries of forty-nine countries in which government officials had been accused of torture. I can't help but be ashamed of my government, afraid of my government, afraid for my country and the world. I want to apologize to all the people whose lives my government, my country has shattered. My hope is that all our voices together can prevent such atrocities in the future.

*\*Sister Dianna Ortiz is the Executive Director of Torture Abolition and Survivors Support Coalition International (TASSC) and a Policy Analyst for Foreign Policy in Focus. We would like to express our heart-felt thanks to Sr. Ortiz for permission to publish this article.*

## Group Home for Survivors of Severe Torture and Trauma

By: Ezzatolzam Pezeshkzad

It is a well-known fact that survivors of war and torture suffer from Post-Traumatic Stress Disorder (PTSD). Among them a few may suffer from severe mental health problems. I have seen repeated hospitalization of survivors of severe torture and ghoulish atrocities of war and generalized violence. It is unfortunate that one has to wait for several months to see a psychiatrist in Ontario. There are hardly any beds available in hospitals that treat mental health patients. Psychological treatment can be useful for victims of trauma, but it is not covered by public funds and is not affordable to refugee survivors of war and torture. I have frequently observed that those who need immediate care rarely receive it. Emergency sections of hospitals are not equipped to provide immediate assistance to mental health patients who desperately need it.

What is most disturbing about survivors of severe trauma is their stigmatization. Even in mental health hospitals, they are treated as objects. The mental health sections of most hospitals look like detention centres. Unlike some countries where mental health patients are accommodated in beautiful gardens, with the opportunity of getting involved in sowing and planting flowers, they are kept here in closed-door areas. The most prevalent method of treatment is giving them sedatives and increasing the doses. In maximum security or forensic units of some hospitals, highly agitated patients are tied to beds or get secluded behind the bars of big cages.

There is a desperate need in Toronto for an intermediate facility between home and hospital for survivors of torture and trauma who suffer from severe mental health problems. Hospitals are reluctant to keep them for a long time and families do not have the capacity to provide them with the special care

they need. It is not appropriate to keep patients with severe mental health problems among family members in a house that is overcrowded with siblings with conflicting interests. It is harmful for mental health patients to feel like unwanted guests at home. There is an easy solution for this seemingly difficult dilemma. Patients should be cared for in special group homes. There are group homes for those who suffer from autism and for mental health patients with criminal records. We need to go a long way to convince the government to consider funding similar facilities for other groups of mental health patients.



I call upon the readers of this journal to use all possible means and demand that our different levels of governments pay special attention to this vital need. We need to raise our voices and ask for change. Together, we can make a big difference in the lives of the vulnerable mental health patients and survivors of severe traumas. I beg you to extend your help to this group of people who suffer in silence.

*Ezzatolzam Pezeshkzad is working with Kerry Home as Autism Support Associate. She is a client of the Canadian Centre for Victims of Torture (CCVT).*

*Speak, yourself, on behalf of the unwanted; uphold the rights of the poor and the needy (Proverb 31, 8)*

# Human Rights are not an Afterthought

By Paulina Wyrzykowski

In early May of this year, while speaking to a crowd of soldiers and military families, Prime Minister Harper made comments to the effect that wrangling over the handling of detainees is overshadowing the good work that Canadian soldiers are doing in Afghanistan.

He was referring to revelations that Canadian troops handed suspected Taliban prisoners to Afghan authorities, and that those prisoners were subsequently tortured. What's more, a report issued by the Department of Foreign Affairs in 2006 (extracts of which were published recently in the *Globe and Mail*) acknowledged that torture and abuse were prevalent in Afghan detention centres. Despite this information, the government continued with the transfer of prisoners. It was only once the *Globe* story caused a scandal that Ottawa sought to revise its agreement with Afghanistan, so that Canadian authorities will now have unrestricted access to Afghan prisons.

Since 2005, the Canadian government has also come under fire for seeking to deport suspected terrorists to countries where torture takes place based on the understanding that the suspected terrorists will not be mistreated upon arrival. These promises, commonly known as "diplomatic assurances," are not legally binding and are virtually unenforceable once the individual is deported. There is little reason to suppose that states that widely flaunt accepted legal principles would feel bound by unenforceable diplomatic assurances that in reality are sought only to assuage the Canadian conscience.

At first glance those two stories may seem only marginally related, yet they point to a disturbing tendency on the part of some politicians to frame basic human rights as luxuries or privileges rather than what they are — rights. We should not insist on the decent treatment of prisoners and suspected terrorists because they are nice

people. Rather, we should insist on it because they are human, and as such are entitled to be free from degradation and cruelty.

For those who balk at the thought of acknowledging a common humanity with suspected terrorists, it is important to remember that their guilt is far from certain, and the agencies responsible for determining who poses a threat are not infallible. Those who doubt these statements need only to consider the recent case of Maher Arar, a Canadian citizen falsely suspected of terrorism and shipped to Syria where he was detained and tortured. What's more, gross human rights abuses such as torture damage not only their targets but also the perpetrators. When Canadian authorities order the transfer of prisoners knowing full well those prisoners are likely to be abused, it turns all of us from observers to accomplices, and turns Canada into the kind of society that looks the other way while its leaders engage in morally dubious activities in the name of national security.

If the "war on terror" truly is a war, we should seriously consider what engaging in it would mean for our society. In his book *War is a Force that Gives Us Meaning*, veteran war correspondent Chris Hedges writes:

*The myth of war creates a new, artificial reality. Moral precepts — ones we have spent a lifetime honoring — are jettisoned. We accept, if not condone, the maiming and killing of others as the regrettable cost of war. We operate under a new moral code.*

Hedges makes the point that most states, including those engaged in war abroad, never fully recover from the damage that violence does to their own cultural and political life. According to him, countries do not bounce back easily from the kind of narrowing of civil liberties and political hypocrisy that is involved in making atrocities overseas seem a palatable necessity to those at home.

Violations create circles of silence driven by fear and shame and inspire a sense of mistrust and insecurity in the world that is passed on to future generations.

It would be unrealistic to presume that Canada is immune from this kind of corruption. There is evidence, for instance, that efforts were made to conceal the Department of Foreign Affairs report, which acknowledged torture was going on in the detention centres of Afghanistan.

The level of global rights discourse has deteriorated since 9/11. In 2000, it would have been fairly unthinkable for most states to openly debate the drawbacks and benefits of torture. This is not to say that torture did not occur, but it was surrounded with sufficient moral opprobrium that countries felt they had to limit or hide the practice in order to avoid becoming international pariahs. These days, well-respected academics such as Michael Ignatieff are debating whether there may be circumstances under which torture is permissible, and the U.S. government is busy redefining it out of existence.

The 2007 Amnesty International report lays the blame for a worldwide deterioration in human rights squarely on the "war on terror." Speaking at the recent launch of the report, Irene Khan, the organization's secretary general, stated: *"Ill-conceived counter-terrorism strategies have done little to reduce the threat of violence or ensure justice for victims of terrorism but much to damage human rights and the rule of law globally."*

I do not want the next generation to be asking me in 20 years' time why we stood silent while our government facilitated the torture of suspected terrorists. Worse yet, I do not want a future society where such questions are no longer asked. I want this country, my country, to be the kind of a place where freedom from torture is a right, not merely an afterthought.

*\*Paulina Wyrzykowski is an Immigration and Refugee lawyer practicing and a member of CCVT legal network.*

I remember when I met you in the house of terror, of what you gave me  
and surrendered to me.  
In those moments in which the light was a dream or a miracle.  
However, you were the light amongst the darkness.  
We were as one in our misfortune. Today, after thousands of misfor-  
tunes more, I can see you, as I did then, always looking forward.  
We will see each other again through the fog that we will disperse.  
Do not forget me comrade.

poem by a Muriel Dockendorff Navarrete, Chilean student while in jail,  
1974.

# Torture in the Twenty First Century

By James Rodney Ledwich

*"The sleep of reason produces monsters"*  
Francisco Jose de Goya 1746 -1828.

### A brief history of torture

Torture has been described as physical or mental suffering inflicted by one human being on any other human being. It has been used to obtain information from an accused person or third party, or to obtain a confession from a person accused of a crime. It has also been used as a way of spreading terror in a population in order to suppress dissent, as a mode of execution, and sometimes for no apparent reason. Torture is well known throughout history. It was pervasive in China when this culture was producing great architecture, literature and painting; and it was practiced by the people in the Indian subcontinent who produced exquisite architecture, sculpture and great literature. Some of these early methods of torture were to be burnt alive, impaled, flayed and slowly cut to pieces. A common punishment or a means of interrogation was beating with a split bamboo cane, which resulted in a painful slicing of the flesh of the backs and thighs.

The history of Western culture from the Sumerians and Egyptians through the Greeks and the Romans to Medieval Europe tells a similar unsavory story. An Egyptian trial record of a tomb robber in the reign of Ramesses IX describes the beating of a suspect to make him take an oath to swear to tell the truth. The Code of Hammurabi prescribes death for a number of offences. Methods of execution included: drowning, burning or impaling. Lesser punishments consisted of various forms of mutilation.

The Greeks appear to have been the first society to develop the idea of abstract law with formal legal proceedings. There was a prosecution, a defense and a jury, but no judge. The evidence from slaves

was considered valid only if extracted under torture, though occasionally Athenian citizens were tortured. Penalties consisted of fines, loss of citizenship, exile or death. In Athens the death penalty was enacted by bludgeoning the victim, or throwing the person down a deep pit.

In Rome, too, the evidence from a slave was only valid when obtained under torture. Citizens were divided into the *honestiores* or higher class and the *humiliores* or lower class. *Humiliores* were subject to the most severe punishments. They were sent to work in the mines -tantamount to a death sentence- or thrown to wild beasts in the Colosseum, or crucified. Crucifixion, a practice used by the Assyrians, Egyptians, Persians, Greeks, and Carthaginians before it was adopted by the Romans, was death by severe torture.

The *honestiores* or upper classes in Rome were spared such tortures and generally escaped with banishment or loss of property. If the death penalty was imposed, it was usually by decapitation. In Imperial Rome emperors overrode legal rules, and anyone suspected of treason or plotting against the emperor, on no matter how flimsy the evidence, could be severely tortured. It was at this time, however, that doubts about the reliability of torture began to be expressed. It nevertheless continued to be widely practiced.

After the fall of the Western Empire in the 5<sup>th</sup> Century, Roman law with its particular designations with respect to torture disappeared for a time in Western Europe. Crimes were viewed as wrongs committed by one person against another or one family against another. Even murder could be settled by payment of an indemnity. Guilt or innocence could be determined by combat be-

tween the protagonists, or by ordeal -that could require the accused to walk barefoot on glowing coals, or grasp a piece of hot iron. The theory was that God would not allow the innocent to come to any harm. In particularly heinous crimes, the death penalty was most often imposed on lower class persons or slaves. This usually consisted of burning or stoning people to death, drowning them or throwing them from high cliffs. In England the formalized death penalty was hanging. Men were hanged, drawn and quartered. Witches, treasonous women and heretics were burnt at the stake. As Europe gradually adopted some form of Roman law, new forms of torture were introduced. Incidents of flogging, holding a person's feet to the fire, extracting pieces of flesh with hot pincers and other ingenious methods of cruelty were devised. Breaking a person on the wheel was used both to obtain confessions and as a mode of execution.

## The Enlightenment

Following the brutal religious wars in Europe in the 16<sup>th</sup> and 17<sup>th</sup> Centuries, the 18th Century Era of the Enlightenment witnessed the first repudiation of torture. It came under attack throughout Europe and a substantial literature grew up condemning it. The best known example of this is Cesare Beccaria's On Crimes and Punishment. In a relatively short period of time, the statutory use of torture was abolished throughout Europe. From a practice used regularly in various justice systems and under well-defined conditions, it became an anathema, something unthinkable and repugnant to a civilized societies.

Three reasons have been given for the European abolition of torture during the Enlightenment. Owing to the writings of Voltaire, Montesquieu, Rousseau and others, torture came to be regarded as barbaric. The doctrine of humanism stressed the rights of man and his innate nobility - a concept which still survives, despite much battering. The second reason was the growing realization that torture was unreliable as a method of interrogation. The Romans had recognized that torture was a "difficult and dangerous business" which could lead to false results. By the end of the Middle Ages, many jurists had begun to complain about confessions to murders which had not taken place, or to crimes that could not possibly have been committed by the defendant. The third reason was the emergence of alternative methods of punishment to the death

penalty. Imprisonment, condemnation to the galleys or to the workhouse made torture unnecessary to obtain confessions and convictions. The absolute proscription against torture in Europe, continued through the 19<sup>th</sup> Century, even surviving the reaction to the downfall of Napoleon in 1815. It must be noted however that this proscription did not extend to the third world and in particular those countries subject to colonization by the Europeans. The Article on torture in the 1911 edition of the Encyclopedia Britannica states that "The whole subject is now one of only historical interest as far as Europe is concerned." It must have seemed to many people just before the First World War that the unprecedented, humane justice system that prevailed in Europe was sure to continue. Those people were in for a rude awakening.

## The Twentieth Century

Towards the end of the First World War in 1917, when the Czarist regime in Russia collapsed and was replaced by The Union of Soviet Socialist Republics, crime and punishment were supposed to wither away under Communism. But when the Soviet Union felt itself besieged by reactionary forces, the "enemies of the revolution" -who appeared to be surprisingly widespread- were routinely and severely tortured. There was no due process. No independent defense was allowed. According to many accounts, including those of Nobel Laureate Alexandr Solzhenitsyn, widespread incarceration and severe and routine torture were practiced by the Soviet regime throughout its existence.

In 1929 Benito Mussolini gained power in Italy. His philosophy of Fascism maintained the primacy of the state. "Beyond the state," it was Mussolini's opinion, "nothing that is human has any value." Mussolini's secret police used torture regularly upon enemies of the state and party. After General Francisco Franco overthrew the elected government of Spain in 1938, his fascist government regularly resorted to torture and executions to suppress dissidence. After Hitler came to power, German fascists purged the country of huge numbers of "undesirables," along with six million Jews. Torture was widely used by the Nazis.

At the end of the Second World War the horrors and tortures of Nazi and Japanese concentration camps were uncovered. The grave resolve to prevent future wars resulted in the founding of The

United Nations. The UN, aside from laying the groundwork for the peaceful resolution of international conflicts, expressed a concern for the fundamental rights and freedoms of all human beings. In 1948, The United Nations Universal Declaration of Human Rights defined these rights. In particular, Article 5 states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This was followed in 1984 by the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. By this time attitudes towards torture had changed. States who regularly used torture were viewed as pariahs, and they began to feel pressure to deny that such activities occurred within their jurisdictions. In fact, many countries have failed to uphold The United Nations Universal Declaration of Human Rights, or to observe The Convention Against Torture. Still, it was progress of a kind that countries uniformly denied the accusation of torture. The revelation in 1958 that French forces in Algeria were using torture brought down the government and paved the way to independence for Algeria. More recently, during 'The Troubles' in Northern Ireland, the British Government felt obliged to deny their forces used torture, despite evidence to the contrary. With the breakup of the Soviet Union, the overthrow of the military rule in Greece, the end of apartheid in South Africa and the removal of military dictatorships in Latin America, positive signs were seen everywhere for abolition of torture.

In 1961 Amnesty International was formed to campaign for the release of prisoners of conscience, and their mandate was soon expanded to include the abolition of torture. Amnesty has become famous around the world for its work. By publicizing and shaming the countries who continue to use torture, Amnesty has been able to claim some success. Over the years American police forces, the Israeli army, and the British army in Northern Ireland were all persuaded to humanize their interrogation procedures. It appeared that slow progress was being made, and there was room for cautious optimism. The, on September 11<sup>th</sup> 2001, terrorists crashed passenger jets into the Pentagon and the World Trade Center in

New York, with the loss of nearly 3,000 lives.

## The Great Leap Backwards

The terrorist attacks on the U.S. were attributed to a group known as al-Qaeda, led by a man named Osama bin Laden. Less than a month later, on October 7th, under a UN resolution that authorized an International Security Assistance Force, the United States invaded Afghanistan. The invasion failed to capture Osama bin Laden, but did result in widespread civilian casualties, as well as the first cases of illegal U.S. torture and imprisonment in the so-called "War on Terrorism." Then in March, 2003 the United States, Britain and a reluctant few allies invaded Iraq. The civilian casualties in this ongoing war have been placed as high as 100,000. Since the invasions of Afghanistan and Iraq, thousands of Afghans, Iraqis and suspects from other Middle East countries have been detained, at times secretly, without charge or trial in Iraq's Abu Ghraib prison, Bagram Air Base in Afghanistan, the U.S. Naval Base in Guantanamo Bay, Cuba, and at other secret installations. Evidence has emerged from these detention centres documenting the widespread use by of severe torture by the U.S. military.



A characteristic pattern emerged. First, there was incommunicado detention without charge or trial - a situation frequently associated with torture. Rumors of torture then surfaced, and these, in time, were confirmed. When practices of torture were exposed in the media, the incidents were blamed on a few rogue elements. A small number of low -ranking soldiers were prosecuted. As further examples of torture continued to emerge, evidence mounted that torture had been widespread. Any suggestion of widespread torture was vehemently denied by the U.S. administration, who in turn blamed the media and human rights organizations for exaggerating the situation. One remarkable step taken by the U.S. with respect to allegations of torture has been to confirm some allegations, but deny

they constitute torture. In fact, the present U.S. administration under George W. Bush has tried to redefine torture in so narrow a way as to make it disquietingly similar to "newspeak" in George Orwell's novel 1984. Using this definition, it is practically necessary for the victim to die before the practice is labelled torture.

Taking their cue from the USA, a number of other countries have begun to acknowledge their use of torture in the "War on Terrorism." Egypt has defended a decision to renew its emergency laws by citing USA antiterrorism legislation. Malaysia justifies detention without trial by invoking Guantanamo Bay, and Russia has used the example of Abu Ghraib to blame abuse of prisoners in Chechnya on rogue elements of Russian soldiers. The USA, as the world's only superpower and the self-styled leader of the free world, is now being copied by other nations who have adopted the loose American attitudes towards torture. Before the U.S. -led "War on Terrorism," and these copy-cat practices by repressive regimes, those of us who assumed there was a universal disgust with torture had reason for cautious optimism. These tragic recent developments can only be regarded as a great leap back to before the Age of Enlightenment -when we first banned torture, and when, for the first time in our history, we could lay full claim to being civilized human beings.

Note:

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  - 19) Abu Ghraib lesson unlearned: Seymour Hersh: Guardian Weekly: May 27-June 2 page 5
  - 20) Tortured, chained up and left to die: Tim Golden: Guardian Weekly: May 27-June 2: page 7, 2005.

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*"And if I have prophetic powers, and understand all mysteries and all knowledge, and if I have all faith, so as to remove mountains, but have not love, I am nothing. If I give away all I have, and if I deliver my body to be burned, but have not love, I gain nothing"*

*From Chapter Thirteen of St. Paul's First Letter to the Corinthians*

## The Rights of Separated Children in Canada

By Darlene Rites

Canada stands out as a world leader when it comes to the protection of refugees. This paper will examine the gaps between Canada's laws, policies and procedures with regards to separated children and determine the normative standard of care that should apply in Canada from both a legal and moral perspective. The term "separated" and "unaccompanied children/ minors" will be used to refer to persons who are under the age of eighteen years, (unless, under the law applicable to the child, majority is attained earlier) and who is separated from both parents and is not being cared for by an adult who by law or custom is obligated to do so.

The number of separated children arriving in Canada has been increasing. The problem is becoming more widespread and the reasons for departure more global. Globalization is largely to blame for its role in supporting and financing armed conflict around the world. The recent growth in the world economy has led to violent conflicts over natural resources, and the widespread sale of small arms makes it easier to wage war and recruit children as soldiers. These factors increase the likelihood that a child will become separated from his or her parents and try to seek asylum in another country.

Once a child finds their way to Canada, the treatment they are likely to encounter is problematic for several reasons.

Article 37 of the *Convention on the Rights of the Child* states that deprivation of liberty be used only as a measure of last resort and for the shortest period of time. Despite these guidelines, Canada detains children on a regular basis. In 1999-2000, 338 children were detained, 86 of whom were

separated from their parents. 252 were detained for one day or less, 24 were detained for less than 15 days and 42 were detained for over 30 days.

The conditions in detention centres fall short of international standards as well. Children are frequently detained in unsuitable facilities for prolonged periods of time. Article 37 of the CRC states that children are to be detained separately from adults unless it is against their best interests to do so. While Canada is a signatory to the Convention, at the time of ratification, it reserved the right not to detain children separately from adults if it was not feasible to do so. Housing children with adults makes children extremely vulnerable to exploitation and has damaging effects on their mental, social and physical health. Detaining refugee children may also worsen the trauma they have already experienced.

The Immigration and Refugee Board (IRB) is an independent, quasi-judicial administrative tribunal created in 1989. In the IRB, the Convention Refugee Determination Division (CRDD) is responsible for making decisions on refugee claims. Although there are guidelines for child refugees, none of the provisions in these guidelines are compulsory or required by law, except for the appointment of a Designated Representative (DR), which is legally required by the Immigration and Refugee Protection Act.

The responsibilities of the DR include the following: to retain counsel; to instruct counsel or to assist the child in instructing counsel; to make other decisions with respect to the proceedings or to help the child make those decisions; to inform the child about the various stages and proceedings of the claim; to assist in obtaining evidence in sup-



port of the claim; to provide evidence and be a witness in the claim; to act in the best interest of the child. Some of the challenges generally experienced throughout Canada with respect to the appointment of DRs is a shortage of experienced and skilled individuals, a lack of financial incentives, and vague descriptions of the DR role. Separated children are extremely vulnerable and have special needs and, therefore, require access to competent legal aid in order to ensure that their refugee claims are properly presented. Inadequacies in the selection of DRs will cause many children to fall through the cracks of representation.

There is no legal requirement for Canada to appoint a guardian for separated children. Although the DRs play a guardian-like role, the DR is appointed under the Immigration Act and has a narrower function than that of a guardian and should not be considered an appropriate substitute. According to UNHCR, guardianship is a fundamental element of protection of unaccompanied minors. The role of the guardian is more comprehensive and extends to all areas of the child's life including accommodation, education, health, legal representation, family reunification and retraining.

Ezat Mossallanejad, a settlement counselor at the Canadian Centre for Victims of Torture who has served as a DR for several children, has suggested that the DR be a social or community worker in order to ensure that all aspects of the child's life is taken into account.

A child's maturity or experiences of trauma can affect the cognitive competence of the child and his or her ability to accurately recall events. Both these factors affect a child's credibility, which is critical throughout the refugee determination process. Any interviews with separated children must take into account their best interest. There is a great need for specialized training for all those who come into contact with these children. The IRB panel members sometimes do not understand the effect of trauma or fear of persecution on the child's testimony and may act as intimidating interrogators with the children. War has lasting effects on a child's social, emotional and psychological well-being. If immigration officials are unaware of these factors, it may have devastating consequences for these children.

The 1997 Guidelines recommend that the child be given the benefit of the doubt and that external evi-

dence be given more weight in cases where sufficient and reliable information is not available in order to determine if the child has a well-founded fear of persecution. Fears, other than those of the child, can be taken into account when making a decision. For example, if there is a reason to believe that the parents wish their child to be outside the country of origin on grounds of well founded fear of persecution, the child himself may be presumed to have such a fear.

On average, separated children are less likely than adults to receive full refugee status. According to Jacqueline Bhabha, this is due to their inability to convince immigration officials of the legitimacy of their claim, usually a result of inadequate legal representation. Although separated children in Canada are more likely to be refused refugee status, they are less likely to be deported. Those children that are refused asylum and escape deportation are left in a state of limbo. This is a huge concern, since these children are left with no means for accessing essential social services such as healthcare. It is, therefore, crucial that Canada provide mechanism for these children to acquire some sort of status.

Children who are newcomers depend most on parental support and their ethnic communities when transitioning into a new environment, however, separated children may lack one or both of these factors, making their transition a more difficult one. In addition to the challenges of adapting to a new environment, separated children are also battling with possible past traumatic experiences and uncertainty about their future.

Both mental and physical health is a concern for separated children in a new country. Little is known about specific experiences of these children prior to arrival in Canada, however, when conducting therapeutic interviews with separated children in Denmark, it was found that 37 percent of the children had been subject to imprisonment, 29 percent to torture and 31 percent participated in military activities. Although the results may vary, it is safe to assume that separated children arriving in Canada have been subject to many of the same experiences. In addition to a child's past experiences, the journey itself and post-migration stressors, such as the refugee process detention, separation from family, and legal limbo

can affect the child by increasing his or her vulnerability, frustration and anxiety.

These factors increase a child's probability of experiencing post traumatic stress disorder - resulting in maladaptive affective, physical, cognitive and behavioral symptoms. It is necessary that children be assisted in the treatment of their traumas. In Toronto, there are very few child psychiatrists and fewer child psychologists, which is a big obstacle in the rehabilitation of these children.

In "Minors or Aliens? Inconsistent State Intervention and Separate Child Asylum-Seekers", Jacqueline Bhabha suggests various reasons for the inconsistent practices of state intervention with regard to separated children. She suggests that it is a result of <sup>3</sup>two opposing normative frameworks.<sup>2</sup> On the one hand, separated children are viewed by immigration enforcers as illegal immigrants who have violated state immigration policies; on the other hand, these children are seen by child protection agencies as children who have a right to and a need for state protection.

The tension between the two opposing normative frameworks not only serves to produce inconsistent state policies, it also affects the judicial determination of separated child asylum seekers. The arbitrary treatment of separated children can be observed in the example of two Chinese children who arrived in Canada as stowaways. One child

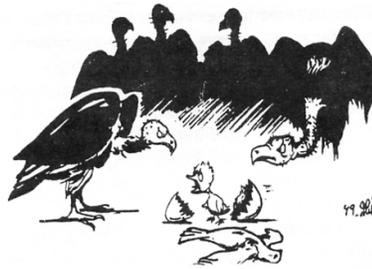
pleaded ignorance as to what had happened to him and was granted asylum; the child who purported to know about the smuggling arrangements and admitted to agreeing to them out of obedience to his parents was declined refugee status. In this case, the child's participation was sufficient to discredit his status as a child in need of protection and warranted the allocation of blame.

International conventions and treaties provide a framework and a normative standard to which Canadian law should adhere to. However, Canada's performance has failed to live up to these international commitments.

It is imperative that Canada develop a consistent national approach for dealing effectively with separated children. These policies should address the <sup>3</sup>diverse backgrounds, experiences and needs of unaccompanied children arriving in Canada.<sup>2</sup>

Canada is a leader in both its work on behalf of refugees and the protection of human rights, but positive change is needed with regards to policies for separated children.

*\*Darlene Rites has recently graduated from the University of Toronto with a double major in Political Science and Ethics, Society and Law. She participated in a partnership with the Canadian Centre for Victims of Torture where she researched the rights of separated children in Canada.*



Who will listen to my feeling? Who will listen to useless land? After the war, my skin had been damaged, there are craters in my body. Although I was sad, sorry, and suffering, who will listen to my feeling? I am sad, sorry, and suffering, who will know my feeling? I am not sad about my harmed body. I am sorrow because of the people who can't use me rightly. Who will know my feeling?

Sindy Cheung, 3 May 1989  
A 16-year old refugee from Vietnam detained in Hong Kong's concentration camp

## Security Certificate: The Need for a New Framework of Debate

By: Marko Trivun

Following September 11<sup>th</sup>, 2001 the political landscape changed immediately to respond to the attacks: the American government passed the *Patriot Act, 2001*; Britain drafted the *Anti-Terrorism, Crime and Security Act, 2001*; and Canada responded with the *Anti-Terrorism Act*. One feature they had in common was their fundamental distrust of non-citizens as manifested in new immigration policies. Canada also relied on an immigration law that existed before 9/11 and exhibited that same distrust. My essay will focus on the security certificate. More specifically, I will focus on the balance metaphor, which is the dominant framework used to discuss the security certificate. The central thesis of my essay is that the public debate should not be based on the balance metaphor and that, as a society, we should look for a new framework. I will first outline the latest SCC decision on certificates, *Charkaoui v. Canada*, to show how it shapes and limits the current debate. I will then go on to explain and criticize the balance metaphor, which forms the basis of this debate.

What is a security certificate? Painted in very broad strokes, the security certificate is a legal regime found in sections 77 to 88 in the *Immigration and Refugee Protection Act*. The issuance of a security certificate by the government is based “on grounds of security, violating human or international rights, serious criminality or organized criminality.” The certificate is then referred to a Federal Court judge who determines its reasonableness. Should the judge find it reasonable, the finding constitutes “conclusive

proof that the permanent resident or the foreign national named in it is inadmissible” and it becomes a deportation order.

For practical reasons I can only offer a quick synopsis of *Charkaoui v. Canada*, which is the most recent SCC ruling on the certificate procedure. Essentially the court decided that the security certificate violates the *Charter* in two ways. The first defect arises from the non-disclosure of evidence clause [IRPA, 78(g)] because the court felt alternative methods exist by which to keep sensitive information secret without sacrificing an individual’s right to a fair hearing. The SCC suspended this clause for one year. The other defect on the current legislation that foreign nationals can apply for a release from detention only 120 days after a decision has been made regarding the reasonableness of the certificate [IRPA, 84(2)]. This is controversial because it results in prolonged and unnecessary detention (one detainee, Hassan Almrei, has been detained for seven years) and because foreign nationals are treated more harshly than permanent residents (who receive review within 48 hours of the detention). In charging the SCC struck down this provision and granted foreign nationals

the same procedural rights as permanent residents. As a result of these findings, the government will have to address these two defects in its drafting of the new security certificate legislation. In fact, we already have a sense of what the government will do. Very recently Ottawa wanted to pursue the deportation of Harkat who is named in a certificate—even though the certificate was being revamped—arguing that they have a duty to rid the country of



terrorists.

Despite the ruling, many of the reasons for the controversy behind certificates remain and will not necessarily be addressed by the new certificate require. For example, the standard of proof is lower than the civil law standard (balance of probabilities) and criminal law standard (beyond a reasonable doubt); and the rules of evidence from criminal law do not apply. Even the most controversial part, the non disclosure of evidence, can carry over into the new certificate procedure because it was not rejected in theory by the *Charkaoui* decision. Whether the state can treat non-citizens differently was also not sufficiently addressed—the court just said that differential treatment on matters of deportation was constitutional under section 6 of the Charter. Another major issue that was not sufficiently discussed was how a certificate can still result in indefinite or prolonged detention. Essentially, the basic premise of the security certificate procedure remains: in the new security environment we can treat non-citizens differently by lowering standards of procedure and justice.

The debate in civil society on the security certificate increasingly utilized what is often called the *balance metaphor*. This model is by far the most pervasive one not just in thinking about security certificates but all other counter-terrorist measures (surveillance for example). We are constantly told we need to *create a balance between the need to protect the security of Canadians and the protection of their rights and freedoms*, and to address *the difficult question of how to balance human rights and national security*. However, not everyone agrees that the balance metaphor is appropriate. Adil Charkaoui, one of the men who was detained under a security certificate, gave a speech called “Not a question of balance,” where he argued that the balance metaphor “cannot be applied to human rights because human rights are absolute and thus cannot be used in a cost-benefit analysis as trade-offs.”

What do we mean by the balance metaphor? A simple and literal interpretation of “balance” just says that “there are things to be said on both sides of an issue, opposing values that pull in opposing directions.” However, as Jeremy Waldron points out, “balance also has connotations of quantity and precision”. The argument as-

sumes that the level of risk that faces person A is negatively correlated with the degree of liberty given to person B. On September 10th, 01, we were prepared to sacrifice X amount of liberty to B for Y amount of security to A. Since September 11 created a new security environment in which we have a more acute sense of the threats that rogue states and transnational organizations pose to our security, we have to decrease X to bring Y to an acceptable level. So while we won't lower X to the degree that we allow the State to put Martial Law in effect, we might increase security at airports and surveillance of the general population—something we were not necessarily ready to do on September 10<sup>th</sup>. In other words, we adjust “liberties downwards when it appears that the risk associated with a given quantum of liberty is greater than we thought.” The relationship between liberty and security is thus interpreted as inversely proportional.

Jeremy Waldron is among the first to criticize the use of the balance metaphor. For one, Waldron argues, the balance metaphor assumes that a reduction in liberty will result in an increase of security, but this causal connection should not be taken for granted. With this assumption as the basis for our actions, we run the risk of opting for mere symbolic results as opposed to real ones. Furthermore, the balance metaphor is not invoked in times of peace, but rather when we are overcome with feelings of insecurity and fear.

Secondly, the balance metaphor deforms the debate and the decision Canadians need to make. The language of the balance metaphor gives the false impression that we are balancing *our* safety against *our* liberty. Waldron notes that the “perpetrators of the September 11 attacks were not just non-residents but also members of a fairly visible ethnic group,” and the result is that “everyone who looks or dresses or speaks in any way like them is likely to face much greater levels of suspicion.” This is true of the certificates because they only apply to non-citizens and since 9/11 have been used mostly on Muslim men. Since we cannot claim that security measures will affect all people equally then, as Dworkin argues, “[we] must decide not where our interest lies on balance, but what justice requires...out of fairness to other people.”

Is there a reason for the prevalence of the balance metaphor in public discourse? For one, “the meta-

phor of balance has an intuitive appeal” since it makes sense that we all give up some liberty so that we can all enjoy more safety.” Furthermore, the balance metaphor is also politically useful because of its simplicity. In his *Metaphor and Politics* Jeffery Mio argues that “metaphors [also] collapse complicated issues into more simplified packets of information that can be easily understood by the public.” So the last critique that I want to bring out is that the balance metaphor does not ask the right questions: “metaphors, therefore, potentially hide or conceal relevant aspects of the socio-political reality they purport to describe.” Of course, we cannot afford to simplify the issues.

What the new framework should be requires a lengthy answer but at the very least we should be able to look past the balance metaphor and see what the real issues are. Ultimately, the strength of

our democracy relies on the strength of our public discourse. However, even without the balance metaphor we do not have a strong tradition of public deliberation. So perhaps the biggest obstacle to public debate is that “though we disagree, we do not argue.”

### Special thanks to:

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\* Marko Trivun has recently graduated from the University of Toronto with a major in Ethics, Society and law. He participated in a partnership with the Canadian Centre for Victims of Torture where he researched the Security Certificate.

### TORTURE

It will become nothing.  
You will lose the use of a part of your body.  
A part you will hold close as a child of love.  
It will be horrible.  
You may never again sleep in the dark.  
You will not own your dreams.  
Every night a small fleeing bird will send out of the woods its frightened cry.  
Do you remember their boots?  
Polished, like the eyes of the dying.  
They raise their drinks to you,  
tell you who was with your wife,  
which ones crushed the skulls of your children.  
Remember how they bled the secret out of you.  
You will go on.  
It will become nothing.  
You know so much. Their eyes.  
You will always remember their eyes.

Michael Daley

# Do not pity me

Petra Okeke

When you hear the word refugee, what is the first image that comes to your mind?

Do you see poverty, hunger, misfortune or hopelessness? Do you see another leech trying to exploit the government? Do you see laziness and manipulation? Do you see a lack of education? Do you see the popular images of war, doom and hopelessness that the media showed you just last night? In other words, do you only see negativity?

I am a refugee. When you see me, are these the things that you really see?

Well you are wrong. Let me tell you what I am not, what I am, what I want and very importantly, what I do not want.

I am not hopeless, or I would not have survived trials and tribulations, been under fire, kidnapped and released, tortured and harassed; and still have the will and the ambition to survive. I am not lazy or manipulative, neither am I a leech. If I was, I would not take the jobs that you refuse, to care for my loved ones and maintain my dignity. Remember that I also pay taxes. I am not uneducated; I was a medical doctor back home, you just do not want to give me a chance to show you what I can do. Even if I do not have a college degree, maybe you decided I am uneducated because I do not speak your language. If you are educated in *your* class room, allow me to take you to *my* class room; tropical forests and see how much knowledge you have about survival there. I am not poor, I had a home, and warm food on the table; I had enough to make me happy. I am not unfortunate, it is the condition of the world that is. I am not doomed, I have life and I will live it. I am not hopeless; I am alive today, and that means I will continue to struggle for a better tomorrow.

I am defined by the past; it makes me a better and more resilient person. I am a husband, a wife, a brother, a sister, a mother, a father and a friend. I am a person who cries when others are hurt. I am very funny too, I tell jokes that make people laugh till tears stream down their eyes. I am a lover of

good food like the ones we used to make back home and the tasty new ones I am learning about here. I am smart, very smart just like you, so it hurts when I try to speak up and you look at me like I have grown ten heads. I am a high achiever and I want only the best. For this reason, I work really hard. I am a lover of cats and dogs and I have a fish named Buba. I am a girly girl and I like dolls and beautiful clothes. I am a boy who has a crush on the girl who always sits beside me in class. I am a dreamer; I want to get an education so I can become a human rights activist and save the world. I have faith that just like other refugees before me; like Albert Einstein and Chinua Achebe I can make a difference. Do you begin to see now that I am just like you? A human being with inherent rights deserving of freedom, love and happiness? I just had to leave home, because of conditions beyond my control.

I want you to attempt to look at me with eyes not laden with sympathy. I want you to look at me with positive empathy. I want you to see me as a person, not as another refugee. I want you to respect me and not judge me. I want you to let me have the freedom to define my self, to let me tell you who I am instead of deciding who you want me to be. Most of all, I want to be free physically, socially, mentally and emotionally.

What I do not want?.... It may seem shocking after all you have been told about me, that this is all I ask from you.....Do not look at me with pity, because when you do, I do not appreciate it. I only begin to wonder, what horrible conclusions you have made about my precious precious life, which I choose to live as long as there is breath in me. Do not look at me like I have come to take away from the air you breathe, there is enough for all of us. I do not want to live in bondage of the fear of your stares when you find out where I come from. I want to be proud to say where I come from, just like you.

April 4<sup>th</sup> was refugee rights day. Although it was just a day, I want this article to remain in your consciousness. As you read this article, use this mo-

ment as an opportunity to think about what I have told you about myself. Ask yourself this question; if tables turned, would you want to be defined by me, or would you rather do it yourself. What would you want from my government and my people? What would you want from me?

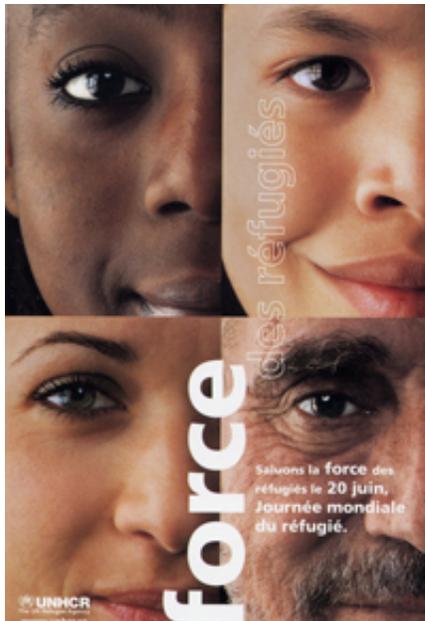
Albert Einstein was a German Jewish Physicist who immigrated to the United States of America...Einstein was a refugee!!

"A bundle of belongings isn't the only thing a refugee brings to his new country" (UNHCR)

\* Petra Okeke is a graduate of St Thomas University. She has completed her BSW practicum at CCVT.

## June 20th: World Refugee Day

Since the establishment of the United Nations High Commissioner for Refugee (UNHCR) in the year 1951, various countries and international NGOs have been celebrating their own Refugee Rights Days. April 4th is the Refugee Rights Day in Canada when in its Sigh Decision, our Supreme Court extended the fundamental rights of the Canadian Charter to refugee and refugee claimants. For years, most African countries used to celebrate Refugee Day each year on June 20th. In the pre-EXCOM meeting of the UNHCR in Geneva (September 1998) the CCVT proposed that the UN General Assembly would assign a specific day as the World Refugee Day.



In a gesture of solidarity with African continent that have been providing protection to millions of refugees, the UN General Assembly adopted Resolution 55/76 on 4 December 2000. In this historical resolution, the General Assembly accepted that from 2001 onwards, June 20th would be celebrated as World Refugee Day. The theme of this year's World Refugee Day is "Keeping the Flame of Hope Alive".

In Toronto CCVT joined local and international organizations such as UNHCR, Amnesty International and Canadian Red Cross and celebrated 2007 World Refugee Day at Dandus Square. Collective attempts were made to raise public awareness and support for refugee protection through a series of activities. 2007 World

Refugee Day Toronto was dedicated to the strength of the world's refugees, not just in enduring the dangers and violence that made them refugees, but also in the resilience they display in rebuilding their lives.

Treatment received by refugees in a given country is the manifestation of the respect for human rights and civil freedom in that country.

\*

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Article 14 (1), Universal Declaration on Human Rights

## Book Review:

### THE GENOCIDE OF THE ARMENIAN PEOPLE IN THE OTTOMAN EMPIRE (2005)

by Hayk Ghazarian

Armenian National Academy of Sciences  
CAN \$150

Reviewed by Jason Baker

An informative book on the Armenian Genocide at the hands of the Ottoman Empire is one that first acknowledges that it happened on the large scale in which it did. Too few titles are available in bookstores or libraries relating to this atrocity. Those which mention the Armenian Genocide at all, often do so sparingly and at times inaccurately in regard to the number of those murdered. In that respect, the author's work is valuable simply in filling a tremendous void where lack of information and the presence of misinformation once existed without proper challenge.

The product of more than 50 years worth of research, this unique and unprecedented endeavor is endowed with remarkable maps, photographs, and a vast wealth of statistical data drawn from academic publications, journals, international archives, testimonies of survivors and statements of religious leaders. The information is not only assembled but summarized and given context.

The author has dealt with the genocide of 1915-22 as a continuation of historical repression perpetrated by the Ottoman Empire against Armenians since the 19th century. It speaks about roles of various players such as Sultan Abdul Hamid, the Young Turks and Mustafa Kemal. The role of Western powers at the time that made little effort toward restraining Ottoman authorities from committing the genocide is also touched upon. The author refers to the genocide as a sordid crime against humanity that must

never be subjected to what is called "the statute of limitations" in international law.

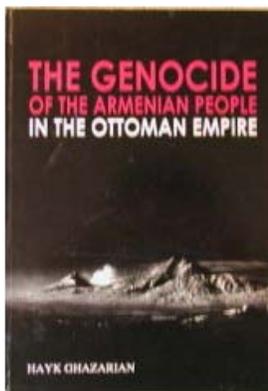
The tragic subject matter is reflected in numerous photographs which bear remarkable similarity to those taken of the holocaust perpetrated by the Third Reich. What they communicate is the symmetry of brutality and inhumanity, which appears to transcend geography and time.

Possible diplomatic reprisals from the government of Turkey prevented numerous foreign governments including those in Canada and Switzerland from even formally recognizing the historical fact of the genocide until 2003-2004.

I would be remiss if I did not point out the preponderance of incomplete sentences and various grammatical errors. This work was independently published in a foreign country (change it to Armenia) where a language vastly different to English is spoken and badly looks it in parts Delete!). Overall it bears the normal look and feel of scholarly text, as it should. That said, the table of contents is located at the back of the book rather than the front.

Other shortcomings in the work may be attributable to a lack of proper resources. The author has not adequately provided enough first hand testimonies of survivors. He might have drawn benefit from a view of the psychiatric and psychological impacts of genocide on second and third generations of the survivors too.

There are also comparatively few thoughts from Armenian writers, scholars, artists and poets on the tragedy of Armenian genocide alongside the many reflections of religious patriarchs. A more diverse cross-section of opinion was not utilized. I would also be remiss if I did not point out the lack of context given to certain statements taken from various figures after the First World War. Notable sources, which formally acknowledged the genocide in its immediate wake, are given notice here. Figures such as David Lloyd-George, Winston Churchill and Woodrow Wilson were politicians in countries that were at war with the Ottoman Empire in the years leading up to the time they were making some of the statements, which correctly acknowledge the genocide. These were not mere factual statements, nor the simple acts of political courage they are often characterized as. The Armenian genocide at the hands of the Ottoman Empire was partly utilized to justify past military



intervention against Turkey.

American Presidents including Carter, Reagan, Bush and Clinton are cited acknowledging the genocide. What is not included are allusions to the fact that these Presidents were seeking votes of Armenian-American constituents at the time.

A few simple notes stating that the motives of politicians who have correctly given formal acknowledgements of the genocide as perhaps not having been completely selfless in doing so is missing. Absence of such notes seems conspicuous. Apparently the author is still under the impression that not everyone is convinced the genocide actually happened.

The author has taken the controversial position that the current Turkish authorities and people are responsible for the crimes committed by their ancestors. A number of negative general remarks about Turkish people in the book beyond being merely politically incorrect, which suggest unresolved tension, are unnecessarily included (vague should be rewritten). Thus, frustratingly little movement toward middle ground is made here. The present Turkish government should acknowledge the Armenian genocide and provide reparations for what the Ottoman Empire did. It is less likely to do so in a climate of being under verbal assault.

*\*Jason Baker is volunteer for Canadian Centre for Victims of Torture*

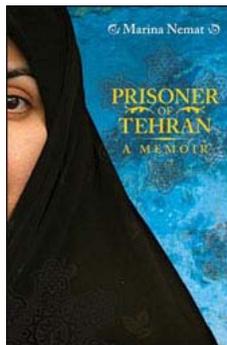
## PRISONER OF TEHRAN - A MEMOIR (2007)

by Marina Nemat

Viking Canada  
CDN\$ 34.00

### Reviewed by Aislinn Clancy

To heal is to become renewed by transforming hopelessness and pain into hope and courage. A person who begins the healing process reaches his or her full potential physically, spiritually, relationally and emotionally. As a woman, this potential is expressed through relationships with others and *self*, as a daugh-



ter, mother, community member, friend and partner. In the book, *Prisoner of Tehran: a Memoir*, Marina Nemat carries the reader through her healing process as she finds meaning in the horrific experience of being a prisoner of Evin (a notorious political prison in the Iranian capital of Tehran), during the time of Ayatollah Khomeini's Islamist Revolution in 1982. Nemat weaves together the past with the present, as she describes the development, destruction and renewal of her relationships with others and *self*.

The story begins by detailing the present day factors, which plunge Nemat back into her past, forcing her to begin healing historical wounds. Now living in Toronto, Ontario, this mother of two began to have nightmares and flashbacks, a sign that she could no longer avoid facing the traumatic experiences of her teenage imprisonment. And so she began to write. She begins this narrative by reflecting on the poignant events that preceded her arrest. The day she was arrested symbolized the day she was pushed out of her childhood and into a fight to survive. After her arrest, the guards took her from her home and the only life she knew, to a life in prison where all around her torture and repression threatened her life and her sense of *self*. Nemat travels between these periods of her life, childhood and imprisonment, while also describing the shifting political climate of Iran leading to her arrest. Nemat broadens the scope of her reflection to shed light on the impact these shifts had on the relationships with her parents, friends and love interests.

As a child, Nemat grew up as the daughter of a middle-class parents, whom she describes as distant and harsh. She often turned to her Hungarian refugee grandmother, her guardian angel (a representative of the Christian God) and her books for solace. When her grandmother died, she leaves Nemat alone in the company of her parents. Her grandmother's memoirs, a gift to her granddaughter, become a preface for the struggles she is about to face. Throughout the description of her childhood, Nemat highlights the memorable first encounters with the good friends she is about to lose. The rigid and oppressive Islamic Regime, which confronts her during her high-school years, denounced all of the things she had grown to love as a child. Her outspoken and resilient nature puts her both at risk, and in favour in the chapters to come.

After protesting the propaganda that begins to fill her school curriculum, Nemat finds revolutionary guards at her doorstep. They arrest her and bring her to face a life in Evin, a repressive political prison. Her life becomes a living nightmare. She faces torture, near death, an unfair trial and constant uncertainty, which shape her into a frail, sick and sullen shadow of her former self.

Nemat's vivid portrayal of the inhumane treatment she suffered as a prisoner of Evin from age 16 to 18 captures the reader's attention and maintains it through to Nemat's release. She skillfully expresses the impact that torture and trauma has on its victims, as she drastically changes her view of reality and her relational selves. She doesn't focus on the harsh details of torture, applying a wider and more introspective lens to her struggles to maintain a sense of self and hope that she can survive to see her loved ones again. Her narrative is not a singular narrative but a collective one shared by many young Iranian women living during this repressive era in Iranian history. Like many others, she is forced into the most brutal form of torture a woman could endure - rape. She is forced into marriage to survive, however, this same marriage gives

her a family she never had. The relationship keeps her alive, while also crushing her sense of self.

The dialogue between the Iranian "then" and "now" is constant throughout the book. The author describes personal experiences in a way that evokes the reader's empathy. While she is in isolation and repression, her relationships do not die, and her ultimate survival is a testament to the strength of the human spirit. Marina Nemat's courage and strength is an inspiration to all those who struggle to understand how such extreme hatred and inhumanity can exist in the world. Her brave story, while seemingly incomplete, inspires feelings of hope and perseverance in the face of adversity. This book, while not academic or focused on political history, educates readers on the personal face of more global issues and concerns of repression. *Prisoner of Tehran: a Memoir*, is sure to capture any reader's sense of interest and compassion.

*\*Aislinn Clancy is a Child & Youth Counsellor at Canadian Centre for Victims of Torture*

### QUESTIONNAIRE

"Tell me again-the name of your wife,  
her age both now and when you were married,  
children-alive, dead or miscarried,  
the name of her father and your mother,  
everyone's sister and anyone's brother;

What did you say was the name of your wife?  
Is she the second or was she the first?  
Did she speak what had been rehearsed?

Income tax-how many dependants?  
We'll have to make a few amendments  
to previous statements now denied....  
Did you declare what you couldn't hide?

By the way, what's the name of your wife?

Is this your present or previous life?

Tessa Steven

**YES!**

I want to help CCVT respond to the needs of survivors of violent oppression who have sought refuge here in Canada.



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Story of the Star-fish

As the old man walked the beach at dawn, he noticed a young man ahead of him picking up starfish and flinging them into the sea. Catching up with the youth, he asked him why he was doing this. The answer was that the stranded starfish would die if left until the morning sun.

“But the beach goes on for miles and there are millions of starfish” countered the other. “How can your effort make any difference?”

The young man looked at the starfish in his hand and threw it to the safety in the waves.

“It makes a difference to this one”. He said.

Anonymous  
Minnesota Literacy Council  
(Form. Inst. S.I. No. 1)