

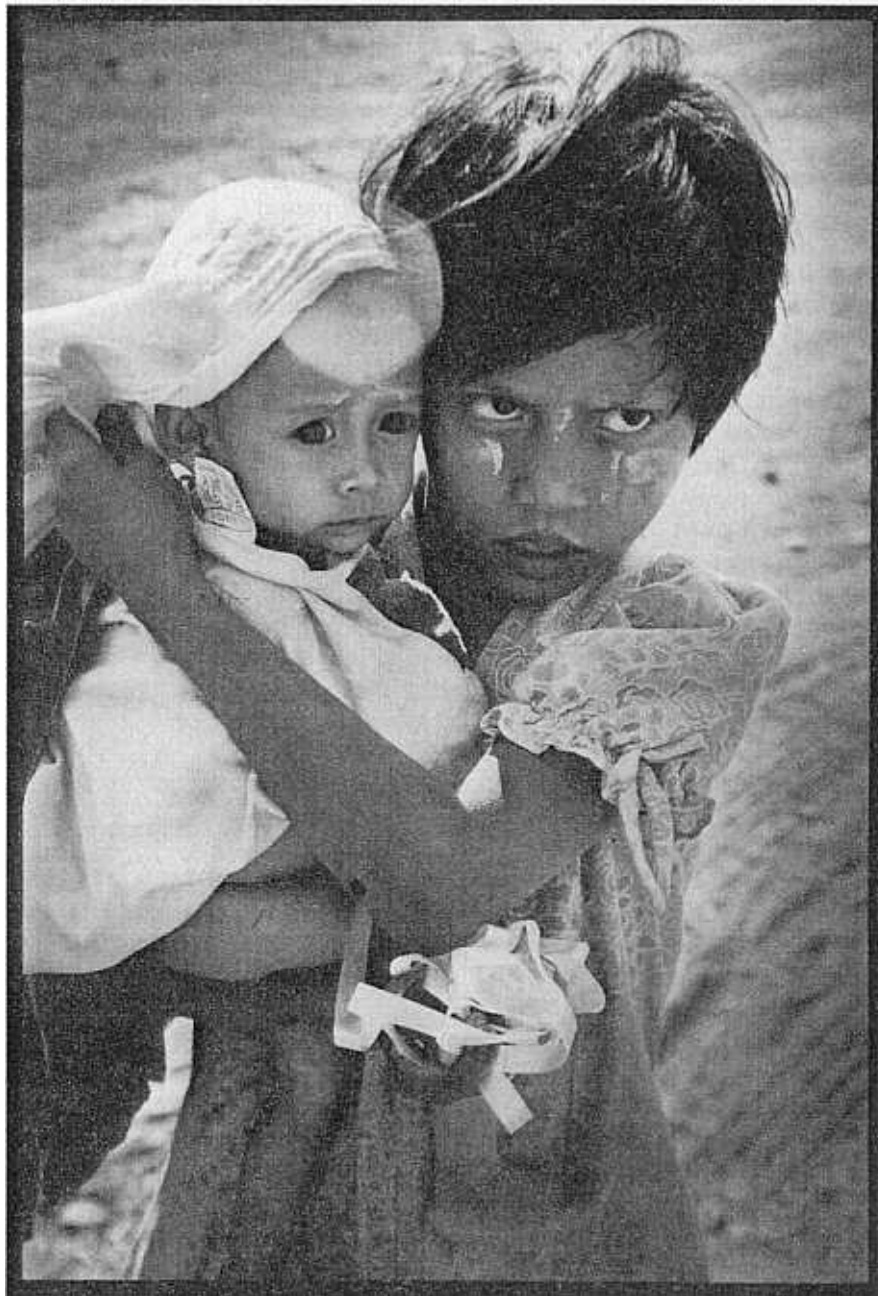


TURNING WHEEL

Journal of the Buddhist Peace Fellowship

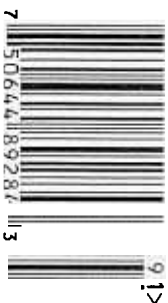
Summer 2000 \$5.00

Not Turning Away



BUDDHISTS ON HUMAN RIGHTS

PLUS: AN INTERVIEW WITH BO LOZOFF



THE DHARMA AND THE TORTURER

by Judith Stronach

In the soiled bathroom of a police station, a weeping teenager stomps on the photograph of a lively girl—his girlfriend—as an older man in uniform looks on. This is one glimpse of Turkey. This is the making of a torturer, portrayed in a film made by Amnesty International. One point of the film is that torturers are not born but created. A young boy, from impoverished circumstances, susceptible to authority, can be made to go against his most innate tendencies, his “original mind” and its inclination toward love and connection. He can be made to see a loved one as a thing. He can be taught to torture. The film also implies that most of us under certain conditions can be turned into torturers.

The film changed me, changed me by opening my compassion for the torturers. The boy was not the only one in a hell realm. The man who was “training” him had himself undergone a similar breaking down process.

A few years later I began a meditation practice that opened my heart further—to suffering, to the need for human rights advocacy, and to understanding torture. Through Buddhist insights, especially into non-duality and emptiness, my intention to work for the end of torture in the world took on greater meaning and rested on more solid ground.

Over time, I learned that ill will and cruelty move through us all. I became familiar with the torturer in myself and painfully intimate with the conditions that lead to the arising of hatred in myself. I inquired into my relationship with the torturer inside me. How do I treat this aspect of myself: with anxiety, impatience, denial, avoidance, fear, more hatred? Increasingly I saw the imperative for a healing that could happen only through reconciliation, through being present to the shadow aspects of myself and integrating them into a more complete sense of who I am.

The parallel in my human rights work was to see the torturer not as someone different or other, but as a product of the whole society. I saw that bringing torturers to trial was not only a matter of justice, but of healing the society that had split off these unwanted parts of itself, of making it whole.

I want to tell of one organization that is helping to make this healing possible, and of a case where the circle has been completed and the torturer as well as the victim has found some measure of peace.

The organization is the Center for Justice and

Accountability (CJA), founded to seek redress on behalf of victims of gross human rights violations. Its founder, Gerald Gray, is a therapist who has worked with trauma survivors. He learned it was not uncommon for torture victims who had sought asylum in the United States to run into their torturers on the streets here. Seeing the perpetrators again often led to their re-traumatization. Gray himself found the presence of these perpetrators in the United States intolerable. He and others view torture as a crime against humanity and, as such, subject to

no limits for prosecution in time or place. One of his goals is to demonstrate that the United States will not be a safe haven for torturers.

The law that allows CJA to prosecute these cases is almost as old as the United States. It is the Alien Tort Claims Act (ATCA), enacted in 1789. The statute grants federal

courts jurisdiction over crimes by aliens now residing in the U.S., no matter where these crimes were committed, as long as they were in violation of the law of nations or a treaty of the United States. The use of this act to call human rights violators to account began in 1976.

The test of the law began with the killing of Joelito Filártiga by torturers in Paraguay. His family demanded an investigation and the prosecution of his murderers. The government's response was to threaten them and their attorney and to slip Filártiga's torturer, Americo Peña-Irala, out of the country. The family traced him to New York City and brought suit against him in a U.S. court. They won. The landmark decision in the *Filártiga v. Peña-Irala* case opened the way for victims of international human rights violations to sue in U.S. courts. Since 1980 the courts have repeatedly upheld the victim's right to sue. The tort does not have to occur in the United States; nor does the plaintiff have to be physically present here. And the defendant does not have to be a U.S. citizen. In recognition of the importance of these cases, Congress in 1992 enacted an important statute to reinforce and expand the ATCA. The Torture Victim Protection Act defines specific legal responses to torture and extrajudicial execution done by both U.S. citizens and aliens who were acting under the law of their own nation.

Thich Nhat Hanh's famous poem tells how he is not only the 12-year-old refugee raped by a sea pirate but also the pirate himself. His words came to mind when I read the words of the Second Circuit in *Filártiga*: “[F]or purposes of civil liabilities, the torturer has become—like the pirate and slave trader before him—*hostis humani generis*, an enemy of all mankind.” Most people working on tor-

*It is not uncommon for
torture victims who have
sought asylum in the United
States to run into their
torturers on the streets here.*

ture cases seek redress for the victims, who find some measure of balance restored when their torturers are brought to justice. As a student of Thich Nhat Hanh, however, I would suggest that if torture is a crime against humanity, it is a crime against the humanity of the torturer, too, who was acting in hell realms separate from his original nature. I see the possibility of a justice that will allow restitution on his behalf as well.

I want to give three examples of the kind of work CJA takes on.

One is the lawsuit of *Mehinovic v. Vuckovic*, the first legal action against a Serb human rights violator now residing in the United States. The lead plaintiff, Kemal Mehinovic, was the former prisoner of the defendant, Nikola Vuckovic. Vuckovic now resides in the Atlanta area where he works in a compressor plant. In 1992 he served as a guard at the detention facility in a Bosnian town slated for "ethnic cleansing." Three additional plaintiffs have come forward to join the suit. For a six-month period in the detention facility, Vuckovic subjected the plaintiffs to interrogation and beatings, kicked and hit them with bats, pipes, and police batons, injuring them and leaving them to fear imminent death. At one point Vuckovic forced Mehinovic's legs apart and beat his genitals, stating, "You won't be needing these any more."

The second case is part of CJA's El Salvador project. CJA has drawn up a list of Salvadoran human rights violators reported to be in the U.S. who were named in the UN-sponsored Truth Commission. Working with private investigators, CJA has been able to confirm the whereabouts of Salvadoran violators and their assets here. It has contacted officials in the INS and/or Department of Justice to begin investigations into these cases, which could lead to deportation or criminal proceedings. It has undertaken outreach and education with Salvadoran refugees regarding their right to seek redress against the individuals in the U.S. courts.

The case itself is a civil lawsuit filed in Florida against General Carlos Eugenio Vides Casanova (the Director of the Salvadoran National Guard from 1979-83 and later Minister of Defense of El Salvador) and General José Guillermo García (the Minister of Defense in El Salvador from 1979-83). Both generals now live in Florida. The suit seeks damages for torture, extrajudicial execution, and other human rights violations.

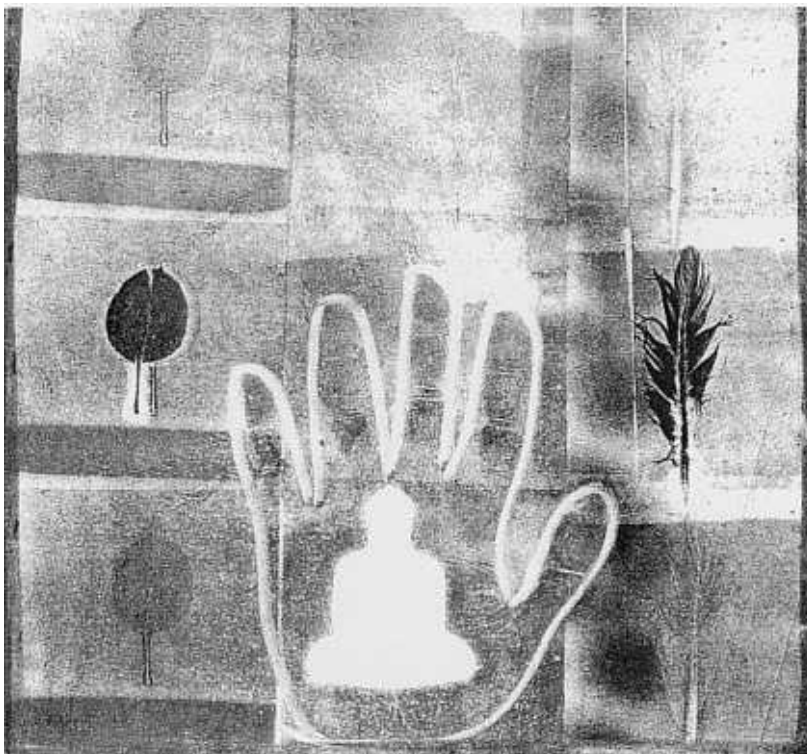
The plaintiffs in the suit are a Salvadoran doctor who was abducted and brutally tortured by the National Guard in late 1980, and a lay church worker who was abducted, tortured, and raped by Guardsmen in late 1979.

The doctor is Juan Romagoza Arce, who was abducted after providing medical care to *campesinos* through a church in Chalatenango. The injuries he received in his three-and-a-half-week detention damaged his hands so that he is unable to perform surgery. He now serves as the director of a health clinic serving the Latino refugee community and other underserved populations in Washington, D.C.

The lay worker and anonymous plaintiff "Jane Doe" has a co-plaintiff, her infant son Baby Doe. She was picked up from a market by National Guardsmen who recognized her as a peaceful demonstrator against military violence upon the rural population. She was eight months pregnant at the time. Because of the atrocities she suffered, her son was born with broken bones, bruises, and severe indentations on his face. He died from these injuries two months after his birth. In 1990 she witnessed a massacre of children and had a mental breakdown. She fled to the United States where she received political asylum and undergoes treatment for trauma.

Asylum for these two individuals cannot be genuine refuge as long as the generals responsible for their torture live in comfortable retirement here. Suspicion also exists about U.S. complicity in these cases. Justice, therefore, extends beyond the plaintiffs to an entire society. It extends, in fact, to us in whose name our government acts, in the name of those who buy clothes made by Salvadoran women, pears from Argentina, coffee from Guatemala, sea bass from Chile.

Gray says one reason a victim files a suit is to answer the question "Who did it?" which often means "Who



Dan Noyes

really did it?" Who was behind it? Who ordered it? Accountability concerns all of us, and justice is needed to restore trust and safety in a government that had strong ties with the two generals and allowed them to emigrate here. Healing extends beyond the victims to the places where the generals live and to the society that invited them into its midst.

Florida is the home of another officer CJA has a suit against, Major Armando Fernandez-Larios, who served as an agent of Chile's secret police during the regime of General Pinochet. The plaintiffs in this suit are the siblings and mother of Winston Cabello, an economist for the leftist government of President Allende. Cabello was summarily executed by the Chilean military, along with at least 72 others who supported Allende's government. Cabello's body was later recovered in the desert. It bore signs of torture and had been beheaded.

The lawsuit alleges that Fernandez-Larios committed summary execution, torture, crimes against humanity, cruel, inhuman and degrading treatment, wrongful detention, intentional infliction of emotional distress, and civil conspiracy. He was also directly involved in the Washington, D.C., car bombing of Orlando Letelier, Allende's former Ambassador to the U.S.

Again, the message is that the U.S. will not be a haven for torturers, and that a crime against humanity cannot escape prosecution anywhere. The reverberations of these prosecutions reach around the world.

Chile is a good place to see interdependence at work. "Because that is, this is." Chile has been in the news because of the Spanish government's effort to extradite General Pinochet from Britain to face trial for human rights violations, and his return to Chile when these efforts failed. In Chile, he can't be prosecuted, at least not for the moment. But CJA is involved in identifying Chileans in the U.S. who will serve as witnesses in his trial, if and when it does take place. Since his arrest, people have felt encouraged to come forth. Former political prisoners are preparing to file the first criminal complaints accusing the General and some of his former officers of torture. The Chilean courts have also dared to question the military's immunity with the arrest of 25 officers. Other arrests from a long list of those thought untouchable are expected.

Because of this, that. The General's arrest ended decades of avoidance of the executions and disappearance of 3,000 people and the torture of tens of thousands of others. Chile's Defense Minister summarized the new attitude, "You deal with it or it will never go away."

This, that. Victims seek redress not as vengeance but as a sign that society has noticed what happened to them, and cares. The possible extradition of the former General had been such a sign. Before this, the victims

had felt abandoned, stigmatized, and cheated. The publicity has retraumatized many by stirring old memories, but it has also allowed a healing process to begin for others. Victims who lived with shame, paranoia, and embarrassment, often expressed in alcoholism, family violence, and unemployment, now experience some measure of legitimacy. This has allowed many to seek therapy for the first time.

Others have found relief with the end of what one health worker called "a macabre phenomenon of silence." For someone it might mean a decrease in pounding headaches. For Viviana Uribe, a 48-year-old human rights

activist, it has meant the end of her own silence. She always believed her own torture took second place, and it was not until General Pinochet's arrest that she told her daughter how she was raped four times and given bolts of electric shock during interrogation. She told *The New York Times* that telling her story

"was like vomiting, all the horrible things flowing out uncontrollably. The torturers are always inside me." (*New York Times*, 1/13/2000, p. 11.)

Viviana Uribe travels now on what Franciscan activist Ken Butigan calls the path from woundedness to completeness. (Ken Butigan. "We Travelled to Seattle: A Pilgrimage of Transformation." *Earthlight*, winter 2000, Issue 36, pp. 8-9.) Even with the failure of Spain's extradition attempt, a process has begun. The General faces over 70 criminal charges of torture and execution in his own country, and Chilean society continues to move toward truth and reconciliation.

For some, this inner reconciliation has come through reconciliation with the so-called other who had been seen as the cause of harm. Then indeed larger circles become complete, and the concept of restorative justice enters in. This is the idea that punishment alone cannot heal the harm one person has done to another, and that victims, offenders, and their communities need to be included in the healing process.

Two former enemies in World War II exemplify this spiritual journey. Eric Lomax was a British soldier who was captured by the Japanese and forced to work on building the Burma-Thailand railway. He was tortured for hiding a radio and for making a map of the railway. Takashi Nagase had been educated in English in an American university and so served as an interpreter with the Japanese army's secret police. It was Nagase's voice that Lomax remembered from his torture, and for years he was obsessed with the desire for revenge against that voice.

Nagase was also tormented by his memories. The Allies took him to locate the graves of those who died building the railway. When confronted with the evidence of Japanese brutality in the form of one death for

(continued on page 22)

*The message is that the U.S.
will not be a haven for
torturers, and that a crime
against humanity cannot
escape prosecution anywhere.*

Dharma and Torturer, continued

each railroad tie, Nagase twice tried to kill himself. Since then he established the River Kwai Peace Foundation, which raised \$800,000 from Japanese who wanted to make reparation. He has returned to Thailand 100 times for his own atonement and to build a Buddhist temple and finance a health clinic there. He has also brought dozens of former POWs and their captors together.

Eventually Lomax understood that his hatred was tearing him apart. He had the insight of the *Dhammapada* that hatred does not end hatred, and that to seek vengeance on another means to harm oneself. In 1993, the two men met in Japan to begin a process of reconciliation. It became the subject of the Noh-like play *Return to Kanburi*, which explores how two enemies in hell found a way to forgive one another. (*Macalester Today*, August, 1999.)

Punishment cannot create the kind of healing these men have achieved. They healed themselves of the greed and delusion that led to war, and this healing has extended to all of us whose karma is bound to the suffering of World War II.

Most victims seek to understand what happened. They want to have a human being answer them. They hope to find their lost relatives so they can give them a final resting place, even if only in their own hearts and minds, so that grieving may complete itself. Finally, receiving financial reparations may restore a sense of life's fairness, particularly since the victims have lost a great deal physically, materially, emotionally, and spiritually. Only a few go through the final stages of forgiveness. Certainly most torturers are not on the path that Nagase walked. Nonetheless, the work of CJA and others create a just society that can be a large container for a more inclusive response to destructiveness.

One way of stating the Second Noble Truth is that the cause of suffering is a failure to recognize the oneness of all beings. We are one, and human rights work fulfills its task when compassion exists for all parties so that self and other may experience their connection and justice be complete.

We are one. Safety for the victims is safety for us, and, ultimately, for the torturer. We are one. To know oneness we accept and integrate the split-off parts of ourselves and the people marginalized by the society we have produced. The Eightfold Path may then work to end the suffering of all those involved in human rights violations. We are one. This oneness can be touched through restoring the state of wholeness that violence, like torture, disrupts. Through sitting with, accepting, understanding, and finally feeling compassion for the fears that manifested as violence, the twelve spokes of the wheel of the Dharma will naturally turn to mend our ancient, twisted karma. ♦

Judith Stronach lives, writes, and teaches in Berkeley, California, where she also manages a fund for nonviolent social change.