Forensic documentation assistance proves pivotal in torture survivor’s case for asylum

As SURVIVORS’ clinical director, DeeDee Gullo knows the odds. Asylum seekers who are represented by an attorney win their cases 45.6% of the time; unrepresented asylum seekers lose all but 16.3%.1 The fact that attorneys are more likely to arrange for medical and psychological experts to assess and testify on behalf of the asylum seeker accounts for much of the difference. Judges give enormous deference to expert forensic evaluations; asylum seekers backed by forensic evaluations win 89% of their cases while asylum seekers who do not or cannot submit such evidence win only 37.5% of the time. 5

So when a young torture survivor called SURVIVORS from detention, explained that he had no attorney and that his asylum determination hearing was rapidly approaching, DeeDee knew how crucial our assistance could potentially be. The client’s case was in Imperial County, where there are no formal organizations providing free or low-cost legal assistance to asylum seekers.

“He told me he had spoken with private practice attorneys willing to take his case but he had no way of paying and no one able to pay for him,” DeeDee says. The client would have to represent himself in court, ASYLUM, continued on page 2

Group activities help survivors of torture to heal, build healthy relationships

In March, about a dozen SURVIVORS’ clients spent an afternoon at a meditation garden in Encinitas. Together with masters of social work interns Svjetlana Lazic and Ashley Spong-Reitzin, clients enjoyed walking along the coast, watching the koi fish in the ponds, and posing for photos with each other and volunteers who came along for the afternoon excursion. It was the birthday of one of our clients so the group celebrated it with desserts at a picnic table that overlooked the ocean.

Although the participants spent more time laughing and talking with one another than meditating, it was exciting to see our clients so happy and social, filled with smiles and laughter. SURVIVORS regularly organizes Healing Club activities to help minimize the isolation and loneliness that many torture survivors feel when they are first adjusting to life in the United States. Other group recreational activities have included nature walks, trips to SeaWorld, and trips to local museums.

In addition to organizing recreational activities, SURVIVORS also hosts bi-weekly in-office support sessions for clients. The group, launched this year, has proven to be a very successful part of our torture treatment program. During each group session, up to 10 SURVIVORS’ clients gather in our office to discuss topics such as self-esteem, positive thinking, relaxation, anxiety, social support systems, and stress. Over the course of the support sessions, the clients have built a rapport with one another and some have become friends.

Two of our clients look at the ocean during a walk in Encinitas

Call to support the Refugee Protection Act

The Refugee Act turns 30 years old this year. For three decades, our collective commitment to providing safe haven to survivors of persecution and oppression has stood as one of our nation’s most concrete demonstrations of our belief in human rights. The Refugee Act says, in a nutshell: if you are persecuted in your homeland on account of your religion, political viewpoint, race, ethnicity, gender or membership in a particular social group, you will be safe here. We will protect you.

It’s a beautiful expression of American goodwill, a tangible showing of respect for all human dignity, the Golden Rule in action. And since 1980, it has been a lifeline for thousands of people from throughout the globe: Eastern Europeans seeking freedom from communism, Bosnians escaping ethnic cleansing, Guatemalans running from massacres, Suda...
Reflections from the leadership

June 26: International Day in Support of Victims of Torture

By Jeanette Barrack, board chairperson, and Kathi Anderson, executive director

June 26, 2010, marks the 23rd anniversary of the day that the United Nations’ Convention Against Torture entered force. Every year, we join together with torture treatment centers around the world to commemorate this date and advocate for the abolition of torture.

This year, the International Rehabilitation Council for Torture Victims (IRCT) is launching an online initiative called “World Without Torture” to build a proactive global community for everyone who shares this dream. Through Facebook and other online social platforms, the campaign incorporates stories from survivors and their families and international statistics related to torture. The website is www.worldwithouttorture.org.

To date, Survivors of Torture, International has served more than 1,000 torture survivors from more than 60 countries. We thank you for your support of local torture survivors and we continue to dream that through the efforts of many, we will someday achieve a torture-free world.

This is a copy of a drawing given to Tricia Hilliard, SURVIVORS’ senior mental health clinician, from one of our asylum-seeking clients who is being held in a detention facility. When she was in SURVIVORS’ office for a medical evaluation, Tricia served her tea and cookies. The title of the drawing is “It is me and you” because she said that she looks forward to having tea again with Tricia once she is released from detention.

“IT IS ME AND YOU”

Dear Tricia,

Tea

ASYLUM, from page 1

but we could arrange for medical and psychological evaluations of his condition. If his psychological presentation matched with the traumas he claimed to have endured, one of our contracted clinicians could testify in support of his claim.

Forensic evaluations play at least three crucial roles in the context of an asylum case. First, when performing forensic evaluations, trained mental health clinicians can often reach subject matter that clients would not otherwise reveal because clinicians are trained to interview clients in more nuanced ways than judges, lawyers or immigration officers. This ensures that asylum adjudicators will have the information they need to evaluate a case fully while removing the pressure that the adjudicators would otherwise feel to delve into topics that can retraumatize a client.

Second, forensic psychological evaluations often play a therapeutic role for torture survivors. The evaluations create a safe space for survivors to speak about the traumas they have endured, away from the intense pressure of lawyers and judges. Moreover, the evaluations can provide validation and understanding for survivors. In identifying symptoms of post-traumatic stress disorder, for example, the evaluating psychologist may help a survivor recognize that the symptoms are a normal reaction to extreme stress.

Finally, forensic evaluations respond to a major evidentiary gap. Asylum seekers frequently flee their home countries in haste and carry few records with them. To make matters worse, the asylum seekers cannot turn to local authorities or businesses at home for assistance in substantiating their cases, as those entities are most often either complicit in or afraid of the very same type of persecution that caused the asylum seeker to flee. More often than not, asylum seekers find themselves before their adjudicators with little more than their word to back them up. As a result, individual credibility rises to the forefront.

Forensic medical and psychological evaluations help

ASYLUM, continued on page 7
Updated figures from the U.S. State Department show that the San Diego region remains by far the top resettlement destination for Iraqi refugees in 2010.

Since 2008, California has resettled more Iraqi refugees each year than any other state, and last year, California resettled 4,859 Iraqi refugees, more than doubling the total for Michigan, the traditional destination for Iraqi newcomers.

Within California, San Diego County continues to be the focus of Iraqi resettlement. The city of El Cajon has led the nation in Iraqi refugee resettlement since 2008. By itself, El Cajon resettled 2,645 Iraqi refugees last year—more, alone, than any state! The trend continues in 2010: El Cajon has already resettled 714 Iraqi refugees.

The city of San Diego, meanwhile, also continues to be a major destination for Iraqi refugees and appears to be gaining still greater significance. Last year, San Diego was the fifth largest recipient of Iraqi refugee resettlement, but in 2010, it has moved up to number three on the list, behind Sterling, Michigan, and, of course, El Cajon.

All of this means that the record demand on SURVIVORS’ services is likely to increase even further. Alas, the Iraqi refugee community shows a high incidence of past traumatization, including a prevalence of torture survival. We will need to continue our outreach and efforts to provide culturally and linguistically competent services to this growing community.

SURVIVORS bids farewell to Maren and Sara

“...The goal of the briefing is to further educate state leaders on the presence and needs of torture survivors in California.

SURVIVORS has joined refugee resettlement agencies, service providers and government agencies in revitalizing the Sacramento Refugee Forum as a clearinghouse for sharing ideas and solving common problems facing refugees resettling in the region. Forum members meet monthly.

To get involved with SURVIVORS’ Sacramento efforts, contact Timothy Griffiths, government affairs director, at tgriffiths@notorture.org.

We’re hiring!

We have several job openings in SURVIVORS’ San Diego office. See full job descriptions online at www.notorture.org. Resumes and cover letters can be sent to employment@notorture.org.

Top Cities in the U.S.

<table>
<thead>
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<th>City</th>
<th>FY2008</th>
<th>FY2009</th>
<th>FY2010</th>
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<td>Tucson, AZ</td>
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In May, SURVIVORS bid farewell to two staff members: Maren Dougherty, public affairs director, and Sara Vaz, special initiatives manager.

Maren joined SURVIVORS in 2005 as an Americorps*VISTA member. After becoming a full-time employee in 2006, Maren began managing SURVIVORS’ communications, fundraising, and advocacy projects. She created SURVIVORS’ first-ever annual report in 2007 and expanded SURVIVORS’ online communications by sending monthly e-newsletters, leading a redesign of the web site, and creating pages on sites such as Facebook and Twitter.

“I have met so many wonderful people through this position, including our staff, clients, and volunteers. SURVIVORS was my first job after college and I’ve learned so much during these years.”

Sara joined SURVIVORS in 2008 to manage fund development activities, community outreach, and special projects. She became a board member of the San Diego Refugee Forum, participated in the Building Healthy Communities Momentum Teams in City Heights, and organized several successful fundraising campaigns.

“We wish Maren and Sara the best of luck.”

**Client Demographics**

55 new clients were served  
Jan. 1, 2010 - April 30, 2010

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<tr>
<td>Non-detained asylum seekers</td>
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</table>

**Refugee Protection Act: Take Action**

If you live in California: contact Barbara Leen (Barbara_Leen@judiciary.senate.gov; 202-224-7703). Tell her you are a Californian and that you urge her boss, Senator Feinstein, to co-sponsor S.3113, the Refugee Protection Act of 2010. Then, email or call Helen LaFave (Helen_LaFave@boxer.senate.gov; 202-224-3553). Tell her you are a Californian and that you urge her boss, Senator Boxer, to co-sponsor S.3113, the Refugee Protection Act of 2010.

If you live in San Diego: contact Caridad Sanchez (Caridad_Sanchez@boxer.senate.gov; 619-239-3884). Tell her you are a San Diegan and that you urge her boss, Senator Boxer, to co-sponsor S.3113, the Refugee Protection Act of 2010.

The staffers will probably be non-committal but they will promise to pass on your thoughts to the senators. That’s perfect. Ask them when you should follow up and then follow up! You can track the bill’s progress by entering the bill number at www.thomas.gov.

If you would like to get even more involved in advocating for passage of the Refugee Protection Act, contact SURVIVORS’ Government Affairs Director Timothy Griffiths at tgriffiths@notorture.org or (916) 492-6039. •

nese fleeing genocide, Indochinese looking for political liberty, and the list goes on. Many of these humanitarian immigrants have found a welcoming community in San Diego.

While the 30th anniversary of the Refugee Act should make us all proud, it’s also a good opportunity to examine aspects of the system that could work better. At SURVIVORS, we’re fortunate to watch and participate in the human renewal that the Refugee Act makes possible. Every day, bit by bit, we see our clients recover their confidence in the decency of others, regain their sense of personal dignity, and contribute to our community. But we also observe an alarming number of instances in which our current refugee and asylum systems fail to fulfill their mission.

For example, current law demands that individuals seeking asylum in the United States apply within one year of their arrival in the country or lose the opportunity altogether. This arbitrary and unnecessary deadline fails to take into account the realities of human responses to traumas and torture.

Upon reaching safety, the primary hope of many of our clients is to leave the past behind. What they have endured is a source of nightmares, flashbacks, deep distress and pain. Applying for asylum would require pouring over these details intensively, publicly, and with the terrifying risk of being returned home should a judge disbelieve the story. Moreover, many refugees flee under emergency circumstances, often leaving loved ones and possessions behind. They do not plan to stay in the United States longer than absolutely necessary. Applying for asylum is not, therefore, high on the list of immediate priorities.

Another problem is the wildly exaggerated definition of material support for terrorism that blurs the distinction between perpetrators and victims, and too often bars innocent people from obtaining the protection they deserve as a result. Consider the case of one of our clients, a man from an East African country who had languished in immigration detention while he appealed a judge’s decision to deny him asylum. Members of a group that the U.S. State Department lists as a terrorist organization approached the client and a relative, demanding that they join. When both refused, the group shot and killed the relative in front of our client, who then agreed to do what he was told. The group gave him a machine gun, but no bullets, and told him to stand in the middle of a road (he managed to escape shortly thereafter). For this action, the judge determined the client had lent material support to terrorists and did not deserve asylum.

Fortunately, Congress has an opportunity to fix these and other problems of the original Refugee Act. To coincide with the 30th anniversary of the Refugee Act, Vermont Sen. Patrick Leahy has introduced the Refugee Protection Act of 2010. In addition to eliminating the arbitrary one year deadline and clarifying the definition of material support for terrorism, the bill tightens up existing law and reforms procedures to ensure that asylum seekers are treated respectfully while their claims are adjudicated, that the process of hearing claims is fair, and that asylees can integrate quickly into American life should they so choose.

Passage of the reforms would be a fitting way to celebrate the legacy of the original Refugee Act and put us on the path to another 30 years of national goodwill.

California is one of the nation’s top states for refugee resettlement, but California Senators Boxer and Feinstein have not yet decided whether to co-sponsor the Refugee Protection Act. To join our advocacy efforts, please see the “Take Action” box (at left). •
SSI/SSP programs provide important assistance for some survivors

The California state budget crisis threatens to undermine the basic needs of many residents. Our clients are no exception. While the federal government pays for most refugee resettlement services and benefits (and the president’s most recent budget calls for important increases in that regard), the state often plays an important supporting role.

Supplement Security Income and State Supplemental Payment (SSI/SSP) programs are a great example. SSI/SSP provides cash and food assistance to elderly, blind and disabled residents who cannot work. The federal government pays for most SSI/SSP benefits, but the state administers the program and contributes an additional percentage to the federal match. In his May revision of the state budget, however, Governor Schwarzenegger proposed eliminating the state’s contribution.

SURVIVORS strongly opposes any cuts to SSI/SSP. Our clients are deeply resilient—they would not be here today if not for their strength to survive—and most of our clients are able to become financially self-sufficient not long after coming to the United States. In some instances, however, the impact of the torture they have endured is disabling and prevents them from holding employment. Two examples:

**Monsing** is a Burmese man. His family was displaced by violence and Monsing grew up in refugee camps along the Thai border. The Burmese military regularly visited the camp and harassed those living there, accusing residents of resisting the dictatorship. In addition, the military planted land mines around the camp. When he was a young man, the military swept into the camp and razed it. Monsing escaped into the jungle, but in the process, he stepped on a land mine. The blast blew off one of his limbs.

Though he survived, he was later kidnapped by military officials, beaten, and stabbed. Remarkably, he escaped. The United States granted him refugee status and he came to San Diego about a year ago. His health and hearing have deteriorated and the combination of his disabilities has left him unable to work.

Daw* is from a hill tribe in Burma. She, too, was living in a refugee camp on the Thai border. Daw is Muslim; her husband was Christian. Burmese soldiers entered the camp and attacked her husband on account of his religion. Daw attempted to defend her husband, but the soldiers beat her until she lost consciousness, causing serious neurological damage. She never saw her husband again. The United States granted her refugee status and she came to San Diego in 2008.

Daw has severe mental health problems resulting largely from the trauma she endured. She suffers frequent psychotic episodes. As a result, she has been unable to work.

For clients like Monsing and Daw and their families, SSI/SSP are essential to meeting basic survival needs. As SSI/SSP benefits have been reduced, the narrow margin by which many of our disabled clients get by has evaporated. Our staff clinicians already report that with increasing frequency, our SSI/SSP recipient clients are facing dire choices between

CUTS, continued on page 6

Refugee All Stars perform in San Diego

In May, SURVIVORS had an educational booth at The Belly Up Tavern in Solana Beach during a performance of the Refugee All Stars. The energetic music group is comprised of refugees who met each other in a refugee camp in Guinea after fleeing violence in Sierra Leone. Through the help of a Canadian aid organization, the band was able to acquire used musical instruments, microphones, and a sound system to perform in camps around Sierra Leone.

In 2002, two American filmmakers heard about the group and decided to document the musicians’ journey as a way of highlighting the beauty and resilience of the West African people. Following the film’s success, the group recorded an album and began touring around the world.

We were excited to be part of the Refugee All Stars’ event because it was a vibrant and emotional display of the healing power of music. We have seen people be transformed as they played music together as part of our music therapy groups offered at SURVIVORS.

The Refugee All Stars’ latest CD “Rise & Shine” was released in March 2010. Learn more at www.rosebudus.com/refugeeallstars.

SURVIVORS welcomes a new board member

In April, SURVIVORS welcomed Howard Moseley to the board of directors. Howard is the chief assistant inspector general for the California Office of the Inspector General in Sacramento, California. He graduated from the University of the Pacific in Stockton and obtained his law degree from McGeorge School of Law in Sacramento. He has traveled to many countries including Kenya, Rwanda, China, Austria, and Costa Rica. Howard also lived in Argentina during his junior year of high school when a military junta was in power. The junta perpetrated unspeakable crimes against the population, including torture. Howard says he was deeply affected by the experience and has advocated for human rights ever since. As a board member, Howard hopes to help SURVIVORS develop relationships at the state and federal level to secure funding where possible, raise the profile of the organization, and expand outreach to the public.

“I was approached by Kathi [SURVIVORS' executive director] about expanding SURVIVORS' mission to include advocacy for torture victims in Sacramento,” he says. “As a former prosecutor, I have always advocated for victims’ rights and have been a life-long student of international law and human rights. Thus, I felt compelled to help.”

CUTS, from page 5

necessities like food, medicine, and shelter. This undermines survivors’ healing processes and undermines their ability to establish firm, secure, productive new lives in California.

On behalf of Monsing, Daw, their families, and our similarly situated clients, SURVIVORS urges the state legislature to reject cuts to SSI/SSP benefits.

TAKE ACTION

Contact State Senator Denise Ducheny (Senator.Ducheny@sen.ca.gov; 916-651-4040), chair of the Senate Budget Committee. Thank her for her votes to preserve SSI/SSP benefits. Tell her you want her to continue to stand up for California’s most vulnerable residents, including disabled torture survivors.

*Clients' names have been changed.*
Thank you to all of our financial supporters!

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Kathi Anderson & L. Jesse Rivera  
Tim Banzhof  
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Grossmont Healthcare District  
Hewlett Packard Company Foundation  
Human & Civil Rights Organizations of America, a federation in the Combined Federal Campaign  
Intuit Foundation Matching Program  
Price Family Charitable Fund  
Qualcomm Incorporated, San Diego  
San Diego County Employees’ Charitable Organization’s (CECO)  
San Diego Foundation for Change  
Sonnenberg & Co., San Diego  
St. Andrews Lutheran Church, San Diego  
The California Endowment  
Thrivent Financial for Lutherans Foundation  
United Nations Voluntary Fund for Victims of Torture

Because of you, survivors are rebuilding their lives. We are grateful. These lists cover the period of January 1, 2010, through April 30, 2010. We apologize for any errors or omissions and extend our gratitude for support that may not have been recognized.

U.S. Department of Health and Human Services, Office of Refugee Resettlement  
Wellpoint Associate Giving Campaign

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**ASYLUM, from page 2**

fill that gap. A physician’s report can show adjudicators that a particular scar, broken bone, or tissue damage is consistent with the torture that an asylum-seeker describes having endured. Similarly, a forensic psychological evaluation can assist an adjudicator to distinguish between genuine mental health impacts of torture and a fraudulent claim. This is especially important because survivors often experience a psychological distancing from the trauma they have endured. For example, survivors sometimes relate the details of horrific acts of torture in flat, unemotional monotone, raising the suspicions of judges who erroneously reason that the only sincere response would be hysterical emotional outbursts.

One of our trained mental health clinicians met with the client at the detention center’s visitor area. Through the glass partition, she listened to him narrate a series of brutal incidents in which he had been tortured by police in his home country before fleeing to the United States. She asked about his psychological reactions to what he had endured and what might happen if he was forced to return. She recorded his symptoms and observed his demeanor. His story was consistent and detailed. He confirmed having many symptoms of post-traumatic stress disorder and depression—appropriate responses to the history he described—but also denying having a few, enough so that the clinician felt sure he wasn’t seeking the diagnosis. Here was a man who had suffered tremendously. He’d survived, and he would heal, if given the chance to begin again in safety.

In May 2010, the client called our office. “When he called to tell me he’d been granted asylum, he said that the judge didn’t make a decision on the initial hearing date because the judge wanted to take time to review the evaluations that the client had presented to him that day,” DeeDee says. “A few days later he had another appointment with the judge and in granting him asylum the judge said ‘You’ve suffered enough already.’”


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Timothy Griffiths, Esq. / Government Affairs Director / tgriffiths@notorture.org

Contact Information

Survivors of Torture, International
San Diego Office (Headquarters)

Volunteer to be a friend

Want to volunteer your time to be part of our healing community? Part of our rehabilitation program is the Friendship Circle, whereby our clinical staff match concerned San Diegans (Befrienders) with torture survivors (Friends).

The goals of this project are to promote friendship and social support between torture survivors and members of the community, to minimize isolation, and to increase the functioning of torture survivors.

We ask befrienders to make a commitment of six to eight hours a month for six months. Knowledge of languages such as Arabic, Spanish, or Somali is helpful. To learn more, please contact DeeDee Gullo, clinical director, at dgullo@notorture.org or (619) 278-2403.

About us

Survivors of Torture, International was incorporated in February 1997 in response to a need in our community to bring assistance to the segment of the population that struggles with the wounds of politically motivated torture. It is estimated that 11,000 survivors of torture live in San Diego County and 400,000 - 500,000 live in the United States. Torture survivors may be left with lifelong physical and mental health problems if not treated by trained professionals.

Since 1997, SURVIVORS has engaged a caring network of professionals — board members, attorneys, interpreters, therapists, physicians, dentists — and all of you in the community who give support and encouragement in many ways. Your support enables us to help torture survivors rebuild their lives. Treatment helps survivors heal, reconnect with their families, go back to school, and find employment.

Ninety-one cents of every dollar raised goes directly to SURVIVORS’ programs. Our Federal Tax ID Number is 33-0743869. Learn more at www.notorture.org.

September 2010 / volume 13, issue 2

Change Service Requested