

Brief to:

**The House of Commons Standing Committee on
Justice and Human Rights**

In view of its study of

**Bill C-242 an Act to Amend the Criminal Code
(Inflicting Torture)**

Submitted by

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and

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Brief re Bill C-242

By Alexandra Lane, Non-State Torture Victim and Robert G. Holodak, Jr. Husband

“The debate before us today, in the mind, heart and soul of the victim, is monumental and potentially life altering. As a member of Canadian society, the government, and committee member you are given the formidable responsibility to make a choice – choose to support the victim or choose the perpetrator.” – Alexandra Lane, Canadian citizen and survivor of non-State torture.

1. Alexandra Lane and Robert G. Holodak, Jr., her husband, write to you in support of Bill C-242, an Act to amend the Criminal Code. As defined in the bill: *Inflicting torture 268.1 (1) Every person who inflicts torture on any other person for the purposes of intimidating or coercing that person is guilty of an indictable offence and liable to imprisonment for life. Definition of torture (2) In this section, **torture** means any act or omission by which severe and prolonged pain or suffering, whether physical or mental, is intentionally and repeatedly inflicted on a person.* It is time for Canada, its Government and the Criminal Justice system to clearly identify the “non-State Actor” (a private citizen) who commits the heinous and evil act of “Torture”. It is imperative to use the word “Torture” in the naming of this bill in recognition of the indeterminate number of victims who suffered and continue to suffer today, the grievous effects of this heinous crime. It is essential to victims of non-State torture to be able to use the term “torture” within the confines of the Criminal Justice system to allow them to speak the truth openly, in the appropriate context and with proper consideration. It is important to create sentencing guidelines for punishment to bring justice for those individuals, predominately children, girls and women, who endure a lifetime of suffering both during and after being tortured by non-State actors.

2. The intent of this Brief is to offer specific examples of “Torture” through my own personal experience as a victim of non-State torture. I survived decades of brutal and unimaginable torture at the hands of my father and his associates (non-State actors). These men hid behind the respected and powerful cloak of a religious order. Their psychological programming, demented acts of brutality and sexualized exploitation, humiliation and degradation began when I was approximately two years old. It lasted into my mid-twenties at which time I fled to Vancouver in an attempt to find safety. My life long journey to recover from the torture began at St. Paul’s hospital more than twenty-five years ago. During the next ten (10) years, I was hospitalized for anorexia multiple times, contemplated suicide almost daily, attempted suicide on several occasions and even starved myself to near death. I ultimately had my name legally changed and left the country to seek a safe sanctuary in a final attempt to escape and survive. It is important to acknowledge the tremendous gratitude I feel today for the help I received from the medical and mental health communities, especially my therapists. They have helped me

recover to the extent that I have the courage today to use my voice and share my story in a way I hope will persuade you to make this Bill a law.

3. In a brief to support Bill C-36 in June of 2014, Jeanne Sarson, MEd, BScN, RN and Linda MacDonald, MEd, BN, RN first introduced the legal concept of non-State torture (NST). They proposed the justice system take action to amend the Criminal Code of Canada specifically to address the treatment of prostitution. They identified “*a glaring criminal human rights violation of NST inflicted against some prostituted women and girls that has not been addressed*”. On page 10, item e., **Justice and reparation – A legal due diligence obligation to criminalize NST**, they quote me - “*When society minimizes [NST] it is taken personally and feels like it is me they are looking down on, reinforcing the feeling of how the [torturers] minimized my worth when they tortured me. Not having the law care enough reinforces what the torturers said “no one will believe you. What makes you think you are so special that someone would even want to save you or care about you.”*”

4. MP Sean Casey, Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, during the 2nd reading of Bill C-242 presented arguments in opposition based on his interpretation that acts committed by a perpetrator of non-State torture are already addressed in the criminal justice system. He pointed to specific examples including assault; assault with a weapon causing bodily harm; aggravated assault; sexual assault; sexual assault with a weapon and aggravated sexual assault. It is an inadequate comparison; while Mr. Casey may be well intentioned, he unjustly and erroneously compared these criminal acts with Bill C-242’s intent to carve out a specific criminal charge of “Torture”. I went through torture which included aggravated assault, aggravated sexual assault, and aggravated assault with a deadly weapon, confinement, battery, physical assault, rape, brainwashing all at the same time for more than twenty five years – my torturers were my father and members of the community. Given my first hand experience enduring decades of their torture, I can attest to the fact that, while egregious and life altering, none of the criminal acts identified by Mr. Casey combined come close to rising to the level of the act of torture that I and thousands of other Canadian citizens to whom you are responsible, endured and continue to endure. Consequently, in my opinion, there is a valid and visceral need to establish a law that specifically identifies non-State torture as a crime perpetrated by a private citizen.

The “Perp”

My father and his associates inflicted the most violent and abhorrent acts of non-State torture on me that most people cannot even imagine. Beginning around the age of two (2), my father tortured me on a repeated basis often every day either physically, sexually or

emotionally. In 2005, I wrote my Masters' thesis titled "Biopsychological Effects of Severe Abuse" and below are excerpts of some of my recollections of torture.

1. My father read Bible devotions at the breakfast table, and then at night he would take me to our country church or an old barn and torture me. He put a cattle prod inside my vagina and shocked me. He tied me up and stuck a gun inside of me telling me if I felt anything during this heinous act that it meant I liked it and wanted him to do it. I felt terrified and I felt pain, and so I thought that meant that I wanted him to do these things - but I did not want him to do those things to me. I created other parts of myself to deal with the confusion and pain.
2. Everyone loved my Dad - he gave a good performance in the community. My father played the role of a kind and gentle man. He was a deacon of the church and a Sunday school teacher. He was involved in community events, he fooled everyone. My relationship with my father was horrendously different. I lived different realities all at once; expressing my community face of "I love my father", my family insider face filled with terror and trying to avoid him, and then the secret relationship face during the rapes, physical torture, horrific organized group rituals and evil. These events took me to the darkest depths of humanity, into the blackest hole of hell.
3. When I was six, my dad took me to a farm that had baby rabbits. I picked up the cutest one and hugged it. My dad took the rabbit from me and broke its neck. It happened so fast and the look he gave me was clear - this could happen to me as well. I felt tremendous guilt that I showed I cared for something and that I had caused the rabbit's death. I isolated more afterwards so that I would not cause anyone else harm. It took me years after I was living on my own to even bring myself to own a pet, a simple act that most would take for granted, because I was afraid to get attached to anything.
4. My dad made me watch as he cut the heads off chickens - I sat there in horror as the headless chickens jumped around splattering blood everywhere. My father told me that if I told of the things he did to me, the same thing would happen to me. Chickens, dogs, and rabbits were used as sacrifices. I was forced to watch them get killed then forced to drink the blood and eat pieces of the dead animals and their feces as the other men watched and laughed. I felt worse than humiliated and wanted to disappear.
5. I was twelve when my dad and his associates got me pregnant and told me that I had evil inside me and they were trying to get it out for me. It was excruciatingly painful and I thought I was dying. I wanted to beg them to kill me so I would never have to feel that much pain again. They were giving me an abortion and then took the underdeveloped baby, cut it into pieces and made me eat some of it in a sacrificial ritual ceremony.
6. My dad told me if I ever said anything about what he was doing, someone I loved would be hurt or killed and it would be my fault. I did not, nor could not, get close to

anyone except my twin brother because I did not want to put anyone in danger. Dad knew I cared more about my twin than myself and used that against me too. Dad said that if I told or even had a thought about telling, my twin would be taken away to jail and I would never see him again.

I have worked in the criminal justice system for more than 20 years in many capacities. My first experience was at the Ministry of Attorney General, Province of British Columbia, Criminal Justice Branch in the Crown Counsel Victim/Witness Services Division. My advocate position gave me the opportunity to assist victims and witnesses of domestic violence and abuse. Victims that I came into contact with and helped were subjected to varying degrees of abuse including assault, assault with a weapon causing bodily harm, aggravated assault, sexual assault, sexual assault with a weapon and aggravated sexual assault. These victims suffered through severe physical and mental pain that I can relate to with a deep understanding and empathy. In the criminal justice system, they get to go to court, name in specific language what they endured and have it formally recognized by the judicial system because it is the law; those of us that suffered non-State torture are currently not afforded the same opportunity by Canadian law.

It is this mere fact that stands in direct opposition to the circumstances surrounding the crimes my father and his associates inflicted through years of mental and physical torture that I am here today before you. The examples outlined above are specific reasons why I firmly believe - for myself and all victims who have suffered non-State torture - Bill C-242 needs to move forward using the word "torture" in the name of the bill. We need to have the judicial system recognize our basic human rights to voice our truth in a court of law.

The "Victim"

One of the most difficult long term physical and emotional consequences of the torture is my inability to connect and trust other human beings. Consequently, it is extremely difficult to live in a world where I cannot be myself because I feel too damaged. I feel if people knew the truth they would reject me. The first time I was hospitalized in Vancouver, I weighed 84 pounds and the doctors did not know if I would even survive with tube feeding. Part of my treatment plan was intensive therapy. Because trust was such a deeply felt challenge, I went months sitting in silence during my sessions with the therapist.

In many respects I was trapped by my lack of knowledge of what happened to me. There was so much missing time in my life and memories of that time were completely lost to me. I could not and did not understand why I would awaken in places with cuts and bruises not knowing how I got them. Because the torture began at age two, before my language skills developed, I did not have words to describe the feelings resulting from being tortured. These thoughts and feelings were stuck inside of me without a means of expression or communication. This is exactly what the perpetrators intended in my case.

It is only through the help of many individuals in the mental health community and long-term intensive therapy that I am capable of connecting with others and expressing myself

today. Below are more excerpts of my recollections of torture from “Biopsychological Effects of Severe Abuse”:

7. As a child I felt hopelessly damaged beyond repair and different from everyone else in the world. I felt like I was dying inside all the time and so lonely it hurt. I was in constant fear. I never knew exactly when I would be taken by dad or his friends to be tortured. I tried to read my dad's moods and tried even harder to stay away from him. When he came into a room I was in, I'd leave. I was terrified all the time. I did not own my body and believed what I'd been told so many times – I was born to be used by dad and his friends. My only hope was to get smaller and smaller until I disappeared and became non-existent so dad could not find me.
8. My dad told me that he knew what I was thinking and what I was doing at all times, so he would know if I ever even thought of telling anyone. He said that he would kill me or someone I loved if I ever told. One day as he was filling the grain seeder he told me that he would put me in the seeder along with the grain and I would be cut up and put in the ground along with the grain and no one would ever know or find me. He said that the only way I could make him really proud of me was to kill myself. I kept his secrets until I was an adult and far away from my family.
9. For years after living on my own, I would feel the overwhelming compulsion to be punished. In my mind, I would bargain with my dad that I would punish myself so he would not have to. I would cut “x's” all over my body. I was disconnected from my body and until recently, referred to it as “this” body. I did not care what happened to it and blamed it for the torture – believing that if I never had a body the torture would not have happened. I tried to cut off my chest and vaginal areas believing that I would have the chance at being clean if I got rid of the areas that were abused, dirty and evil.
10. I often found myself in strange places not knowing how I got there. At times I would find myself walking down back alleys in a dangerous area at night. People I did not know seemed to know me by different names. I felt like I was going crazy. I found out in therapy a part of me prostituted in attempts to feel control and power over men. That “alter” believed that was what she was born to do. She wished that one of the men would tell us we were worth more than prostituting and that he would not use us. The money earned was thrown away because I felt dirty, but we had to take it to see how much we were worth.
11. During the early years after moving to Saskatoon and away from the family home it was extremely difficult to resist going back as his messages and triggers were conditioned so strongly. There were so many triggers implanted in me to kill myself after I moved away. I even attempted it several times. Even now, years later, talking about my experiences gives me an overwhelming fear that I am telling on my family. I get panic stricken with a fear my father will show up at my door and kill me, or worse, kill someone I love. I kept moving every few months. My family would get my phone number or address, and I'd move again. I eventually moved to Vancouver but

that was not far enough because my twin brother followed me there. He kept my father informed as to my location even bringing him to visit me unannounced a couple of times. I finally moved to another country.

The physical and psychological scars I carry with me every day are as real as the paper on which this brief is written. The surgeries I have endured to repair the physical trauma inflicted upon me during the years of torture are significant. Damage from more than 30 years suffering with anorexia has lifelong implications. Eating still triggers past trauma and continues to haunt me daily. Finally, I have been clinically diagnosed with Dissociative Identity Disorder – the disturbance or alteration in the normally integrative functions of identity, memory or consciousness. I gained a deep understanding that the torture, especially due to the early age it began and the duration of torture I was forced to endure, created a state and need to disassociate as a defense mechanism against the overwhelming physical and mental pain I suffered.

In his speech during the second reading of Bill C-242, Mr. Sean Casey minimizes victims of torture when he says *“creating this crime would likely have immense symbolic value to some of the most vulnerable persons in our society.”* He further goes on to say *“symbolism is not enough reason to add another offence to the vast array of offenses and sentencing procedures that already catch the most harmful kinds of assault and that already speak to Canada’s ongoing efforts to protect the most vulnerable among us.”* As a non-State torture victim who suffered almost fifty years, I can assure you with the deepest conviction I feel there is nothing symbolic about using the word “torture” when naming this bill. To truly grasp and identify the full scope of non-State torture in Canada, there needs to be a law in place that empowers the victims of such torture to come forward knowing they are **“finally”** protected by the law. They need to be given their human rights to enter a courtroom, face their perpetrators and speak the truth using the appropriate and necessary term to describe the crime committed against them - torture.

The “Husband”

I met Alexandra Lane in April of 2001 when we both came to the aid of a woman in distress. Afterwards, she told me she had just been discharged from an eating disorder treatment center after seven months as an inpatient and was continuing her treatment as an outpatient. We began dating a short time later and while she was beautiful inside and out, there was something about her I just could not identify. I attended a couple of therapy sessions with her as I wanted to understand more about her eating disorder and how I could help keep her on track. Each of the medical professionals I met all described Alex as *“the miracle girl”* as they could not believe she was still alive after all she had endured. I attributed these statements to Alex’s recovery from anorexia but little did I know the true reasons behind their statements.

On a trip to New York to meet my family in mid-June of 2001, Alex revealed to me for the first time that she had been clinically diagnosed with Dissociative Identity Disorder. She explained to me how important it was for her to tell me about her condition as she wanted me to know before we became more involved. She did not want to start caring about me because she was worried I would think she was crazy and want nothing further to do with her. She told me of being estranged from her family and hinted at the violence she endured at the hands of her father. Upon our return, Alex shared with me that her medical benefits were coming to an end and her financial resources were minimal. She told me she booked a flight to Canada to obtain a Green Card under the new NAFTA agreement.

At 6:00am the day after she flew to Canada, I received a call from Alex - she said was trapped as Border Patrol was not allowing her to re-enter the United States because her Visitor Visa expired. She was panic stricken telling me she was sure her father was going to find her and kill her. I sensed immediately, based on what I previously learned about Alex, that if I did not go to Canada and find a way to bring her back she would most likely kill herself. I flew into Buffalo the next day, rented a car and drove to Toronto to meet Alex at the hotel she was staying at by the airport.

Over the course of the next eleven days, while I worked with lawyers in Canada and the United States, Alex began to reveal to me the true extent of the horrors she had endured. I experienced firsthand the physical tremors she suffered daily as a result of the torture from the electric shocks by a cattle prod. I learned about the physical and mental torture as well as constant gang rapes by her father and his friends. What I was ill prepared for, after everything else she shared with me, was the fact that all of the torture began when she was around two years old. Through the grace of God we returned to the United States and five months later I took Alex to Key West Florida where I asked her to marry me. I explained that I wanted to ask her to marry me at the furthest distance in the United States from her father. I made a promise that day that I would always protect her and the rest of her life would be lived in a safe environment allowing her to recover.

We will be celebrating our fifteenth wedding anniversary in December and I can attest to the fact that Alex's recovery is nothing short of a miracle. Together, we suffered financial hardships caused by multiple health conditions resulting from her torture. This includes two major medical surgeries and significant expenses related to continuing mental health therapy. These are all directly attributed to the torture Alex suffered. I have worked diligently while waiting patiently for the day to arrive for us to have the opportunity to bring to light Alex's life experience in the hope that it will help Alex and others. I fully support my wife's efforts to help change the Criminal Code in Canada with the passage of Bill C-242 into law.

Alex's Conclusion

As I read this over, I realize my writing cannot begin to fully express the excruciating pain I felt and continue to feel. There is not a day that goes by or a food I can eat that does not trigger the horror of my past. The pain often pushes my brain past what I believe I'm capable of handling and then it goes black. I disappear in my head. There are no words to

adequately describe my horror. I was degraded to “nothing” and everything inside of me was “shattered”. Mine is a lifelong sentence of flashbacks and reliving the unspeakable criminal non-State torture acts that were perpetrated upon me.

In August 1991, the Minister responsible for the Status of Women announced the creation of The Canadian Panel on Violence Against Women. The Panel's extensive mandate was to examine all forms of violence against women, document its incidence and explore its root causes. The Panel was also expected to increase public awareness of the issue, develop recommendations for prevention of violence, and establish a reasonable time frame for government action to bring about "zero tolerance" in Canadian society.

The final report was issued in 1993 and includes “The Zero Tolerance Policy” based on the position that “no level of violence is acceptable, and women's safety and equality are priorities.” The report recommends that all organizations and institutions review their programs, practices and products in light of the Zero Tolerance Policy, which they should use as a tool for creating a violence-free environment and for monitoring that environment. The policy should also be applied in key sectors of society such as health and social services, legal institutions, workplaces, the military, educational settings, the federal government and religious institutions. *While the implementation of a Zero Tolerance Policy in these sectors will address the overall nature of Canadian society, the report also includes a plan for action by/for individual Canadians in their capacity as parents, partners, children, co-workers, friends and community members.*¹

State torture and non-State torture utilize many of the same torture methods. However, non-State torture carries additional aggravating factors such as the relationship between torturer and victim, usually family, the age at which it begins, and the length of the period of torture. And yet today, the Canadian government and criminal justice system only have the option to name torture in cases of acts committed by individuals employed by the government. Non-State torture committed by family members, private citizens, even religious leaders all of whom the victim lives with and around every day, remains invisible to the Government and Judicial system. It has been more than twenty years since the final report with “The Zero Tolerance Policy” was issued and finally the opportunity exists with Bill C-242 to close this glaring gap in human rights and equality for women.

Recommendations

To truly grasp and identify the scope of non-State torture in Canada there needs to be a law in place to empower victims to come forward knowing they are protected. It is without question victims of torture go to extreme measures to achieve safety from their perpetrators – in my case; I legally changed my name and fled the country. Using the term “non-State torture” in the law formally recognizes these victims in our society.

¹ - VIOLENCE AGAINST WOMEN: THE CANADIAN PANEL'S FINAL REPORT MR-122E Prepared by Sandra Harder, Political and Social Affairs Division - 28 February 1994

Consequently, it is critical the government, the criminal justice system, social workers and health care professionals be required to recognize these victims of torture as such and respond to their specific needs accordingly. This is why it is our recommendation that Bill C-242 moves forward with the word "torture" in the name of the bill.

The Canadian criminal code offers a maximum sentence of life in prison with a 25-year parole ineligibility period. These sentencing guidelines traditionally are reserved for crimes such as homicide, multiple murders or serial killers. Drawing a comparison to the perpetrator of those crimes with the perpetrator of non-State torture, in our opinion should warrant similar sentencing guidelines and consideration. That said, it is our recommendation, to alleviate any conflict with the sentencing guidelines already established for State torture, we find a maximum sentence of fourteen years acceptable at this juncture. What we do not find acceptable is to allow the Canadian criminal justice system to continue to turn a blind eye to the most heinous and egregious act –Torture – simply because of a distinction between a State-actor and a non-State actor. The crime is the same, the disastrous and devastating effects on the victims are the same, the name of the crime and the punishment ought to be the same. If you fail to pass this bill, it allows the crime of non-State Torture in Canada to continue unabated. As a consequence, you will ignore the most basic human rights of non-State torture victims and in fact be choosing to side with the perpetrators.

Alex Lane 7/11/2016
Alexandra Lane

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