



THE CENTER FOR JUSTICE & ACCOUNTABILITY
Bringing Human Rights Abusers To Justice.



ANNUAL REPORT
JANUARY 1, 2007 - JUNE 30, 2008

OUR MISSION



The Center for Justice and Accountability is an international human rights organization dedicated to deterring torture and other severe human rights abuses around the world and advancing the rights of survivors to seek truth, justice and redress.

CJA uses litigation to hold perpetrators individually accountable for human rights abuses, develop human rights law and advance the rule of law in countries transitioning from periods of abuse.

THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.



MESSAGE FROM THE CHAIR AND EXECUTIVE DIRECTOR

It is with great pleasure that we present you with this report of our January 2007 - June 2008 activities. Looking back on our founding nine years ago, **it is clear that 2007-2008 was a major tipping point** for this organization in which the incremental hard work of our attorneys and pro bono network, and the continued willingness of our clients to publicly speak the truth against human rights abuses combined to produce extraordinary results.

There are a number of separate developments that have helped launch CJA into the next phase of our development.

In October 2007, **CJA received the Thomas J. Dodd Prize in International Justice & Human Rights** from the University of Connecticut and Senator Christopher Dodd. As a Dodd Prize recipient, CJA joins the ranks of South African Justice and anti-apartheid activist Richard Goldstone and former U.N. High Commissioner for Human Rights Louis Arbour. The receipt of this prestigious award clearly represents a coming of age for CJA.

In a CJA first, in November 2007, **CJA client Juan Romagoza Arce and Executive Director Pamela Merchant testified before the U.S. Senate Judiciary Committee's Subcommittee on Human Rights and the Law.** The hearing, "No Safe Haven: Accountability for Human Rights Violators in the U.S.," sought to examine government efforts to hold human rights abusers who have settled in the U.S. accountable for their actions. Following on this, in June 2008, CJA submitted testimony that explored gaps in the current criminal human rights regulatory framework for the hearing, "From Nuremberg to Darfur: Accountability for Crimes Against Humanity."



In December 2007, CJA **conducted its first human rights training program in Honduras**, bringing together 80 Honduran prosecutors with a faculty of legal practitioners from throughout the Americas, Spain and the U.S. to cover the practical “how to” specifics of using national courts to try human rights crimes.

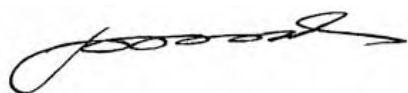
In May 2008, with the distribution of \$580,000 to Haitian torture and massacre survivors, **CJA crossed the one million dollar mark in assets recovered from human rights abusers**. Perhaps even more extraordinary is the fact that all seven of the survivors who successfully collected damages in our cases chose not to keep their award for their own personal use, but instead shared it with their communities and other victims of human rights abuses.

CJA's participation in the Fujimori prosecution in 2008 was the result of relationships we built in connection with the 2007 filing of the first human rights cases in the U.S. for atrocities committed against the Peruvian civilian population during the 1980-2000 internal conflict. The cases, against two commanders responsible for a major massacre, represent a new chapter in CJA's work in the Americas and our first effort to aid the struggle against impunity in Peru.

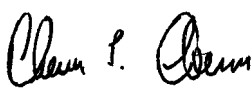
In the midst of this programmatic expansion, CJA launched the **Judith Lee Stronach Human Rights Award** which is to be given annually to an individual or organization who has made an outstanding contribution to the movement for global justice. The award was presented to CJA founding board member **Paul Hoffman** and Yale Law School Dean **Harold Hongju Koh** in 2007 and 2008 respectively at our annual dinners. We were also honored with the presence of two of our most important in-country partners at the dinners: Nobel Peace Prize Laureate **Rigoberta Menchú Tum** and **Francisco Soberón Garrido**, founder of the Association for Human Rights in Peru.

Finally, we welcomed four new dedicated human rights defenders to our board: **William Belding, Maryam Elahi, Eileen O'Connor** and **Denise Vanison**.

CJA's 2007-2008 victories belong to the entire CJA community – to our clients, pro bono law firm partners, expert witnesses, community and in-country groups, donors and supporters, and to all of you who share a commitment to ending torture, genocide and other atrocities. We thank you for your continued support and for all you do to help make the world a more just place.



Joseph Brand
2007 Chair
Board of Directors



Chet Atkins
2008 Chair
Board of Directors



Pamela Merchant
Executive Director

We issue this eighteen month report because CJA changed our fiscal year in 2007 from a calendar year to one beginning July 1 and ending June 30. This report, therefore, presents our audited financial statements and program activities for the eighteen month period from January 1, 2007 through June 30, 2008. Future CJA annual reports will return to a twelve month cycle.

INTRODUCTION

“Universal Jurisdiction” is the doctrine of international law that holds that certain crimes are so egregious that the perpetrators may be held accountable wherever they are found. These crimes include genocide, crimes against humanity, war crimes, and torture. The doctrine provided the legal foundation for the Nuremberg trials against Nazi war criminals. More recent events – including the arrest of Chilean General Augusto Pinochet in London, the establishment of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the prosecution of Liberian dictator Charles Taylor in Sierra Leone and the establishment of the International Criminal Court – all reflect the growing determination of the international community to carry forward the Nuremberg legacy of bringing individuals to justice for violations of international law that “shock the conscience of humanity.”

CJA is playing a leading role in this emerging era of international justice by pursuing universal jurisdiction cases in the U.S. and Spain. In the U.S., we use two civil laws to hold perpetrators of international human rights abuses accountable: the Alien Tort Statute and the Torture Victim Protection Act. We also pursue criminal human rights cases before the Spanish National Court, which has initiated investigations into abuses around the world. CJA has pioneered a survivor-centered approach to the quest for justice that combines legal representation with medical and psycho-social services to both empower and heal torture survivors and their communities.

“Transitional Justice” refers to a range of judicial and non-judicial strategies that are used to deal with a legacy of human rights abuses and armed conflict in a given country. These strategies have a variety of goals: to hold those who had “command responsibility” for systematic abuses legally accountable; to help repair social divisions caused by conflict; to provide survivors with a full accounting and acknowledgement of the abuses that occurred; to offer material and moral reparations to survivors; and to reform key state institutions including the military, police and judiciary to ensure that the pattern of human rights violations is not repeated.

From using a U.S. civil case to jump-start Honduran efforts to prosecute those responsible for forced disappearances in the 1980s, to managing the distribution of over \$400,000 of U.S. court award damages to massacre survivors in one of Haiti’s poorest communities, CJA is advancing transitional justice goals in countries where abuses have occurred.



TIMELINE



- 1789** Congress enacts the Alien Tort Statute (ATS) to provide federal courts with jurisdiction over torts committed against aliens “in violation of the law of nations.”
- 1945** The United Nations (UN), the Nuremberg International Military Tribunal, and the Tribunal for the Far East are established. Crimes against humanity are defined and made subject to prosecution. The tribunals establish that rules of international law apply to individuals as well as states.
- 1948** The UN General Assembly adopts the Genocide Convention, which provides that persons who commit genocide shall be punished, “whether they are constitutionally responsible rulers, public officials or private individuals.” The General Assembly, without dissent, also adopts the Universal Declaration of Human Rights.
- 1980** A U.S. appellate court issues the groundbreaking decision in *Filártiga v. Peña-Irala*, holding a Paraguayan police officer liable under the ATS for acts of summary execution and torture committed in Paraguay.
- 1992** President George H.W. Bush signs into law the Torture Victim Protection Act (TVPA), which endorses the ATS and provides a cause of action for U.S. citizens, as well as aliens, to sue for torture and extrajudicial killing.
- 1993** The UN establishes the International Criminal Tribunal for the former Yugoslavia.
- 1994** The UN establishes the International Criminal Tribunal for Rwanda. The U.S. ratifies the UN Convention Against Torture and adopts a law making torture, wherever it is committed, a crime that can be criminally prosecuted in U.S. courts.
- 1998** CJA is incorporated. General Pinochet is arrested in London pursuant to a Spanish warrant for torture and related crimes committed in Chile. CJA files its first case in the U.S. against Bosnian war criminal Nikola Vuckovic.
- 2002** The International Criminal Court is established. CJA wins a landmark jury trial against two Salvadoran former Ministers of Defense, which confirms the doctrine of command responsibility in U.S. civil human rights cases.
- 2003** CJA wins the first jury verdict in U.S. history for crimes against humanity in a contested case brought against Chilean death squad operative Armando Fernández Larios.
- 2004** The U.S. Supreme Court affirms in *Sosa v. Alvarez-Machain* that non-U.S. citizens may use the ATS to sue human rights violators for abuses committed overseas. CJA joins a criminal complaint filed by Nobel Laureate Rigoberta Menchú Tum and others in Spain against Efraín Ríos Montt and other senior Guatemalan officials charging terrorism, genocide and torture.
- 2006** Nigeria surrenders former Liberian dictator Charles Taylor to the UN-backed Special Court for Sierra Leone for trial. In the U.S., Taylor’s son, Chuckie Taylor, is indicted for torture, marking the first time that the U.S. government has filed a criminal case under the 1994 torture law.
- 2007** An international arrest warrant is issued by Peru for former Peruvian President Alberto Fujimori after a unanimous decision by the Peruvian Congress to lift his immunity as former head of state. Fujimori is extradited to Peru from Chile to face corruption and human rights charges.
- 2008** In one of the largest recoveries of court awarded damages in a U.S. human rights case, CJA clients recovered \$580,000 from former Haitian Col. Carl Dorélien.

CIA'S CASES AT A GLANCE

Bosnia and Herzegovina

War Crimes and Ethnic Cleansing

(Mehinovic v. Vuckovic)

In 2002, an Atlanta judge found Bosnian Serb war criminal Nikola Vuckovic liable for torture, war crimes and other abuses committed against Bosnian Muslims.

Chile

Pinochet's "Caravan of Death"

(Cabello v. Fernandez Larios)

In 2003, a Florida jury found Pinochet operative Armando Fernández Larios responsible for torture and murder.

China

Torture and Religious Persecution

(Doe v. Liu Qi)

In 2004, a San Francisco judge issued a default judgment against Liu Qi, the Mayor of Beijing, for his role in the torture of Falun Gong practitioners.

El Salvador

Command Responsibility for Atrocities

(Romagoza Arce v. Garcia)

In 2006, the 11th Circuit upheld CJA's 2002 \$54.6 million jury verdict against Generals García and Vides Casanova for the torture of three CJA clients.

Assassination of Archbishop Romero

(Doe v. Saravia)

In 2004, CJA won a \$10 million judgment against Alvaro Saravia, marking the first time anyone had been held responsible for the assassination of Archbishop Romero.

The Civil War's Most Notorious War Criminal

(Chavez v. Carranza)

In 2005, a Memphis jury found Colonel Nicolás Carranza liable for abuses suffered by our clients and ordered him to pay \$6 million.

Guatemala

Justice for the Mayan Genocide

(The Guatemala Genocide Case)

In 2006, CJA became lead counsel on the *Guatemala Genocide Case* filed by Nobel Laureate Rigoberta Menchú Tum and others in Spain against seven senior Guatemalan military officials.



Haiti

The High Command and the Raboteau Massacre

(Jean v. Dorelien)

In 2007, a Miami federal jury found Colonel Carl Dorélien liable for abuses and ordered him to pay \$4.3 million. In a separate state court action, a landmark \$580,000 was recovered for Haitian massacre survivors.

Death Squads and Gender-Based Violence

(Doe v. Constant)

In 2006, a New York judge found death squad leader Emmanuel “Toto” Constant liable for abuses and ordered him to pay \$19 million to three survivors of state-sponsored rape.

Honduras

Forced Disappearances

(Reyes v. Lopez Grijalba)

In 2006, a Florida judge held Colonel Juan López Grijalba responsible for abuses and ordered him to pay \$47 million to six survivors and relatives of the disappeared.

Indonesia

Atrocities During the East Timor Independence Referendum

(Doe v. Lumintang)

In 2001, a D.C. judge found General Johnny Lumintang liable for abuses and ordered him to pay \$66 million to six survivors. While the judgment was reversed on a technicality, Lumintang no longer travels to the U.S.

Peru

The Accomarca Massacre I

(Ochoa Lizarbe v. Hurtado)

In 2007, CJA filed suit on behalf of two survivors against Major Telmo Hurtado Hurtado for abuses.

In 2008, after a trial on damages, a Miami judge ordered Hurtado to pay \$37 million.

The Accomarca Massacre II *(Ochoa Lizarbe v. Rivera Rondon)*

In 2007, CJA also filed suit against Captain Juan Rivera Rondón for torture and killings committed during the Accomarca Massacre.

Somalia

Civil War and Widespread Repression *(Yousuf v. Samantar)*

In 2004, CJA filed suit on behalf of five Somali survivors against General Mohamed Ali Samantar for widespread abuses committed during the 1980s under his command.

Clan Violence and Torture *(Doe v. Ali)*

In 2004, CJA filed suit on behalf of two Somalis against Colonel Yusuf Abdi Ali for war crimes.

SELECTED ACCOMPLISHMENTS 2007-2008

EL SALVADOR

CJA Defends Verdict on Appeal Against Former Salvadoran Vice-Minister of Defense: *Chavez v. Carranza*

In June 2008, after many delays by the defendant, the briefing for the appeal in CJA's case against former Salvadoran Vice-Minister of Defense Col. Nicolas Carranza was finally completed. In an extraordinary development, the Government of El Salvador filed an amicus brief with the Sixth Circuit Court of Appeals in support of the defendant's argument that the 2005 judgment against him should be voided because he is entitled to amnesty under El Salvador's 1993 Amnesty Law.

This is the first time that a government has intervened at this level on behalf of a defendant in a CJA case. In response, a broad coalition of international law experts filed an amicus brief which argues that the Amnesty Law is illegal under both Salvadoran constitutional law and international law. The amnesty law, which has been strongly criticized by the Inter-American Commission on Human Rights, was passed five days after a U.N. sponsored Truth Commission found that the Salvadoran government was responsible for most of the abuses committed during the 1980-1992 civil war.

Background

In November 2005, after a three week trial, a Memphis jury held Carranza liable for crimes against humanity, torture and extrajudicial killing for his role overseeing abuses committed by the military. He was ordered to pay \$6 million in damages. The verdict represents the first time that a U.S. jury in a contested case has found a commander liable for crimes against humanity.

The case was brought on behalf of five courageous plaintiffs: Erlinda Franco, Ana Patricia Chávez, Francisco Calderón, Cecilia Santos and Daniel Alvarado. The plaintiffs were torture survivors and family members of those disappeared or assassinated by forces under the command of Carranza.

It is estimated that over 75,000 civilians were killed by government and paramilitary forces during the Salvadoran civil war; thousands of others were tortured, raped and suffered other abuses. Carranza was Vice-Minister of Defense of El Salvador from late 1979 to early 1981. In that position, he exercised command over the three units of the Security Forces – the National Guard, National Police and Treasury Police – that were responsible for widespread attacks on civilians.

Carranza came to the U.S. in 1985 and became a U.S. citizen in 1991. At trial, he testified that he had been a paid informant for the CIA. CJA is joined by Carolyn Patty Blum, Clinical Professor of Law, Emeritus, at U.C. Berkeley Boalt Hall School of Law and pro bono co-counsel Bass, Berry and Sims PLC on the case.



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SELECTED ACCOMPLISHMENTS 2007-2008

GUATEMALA

Historic Testimony of Survivors of the Mayan Genocide Before the Spanish National Court: *The Guatemala Genocide Case*

Many developments have occurred over the past eighteen months that have changed the face of the litigation. In our last report, we explained that international arrest warrants and extradition requests had been issued by Spanish Judge Pedraz for former President Efraín Ríos Montt and five other high ranking military and police officials responsible for the genocide of indigenous communities in Guatemala. The arrest warrants had been accepted by the Guatemala Constitutional Court and extradition proceedings were initiated.

Then, unexpectedly, in December 2007 the Guatemalan high court reversed itself and held that the arrest warrants and extradition requests were invalid. As a result, Judge Pedraz issued an international call to invite witnesses to travel to Madrid to present evidence on the genocide. CJA had previously received permission from the court to bring 40 individual witnesses to testify in Spain in three separate groups. After the judge's call, many more witnesses, including Rigoberta Menchú, traveled to Madrid to give evidence.

As lead counsel, CJA organized two delegations of witnesses. The first group testified in January 2008 and included fifteen survivors and three experts. The presentation of the testimony was an historic moment for the Mayan survivors as it represented the first time a national court had allowed them to present evidence of the campaign of torture, rape and killing perpetrated against their communities. Because of the refusal of Guatemalan courts to prosecute those responsible for the genocide, the *Guatemalan Genocide Case* has become a critical avenue of justice for these survivors.

While most of the witnesses' identities were kept confidential due to security concerns, two CJA clients testified publicly: Jesus Tecú Osorio, survivor of the Rio Negro massacre and winner of the Reebok Human Rights Award, and Juan Manuel Jeronimo, survivor of the Plan de Sanchez massacre. The second group testified in May 2008 and included five survivors and anthropologists Ricardo Falla Sanchez, Charles Hale and Beatriz Manz.

The historic testimony of the survivors was made possible through the unique, transnational collaboration among members of the CJA-led legal team. In addition to CJA, members of the international legal team include CJA pro bono co-counsel Ollé & Sesé, LLP, the Association for Human Rights in Spain and U.C. Hastings College of the Law, as well as the Harvard Human Rights Program, the National Security Archive, Impunity Watch, the Rigoberta Menchú Tum Foundation and lawyers from the Center for Human Rights Legal Action, who helped prepare the testimony of the Mayan survivors and assisted with security and logistics.

Background

In 2004, CJA joined a criminal complaint filed in 1999 by Nobel Laureate Rigoberta Menchú Tum and others charging former President Efraín Ríos Montt and other senior Guatemalan officials with state terrorism, genocide and systematic torture. The case is modeled on the Pinochet case – also brought in Spain – in which courts recognized universal jurisdiction over certain human rights crimes. In 2006, a new legal team led by CJA began working with attorneys from Guatemala, the Netherlands, Spain and the U.S. to develop evidence on the Mayan genocide.

According to the UN-sponsored Commission on Historical Clarification, over 200,000 people were killed or disappeared between 1960 and 1996 in Guatemala. During the worst period of violence in 1982 – 1983, the army and its counterinsurgency force began a systematic campaign of repression against the Mayan indigenous community. The army and its paramilitary teams attacked and destroyed an estimated 440 Mayan villages. This two year period became known as the “Silent Holocaust.”

Proving That Atrocities Were Authorized at the Highest Levels: The Guatemala Evidence Project

In May 2007, CJA and our partners at the National Security Archive and the Myrna Mack Foundation received support from the Open Society Institute to fund two researchers to analyze military and police command structures in Guatemala during the Guatemalan civil war.

In addition to the *Guatemala Genocide Case* in Spain, a number of other accountability efforts will benefit from the project. The final report, which we hope to release next year, will be available to human rights attorneys working on genocide cases pending in Guatemalan, Spanish and Belgian courts and in the Inter-American Court on Human Rights. Naomi Roht-Arriaza, Professor of Law at University of California, Hastings College of the Law is leading this effort.



SELECTED ACCOMPLISHMENTS 2007-2008

HAITI

CJA Victory Leads to Historic Recovery for Massacre Survivors in Haiti: *Jean v. Dorelien*

2007 saw victories in parallel cases in state and federal court against Colonel Carl Dorélien, a former member of the Haitian Military's High Command who had command responsibility for human rights violations committed against civilians during the 1991-1994 dictatorship in Haiti. Dorélien fled to the U.S. after the collapse of the dictatorship along with many other members of the Haitian military. His presence in the U.S. became widely known after he won \$3.2 million in the 1997 Florida state lottery.

The Federal Court Case

In February 2007, a Miami jury found Dorélien liable for torture, extrajudicial killing, arbitrary detention and crimes against humanity suffered by plaintiffs Lexiuste Cajuste, Marie Jeanne Jean and her two young children. Dorélien was ordered to pay \$4.3 million in damages. Testimony at trial included an eyewitness to the violent 1991 coup d'état who watched as soldiers indiscriminately shot into crowds of innocent people protesting in the streets. CJA client Lexiuste Cajuste took the stand and courageously detailed the viciousness of the torture he endured. Cajuste was targeted by Haitian military forces under Dorélien's command because of his role as a union organizer and pro-democracy activist.

CJA client Marie Jeanne Jean also testified about how her husband, Michel Pierre, was forced to run into the sea to escape the soldiers' guns. Three days later, she watched as a member of the paramilitary dragged Pierre's body ashore by rope. Pierre was killed during a massacre by the Haitian military against the citizens of the Raboteau neighborhood in the seaside city of Gonaïves. The case represents the first time that a U.S. jury has held a former member of the Haitian military responsible for the widespread human rights abuses that were committed against the civilian population.

The State Court Case

Simultaneous with the federal court case, CJA filed a state court case against Dorélien in 2003 in an effort to recover his remaining lottery winnings. We finally prevailed in late 2007. As a result, in January and April 2008, \$580,000 was distributed to our clients, Lexiuste Cajuste, Marie Jeanne Jean and her children. Cajuste is using a portion of the recovery to help fund The Hope Center for Haitian Refugees, an organization he founded to provide social services to Haitian refugees. Jean divided her share among the other 90 survivors of the Raboteau massacre. In May 2008, over \$400,000 was distributed to the Raboteau victims at a community meeting in Gonaïves, Haiti. The timing of this distribution was particularly significant in the context of the 2008 Haitian food crisis.

Background

The Raboteau Massacre was a joint military/paramilitary attack on a pro-democracy neighborhood carried out on April 22, 1994. The victims started fighting for justice the next day when they filed complaints in Haiti with a local judge. CJA partner, Bureau des Avocats Internationaux (BAI), later filed complaints against senior military and paramilitary leaders and brought the case to a successful 6-week trial in Haitian courts in 2000. The Haitian trial resulted in the conviction of Dorélien and 52 other soldiers and death squad members as well as a large damage award. The enforcement of this judgment in Florida state court eventually led to the recovery of Dorélien's \$580,000 in lottery assets.

Working closely with the BAI, CJA filed the U.S. state and federal cases against Dorélien in January 2003. Holland & Knight LLP were co-counsel on both cases and attorney John Thornton provided additional assistance with the state court action. In transferring the recovery to the Raboteau survivors, CJA worked closely with Mario Joseph of the BAI; Brian Concannon of the Institute for Justice and Democracy in Haiti; reparation experts; and Haiti's largest community bank, Fonkoze.

With the historic distribution of \$580,000 to Haitian torture and massacre survivors, CJA crossed the one million dollar mark in assets recovered for our clients.



SELECTED ACCOMPLISHMENTS 2007-2008

PERU

War Crimes and Crimes Against Humanity Suits Filed Against Peruvian Officers: *Ochoa Lizarbe v. Hurtado and Ochoa Lizarbe v. Rivera Rondon*

In July 2007, CJA and pro bono co-counsel Morgan Lewis & Bockius LLP filed two lawsuits on behalf of plaintiffs who survived the infamous Accomarca Massacre in Peru. The defendants, Telmo Hurtado Hurtado and Juan Rivera Rondón, are former Peruvian military officers who resided in the U.S. During the 1985 massacre, Rivera Rondón's troops blocked a nearby escape route while Hurtado and his soldiers went house to house, forcibly removing villagers from their homes. The soldiers attacked and raped many of the women in the community. The troops forced scores of people, including several pregnant women and elderly residents, into two buildings. Hurtado then ordered his troops to open fire on the buildings. At the end of the day, 69 civilians were killed by the military.

The cases were filed in Miami, Florida and Greenbelt, Maryland. These are the first human rights cases to be filed in the U.S. for atrocities committed against the Peruvian civilian population during the 1980-2000 internal conflict. The defendants were charged with extrajudicial killing, torture, war crimes and crimes against humanity. The plaintiffs, Teófila Ochoa Lizarbe and Cirila Pulido Baldeón, were 12 years old at the time and survived by hiding from the soldiers. While she managed to escape, Ochoa Lizarbe's mother, sister, and four brothers were killed. Pulido Baldeón's mother and brother were also murdered by the soldiers.

Massacre Commander Ordered to Pay \$37 Million to Survivors

In March 2008, after a default verdict, a federal district court judge ordered Hurtado to pay \$37 million in damages. This marks the first time that anyone has been held to account for atrocities committed in connection with the Accomarca Massacre.

The award was based on evidence presented during a February 2008 trial on damages. Our clients gave emotional and courageous testimony about how Hurtado and his men murdered their families and neighbors before their eyes. They also testified about their on-going struggle to heal after such a devastating loss. Two expert witnesses, Eduardo Gonzalez of the International Center for Transitional Justice and one of the authors of the Peruvian Truth Commission Report, and former Peruvian Senator Javier Diez Canseco, also testified.

In its opinion, the district court stated, "Mr. Hurtado said he was following orders to capture and destroy the enemy, and justified the killing of children and infants by explaining that the young would be indoctrinated by the [...] Shining Path. Significantly, Mr. Hurtado expressed no remorse for his actions."

Background

The Accomarca Massacre was committed on August 14, 1985, during the 1980-2000 internal conflict between the government of Peru and insurgent groups, including *Sendero Luminoso* (Shining Path). During the conflict, the Peruvian Army and other government forces were responsible for widespread and systematic human rights abuses against the civilian population; over 26,259 civilians died or disappeared in the area surrounding Accomarca.



CJA secured a \$37 million judgment against Peruvian Major Telmo Hurtado Hurtado on behalf of clients Cirila Pulido Baldeón and Teófila Ochoa Lizarbe (left), survivors of the 1985 Accomarca Massacre. The judgment marked the first time that anyone had been held to account for the massacre.

SELECTED ACCOMPLISHMENTS 2007-2008

SOMALIA

CJA Appeals District Court Ruling on Immunity for Ex-Officials: *Yousuf v. Samantar*

CJA continues to litigate the first ever attempt at accountability for human rights abuses in Somalia. Our case, *Yousuf v. Samantar*, arises from the brutal internal conflict that took place under the military regime of General Siad Barré. In the 1980s, Barré's army brought the full force of the state's war machine against the civilian population of Northern Somalia. The military subjected the region to a widespread campaign of killing, arbitrary detention, sexual violence and torture which culminated in the 1988 aerial bombing of Hargeysa. An estimated 40,000 people were killed in the attack, while over 400,000 Somali refugees fled to Ethiopia.

In 2007-2008, CJA responded to a major challenge in our effort to secure redress for Somali survivors. In April, a federal district court judge in Virginia dismissed our human rights case against General Mohamed Ali Samantar, Minister of Defense under General Barré, on Foreign Sovereign Immunities Act (FSIA) grounds.

CJA and pro bono co-counsel Cooley Godward appealed the dismissal to the Fourth Circuit Court of Appeals. In our briefs we argued that Congress never intended to immunize former government officials who commit torture and extrajudicial killing. CJA also coordinated the filing of two amicus briefs. One was prepared by the International Human Rights Clinic at Harvard Law School and submitted on behalf of a diverse group of organizations providing health and social services to torture survivors. A second brief, focusing on congressional intent, was prepared by the Human Rights Clinic at the University of Virginia School of Law and was signed by Congresswoman Sheila Jackson Lee among others. Briefing was completed in July 2008. We are optimistic that we will prevail in the appeal and will have more to report on *Yousuf* in early 2009.

Background

In 2004, CJA and pro bono counsel Cooley Godward Kronish LLP filed a lawsuit in federal court in Virginia against Somali General Ali Samantar. As Somali Defense Minister from 1980 to 1986 and Prime Minister from 1987 to 1990, Samantar was responsible for widespread atrocities committed by forces under his command. Since 1997, he has lived with impunity at his home in Fairfax County, Virginia, just miles from nation's capitol.

We represent five plaintiffs in the *Yousuf* case: Bashe Abdi Yousuf, a young business man detained, tortured and kept in solitary confinement for over six years; Aziz Mohamed Deria, whose father and brother were abducted by officials and never seen again; John Doe I, whose two brothers were summarily executed by soldiers; Jane Doe, a university student detained by officials, raped 15 times, and put in solitary confinement for over three years; and John Doe II, who was imprisoned for his clan affiliation and shot by a firing squad, but miraculously survived by hiding under a pile of bodies.



CJA's U.S.-based litigation against Somali military commanders represents the first ever attempt at accountability for human rights abuses committed in Somalia.

CJA authors or signs onto “friend of the court” briefs in human rights cases filed with appellate courts and the U.S. Supreme Court. Highlights from the January 2007 - June 2008 period include the following:

Guantánamo Bay

Rasul v. Rumsfeld. In January 2007, CJA Board member William Aceves authored an amicus brief signed by CJA and other human rights organizations and law professors and submitted to the D.C. Circuit Court of Appeals. The brief argued that torture is a violation of international law and cannot be considered an “official” government action; therefore a torturer cannot claim sovereign immunity. *Rasul v. Rumsfeld* was filed by CJA partner, the Center for Constitutional Rights, on behalf of four British former Guantánamo detainees against former Secretary of Defense Donald Rumsfeld and military leaders in the chain of command responsible for the plaintiffs’ arbitrary detention as well as for the torture and physical, psychological and religious abuses perpetrated against them during their two years of detention without charge at Guantánamo.



Immunity

Belhas v. Ya’alon. On August 31, 2007, CJA authored and submitted a brief to the D.C. Circuit Court of Appeals on behalf of the plaintiff appellants whose claims were dismissed on immunity grounds. The brief argued that the district court’s application of the Foreign Sovereign Immunity Act (FSIA) contradicts congressional intent for the Torture Victim Protection Act (TVPA) to provide redress against former foreign government officials responsible for torture and extrajudicial killing who seek safe haven in the U.S. The brief also argued that the district court’s decision to dismiss the case on immunity grounds unjustifiably narrows the application of the TVPA and would deny many survivors of torture and other severe human rights violations access to the courts.

Matar v. Dichter. On September 27, 2007, CJA authored and submitted a brief to the Second Circuit Court of Appeals on behalf of CJA, Heartland Alliance for Human Needs and Human Rights, the Institute for Redress and Recovery and Survivors International. The brief argues that the district court in *Matar* erred when it also dismissed the TVPA claims based on the FSIA. As with the brief in *Belhas*, CJA’s brief argued that Congress clearly intended that the TVPA applies to former government officials accused of human rights violations such as torture or extrajudicial killing.

OUTREACH AND EDUCATION

CJA's outreach and education program mobilizes torture survivors to speak publicly in order to personalize the international debate on torture and to empower other survivors to seek justice. Our attorneys, clients and expert partners conduct extensive public education on human rights issues in the U.S. and around the world.

Our staff and clients participated in outreach events in the U.S., Guatemala, Honduras, the Netherlands, Peru and Spain in 2007 and the first half of 2008. The audiences included government officials, refugee groups, religious organizations, psychologists and medical professionals, as well as law, college and high school students and the general public.



U.S. HUMAN RIGHTS POLICY AND LEGAL REFORM

CJA works on a variety of U.S. human rights legislative and policy efforts. We focus particular attention on supporting policy initiatives that advance the U.S. government's commitment to criminally prosecute human rights abusers. Today, the vast majority of human rights enforcement efforts in the U.S. are removals and related prosecutions for lying on immigration applications. We strongly support efforts to reorient enforcement policy to make the criminal prosecution of human rights abusers a priority. CJA also encourages a focus on prosecutions of high-level officials who were responsible for setting policy in their own country and have sought refuge in the U.S. In order to achieve real deterrence, military and government officials must perceive that they may be held individually accountable, not just for committing abuses, but for their failure to take reasonable action to stop others under their command from committing abuses.

On the legislative side, we support the expansion of the current human rights statutory framework to include abuses such as extrajudicial killing and crimes against humanity. We also strongly push for the inclusion of the "command responsibility" doctrine into all human rights laws. Command responsibility is a well-established theory of liability which covers military officers or civilian superiors who knew or should have known about abuses taking place under their command and failed to take steps to stop the abuses or punish the offenders.

Highlights of our legislative and policy work over the past 18 months include the following:

"From Nuremberg to Darfur: Accountability for Crimes Against Humanity"

U.S. Senate Judiciary Subcommittee on Human Rights & the Law, June 24, 2008

CJA submitted testimony before this Senate Judiciary subcommittee hearing on crimes against humanity. We summarized the gaps in the current criminal human rights statutory framework and the importance of enacting crimes against humanity legislation for survivor communities and for future prosecution of perpetrators. The testimony also reviewed instances where crimes against humanity charges have been used successfully in the U.S. civil context against human rights abusers from Chile, Haiti and Peru.

"No Safe Haven: Accountability for Human Rights Violators."

U.S. Senate Judiciary Subcommittee on Human Rights & the Law, November 14, 2007

CJA client Dr. Juan Romagoza Arce and Executive Director Pamela Merchant testified before this Senate Judiciary Subcommittee hearing which examined what could be done on the level of policy, legislation and enforcement to hold human rights abusers who have settled in the U.S. accountable. The testimony focused on the failure of the government to deport those with command responsibility for abuses and highlighted the fact that the generals responsible for Dr. Romagoza Arce's torture remain in the U.S. The next week, Senators Richard Durbin (D-IL) and Tom Coburn (R-OK) sent a request to Attorney General Mukasey and Department of Homeland Security Secretary Michael Chertoff asking them to review the prosecution and/or deportation of Generals Garcia and Vides Casanova. As a result of the Senators' letters, we have responded to numerous requests from the government for evidence against the generals and are hopeful that action soon will be taken against them.



HUMAN RIGHTS TRAININGS AND TRANSITIONAL JUSTICE SUPPORT

Honduras

Human Rights Training for Prosecutors

In December 2007, CJA completed its first human rights training program, Prosecuting Human Rights Crimes in National Courts, which was held in December 2007 in Tegucigalpa, Honduras.

The training brought together 80 Honduran prosecutors with a faculty of legal practitioners from Latin America, Spain and the U.S. with experience and expertise in the prosecution of human rights abusers. The faculty included such luminaries as Eduardo Freiler, Judge of the Argentine Federal Court of Appeals and one of the lead prosecutors of abuses committed during the "dirty war," and Sergio Muñoz, President of the Supreme Court of Chile and a lead prosecutor of Pinochet-era abuses.

The goal of the three-day training was to advance the ability of Honduran prosecutors to take legal action against those responsible for human rights violations, particularly the forced disappearances that occurred in the early 1980s. To do this, the faculty provided the participants with specific legal strategies used by prosecutors, judges and attorneys for non-governmental agencies in the national courts of Argentina, Chile, Peru, Spain and the U.S.

The program was historic on many levels and represented the first time that prosecutors in Honduras were trained in international law and human rights prosecutions. The training program was widely covered by the print and broadcast media in Honduras.

Peru

Trial Support for the Prosecution of Former Peruvian President Alberto Fujimori

The groundbreaking human rights trial against former Peruvian President Alberto Fujimori began in December 2007 in Lima. During Fujimori's tenure (1992-2000), Peru suffered a dramatic increase in human rights violations. In developing our two Peru cases (see Selected Accomplishments, Page 14), CJA worked closely with a number of human rights groups in Peru including the Association for Human Rights in Peru, one of the driving forces behind the Fujimori prosecution. CJA has entered into a co-counsel agreement with the Peruvian prosecution team and has provided assistance in litigation strategy and witness preparation.

Assisting in the First Census of the Disappeared

CJA serves as a senior advisor to the Peruvian Institute of Forensic Anthropology (EPAF). EPAF conducts exhumations and investigations of massacres and forced disappearances as well as other human rights abuses. EPAF's findings have been crucial to the criminal investigations ongoing in Peru and the cases before the Inter-American Court for Human Rights. EPAF has provided important evidence on the Accomarca massacre to CJA for our Peru litigation.

"The Honduran Government has not done enough to prosecute those responsible for human rights abuses. This training by CJA is a first step to change that fact."

– Honduran Attorney General Leonidas Rosa Bautista speaking at CJA's December 2007 human rights training.

AWARDS

The Judith Lee Stronach Human Rights Award and CJA's Annual Dinner

The Judith Lee Stronach Human Rights Award was created in 2007 to be given annually to an individual or organization that has made an outstanding contribution to the movement for global justice. The award is presented at CJA's Annual Dinner in San Francisco.

The inspiration for this award is **Judith Lee Stronach** (1943-2002), a committed human rights activist who was instrumental in the founding of CJA. CJA was originally conceived as a project of Amnesty International USA. The transition to an independent organization was made possible through a generous gift from the Judith Stronach Fund for Non-Violent Social Change. Judith's insights on the therapeutic effect of seeking redress on torture survivors helped shape CJA's original mission. Judith believed deeply in the transcendent value of the humanity of all persons.

Judith supported a wide variety of human rights causes and wrote often of her opposition to torture and other human rights abuses. She was also prescient in recognizing the role that the arrest of General Pinochet in London would have in challenging the culture of impunity in Chile and healing a society. CJA's work continues to benefit from her vision and spirit, as well as the ongoing support and friendship of her husband, Raymond Lifchez.



Paul Hoffman

2007 Stronach Awardee **Paul Hoffman** is a founding member of CJA's board and a long time member of our Legal Advisory Council. He is one of this country's leading human and civil rights attorneys and argued for the plaintiff in *Sosa v. Alvarez-Machain*, the U.S. Supreme Court case which upheld the right of survivors to bring international human rights claims in U.S. courts. Paul is a partner with Schonbrun DeSimone Seplow Harris & Hoffman LLP.



Harold Hongju Koh

2008 Stronach Awardee **Harold Hongju Koh** is Dean of the Yale Law School and former Assistant Secretary of State for Democracy, Human Rights and Labor. Dean Koh is a leading expert on international law and a prominent advocate of human and civil rights. He has been an outspoken critic of the Bush Administration's policies on the legality of torture and cruel, inhuman and degrading treatment and the applicability of the Geneva Conventions to alleged combatants held in U.S. custody.

Honoring CJA's In-Country Partners

The success of CJA's cases is reliant on strong collaboration with in-country partners working on the frontlines to challenge, investigate and demand accountability for human rights abuses. We hosted two very special partners at our 2007 and 2008 annual dinners.

In 2007, Nobel Peace Prize Laureate and former Guatemala Presidential candidate **Rigoberta Menchú Tum** spoke passionately about her collaboration with CJA on the landmark *Guatemala Genocide Case* before the Spanish National Court.

In 2008, **Francisco Soberón Garrido**, founder of the Association for Human Rights in Peru, spoke about his partnership with CJA on cases against former Peruvian military officers in the U.S. and on the prosecution of former Peruvian president Alberto Fujimori for human rights abuses.



Rigoberta
Menchú Tum



Francisco
Soberón Garrido

CJA Receives The Third Annual Thomas J. Dodd Prize in International Justice and Human Rights



Senator Christopher Dodd presents CJA Executive Director Pamela Merchant with the Thomas J. Dodd Prize in International Justice and Human Rights, October 2007.

On October 1, 2007, CJA received the Third Thomas J. Dodd Prize in International Justice and Human Rights. The Dodd Prize is awarded biennially by the Thomas J. Dodd Research Center at the University of Connecticut to an individual or group who has made a significant effort to advance the cause of international justice and global human rights. The award was established in 2003 to commemorate the distinguished public service career of Thomas J. Dodd, who served as Executive Trial Counsel at the Nuremberg Trials.

The Dodd Prize has been given twice before in 2003 and 2005. The 2005 winners were Justice Louise Arbour, United Nations High Commissioner for Human Rights and Justice Richard J. Goldstone, retired Justice of the Constitutional Court of South Africa. In 2003, the honorees were Taoiseach Bertie Ahern, Prime Minister of Ireland, and Tony Blair, former Prime Minister of the United Kingdom. CJA was proud to share the award with Mental Disability Rights International.

This award represents a coming of age for CJA. After a series of groundbreaking human rights legal victories, CJA's model of pursuing justice for survivors of international human rights abuses in U.S. and Spanish courts is gaining wider acknowledgement. CJA was nominated for the prize by Ambassador Robert E. White, our longtime friend and expert witness in our El Salvador cases.

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Académie de droit International Humanitaire et de
Droits Humains à Genève (Switzerland)
www.adh-geneva.ch

American Friends Service Committee
www.afsc.org

Amnesty International
www.amnesty.org

Asociación Bufete Jurídico Popular (Guatemala)

Asociación Pro Derechos Humanos (Peru)
www.aprodeh.org.pe

Asociación Pro Derechos Humanos de España (Spain)
www.apdhe.org

Boston Center for Refugee Health and Human Rights
www.bcrhhr.org

Bureau Des Avocats Internationaux (Haiti)
www.ijdh.org/bureau.htm

Center for Constitutional Rights
www.ccr-ny.org

Centro para la Acción Legal en Derechos Humanos
(Guatemala)
www.caldh.org

Corporación Colectivo de Abogados (Colombia)
www.colectivodeabogados.org

Comisión Colombiana de Juristas (Colombia)
www.coljuristas.org/Inicio.htm

Comite de Apoyo al Tibet (Spain)
www.tibetcat.com

Comité de Familiares de Detenidos
Desaparecidos en Honduras (Honduras)
www.cofadeh.org

Corporación de Promoción y Defensa
de los Derechos (Chile)
www.codepu.cl

Dejusticia (Colombia)
www.dejusticia.org

Earthrights International
www.earthrights.org

East Bay Sanctuary Covenant
www.eastbaysanctuary.org

El Rescate
www.elrescate.org

Equipo de Estudios Comunitarios y Acción
Psicosocial (Guatemala)
www.ecapguatemala.org

Escola de Cultura de Pau (Spain)
www.escolapau.org

Fédération Internationale des Ligues des Droits
de l'Homme (France)
www.fidh.org

Dolly Filártiga

Florida Center for Survivors of Torture
www.gcjfs.org/fcst

Fondasyon Kole Zepol (Haiti)
www.fonkoze.org

Fundación Democracia sin Fronteras (Honduras)
www.fdsf.hn

Fundación Nueva Esperanza (Guatemala)
www.fne.cosmosmaya.info

Fundación Rigoberta Menchú Tum (Guatemala)
www.frmt.org

Global Lawyers and Physicians
www.glphr.org

Horn of Africa Human Rights Watch Committee
(Somalia)

Human Rights First
www.humanrightsfirst.org

Human Rights Watch
www.hrw.org

Instituto de Derechos Humanos de la
Universidad CentroAmericana "Jose Simeón Cañas"
(El Salvador)
www.uca.edu.sv/publica/dhuca

Impunity Watch (The Netherlands)
www.impunitywatch.net

International Center for Transitional Justice
www.ictj.org

International Forum for Truth and Justice in Africa
of the Great Lakes Region

Institute for Justice and Democracy in Haiti
www.ijdh.org

Institute for Redress and Recovery,
Santa Clara University School of Law
www.scu.edu/law/redress

International Rights Advocates
www.iradvocates.org

International Rivers Network
www.irn.org

Interights (United Kingdom)
www.interights.org

The Marjorie Kovler Center for the
Treatment of Survivors of Torture
www.heartlandalliance.org/kovler

Maryknoll Office for Global Concerns
www.maryknollogc.org

Minnesota Advocates for Human Rights
www.mnadvocates.org

Movimiento Nacional de Víctimas de Crímenes de Estado (Colombia)
www.movimientodevictimas.org

Muslim Public Affairs Council
www.mpac.org

Myrna Mack Foundation (Guatemala)
www.myrnamack.org.gt

The National Security Archive
www.gwu.edu/~nsarchiv

Office of the Attorney General (Honduras)

Sister Dianna Ortiz

Program for Survivors of Torture and Severe Trauma,
 Northern Virginia Family Service
www.nvfs.org

Program for Torture Victims
www.ptvla.org

Redress (United Kingdom)
www.redress.org

Rocky Mountain Survivors Center
www.rmsscDenver.org

SafetyNet Project for Trafficked and Enslaved Persons,
 Cambridge Health Alliance

The Shalom Center
www.shalomctr.org

Spanish Embassy, Guatemala City (Guatemala)

Survivors International
www.survivorsintl.org

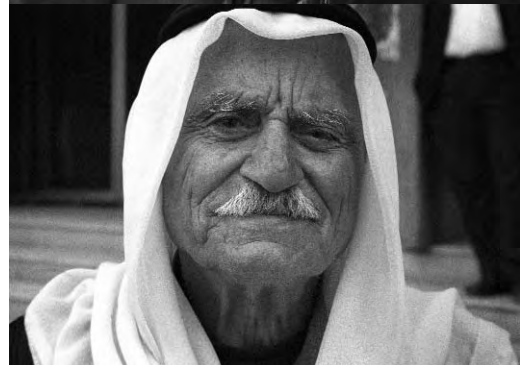
Survivors of Torture, International
www.notorture.org

Torture Abolition and Survivors Support
 Coalition International
www.tassc.org

Tainos (Haiti)

Leo Valladares, Former Honduran National
 Commissioner for Human Rights (Honduras)

Women's Link Worldwide (Spain)
www.womenslinkworldwide.org



OPERATING REVENUE AND EXPENSES JANUARY 1, 2007 – JUNE 30, 2008

OPERATING REVENUES

FOUNDATION GRANTS	\$762,149
UN VOLUNTARY FUND FOR VICTIMS OF TORTURE	125,000
GUATEMALA EVIDENCE PROJECT	49,827
INDIVIDUAL AND CORPORATE CONTRIBUTIONS	314,577
IN-KIND CONTRIBUTIONS**	3,186,054
INVESTMENT INCOME	72,944
OTHER	2,511
TOTAL OPERATING REVENUES	\$4,513,062

OPERATING EXPENSES

PRO BONO FEES AND EXPENSES**	\$3,186,054
PROGRAM	791,703
GENERAL AND ADMINISTRATION	149,628
FUNDRAISING	194,539
TOTAL OPERATING EXPENSES	\$4,321,924



**Audited figures for January 1, 2007 - June 30, 2008.
An audited financial statement is available upon request.*

**CJA partners with outside attorneys, law firms and investigative support firms to litigate cases on behalf of its clients. The pro bono firms donate the time of their attorneys and staff in addition to paying out of pocket expenses associated with investigations and litigation. During the January 1, 2007 to June 30, 2008 period, seven firms made contributions of \$134,528 to cover out of pocket expenses. In addition, sixteen firms provided over 7,021 hours of pro bono services valued at \$3,051,526. CJA calculated the value of donated services using the hourly rates provided by the firms.

The total donated pro bono services for the January 1, 2007 to June 30, 2008 period was \$3,186,054. All donated services are recognized as both revenue and expense and, therefore, do not affect the unrestricted net assets of CJA.

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