



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

ANNUAL REPORT
JULY 1, 2011 - JUNE 30, 2012





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.

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LETTER FROM THE BOARD AND CHAIR



Wilma Wallace
Board Chair

We are pleased to present you with this report of our July 2011 through June 2012 activities.

CJA has broken ground in human rights litigation yet again. As we enter our fifteenth year, it is clear that we have hit our stride, developing innovative and strategic litigation tactics to address some of the most emblematic human rights crimes of the modern era and give voice to our courageous clients.



Pamela Merchant
Executive Director

In the Second Khmer Rouge Tribunal charging three senior leaders of Pol Pot's regime with genocide, crimes against humanity, and war crimes, CJA helped prove that the command structure of the Khmer Rouge was responsible for these horrific crimes. CJA continued its work to ensure that survivors receive meaningful reparations.

After eight years in U.S. courts, CJA and our clients finally forced General Samantar, former Somali Prime Minister, to concede liability for torture, war crimes, and other human rights abuses. This marked the first time that *anyone* has been held to account *anywhere in the world* for atrocities committed under the brutal military dictatorship that ruled Somalia for over 20 years.

Expanding the reach of the *Samantar* case, CJA helped develop an international forensic training program in Somaliland. The project is designed to build the Somaliland government's capacity to exhume mass graves and identify the remains. We hope the project will provide relief to survivors and preserve evidence for any future transitional justice efforts.

After seven years of litigation in Spanish courts, former Guatemalan dictator Ríos Montt was indicted in Guatemala for genocide and war crimes. Much of CJA's evidence presented in Spain has been admitted, including film footage of Ríos Montt's confession that he had effective command over the troops committing the genocide.

CJA's ongoing quest for justice in El Salvador produced fresh impact: Spain issued indictments and extradition requests to both El Salvador and the U.S. for 18 suspects in the Jesuits Massacre Case. Former Salvadoran Defense Minister Vides Casanova was found liable for assisting in acts of torture and murder committed by soldiers under his command, including the killing of the four American churchwomen and the torture of two of our clients.

CJA climbed the steps to the Supreme Court for the third time in eight years, when the Court accepted two cases that will shape the future of Alien Tort Statute and Torture Victim Protection Act litigation: *Kiobel* and *Mohamad*. While we are optimistic that the Court will uphold CJA's ability to bring cases against individual perpetrators, with so much at stake we took on a leading role in coordinating amici curiae and outreach campaigns as well as filing amicus briefs in both cases.

CJA continues to grow in breadth and depth. We now work in five different legal systems — Cambodia, Guatemala, Peru, Spain, and the U.S. We are investigating human rights abuses from 20 countries. Our cases range in size from a single defendant case involving human rights abuses committed by a psychologist at



Guantánamo Bay to the Second Khmer Rouge Trial, addressing abuses by a regime responsible for the death of more than 1.7 million people. Perhaps most importantly, we have continued to provide an important and effective voice for our clients and survivors who are the true heroes in this work.

Reflecting our commitment to unique partnership with our clients, this year CJA hosted a second Client Conference which brought together nine clients from across four different cases to share their common experiences and ongoing accountability efforts.

At our Annual Dinner, we were moved by CJA clients Sophany Bay, Aldo Cabello, and Carlos Mauricio, and an inspiring keynote by Kerry Kennedy, President of the Robert F. Kennedy Center for Justice & Human Rights. Ambassador Robert L. White received the 2012 *Judith Lee Stronach Award* for his courageous work in El Salvador and Paraguay. We also honored Mexican human rights journalist and activist Lydia Cacho and the law firm of Wilson Sonsini Goodrich & Rosati, PC.

None of this work would be possible without our committed staff, board of directors, pro bono partners, volunteers, and supporters. With your continued support, we look forward to serving new communities around the world who have been denied access to justice.

Sincerely,

Wilma Wallace
Board Chair

Pamela Merchant
Executive Director

BACKGROUND ON CJA

OUR FOUNDING

In 1998, psychologist and CJA founder Gerald Gray was faced with a dilemma. One of his clients—a refugee from the Bosnian conflict who had survived brutal torture—was shocked to learn that his former torturer was living in comfort in the United States. Gray feared that a direct confrontation would be re-traumatizing, yet he knew that his client could not heal without getting justice. So he sought legal advice on how the law might offer some measure of redress.

Four visionaries—Gerald Gray, Paul Hoffman, Bill Schulz, and Ralph Steinhardt—took up that core challenge and launched a new organization to empower survivors to bring their abusers to justice. With support from Amnesty International, the U.N. Voluntary Fund for Victims of Torture, and committed human rights defenders like Judith Lee Stronach, CJA was born.

OUR WORK

CJA is part of the global movement for justice for those who have been tortured or subjected to other severe human rights abuses. CJA was founded on the principle, first used during the Nuremberg trials after World War II, that certain crimes are so egregious that they represent offenses against all humankind. These crimes include genocide, crimes against humanity, extrajudicial killing, and torture. Such crimes are subject to universal jurisdiction under international law. Centuries ago, under this principle pirates could be brought to justice in whatever port they were found. Like the pirates of old, today's torturers and war criminals can be held criminally or civilly liable wherever they are found, no matter where the crime occurred, and regardless of the victim's or the perpetrator's nationality.

CJA makes this promise of global justice a reality by pursuing human rights litigation across borders. In the United States, we use two civil laws to hold perpetrators of human rights abuses accountable: the Alien Tort Statute and the Torture Victim Protection Act. We also practice human rights litigation in foreign jurisdictions such as Spain and Cambodia, and work on transitional justice initiatives around the world.

CJA has pioneered a survivor-centered approach to the quest for justice. Working with partner organizations, we combine legal representation with medical and psycho-social services to both empower and heal torture survivors and their communities.

In addition to our staff of attorneys, CJA leverages resources by partnering with pro bono law firms, investigators, and expert witnesses to help litigate our cases. We have built a unique network of partners that includes in-country human rights defenders, medical professionals, therapists, military and forensic experts, refugee groups, law school clinics, and other human rights non-governmental organizations.



OUR GOALS

Detering Human Rights Abusers

Real deterrence can only be achieved through accountability. By exposing human rights abusers and hauling them into court, CJA's cases provide a critical deterrent. A generation ago, perpetrators often traveled with impunity and moved assets freely. In their home countries many perpetrators are sheltered by amnesty laws and inadequate justice mechanisms. Today, we work to ensure that the prospect of travel carries the risk of ruinous civil liability or arrest and prosecution. Through our legal trainings and capacity-building sessions in Latin America and the Caribbean, the Horn of Africa, and Southeast Asia, we are encouraging governments in transitioning countries to open their courts to survivors and prosecute perpetrators.

Healing Survivors

A key part of CJA's mission is to heal and empower survivors and the families of those who were killed. Each survivor's experience is unique. But, for many of our clients, confronting abusers and exposing the truth is an essential part of the healing process. Participating in accountability can overcome a sense of powerlessness. CJA's cases help survivors experience a sense of justice, a sense of meaning in their survival, and a tremendous satisfaction in knowing that they have brought dignity to themselves and the memories of those who were killed or tortured.

Seeking Truth

Revealing the truth about periods of human rights abuses is also integral to our mission. Our investigations uncover facts and witnesses that are crucial, not just for building legal accountability, but also for producing a historical record.

Catalyzing Transitional Justice

CJA's cases are a catalyst for transitional justice because they create a vehicle for a broad range of organizations and activists to work together for

OUR PROGRAMS

HUMAN RIGHTS LITIGATION:
ending impunity and seeking redress for survivors in courts around the world.

AMICUS BRIEFS:
advancing human rights jurisprudence in domestic, foreign, and international courts.

TRANSITIONAL JUSTICE:
supporting institutional capacity to prosecute human rights crimes and repair post-conflict societies.

OUTREACH AND EDUCATION:
supporting survivor communities and training the next generation of human rights attorneys and advocates.

EXTRADITION, REMOVAL, AND U.S. HUMAN RIGHTS POLICY:
building the political will and legal framework for human rights enforcement in the United States.

accountability and civil society renewal. We work closely with in-country partners, country experts, survivor coalitions, accountability organizations, and local community groups when we build our cases. We also engage with torture survivor and refugee communities to ensure that the survivor's voice is a core component of the litigation. By generating legal and media attention, our cases also serve as platforms for public dialogue. This dialogue is needed to repair the social fabric of communities riven by conflict or abusive governments.

Seeking Justice in the Courts is at the Core of our Mission.

CJA pursues civil and criminal cases in U.S. and foreign national courts and in hybrid national/international tribunals.

In the United States, we bring civil actions against human rights abusers found on U.S. soil. We use the **Alien Tort Statute** and **Torture Victim Protection Act** to allow survivors to seek reparation for torture, extrajudicial killing, and other violations of international law. We have also brought **disciplinary proceedings** against health-care professionals who are complicit in torture: we are working to ensure that facilitating detainee abuse is recognized as a breach of the “do no harm” principle that underlies all medical ethics. In addition, we file as third parties offering legal arguments in cases involving torture, arbitrary detention, and other human rights abuses.

To maximize the deterrent effect of our litigation, we focus on the civilian and military leaders who bear ultimate responsibility for systematic human rights violations. CJA has pioneered the use of

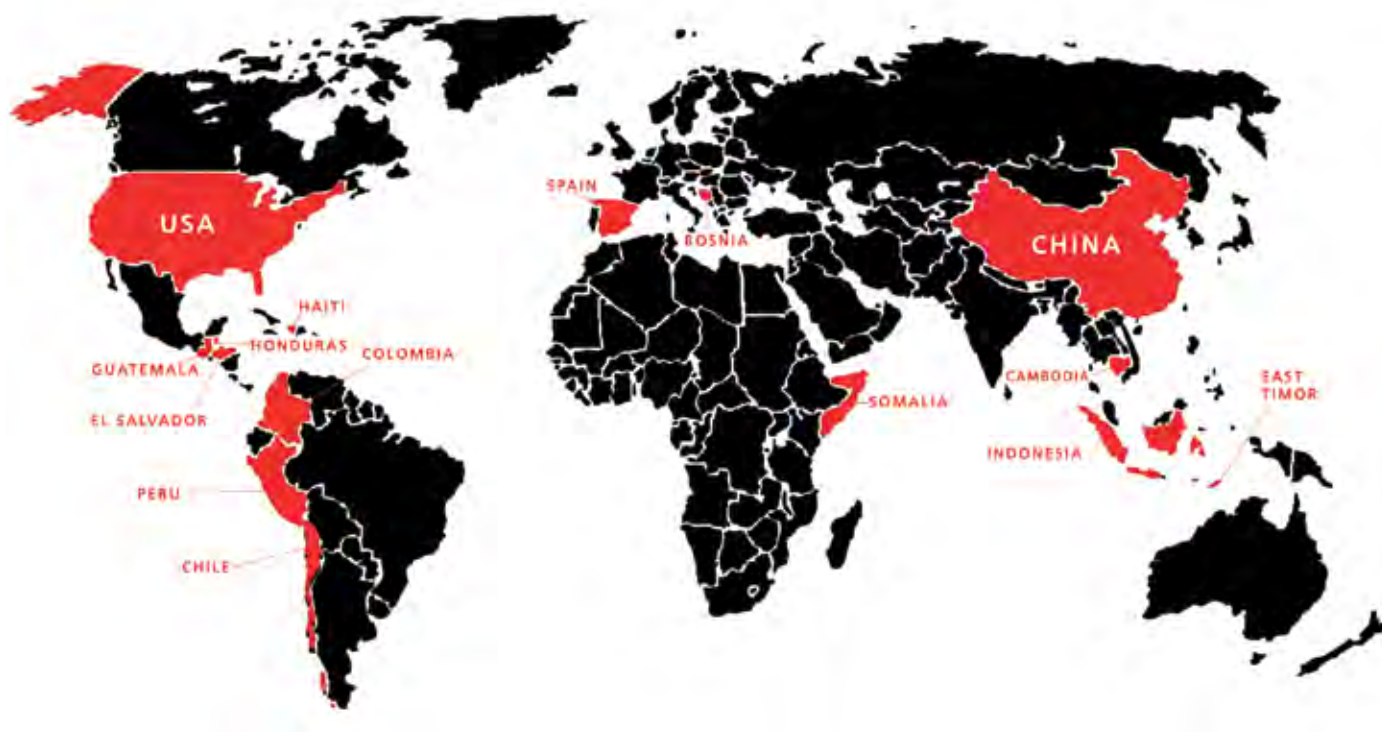
the command responsibility doctrine in the civil context: this ancient doctrine holds leaders in a chain of command accountable when they fail to prevent or punish their subordinates’ abuses.

CJA’s capacity to act globally is expanding, whether it is filing cases in foreign courts, investigating atrocities, or following up on U.S.-based litigation with in-country transitional justice programs. In **Spain**, we are acting as popular prosecutors in criminal cases against Guatemalan military officials responsible for the Mayan genocide and against Salvadoran leaders responsible for the infamous Jesuits Massacre of 1989. In **Latin America and the Caribbean**, we provide expert legal advice to prosecutors in human rights cases, including the current trial in Guatemala against former President Ríos Montt and other military officials responsible for the Mayan genocide. In **Cambodia**, we represent civil parties in the Second Khmer Rouge trial. Our global reach is also evident in our appearance before regional tribunals and our membership in the International Federation for Human Rights (FIDH).



CJA's current litigation docket includes 15 civil, criminal, and administrative cases against 45 human rights abusers from seven countries: Cambodia, Colombia, El Salvador, Guatemala, Peru, Somalia, and the United States.

We represent 200 clients, including 178 torture survivors and 22 relatives of people who were tortured or disappeared. Our clients come from a total of 21 countries. In addition, we are pursuing over a dozen confidential investigations of suspected human rights abusers, that may lead to litigation or referral to government prosecutors.



SOMALIA

Yousuf v. Samantar

Victory! General Samantar Liable for Crimes Against Humanity, War Crimes, and Other Abuses

For Bashe Yousuf and three other courageous plaintiffs, the quest to hold former Somali General Mohamad Ali Samantar accountable for war crimes has been an odyssey. CJA and pro bono co-counsel Akin Gump Strauss Hauer & Feld, LLP have fought hard for a victory at each step, building landmark legal precedents along the way.

After more than 20 years of searching for justice and nearly eight years of protracted litigation — including a trip to the U.S. Supreme Court, depositions on three continents, and multiple last-minute appeals — the moment of vindication finally came.

On February 23, 2012, General Samantar stood before U.S. federal judge Leonie Brinkema and, under oath, conceded liability for torture, extrajudicial killing, war crimes, and other human rights abuses committed against the civilian population of Somalia.

Never before has any Somali official been held accountable for the atrocities perpetrated under the brutal Siad Barre regime, the military dictatorship that ruled Somalia from 1969 to 1991.

After Samantar's concession, CJA and Akin Gump attorneys presented the testimony of our plaintiffs and several key witnesses, as well as documentary evidence, to prove our clients' injuries and the enormity of Samantar's crimes. It was moving for all involved to hear CJA clients Bashe Yousuf, Aziz Deria, Buralle Mahamoud, and Ahmed Gulaid testify to their very personal stories of suffering and survival.

One crucial piece of evidence was a BBC radio interview General Samantar gave in 1989. In response to a question about military operations in Hargeisa in June 1988, Samantar responded:

"I was there at that time, but I was not the commander of the unit. I was the higher-ranking person in Hargeisa; therefore, it was necessary those commanders to consult with me and to have directions from myself.



CJA clients, staff, pro-bono partners, and members of the Somaliland community outside the federal courthouse in Virginia after General Samantar was found liable for torture and human rights abuses.

L-R: Elise Haberman, Jennifer L. Woodson, Nimo Deria, Ahmed Mahdi, Elizabeth Tobio, Natasha Fain (CJA Staff Attorney), Debra Drake, Buralle Mohamoud (CJA Client), Joseph W. Whitehead, Kathy Roberts (CJA Staff Attorney), Steven H. Schulman, Thomas P. McLish, Ahmed Gulaid (CJA Client), Bashe Yousuf (CJA Client), Aziz Deria (CJA Client), Hodan Hassan Mowlid, Andrea Evans (CJA Legal Director)

As you know, the top person in the area of conflict should give the last okay. Yes, I give this okay. How to use tactically, how to employ the units; it was my task to give them directions and the directives."

These "directions and directives" resulted in the deaths of at least 5,000 as General Samantar's soldiers carpet-bombed residential neighborhoods and massacred civilians, dumping their bodies in mass graves. In his deposition, Samantar denied these were his words. To counter his denials, we presented testimony of the original BBC reporter that it was indeed Samantar she recorded in 1989, identifying his picture, his voice, and many other details of the interview.

In the end, our clients set the record straight, proving General Samantar's responsibility for what he personally oversaw, ordered, and failed to prevent or punish. By doing so, our clients made history.

"For many, many years, I have been looking for justice—for my day in court and not just for me personally, but for the thousands of people in Somalia who were tortured, and murdered. It has been many years and required a lot of patience, but today Samantar is finally being held accountable for ordering these horrific crimes."

– Bashe Abdi Yousuf,
plaintiff in *Yousuf v. Samantar*

CAMBODIA

Second Khmer Rouge Trial

Placing the Survivor's Voice at the Center of International Justice

On November 21, 2011, Marie Chea—a survivor of Khmer Rouge atrocities—and her lawyer from CJA attended the opening day of the Second Khmer Rouge Trial before the Extraordinary Chambers in

the Courts of Cambodia (ECCC). "I thought that [the Cambodian government] didn't care about me . . . But now I'm here and see that I have lawyers that care," said Ms. Chea.



Front row L-R: CJA Clients Sophany Bay, Sarem Neou, and Marie Chea in the Extraordinary Chambers in the courts of Cambodia.

Ms. Chea is one of 45 survivors from the Cambodian diaspora that CJA represents as legal counsel before the ECCC. Civil parties like Ms. Chea play an extremely important role in the trial. They bear witness to the horrific crimes of the Khmer Rouge, and speak for those who did not survive. Their voices ensure that survivors' perspectives remain a central part of the historical narrative that emerges from the trial. Through the civil party process, CJA is able to offer expertise on crucial elements of the trial: command responsibility, the military and administrative command structure of the Khmer Rouge, the forced evacuation of Phnom Penh in April 1975, and the impact of the crimes on victims of the war presently living outside of Cambodia. Our attorneys present evidence in court, examine witnesses, and argue key points of law.

As the trial proceeds, CJA will continue to ensure that the survivor's voice is heard. Our clients represent the voices of the nearly 400,000 survivors of the Khmer Rouge who have found refuge in the United States.

EL SALVADOR

The Generals Case

No Safe Haven: Former Salvadoran Defense Minister Liable for Human Rights Abuses

CJA has long fought to hold Generals José Guillermo García and Carlos Eugenio Vides Casanova accountable for their crimes. These two former Salvadoran Ministers of Defense who oversaw the worst period of human rights violations in El Salvador's history have been living in relative comfort in Miami since seeking safe haven in the U.S. at the end of the civil war in El Salvador. Seven years ago, the Eleventh Circuit Court of Appeals upheld a \$54.6 million jury verdict in CJA's cases against the Generals for their role in human rights abuses. CJA, pro bono co-counsel Morrison & Foerster LLP and James Green represented the plaintiffs: Juan Romagoza Arce, Neris Gonzalez, and Carlos Mauricio.

In addition, CJA has engaged in an extensive campaign, including providing testimony to the Senate Subcommittee on Human Rights, to convince U.S. authorities to initiate removal proceedings against the Generals. As a result of our efforts, the immigration trial against General Vides Casanova finally began in 2011. We worked closely with the prosecutors and CJA clients Dr. Juan Romagoza and Daniel Alvarado testified along with other witnesses from our civil case, including former Ambassador Robert White.

In a historic decision, in February 2012 the immigration judge ruled against Vides Casanova. The judge found that the General had assisted in acts of torture and murder committed by soldiers under his command, including the 1980 extrajudicial killing of four American churchwomen, the torture of CJA clients Romagoza and Alvarado, and the murder of countless unnamed



General Carlos Eugenio Vides Casanova (left) oversaw the worst period of human rights violations in El Salvador's history.

Salvadoran citizens. As a result, Vides Casanova will no longer be able to enjoy safe haven in the U.S. **This judgment represents the first time that a statute enacted to facilitate the removal of human rights abusers has been used successfully against a top-ranking military commander.** The removal trial against General García began in December 2012.

Jesuits Massacre Case

Spain Requests Extradition of Defendants

We continue to prosecute the former Salvadoran military officials responsible for the 1989 massacre of six Jesuit priests, their house keeper, and her sixteen-year-old daughter. The defendants are all members of the Salvadoran military, including several who were in the High Command. The highest-ranking defendant, Rafael Humberto Larios, was the Minister of Defense at the time of the massacre. We have been working diligently on this case since 2008 when we initially filed it before the Spanish National Court along with our partners at APDHE.

In the summer of 2011, indictments and arrest warrants were issued by the Spanish court against 20 defendants, charging them with crimes against humanity and state terrorism. The arrest warrants were sent to El Salvador and the United States. In an unprecedented turn of events, nine of the defendants turned themselves in to a military facility outside of San Salvador and were transferred to civilian authorities while they challenged the arrest warrant in court. Unfortunately, the Supreme Court of El Salvador succumbed to political pressure and quickly ordered the release of the defendants, falsely claiming that the paperwork accompanying the arrest warrants was incomplete. This directly contradicted official statements made by the Salvadoran Minister of Defense and President that the arrest warrants were valid.

CJA and our clients are not deterred and continue to press the case in Spain. In January 2012, Spain sent formal extradition requests to El Salvador and the United States. The requests are pending in both countries and we continue to work with officials and *pro bono* co-counsel from Mintz Levin Cohn Ferris Glovsky & Popeo, PC to ensure that they are honored.



Remembrance card of the six Jesuit priests, their housekeeper and her teenage daughter.

U.S. Prosecutes Former Salvadoran Vice Minister of Public Safety

One of the indicted defendants in the *Jesuits Massacre Case*, Colonel Innocente Orlando Montano, has been living outside of Boston for the past ten years. After we filed our case in Spain, we brought Montano's whereabouts to the attention of U.S. authorities. In February 2012, Montano was indicted on U.S. criminal immigration fraud and perjury charges. He was charged with making false statements in his immigration application regarding his involvement in human rights abuses and the Jesuits massacre. CJA and the *pro bono* firm of Mintz Levin Cohn Ferris Glovsky & Popeo, PC are supporting the prosecution. We hope that Montano will face justice not only for his deception, but also for his role in the massacre.



GUATEMALA

Guatemala Genocide Case

Judge Accepts Gender Based Violence Charges in Guatemala Genocide Prosecution

Since 2006, CJA has been lead counsel in a Spanish criminal case first initiated by Nobel Laureate Rigoberta Menchú Tum and others against former President General Efraín Ríos Montt and other senior Guatemalan officials. The defendants are charged with terrorism, genocide, and systematic torture in the massacre of Mayan people during the 1980s. In July 2011, the Court granted our request to amend the complaint to include claims that the Guatemalan army used rape and other violence against women as part of their strategy to wipe out the Mayan people.

This decision represents the first time that gender-based violence has been included as an element of a criminal genocide claim in a national human rights prosecution.

Genocide Prosecution Against Former Military Dictator Ríos Montt and Others

The *Guatemala Genocide Case* in Spain was always intended to support a national court prosecution in Guatemala. In 2011, CJA was invited to partner with Guatemalan Attorney General Claudia Paz y Paz and prosecutor Manuel Vásquez Vicente to support a genocide case against former President Ríos Montt in Guatemala. We shared key documentary evidence and testimony from our case in Spain, including film footage of Ríos Montt admitting to having command responsibility over the troops responsible for the Mayan genocide. In January 2012, Paz y Paz indicted former General Ríos Montt for genocide for his role in the “scorched earth” campaign during the country’s civil war in the 1980s. CJA will continue to work closely with prosecutors on this important case; the trial is expected to begin in 2013.



CJA is currently working to prosecute Guatemalan officials for the terrorism, genocide and systematic torture of the Mayan people.



Protesters marching for accountability for the Guatemalan Genocide. Over 200,000 Guatemalans were killed or disappeared during the 1960-1996 internal conflict.

“**Transitional Justice**” refers to a range of strategies that permit a country to recover from a legacy of human rights abuses and armed conflict. These strategies share several goals: to hold those who had responsibility for abuses legally accountable; to 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 ensure that the pattern of human rights violations is not repeated by reforming key state institutions, including the military, police, and judiciary.

- As part of CJA’s comprehensive strategy to end impunity, we work alongside in-country prosecutors to hold human rights abusers criminally accountable in national courts—such as we are doing right now to support the prosecution in **Guatemala** of former military dictator Ríos Montt. CJA attorneys offer expert advice in witness preparation, presentation of evidence, and the development of legal theories.
- In one of the more exciting projects to grow out of our accountability efforts, CJA has played an instrumental role in the commencement of forensic investigation of mass graves in **Somaliland**. With CJA’s sponsorship, the Somaliland government and the Peruvian Forensic Anthropology Team began development of a capacity-building international forensic training program in Somaliland. We hope this process will provide relief to the families of victims and preserve evidence for future transitional justice efforts.
- In **Colombia**, CJA and HUMANAS are leading an initiative to raise awareness around the enormous impact gender violence had in the internal armed conflict. We are working on advocacy efforts to end impunity for these crimes and to ensure proper treatment and remedies for the victims. CJA participated in the first Symbolic Tribunal Against Sexual Violence in the Armed Conflict in Colombia, which issued a decision that condemned the Justice and Peace process for ignoring and failing to investigate sexual violence crimes. The decision has received widespread international attention and has been cited by the Women’s Initiatives for Gender Justice at the International Criminal Court.



With CJA’s sponsorship the Somaliland government and the Peruvian Forensic Anthropology Team began an international forensic training program in Somaliland.

Kiobel v. Shell I and Kiobel v. Shell II

Preserving the Alien Tort Statute as a Cornerstone of Human Rights Law in the U.S.

Brought by Nigerian refugees in the U.S. against Shell Oil, this lawsuit alleges that the multinational corporation helped the Nigerian military to systematically torture and kill environmentalists in the 1990s. After a federal appeals court held that corporations could not be liable for human rights abuses, the plaintiffs sought Supreme Court review. On February 28, 2012, the Court heard oral argument on a specific issue: whether corporations are immune from tort liability for international law violations such as torture.

In a surprising move, after the argument the Court called for new briefing and argument on a more fundamental question: whether survivors can ever bring suit under the Alien Tort Statute (ATS) for abuses committed on foreign soil. Since our founding, CJA has vindicated the right of survivors to sue perpetrators whenever they are found in the United States, regardless of where the abuses occurred. Thus, with co-counsel Pamela Karlan and Jeffrey Fisher of the Stanford Supreme Court Clinic,

CJA submitted an amicus brief that argues that individuals who come to the U.S. are normally subject to lawsuits in this country for claims that arise abroad – whether the claims arise from automobile accidents in Europe, theft of trade secrets in Asia, or intentional torts in Africa. ATS suits for atrocities committed abroad are essential to our country’s commitment to deny safe haven to human rights abusers. Further, existing procedural rules are adequate to prevent a case from causing diplomatic tensions.

With so much at stake, CJA took on a leading role in coordinating amici curiae and public outreach campaigns. In addition to authoring and filing amicus briefs in both rounds of argument, CJA devoted significant resources to support advocacy and media efforts to influence the Court and the public. CJA led the efforts to convince former diplomats and the American Bar Association to file amicus briefs in *Kiobel II*. Twenty-three former diplomats including Thomas Pickering, Hodding Carter II and Robert White signed the diplomats’ brief. We also compiled a comprehensive resource center on our website which includes a summary of the case and the arguments, as well as all of the over 100 briefs filed.



CJA authors or signs onto “friend of the court” briefs in cases before U.S. courts and tribunals around the world.

U.S. SUPREME COURT *Mohamed v. Palestinian National Authority*

While visiting the West Bank, Azzam Rahim, a naturalized U.S. citizen, was allegedly detained, tortured, and killed by Palestinian Authority intelligence officers. Rahim’s relatives sued the Palestinian Authority and the Palestinian Liberation Organization under the Torture Victim Protection Act (TVPA), which authorizes lawsuits against an “individual who, under actual or apparent authority, or color of law, of any foreign nation” subjects another to torture or extrajudicial killing. After a lower court ruled that the TVPA creates liability only for human beings, and not legal entities, the plaintiffs sought Supreme Court review. Our amicus brief in support of the petitioners argued that holding organizations liable for human rights abuses is essential to give victims effective remedy.

Unfortunately, on April 18, 2012, the Supreme Court held that the Palestinian Authority could not be held liable for torture and extrajudicial killing under the TVPA, because the Act imposes liability only on individual human beings, not on the entities they serve. The Court clarified, however, that individuals in command are still liable for torture committed by their subordinates. Crucially, the Court noted that the TVPA still imposes liability on natural person defendants, including “officers who do not personally execute the torture or extrajudicial killing” but who issue “an order to torture or kill.”

Citing one of CJA’s cases, *Chavez v. Carranza*, the Court thus reaffirmed that political and military leaders can be liable for their subordinates’ abuses.



U.S. HUMAN RIGHTS POLICY AND LEGAL REFORM

U.S. HUMAN RIGHTS POLICY AND LEGAL REFORM

Our goal is to increase U.S. enforcement of human rights law, to incorporate human rights norms of command responsibility into U.S. law and practice, and to oppose immunity for torture and other abuses.

We focus particular attention on supporting policy initiatives that advance the U.S. government's commitment to criminally prosecute human rights abusers. In recognition of our unique expertise in human rights enforcement, we have been invited to submit multiple rounds of testimony to Congress on strengthening the U.S. statutory framework for human rights crimes and adapting U.S. law enforcement to the global effort to deter mass atrocities through individual accountability for perpetrators.

For example, this past year CJA testified before the U.S. House of Representatives Lantos Commission Hearing entitled, "No Safe Haven:

Law Enforcement Operations Against Foreign Human Rights Violators in the United States." We submitted written comments to the U.S. Sentencing Commission on Proposed Amendments to the Federal Sentencing Guidelines on Human Rights Offenses which addressed the importance of having guidelines that adequately address the severity of human rights crimes. CJA also moderated a panel of experts in a briefing to the U.S. House Foreign Affairs Committee on alleged war crimes and crimes against humanity in Sri Lanka. And, in a follow up on our case against Gitmo psychologist Major John Leso, we called upon the New York Legislature to enact the Gottfried Duane Bill which would bar psychologists from participating in torture.

OUTREACH AND EDUCATION

CJA's outreach and education program mobilizes torture survivors to speak publicly, personalizing how international human rights



Group photo after CJA's 2011 Client Conference.
L-R: Azia Deria (Yousuf v. Samantar), Ana Deutsch (Program for Torture Victims) Carlos Mauricio, Dr. Juan Romagoza (the Generals Case) Oscar and Gloria Reyes (Reyes v. Lopez Grijalba), Daniel Alvarado, Cecilia Moran and Irma Calderon (Chavez v. Carranza)



CJA and ASRIC staff members with Cambodian survivors after the forum in Virginia.

Standing L-R: Kim Tung Yap, Vibol Tan, and Yan Yuth

Sitting L-R: Khu Kim Touy (CJA Client), Neou Sarem (CJA Client), Rani Lushinski, Vannary Tan, Marie Chea (CJA Client), Nushin Sarkarati (CJA Staff Attorney), Leakhena Nou (ASRIC Executive Director)

are explained to the general public. Through our outreach efforts, we seek to impact the international debate on the use of torture and empower others survivors to seek justice.

CJA staff participated in dozens of outreach events in the U.S., Cambodia, Colombia, Ecuador, Somaliland, and Spain and focused on new initiatives designed to give members of the public a deeper understanding of the issues at play in human rights litigation. We continue to feature the voice of our clients in these efforts.

Client Conference

In October 2011, we held our second CJA Client Conference. We brought together clients to discuss their experiences as survivors and participants in international justice efforts. The clients took the lead on planning the agenda. The conference allowed them to meet in a safe environment with psychological support available, share their experience of the legal process, and discuss the challenges they still encounter in their lives. In conjunction with the conference we held a public forum, "A Survivor's Perspective on International Justice," where five clients participated in a panel discussion.

Nine clients from four different cases participated: Dr. Juan Romagoza and Carlos Mauricio (*the Generals/El Salvador*); Aziz Deria (*Samantar/Somalia*); Cecilia Moran Santos, Daniel Alvarado, and Irma Calderon (*Carranza/El Salvador*); and Oscar Reyes, Gloria Reyes, and Zenaida Velasquez (*Lopez Grijalba/Honduras*).

Dr. Romagoza joined us from El Salvador where he is now a top official in the Ministry of Health and Mr. Alvarado flew in from Sweden. Ana Deutsch of the Program for Torture Victims and Annika Hacin of Survivors International helped lead the workshops.

Second Khmer Rouge Trial Outreach

CJA continued to work with the Applied Social Research Institute of Cambodia (ASRIC) to conduct a series of outreach forums with the Cambodian community in the U.S. The forums are designed to inform the community about the Khmer Rouge Tribunal, provide an opportunity for the Cambodian community to share their stories of survival with one another, as well as voice any questions or concerns about the trial with attorneys. Five forums were held during the past year in California, Massachusetts, Pennsylvania, and Virginia.



THE JUDITH LEE STRONACH HUMAN RIGHTS AWARD AND CJA'S ANNUAL DINNER, MAY 10, 2012

Each year since 2007, CJA has honored an individual or organization for their outstanding contribution to the movement for global justice with the **Judith Lee Stronach Human Rights Award**. Presented at CJA's Annual Dinner in San Francisco, the award is inspired by Judith Lee Stronach (1943-2002), a committed human rights activist who was instrumental in the founding of CJA through a generous donation. CJA's work continues to benefit from her vision and spirit, as well as the ongoing support and friendship of her husband, Raymond Lifchez.

Ambassador Robert L. White received the 2012 Stronach Award for his courageous and inspiring work for justice and human rights in El Salvador and Paraguay as U.S. Ambassador.

Over 300 CJA supporters, partners, and clients joined us to celebrate our successes in holding high-ranking perpetrators accountable and providing redress to survivors of human rights abuses. We were honored to be joined by Ambassador White and our other speakers and honorees:

- **Kerry Kennedy, President of the Robert F. Kennedy Center for Justice & Human Rights**, gave an eloquent keynote address on human rights and moral courage and shared stories about her early involvement with human rights issues and working with refugees from El Salvador.
- Mexican human rights activist **Lydia Cacho** accepted the *Champion of Justice Award* for her work holding perpetrators of violence against women accountable for their crimes despite threats to her own life.
- **Leo Cunningham** accepted the *Partner in Justice Award* on behalf of **Wilson Sonsini Goodrich & Rosati, PC** for the firm's demonstrated commitment to human rights and its history of working with CJA.
- Finally, we heard inspiring remarks from CJA clients **Sophany Bay** of Cambodia, **Aldo Cabello** of Chile, and **Carlos Mauricio** of El Salvador.

CJA'S 2012 ANNUAL DINNER

photos clockwise from top left:

Carlos Mauricio (CJA Client), Lydia Cacho (Champion of Justice Awardee), Juan Romagoza (CJA Client), and Maria DeGaetano (CJA Development & Outreach Associate)



Wilma Wallace (CJA Board Chair), Kerry Kennedy, and Pamela Merchant (CJA Executive Director)

Farah Brelvi (CJA Board Member), Lois Blum Feinblatt, and Almudena Bernabeu (CJA International Attorney)

Carolyn Patty Blum (CJA Senior Legal Advisor) and Ambassador Robert White

Aldo Cabello (CJA Client) and Leo Cunningham, accepting the Partner in Justice Award on behalf of CJA's pro bono partner Wilson Sonsini Goodrich & Rosati

Eric Garcetti, Melissa Russo, John Russo (CJA Board Member), Kerry Kennedy, Jerrold Mark Dion, and Pamela Merchant (CJA Executive Director)



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aegistrust.org

Amnesty International USA
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amnesty.org.uk

Applied Social Research Institute
of Cambodia
asricjustice.com

Asociación Bufete Jurídico Popular
mujerachi.interconnection.org/bufete.htm

Asociación Pro-Búsqueda de
Niñas y Niños Desaparecidos
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Asociación Pro Derechos Humanos
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Asociación Pro Derechos Humanos
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apdhe.org

Association for Justice
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Boston Center for Refugee Health
and Human Rights
bcrhhr.org

Bureau des Avocats Internationaux
ijdh.org

California Consortium of Torture
Treatment Centers
notorture.org/ccttc

Canadian Center for
International Justice
ccij.ca

Center for Constitutional Rights
ccrjustice.org

Center for Latin American Studies,
UC Berkeley
clas.berkeley.edu

Center for Victims of Torture
cvt.org

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carecen-la.org

Centre for Accountability and
Rule of Law
carl-sl.org/home

Centro para Acción Legal en
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caldh.org

Centro Internacional de Toledo
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toledopax.org

Centro Romero
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Comisión Colombiana de Juristas
coljuristas.org

Comisión de Verdad de Honduras
comisiondeverdadhonduras.org

Comité de Apoyo al Tíbet
Comité de Familiares de Detenidos
Desaparecidos en Honduras
cofadeh.org

Community Refugee and
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cris-ohio.com

Conflict Awareness Project
conflictawareness.org

Corporación de Promoción y
Defensa de los Derechos
codepu.cl

Colectivo de Abogados
José Alvear Restrepo
colectivodeabogados.org

Colegio de Abogados de Madrid
www.icam.es

Dejusticia
dejusticia.org

Dolly Filártiga

EarthRights International
earthrights.org

East Bay Sanctuary Covenant
eastbaysanctuary.org

East Timor Action Network
etan.org

El Rescate
elrescate.org

Equipo de Estudios Comunitarios
y Acción Psicosocial
ecapguatemala.org

Equipo Peruano de Antropología Forense
epafperu.org

Ensaaf
ensaaf.org

Escola de Cultura de Pau
escolapau.uab.cat

European Center for Constitutional
and Human Rights
ecchr.de

Fédération Internationale des Ligues
des Droits de l'Homme
fdh.org

Florida Center for Survivors of Torture
gulfcoastjewishfamilyandcommunityservices.org

Fondasyon Kole Zepol
fonkoze.org

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dplf.org

FreedomHouse
freedomhouse.org

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frmt.org



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Universidad Católica del Perú
pucp.edu.pe

Global Lawyers and Physicians
globallawyersandphysicians.org

Haiti Action Committee
haitisolidarity.net

Horn of Africa Human Rights
Watch Committee
hornwatch4rights.blogspot.com

The Human Rights Center
at Berkeley Law
law.berkeley.edu/hrc.htm

Human Rights First
humanrightsfirst.org

Human Rights Watch
hrw.org

HUMANAS
humanas.org.co

Impunity Watch
htimpunitywatch.com

Institute for Redress and Recovery
law.scu.edu/redress

Institute for Justice and
Democracy in Haiti
ijdh.org

Institute for Policy Studies
ips-dc.org

Instituto de Defensa Legal
idl.org.pe

Instituto de Derechos Humanos de la
Universidad Centroamericana
uca.edu.sv/publica/idhuca

INTERIGHTS
interights.org

International Center for
Transitional Justice
ictj.org

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

Fundación Myrna Mack
myrnamack.org.gt

Jewish Family Services of Columbus, Ohio
jpscolumbus.org

Jueces para la Democracia, pain
juecesdemocracia.es

La Peña Cultural Center
lapena.org

Latin American Studies Association
lasa.international.pitt.edu/

Legal Aid of Cambodia
lac.org.kh



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

Memoria y Justicia
memoriayjusticia.cl

Moakley Foundation
moakleyfoundation.com

Movimiento Nacional de Víctimas
de Crímenes de Estado
movimientodevictimas.org

Muslim Public Affairs Council
mpac.org

National Consortium of
Torture Treatment Providers
ncttp.org

National Security Archive
gwu.edu/~nsarchiv/

New York Civil Liberties Union
nyclu.org

Partners in Health
pih.org

Physicians for Human Rights
physiciansforhumanrights.org

Plataforma de Derechos Humanos
pidhdd.org

Program for Survivors of Torture
and Trauma: Northern Virginia
Family Service
nvfs.org/psst

Program for Torture Victims
ptvla.org

REDRESS
redress.org

Skylight Pictures
skylightpictures.com

Sierra Leone Institute for
International Law
slil.org

Spanish Embassy, El Salvador
Survivors International
survivorsintl.org

Survivors of Torture, International
notorture.org

The Shalom Center
theshalomcenter.org

Torture Abolition and Survivors
Support Coalition International
tassc.org

Tutela Legal del Arzobispado
de San Salvador
tutelalegal.org

Universidad Complutense de Madrid
ucm.es

Universidad Centroamericana,
"Jose Simeón Cañas"
uca.edu.sv

Universidad Rey Juan Carlos
urjc.es

Universidad de Salamanca
usal.es

Washington Office on Latin America
wola.org

Women's Link Worldwide
womenslinkworldwide.org

OPERATING REVENUE AND EXPENSES*

JULY 1, 2011 – JUNE 30, 2012

OPERATING REVENUES:

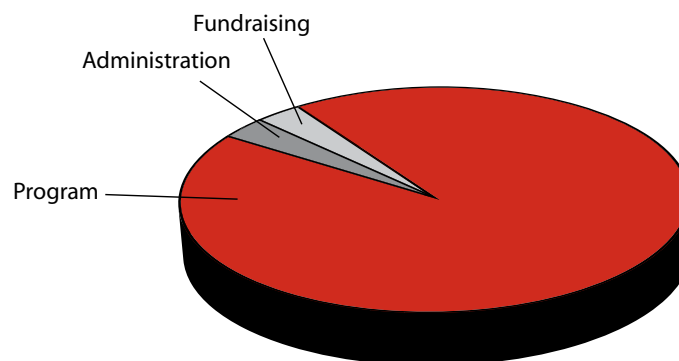
Foundation Grants	\$ 949,678
UN Voluntary Fund for Victims of Torture	29,640
Individual and Corporate Contributions	393,336
In-Kind Contributions**	5,530,898
Investment Income	4,438
TOTAL OPERATING REVENUES:	\$ 6,907,990

OPERATING EXPENSES:

Program	\$6,405,937
Administration	166,831
Fundraising	219,796
TOTAL OPERATING EXPENSES:	\$ 6,792,564

PROGRAM EXPENSES:

Program	94%
Administration	3%
Fundraising	3%



* Audited figures for July 1, 2011 - June 30, 2012. An audited financial statement is available upon request.

**CJA partners with outside law firms and investigation firms to investigate and litigate cases on behalf of its clients. Eighteen firms and individual attorneys provided over 11,920 hours of pro bono services valued at \$5,030,845. In addition, nine firms made contributions of \$466,622 to cover out of pocket expenses. The total donated pro bono legal services was \$5,497,467.

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L-R: Nushin Sarkarati (CJA Staff Attorney), John Russo (CJA Board Member), Andrea Evans (CJA Legal Director), Cassandra Kildow (CJA Operations & Finance Assistant), Dana Serleth (CJA Operations & Finance Director), Kathy Roberts (CJA Staff Attorney), William Aceves (CJA Board Member), Pamela Merchant (CJA Executive Director), Beth Stephens (CJA Board Member), Natasha Fain (CJA Staff Attorney), Joey Neugart (CJA Board Member), Farah Brelvi (CJA Board Member), Wilma Wallace (CJA Board Chair)
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