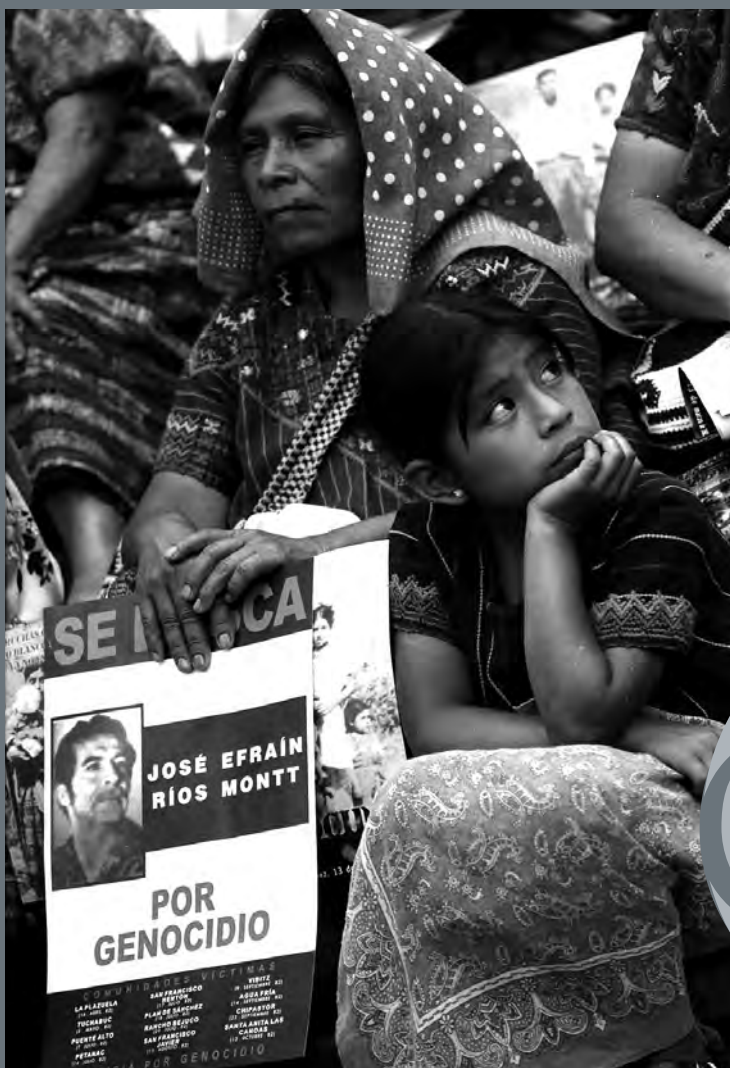


## ANNUAL REPORT | 2009-2010



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





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.*



It is with great pleasure that we present you with this report of our July 1, 2009 through June 30, 2010 activities.

**CJA continues to grow in its breadth and scope** while pursuing our mission to deter torture and promote human rights. During the 2009-2010 fiscal year, we worked with a total of 176 clients, including 144 torture survivors and 32 relatives of people who were tortured or disappeared from 20 countries. We increased our docket of high profile human rights cases and investigations, while continuing to successfully litigate existing cases. Our transitional justice work has expanded to Argentina, Cambodia, Ecuador, Guatemala and Peru.

**This year marked a watershed for CJA; we won our first U.S. Supreme Court case (*Samantar v. Yousuf*) in a unanimous decision issued June 1, 2010.** The Court held for the first time that former government officials who seek safe haven in the U.S. are not immune from civil human rights claims under the Foreign Sovereign Immunities Act. This victory was the result of the courage and tenacity of our clients and staff, and the tremendous outpouring of support from the human rights community, the legal community, former diplomats and military professionals, and academics. We were particularly fortunate to partner with pro bono co-counsel from Akin Gump Strauss Hauer & Feld LLP, Cooley LLP and the Stanford Supreme Court Clinic. Patricia Millett who leads the Supreme Court practice at Akin Gump argued the case and was joined by CJA board member Beth Stephens.

**CJA filed two new cases to address human rights abuses committed in Colombia (*Cabrera v. Jimenez Naranjo*) and Somalia (*Ahmed v. Magan*).** In addition, CJA began representation of 43 survivors of the brutal Khmer Rouge regime in Case No.002 in the Extraordinary Chambers in the Courts of Cambodia.





Our work in Spain also remains very active. In a game changing development in the Guatemala Genocide Case, CJA introduced into evidence an original military document known as “Plan Sofia” to the Spanish court. Created in 1982, Plan Sofia implicates the army and the Guatemalan High Command in the killing of tens of thousands of civilians. And, in the Jesuits Massacre Case, we presented the testimony of the only surviving non-military eyewitnesses to the crime.

**CJA continued to grow our transitional justice program.** For example, in our role as international advisor for the Truth Commission of Ecuador, CJA reviewed over seventy potential human rights cases and drafted important parts of the report regarding international civil and criminal law.

We also continued our advocacy work for stronger accountability policies. We submitted testimony to the Senate Judiciary Subcommittee on Human Rights and the Law for the hearing titled, “No Safe Haven: Accountability for Human Rights Violators in the United States, Part II” and participated in the U.N.’s Uniform Periodic Review of U.S. compliance with the Convention Against Torture.

On the outreach and education front, we sent our **first delegation to El Salvador to commemorate the 20th anniversary of the Jesuits Massacre** and to meet with senior government officials to support efforts to repeal the amnesty law and to prosecute those responsible for the widespread abuses committed during El Salvador’s 12 year civil war. In the fall of 2009, CJA hosted **our first client conference** where we brought clients together with consulting psychologists from U.S. torture treatment programs to share their experience of the legal process and to discuss the challenges they still encounter in their lives. The conference was so well received that we made a commitment to hold similar conferences biannually going forward.

This was the **fourth year of our annual dinner**, which featured an inspiring keynote by the former General Counsel for the U.S. Navy, **Alberto J. Mora**, who resigned his post in the Bush Administration over the harsh interrogation techniques used after 9-11. Guatemalan human rights activist **Helen Mack Chang** received the *Judith Lee Stronach Human Rights Award* and the law firm **Cooley LLP** received the *Partner in Justice Award*.

As CJA continues to grow and take on new challenges, we remain committed to the principle on which we were founded—that individual accountability for human rights crimes is crucial to deterring future abuses, upholding the rule of law and providing healing and redress for survivor communities. Our successes are the direct result of having a strong community of supporters—such as yourself—dedicated to supporting international justice and human rights. With your continued support, we look forward to serving new communities around the world that have been denied access to justice.

Sincerely,



Pamela Merchant  
Executive Director



Eileen O'Connor  
Board Chair

**“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 plays a leading role in this emerging area of international justice by pursuing universal jurisdiction cases. In the U.S., we hold perpetrators of international human rights abuses accountable through civil litigation. In Spain, we pursue criminal human rights cases before the Spanish National Court. 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 joining as co-counsel in the historic prosecution of Peruvian former President Alberto Fujimori for crimes against humanity, to managing the distribution of over \$400,000 in damages awards to massacre survivors in one of Haiti’s poorest communities, CJA is advancing transitional justice goals in countries where abuses have occurred.

- 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.
- 1948** The U.N. General Assembly adopts the Genocide Convention and the Universal Declaration of Human Rights.
- 1980** In *Filártiga v. Peña-Irala*, a U.S. appellate court breaks ground by holding a Paraguayan police officer liable under the ATS for torture committed in Paraguay.
- 1992** President Bush signs the Torture Victim Protection Act (TVPA), which endorses the ATS and permits U.S. citizens to sue for torture and extrajudicial killing.
- 1993** The U.N. establishes the International Criminal Tribunal for the former Yugoslavia.
- 1994** The U.N. establishes the International Criminal Tribunal for Rwanda. The U.S. ratifies the U.N. Convention Against Torture and adopts a law making torture, wherever committed, a crime prosecutable in U.S. courts.
- 1998** CJA is incorporated. Chilean General Pinochet is arrested in London for torture and other crimes. CJA files its first case, against Bosnian war criminal Nikola Vuckovic.
- 2002** The International Criminal Court is established. CJA wins a trial against two Salvadoran ex-Ministers of Defense, confirming the doctrine of command responsibility in U.S. law.
- 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.
- 2006** The U.S. indicts Liberian warlord “Chuckie” Taylor in the first criminal prosecution under the 1994 torture law. CJA joins the *Guatemala Genocide Case* in Spain.
- 2008** CJA clients recover \$580,000 from Haitian ex-Colonel Carl Dorélien. CJA and partners file criminal charges with the Spanish National Court against Salvadoran officials responsible for the 1989 “Jesuits Massacre.”
- 2009** Former Peruvian president Alberto Fujimori is sentenced to 25 years in prison for crimes against humanity. CJA was part of the prosecution team.
- 2010** A unanimous U.S. Supreme Court denies foreign sovereign immunity to Somali General Mohamed Ali Samantar, sued for human rights abuses in *Yousuf v. Samantar*.

### El Salvador

#### Command Responsibility for Atrocities

*(Romagoza Arce v. Garcia)*

2006: The 11th Circuit Court of Appeals upholds a \$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)*

2004: CJA wins a \$10 million judgment against Alvaro Saravia, one of the architects of the assassination.

#### The Civil War's Most Notorious War Criminal

*(Chavez v. Carranza)*

2009: The 6th Circuit Court of Appeals upholds a \$6 million jury verdict against Colonel Nicolás Carranza for crimes against humanity.

#### Justice for the 1989 Jesuit Killings *(The Jesuits Massacre Case)*

2008: CJA files criminal charges in Spain against senior Salvadoran officials for the massacre of six Jesuit priests and two women in 1989.

### Haiti

#### The High Command and the "Raboteau Massacre" *(Jean v. Dorelien)*

2007: A jury finds Florida lottery winner Col. Carl Dorélien liable for human rights abuses in Haiti and awards \$4.3 million in damages.

#### Death Squads and Gender-Based Violence *(Doe v. Constant)*

2006: Death squad leader Emmanuel "Toto" Constant ordered to pay \$19 million for torture and gender-based violence.

### Bosnia and Herzegovina

#### War Crimes and Ethnic Cleansing

*(Mehinovic v. Vuckovic)*

2002: Bosnian Serb war criminal Nikola Vuckovic is found liable for torturing Bosnian Muslims.



### Guatemala

#### Justice for the Mayan Genocide *(The Guatemala Genocide Case)*

2006: CJA becomes lead counsel in a case in Spain against senior Guatemalan military officials.

### Honduras

#### Forced Disappearances

*(Reyes v. Lopez Grijalba)*

2006: Colonel Juan López Grijalba is ordered to pay \$47 million to survivors and relatives of the disappeared.



**China****Torture and Religious Persecution** (*Doe v. Liu Qi*)

2004: Liu Qi, ex-Mayor of Beijing, is found responsible for the torture of Falun Gong members.

**Indonesia****Atrocities During the East Timor****Independence Referendum** (*Doe v. Lumintang*)

2001: General Lumintang is found responsible for human rights abuses. The judgment is later reversed on a technicality.

**Somalia****Civil War and Widespread Repression**

(*Yousuf v. Samantar*)

2010: In CJA's suit for human rights abuses, a unanimous U.S. Supreme Court holds that former Defense Minister Samantar has no immunity under the Foreign Sovereign Immunities Act.

**Grabela Massacre** (*Doe v. Ali*)

2004: Somali survivors bring suit against Colonel Yusuf Abdi Ali for war crimes.

**Torture of Somali Legal Scholar** (*Ahmed v. Magan*)

2010: CJA files a torture suit against an ex-division chief of the Somali National Security Service on behalf of professor Abukar Hassan Ahmed.

**Peru****The Accomarca Massacre I**

(*Ochoa Lizarbe v. Hurtado*)

2008: CJA obtains a \$37 million judgment against Major Telmo Hurtado for the massacre of Peruvian civilians.

**The Accomarca Massacre II**

(*Ochoa Lizarbe v. Rivera Rondon*)

2007: After bringing suit against Captain Juan Rivera Rondón for his role at Accomarca, CJA works with authorities in Peru to have him removed from the U.S. to face charges in Peru.

**Colombia****Paramilitary Violence Against Human Rights Defenders**

(*Cabrero v. Jimenez Naranjo*)

2010: Colombians bring suit against "Macaco," a paramilitary leader and narco-trafficker for torture, extrajudicial killing, and crimes against humanity.

**Chile****Pinochet's "Caravan of Death"**

(*Cabello v. Fernandez Larios*)

2003: Infamous Pinochet operative Armando Fernández Larios is held liable for torture, extrajudicial killing, and crimes against humanity.

### SOMALIA

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#### **Immunity Denied: Victory at the U.S. Supreme Court in *Samantar v. Yousuf***

When Bashe Abdi Yousuf began volunteering in schools and hospitals in Somalia in the early 1980s, he never imagined that this act of community service would lead to his brutal torture by government forces serving under General Mohamed Ali Samantar. Nor could Bashe imagine that years later, after he had immigrated to the U.S., he would find the same General Samantar living out a comfortable retirement in the suburbs of northern Virginia.

Bashe Yousuf, Aziz Mohamed Deria, and our other courageous clients decided to confront General Samantar in a court of law. Last year, their pursuit of justice led to the highest court in the land. The case began in 2004, when CJA and pro bono counsel Cooley LLP brought suit on behalf of five survivors and their families who were tortured under the Siad Barre regime: Bashe Yousuf, a young business man tortured and kept in solitary confinement for over six years; Aziz 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 was shot by a firing squad, but survived by hiding under a pile of dead bodies.

The suit accuses General Samantar—who served as Minister of Defense and Prime Minister under the Siad Barre regime in Somalia during the 1980s—of command responsibility for extrajudicial killing, arbitrary detention, torture, crimes against humanity, and war crimes. Rather than answer the charges, Samantar claimed that as a former foreign official he was immune from the jurisdiction of U.S. courts.

It was that claim of immunity—granted by a lower court but reversed on appeal—that went before the U.S. Supreme Court. And on June 1, 2010, a unanimous Court ruled that General Samantar did not have immunity under the Foreign Sovereign Immunities Act (FSIA). Faced with a choice between accountability and impunity, the Supreme Court squarely came down in favor of accountability. The decision means that our clients and their families will now be able to hold General Samantar—the man responsible for these horrific acts—accountable. For Aziz Deria and Bashe Yousuf, who both attended oral argument, the decision brought vindication: “We are delighted and grateful that the U.S. will not shield Samantar from our attempt to hold him accountable for the horrific things that he did to the people of Somalia.”

In a deeper sense, the Court’s decision affirms our nation’s commitment to accountability. On the day of the decision, Senator Patrick J. Leahy (D-VT) commented, “The United States should not provide safe haven to those who use their position of authority to commit torture.” Senator Leahy and Senator Arlen Specter (D-PA) co-sponsored the Torture Victim Protection

Act (TVPA), which Congress enacted to give survivors of human rights abuse the right to seek redress from their aggressors who come to the U.S.

Samantar represents a critical turning point: in the past few years, a series of lower court rulings granting immunity to foreign officials posed a threat to the domestic enforcement of human rights. The entire field would have been in jeopardy if CJA had not prevailed. With so much at stake, literally hundreds of attorneys and human rights activists mobilized to support our clients.

We would like to thank our Supreme Court co-counsel, Patricia Millett of Akin Gump Strauss Hauer & Feld LLP, Pamela Karlan of Stanford Law School, Robert Vieth and Maureen Alger of Cooley LLP, and Board member Beth Stephens, professor at Rutgers University Law School. We would also like to thank our clients and members of the Somali community who continue to work valiantly for justice and redress for the abuses committed by the Siad Barre regime.

In addition, we are grateful to the authors and signers of ten amicus briefs supporting our position: the U.S. government, on whose behalf Deputy Solicitor General Edwin S. Kneedle argued against granting immunity; members of Congress (Senators Arlen Specter, Russell Feingold, and Representative Sheila Jackson Lee); Retired Military Professionals, Former United States Diplomats, Torture Survivors and their Family Members; Holocaust Survivors and Organizations Against Genocide; the Foreign Minister for the Republic of Somaliland; professors of International Litigation and Foreign Relations Law; Academic Experts in Somali History and Current Affairs; and Professors of Public International Law and Comparative Law.

A complete listing of those who helped with the Supreme Court case is found on pages 20-21.



*On the steps of the U.S. Supreme Court (l to r): CJA Client Aziz Deria, Sabah Dahir Yousuf, CJA Client Bashe Yousuf, CJA Executive Director Pamela Merchant, CJA Board Member Beth Stephens, CJA Legal Director Andrea Evans.*

### SOMALIA

#### **Former Somali Secret Police Chief Sued for Law Professor's Torture:** *Ahmed v. Magan*

This year also brought the filing of a new case based on abuses in Somalia. On April 21, 2010, CJA and pro bono counsel Akin Gump Hauer Strauss & Feld LLP filed suit on behalf of Abukar Hassan Ahmed, a constitutional law professor who was tortured in Somalia under the brutal Siad Barre regime. The lawsuit was filed against Abdi Aden Magan, a former head of the Somali National Security Service (NSS) Department of Investigations, who now resides in Columbus, Ohio. Our complaint accuses Magan of directly ordering the gruesome torture of Mr. Ahmed, who still bears the scars of his ordeal.

#### **Background**

Mr. Ahmed was a lawyer and an esteemed constitutional and international law professor at Somali National University. After the Barre regime suspended the Constitution and launched a violent crack down on opposition, Mr. Ahmed continued to teach and speak out for human rights. In November 1988, he was imprisoned for carrying an Amnesty International report. While in prison, Magan ordered his subordinates to extract a confession through torture. An innocent man, Mr. Ahmed never confessed.

The United States campaigned for Mr. Ahmed's release and Amnesty International declared Mr. Ahmed a "Prisoner of Conscience." In March 1989, Mr. Ahmed was released after paying a fine for possession of subversive literature. Yet the NSS continued to stalk Mr. Ahmed until he ultimately fled Somalia. A human rights advocate at heart, Mr. Ahmed believes that justice knows no borders and is determined to hold Magan accountable for his crimes.



## COLOMBIA

**Persecuted Democracy Activists  
Sue a Paramilitary Leader and Drug Trafficker:  
*Cabrera v. Jiménez Naranjo***

In June 2010, CJA and pro-bono co-counsel Wilson Sonsini Goodrich and Rosati filed suit against Colombian paramilitary leader and drug-trafficker Carlos Mario Jiménez Naranjo (known as “Macaco”) for torture, extrajudicial killing, war crimes, and crimes against humanity. Macaco headed the Bloque Central Bolívar (BCB), a paramilitary group associated with the United Forces of Colombia (AUC). The BCB funded its armed operations through the drug trade. To maintain its monopoly on coca production, the BCB systematically tortured and “disappeared” activists from the *Program for Peace and Development in the Middle Magdalena* (PDP), an NGO that works to create sustainable communities by providing farmers alternatives to the drug trade.

We filed the case on behalf of surviving family members of two PDP activists, Eduardo Estrada Gutierrez and Alma Rosa Jaramillo Lafourie, who were brutally murdered in 2001 by BCB troops under Macaco’s command. Eduardo was murdered in front of his wife on their way home from a local dance. Alma Rose was kidnapped from a public bus by BCB soldiers. Her body was later found in the river, brutally tortured and mutilated. Only her torso was recovered.

Colombian efforts to bring Macaco to justice were thwarted when he and thirteen other paramilitary leaders were extradited to the U.S. to face drug trafficking charges in May 2008. All of the defendants are well-known human rights abusers whose participation in the truth and justice process in Colombia was cut short by the extradition. CJA was approached by the Colombian Commission of Jurists to pursue ATS/TVPA cases in an effort to seek some measure of accountability.

Macaco is currently in U.S. custody in Miami, Florida. Although he has admitted responsibility for torture and other atrocities in Colombia, the U.S. government has declined to charge him with any human rights crimes. Thus, CJA’s civil case is the only opportunity for Macaco’s victims to exercise their rights to seek justice and have their voices heard.





### EL SALVADOR

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#### *The Jesuits Massacre Case:*

#### **Presenting Eyewitness Testimony Before the Spanish National Court**

CJA continues to present groundbreaking evidence in the Jesuits Massacre Case, which is in the investigative stage of proceedings in the Spanish National Court (SNC) before Judge Eloy Velasco. In early 2010, the SNC took evidence from the only surviving non-military eyewitnesses to the massacre, Lucia and Jorge Cerna. Lucia was a housekeeper for the for the Universidad Centroamericana José Simeon Cañas and on November 15, 1989, they sought refuge at the University from El Salvador's raging civil war. That same night the Salvadoran military would launch an attack at the UCA. The Cernas both testified about witnessing the raid by the Salvadoran military and the murder of the six Jesuit priests, their housekeeper and her daughter.

In June 2010, CJA presented witness testimony in Spain from a protected witness who served as a major in the Salvadoran military; Benjamin Cuellar, Director of the Human Rights Institute of UCA; and Col. Jose Luis Garcia, a retired colonel from the Argentine military and expert in military structure and chain of command.

In November 2009, CJA lead a delegation to El Salvador to commemorate the twentieth anniversary of the massacre and to meet with government officials on the importance of repealing the amnesty law and bringing those responsible for the massacre to justice. The image on the next page is from one of the marches held on November 16, 2009. Please see page 16 for more on the delegation.

#### *Chavez v. Carranza:*

#### **Final Judgment as the U.S. Supreme Court Denies Review**

This year also brought welcome closure in another of CJA's El Salvador cases. In October 2009, the U.S. Supreme Court denied the petition for certiorari of defendant Nicolas Carranza, ex-Vice-Minister of Defense of El Salvador. With that ruling, the 2005 jury verdict holding Carranza liable for crimes against humanity, torture, and extrajudicial killing is final. This victory marked the first time that a U.S. jury in a contested case found a commander liable for crimes against humanity.



Marchers commemorate the  
20th Anniversary of the Jesuits Massacre,  
San Salvador, El Salvador, November 16, 2009.

**In the early morning of November 16, 1989, six Jesuit priests, their housekeeper, and her daughter were woken from their sleep by Salvadoran special forces. The soldiers led them outside and shot them on the lawn of the Central American University José Simeón Cañas (UCA) in San Salvador.**

*El pueblo siempre recuerda y jamás podrá olvidar,  
el crimen que cometieron los que no quieren la paz.  
Los seis jesuitas murieron por orden de un criminal.*

The people always remember and will never be able to forget  
The crime committed by those who do not want peace.  
The six Jesuits died because of the orders of a criminal.

– Song of the marchers honoring the 20th anniversary of the Jesuits Massacre at the UCA in San Salvador, as recorded by Prof. Richard Amesbury.

### AMICUS BRIEFS

CJA authors or signs onto “friend of the court” briefs in cases before U.S. courts and tribunals around the world with jurisdiction over human rights abuses. Below is an example:

#### ***Algodonero v. Mexico***

On July 7, 2009, CJA signed onto an amicus brief filed before the Inter-American Court of Human Rights on behalf of survivors of gender based violence in Ciudad Juárez, Mexico. The brief, signed by over fifty women’s and human rights organizations, law school clinical programs, and law and social science professors, urged the Inter-American Court to determine that the longstanding failure to investigate, prosecute or prevent the disappearances, rapes and murders of young women and girls in Ciudad Juárez over the last fifteen years violates Mexico’s obligations under the American Convention on Human Rights and other international treaties. The brief also urges the Court to provide the full range of remedies for the violations including restitution, rehabilitation, public recognition of wrongdoing, legislation and policy reform, and training.

On December 10, 2009, the court found Mexico in violation of the American Convention and the Convention of Belém do Pará. The court held that the State has an affirmative obligation to respond to violence against women conducted by private actors. It ordered Mexico to comply with a number of remedial measures, from building a national memorial for the victims to renewing investigations and making reparations of over \$200,000 to the families in the suit.

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*Survivors of the brutal Khmer Rouge regime observe the trial of Kaing Guek Eav, a.k.a. Duch, at the Extraordinary Chambers in the Courts of Cambodia.*

*Please see page 15 for a description of CJA’s work in Cambodia.*



## TRANSITIONAL JUSTICE SUPPORT

CJA works with NGOs and governments around the world on a range of transitional justice initiatives. As part of a comprehensive strategy to end impunity, we work alongside in-country prosecutors to hold human rights abusers criminally accountable in national courts—especially where defendants in CJA’s U.S. cases have been deported or extradited to stand trial in the home country. CJA attorneys offer expert advice in witness preparation, presentation of evidence, and charging human rights crimes.

### Argentina

#### Truth Trials for the Disappeared of La Plata

In May 2009, CJA was retained by a survivor of the U9 prison in La Plata, where, during the 1970s, the military *junta* detained young professionals accused of “subversion.” Our client, Horacio Martinez Baca, now a U.S. attorney living in San Francisco, testified at La Plata Criminal Court on August 13, 2009 about his brutal torture at the U9 prison. CJA will continue to help clients testify in the Argentine “Truth Trials.”

### Cambodia

#### Khmer Rouge Trial (Case 002)

In June 2010, CJA began to represent 41 Cambodian-American civil party applicants in the second case before the Extraordinary Chambers in the Courts of Cambodia (ECCC) against four surviving senior leaders of the Khmer Rouge for charges of genocide, crimes against humanity, and war crimes. The ECCC was created in 2007 with the assistance of the U.N. to try former senior officials of the Khmer Rouge who are responsible for the human rights abuses committed in Cambodia from 1975 through 1979. The ECCC is the only U.N. “hybrid” tribunal to permit victims to participate in a case as civil parties and seek accountability directly through the Court. Civil parties in a trial may seek reparations and can testify or provide evidence in support of the prosecution.

### Ecuador

#### Truth Commission Final Report

CJA was honored to assist Ecuador’s Truth Commission in preparing a five-volume report on human rights abuses perpetrated against 456 victims between 1984 and 2008. CJA joined the Truth Commission in July 2009 to analyze evidence, advise on international law, and identify cases for prosecution. As a result of CJA’s participation, the Truth Commission report is the first of its kind in Latin America to recommend ATS and TVPA litigation as an alternative remedy for Ecuadorian victims when perpetrators are found in the United States. The Ministry of Justice has requested that CJA develop a human rights litigation training program for prosecutors.

### OUTREACH AND EDUCATION

CJA's outreach and education program mobilizes torture survivors to speak publicly to personalize how international human rights are explained to the general public, impact the international debate on the use of torture, and 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. CJA's expanding role in the movement for global justice was recognized by the International Federation for Human Rights (FIDH). On April 8, 2010, CJA was elected as one of only two Affiliate Members of FIDH for the United States.

Other highlights from 2009-2010 include:

#### 2009 Client Conference

We held our first client conference in October 2009, where we brought together a dozen clients to discuss their experiences as survivors and participants in international justice efforts. Ten clients from around the U.S. and El Salvador participated: Carlos Mauricio, Neris Gonzalez and Dr. Juan Romagoza Arce (*Arce v. Garcia*, El Salvador); Cecilia Moran, Irma Calderon and Oscar Chavez (*Chavez v. Carranza*, El Salvador); Oscar Reyes, Gloria Reyes and Zenaida Velasquez (*Reyes v. Lopez Grijalba*, Honduras); and Lexiuste Cajuste (*Jean v. Dorelien*, Haiti). This event allowed clients to meet with each other in a safe environment with psychological support available, share their experiences of the legal process and discuss the challenges they still encounter in their lives. The workshops were lead by torture treatment therapists Mary Fabri from Heartland Alliance and Ana Deutsch from the Program for Torture Victims. In connection with the conference, and at the clients' initiative, we held a public event attended by over 100 people where four clients participated in a panel discussion entitled, "A Survivor's Perspective on International Justice."

#### Jesuits Massacre 20th Anniversary Delegation November 13-17, 2009

In November 2009, CJA led a delegation to El Salvador comprised of leaders from the human rights, legal, and Jesuit communities, to show the new Salvadoran government that many in the U.S. continue to stand in solidarity with the thousands of survivors from the civil war. We met with many members of the new government including the Attorney General, the Chief of the Supreme Court and the Vice President. Delegation members included Rev. Donald J. Monan, Chancellor of Boston College University, who traveled to El Salvador in 1989 immediately after the massacre and was an international observer at the 1991 trial which ended in a surprise acquittal despite overwhelming evidence; Javier Torrontegui, the Director General of the Basque Country Public Radio; Mike Greco past president of the American Bar Association; Sandra Coliver of the Open Society Justice Initiative; Sara Darehshori of Human Rights Watch; Farah Brelvi, Kirby Sack, Nico Van Aelstyn and three of our Salvadoran clients – Neris Gonzalez, Carlos Mauricio and Dr. Juan Romagoza. At an outreach event at the University of Central America, CJA International Attorney Almudena Bernabeu and Benjamin Cuellar spoke to a crowd of several hundred about the Jesuits Massacre litigation in Spain.



### U.S. HUMAN RIGHTS POLICY AND LEGAL REFORM

CJA works on a variety of 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. CJA continues to work with U.S. authorities on the prosecution, deportation, extradition, and denaturalization of human rights abusers found in the United States.

#### Selected Highlights

In October 2009, CJA submitted testimony to the Senate Judiciary Subcommittee on Human Rights and the Law for the hearing titled, *No Safe Haven: Accountability for Human Rights Violators in the United States, Part II*. CJA's testimony urged Congress to press for the indictment on human rights charges of 17 Colombian paramilitary leaders currently indicted for drug trafficking, and suggested new legislation to codify crimes against humanity and extrajudicial killing as crimes under U.S. law.



*Attorneys from CJA and CONAVIGUA, a Guatemalan NGO that supports survivors of the internal armed conflict, meet with witnesses in the Guatemala Genocide Case.*

*Seated (l to r): Paloma Soria, Maria Castro, Jacinta Guarcas, Mari Toj. Standing (l to r) Patricia Avila, Renata Avila, Almudena Bernabeu, Feliciano Macario.*

### The Judith Lee Stronach Human Rights Award and CJA's Annual Dinner April 28, 2010

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 gift from the Judith Stronach Fund for Non-Violent Social Change. CJA's work continues to benefit from her vision and spirit, as well as the ongoing support and friendship of her husband, **Raymond Lifchez**.



We presented the 2010 Stronach Award to **Helen Mack Chang**, a Guatemalan businesswoman and activist, who became an outspoken advocate for human rights after her sister, anthropologist Myrna Mack Chang, was assassinated by the Guatemalan military on September 11, 1990. In 1993, Helen Mack founded The Myrna Mack Foundation, which engages in an array of activities to promote human rights and end impunity in Guatemala.



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(l to r) Eileen O'Connor (CJA Board Chair) Alberto J. Mora (keynote speaker), Abukar Hassan Ahmed (CJA client), and Pamela Merchant.



---

(l to r) Amina Jireh, Aaron Loeb, Omar Yousuf, Kathy Roberts (CJA Staff Attorney), Wilma Wallace (CJA Board member), Richard Meyers.



(l to r) Beatriz Manz (U.C. Berkeley), Cárdenas Cuauhtémoc (former Mexican Governor and Senator), Richard Leigh (CJA Board member), Cristina Cabello, and Aldo Cabello (CJA client).



(l to r) Sandra Coliver (Open Society Institute), Naomi Roht-Arriaza (U.C. Hastings College of Law), Helen Mack Chang (Myrna Mack Foundation), Robert Stark, and Paloma Soria (CJA Visiting Attorney from Women's Link).

## CJA's Annual Dinner Special Guests

From victory before the U.S. Supreme Court, to the government of El Salvador's apology for its role in the assassination of Archbishop Romero and the Jesuits Massacre, this has been a watershed year. We were pleased to celebrate at our Annual Dinner, with Helen Mack Chang and our other speakers and honorees:

**Abukar Hassan Ahmed**, a client of CJA and a former Amnesty International Prisoner of Conscience, spoke on the importance of breaking the silence and standing up for justice. For more on Mr. Ahmed's case, see *Ahmed v. Magan*, page 10 above.

**Alberto J. Mora**, former General Counsel for the U.S. Department of the Navy gave the keynote address on the how the abusive interrogations of detainees at Guantánamo Bay and other locations has undermined the rule of law and weakened national security. From 2002 to 2006, Mr. Mora waged a tireless campaign inside the Bush administration to oppose the use of cruel "enhanced interrogation techniques" on detainees in the "war on terror."

**Robert Vieth**, partner at Cooley Godward Kronish LLP accepted the 2010 **Partner in Justice Award** which honors a firm's commitment to pro bono service and human rights. Since 2003, Cooley LLP and Mr. Vieth have worked as pro bono co-counsel on two of CJA's cases against former senior military commanders from Somalia including *Yousuf v. Samantar* which was victorious at the Supreme Court.

CJA extends its deepest gratitude to all who partnered with us in our historic journey to the Supreme Court.

**CJA would like to acknowledge our sincere appreciation for the hard work and dedication of our Supreme Court pro bono co-counsel in *Samantar v. Yousuf*:**

Patricia A. Millett, Akin Gump Strauss Hauer & Feld LLP  
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**CJA would also like to acknowledge the individuals who drafted or supported amicus briefs:**

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**OPERATING REVENUE AND EXPENSES\***

JULY 1, 2009 – JUNE 30, 2010

**OPERATING REVENUES:**

Foundation Grants	\$ 1,349,800
UN Voluntary Fund for Victims of Torture	65,000
Individual and Corporate Contributions	181,201
In-Kind Legal Contributions**	2,219,745
Investment Income	4,048
<b>TOTAL OPERATING REVENUES:</b>	<b>\$ 3,819,794</b>

**OPERATING EXPENSES:**

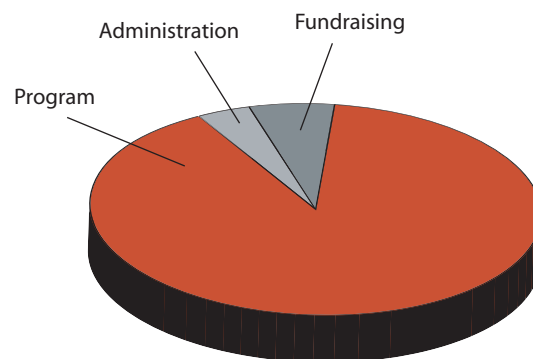
Pro Bono Fees and Expenses**	\$ 2,219,745
Program	936,573
Administration	158,053
Fundraising	204,480
<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 3,518,851</b>

\*Audited figures for July 1, 2009 - June 30, 2010. 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. Nineteen firms provided over 5,817 hours of pro bono services valued at \$2,136,134. In addition, eleven firms made contributions of \$81,451 to cover out of pocket expenses. The total donated pro bono services was \$2,219,745.

**PROGRAM EXPENSES:**

Program	90%
Administration	4%
Fundraising	6%



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