

THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers to Justice.



Fall 2015 Newsletter

Extradition Hearing Held for Jesuits Massacre Perpetrator



Colonel Inocente Montano

On August 19, 2015, a federal district court in North Carolina heard arguments on whether ex-Salvadoran Colonel Inocente Montano should be extradited to Spain to stand trial for his role in the murder of six Jesuit priests, their housekeeper, and her daughter in CJA's *Jesuits Massacre Case*.

Almost 26 years ago, on November 16, 1989, an elite battalion of the Salvadoran Army entered the grounds of the UCA, San Salvador's renowned Jesuit University of Central America, and killed eight civilians.

CJA Senior Legal Advisor Patty Blum, who attended the hearing, said: "In the courtroom you could sense that, after all this time, accountability for the massacre was drawing near. All eyes are now on the United States to grant extradition and Spain to hear this important case." (*continued on page 5*)

CJA Celebrates 17 Years of Bringing Human Rights Abusers to Justice



Former U.N. High Commissioner for Human Rights Navi Pillay, recipient of CJA's Champion of Justice Award



Joan Jara, CJA client in Jara v. Barrientos

(More photos on page 3)



Tara Lee (far left) and Lindsay Barnes (far right) from DLA Piper, and (L-R) CJA's Kathy Roberts, Dixon Osburn, and Nushin Sarkarati

CJA Presents Oral Argument in Case Against Somali War Criminal

On September 16, 2015, CJA and pro bono co-counsel DLA Piper presented oral argument in an appeal before the Fourth Circuit Court of Appeals in *Warfaa v. Ali*, a case brought by a Somali torture survivor against the responsible war criminal currently living in Virginia.

The defendant, former Somali commander Colonel Yusuf Abdi Ali (aka Colonel Tukeh), seeks to reverse more than three decades of legal precedent that has allowed victims of human rights abuses to bring lawsuits under the Alien Tort Statute in U.S. courts against their tormentors – when they are found in this country – for mass atrocities such as war crimes and crimes against humanity committed abroad.

CJA client Farhan Warfaa has accused Colonel Tukeh of torturing him and attempting to kill him by firing his pistol at Warfaa five times at point blank range. Further, Warfaa alleges that Tukeh committed war crimes and crimes against humanity.

This case will determine whether the United States will legally provide safe harbor for Colonel Tukeh and other perpetrators of mass atrocity crimes. The court will make a decision in the coming months.



CJA's client in Warfaa v. Ali, Farhan Warfaa, is profiled on page 4. The father of eight explains why he brought his case and his desire for justice.

In This Issue:

2 Message from CJA's Executive Director

3 CJA's Annual Dinner

4 CJA Client Profile: Farhan Warfaa

5 CJA Receives Letelier-Moffitt Award

6 Supporter Profile: Sister Patricia Bruno

7 New CJA Staff

A Message from CJA's Executive Director

Dear Friends of CJA,

Our clients, who you will read about in these pages, are a testament to the power of one person making a difference.

To be sure, the challenge is daunting. Over 75,000 Salvadorans died in the civil war in the 1980s. Tens of thousands of Somalis were subjected to summary killings, arbitrary arrest, torture, and rape during the 21-year regime of Siad Barre. At least 1.7 million Cambodians died under the Khmer Rouge regime led by Pol Pot in the late 1970s.

I firmly believe that we can reduce these crimes against humanity by holding perpetrators accountable under the law and by expanding the net of accountability around the globe so that human rights abusers cannot find safe harbor anywhere.



C. Dixon Osburn, Executive Director

This year, we mark the 100th anniversary of the Armenian genocide, where 1.5 million people were killed. We mark the 70th anniversary of the liberation of the Nazi concentration camps. We mark the 40th anniversary of the Khmer Rouge invasion of Phnom Penh.

How do you process numbers like 1.5 million? You do it by reducing it to one – one story, one life, and one case. This focus on the individual has the ability to transform, shed light, expose the truth, and heal.

Pope Francis said recently of the Armenian genocide, “Concealing or denying evil is like allowing a wound to keep bleeding without bandaging it.” Archbishop Oscar Romero said that “some things can only be told by eyes that have cried.”

We must tell the stories of those who cannot. We must breathe life into the memories of those who are not with us. Through the strength of our convictions, we can make justice and accountability real. I am so deeply grateful for your partnership. #

C. Dixon Osburn
Executive Director

CJA in the News

“ There will be no movement in El Salvador for the vast majority of the defendants unless there is an erosion of the amnesty law.”
– CJA’s Patty Blum, *The Boston Globe*, August 19, 2015, on why the extradition of Colonel Montano from the United States to face a criminal trial is critical for accountability in the Jesuits Massacre.

“ Archbishop Romero once said, ‘¡No se mata la justicia!’ — ‘Justice cannot be killed.’ In honor of Romero’s beatification, El Salvador should commit to this commandment.”
– CJA’s Dixon Osburn, in an op-ed in *The Miami Herald*, May 21, 2015, on Salvadoran officers who have evaded justice because of El Salvador’s broad amnesty law.

“ Our client was a very young man at the time when all the men and boys in his village were gathered by Colonel Ali’s men, taken to headquarters, tortured and questioned and treated very brutally.” – CJA’s Kathy Roberts, *National Law Journal*, September 15, 2015, on our case against Colonel Ali.

“ This is the first time an appellate court will apply the Supreme Court decision to a case involving an individual perpetrator seeking refuge in the United States, and thus the first to decide whether the US will legally provide such safe harbour for those who commit mass atrocity crimes.” – CJA’s Kathy Roberts, *The Guardian*, September 15, 2015, on CJA’s case against a Somali war criminal.

CJA's 17th Anniversary Dinner: Celebrating Global Justice 2015 in San Francisco

Over 300 CJA supporters joined us at the Julia Morgan Ballroom in San Francisco on May 7, 2015 to celebrate our victories in the movement for global justice. Thank you to all of our generous supporters who helped us raise over \$270,000, our most successful event to date. 🎉



CJA Board Chair Wilma Wallace



Lokelani Devone, Almudena Bernabeu, and Toby Cadman



Rachel Williams and Beth Van Schaack



Toby Cadman presents Navi Pillay with CJA's Champion of Justice Award



George Sarlo presents a video greeting from Nuremberg prosecutor Benjamin Ferencz



Paul Sack and Jonathan Sack



Ed Low, Ivor Samson, and Alexis Gevanter of Dentons US LLP



Lorraine Honig and Lisa Honig



CJA client Joan Jara

Client Profile

Farhan Warfaa: 'I want to see those responsible realize what they have done.'



Farhan Warfaa with CJA Legal Director Kathy Roberts

In 2004, CJA filed a case against former Somali Colonel Yusuf Abdi Ali for war crimes. CJA represents Farhan Warfaa, whom Colonel Ali (aka Tukeh) and his troops tortured and whom Tukeh shot five times at point blank range, leaving him for dead. Warfaa miraculously survived and is now seeking justice.

Can you describe to me your role as the chief of the Yonis Hared clan?

My role as a chief of the clan involves resolving all kinds of clan conflicts and representing my clan in major issues involving other clans, whether it's paying or receiving compensation or taking part in meetings with other chiefs.

Can you tell me a little bit about your family?

I have one wife and eight children—the oldest is 18 and the youngest is just under a year old.

Why did you want to bring this case against Tukeh?

I wanted everyone to know about the events that took place in Somaliland in the 1980s. I also want see justice served whether it's on Somaliland soil or not—human rights abusers should face the consequences of their actions.

Why is this case important to you? What do you hope your kids will learn from you bringing this case?

This is not just a case to me; it's a part of my life I will never forget, and I want to see those responsible realize what they have done. They may have forgotten, but I and others like me will never be able to.

I want my kids to learn that nobody is above the law, and every action has a consequence whether in this life or the afterlife.

What has it been like to be involved in this case so far? What are you hoping will happen?

It has taken some time; however, I am confident and grateful to those that are involved and fighting for justice on our behalf. I am hoping that justice will be served.

How has this case impacted you?

This case has given me hope and the opportunity to tell my side of the story and what happened to me.

What do you hope for future cases against human rights abusers like Tukeh?

I am hoping that this case will be a deterrent to other human rights abusers and to also give courage to those who are like me.

Is there anything else you would like to add or say?

There is a Somali proverb which says hold three things in your heart:

1. Hold in your heart your people
2. Hold in your heart your family
3. Hold in your heart the law (law of the land and of Allah (God))

I live my life by that proverb and deeply believe those who break Allah's (God's) laws and laws of the land should and will face justice. I would also like to extend my gratitude to all the lawyers involved in this case, and God-willing we will succeed in our goal. 

What CJA Does

The Center for Justice and Accountability (CJA) is an international human rights organization dedicated to deterring torture, war crimes, crimes against humanity and other severe human rights abuses around the world through litigation, policy advocacy, and outreach in pursuit of truth, justice, and redress for victims and survivors.

CJA was founded in 1998 with support from Amnesty International and the UN Voluntary Fund for Victims of Torture to represent torture survivors in their pursuit of justice. CJA recognizes that the need for justice is an integral component of a torture victim's recovery process and that healing cannot take place when the perpetrator continues to live without consequence. 

Almudena Bernabeu and CJA Receive Letelier-Moffitt Award

International Attorney Almudena Bernabeu and CJA received the prestigious Letelier-Moffitt Human Rights Award from the Institute for Policy Studies, which recognizes individuals and groups in the United States and elsewhere in the Americas most dedicated to the struggle for human rights. Representative Jim McGovern (D-MA) presented Bernabeu with the award at a ceremony in Washington, D.C. on October 6. 🔥



(L-R) Rep. Jim McGovern (D-MA), Anita Earls and Daryl Atkinson of the Southern Coalition for Social Justice, CJA's Almudena Bernabeu and Dixon Osburn, MSNBC's Dorian Warren, and IPS Director John Cavanagh



CJA International Attorney Almudena Bernabeu with a portrait of Orlando Letelier in Washington, D.C.

Court to Rule on Extradition of Colonel (cont. from p. 1)

CJA is hoping for a decision from the North Carolina court regarding Montano's extradition in fall 2015. After more than 25 years without accountability, this decision will pave the way for a criminal trial in CJA's *Jesuits Massacre Case* before the Spanish National Court.

The Jesuits Massacre was a turning point, precipitating the end of the brutal 12-year civil war that claimed the lives of more than 75,000 Salvadorans.

CJA and the Spanish Association for Human Rights filed the *Jesuits Massacre Case* in Madrid in 2008 against the former

high military officials who ordered the murders.

Although the Spanish National Court indicted 20 military officials in relation to this prosecution and requested their extradition from El Salvador, a blanket amnesty law in place thwarted the request and protected those responsible.

Montano is the only perpetrator within reach of the Spanish National Court. He would be the first member of El Salvador's high command to face criminal accountability for this crime. 🔥

CJA Files Brief in Human Trafficking Case

Originally filed by Cohen Milstein in 2008, *Adhikari v. Daoud & Partners (KBR)* is a case against a U.S. corporation responsible for human trafficking from Nepal to Jordan and then Iraq, as part of a scheme to employ forced labor in Iraq.

On October 1, 2015, CJA and pro bono co-counsel Sanford Heisler Kimbel filed an amicus brief before the Fifth Circuit, arguing that the plaintiffs' claims under the Alien Tort Statute - a law used for decades to prosecute human rights abusers - should be preserved in this case in which 13 Nepali men were recruited to work in Jordan only to face kidnapping and execution in Iraq. The plaintiffs argued that Daoud, KBR and their co-conspirators were responsible for the trafficking scheme.

The plaintiffs' Alien Tort Statute claims are under threat because of the Supreme Court's recent ruling in *Kiobel v. Royal Dutch Petroleum* that these claims must "touch and concern" the territory of the United States.

CJA hopes to influence the court not to bar all Alien Tort Statute claims for atrocities committed abroad, as the lower court did. 🔥



A banner of one of the Jesuits Massacre victims commemorating the 25th anniversary in El Salvador

Supporter Profile

Sister Patricia Bruno

Dominican Sisters of San Rafael



Sister Patricia Bruno is a member of the Dominican Sisters of San Rafael. In early 2015, the Dominican Sisters of San Rafael awarded CJA a generous two-year, \$200,000 grant. Sister Patricia has been a long-time supporter and advocate of CJA's work.

How did you learn about CJA?

I met CJA in 2006. I was invited to a house meeting to meet Irma and Francisco Calderon, Salvadoran refugees who were CJA's clients

in its case against an ex-colonel who oversaw torture and other human rights abuses during El Salvador's civil war. I was eager to meet the Calderons, especially because it was another way for our sisters to actively support efforts for sanctuary for Salvadoran and Guatemalan refugees.

Why do you think that CJA's work is important?

The way they DO justice. Justice and compassion are built into the very heart of CJA. While seeking justice in the courts, they also seek to heal those who have suffered egregious crimes. CJA involves their clients in the trial process. Their clients are able to tell their story of violence and torture in a public arena. This is the beginning of the restorative process. It liberates the victims and allows them to regain a sense of self-worth and human dignity. CJA is a unique public voice for justice and compassion here in the Bay Area.

Why did the Dominican Sisters decide to support this particular organization?

CJA helps us fulfill our mission "to transform attitudes and systems that deprive any person of dignity." CJA offers the bread of hope to the crucified people here and abroad and a measure of justice against those who have committed violent crimes against humanity. CJA stands with refugees, as they strive to change unjust laws, so that those who have been offended will be liberated from the fear of death—death of their dignity, death of their humanity, death of their spirits.

What do you think that others should know about CJA and its work?

I gain hope knowing that in a world of power and wealth, CJA has proven its capability to hold powerful people accountable for their atrocious crimes of injustice. I gain hope knowing that over the last 18 years, CJA has won every case that they have brought to trial.

The Dominican Sisters boldly committed themselves to a Public Stance for Sanctuary for El Salvador and Guatemala; now, CJA has the capacity to bring a broader, deeper justice to those countries and also to others. So, in a way, we've already partnered with them. Resurrection is not just power over lies, deceit and death, but also divine love overcoming injustice, healing wounds and raising hopeless and desperate people to new life. Justice and mercy will have the last word. 

CJA's Young Professionals' Committee Explores Immigrant Rights and Threats to Journalists



(L-R) Leah Chen Price from CJA's Young Professionals' Committee; San Francisco Supervisor David Campos; Maria Echaveste from UC Berkeley; and Grisel Ruiz from the Immigrant Legal Resource Center discuss immigrant rights at Runway Incubator in San Francisco



(L-R) CJA Board Chair Wilma Wallace, CJA attorney Nushin Sarkarati, CJA Board Member Farah Brelvi, and Jacob Foster from CJA's Young Professionals' Committee at CJA's Drink + Think on October 1 at Runway



(L-R) Geoffrey King from the Committee to Protect Journalists, CJA's Dixon Osburn, and Eva Galperin from the Electronic Frontier Foundation at CJA's Drink + Think on July 1 at Kabam in San Francisco



(L-R) CJA's Young Professionals' Committee members Vicky Hartanto, Leah Chen Price, Kara Slack, and Amy Belsher at Kabam

CJA Welcomes New Senior Staff Attorney, Fellows from UC Berkeley and Tufts



Elizabeth Jiménez joined CJA in the fall of 2015 as a Berkeley Law Public Interest Fellow. Jiménez graduated from Berkeley Law last year. During law school, Jiménez was involved with the Students for Economic and Environmental Justice student-run clinic (SEEJ), drafting sections of a complaint against the European Bank for Reconstruction and Development for violating the

bank's own human rights standards and policies. Jiménez spent her summers at law school interning for the Human Rights and Business Department of the Danish Institute for Human Rights her first year, and the European Center for Constitutional and Human Rights her second year. She received her B.A. from the University of Michigan with High Honors in 2005. Jiménez speaks fluent English, Spanish, and Danish.



Daniel McLaughlin, Senior Staff Attorney, joined CJA in the fall of 2015. He founded *Dejure Design*, which provides visual design services to human rights organizations seeking to make their work more accessible and engaging. He previously served as a UN Legal Officer before the Extraordinary Chambers in the Courts of Cambodia and as an International Bar

Association Fellow in the Trial and Appeals Chambers of the International Criminal Tribunal for the former Yugoslavia in The Hague. McLaughlin taught human rights law at Fordham Law School, where he was a Crowley Fellow in International Human Rights and Adjunct Professor. Prior to working with the UN, McLaughlin served a judicial clerkship in the Southern District of New York with the Hon. Robert L. Carter and was a litigation associate with Cleary Gottlieb Steen & Hamilton LLP in New York specializing in sovereign nation litigation. McLaughlin holds a dual degree (J.D. and Maîtrise en Droit) from Columbia Law School / Paris I Sorbonne-Panthéon and a B.A. from Yale.



Felipe Navarro Lux joined CJA in the fall of 2015 as an International Fellow. He rejoins the human rights community after four years in private practice at Caracol Television, a television network in his native Colombia, where he worked on issues such as freedom of speech and privacy. Prior to CJA, he attended graduate school at The Fletcher School of Law and Diplomacy,

where he focused his studies on International Human Rights and Transitional Justice. Navarro Lux interned at the Center for Gender and Refugee Studies in 2014. He received an LL.B. and a graduate degree in journalism from University of the Andes (Universidad de los Andes) as well as an M.A. in Law and Diplomacy from The Fletcher School. He is licensed to practice in Colombia and is a native Spanish speaker. 🇨🇴

Former U.S. Ambassador-at-Large for War Crimes Issues Stephen Rapp Visits CJA in San Francisco



(L-R) Amy Belsher, Dixon Osburn, Ambassador Stephen Rapp, Kathy Roberts, and Nushin Sarkarati at CJA's office on May 15, 2015



See more photos from CJA on our Facebook page

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On July 2, 2015, CJA's Almudena Bernabeu met with Father General Adolfo Nicolás Pachón at the Vatican to discuss CJA's Jesuits Massacre Case and our efforts to pursue truth, justice, and redress for victims of human rights abuses.