



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.



Annual Report

July 1, 2008 – June 30, 2009



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.



Our Mission

FROM THE CHAIR AND THE EXECUTIVE DIRECTOR

We are pleased to present you with this report of our July 2008 – June 2009 activities and to mark CJA's tenth anniversary.

A decade ago, four visionaries — Jerry Gray, Paul Hoffman, Bill Schulz and Ralph Steinhardt — set about to create a new organization to help survivors of torture and other human rights abuses hold their perpetrators accountable in the courts. They shared the concern that the U.S. should not be a safe haven for human rights violators. They also shared the then revolutionary idea that U.S. courts could be used to seek reparations for survivors of human rights abuses. Ten years later, we are proud to report that CJA is realizing their vision of using national courts to hold human rights abusers accountable.

Our tenth anniversary year was one of significant growth from both a programmatic and infrastructure perspective. On the program side, CJA and our pro bono co-counsel worked on thirteen civil and criminal law suits against 41 human rights abusers from eight countries. Our investigations docket included twelve investigations: two from Africa, four from Asia, three from Latin America and the Caribbean, one from the U.S. and two from the Middle East. We worked with a total of 151 clients, including 133 torture survivors and eleven relatives of people who were tortured or disappeared from twenty-one countries.

We filed the historic *Jesuits Massacre Case* before the Spanish National Court against fourteen former Salvadoran military officers for their role in the 1989 massacre of six Jesuits priests, their housekeeper and her daughter. That massacre was a defining moment in the twelve year civil war in El Salvador which took the lives of over 12,000 civilians. In another case which addressed abuses in El Salvador, our \$6 million jury verdict against former Colonel Nicolas Carranza was upheld by the Sixth Circuit Court of Appeals despite the fact that the Government of El Salvador intervened on the side of the defendant.

The case against former Somali Minister of Defense Ali Samantar saw significant activity. In a stunning victory, the Fourth Circuit Court of Appeals reinstated the case which had been dismissed by the lower court on foreign sovereign immunity grounds. As most of you know, Samantar appealed that decision and the U.S. Supreme Court agreed to hear his appeal. This represents the first CJA case to be heard by the Supreme Court. Ten amicus briefs were filed in support of our clients, among them briefs from former diplomats, military officers, survivors of the Holocaust and Senator Arlen Specter, one of the original sponsors of the Torture Victim Protection Act. We were fortunate to work with wonderful co-counsel from Akin Gump Strauss Hauer & Feld LLP and Cooley Godward Kronish LLP on the briefs and argument. Oral argument was heard on March 3, 2010 and we expect a decision by the end of June.

We have continued to grow the transitional justice side of our program. For example, we assisted in the successful national court prosecution and appeal of Alberto Fujimori, the former president of Peru. In the end, Fujimori was convicted of crimes against humanity and the sentence of twenty-five years in prison was confirmed. We were also invited to participate as an international legal advisor for the Truth Commission of Ecuador.

On the infrastructure side, we completed our first strategic plan, launched a new website and now have a staff of twelve dedicated human rights defenders including six attorneys and one investigator.

FROM THE CHAIR AND THE EXECUTIVE DIRECTOR

We wish to thank all our donors, supporters, pro bono attorneys, volunteers, partner organizations and especially our clients and their families, all of whom have helped to make this tenth year a success.

As we look ahead, we remain committed to the principles on which we were founded. Individual accountability for human rights crimes is necessary to deter future abuses, uphold the rule of law and provide healing and closure to survivor communities.

With your continued support, we look forward to serving current and new communities around the world that have been denied access to justice.

Sincerely,



Chester G. Atkins
Chair, Board of Directors



Pamela Merchant
Executive Director



INTRODUCTION

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

CJA 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 transitioning from periods of abuse.



TIMELINE

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- 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 UN General Assembly adopts the Genocide Convention and the Universal Declaration of Human Rights.
- 1980** In *Filártiga v. Peña-Irala*, a U.S. appellate court holds a Paraguayan police officer liable under the ATS for human rights abuses committed in Paraguay.
- 1992** President Bush signs the Torture Victim Protection Act , permitting U.S. citizens and aliens to sue for torture and extrajudicial killing.
- 1993** The UN establishes the International Criminal Tribunal for the former Yugoslavia.
- 1994** The UN establishes the International Criminal Tribunal for Rwanda. The U.S. ratifies the UN Convention Against Torture and adopts a law making torture, wherever committed, a crime prosecutable in U.S. courts.
- 1998** CJA is incorporated. General Pinochet is arrested in London pursuant to a Spanish warrant for human rights abuses committed in Chile. CJA files its first case against Bosnian war criminal Nikola Vuckovic.
- 2002** The International Criminal Court is established. CJA wins a landmark jury trial against two Salvadoran former Ministers of Defense, confirming the doctrine of command responsibility in U.S. civil human rights cases.
- 2003** CJA wins the first jury verdict in U.S. history for crimes against humanity in a case 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. indicted Liberian warlord Charles “Chuckie” Taylor, Jr. for torture, marking the first prosecution under the 1994 torture law. CJA joins a Spanish criminal complaint against senior Guatemalan officials for genocide and torture.
- 2008** CJA clients recover \$580,000 from former Haitian Col. Carl Dorélien.
- 2008** CJA and the Spanish Association for Human Rights file criminal charges with the Spanish National Court against senior Salvadoran government and military officials for the notorious 1989 “Jesuits Massacre.”
- 2009** Former Peruvian president Alberto Fujimori is sentenced to 25 years in prison for crimes against humanity.

CJA'S CASES AT A GLANCE

Bosnia and Herzegovina

War Crimes and Ethnic Cleansing (*Mehinovic v. Vuckovic*)

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

Chile

Pinochet's "Caravan of Death" (*Cabello v. Fernandez Larios*)

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

China

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

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

El Salvador

Command Responsibility for Atrocities (*Romagoza Arce v. Garcia*)

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

Assassination of Archbishop Romero (*Doe v. Saravia*)

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

The Civil War's Most Notorious War Criminal (*Chavez v. Carranza*)

In 2005, a Memphis jury found Colonel Nicolás Carranza liable for crimes against humanity and ordered him to pay \$6 million. In March 2009, the 6th Circuit upheld the verdict.

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

In 2008, CJA filed criminal charges in Spain against the ex-President of El Salvador and 14 former military officers for the 1989 massacre of six Jesuit priests and two women.

Guatemala

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

In 2006, CJA became lead counsel on a case filed by Nobel Laureate Rigoberta Menchú Tum and others in Spain against senior Guatemalan military officials.



Haiti

The High Command and the “Raboteau Massacre” (*Jean v. Dorelien*)

In 2007, a Miami federal jury found Colonel Carl Dorélien liable for abuses and ordered him to pay \$4.3 million. In 2008, CJA recovered \$580,000 of his assets for the survivors.

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

In 2006, Emmanuel “Toto” Constant was ordered to pay \$19 million to survivors of state-sponsored rape. With CJA’s help, Constant was convicted in 2008 for a mortgage fraud scheme.



Honduras

Forced Disappearances (*Reyes v. Lopez Grijalba*)

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

Indonesia

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

In 2001, a D.C. judge ordered General Johny Lumintang to pay \$66 million to survivors of abuses. The judgment was reversed on a technicality, but Lumintang no longer travels to the U.S.

Peru

The Accomarca Massacre I (*Ochoa Lizarbe v. Hurtado*)

In 2008, a Miami judge ordered former Major Telmo Hurtado to pay \$37 million to two survivors for his role in the Accomarca Massacre.

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

In 2007, CJA filed suit against Captain Juan Rivera Rondón on behalf of two survivors for his role in the torture and killings committed during the Accomarca Massacre.

Somalia

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

In 2004, CJA filed suit against General Mohamed Ali Samantar on behalf of Somali survivors for crimes against humanity. In 2009, the 4th Circuit reinstated the case, holding that foreign officials did not have sovereign immunity for human rights violations.

Grebela Massacre (*Doe v. Ali*)

In 2004, CJA filed suit on behalf of two Somali survivors against Colonel Yusuf Abdi Ali, aka “Tokeh”, for torture, extrajudicial killing and war crimes.

El Salvador

Selected Accomplishments 2008-2009

Historic Filing of the Jesuits Massacre Case before the Spanish National Court

On November 13, 2008, CJA and our colleagues at the Spanish Association for Human Rights filed a criminal case in Madrid, under Spain's universal jurisdiction laws, against former Salvadoran President Alfredo Cristiani Burkard and 14 former officers of the Salvadoran Army for their role in the notorious 1989 "Jesuits Massacre."

On January 13, 2009, Judge Eloy Velasco of the Spanish National Court formally charged 14 former military officials, including General Ponce and General Rafael Humberto Larios, with crimes against humanity for their role in the 1989 massacre. Additionally, the Judge reserved the right during the course of the investigation to indict former President Cristiani for his role in covering up the crime.

BACKGROUND

On November 16, 1989, members of the Atlacatl Battalion entered the University of Central America college campus and murdered six priests, their housekeeper, and her 16-year old daughter. The Salvadoran military committed the crime as part of its misguided defense against a guerilla offensive launched by the Farabundo Martí Liberation Front (FMLN).

The victims' families and the Salvadoran people have gone without justice for the massacre for nearly two decades. When the case went to trial in El Salvador in 1991, only two Army officers were convicted. Then, in 1993, an amnesty law freed these men. The architects of the assassination—including former President Cristiani—continue to live in El Salvador, exerting political influence and lobbying to ensure that the 1993 amnesty law stays in place.

The Spanish case is now the only means to seek redress for the massacre which, along with the murders of Archbishop Oscar Romero and the four church-women, stands as a symbol of the persecution of those who served El Salvador's poor during the 1980-1992 civil war.



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In 1989 I was chosen by Congressman Moakley to lead a congressional investigation into the murders of six Jesuit priests and two lay women in El Salvador. Words cannot express the sorrow and outrage I felt when we uncovered evidence that members of the Salvadoran High Command were involved in the murders and the cover-up. Nineteen years later, I applaud CJA for their pursuit of truth and accountability. The world awaits a transparent and open investigation into the killings of these peaceful men of God, their housekeeper and her daughter.”

—U.S. Representative Jim McGovern (D-MA)

El Salvador

U.S. Verdict against former Salvadoran Vice-Minister of Defense upheld on appeal

2009 also brought a victory in CJA's case against a notorious Salvadoran war criminal. On March 17, 2009, the 6th Circuit upheld a jury verdict against Colonel Nicolas Carranza for crimes against humanity. Carranza, the former Vice-Minister of Defense of El Salvador, was held liable in 2005 for his role in overseeing torture and extrajudicial killings committed during the early 1980s.

In its decision, the federal appeals court rejected Carranza's argument that U.S. courts should defer to a Salvadoran amnesty law that would immunize him from suit in Salvadoran courts. The court held that "as a citizen and resident of the United States," Carranza is "subject to civil liability for his violations" of U.S. human rights laws.



Colonel Nicolas Carranza was Vice-Minister of Defense of El Salvador from late 1979 to early 1981. In that position, he exercised command and control over the three units of the Security Forces—the National Guard, National Police and Treasury Police—that were responsible for widespread attacks on civilians, including the killing of 10,000 civilians in 1980 alone.

BACKGROUND

Five courageous plaintiffs went to trial in federal court in Memphis in October, 2005. After two weeks of testimony, the jury found Carranza liable for overseeing the plaintiffs' torture and the killing of their family members, and awarded a total of \$6 million in damages.

CJA and pro bono co-counsel Bass, Berry & Sims PLC continue to pressure the U.S. Department of Justice to revoke Carranza's citizenship based on his responsibility for gross human rights violations. Carranza came to the U.S. in 1985 and settled in Memphis, becoming a U.S. citizen in 1991.

"We are very pleased with the court's decision," said David Esquivel, counsel for the plaintiffs and attorney at Bass, Berry & Sims PLC. "It affirms our clients' steadfast commitment, over the course of three decades, to make sure justice was done."

Guatemala

Experts testify in the Guatemala Genocide Case

2008 and 2009 brought new developments that will shape the course of litigation in the *Guatemala Genocide Case*. As lead counsel, CJA organized two delegations of witnesses from Guatemala to testify before the Spanish National Court in Madrid in January and May 2008. In October 2008, a third delegation, including six survivors and one expert, traveled to Madrid to present testimony, giving survivors a historic opportunity to testify on the campaign of torture, rape, and killing perpetrated against their communities in the early 1980s.

In February of 2009, CJA sponsored a fourth round of testimony in Madrid, where former President of the U.N. Truth Commission Christian Tomuschat testified about the Guatemalan government's failure to cooperate with the Truth Commission's investigation.

CJA also presented expert testimony relating to thousands of declassified U.S. documents on the Guatemalan civil war. Experts testified on the activities of the Guatemalan Armed Forces, including its structure, strategic planning and general operations.



BACKGROUND

In 2006, CJA joined a criminal complaint, filed in 1999 by Nobel Laureate Rigoberta Menchú Tum and others, charging ex-president Efraín Ríos Montt and other senior Guatemalan officials with state terrorism, genocide and systematic torture.

Over 200,000 people were killed or disappeared between 1960 and 1996 in Guatemala. During the worst years of violence in 1982-1983, the army and its squads of forced conscripts destroyed an estimated 440 Mayan villages in a systematic campaign of repression against the Mayan indigenous community, which later came to be known as the "Silent Holocaust."

Haiti

CJA's impact on the trial of former Haitian death squad leader Emmanuel "Toto" Constant

In 2006, Emmanuel "Toto" Constant was ordered to pay \$19 million in damages to three CJA clients targeted by the Revolutionary Front for the Advancement and Progress of Haiti (FRAPH). The judgment holds Constant responsible for torture and crimes against humanity, specifically the use of state-sponsored rape. With the pro bono assistance of investigators from The Mintz Group and pro bono co-counsel Sonnenschein Nath & Rosenthal, CJA continues asset collection efforts.

Two years later, Constant found himself once again in a U.S. court. On July 25, 2008, a New York jury found Constant guilty of criminal mortgage fraud. Judge Gerges sentenced Constant to 12-37 years in prison, stating that Constant "has a truly heinous record of violence, murder, torture, and intimidation in Haiti."

Constant's conviction is the result of CJA's efforts to educate the U.S. government about his background as a human rights abuser. Constant first came to the U.S. in 1994 to avoid a

Haitian arrest warrant for murder and torture. He escaped deportation after disclosing on *60 Minutes* that he had been on the CIA payroll during the reign of Haiti's brutal military regime.

The New York Attorney General's office ultimately embraced the importance of educating the court on the existence of human rights abusers seeking haven in the U.S. At the prosecutor's request,

CJA submitted evidence of human rights violations and letters asking the court to apply the maximum sentence. Constant's conviction is a victory for the Haitian and American human rights communities.



"Today is a victory for justice, and Emmanuel Constant will no longer be a menace to society. Constant is going to jail for harming New Yorkers through an elaborate mortgage scheme. Until he was arrested for mortgage fraud, this life-long criminal and former leader of a notorious Haitian death squad was living freely in New York."

—NY Attorney General Andrew Cuomo

Peru

Former President Alberto Fujimori convicted of crimes against humanity

On April 7, 2009, former president Alberto Fujimori was sentenced to 25 years in prison for human rights abuses. Peru—still recovering from a 20-year internal conflict that claimed some 70,000 lives—has accomplished a landmark in transitional justice. The verdict marks the first time that an elected head of state has been convicted of human rights abuses by a court in his own country.

After fleeing Peru in November of 2000, Fujimori returned from exile in 2005, hoping to regain the presidency. His return was a miscalculation; he was arrested in Chile, extradited to Peru, and prosecuted for the murder of 25 innocent civilians at the hands of death squads. Fujimori justified the attacks on civilians as part of a war against terrorists. In the 711-page decision, the Peruvian Supreme Court exonerated those who had been falsely accused of terrorism by Fujimori's government.



CJA joined the Peruvian prosecutors as co-counsel and partnered with local NGOs representing the victims, including the Association for Human Rights in Peru (APRODEH). In 2008, CJA prepared expert witness testimony on state terrorism and declassified U.S. documents on Fujimori's human rights record. CJA also briefed legal issues for the prosecution; the Supreme Court later extensively quoted the legal standards set forth in the brief.

CJA's role in the prosecution stems from our civil cases against Major Telmo Hurtado and Lieutenant Rivera

Rondón, two former members of the Peruvian military. After participating in the Accomarca Massacre, where 69 civilians were tortured and killed, both former military officers sought safe haven in the U.S. In 2008, CJA and pro bono co-counsel Morgan Lewis & Bockius LLP obtained a \$37 million judgment against Hurtado, and a sister case against Rondón is on appeal before the 4th Circuit.

Somalia

BACKGROUND

In 2004, CJA and pro bono co-counsel Cooley Godward Kronish LLP filed suit against Mohamed Ali Samantar. Since 1997, he has lived with impunity in an affluent suburb in Fairfax County, Virginia, just miles from the nation's capital.

During the 1980s, armed forces under Samantar's authority unleashed the full force of the state's war machine in a counterinsurgency campaign against civilian ethnic minorities in present-day Somaliland. The military subjected the region to a widespread campaign of killing, arbitrary detention, torture and the use of rape as a weapon of war. The violence culminated in the 1988 aerial bombardment of the regional capital Hargeisa, which killed an estimated 40,000 people and drove some 400,000 refugees into Ethiopia.

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

The lawsuit, along with its sister case *Doe v. Ali*, represents the first ever attempt at accountability for human rights abuses in Somalia.

U.S. Court Denies Immunity to former official, defendant seeks Supreme Court review: *Yousuf v. Samantar*

On January 8, 2009, the 4th Circuit reversed a federal district court's decision dismissing CJA's human rights lawsuit against former Somali Minister of Defense General Mohamed Ali Samantar. As a result, the 4th Circuit reinstated the case against General Samantar for his role in overseeing the widespread and systematic use of torture, rape, prolonged arbitrary detention and mass executions against the civilian population of Somalia in the 1980s.

The 4th Circuit held that the Foreign Sovereign Immunity Act (FSIA) does not apply to individuals and that Congress did not intend to immunize "individual foreign government agents like Samantar," or shield former government agents from suit.

The 4th Circuit's reversal is significant in that it affirms the right of survivors of human rights abuses committed in other countries to seek redress in U.S. courts. It is estimated that over 1,000 human rights violators like General Samantar have found safe haven in the United States, often in the same communities as the people they persecuted.

In June 2009, Samantar filed a petition for writ of certiorari, asking the U.S. Supreme Court to review the 4th Circuit's decision rejecting his claim of immunity under the FSIA. CJA mounted a vigorous legal attack on the notion that former officials who abuse, rape and kill civilians are above the law.



Like so many other Somalis, my life in the 1980s was marked profoundly by the terrible human rights situation under the regime of Mohamed Siad Barre. I was one of the very lucky ones. I did not live in Somalia at the time, and no-one in my family was killed or maimed when the government unleashed a genocidal frenzy in Somaliland, then the Northwest region of Somalia. Being lucky implied a responsibility: to let the world know what was happening, so it could exert pressure to halt the atrocities."

—Rakiya A. Omaar, Somali Human Rights Defender

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Amicus Briefs

CJA authors or signs onto “friend of the court” briefs in human rights cases filed with appellate courts and the U.S. Supreme Court. Highlights from the July 2008 – June 2009 period include the following:

Iraq v. Simon and Iraq v. Beaty

On March 25, 2009, CJA filed an amicus brief with the Supreme Court in the consolidated cases *Iraq v. Simon* and *Iraq v. Beaty*. The cases involve claims brought by U.S. citizens—including CBS news correspondent Bob Simon—who were detained and severely tortured during the 1991 Gulf War. Our brief argued that under international law, victims of torture have a right to seek redress in U.S. courts, and that perpetrators of torture are not shielded by sovereign immunity. On June 8, 2009, the Supreme Court held that Iraq is immune from suit, pointing to President Bush’s 2003 decision to repeal Iraq’s “state sponsor for terrorism” status and retroactively foreclose the possibility of torture survivors seeking redress.

Ashcroft v. Iqbal

On October 28, 2008, CJA signed onto an amicus brief filed with the Supreme Court in a case brought against New York prison officials, Attorney General Ashcroft and FBI Director Mueller for human rights abuses and discrimination against Muslims and others during the post-9/11 “round up.” The brief, authored by then-Dean Harold Koh of Yale Law School and the National Campaign to Restore Civil Rights, argued that the Supreme Court should reject applying a heightened pleading standard when plaintiffs seek to hold senior officials accountable. CJA signed onto the brief because of our strong interest in ensuring the correct application of pleading standards for government officials. We also have an inter-

est in preserving broader civil pleading standards that permit victims to access evidence. On May 18, 2009, in a 5 to 4 decision, the Court held that Iqbal’s complaint failed to plead sufficient facts to state a claim for purposeful discrimination.



OUTREACH AND EDUCATION



*Pro bono co-counsel Tara Lee
(Cooley Godward Kronish)
interviews representatives
of the War Crimes
Investigation Committee,
Hargeisa, Somaliland.*

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

In June 2009, CJA joined film-makers Pamela Yates and Paco de Onís to launch "Support the Court: The International Criminal Court Awareness Initiative." Aiming to educate the U.S. public on the growing role of international justice, the campaign uses the PBS screening of the film *The Reckoning: The Epic Story of the Battle for International Criminal Court* as a platform to call on President Obama to reverse the Bush administration's policy of disengagement with the ICC.

CJA has partnered with PBS/P.O.V., Human Rights Watch, Human Rights First, Amnesty International, the Center for Constitutional Rights, International Center for Transitional Justice, WITNESS, the ENOUGH Project, the Open Society Institute, the Save Darfur Coalition, and the American Society for International Law, among others.

U.S. HUMAN RIGHTS POLICY AND LEGAL REFORM

CJA works on a variety of U.S. human rights legislative and policy efforts. We focus particular attention on supporting policy initiatives that advance the U.S. government's commitment to criminally prosecute human rights abusers. On the legislative side, we support the expansion of the current human rights statutory framework to include abuses such as extrajudicial killing and crimes against humanity. We also strongly push for the inclusion of the "command responsibility" doctrine into all human rights laws.



Highlights of our legislative and policy work over the past 12 months include:

Child Soldiers Accountability Act of 2008

On October 3, 2008, the Child Soldiers Accountability Act of 2008 was signed into law. The law makes it a federal crime to knowingly recruit or use soldiers under the age of 15 and permits the U.S. to prosecute any individual found on its soil for the offense. The law also allows the U.S. to deport or deny entry to individuals who have knowingly recruited child soldiers. Military and paramilitary leaders have recruited and used child soldiers in at least 20 armed conflicts around the world. CJA testified in support of this legislation before the Senate Judiciary Subcommittee on Human Rights in the Law.

Charles "Chuckie" Taylor, Jr. conviction: First criminal prosecution for torture under the 1994 U.S. Torture Statute

On January 9, 2009, Charles "Chuckie" Taylor Jr., the son of former Liberian warlord and President Charles Taylor, was sentenced to 97 years in prison by a U.S. federal judge. This marks the first prosecution under the 1994 torture statute for abuses committed overseas. This victory is particularly poignant for CJA, as one of our Liberian clients was brutally tortured by Chuckie Taylor, the notorious leader of the 'Anti-Terrorist Unit' in Liberia, also known as the Demon Forces. CJA devoted significant resources to facilitating the prosecution, providing the Department of Justice with access to witnesses and research. CJA will continue to work with government agencies to ensure that U.S. law is brought to bear on human rights abusers.

TRANSITIONAL JUSTICE SUPPORT

CJA works with foreign governments and civil society organizations on a variety of transitional justice initiatives. We work alongside in-country prosecutors to hold human rights abusers criminally accountable in national courts—especially where defendants in CJA's cases have been deported or extradited to stand trial in their home countries. CJA attorneys provide expertise on all areas of human rights prosecution, including witness preparation and charging human rights crimes. We also organize trainings that bring together faculties of judges, prosecutors, investigators and forensic anthropologists.

Ecuador: Building Accountability with the Truth Commission

In early 2009, the Truth Commission of Ecuador invited CJA to assist their efforts to prosecute crimes against humanity and other international crimes. CJA staff traveled to Ecuador and met with Truth Commission Secretary General Christian Barahona and other government officials, including President Rafael Correa.

Part of the Truth Commission's mandate is to recommend cases to the Attorney General's office for prosecution. CJA will analyze evidence and identify the best cases for further investigation, as well as draft parts of the final report regarding international civil and criminal law. As a consequence of CJA's early involvement, the Truth Commission report will be the first in Latin America to include ATS/TVPA litigation in the U.S. as an alternative remedy for Ecuadorian victims.

Guatemala: The Guatemala Evidence Project

In April 2009, the first phase of the Guatemala Evidence Project was completed. Conceived by CJA and Professor Naomi Roht-Arriaza, the project aims to develop evidence for use in the Guatemalan Genocide Case in Spain and in future human rights legal actions. The project consolidated and indexed documents on Guatemalan security forces into an authoritative computer database and narrative report. Our principal collaborators were the National Security Archive, the Myrna Mack Foundation and Impunity Watch. A summary of the analysis and a formal report was presented to the Spanish National Court in February 2009.

CJA client and survivor Jesus Tecù Osorio and Almudena Bernabeu at the Rio Negro Massacre site



THE JUDITH LEE STRONACH HUMAN RIGHTS AWARD

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

The inspiration for this award is **Judith Lee Stronach** (1943-2002), a committed human rights activist who was instrumental in the founding of CJA as an independent organization through a generous gift from the Judith Stronach Fund for Non-Violent Social Change of the Vanguard Foundation. Judith's insights on the therapeutic effect of seeking redress helped shape CJA's original mission.

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



Mario Joseph

2009 Judith Lee Stronach Award Honoree: Bureau Des Avocats and Mario Joseph

Leading Haitian human rights attorney Mario Joseph accepted the 2009 Stronach Award on behalf of Bureau Des Avocats Internationaux (BAI), where he is Managing Director. Based in Port-au-Prince, BAI was founded in 1995 to assist the Haitian judiciary with human rights cases arising from that country's 1991-94 military dictatorship. Its Raboteau Massacre Case was one of the most significant human rights cases ever in the Western Hemisphere.

BAI's work was a springboard for CJA and pro bono co-counsel Holland & Knight's U.S. judgment against Haitian human rights abuser Colonel Carl Dorélien. The judgment led to the distribution of over \$400,000 of Dorélien's assets to survivors of human rights abuses—one of the largest recoveries in the history of U.S. human rights litigation.

(l to r)
Raymond Lifchez,
Pamela Merchant,
Paul Farmer,
Mario Joseph,
Brian Concannon



CJA'S 10TH ANNIVERSARY EVENT

10th Anniversary Dinner Special Guests

2009 marked ten years of bringing human rights abusers to justice, and CJA was honoured to present two inspiring speakers, both devoted to protecting the health and human rights of the world's poorest communities.



Paul Farmer, M.D., Ph.D., physician, anthropologist and founder of Partners In Health (PIH), spoke about the role of human rights accountability in opposing the structural violence of poverty and political oppression that produces poor health. Dr. Farmer founded PIH in 1987 to prove that cost-effective, high-quality health care could be delivered to the world's poorest communities. Partners in Health now operates in seven countries worldwide and serves over 1.7 million patients. Dr. Farmer and PIH have been important allies in CJA's cases against Haitian human rights abusers.

Dr. Juan Romagoza Arce, CJA plaintiff, *Romagoza Arce v. García*.

One of CJA's first clients, Dr. Juan Romagoza Arce, gave a powerful speech on the impact of bringing torturers to justice on a survivor's healing process. Juan is a Salvadoran medical doctor who has dedicated his life to treating poor communities in El Salvador and the United States. In 1980, Juan was shot by soldiers and later imprisoned and tortured for 22 days. He was one of three Salvadoran plaintiffs in CJA's landmark human rights case against former Salvadoran Ministers of Defense Generals García and Vides Casanova.

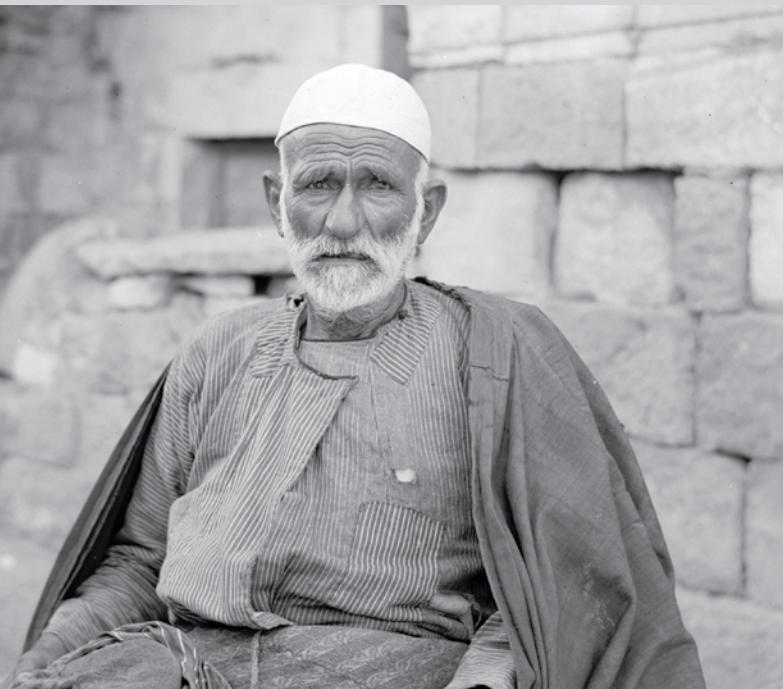


(l to r)
*Sonia Estival,
Juan Romagoza,
Scott Gilmore,
Natasha Fain.*

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PARTNERS



Académie de Droit International
Humanitaire et de Droits
Humains à Genève
www.adh-geneve.ch

Advocates for Human Rights
<http://www.mnadvocates.org/>

American Friends Service Committee
www.afsc.org

Amnesty International USA
www.amnestyusa.org

Amnesty International UK
www.amnesty.org.uk

Asociación Bufete Jurídico Popular
<http://mujerachi.interconnection.org/bufete.htm>

Asociación Pro Búsqueda de Niñas y
Niños Desaparecidos
www.probusqueda.org.sv

Asociación Pro Derechos Humanos
www.aprodeh.org.pe

Asociación Pro Derechos Humanos
de España
www.apdhe.org

Association for Justice and
Reconciliation

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

Bureau des Avocats Internationaux
www.ijdh.org/bureau.htm

Universidad Carlos III de Madrid
(Spain)
www.uc3m.es

Center for Constitutional Rights
ccrjustice.org

Center for Gender and Refugee
Studies
cgrs.uchastings.edu

Centro para Acción Legal en
Derechos Humanos
www.caldh.org

Centro Romero
www.centroromero.org

Comisión Colombiana de
Juristas (Colombia)
www.coljuristas.org

Comité de Apoyo al Tibet (Spain)

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

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

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

Cursos de Verano en El Escorial,
Universidad Complutense de Madrid
www.ucm.es

Dejusticia (Colombia)
www.dejusticia.org

Dolly Filártiga

EarthRights International
www.earthrights.org

East Bay Sanctuary Covenant
www.eastbaysanctuary.org

East Timor Action Network
www.etan.org

El Rescate
www.elrescate.org

Equipo de Estudios Comunitarios y
Acción Psicosocial
www.ecapguatemala.org

Escola de Cultura de Pau
escolapau.uab.cat

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

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

Fondasyon Kole Zepol
www.fonkoze.org

Fundación para el Debido
Proceso Legal
www.dpfl.org

Freedom House
www.freedomhouse.org

Fundación Democracia sin Fronteras
www.fdsf.hn

Fundación Nueva Esperanza
www.fne.cosmosmaya.info

Fundación Rigoberta Menchú Tum
www.frmt.org

Georgetown University
www.georgetown.edu

Global Lawyers and Physicians
www.globallawyersandphysicians.org

Haiti Action Committee
www.haitiaction.net

Horn of Africa Human Rights
Watch Committee

Human Rights First
www.humanrightsfirst.org

Human Rights in China
www.hrichina.org

Human Rights Watch
www.hrw.org

Impunity Watch
www.impunitywatch.net

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

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

Instituto de Derechos Humanos de
la Universidad Centroamericana
"José Simeón Cañas" (El Salvador)
www.uca.edu.sv/publica/ldhuca

Interights (UK)
www.interights.org

International Center for Transitional
Justice
www.ictj.org

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

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La Peña Cultural Center www.lapena.org	Stanford University www.stanford.edu	Torture Abolition and Survivors Support Coalition International www.tassc.org	
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Memoria y Justicia www.memoriayjusticia.cl	Tainos (Haiti)		
Moakley Foundation www.moakleyfoundation.com			
Movimiento Nacional de Víctimas de Crímenes de Estado (Colombia) www.movimientodevictimas.org			
Muslim Public Affairs Council www.mpac.org			
National Security Archive www.gwu.edu/~nsarchiv			
Office of the Attorney General, Honduras			
Open Society Institute www.soros.org			
Partners in Health www.pi.h.org			
Pinochet Watch: Institute for Policy Studies www.tni.org			
Program for Survivors of Torture and Trauma: Northern Virginia Family Service www.nvfs.org			
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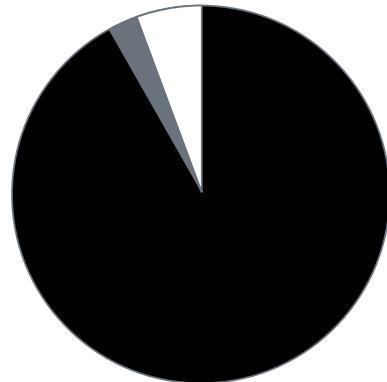
OPERATING REVENUE AND EXPENSES*

JULY 1, 2008 – JUNE 30, 2009

Operating Revenues

Foundation Grants	\$ 589,215
UN Voluntary Fund for Victims of Torture	65,000
Individual and Corporate Contributions	300,085
In-Kind Legal Contributions**	2,449,019
Investment Income	29,457
Other	15,677
Total Operating Revenues:	\$ 3,451,182

PROGRAM EXPENSES



Operating Expenses

Pro Bono Fees and Expenses**	\$ 2,449,019
Program	687,676
Administration	88,499
Fundraising	155,560
Total Operating Expenses:	\$ 3,380,754

*Audited figures for July 1, 2008 - June 30, 2009.

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. Sixteen firms provided over 5,979 hours of pro bono services valued at \$2,441,128. In addition, nine firms made contributions of \$37,891 to cover out of pocket expenses. The total donated pro bono services was \$2,449,019.

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