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Rights Group Investigating Salvadoran War Crimes Sues CIA, Suffers Break-in

by Benjamin Witte-Lebhar

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A lawsuit filed last month against the Central Intelligence Agency (CIA), together with a mysterious break-in shortly afterward at the plaintiff’s office in Seattle, Washington, have turned public attention to one of the lesser-known atrocities of El Salvador’s dozen-year civil war (1980-1992), which pitted US-backed state security forces against left-wing guerrilla factions and resulted in an estimated 75,000 deaths and 8,000 disappearances.

The University of Washington Center for Human Rights (UWCHR), working in collaboration with rights groups in El Salvador, has spent the past several years researching events from November 1981, when Salvadoran soldiers in the north-central department of Cabañas carried out a "scorched-earth" operation that left scores of civilians dead or wounded, most notably in the town of Santa Cruz.

As part of their investigation into the Santa Cruz massacre, the UWCHR filed more than 100 Freedom of Information Act (FOIA) requests with US government agencies, including the CIA, which has so far stonewalled the group’s petitions, citing "national security" reasons on one occasion and dismissing a follow-up request as "unreasonably burdensome." In response, the UWCHR took the unusual step on Oct. 2 of suing the CIA on grounds that its refusal to turn over the documents in question—some of which are already open to the public—is a blatant violation of the FOIA.

"That the agency did not even point us to the relevant documents already declassified suggests that they are not complying with their freedom of information obligations," Phil Neff, a project coordinator with UWCHR, told the British daily The Guardian.

The human rights group is specifically interested in documents related to Philippe Bourgois, a University of California, Los Angeles (UCLA) professor who claims to have witnessed—and barely survived—the atrocity in Santa Cruz, and Sigifredo Ochoa Pérez, a retired Salvadoran Army colonel who led the Cabañas campaign as head of a unit called the Destacamento Militar Número Dos (DM-2). Ochoa Pérez, who received training at one point from the Inter-American Defense College in Washington, DC, later served as a deputy (2012-2015) in the Asamblea Legislativa (AL), El Salvador’s unicameral legislature. He represented the hard-right Alianza Republicana Nacionalista (ARENA), currently the country’s leading opposition party.

Davis Wright Tremaine LLP, a major Seattle law firm, filed the suit on the UWCHR’s behalf in a US district court. "There is a substantial strong public interest in the disclosure of the documents requested," the suit states. "Access to the documents requested could facilitate justice proceedings in these and other cases of grave rights abuses."

The Seattle alternative weekly The Stranger, citing the UWCHR’s legal counsel, reported that the CIA has two months to respond to the suit. The agency, in a statement to the paper, said it is "reviewing the lawsuit … and will coordinate with the Department of Justice to respond in court."
"Doubt as to personal motives"

Two weeks after filing its attention-grabbing FOIA suit, the UWCHR once again made headlines, this time as the victim of a baffling break-in at the office of its director, Dr. Angelina Godoy, author of a ground-breaking report published earlier this year titled "God Alone Was With Us: The Santa Cruz Massacre." The unknown perpetrator(s) of the crime made off with Godoy’s desktop computer as well as a hard drive containing approximately 90% of the group’s research regarding the Santa Cruz atrocity and other Salvadoran civil war abuses. "While we have backups of this information, what worries us most is not what we have lost but what someone else may have gained: the files include sensitive details of personal testimonies and pending investigations," the rights group explained in an Oct. 20 press release.

UWCHR said the break-in took place sometime between Oct. 15 and Oct. 18. Except for the computer and hard drive, nothing else was stolen. No other office in the building was targeted. And police found no evidence of forced entry. The press release did not mention that the presumed time frame of the incident overlapped with a visit to the UW campus by CIA Director John Brennan, who spoke Oct. 16 at a law school symposium.

The UWCHR was careful not to point any fingers. "This could, of course, be an act of common crime," it said in the press release. Nevertheless, the organization described the crime as "unusual," saying it does not "fit the pattern of opportunistic campus theft." UWCHR said the timing, furthermore, "invites doubt as to potential motives."

This is not the first such crime to affect human rights advocates researching Salvadoran war crimes. Two years ago, unknown assailants carried out a brazen pre-dawn attack on the San Salvador office of the Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos de El Salvador, an organization that specializes in locating children (dead or alive) who went missing as a result of the conflict. The attackers absconded with computers after torching some of the group’s archives (NotiCen, Dec. 5, 2013).

The Pro-Búsqueda incident took place just weeks after El Salvador’s Catholic Church abruptly shuttered another of the country’s key human rights institutions, the Tutela Legal del Arzobispado (NotiCen, Oct. 24, 2013). The organization was founded by slain Archbishop Óscar Romero, whose assassination in 1980 marked an unofficial start to the bloody war. Romero was beatified earlier this year in San Salvador and is now just one step away from sainthood (NotiCen, June 4, 2015), a long-stalled process that gained new momentum with the election in 2013 of Pope Francis, an Argentine native and the first Latin American to lead the Vatican (NotiSur, May 3, 2013, and July 5, 2013).

Witness accounts

While it grapples in the US with the powerful CIA, the UWCHR is also urging greater transparency from authorities in El Salvador, which continue to take a "hear no evil, see no evil" approach to the country’s troubled civil-war legacy (NotiCen, April 11, 2013). Thanks to a 22-year-old amnesty law rushed into place just days after the release of a revealing UN-sponsored truth commission report, Salvadoran courts have been reluctant to tackle even the most notorious war-crime cases, such as the El Mozote massacre, in December 1981, and Jesuits massacre, in November 1989 (NotiCen, May 21, 2015).
The El Mozote and Jesuits atrocities featured prominently in "From Madness to Hope: the 12-year war in El Salvador," as the UN-backed Comisión de la Verdad Para El Salvador (CVES) report was officially titled. The Santa Cruz killings, in contrast, were barely mentioned. The UWCHR is convinced, nevertheless, that the events there constitute a clear case of crimes against humanity and deserve greater acknowledgement, further investigation (including exhumations to corroborate witness accounts), and criminal accountability regarding Col. Ochoa Pérez and others implicated in the massacre.

In its report on the Santa Cruz atrocity, the UWCHR described Ochoa Pérez's more-than-week-long campaign (Nov. 11-19, 1981) in Cabañas as a scorched earth operation, meaning it involved a large-scale mobilization of troops and was designed "to destroy the base of civilian support for guerrilla activity by forcing all residents of the region to flee or be eliminated." The military's modus operandi, as described by witnesses, involved some of the same tactics employed a month later in and around the remote eastern village of El Mozote, where soldiers slaughtered hundreds of campesinos, many of them women and children (NotiCen, Jan. 17, 2013). Some estimates put the El Mozote death toll as high as 1,000.

Witnesses cited in the UWCHR report suggest soldiers made little distinction between guerrillas and civilians, shooting indiscriminately and pursuing people even as they tried to hide or flee. Philippe Bourgois, a US graduate student who was doing research in the area and was thus caught up by chance in the mayhem, recalled throwing himself at one point under a bush.

"Suddenly I found myself next to a woman who had a baby in her arms. And unfortunately, because of my arrival, the baby begins to cry. And the mother of the baby says to me, ‘Get out, get out of here!’" he told the UWCHR. "At the moment I didn’t understand, I thought, ‘How can it be that she’s kicking me out of here, since they’re firing out there, and there’s space enough here for three or four people?’ But she knew that they were now going to fire on her and her baby. Then I realized, and in horror I ran out, and in precisely that moment, the bullets came and annihilated that mother with her baby girl."

The worst of the violence, according to Bourgois and other witnesses, took place in Santa Cruz, a town into which hundreds of civilians flocked, hoping, mistakenly, to flee the encroaching military. Army soldiers, however, had already reached Santa Cruz, where they used the town’s schoolhouse as a machine-gun nest, the UWCHR report explains.

Dina Cabrera, who was five-months pregnant at the time, was wounded but somehow survived the Santa Cruz ambush. She recalls that afterward she "could smell an odor … that smell like when you arrive at a restaurant where there’s a lot of food, a lot of meat." The smell, it turned out, was roasted human flesh. "Later we found another man," she recalled. "And he told us, ‘You should have seen it, they piled up three big piles of bodies, and the soldiers are burning them.’"

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