



Homeland Security Investigations

National Security Division

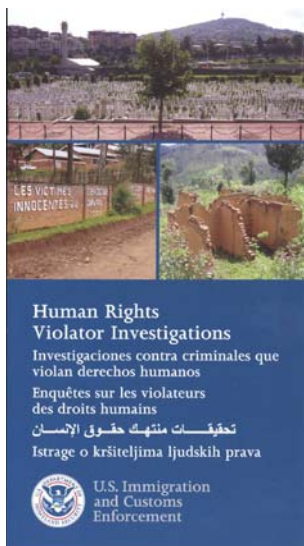
Human Rights Violators and War Crimes Unit

“As the Assistant Secretary of U.S. Immigration and Customs Enforcement, I recognize the unique responsibility my agency bears in protecting those who came to our shores seeking to escape those who perpetrated such atrocities. With our partners within the Department of Homeland Security and in the Departments of Justice and State, we use every tool at our disposal to ensure that those who have committed such acts abroad never evade justice and accountability for their crimes by hiding among their victims here.”

Prepared Statement of John T. Morton,
Director of Homeland Security, Immigration
and Customs Enforcement, before the U.S.
Senate Subcommittee on Human Rights and
the Law, Committee on the Judiciary,
October 06, 2009.

History and Mission

Prior to the creation of Immigration and Customs Enforcement (ICE) as the largest investigative agency in the Department of Homeland Security, human rights violator related investigations were undertaken by the National Security Unit of the former Immigration and Naturalization Service. Following the establishment of ICE in early 2003, the Office of Investigations formed a stand-alone unit to manage the national activities of the new agency in this particularly specialized law enforcement discipline. This unit is the Human Rights Violators and War Crimes Unit (HRVWCU). The unit mission is twofold. The first part is to prevent the admission of foreign war crimes suspects, persecutors and human rights abusers into the United States. The second part is to identify, prosecute and ultimately remove such offenders who are already unlawfully in the United States and who have committed acts ranging from genocide, torture and war crimes to serious violations of religious freedoms or other forms of persecution. In performing both missions, we work closely with our counterpart Human Rights Law Division (HRLD).



In January 2009, ICE undertook the creation of the Human Rights Violator and War Crimes Center to further increase the efficiency of these complex investigative and litigation actions. Within this center,

ICE leverages the knowledge and expertise of a select group of agents, lawyers, intelligence and research specialists, historians and analysts who direct the agency's broader enforcement efforts against these offenders. This agency-wide approach represents a significant milestone in the continuing commitment by ICE to target human rights violators and war crimes suspects. The Human Rights Violators and War Crimes Center manages two ICE initiatives designed to more effectively employ ICE resources against these offenders: the No Safe Haven Initiative and the Human Rights Target Tracking Initiative.

The No Safe Haven Initiative

The United States has long been a haven for those fleeing wars, genocide, ethnic cleansing, and various other forms of persecution, granting admission to more refugees and asylum seekers annually than any other nation. The vast majority of these people choose to remain here permanently and ultimately gain citizenship through the naturalization process.

Unfortunately, based on past experience, ICE is aware that there are those who have perpetrated significant abuses against these refugees and asylum seekers, who will also seek to gain entry. Some of these offenders are attempting to evade prosecution and punishment for abuses they have committed in their home countries. Others seek to enjoy the fruits of their crimes in our open society. Frequently, they hide among those whom they once persecuted—falsely claiming to be victims of abuses that they in fact perpetrated on others. ICE's broad-ranging domestic enforcement activities occur under the context of the 'No Safe Haven' Initiative. These efforts, involving investigative and litigation offices nation-wide, support the broader national interest that the unlawful presence of those who have committed foreign human rights abuses tarnishes the long-held commitment of our nation to offer a place of safety and sanctuary to the victims. Further, because many are former officials of regimes that are (or were) potentially hostile to our nation and its interests, ICE considers human rights violators to be national security threats as well.

Because these offenders seek to blend into our society, there is no precise method where their numbers can be accurately estimated. Regardless, these cases represent an investigative priority for ICE, due to the gravity of their crimes abroad and the domestic national security implications. As of July 2010, ICE has over 200 active investigations and is pursuing over 1,000 leads and removal cases involving suspects from approximately 95 different countries. These cases are predominantly focused on Central and South America, the former Yugoslavia, China, and Africa. They represent cases in various stages of investigation, prosecution, or removal proceedings.

The Human Rights Target Tracking Initiative

ICE also works to prevent known human rights abusers from gaining entry into the United States. Utilizing an 'intelligence-led policing' based approach, agency intelligence and research specialists work with their national and international counterparts in a coordinated effort to identify serious foreign human rights abusers and war crimes suspects residing abroad, and take the necessary steps to prevent them from successfully gaining entry into the United States. A

Janitor's secret past: a death squad

A former Salvadoran army officer convicted of killing priests is arrested in L.A. as a human rights violator.

By HECTOR BERRERA
Times Staff Writer

Gonzalo Guevara Cerritos was a decorated, American-trained officer in the Salvadoran army.

But for the last year, the 43-year-old toiled as a janitor at a West Los Angeles-area motel, a man with a secret who was always looking over his shoulder, his girlfriend said.

His clandestine existence came to an end Wednesday,

when federal authorities announced that they had arrested him as an illegal immigrant who was a human rights violator.

The Immigration and Customs Enforcement agency said Guevara Cerritos was one of nine Salvadoran officers and soldiers implicated in one of the most notorious massacres in El Salvador's history: the 1989 death squad murders of six Jesuit priests whom some in the army viewed as subversives.

A sublieutenant with the Atlacatl Battalion during El Salvador's war against the Farabundo Martí National Liberation Front, a leftist guerrilla group, Guevara Cerritos was convicted for his role in the slayings.

In 1993, he received a pardon as part of a general amnesty that was granted after the country's

(See Murders, Page A24)

notable success was the interdiction of Isaac Kamali, who is listed in the top one-third of Rwanda's ninety-three major genocide suspects. Kamali, who was traveling on a French passport, was identified and prevented from entering the U.S. at the Philadelphia International Airport. Upon being returned to Paris, he was taken into custody by French judicial authorities. Other successful interdictions include individuals who are known or suspected of committing human rights violations in Argentina, Bosnia, Peru, Liberia and Sierra Leone. Since formally undertaking this initiative in June 2008, ICE has been instrumental in preventing the successful admission of over forty-five human rights violators or war crimes suspects.

ICE Combined Authorities

In pursuing foreign war crimes or human rights abuse suspects, ICE is uniquely situated to employ its combined authorities under both criminal and immigration law. Under existing federal criminal statutes, where the United States can exercise jurisdiction over the actual foreign offenses (such as torture, genocide, war crimes or the use of child soldiers), we work with our partners in the U.S. Department of Justice (DOJ) to seek such charges. Where we cannot exercise such jurisdiction, we pursue criminal charges related to false statements and material misrepresentations made by these offenders on refugee, visa, resident or citizenship applications. Where substantial monetary assets based on an offender's human rights abuses or war crimes are identified in our jurisdiction, ICE seeks to use its authorities to undertake the seizure of such assets. In addition to these wide-ranging criminal remedies, ICE uses its authority under U.S. immigration law in order to undertake the arrest, detention, and ultimate removal or deportation of these individuals to their respective home countries, so that they may face justice before the people they victimized.

Since Fiscal Year 2004, ICE special agents have made over 180 human rights-related arrests of individuals for violations of law related to various criminal and/or immigration statutes. Over this same corresponding period, ICE attorneys have obtained final removal orders for, and ICE detention and removal officers have successfully removed over 300 known or suspected human rights violators from the United States. Many of these individuals were in removal proceedings from before the creation of ICE, and the success that ICE has enjoyed in effecting these removals demonstrates the agency's long-term commitment to this objective.

Protecting the integrity of our immigration laws

Under the Immigration and Nationality Act (INA), those who "...ordered, incited, assisted or otherwise participated in persecution..." are barred from gaining admission into the United States as a refugee, from obtaining asylum status or from obtaining Temporary Protected Status. However, in some instances, these individuals are potentially eligible to enter the United States on other grounds, and to subsequently adjust their status to lawful permanent residence or even obtain citizenship. As part of the 2004 Intelligence Reform and Terrorism Prevention Act (IRTPA), Congress partially remedied this problem. Section 5501 of the IRTPA amended the INA to include participation in torture or extrajudicial killings as grounds of inadmissibility and deportability. Further, Congress made this provision of the INA retroactive, so that human rights violators who had previously been granted legal status in the United States could now face having that status revoked in immigration court. ICE quickly moved to implement this change in law, using it as the grounds to successfully deport a former Ethiopian army officer who was

directly involved in torturing suspected political opponents under the repressive Mengistu Regime. More recently, under the Child Soldiers Accountability Act of 2008, Congress again amended Section 212 (a) (3) of the INA to add either the recruitment or use of child soldiers as an additional ground of inadmissibility or removability.

Global Partnerships in Human Rights Enforcement

As the primary investigatory agency for these offenses within the United States, ICE helps direct the broader United States government-wide effort to identify, prosecute and remove these individuals from our shores. Our key partners within the U.S. Department of Justice include the newly organized Human Rights and Special Prosecution Section, the Counter-Terrorism Section, as well as the United States Attorney's offices nationwide. We also work closely with a number of different bureaus and offices of the U.S. Department of State, and the Federal Bureau of Investigation. Within our own Department of Homeland Security, we partner with U.S. Citizenship and Immigration Services and U.S. Customs and Border Protection. ICE has a global footprint on these issues as well. Through our 54 ICE Attaché Offices in over 42 countries, we maintain partnerships with a variety of foreign law enforcement organizations or judicial bodies who share our goals with respect to identifying and prosecuting serious human rights abusers. Finally, ICE maintains close contacts with a number of international or regional organizations who are active in this same effort, to include Interpol, the International Tribunals for Rwanda and the former Yugoslavia, and the Special Court for Sierra Leone.



Significant ICE Investigations

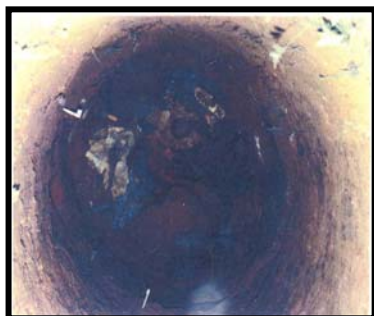
Gilberto Jordan

Dos Erres Massacre - Guatemala (1982)

In May 2010, ICE special agents arrested Gilberto Jordan, a formerly naturalized United States citizen in West Palm Beach, Florida. Jordan, a native of Guatemala, was a former member of an elite Guatemalan Army special forces unit known as the 'Kaibiles'. In December 1982, Jordan was one of twenty Kaibiles soldiers who entered the remote Guatemalan village of Dos Erres, where they assaulted, raped and murdered at least 170 men, women and children over a two-day period. Seven years after these crimes occurred, Jordan entered the United States and was able to gain lawful permanent resident status, and later United States citizenship by omitting any references to either his military service in Guatemala, or his actual involvement in crimes in applications to immigration authorities.



Working in conjunction with the U.S. Attorney's Office in West Palm Beach, FL, and the newly created Human Rights and Special Prosecutions Section of the Department of Justice, ICE investigators were able to establish that Gilberto Jordan was one of almost twenty Kaibiles instructors who perpetrated the Dos Erres Massacre in December 1982. After other army troops surrounded this remote village in the Petén Department of Guatemala, a select group of these Kaibiles instructors began searching for weapons and insurgents. Finding neither, they then went on to assault, rape and murder at least 170 men, women and children over a two-day period.



Most of those killed were dumped into the village well (pictured at left)—although several accounts reflect that some of the victims were not yet dead when dumped. Following the murder of almost all the village inhabitants, the Kaibiles then looted anything of value and destroyed what remained. Due to the ongoing conflict and the climate of near-total impunity enjoyed by Guatemalan military at the time, the first exhumations related to a potential criminal investigation did not occur until 1994, almost twelve years after the massacre took place. The first arrest

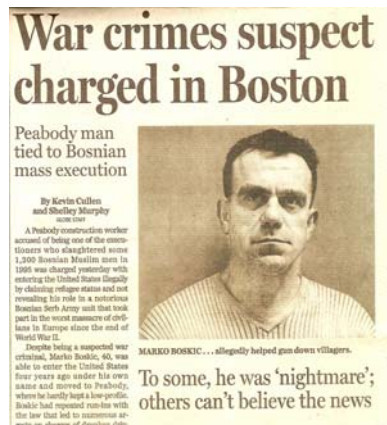
warrants against any of the Kaibiles who committed the crimes were not issued until October 1999. While a total of seventeen individuals were charged (including Jordan), the warrants were later quashed when the Guatemalan Supreme Court ruled that the accused were protected by a post-conflict amnesty law.

On July 7, 2010, Jordan pled guilty to one count of unlawfully procuring naturalized citizenship in U.S. District Court. Pursuant to this admission of guilt, Jordan acknowledged his service in the Kaibiles, and his personal involvement in committing the first murder of the Dos Erres massacre by throwing a baby into a well. On September 16, 2010, District Court Judge William Zloch sentenced Jordan to the statutory maximum of ten-years in prison. This sentence also included the automatic revocation of his fraudulently obtained United States citizenship.

Marko Boskic

Branjevo Farm Massacre - Bosnia and Herzegovina (1995)

In April 2010, ICE effected the removal of Marko Boskic back to Bosnia and Herzegovina, where he was subsequently taken in custody by officials from the Office of the Prosecutor for the Bosnian State Court War Crimes Chamber. Boskic was the target of an ICE-led investigation pertaining to his direct involvement in the killings of several hundred Bosnian men who were murdered on July 16, 1995 at a communal farm in Branjevo, Bosnia and Herzegovina. This crime is connected to the wider executions of over 7000 men and boys that occurred following the capture of the UN designated safe-area of Srebrenica on July 10, 1995 by military forces under the command of General Ratko Mladic. Working in close cooperation with investigators from the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and the U.S. Attorney's Office in Boston, Massachusetts,



ICE and FBI agents were able to catalog his service in the notorious 10th Sabotage Detachment of the Army of the Republika Srpska.

In July 2006, following a two-week trial, he was found guilty of two counts of visa fraud by a jury in Federal District Court (Boston, MA). Based on a number of aggravating factors, Marko Boskic received a 63-month prison sentence. He subsequently appealed his convictions before the U.S. 1st Circuit Court of Appeals. The government's convictions on both counts were sustained by the appeals court on October 2008.

Upon completing his sentence, he was again remanded into the custody of ICE for removal proceedings. After successfully countering efforts by Boskic to be deported to a country that could not extradite him to Bosnia (where he was pending criminal proceedings), ICE deportation officers escorted him to Sarajevo in April 2010. There, Boskic custody was turned over to officials from the Office of the Prosecutor for the Bosnian State Court War Crimes Chamber. In July 2010, Marko Boskic entered a guilty plea before the State Court of Bosnia and Herzegovina for his role in the commission of 'crimes against humanity' related to his activities at Branjevo Farm on July 16, 1995. He received a ten-year sentence by the court on July 19, 2010, based on his admissions of guilt and a commitment to cooperate with prosecutors in trials relating to three other co-accused members of the 10th Sabotage Detachment.

Ricardo Telmo Hurtado-Hurtado

Accomarca Massacre - Peru (1985)

In February 2010, the Federal District Court in Miami affirmed a previously issued extradition order for Ricardo Telmo Hurtado-Hurtado filed by the U.S. Attorney's Office on behalf of Peruvian judicial authorities. Hurtado was the target of an ICE investigation that began in late-2006, after receiving information from Interpol officials in Lima that indicated he was involved in significant human rights violations and was possibly hiding in the United States.



In August of 1985, while serving as a Lieutenant in the Peruvian Army, Hurtado (pictured in foreground) ordered soldiers under his command to gather and kill 69 men, women, and children from a remote mountain village in Accomarca, Peru. When word of this massacre became public and an investigation was undertaken, he personally led back a smaller group of soldiers and proceeded to kill seven additional people who either witnessed or survived the initial crime. He was never jailed and in 1995, was pardoned as part of a larger grant of amnesty by the Peruvian government. In 2002, the Peruvian Supreme Court rescinded this amnesty grant after finding it to be unconstitutional. Following this development, Hurtado departed Peru.

Investigation by ICE revealed that after leaving Peru, he entered the United States by fraudulently obtaining a visitor (B-2) visa. After his visa expired, Hurtado remained in South

Florida. He was arrested by ICE and charged with visa fraud in April 2007. He later pled guilty and was sentenced to six months in prison. While serving his sentence, a group of survivors and other victims from Accomarca sued Hurtado for civil damages under the provisions of the Torture Victim Protection Act. A Federal judge subsequently found Hurtado liable for his role in the murders and entered a \$37 million dollar judgment against him. He remains in custody pending his appeal before the United States 11th Circuit Court of Appeals.

Nedjo Ikonic

Srebrenica Genocide - Bosnia and Herzegovina (1995)

In January 2010, following a complex multi-national and multi-jurisdictional investigation undertaken by ICE, Nedjo Ikonic was removed from the United States to Bosnia and Herzegovina. Upon his arrival in Sarajevo, he was turned over to officials from the Office of the Prosecutor of the Bosnian State Court War Crimes Chamber. He has since been indicted by that court for his role in acts of genocide and remains in custody pending trial.

Ikonic, formerly residing in Greenfield, Wisconsin, was arrested by ICE special agents in December 2006, based on information obtained from investigators from the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY). This information, based on their ongoing investigation into the Srebrenica genocide, indicated that Ikonic was formerly the commander of a special police unit of the Republika Srpska Ministry of the Interior. The unit he commanded is alleged to have participated in the capture and killing of hundreds of Bosnian prisoners following the fall of the United Nations designated safe-area of Srebrenica in July 1995. Several years after the end of the war, Ikonic resettled in the United States. ICE, working in concert with the U.S. Attorney's Office in Milwaukee, and investigators from both the ICTY and the Office of the Prosecutor of the State Court in Sarajevo, determined that Ikonic obtained admission into the United States by fraudulently omitting his police service during the 1992-1995 conflict in Bosnia. He subsequently pled guilty to two counts of visa fraud in a U.S. District Court and received a one-year prison sentence. Following the completion of that sentence, he was remanded back into ICE custody and removed.



Juan Miguel Mendez

Torture and Disappearances - Argentina (1976-1979)

In June 2009, ICE special agents arrested former Argentine police official Juan Miguel Mendez in Northern Virginia after he was found living without lawful status in the United States. In March 2006, a magistrate in Buenos Aires, Argentina, issued an arrest warrant for Mendez for his involvement in torture, disappearances and extrajudicial killings in connection with at least two clandestine detention centers that operated in Buenos Aires during the so-called 'Dirty War'. The warrant alleges that Mendez, a former member of the federal police, was involved with the detention, torture and disappearance of detainees from the notorious "El Olimpo" clandestine detention facility, as well as the associated "El Banco" clandestine detention facility between 1976 and 1979. During this period in Argentina, human rights related organizations estimate that as many as 30,000 suspected opponents of the former ruling military junta were murdered or otherwise disappeared. In November 2009, an Immigration Judge ordered Mendez removed

from the United States. He is presently appealing this decision before the Board of Immigration Appeals.

Charles Taylor Jr.

Multiple acts of Torture - Liberia (2000-2003)

In January 2009, Charles Taylor Jr., a.k.a. 'Chuckie' Taylor, was sentenced to 97 years in prison following his earlier conviction in a Federal District Court in Miami, Florida on six counts of committing acts of torture and conspiracy to commit torture in Liberia. These convictions represent the first successful application of the federal criminal torture statute (18 USC 2340a) since it was enacted into law in 1994. Charles Taylor Jr. (pictured to the left of his father former Liberian president Charles Taylor), commanded the notorious Anti-Terrorism Unit that suppressed opposition to his father's regime through brutal acts of torture and murder. This ICE-led investigation was groundbreaking in the scope of both the international and inter-governmental agency coordination needed to ensure a successful indictment and prosecution. This included working in close partnership with the Department of Justice-Domestic Security Section in Washington DC and the U.S. Attorney's Office in Miami; the FBI, the Department of State-Diplomatic Security Service, and the Office of the Prosecutor of the Special Court for Sierra Leone. The result was locating and bringing to the United States witnesses and victims who described Emmanuel's direct involvement in at least three killings and acts of torture using electric shocks, lit cigarettes, molten plastic, hot irons, stabbings with bayonets and even biting ants shoveled onto people's bodies.



On 15 July, 2010, a three judge panel from the 11th Circuit Court of Appeals denied all of Taylor's grounds for appeals. The court of appeals further upheld his multiple convictions and the 97-year prison sentence.

Bozo Jozepovic

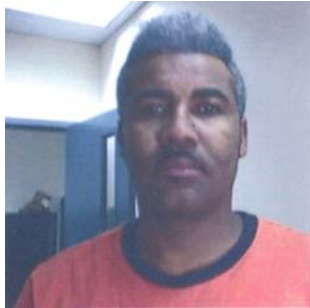
Extra-judicial killings – Central Bosnia (1993)

In December 2007, an immigration judge in Tacoma, Washington, ordered the removal of Bozo Jozepovic, a naturalized Canadian citizen born in Bosnia, who was found to have assisted or otherwise participated in extra-judicial killings committed in Bosnia while serving in the Croatian Defense Council (HVO) in the early 1990s. Jozepovic attempted to enter Washington State from Canada in May 2006 and again in June 2006; however, Customs and Border Protection (CBP) officers stopped him from entering the United States and placed him in exclusion proceedings after he falsely stated that he had never served in the HVO. ICE initiated an investigation and ultimately determined that Jozepovic was identified as a participant in the brutal killing of seven Bosnian men in the village of Poljani in June 1993. Because he was ordered removed under a charge of fraud at entry, Jozepovic is barred for life from legally returning to the United States.

Carlos de Graca Lopes

Multiple Acts of Torture - Cape Verde 2005-2006

In September 2008, ICE, in concert with the U.S. Attorney's Office in Boston, Massachusetts, obtained criminal convictions against Carlos de Graca Lopes, a national of Cape Verde. Lopes was formerly a prison director in Cape Verde, but was dismissed from that position in 2006 after allegations surfaced that he abused and tortured prisoners under his charge. While under post-



arrest investigation by Cape Verdean judicial authorities, Lopes obtained a non-immigrant visa by concealing his arrest and misrepresenting other facts to U.S. consular authorities. After his indictment in Cape Verde for multiple criminal acts (including torture), he was apprehended in Brockton, MA, and placed in removal proceedings. In sworn testimony before an immigration judge, Lopes committed perjury. Ultimately, Lopes was criminally charged and subsequently pleaded guilty to thirteen counts of visa fraud, false statements and perjury. In handing Lopes a 36-month prison sentence,

the Chief Judge of the Federal District Court of Massachusetts specifically reflected that, "...it is very important to send the message that the United States will not be a safe or cost-free haven for those who are alleged to have abused human rights."

Supporting US efforts to promote the rule of law abroad



Finally, ICE plays a key role in effecting justice for human rights abusers in their home jurisdictions. Three separate proceedings before the State Court of Bosnia and Herzegovina involve suspects who were previously located and arrested by ICE in the United States and who were returned to face trial for their involvement in war crimes. All involve allegations of direct participation in murders and other human rights abuses following the capture of Srebrenica by Bosnian Serb military

forces in July 1995. Milorad Trbic (pictured at right) was the Deputy Chief of Security of the Zvornik Infantry Brigade in July 1995—and was previously arrested by ICE and the FBI at his residence in High Point, North Carolina. After pleading guilty to criminal visa fraud in 2004, he was turned over to international war crimes investigators from the ICTY. He was subsequently charged with genocide and his case



was transferred from the Hague to the State Court in Sarajevo in 2007. On 16 October 2009, he was found guilty of genocide by the State Court and sentenced to 30 years in prison. Mladen Blagojevic was a military police officer in the Bratunac Infantry Brigade in July 1995—and was arrested by ICE in Phoenix, Arizona. After pleading guilty to criminal visa fraud, he was transferred back to Bosnia. In November 2008, Blagojevic was convicted by the State Court of Bosnia and Herzegovina and sentenced to seven years for his participating in 'crimes against humanity' related to his role in the Srebrenica killings. And finally, in the previously discussed

Marko Boskic case, he pled guilty for his role in executions at the Branjevo Farm and received a 10 year sentence.

Supporting Argentina's ongoing efforts to account for criminal acts during their so-called 'Dirty War,' ICE undertook the arrest and removal of Ernesto Barreiro (wearing a red sweatshirt), a



former major in the Argentine army who is accused of being the former chief interrogator of the infamous La Perla detention center. At the time of his arrest by ICE, Barreiro was residing in Northern Virginia. He was convicted of criminal visa fraud for failing to disclose his prior arrest for human rights abuses in Argentina. He was successfully removed from the United States in October 2007. In May 2008, he was indicted by Argentine federal authorities for his role in human rights abuses at La Perla and remains in custody awaiting trial.

No 'safe haven' remains our vision

The ultimate goal of U.S. Immigration and Customs Enforcement is to ensure that foreign human rights abusers and war crimes suspects never regard the shores of the United States as a 'safe haven' where they can enjoy impunity from the crimes they committed elsewhere. Across the wide spectrum of agency offices and programs, subject matter experts apply their hard-won experience in this field to maximize our efficiency and effectiveness in conducting these important investigations. Our agency efforts are further leveraged through the continuing close cooperation we maintain with a broad array of governmental, national and international law enforcement partners. We also actively engage in outreach activities among a wide variety of non-governmental organizations related to international human rights as well. Simply put, ICE remains committed to the common goal of civilized humanity: that war criminals and human rights abusers must never expect that their acts will go unnoticed or that their crimes will go unpunished—regardless of how long ago they occurred, or how far away the perpetrators have managed to flee.

“Human rights violators represent the worst of humanity. ICE is committed to dedicating the resources necessary to investigate, present for prosecution, and remove from the U.S. those individuals who have participated in these atrocities in order to ensure that the United States does not become a safe haven for human rights violators.”

Prepared Statement of Marcy M. Forman,
Director, ICE Office of Investigations,
before the U.S. Senate Subcommittee on
Human Rights and the Law, Committee on
the Judiciary, November 14, 2007.