

The Global Lawyer Pro Bono Spotlight: Finding Oscar Asylum

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As a forensic anthropologist, Fredy Peccerelli has found many lost souls, but he never found a live soul before Oscar. As a lawyer at Wiggin and Dana, Scott Greathead has found asylum for many live souls. But Oscar was the first who didn't know he was lost.

Peccerelli's job is to dig up bodies in Guatemala's mass graves and then test their DNA. At first, Greathead's job was simply to win tax-free status for Peccerelli's non-profit.

One day in June 2011 Peccerelli told Greathead a mind-blowing story. A Guatemalan man — who as a 3-year-old boy had survived the army's 1982 liquidation of the village of Dos Erres — was thought to be living as an illegal alien in Framingham, Mass. But the boy had been abducted by a death squad commander, and had no memory of the massacre. Renamed Oscar Ramirez, he grew up revering his abductive father. Oscar's real father, presumably, had been murdered with the rest of the village.

Greathead replied: "Look, if this is the guy you think he is, I will get him political asylum."

Peccerelli took a DNA swab from Oscar and flew back to Guatemala. Six weeks later he called with more stunning news. It turned out that Oscar's real father, Tranquilino Castaneda, was still alive. Tranquilino had been working in another village's fields on the day of the massacre. For 30 years he had lived alone in the belief that all nine of his children were slain. Greathead breathed in sharply — this was meat-and-potatoes pro bono no longer.

A founder of Human Rights First, Greathead realized that Oscar suddenly had a strong argument that he would face persecution in Guatemala, because he was the walking symbol of a massacre whose prosecution bitterly divided the nation. What made the case tough was that Oscar had been in the country for a decade, and asylum must be sought within a year. Greathead could fairly argue that his evidence was newly-discovered, but the key would be to embarrass the highest authorities, and make Oscar a cause celebre.

Greathead was instrumental in creating an episode of "This

American Life" and a compelling e-book — called "Finding Oscar" — that relate one man's inner struggle for truth and reconciliation. Greathead followed up, with support from Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, by winning asylum for Oscar in September 2012. And he raised the funds to unite Tranquilino with Oscar and his young family in Massachusetts, in a moving coda captured on video.

The picture of the 70-year-old Tranquilino stroking the hand of his newly-discovered grandson was reward enough. But for finding Oscar asylum, Scott Greathead shares the informal Pro Bono Global Lawyer of the Year award. (Stay tuned to meet another honoree in an upcoming column.) Not one to rest on his laurels, Greathead is now seeking asylum in Texas for the son of a disappeared Guatemalan whose body Peccerelli found in a mass grave.

Broader efforts to bring the Dos Erres killers to justice continue at every level. The U.S. has convicted one of immigration fraud, and charged a second. Guatemala has convicted five others for crimes against humanity, with sentences of 6,060 years in prison apiece.

Accountability at the highest level is more elusive. It's well-known that former president Efraim Rios-Montt was convicted of genocide in May — and had his conviction vacated on technical grounds ten days later. It's less well-known that Rios-Montt still faces charges for crimes against humanity at Dos Erres.

We should not forget that President Ronald Reagan praised President Rios-Montt for promoting "social justice" two days before the Dos Erres massacre, and that U.S. diplomats remained silent despite verifying the village's disappearance by helicopter. To fully atone for our historical sins, we need not only to grant Oscar asylum, but also to push Guatemala to face its past with unflinching honesty.

Toward that end, a New York City Bar delegation is completing a review of the Rios-Montt trial on Aug. 13. It should push for both reinstatement of the genocide trial — and prosecution of Rios-Montt's role at Dos Erres.