NATIONAL SECURITY

A historian at ICE hunts Latin American war criminals in the U.S.

By Kevin Sieff
and
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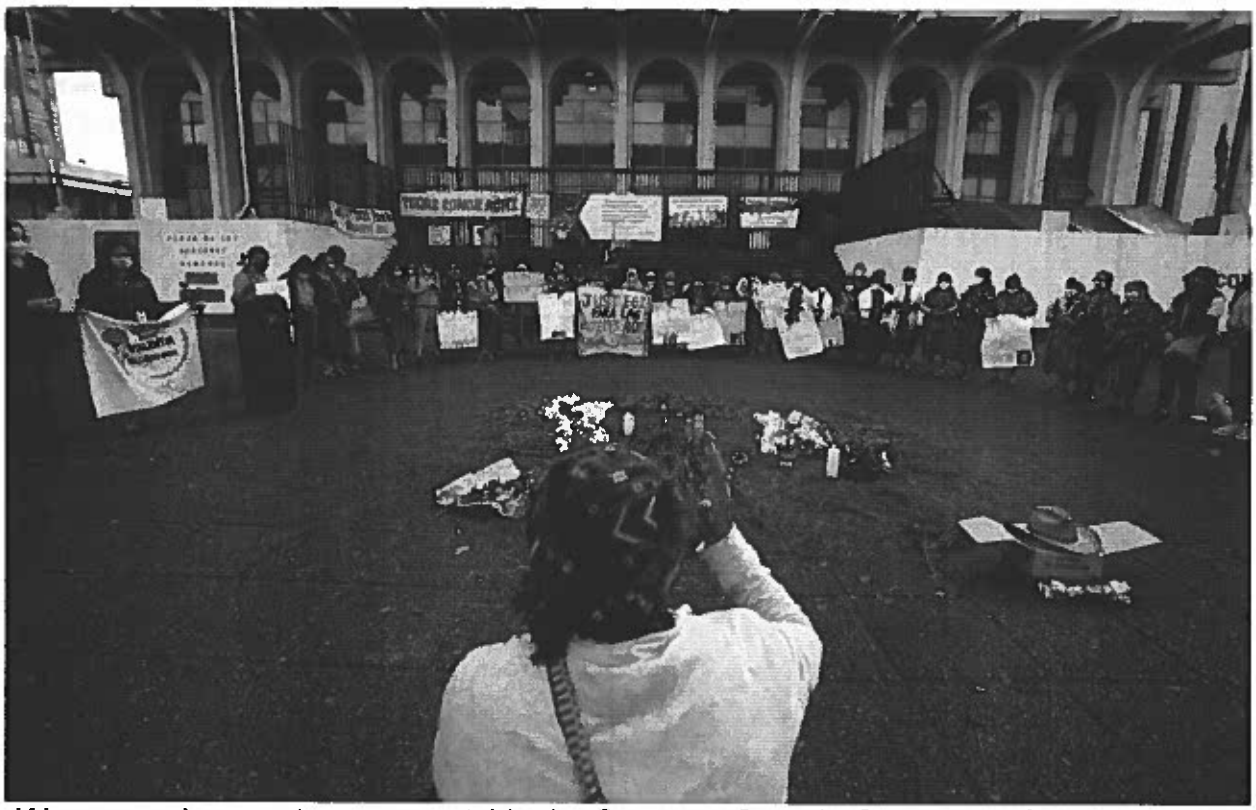


Women and supporters pray outside the Supreme Court in Guatemala City on Jan. 24, 2022, during the trial of five former civil defense patrolmen accused of sexual assault and human rights violations against dozens of Indigenous women from the Mayan Achi ethnic group. (Moises Castillo/AP)

Ann Schneider got the call one Friday morning at her desk in a drab Northern Virginia office tower. Another Guatemalan war criminal was rumored to be hiding in the United States.

Schneider took notes as she listened to the tip. This time, the crimes were so horrific that the case would need to be prioritized: A suspected participant in some of Central

America's bloodiest massacres was living in a Boston suburb, possibly working as a landscaper.

Schneider created a new file under his last name, next to the folders labeled with other perpetrators of genocide, sexual violence and human rights abuses who had slipped into the United States.

"Cuxum" she wrote for Francisco Cuxum Alvarado.

For as long as immigrants fleeing conflict have arrived in the United States, fugitive war criminals have been among them, an infinitesimal percentage of those arriving at American borders, but a profound challenge for a nation committed to sheltering the victims of war. Nazis slipped into the country after World War II; former soldiers accused of war crimes in Bosnia arrived in the 1990s; Liberian warlords migrated after that country's strife in the 1990s and 2000s.

But the number of alleged war criminals from Central America, absconding after civil wars in El Salvador and Guatemala in the 1980s, dwarfs any other population of human rights abusers living in the United States. Many were Cold War-era allies of the United States who vanished into American cities and neighborhoods, just as their victims began to call for their arrest.

Past U.S. policies have made life worse for Guatemalans

Their names arrive on Schneider's desk not because she's an agent at U.S. Immigration and Customs Enforcement, but because she occupies a more obscure, sometimes more powerful role at ICE: She's the agency's official Latin America historian.

Schneider works at ICE's Office for Human Rights Violators and War Crimes Center, located in a Tysons, Va., office building shared with medical clinics and accounting firms. Founded in 2008, it is the U.S. government entity responsible for finding and investigating perpetrators of egregious human rights abuses who have come to the United States to escape justice.

Ann Schneider, a historian at U.S. Immigration and Customs Enforcement. (Bonnie Jo Mount/The Washington Post)

The center reflects one of the more activist liberal impulses of the post-9/11 era, when the United States government recommitted to going after not only terrorists but also human rights abusers from around the world. The center's staff has grown to about 75 employees, and includes Homeland Security investigators, federal prosecutors, FBI agents, ICE deportation officers — and four professional historians.

ICE's human rights work may not be the first thing that comes to mind among the left-wing activists and Democratic lawmakers calling for the abolition of the agency. But sometimes, in the case of war criminals, deportation is the closest the United States government can come to meting out justice.

Slight, with scholarly glasses and a self-effacing manner, Schneider is adamant that she remains a historian, not a law enforcement official. She has published a book, adapted from her PhD dissertation, about Brazil's post-dictatorship justice system, but there is no mention in her author bio of her job at ICE, an agency whose enforcement mission became hyper-politicized during the Trump administration.

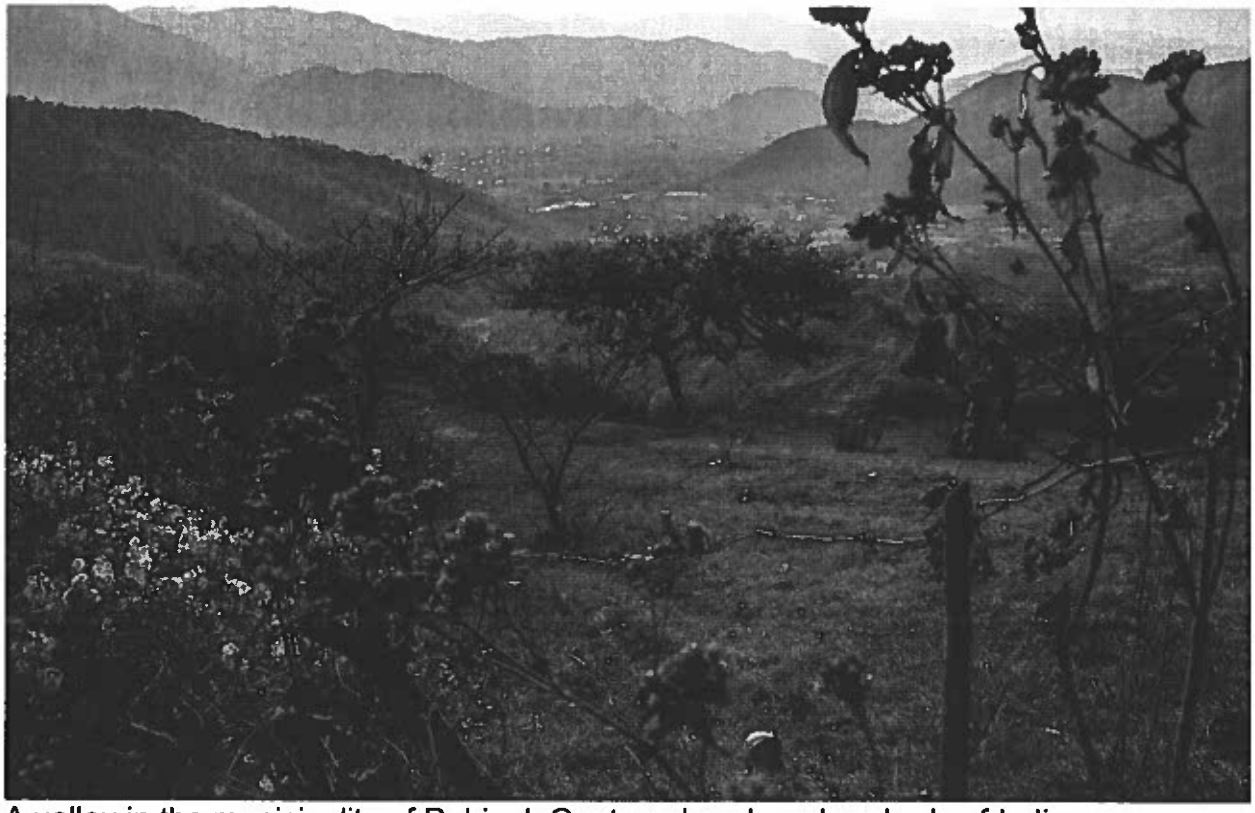
"I think of myself as a forensic historian," she said, in an interview at her office. "I research and write. My job is about bringing things to light and uncovering the past, through these cases."

Unlike most academics, who tend to study their material with a degree of intellectual detachment, Schneider is a historian who is actively trying to right the wrongs of Latin America's recent past. She is a bridge between those in the university world who research war crimes and federal law enforcement officials who can actually do something about them.

That was how Schneider first heard about Cuxum, now 67. He was a former paramilitary officer, who was thought to be involved in the Rio Negro massacres of the early 1980s, where hundreds of Indigenous villagers were killed, and in the serial rape of Indigenous Maya Achi women.

His name had been known for years among victims and those who studied the crimes. One of them was Kathy Dill, an anthropologist in California who specializes in Guatemala. She had learned through colleagues about Schneider. It was early 2017, when Dill dialed her number.

"I think I have a case you want to know about," Dill said.



A valley in the municipality of Rabinal, Guatemala, where hundreds of Indigenous villagers were killed and Indigenous Maya Achi women raped during the Rio Negro massacres of the early 1980s. (Simone Dalmasso/For The Washington Post)

Scorched-earth tactics

Margarita Alvarado Enriquez had known Francisco Cuxum since they were children in the village of Xococ, in the verdant hills of central Guatemala, a place too small and too poor for a school.

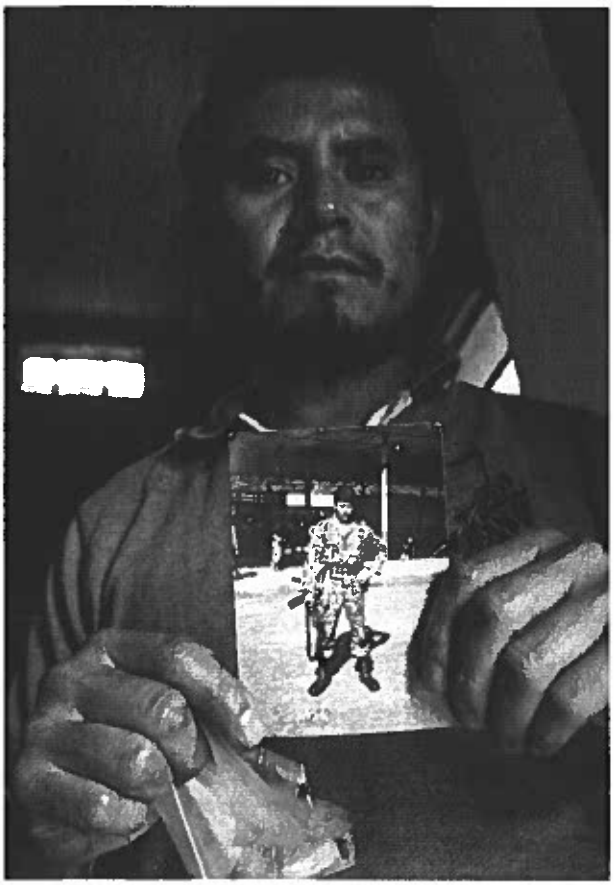
"I'm going to marry you one day," Cuxum sometimes yelled at her, a comment that became less funny and more sinister as they got older.

Alvarado, now 55, remembers thinking: I need to keep my distance from this boy.

When Alvarado did get married, she was 14, and her husband, Silverio Xitumul Lajuj, was another resident of Xococ. They had grown up on opposite ends of the same dirt road. What luck to meet someone in this village, where nothing ever happens, Alvarado thought. In September 1981, she found out she was pregnant.

Far from Xococ, in the mountains of northern Guatemala, the war was already raging. The country's U.S.-backed military was dispatched to quash a nascent left-wing insurgency. By 1980, Guatemalan soldiers had killed thousands of civilians, the vast majority of them members of Indigenous groups. Senior military officials claimed the insurgency was widening in an attempt to justify scorched-earth tactics.

Alvarado, who was Maya Achi, knew little of the war, which in Xococ sounded more like a rumor. But just before 1980, the government began claiming that her region, too, was home to insurgents, in part because of local resistance to a planned hydroelectric dam.



Reginaldo Cuxum Gomez holds a photo of his father, Francisco, in uniform. (Simone Dalmasso/For The Washington Post)

In November 1981, armed men poured into Xococ, most of them wearing civilian clothes. They were a mix of Guatemalan soldiers and civil patrolmen, including local, Indigenous men who had agreed to fight on behalf of the Guatemalan government in their own villages. Cuxum and three of his brothers were among them, according to multiple residents.

Alvarado's husband had gone to work on a nearby farm, Alvarado remembers. He did not return at the end of the day. A number of other men from the town also went missing. Later that night, Alvarado's sister, Inocenta, said she saw civil patrolmen, including Cuxum, shooting at a group of men, including Alvarado's husband.

Alvarado waited at home over the following days, not sure what to do. One afternoon, a group of armed men burst through the door. There were about six of them, she remembers.

"Your husband isn't here to protect you," one said.

They covered her mouth, kicked her and slapped her. Then they ordered her to take her clothes off and took her to the bedroom. They took turns raping her. Some of the men she didn't recognize. But one of their faces was immediately familiar. It was Cuxum. He was one of the last men to rape her, she said.

The men walked out of the house together, leaving her weeping on the ground. Days later, she lost her baby in a miscarriage. Over the course of a few months, dozens of other Xococ women would be raped by soldiers and patrolmen, according to witnesses and subsequent investigations.

Margarita Alvarado Enriquez at her home in Guatemala City. (Simone Dalmasso/For The Washington Post)

Not long after that, troops and armed men arrived at the nearby village of Rio Negro, killing 177 women and children, according to investigators, in what became one of the most infamous incidents of the war. Some children were bludgeoned against rocks. Others were slaughtered with machetes. Women were gang raped in front of their kids. When survivors created a list of the assailants they recognized, several said they remembered the same slim man with dark hair: Francisco Cuxum.

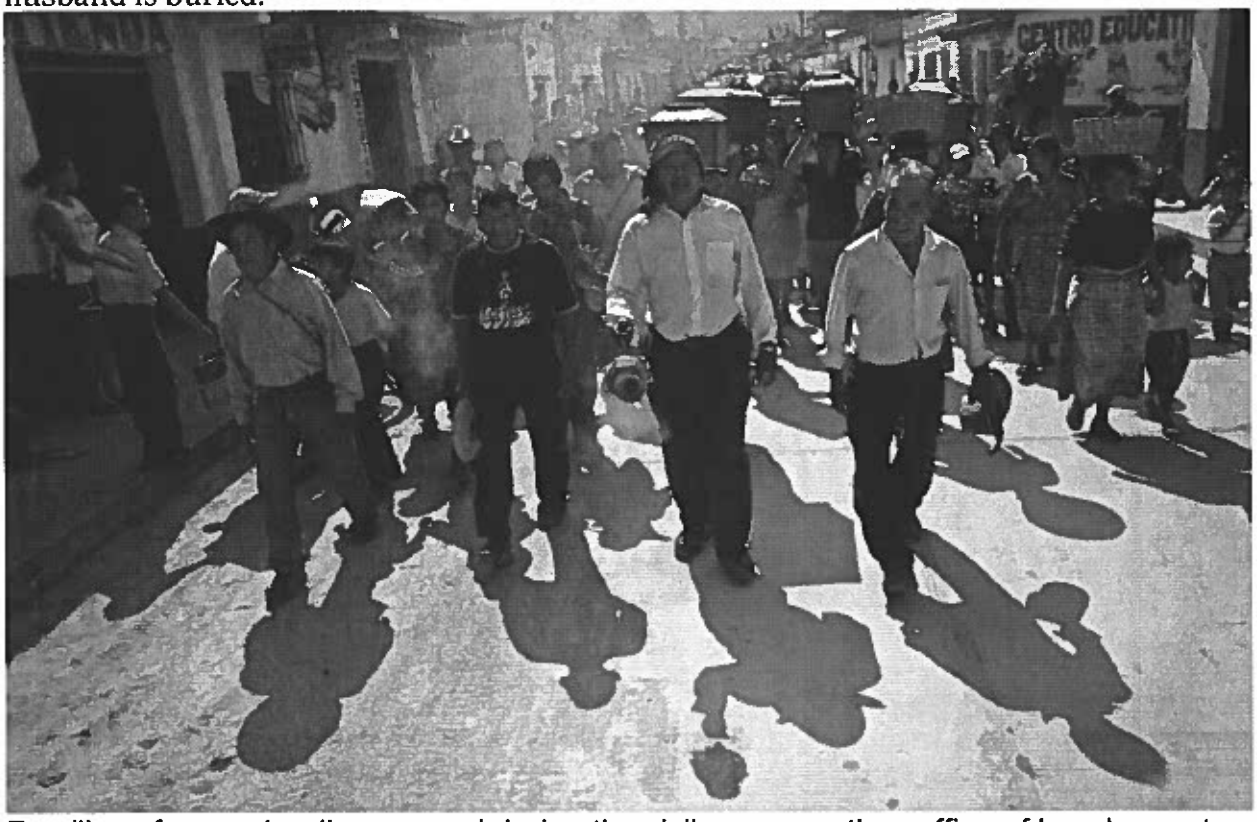
When the violence in Xococ ended, after the government crushed pockets of resistance across the country, Alvarado left for Guatemala City, finding work as a housecleaner. She returned only occasionally to Xococ. But small-town gossip still made it back to her: news that Cuxum was a civilian again, had a child, and was working at a garment factory in Guatemala City. Once, on a trip back to Xococ, she saw him through the window of a taxi.

"That's him. I can't believe it," she recalled in an interview in Guatemala City.

Cuxum was free. So were most of the other civil patrolmen and soldiers who had raped the Maya Achi women and killed several hundred of the area's residents. Guatemala chose not to prosecute war criminals in the years after the war, which left 200,000 dead. Many of the victims – like Alvarado's husband – remained missing, thought to be scattered in unmarked graves.

When the United Nations-backed peace accords were signed in 1996, the country's Congress passed a National Reconciliation Law that politicians suggested would allow Guatemala to move on from the conflict. But it seemed to amount to absolution for war criminals, giving them little reason to help locate the bodies of their victims.

When Alvarado thought of Cuxum, she said to herself: "That man knows where my husband is buried."



Families of men who disappeared during the civil war carry the coffins of loved ones to a cemetery in Rabinal, Guatemala, in 2006 following local efforts to identify previously unmarked graves and exhume the dead. (Sarah L. Voisin/The Washington Post)

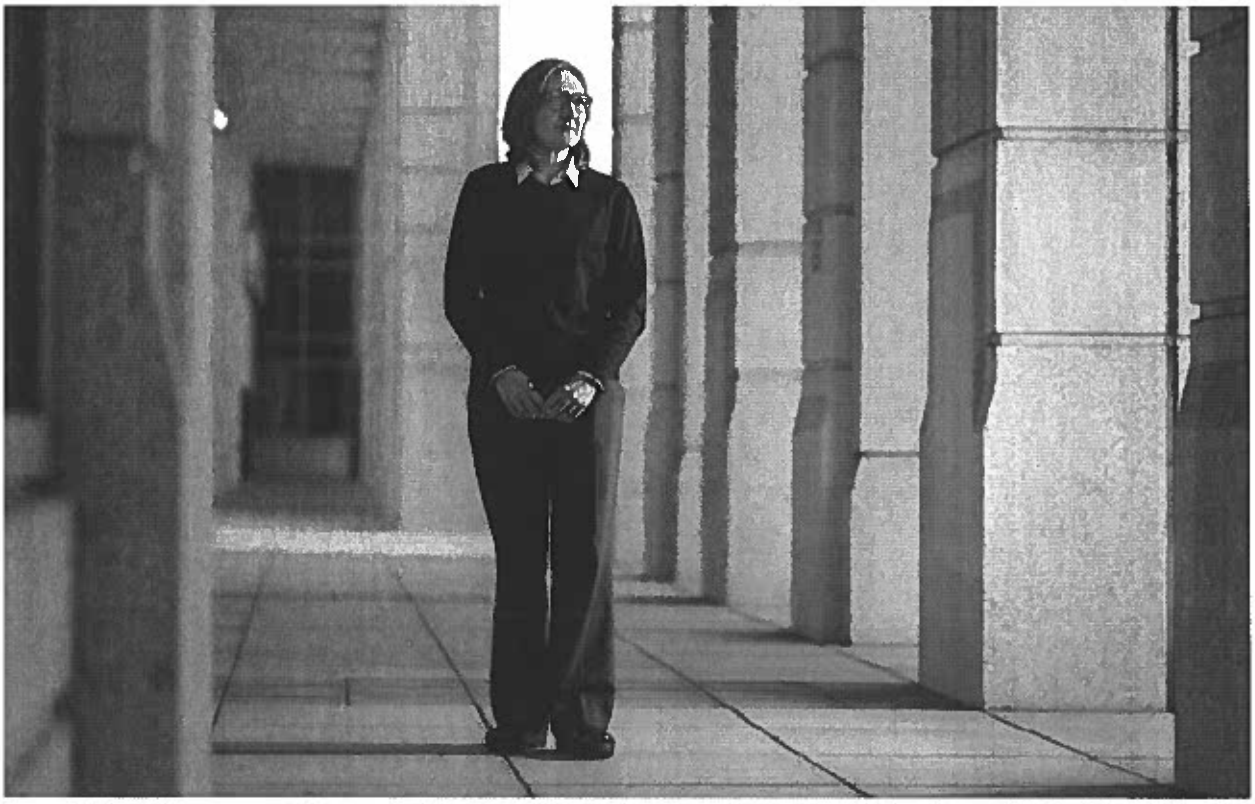
Documenting the war dead

Schneider was a young high school teacher living in Omaha in 1998 when Chilean Gen. Augusto Pinochet was arrested in London on behalf of prosecutors in Spain who wanted to try him for genocide. She had been reading Latin American authors after studying Spanish and English literature at Creighton University, and was "mesmerized" by the attempt to bring Pinochet to justice for the deaths of more than 3,000 killed and disappeared by his military government.

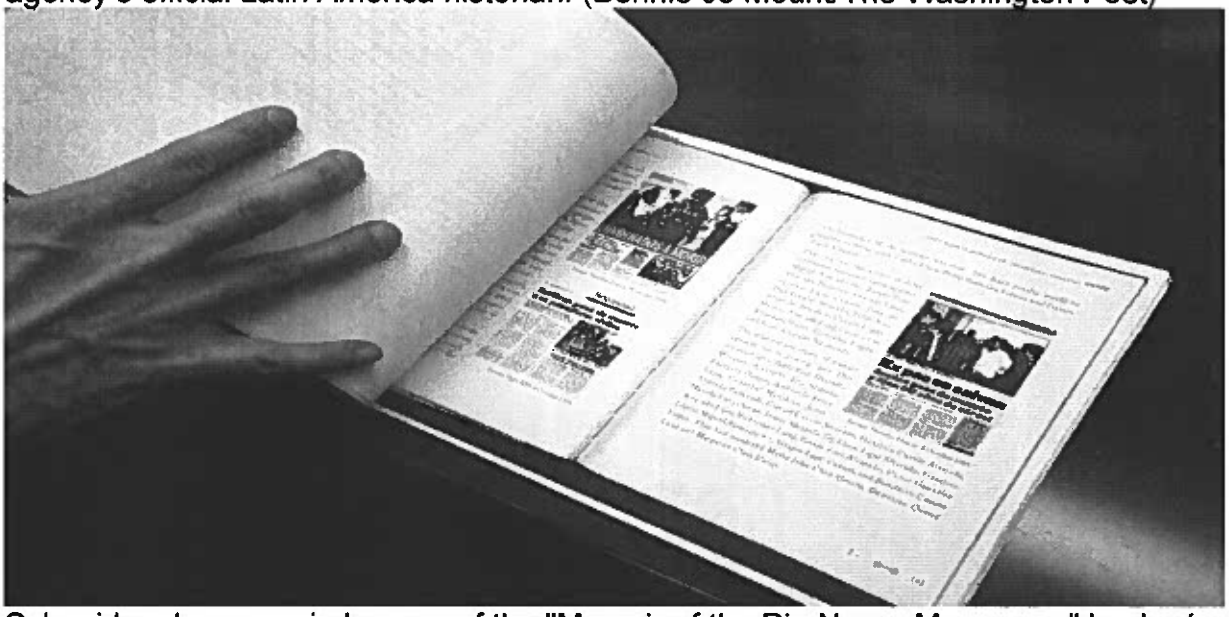
"I thought: how is this happening? I wanted to do that work," she said.

Schneider quit her teaching job and went to graduate school, first at the University of Texas, then the University of Chicago. She was working as an adjunct professor at the University of Illinois Urbana-Champaign in 2009 when she came across the job posting at ICE.

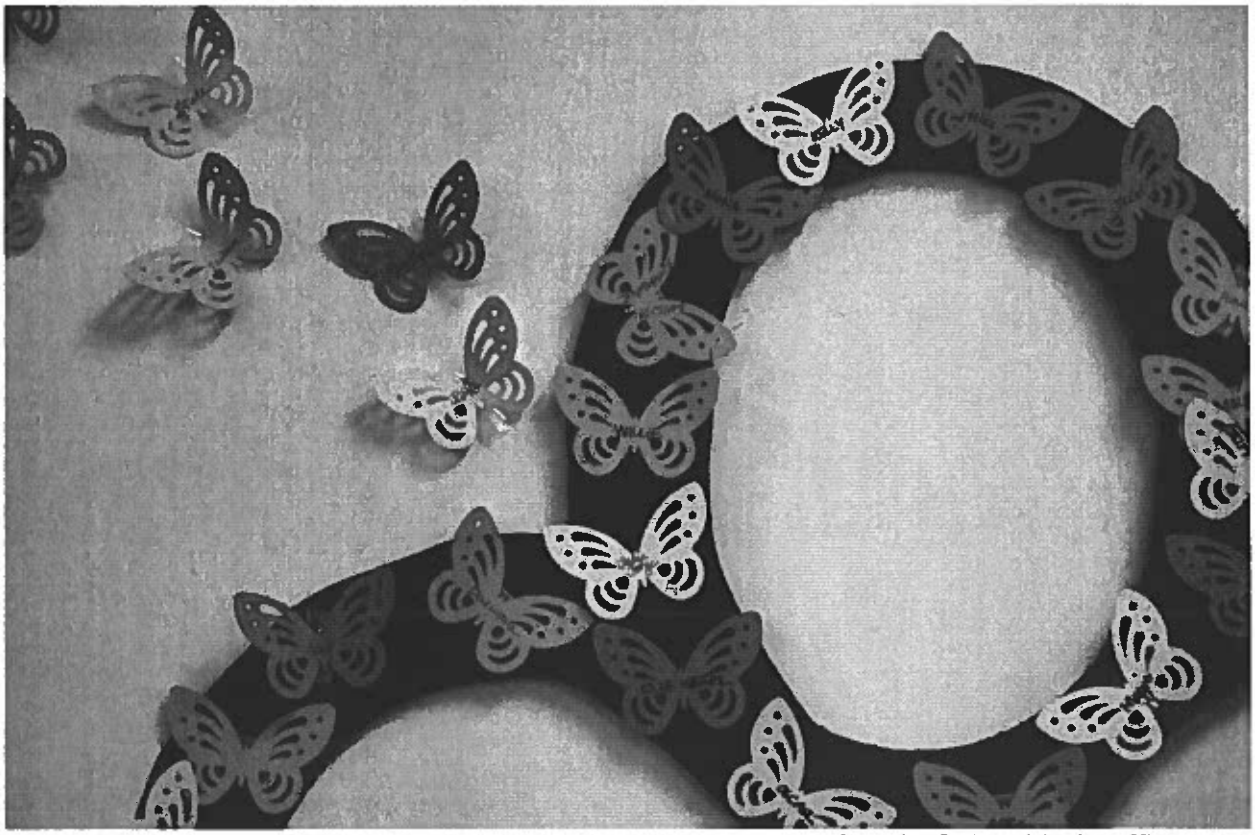
The agency had started the center as a pilot program but the Obama administration moved to make it permanent. "The ad said they were looking for a historian with a PhD who had experience researching conflict and working with archives," said Schneider. "I had never thought about a career in law enforcement."



Ann Schneider occupies an obscure, sometimes more powerful role at ICE: She's the agency's official Latin America historian. (Bonnie Jo Mount/The Washington Post)



Schneider shows copied pages of the "Memoir of the Rio Negro Massacres" by Jesús Tecú Osorio in her office. (Bonnie Jo Mount/The Washington Post)



Names of survivors, advocates and witnesses on a piece of art in Schneider's office. (Bonnie Jo Mount/The Washington Post)

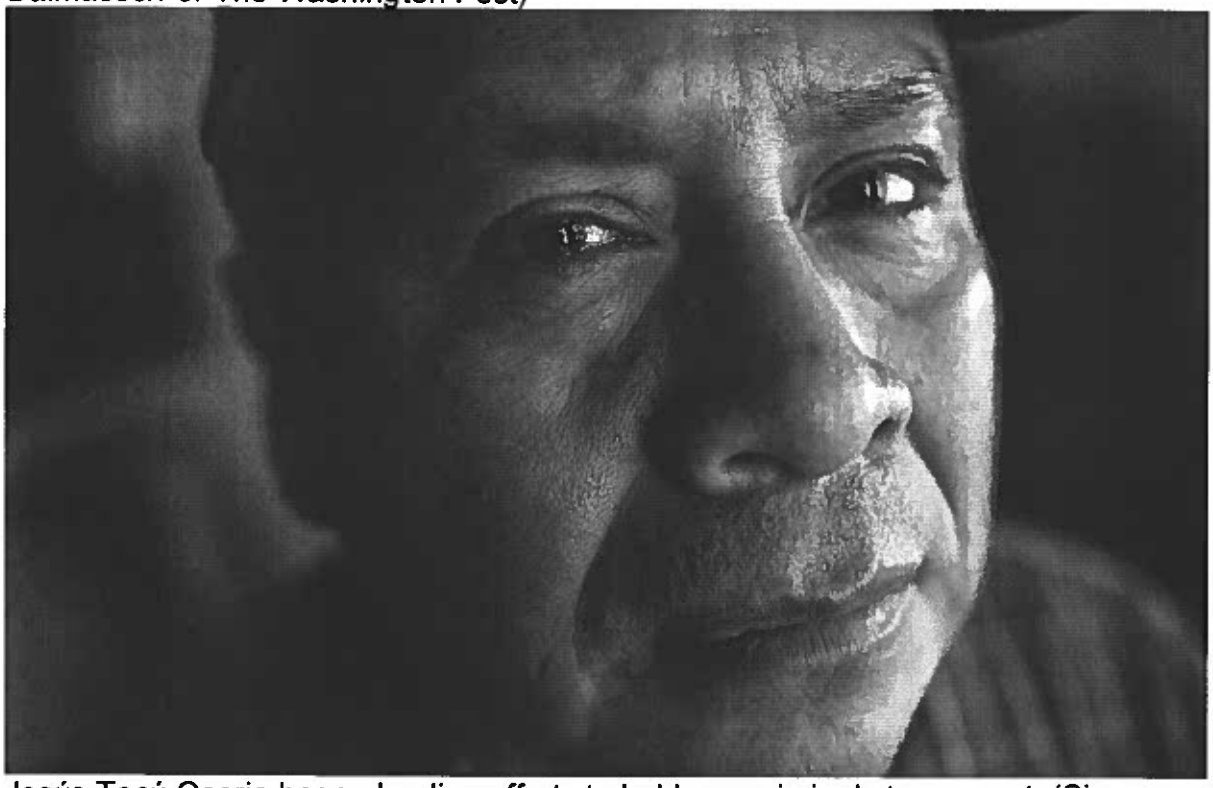
Historians of Latin America who focus on the Cold War are well-versed in the role of the United States in supporting right-wing military governments in Chile, Argentina, Brazil, El Salvador, Guatemala and elsewhere. In some cases, the State Department intentionally resettled former military officials in the United States to create better conditions for peace negotiations.

Democracy can be rebuilt after dictatorship — if the people build it

Guatemalan war criminals had scattered across the United States doing mundane jobs. A former Special Forces soldier implicated in a massacre was working as a cook at a Boca Raton, Fla., country club. A former civil patrolman purchased a discothèque in Providence, R.I. Another soldier accused of war crimes was a house cleaner in Santa Ana, Calif. Each of those men was investigated and ultimately deported.

By the 2000s, Cuxum seemed to have vanished from Guatemala. There were no more sightings of him at family parties in Xococ. His co-workers in the capital lost track of him.

Jesús Tecú Osorio is one of the few survivors of the Rio Negro massacre. (Simone Dalmasso/For The Washington Post)



Jesús Tecú Osorio began leading efforts to hold war criminals to account. (Simone Dalmasso/For The Washington Post)

Some of his other victims, however, had begun to search for him in earnest, encouraged by Guatemala's first prosecutions of war criminals. Some exemptions for serious war crimes had been carved out in the reconciliation law, and there was mounting pressure from victims and NGOs to pursue perpetrators of the most egregious crimes. Alvarado and other survivors could build a case against Cuxum – but it would be useless if they couldn't find him.

Alvarado decided to record her testimony against Cuxum and enter it into the public record, so that it could be used if he was ever located. She got help from Jesús Tecú Osorio, one of few survivors of the Rio Negro massacre, who had begun leading efforts to hold war criminals to account.

Osorio had watched as both his parents and his 2-year-old brother were killed. He was 10 at the time. He said he'd seen Cuxum at the site of the killing. Then he heard the testimonies of Alvarado and other rape victims implicating Cuxum in separate crimes. Osorio began sending friends to Xococ to casually inquire about Cuxum's whereabouts. "I haven't seen him," they would say, feigning concern. "Is he okay?"

Finally, one of Cuxum's relatives volunteered: "Francisco migrated north."

When the news made it to Alvarado, it felt like the slim chance at justice had melted away.

"We'll never get him now," she said to herself.

But Osorio continued his investigation. One day, another tip came through. Cuxum was in Boston.

With a better sense of his whereabouts, Osorio thought, maybe U.S. authorities would be able to track him down. But Osorio didn't know anyone in the U.S. government. So he called one of the few people he knew in the United States, an anthropologist named Kathy Dill, who had done her dissertation research in the municipality of Rabinal, of which Xococ is a part.

Portraits of victims of the 1982 Plan de Sanchez massacre, outside the Rabinal cemetery, in Rabinal, Guatemala. (Simone Dalmasso/For The Washington Post)

A mausoleum commemorates the 86 victims of the massacre of Agua Fria, Uspantan, in 1982, at the cemetery in Rabinal, Guatemala. (Simone Dalmasso/For The Washington Post)

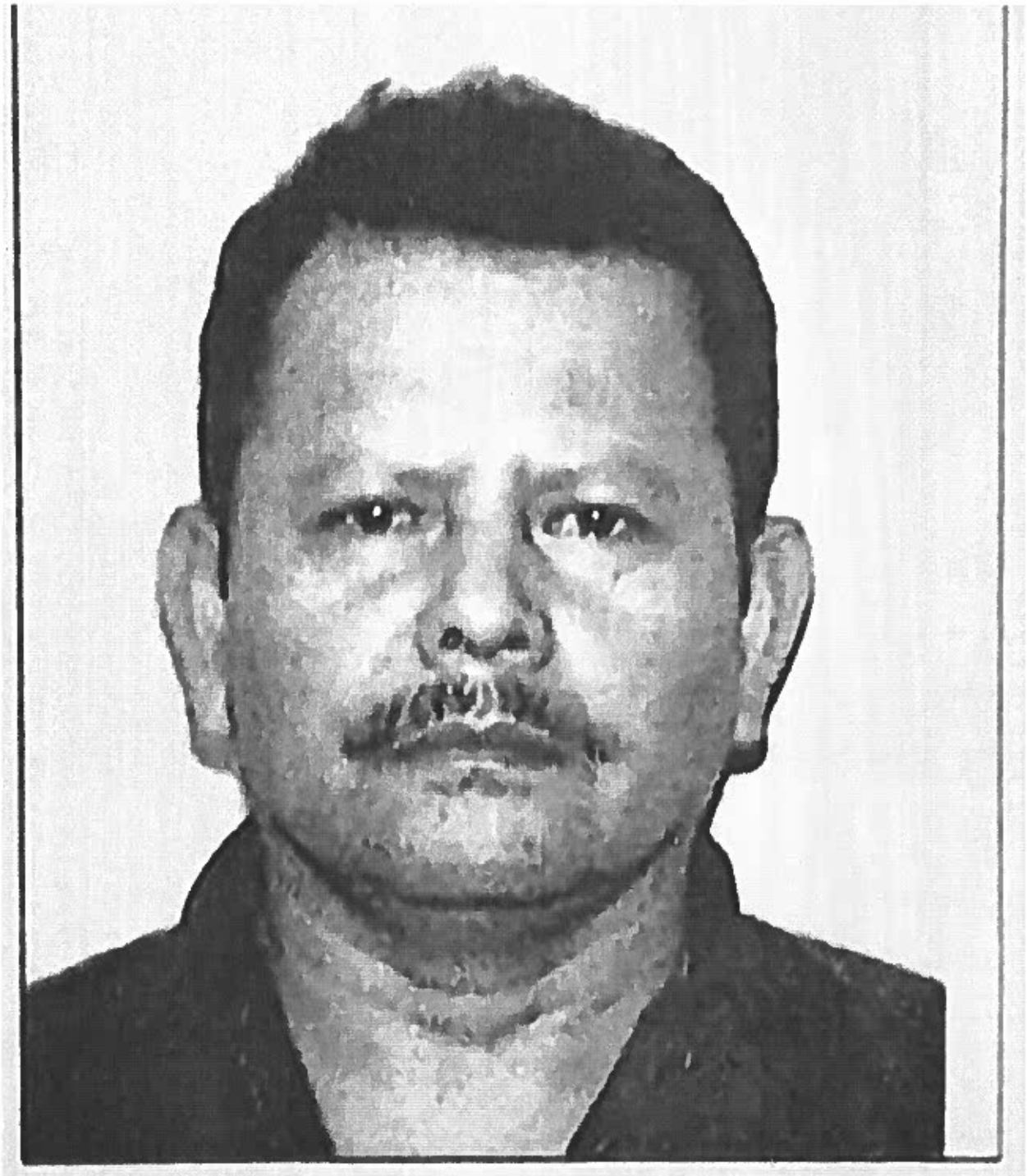
In the 1990s, Dill had participated in several exhumations in Rabinal, helping to identify and document the war dead, partly in the hope that the bodies could be used to help bring criminal indictments.

"Jesús asked me, 'Do you know anyone who can help find this guy? We think he's in the U.S.,'" Dill recalled. She called the historian she had heard about at ICE.

For months, Dill heard almost nothing from ICE. She didn't doubt Schneider's commitment to the case, but realized there were aspects of the investigation beyond her control. After more than a year passed, she wondered if under the Trump administration, officials had decided that Cuxum wasn't worth pursuing.

"I wondered if maybe they thought chasing war criminals was a little too lefty," she said.

Back in Guatemala, Osorio and Alvarado were losing hope. Every day, when Osorio drove to his office at the Rabinal human rights law office, he drove past the home of Cuxum's son, Reginaldo Cuxum, built with remittances from the United States.



Francisco Cuxum Alvarado in a 2004 photo ICE investigators used to track him down in a Boston suburb. (Courtesy of Government of Guatemala)

Making the arrest

When the Cuxum case reached the Homeland Security Investigations (HSI) offices in Boston in April 2019, it was picked up by Matthew Langille, a midcareer federal agent with little experience in human rights cases. "If you had asked me what happened in Guatemala in 1982, I would have had no idea," he said.

Langille's first challenge: Cuxum did not appear in any online profiles, phone directories or conventional databases. "He was a ghost," said Langille.

"His life here was remarkably quiet, unassuming. I think that's the way he wanted it to be," he said.

Langille had two photos of Cuxum: one sent by Guatemalan authorities and another from a Department of Homeland Security database dating back to Cuxum's 2004 immigration arrest along the border in Douglas, Ariz. Cuxum's fingerprints were in the system, too, obtained before his deportation back to Guatemala. His unauthorized return to the United States meant the government would be able to charge him with a felony for illegally reentering the country.

But first Langille had to find him.

An HSI criminal analyst working with Langille traced Cuxum to Waltham, a blue-collar suburb west of Boston with a well-established Guatemalan immigrant community.

The reason many Guatemalans are coming to the border? A profound hunger crisis.

Langille knew some Waltham police detectives from his days working Boston-area narcotics cases. He brought them the photos of Cuxum, and they began querying sources in the Guatemalan community. Within days the detectives came back to Langille: an older man fitting Cuxum's description was working for a Waltham landscaping company, cutting grass, trimming shrubs and living in a modest yellow duplex on Robbins Street, near the center of town.

"He was one of their more experienced landscapers," Langille said, "a guy who showed up to work every day."

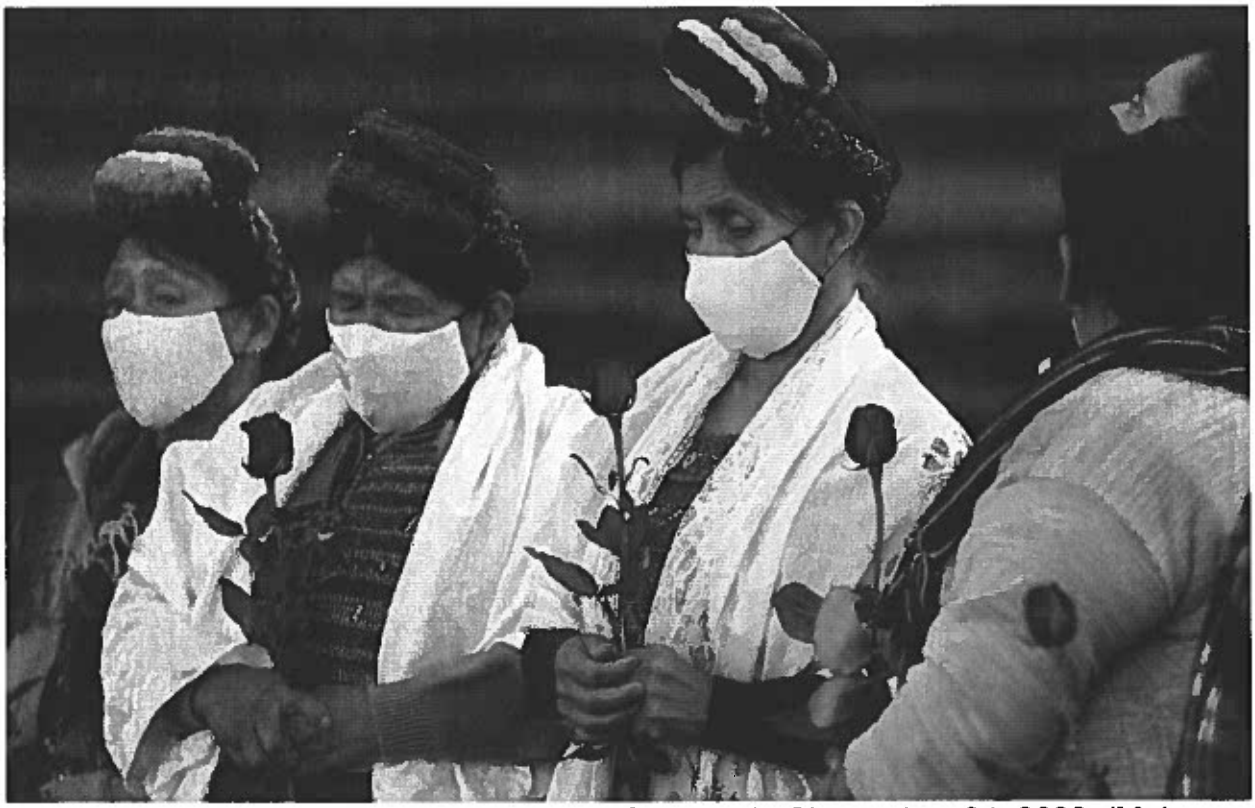
The photos of Cuxum were 15 years old, but when Langille spotted him, he knew right away. Cuxum's large ears, "with long bottom lobes that protruded," were a giveaway, he said.

"When you're looking for someone, there are certain characteristics that don't change much with age," said Langille, recounting the investigation in an interview in Waltham. "You die with your ears the same shape."

Langille didn't want to make the arrest when Cuxum was leaving work, worried his co-workers could try to intervene. Nor did he want to risk a potential confrontation in Cuxum's home.

Langille and a small team set up for the arrest near the spot where Cuxum's co-worker had been dropping him off after work, about 100 yards from the duplex. On April 30, just after 5 p.m., Cuxum got out of the co-worker's truck, crossed the street and headed toward the yellow house.

Cuxum was stoic as he was taken into custody, Langille recalled. He read Cuxum his Miranda Rights, then took him to the Waltham police station so a Spanish-speaking officer could repeat them. There was no mention of Rabinal. "At time of the arrest, I did not inform him of anything related to Guatemala."



Women pray outside the Supreme Court in Guatemala City on Jan. 24, 2022. (Moises Castillo/AP)

Get him talking

Langille called Schneider the next day in preparation for his interview with Cuxum at the jail. They had a slam-dunk case for the illegal reentry charge, but they wanted to get something from Cuxum that might help Guatemalan prosecutors secure a conviction for the rapes and killings decades earlier.

"My task had been to locate him and put him under arrest," Langille said. "But I needed to understand the context, and what happened in Rabinal."

Schneider explained the Rio Negro massacres and Maya Achi rapes, as well as Cuxum's alleged role and the Guatemalan government's case in a "Reader's Digest version," Langille said.

From civil war to civil protest: A director looks back on three decades of filming Guatemala

Schneider did not expect Cuxum to confess to sexual assault and murder. But she wanted Langille to see if Cuxum would acknowledge his participation in Rabinal's civil defense patrols at the time of the atrocities.

"Our job as historians at the center is to give the agents what they need," said Schneider. "First I give them the general landscape, then the portrait."

Cuxum spoke little English, so Langille brought a translator. Using interview techniques he developed interrogating drug suspects, Langille said he tried to build a rapport that would put Cuxum at ease and get him talking.

Relatives of victims of the 1980-1982 "Rio Negro Massacres" take part in a Mayan ceremony in front of the Inter-American Court of Human Rights in San Jose on June 19, 2012. (RODRIGO ARANGUA/AFP via Getty Images)

A woman attends the ceremony in June 2012. (RODRIGO ARANGUA/AFP via Getty Images)

More than 440 Maya Achi people were killed in the Guatemalan village of Rio Negro alone, and up to 5,000 lives were claimed between 1980 and 1982 in Guatemala. (RODRIGO ARANGUA/AFP via Getty Images)

Not long into the conversation, it became clear to Cuxum that Langille wanted to know about more than immigration violations. He was asking about the civilian patrol units, or PACs. Cuxum insisted at first that he was in the military living in Guatemala City at the time of the rapes and massacres, but as Langille began to challenge him, Cuxum acknowledged that wasn't true.

"I was able to press him a bit, and he said he was in the Rabinal PAC," Langille said. "He said he patrolled six days a week and his only purpose was to protect his neighbors."

Cuxum also acknowledged he'd served in the patrols under the command of Carlos Chen Gomez, a convicted war criminal who died in a Guatemalan prison.

Langille prodded further, but Cuxum turned quiet and withdrawn as it became clearer why he'd been arrested. "He had this 1,000-yard stare," said Langille. "He didn't expect that day to be the day this was all brought back to him."

In the hours after Cuxum's indictment, on May 29, 2019, word spread quickly among the former residents of Xococ.

One of Alvarado's sisters sent her the ICE news release over WhatsApp. She had someone translate it and read it aloud.

"I can't believe they got him," Alvarado remembers thinking.

Francisco Cuxum Alvarado returns to Guatemala in late January 2020 following his removal from the United States by ICE officials. (Courtesy of HSI Guatemala)

Officials at ICE asked Osorio if he wanted to fly to Boston to attend the hearing several weeks later. He sat a few rows behind Cuxum in the courtroom and listened to the

judge's sentence: six months in prison, almost certain to be followed by deportation back to Guatemala.
Cuxum turned around to face the gallery. He appeared to scan faces until he saw Osorio. Cuxum scowled at him, a look filled with disgust.
"It was a look that burned through me," Osorio said.
Back in Guatemala, Alvarado saw the photo of Cuxum in the courtroom. He was 64, overweight and balding, wearing a government-issued white sweatshirt.
"Look at him now," she said. "He's an old man."
Within a few weeks, he was in shackles on an ICE deportation flight. Guatemalan authorities detained him after he landed.

Women leave the Supreme Court in Guatemala City on Jan. 24, 2022. (Moises Castillo/AP)

Naming the men

Only once before had the Guatemalan government tried a case of wartime sexual violence in its courts. Within the country's military, which still resisted an accounting of war crimes, opposition to the case was stark. Some former soldiers, civil patrolmen and their relatives posted on Facebook, calling the trial a sham.
For the women of Xococ, it meant that after four decades, they would have to testify in front of their abusers.
The trial started in January 2022 in a courtroom in Guatemala City. Because of coronavirus protocols, Cuxum and the five other men remained in a military prison but followed the proceeding through a video link to the courtroom.
When Alvarado attended the first hearing, she saw Cuxum on the screen. He and the other men were backlit, so it was difficult to make out their faces. The screen was

hanging from the ceiling, and it gave the impression that the men were looking down on them, hovering over the judge.

Francisco Cuxum is projected on a video in court above Judge Yassmin Barrios on Jan. 19, 2022, during a trial in Guatemala City in which Cuxum and other defendants were charged with sexual violence against 36 Indigenous Achi women in the 1980s. (JOHAN ORDONEZ/AFP via Getty Images)

Pedrina Lopez attends the trial on Jan. 24, 2022 of several men accused of sexual assault. (JOHAN ORDONEZ/AFP via Getty Images)

Women identified as victims of human rights violations during the civil war attend the trial of five former civil defense patrolmen at court in Guatemala City on Jan. 18, 2022. (Moises Castillo/AP)

It was more than a week into the trial that the judge called Alvarado's name, asking for her testimony. It had been recorded earlier, so Alvarado listened as her own words were played through the courtroom's sound system, looking up periodically to see if she could discern Cuxum's expression.

In the recorded testimony, she described the men pouring into her house.

"They told me they would cover my mouth and that they would kill me. That they would cover my face. So I didn't say anything," she said.

At the end of her testimony, she named the men she recognized, starting with Cuxum. Up on the screen, his face was too dark to make out any reaction. But she could tell that he was looking straight ahead at the camera. It made it seem like he was staring at her.

War Study Censures Military in Guatemala

It was the end of January when the judges issued their verdict in the trial. Alvarado and some of the other women attended court that day wearing traditional Mayan clothes, hand-sewn shawls over their shoulders.

Before the sentencing, the judges asked if any of the women wanted to address the courtroom.

Alvarado, wearing a white veil over her head, stood up and walked closer to the judges. She knew the men weren't being tried for her husband's murder, but she felt strongly that the same men who raped her had also killed him and hid his remains.

"I want you to hand over my husband, to tell me where you put his body, to give me his remains."

"I am still in pain after so many years. I am here seeking justice," she said.

Schneider was watching the trial in Northern Virginia on a live stream, thinking of Alvarado and the other victims. "A journey that took 40 years," she said.
Soon after Alvarado's testimony, the judges prepared to read their decision.
"The women were subjected to continuous rape and also to domestic slavery," Gervi Sical, one of the judges said. "We the judges firmly believe the testimonies of the women who were sexually violated."
Cuxum and the other men, including two of his brothers, were sentenced to 30 years in prison.
Alvarado cried silently.
Weeks later, she was sitting on the edge of her bed in her studio apartment. The trial had gotten more attention in Guatemala than she had expected. Local newspapers had published front-page stories with her photo.
Now she was wondering if she could return to Xococ to visit her family. Would Cuxum's relatives try to attack her? What about his former military colleagues?
"Maybe I just won't go," she said. "Maybe I shouldn't go back again."

Guatemalan Achi women outside the Justice Palace in Guatemala City on Jan. 24, 2022 react at the end of the trial against five former Guatemalan Civil Patrol members. (JOHAN ORDONEZ/AFP via Getty Images)

Sieff reported from Rabinal and Guatemala City. Miroff reported from Waltham, Mass., and Tysons, Va.