

Testimony of

Juan Romagoza Arce

November 14, 2007

Testimony of
Dr. Juan Romagoza Arce
Executive Director, La Clinica del Pueblo
Plaintiff, Arce v. Garcia
Before the
Subcommittee on Human Rights and the Law
Committee on the Judiciary
United States Senate

No Safe Haven: Accountability for Human Rights Violators
in the United States

November 14, 2007

Chairman Durbin, Ranking Member Coburn, and Members of the Subcommittee, thank you for inviting me to testify about the importance of accountability for human rights abusers in the United States. I am honored to appear here today and I would like to thank you, Mr. Chairman, for the opportunity to speak on behalf of the hundreds of thousands of survivors of serious human rights abuses living in the United States who cannot be present today.

I am a surgeon who cannot perform surgery. A surgeon's tools are his or her hands, and mine have been rendered useless as a result of torture. My torturers stripped me of my most treasured gift.

Today I share with you my personal story of survival. Even after all of these years, it is very painful for me to recount these memories. Unlike my many brothers and sisters in El Salvador who were killed, I am still alive and one of the few who can tell this story. I do not think it fair to remain silent. Scars cannot be erased with treaties and amnesty.

The men responsible for my torture live in the United States - in fact, two of them currently live legally, openly, and comfortably in Southern Florida. In 2002, I, along with two courageous co-plaintiffs, forced these two men - General José Guillermo Garcia and General Carlos Eugenio Vides Casanova - to face trial in a civil suit that we brought in United States federal court with the help of the Center for Justice & Accountability (CJA). Confronting my torturers in a court of law was one of the most difficult and important things that I have ever done in my life - maybe one of my proudest moments.

The civil remedy available to me and my co-plaintiffs under the Torture Victim Protection Act provided me, at the very least, with my day in court. However, this civil remedy does not prevent perpetrators of torture from continuing to live openly and comfortably in the United States. I urge the authorities of the United States to make criminal remedies a reality for survivors of serious human rights abuses like myself.

A Story of Survival

Growing up in rural El Salvador, I always knew that I wanted to be a doctor. I witnessed first-hand the effects of the lack of medical care on my family and community. My grandfather died of a heart attack at age 58 and I watched many childhood friends die of malnutrition and parasitic diseases. As a medical student, I dreamt of specializing in cardiac surgery. But because of El Salvador's increasing unrest, I spent most of my time helping to start a free clinic at the University of El Salvador where we treated survivors of torture and the poor. While working as a resident, I

witnessed the military storm my hospital and kidnap a patient. In another instance, security forces gunned a recovering patient under my care to death. I was never politically involved or a guerrilla. I simply believed in basic principles of assisting the poor.

As a young doctor in El Salvador, I worked with the medical school at the University of El Salvador and the Catholic Church to help establish medical clinics for the poor in rural areas as well as in the capital, San Salvador, and began performing surgery in the field for those who could not make it to a hospital. I was working at one of these rural health clinics on December 12, 1980, when two vehicles carrying soldiers from the local army garrison and the National Guard pulled up and opened fire with their machine guns upon a crowd of people. I was shot in the right foot and another bullet grazed my head. The soldiers and Guardsmen then detained me as a "subversive leader" because I possessed medical and surgical instruments.

The soldiers arrested me and transferred me to a helicopter. During the ride, my captors threatened to throw me off. I was taken to a cell in El Paraiso (ironically, "heaven") where I was interrogated and tortured. I feared I would never see my newborn daughter Laura ever again.

The next day, I was taken to the headquarters of the National Guard in San Salvador. I was blindfolded. My captors kept saying they were taking me to the "best hotel in El Salvador." For the next 22 days, three to four times a day, National Guardsmen subjected me to unspeakable torture: electric shocks to my ears, tongue, testicles, anus and the edges of my wounds until I lost consciousness. The Guardsman forced me to regain consciousness by kicking me and burning me with cigarettes. They sodomized me with foreign objects and subjected me to additional electric shocks and asphyxiation with a hood containing calcium oxide. I was also subjected repeatedly to various forms of waterboarding where my head was immersed in water to simulate drowning, including being hung by my feet and having my head held in a bucket of water until I almost drowned.

I was tortured in such a way as to ensure that I could never practice my chosen specialty of surgery again. They broke my arm and fingers, causing me to lose normal function and movement in my hand. I was never treated for any of my injuries.

At the time of my torture, General José Guillermo Garcia was the Minister of Defense of El Salvador and General Carlos Eugenio Vides Casanova served as the Director General of the Salvadoran National Guard.

One day was different than all the others that I spent in detention. My captors told me that "the big boss" was coming to see me. They also referred to him as "my colonel." General Vides Casanova came to my cell. I was chained to the floor when he arrived. He interrogated me about my uncles in the military, pressing me to see if they were aligned with the armed opposition. Vides Casanova showed no concern for my well-being. Once he left, I had to endure many more days of extreme torture. Several of these days they kept me locked inside of a coffin.

I was never charged with any crime. I was never brought before a judge. I was not allowed to speak with anyone. When I was finally released, I could not walk and weighed only 70 pounds. One of my uncles, a member of the military, came to get me. As I left the facility, I had another look at Vides Casanova, who was standing just outside the Guard facility. I later learned that Vides Casanova's office was only 150 feet from the cell where I was kept.

I had to go into hiding as soon as I was released. I could not receive medical treatment at a hospital. A medical colleague treated me once, but was afraid to do so again. This friend was killed a year later. I had to self-treat for infections, loss of blood and malnutrition, as I had been given almost no food and water for the entire period of incarceration. I fled El Salvador and came to the United States. I applied for and received asylum and I have since become a United States citizen.

An Imperfect Justice

Both General Garcia and General Vides Casanova eventually left El Salvador and settled in South Florida. They have been permanent residents of the United States since 1989. Garcia was granted political asylum on the grounds that he and his children had been threatened during the war. Vides Casanova was allowed to enter the United States

despite a 1983 report to the State Department that he likely participated in the cover up of the murders of the four American churchwomen in El Salvador in 1980.

The churchwomen had been dead for 18 years when I got a call from the Center for Justice & Accountability about the possibility of joining a civil lawsuit against the Generals. This was not an easy decision for me. I worried about the many members of my family who remained in El Salvador. But out of respect for the many who died in El Salvador - particularly the churchwomen - I found the courage.

Those who opposed the case did not make it easy for me: I can still recall today the chilling phone calls and numerous threatening letters. An anonymous caller reached me by phone in Washington to say: "If you weren't happy with your rape in El Salvador, we will rape you here. We will find you in the street. We know where you live."

But when I testified a strength came over me. I felt like I was in the prow of a boat and that there were many, many people rowing behind that were moving me into this moment. I felt that if I looked back at them, I'd weep because I'd see them again: wounded, tortured, raped, naked, torn and bleeding. So, I didn't look back, but I felt their support, their strength and their energy.

Being a part of the case and having the opportunity to confront these generals with these terrible facts provided me with the best possible therapy a torture survivor could have.

On July 23, 2002, a federal jury found that these two men were liable for my torture. The case marked the first time any of the former Salvadoran military who have settled in the United States had been held accountable for the mass atrocities committed against the civilian population of El Salvador. I am proud to say that this case inspired several more Salvadoran survivors to seek accountability against their perpetrators.

On-going Injustice

Despite the overwhelming evidence amassed by my attorneys - evidence that led the jury to find the generals responsible for my torture and other human rights abuses - these two individuals remain in the United States today. They are not on the run. They are not facing criminal charges. They are not even facing deportation back to El Salvador. They continue to live here legally, openly and comfortably.

It is hard to express the anger and frustration I and so many members of my community experience when we think about the fact these men, these known-human rights abusers, live in the same country where we have found refuge from their persecution.

For these human rights abusers, the United States remains their safe haven.

1 Dr. Juan Romagoza is the Executive Director of a free health care clinic, La Clinica del Pueblo, in Northwest Washington D.C. Dr. Romagoza was named one of Washingtonian magazine's Washingtonians of the year, 2005, for his work at the clinic to serve low-income Latino families.

2 CJA has represented torture survivors and families of those extrajudicially killed in two subsequent cases brought against former Salvadoran officials found to be living in the United States. See *Doe v. Saravia*, 348 F. Supp. 2d 1112 (E.D. Cal. 2004); *Chavez v. Carranza*, 413 F. Supp. 2d 891, 895 (D. Tenn. 2005). See, www.cja.org.