



## Update on Second Day of Testimony in Removal Trial of Salvadoran General García December 12, 2012

### Testimony of Dr. Juan Romagoza Arce

#### Direct Examination

Today was an emotional day in the small courtroom of Immigration Judge Michael Horn on the fourth floor of the DHS building in Miami. CJA client Juan Romagoza gave moving testimony about his experiences as a doctor in El Salvador and then about his capture and torture by the Army and the National Guard. Today is the 32<sup>nd</sup> anniversary of those events.

Dr. Romagoza told the courtroom about his training at the National University and then at various hospitals in the San Salvador area. He described in detail how he had completed surgery on a patient who then was in the intensive care unit, when members of a death squad came into the building and shot the man. They had ordered Juan and the nurses onto the floor and after they were certain the death squad departed, they looked out the window and saw military vehicles from the Army and National Guard on the street. The civilian clothed men entered them and sped away.

Juan also told the court about three mass demonstrations in which the military and security forces opened fire on demonstrators.

At the October 29, 1979 demonstration (not two weeks after the coup and García's ascendancy to power as the Minister of Defense) the military started firing on people in the central market area. Juan hid in a stranger's doorway and then quickly joined others to put bodies on a truck to take them to the clinic that he and others had set up at the National University. There he tended the wounded and readied the dead for burial.

Dr. Romagoza was working in the hospital Benjamin Bloom across from the campus when it was occupied by the military and witnessed students being slaughtered and the campus being looted. As a result he and other volunteers set up a clinic on the campus of the University of Central America, the Jesuit campus where six priests and their housekeeper and her daughter were slain nine years later.

The focus of Juan's testimony was his own abduction on December 12, 1980. At that time, he was conducting a clinic in the rural village of Santa Anita where the villagers were gathered to celebrate the holiday in honor of the Virgin of Guadalupe. When the military trucks arrived – Army, National Guard, and civilian clothed death squads – Juan and others told the villagers to stay calm. No one could believe they were in jeopardy as they celebrated a special day. They were wrong. The soldiers and Guardsmen opened fire, wounding many including Juan. Juan was wearing special boots given to him by one of his cousins which generally were worn by Boy Scouts. The soldiers accused him of being a guerrilla commander because of his boots and dragged him to a waiting truck.

From there, he was taken to a helicopter and flown to the military barracks of “El Paraiso (Paradise).” Never has a place been more inappropriately named than this one. Juan testified to the two days of hell he suffered there before being transferred, again by helicopter, to the National Guard Headquarters in San Salvador. Despite his blindfold, he said he could see the soccer field with which he was familiar, and that a soccer game stopped as the helicopter landed by the field.

DHS Attorney Gina Garrett-Jackson handled the direct examination of Juan’s horrific 22 days of captivity and torture with a gentle touch. She asked him to recount generally what his experiences were there without necessitating going through every detail. What she did solicit made it patently clear that Juan had suffered torture repeatedly in its many, varied forms that characterized the kinds of torture used in those days in El Salvador.

Juan clarified that he was tortured in such a way as to prevent him from ever being a surgeon again. Ms. Garrett Jackson focused on the visit to Juan’s cell of someone referred to by the guards as “El Mazizo” (The Burly One/Strong One). Before he came to visit, the guards roughly cleaned Juan’s wounds. His gunshot wounds had not been cleaned at all. They were still cleaning them when “El Mazizo” entered – now being referred to as “mi Colonel” by the guards. This man questioned Juan, especially about the possible complicity of his two uncles who were military men with the guerrillas. Juan was still lying on the floor, looking up at this man through the opening in the bottom of his blindfold. He could see his boots, uniform, buttons on his clothing and demeanor and hear his voice. He had no doubt that Mi Colonel was Col. Vides-Casanova, the commander of the National Guard. Dr. Romagoza saw Vides again when he was released several days later into the arms of his uncle. At 70 pounds (he had lost about 50 pounds in just these three or so weeks), he could not stand on his own. Juan talked about the enduring consequences of such treatment, mentioning his loss of fine motor skills, amongst other long term consequences of his treatment.

His testimony included a moving description of his motivations to do the work he did in El Salvador as a doctor and health care provider in rural areas and to displaced persons and others in the city. He said that he worked with the Christian-based communities and believed in putting the Gospel into practice. He believed it was his obligation to help the weaker ones in society as the Gospel says and to provide them care and attention.

#### Cross Examination of Dr. Juan Romagoza

Cross examination by García’s lawyer, Alina Cruz, ranged over numerous subjects, taking an unexpected two hours. On several occasions she tried to characterize Juan’s capture as the result of a battle between guerrillas and soldiers and even accused Dr. Romagoza of being a guerrilla. Juan calmly explained the circumstances in Santa Anita at the time of the capture and that there was no battle going on there. She pressed on the incident at the hospital when the young man was killed, asking incredulously, “Why would someone in plain clothes come and do the horrible things you describe?” Juan answered matter of factly, “I don’t know. That is just the way the Army and the Security Forces acted back then.” When she accused Juan of fabricating the incident, he reminded the courtroom that he had taken the shell casings from the guns to

Archbishop Romero who had mentioned them in his weekly Sunday homily when he recounted human rights abuses he had heard that week.

Judge Horn asked Juan a number of questions about his entry into the U.S. and his application for asylum. He recounted that he had not applied for asylum when he arrived in the U.S. because at that point in time (1983), Salvadorans were being granted asylum at the rate of less than 3%. He mentioned that he appeared on a television program with an INS agent where he told of being arrested and tortured in El Salvador. Afterward the show ended, the agent told Juan the he should have a good chance of being granted asylum. Juan was granted asylum in 1988.

Professor Terry Karl is due to testify tomorrow and likely her testimony will take at least one full day. On that schedule, the defendant, General García, will likely testify Friday.

Prepared by CJA Senior Legal Advisor Carolyn Patty Blum, December 12, 2012.