

**Central America Caucus and Tom Lantos Human Rights Commission**

*Briefing Series on Accountability*

**Forced Disappearances during El Salvador's Civil War and their  
Consequences Today**

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**TRANSCRIPT BY CQ ROLL CALL**

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The Tom Lantos Human Rights Commission (TLHRC) and the Central America Caucus hold a briefing on "Forced Disappearances During El Salvador's Civil War and Their Consequences Today." (24/48)

Subject: Foreign Affairs

Participants: Rep. Jim McGovern, D-Mass.; David Morales, human rights ombudsman, El Salvador; Leonor Arteaga, senior program officer at the Due Process of Law Foundation; Sara Aguilar, daughter of a disappeared father; and Jimmy Francisco Ortiz Rodriguez, nephew of two disappeared uncles

Location: 2456 Rayburn House Office Building

Time: 10:00:00 Date: 2016-04-14

MCGOVERN: I'm Congressman Jim McGovern from Massachusetts and the folks here are the Tom Lantos Human's Right Commission. And on behalf of myself and Congresswoman Torres, I want to welcome everybody here today.

And -- and I -- you know, and I want to -- it gives me great pleasure to welcome you to our briefing on forced disappearances during El Salvador's civil war and their continuing consequences for victims and families as well as freedom and rights and the rule of law in El Salvador.

This is, I think a very important topic and quite frankly something we should have been paying attention to, you know well before date that we're gathered here today. I want to recognize the

four distinguished organizations that are co-hosting this briefing, along with the -- the -- the Central American Caucus and the commission.

And that the Mauricio Aquino Foundation, founded by relatives of person who have disappeared in El Salvador. The Washington Office on Latin America, founded to promote human rights in U.S./Latin American relations.

The Due Process of Law Foundation, dedicated to strengthening the rule of laws for Latin America, and the Center for Human Rights of the University of Washington, which is partnering with the Institute for Human Rights of the Central American University to apply international justice precedence in the Salvadorian context.

I can't imagine a better, more committed group of organization and people to -- with whom to share this podium today.

As many of you know, I got my start in human rights in El Salvador.

Before I was elected to Congress, I was privileged to work for 14-years as a senior aid to Congressman Jim Oakley of Massachusetts. In that capacity, I was appointed by the congressman and speaker of the house to help a congressional investigation into the brutal murders of six Jesuit Priests and their housekeeper and her daughter.

That -- those murders were committed in 1989 at the University of Central America in San Salvador, in the context of the Salvadorian civil war. The investigation was successful in the sense that we were able to determine who was responsible, the Salvadorian military, ordered and carried out the murders.

And because of it, that led to changes in U.S. policy toward El Salvador. But justice of -- for the victims has been much more elusive. Two convictions on the first trial in El Salvador in 1991 were set aside by the 1993 Embassy Law.

More recently there have been some advances at the international level. In February, a U.S. judge cleared the way for Inocente Orlando Montano, a former Salvadorian Colonel to be extradited to Spain to face charges that he helped plan the slayings.

Montano has been in U.S. custody because he was convicted of immigration fraud after happily living in my home state of Massachusetts for ten years. A disappointing step forward, it's taken more than 25 years to achieve.

As unsatisfactory as that experience has been, think now about the situation of the people we will hear from today, who are victims of the human rights violation known legally as enforced disappearance.

The arrest, the detention or abduction of a person by agents of the state, who then refuse acknowledge the deprivation of liberty or conceal the fate of the whereabouts of the person, leaving him or her without any legal protection.

Alexandria Aquino and Sara Aguilar were babies when their fathers were forcibly disappeared, never -- never to be seen again. Jimmy Ortiz has spent most of his life in the shadows of forced disappearance of two of his uncles. Their relatives are among at least 5,500 people whose fates remain unknown, and the number may be much, much, much higher.

They are disappeared. Each of those people had families, mothers, fathers, sisters, brothers, spouses, children, all had hopes and plans for a future that was brutally denied to them and to their loved ones.

Forced disappearance is a terrible crime because it doesn't end. There is no body to bury, there are no rights to perform, only unceasing questions about what happened and why, along with the, perhaps inevitable tiny hope that maybe somehow the loved one managed to survive and he or she is still out there somewhere.

Forced disappearance is a kind of continual torture imposed on all those left behind. In December 2010, a new U.N. treaty with the international convention for the protection of all persons from enforced disappearance went into effect.

The convention affirmed that forced disappearances constitutes a crime against humanity when practiced in a wide spread or systematic manner. And states clearly that no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency may be invoked to justify the practice.

Unfortunately, neither El Salvador nor the United States has signed or ratified the convention.

So, what are the prospects today for justice in -- for El Salvador victims of forced disappearance? And not only justice, what are the prospects for learning the truth, finding and identifying remains, receiving reparations, and guaranteeing that forced disappearance does not continue to occur.

These are the questions that we're going to discuss here today. Now let me just finally say, that as members of Congress, I think we have a special obligation to put pressure on our government, to make sure that all the facts that we know about some of the individuals who have been disappeared are made available to the families and the organizations that want to find the truth. And we also need to pressure the Salvadorian government, quite frankly. The president of El Salvador should own up all the relevant institutions to release all the relevant documents so that people can find out the truth.

This shouldn't be a heavy lift. This is the right thing to do. And the reason why it is important to do it now, is because a lot of the people that were involved in some of the crimes that we're talking about here today, are getting older.

Some of them have died. They know where the documents are. They know where the information is that can help to give these families the peace of mind, to allow them to bury their loved ones.

And so we will be working with -- in trying to put together an appeal to both our government and to -- and to the government of El Salvador to assist in what is being -- what is being asked here today.

So I look forward to the statements and the recommendations and how the U.S. Congress can help Salvador victims of this terrible practice of forced disappearance and I'll turn this over to Leonor Arteaga, who is with the Due Process of Law Foundation, who will moderate this panel and again, thank you all for being here.

ARTEAGA: Thank you.

(APPLAUSE)

Thanks Congressman Jim McGovern for your words and courage to all of us to keep going and pushing for some changes in El Salvador that is needed and now for victims of human rights violations that have been waiting for so long to get an answer from the government.

So welcome everybody and thanks for joining us here today for this briefing of the investigation for disappearances in El Salvador civil war and implications for the justice as seen here today.

We also want to give special thanks to U.S. House of Representative Central America Caucus and the Tom Lantos Human Rights Commission for making possible this -- this briefing. Today we have with us a privilege delegation from family-less children of the disappeared in El Salvador and also David Morales, the Ombudsman of El Salvador.

The children of the disappeared today will break the silence surrounding the abduction of their parents during the 12-year civil war in El Salvador in which thousands, probably 10,000 of people were disappeared at the hands of government security forces.

The United States provided the Salvadorian government more than \$4 billion in economic and military assistance during the war. And speakers who saw their parents and relatives disappear are now adults, professionals, living, some of them in the U.S. and they're American citizens and some of them still live in -- in El Salvador.

They are joined today, as I said, with David Morales, who's been a long time expert and someone very committed with the impunity -- against impunity agenda in El Salvador. They will be calling today on the U.S. and the Salvadorian government to release sealed information that might be -- that might be helpful to determine what happened to the disappeared.

And they will be also calling for a commission in El Salvador to investigate all cases for disappearances during the civil war. This surviving children of family are asking their American government and also the Salvadorian government to assist them in the search for the truth about the disappearances of their parents and family.

So I will give the floor to them and first we will have Alexandra Aquino-Fike. And she is the co-founder of Mauricio Aquino Foundation. She's also a lawyer, and she will give us our testimony -- her testimony today. So with...

AQUINO-FIKE: Thank -- thank you Leonor, and thank you Representative McGovern and your staff for generously receiving us and for your, you know, your just extreme support. It's really humbling for me.

I also want to thank the Lantos Commission and the Caucus for hosting us. It's an honor to be here with you and for all of you for taking time out of your busy days to join us and to hear our stories.

Again, my name is Alexandra Aquino-Fike. I was born in July 21, 1979 to Silvia Rosales-Fike, my mother here. And Mauricio Aquino Chacon. I am the proud graduate of Wellesley College, U.C. Berkley School of Law, and Harvard Kennedy School.

I'm currently the Vice President of Development of Hispanics in Philanthropy based in Oakland, California. This is a story of my early beginnings which has made me into the person I am today. On Wednesday of Holy Week of April 1981 -- April 15, 1981, so 35 years to the date tomorrow, uniformed and heavily armed members of the Policias de Hacienda, one of the security forces of the Salvadorian military, stormed into my family's home just before midnight.

And before my poor mother's eyes, they forced my father into a military truck with other -- where prisoners had already been tied up and bound. They were lying on the flatbed of the truck. They put my father in that truck and despite the protest of my mother and my grand-uncle, a retired general of the military, they took him away, and in the middle of the night.

We never saw my father, or heard from him or received any word about his whereabouts ever again. And to this day his status remains disappeared. I was only 18 months old. I was a baby. I have no memories of my father. He was literally disappeared or erased from his family, from his friends, from his community without any formal charge, trial or adjudication.

Like 10,000 other Salvadorians, my father was a victim of forced disappearance at the hands of the Salvadorian military during the armed conflict. And although my family sought through various legal, informal and formal channels to find information about his whereabouts, we never received anything.

I am proud to be the daughter of Mauricio Aquino Chacon. He was an amazing, loving father, brother, son, husband who cared about democracy, human rights, economic development. For the crime of trying to speak out about those issues at that time, he was disappeared. I am now a mother of a two-year old son.

I cannot imagine the horrifying realization that he must have gone through that he would never ever see us again. That he would never get to see his daughter, kiss his baby girl, kiss his wife, hug his mother and father. I just cannot imagine. It's an unimaginable horror and it's an horror and a trauma that continues to affect my family.

Quite honestly, it's a gaping hole in my heart. But, I am continuing his legacy through my professional work, through my educational achievements and now through this campaign, through this foundation, I am privileged to be organizing. I'm proud to be working with other students and the colleagues of mine who are also children of the disappeared.

It's truly beginning a healing process for us, but it's only the beginning. And we are here today in front of you to seek your support and your help and an agenda. We're basically asking for three things. We would like the Salvadorian government to declassify records pertaining to the forced disappearances of Salvadorians during the armed conflict.

We would like the Salvadorian government to create a commission, a national commission charged with the duty and with resources to investigate forced disappearances of adults during the armed conflict.

And we would like the U.S. government to declassify records belonging to the CIA and the State Department again pertaining to the forced disappearances. These operations committed during the armed conflict. We want truth. We want information.

And ultimately we want to bury our parents. Every human being deserves that sacred right, that sacred ritual of burial. That's all I want. I want to find my dad and I want to bury him. And thank you.

ARTEAGA: Thanks Alex.

(APPLAUSE)

REP. NORMA TORRES: Good -- or good morning everyone. Thank you so much to the panel and everyone that has come here today to talk about this very, very important topic, the terrible crimes that were brought upon people that were speaking out, were seeking a better government for themselves and for the families.

My heart goes out to you, the stories are incredible. Thank you for sharing with us. We have a commitment here in Congress. A refocus on Central America, specifically the Northern Triangle. As the co-founder of the new caucus that is focused on Central American issues, working with you to address the disappearances to ensure that we bring law and order to these countries and we bring justice to the victims, to the families of the disappeared is a priority.

Human rights will continue to be a priority for us as founding members and as we continue to grow our caucus. So thank you all for joining us today and thank you for the opportunity to say good morning to you and to wish you a great meeting and I hope that all of us come out of this with an agenda to ensure that we bring the rule of law back to Central America.

(APPLAUSE)

ARTEAGA: Thanks a lot to Norma Torres for your also encouraging words and David for all your support El Salvador and then Northern Triangle and for your solidarity with the victims.

And now we welcome Sara Aguilar, and she's a documentary film maker, editor, director and also a daughter of a disappeared victim in El Salvador. So, please?

AGUILAR: Thank you. Thank you for being here today and, it is truly an honor. I will share a little bit about myself. My name is Sara Aguilar. I was born in San Salvador. I moved to Los Angeles when I three-years old. I am a mother, an artist and educator and a documentary film maker.

There were challenges of representations of Latinas in film, and the contribution made by underrepresented groups. As a freelance videographer, I work directly with organizations and community that seeks to uplift our communities' health and wellbeing through art practices.

My father, (inaudible) Aguilar was born in Santa Ana. He was a philosophy professor. He grew up at a very early age because his mother left to the United States to find work when he was only 13-years old.

He was left to raise two of his younger siblings and -- and learned how to be responsible at a very early age. When my grandmother would send shoes, clothes, money back to them, he would always take one pair for himself and wear them until they holes in his shoes and give the other pair to somebody who really needed them.

As a young boy, he dreamed of being a Jesuit priest in the Catholic Church, but was denied because of some familial circumstances. He and my mother were married in 1980 under a mango tree.

Both of them thought and were organized in the student movement. They believed in an egalitarian society for people from all walks of life. My grandmother recalls how excited my father was to learn about soon becoming a father.

My mother tells me that he would tell his colleagues at work how he would have to leave the meetings early so that he could come home to rock and bath me before I sent to sleep. He would lay out a mat on my maternal grandmother's living room floor and put books all around so that he could simultaneously read and play with me.

He was a very loving and caring father. One that I only know about through stories. Both my father and mother continued being active in the popular movement. After I was born they formed part of an organization of students called the (inaudible) at the National University, and were organized with the FMLN.

My father would accompany peasants to the National Assembly to assure their voices were heard. He would organize -- organize protests, marches and rallies to demand justice. On September 27, 1981, my father was disappeared. I was only 15-months old.

He left the house one day in the early morning to a meeting and was never heard from again. Colleagues called my mother and asked if he had attended the meeting. She had no idea where he could be. All she could say is that he left early that morning.

Colleagues investigated and no trace of him was ever found. My mother and I were asked to leave the house where we were staying because of fear of repercussions to the family that we were staying with.

We moved into my grandmother's house and then again, shortly after to my great-grandmother's house. During that time, university students and professors in San Miguel were being persecuted, captured and killed by the National Guard and death squads.

Some people say that my father was captured by the National Guard, taken in one of their vehicles, killed and buried somewhere on the side of the road between San Miguel and (inaudible), but at the time, it was impossible for my mother to go and search.

Doing so would have put us in great danger and risk of death. To this day, nobody knows what actually happened to the remains of my father. Eleven months after his disappearance my maternal grandmother's house was ransacked.

My grandfather, uncle and aunt were captured and imprisoned. The next day, two members of the death squad, dressed in civilian clothes found my mother and I at her friend's home. They captured my mother, detained her and tortured her.

When the International Red Cross found her ten days later, they transferred her to a women's prison. After 11 months, after her release, we left the country. When the peace agreements were signed in 1992, my maternal grandmother went to the Arch-Bishop to name my father as a forcibly disappeared person.

However, there were so many cases that it was impossible to investigate and nothing was ever opened. On my grandfather's side, his current wife went to look for information regarding my father and was shocked by a (inaudible) to no avail because of lack of information of his (inaudible) and his organization. There was still a lot of fear and hesitation on families' part. My father's legacy lives on through me and my nine-year old daughter, who lived and fought for fair and equitable treatment of others of the poorest people. He lives on in the work that I do and the stories that I document. Today I honor his life by using my voice to speak truth to power. I demand to know what happened to my father.

I want to lay his bones to rest and give him the proper burial that he deserves. Salvadorians, the image I ask for to have a collective trauma, it needs to be addressed and as convenient as it is to acknowledge that our -- to acknowledge our painful past the time has come to put pressure on the government to recognize this huge atrocity.

The current state of the country can no longer afford our silence.

(APPLAUSE)

ARTEAGA: Thanks so much for sharing this very powerful and painful testimony. And now we'll welcome Jimmy Francisco Ortiz. He is a human rights lawyer in El Salvador and he's the nephew of two victims of forced disappearance -- I'm sorry, and he will speak to you in Spanish.

So please if any one hear doesn't speak and doesn't understand Spanish, I am making his (inaudible) the headsets.

(CROSSTALK)

(UNKNOWN): Are you all ready?

RODRIGUEZ: Yeah.

(UNKNOWN): OK, great.

RODRIGUEZ: Thank you for being here. Thank you for support us. Thank you for seeing us, but I feel more comfortable speaking my mother tongue, so just tell you about part of my life, so I'm sorry. (UNTRANSLATED).

(APPLAUSE)

ARTEAGA: Now we will hear David Morales, he is Human Rights Ombudsman for El Salvador and someone who has been important for a long time in many of the cases related to armed conflict and he has been very close to the all victims in El Salvador. Please David?

MORALES: Buenos Dias (UNTRANSLATED).

(APPLAUSE)

ARTEAGA: Thank you David and Jimmy, Alexandra and Sara for your word. I think they're very powerful words and I think that you have involved us and you're really (inaudible) brought and inform all of us and I think that we still...

TORRES: Speak up.

ARTEAGA: OK, sorry. And I think that we still have -- yeah, a little bit of time and I would like to open the floor for your comments or questions. Please raise your hand if you want to say something to speakers at the table.

(UNKNOWN): (UNTRANSLATED).

MORALES: (UNTRANSLATED).

ARTEAGA: Thank you. Do we have any other comment or question?

(UNKNOWN): Could you just say one of the things about your work to reach out to other family members who had relatives disappeared here (inaudible).

AQUINO-FIKE: Yep, definitely, so as I briefly mentioned earlier, I'm the co-founder of the Mauricio Aquino Foundation. And our mission is to -- is to support -- to provide a space for victims of forced disappearance particularly the children to find each other.

We want to build a network and -- and the mission is to find truth and reconciliation for these children. The way we're doing that is one, creating a network of children of the disappeared. We're doing that through in person meetings, through word of mouth, through the media, through online, digital, social medial, you name it, we're trying to do it.

We're also trying to advocate -- create a campaign called the "Our Parents' Campaign" -- "Our Parents' Bones Campaign", excuse me. The website is [www.ourparentsbones.org](http://www.ourparentsbones.org), for more information.

We'll also have flyers outside and this is a political, a PR campaign, a political campaign, whose goal is to create pressure from the outside, from the U.S. with the children as the protagonists, who are mostly U.S. citizens to pressure the U.S. government to in turn pressure the Salvadorian government to open the files, to create that national commission, I mentioned earlier.

And ultimately give us information about the whereabouts of our parents. So we're just in the beginning stages of it but we're already a group, you know of about, I would say, 50 young children. We really hope to grow. We're all professionals, all probably the same generation. I think all of us were born in the late 70s, early 80s. Although we have young members coming up now and I really encourage you all to learn more about this campaign. There's different ways you can support us.

We'll be sending out petitions and letters to our congressmen. We'll be, you know doing a typical change.org (ph) additions to get Obama hopefully to declassify files through the executive branch, and we're obviously trying to work with our Salvadorian counterparts to assist them to declassify files and create enough pressure to give them that support and space to do so. And of course, we will be demanding the president of El Salvador to take a stand on this issue. So yes, please sign up. Get information. Donate. Sorry, wearing my development hat, so please join. I really -- I hope you can join our movement.

TORRES: OK, I think that...

MCGOVERN: Just one -- one...

TORRES: Yeah, sure.

MCGOVERN: I just want to reiterate something I said at the very beginning. We had talked about this earlier. So those who represent congressional offices here in the coming days, you should expect to receive a letter that you have -- we're going to organize for members of Congress to sign.

One to our government here asking for their help in trying to declassify relevant documents that could help Sara and Alexandra, amongst others to able to get information and find out where their fathers are.

But the other thing we're going to do, is we're going to circulate a letter to the president of El Salvador because he has the authority right now to order the relevant agencies and departments and the armed forces to release documents that could be helpful to families and the time is now. And so look for those letters going around and please get your bosses to sign on and hopefully we can be some wind at your back. So thank you very much.

AQUINO-FIKE: Thank you.

TORRES: Thank you.

(APPLAUSE)

ARTEAGA: So wonderful news. Thanks everybody for joining us this morning and thanks a lot to Sara, Alexandra and Jimmy for sharing your testimony, and David for your political and legal analysis. Everybody hopes that, that the time for El Salvador.

We have a government that claims to be, you know connected to the victims and also a new attorney general that took office a month ago that also has claimed to be open and more connected with the victims in El Salvador, so please everybody be part of this -- of this campaign and on these efforts effectively.

(APPLAUSE)

MCGOVERN: Thank you.