

Testimony of Jimmy Ortiz Rodriguez
Congressional Briefing: Investigating Forced Disappearances in El Salvador's Civil War
and Implications for the Justice System Today
Washington D.C.
April 14, 2016

Translated from the original Spanish

1. My name is **Jimmy Ortiz Rodriguez**. I am 25 years old and I live in the municipality of Mejicanos, San Salvador. I studied at the University of El Salvador, the only public university in the country, and graduated with a degree in Legal Science. I became a lawyer and currently work for the *Fundación de Estudios para la Aplicación del Derecho* (FESPAD) on a project on “Lessons learned and best practices from the Latin American experience in transitional justice: Civil society exchange in Peru, El Salvador, and Guatemala” in coordination with the Due Process of Law Foundation (DPLF).

In my family are my mother, father, sister, grandmother, and grandfather, who passed away on July 17, 2014. My mother is a secretary of the Benjamin Bloom children’s hospital; my father is a professor at the Alberto Masferrer National Institute; and my sister is a psychology student. My grandmother sold tortillas and did not have the opportunity to study. My grandfather did not finish elementary school. Throughout his life, he was a farmer, a laborer, and finally, was employed with the Ministry of Education, from which he retired.

Unfortunately, the civil war was cruel to the Salvadoran population, including my family. I owe everything to my grandfather, Francisco Meliton Rodriguez Sequeira, who was guided spiritually by Archbishop Oscar Arnulfo Romero. Throughout my life, I have been part of many social organizations: the Association of Relatives of Victims of Human Rights Violations (CODEFAM “Marianella Garcia Villas”), where I have been a board member; *Pro Memoria Histórica*, a coalition of NGOs, where I was elected in 2015 as proprietor of the Technical Committee; and alternate to the board of directors of the Reparations Program for Victims of Serious Human Rights Violations During the Internal Armed Conflict; Association of Law Students (AED Roque Dalton); the Salvadoran Students Force Dr. Jorge Arias Gomez; Youth for the Environment (JXMA); the Union of Independent Workers of El Salvador (STINOVES), where I am the founder, and more.

2. **Jorge Alberto Rodriguez Romero**, 19 years old, was employed by the Ministry of Education. **Francisco Milton Romero Sequeira**, 22 years old, was a laborer and the father of three daughters (one died in infancy). Both Jorge and Francisco graduated from high school in Centro Escolar Japon de Mejicanos and both lived in Lotificación San Carlos, Pasaje Los Nísperos, Lote # 4, Cuscatancingo, in San Salvador. Four people lived there: Francisco Rodriguez (my grandfather); Teresa Romero (my grandmother); Jorge Rodriguez, Francisco Romero, and María Sequeira (my aunt and uncles); Mirian Rodriguez (my mother), and Melissa Rodriguez (Francisco’s daughter, and my cousin).

3. On January 17, 1981, around 2:30 p.m., while they were watching a TV show called “El Chavo del Ocho” with my grandmother, my uncles went out with friends to the Chaguite River to bathe. At 4:30 in the afternoon, one of my uncle’s friends came running back and called out to my grandfather. When he went out, they told him that my uncles had been captured and taken to the First Infantry Brigade of the San Carlos barracks. It was too late to go back to the barracks claim them, and so they left.

My grandfather entered the house despairingly, but did not tell my aunt and my cousins what had happened because he did not want to worry them. My grandmother asked my grandfather to tell her the truth, but he did not want to tell her. When she saw that he was sobbing, she insisted to know what happened. My grandfather told her, “I do not want you to worry, but our children have just been captured.” At that moment, my grandmother fainted, and my mother and aunt, who had also heard the news, began to cry and shout.

The neighbors came and tried to calm my family. My grandfather asked for a hearing at the San Carlos barracks. When it was granted a few days later, an officer attended to him, and my grandfather told him what happened. The man called another officer to hear his concerns. When my grandfather again said what happened, he was sent to someone else. A sergeant then came and asked, “How can I help you?” My grandfather replied, “Since you are now the third person I have spoken to, maybe you can help me,” and told him what happened.

The sergeant said, “Yes, I commanded the operation that captured Francisco and Jorge.” My grandfather replied, “Yes, they are my children.” The sergeant responded, “I captured them because they were armed” [which was false]. My grandfather asked, “Can I see them? Can I talk to them?” The sergeant replied, “No, they were already transferred to the National Guard; go there to claim them, there is nothing you can do here.”

So my grandfather went to the National Guard. At the gate there was an officer, who let him pass. My grandfather then spoke to a sergeant, who asked about what happened. The officer checked various lists, and said the names did not appear. My grandfather asked, “What can I do, since I’m unable to find out any information about my children either here or in San Carlos?” The sergeant told him that all he could do was return to the San Carlos barracks and ask for them there.” My grandfather said, “But that’s where I came from,” and the sergeant responded, “Look sir, we are responsible for those we arrest, but they are responsible for those they have arrested, so go look for them there.”

My grandfather returned to the barracks, but the soldier at the gate did not let him enter, saying he had orders not to let him in. My grandfather replied that he still knew nothing about his sons, and asked for the officer who had spoken with him. But the soldier said he had orders not to let him pass. My grandfather said that he would sit there until he was able to speak with someone, and although he spent several days sitting outside the barracks, he was never attended to. Days later, a soldier arrived and told him to stop coming to the barracks, and that his children were most likely in the crater of the volcano, the place where they threw the bodies of those they arrested and tortured.

This is how my grandfather joined human rights organizations such as CODEFAM in 1981. He went to many organizations seeking help in finding my uncles, including CODEFAM, Tutela Legal, *Socorro*

Jurídico, the International Committee of the Red Cross, he presented a writ of habeas corpus in the Supreme Court of Justice, and at the end of the conflict, he presented his case in the Truth Commission. In court, the clerk did not want to receive the habeas because he said it was subversive. My grandfather told him that it was not, and was then told that my uncles had gone to the United States and hadn't told him. After 15 days, they accepted the habeas and requested an executing officer. My grandfather wanted Dr. Jorge Gomez as the judge, but the secretary told him they would not accept that lawyer, and told him to return in a month. After a month, my grandfather returned and was told that nobody had been arrested. My grandfather's suffering began. Whenever he heard on the news or from acquaintances that they had been killed, he went to see if they were there. This continued for a long time. At work, he was given permission to search for his sons. Later, he had problems at work because his mind was restless thinking about them.

4. The forced disappearance of my uncles did not make me a leader; it was the circumstances that surrounded me in that moment that determined my path in the struggle for human rights. From an early age, my grandfather told me about my country's history, human rights, and politics, but especially about the struggle for truth, justice, and reparation in the case of his two sons. When I was twelve years old, I joined in the activities of CODEFAM and *Pro Memoria Histórica*. This experience changed my life. At young age, I was living among survivors of torture, family members of victims of serious human rights violations, people who eventually became my family. We shared the same pain, the same struggle for truth, justice, and reparation, and above all, the same hope and desire for peace. This is what holds us together. This radical change from a "normal" childhood came about as I learned and observed my family's pain, caused by El Salvador's army and security forces during the armed conflict.

Enforced disappearances are a crime against humanity, and harm not only the victims, but their relatives, friends, and even society. They has a different effect on each person. My grandfather, the father of my two uncles, was never afraid, and was willing to sacrifice his life in pursuit of his children. Beginning in January 1981, he organized with other families in CODEFAM and for 34 years, 5 months and 17 days he searched tirelessly for his children. During the 11 years of the civil war, and 23 years post-conflict, until the day he passed away.

In contrast, my grandmother faced the enforced disappearance of my uncles in a different way, and blamed my grandfather for what happened. She has suffered the most because to ease her pain, she decided to forget. She has chosen to believe that my uncles never existed. At first, she blamed herself for what happened, and then, she blamed my grandfather. In her innocence, she failed to understand that neither she nor my grandfather was to blame, not even the slightest bit, for what happened. Regardless of the time that has passed, my aunt and my mom are still afraid. My uncle Francisco's daughters were separated: one stayed with her mother's family, another stayed with her mother, and another with my grandfather due to the armed conflict, enforced disappearance, and poverty. The same thing happened on my father's side of the family. No one likes to talk about my aunt and uncle who were murdered, some because they are afraid, and others because it is the only way to ease the pain.

Disappearances symbolize the absence of life. To be alive means to exist, to be named, to be a man or a woman, to be young or old. It is the ability to be embraced, to be kissed, to be touched, to have the right

to eat, to sleep, to think. The disappeared fade into hiding, into torture, into darkness, into impunity, into disappearance. Without a body to bury, there is no line separating the living and the dead. The uncertainty does not just freeze time and space, but the sadness too remains. The pain is immovable. The possibility to continue living is denied. My family suffered with the possible suffering of my uncles, not just with their pain, but also with their possible death. Any chance of relief was condemned, so too was the ability to smile, to eat, or to sleep. We felt guilty not only for the things we do, but also what we do not do, or that we should be more concerned.

My beloved grandfather died of stomach cancer (the pain of not knowing the truth for 34 years). He never saw justice, but on the day he died (which was June 17, Father's Day in San Salvador), I made him a promise to find justice, and that is what I have been doing. I am completely determined to fight for justice in the case of my uncles. As part of the second generation, I am convinced that we cannot talk about democracy nor human rights when there is impunity, and thousands of families continue to suffer the disappearance of their loved ones. Enforced disappearance is a continuing offense.

6. On October 29, 2014, I presented a writ of habeas corpus in the Supreme Court's Constitutional Chamber in favor of my uncles. After presentations of written documents and judicial pressure, the Constitutional Chamber ruled on January 4, 2015 to place my habeas corpus. I asked the Minister of National Defense and the Joint Chiefs of Staff of the Armed Forces to again verify their records and provide information on the operation and the enforced disappearance. I also required the Attorney General's Office to immediately investigate the forced disappearance of **Jorge Alberto Rodriguez Romero and Francisco Milton Romero Sequeira**. I presented a statement to correct the last name of my Uncle Jorge because they wrote wrong the last name of Jorge Rodriguez; writing "Sermeño," again violating my family. When I asked why they had put that last name, the notifier of the Chamber said that anybody could see it was a mistake. Additionally, I have submitted documents to prosecutors to mobilize the investigation without favorable results, on the contrary, on March 17 the prosecutor Fredy Ramos told me they were dead, and to look for them near a river or a rock and that maybe I would find their bones that were left there many years ago. Often, I am asked my address and my whereabouts in an intimidating way. I feel that seeking the truth and demanding justice could, at any moment, make me the victim of enforced disappearance. But it does not matter to me if my life is taken away—my fear is for my family. It is very sad that even after 35 years, my family could still be victim to this serious violation.

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About the briefing:

Sponsored by the Mauricio Aquino Foundation, the Washington Office on Latin America (WOLA), the Due Process of Law Foundation (DPLF), and the Center for Human Rights at the University of Washington, in conjunction with the Tom Lantos Human Rights Commission and the Central America Caucus in the House of Representatives. More information at www.ourparentsbones.org