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Senator: U.S. has become haven for war criminals

By Renee Schoof | McClatchy Newspapers

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WASHINGTON — More than 1,000 people from 85 countries who are accused of such crimes as rape, killings, torture and genocide are living in the United States, according to Department of Homeland Security figures.

America has become a haven for the world's war criminals because it lacks the laws needed to prosecute them, Sen. Richard Durbin, D-Ill., said Wednesday. There's been only one U.S. indictment of someone suspected of a serious human-rights abuse. Durbin said torture was the only serious human-rights violation that was a crime under American law when committed outside the United States by a non-American national.

"This is unacceptable. Our laws must change and our determination to end this shameful situation must become a priority," Durbin, the chairman of the Senate Judiciary Committee's Subcommittee on Human Rights and the Law, said at a hearing of the subcommittee Wednesday.

He's trying to get more information about specific cases.

One is that of Juan Romagoza Arce, the director of a clinic that provides free care for the poor in Washington. In 1980, Romagoza was a young doctor caring for the poor in El Salvador during the early period of his country's civil war when the military seized him and tortured him for 22 days. An estimated 75,000 people died in the 12-year war.

Romagoza told Durbin that he was given electric shocks until he lost consciousness, then kicked and burned with cigarettes until he came to. He also told of being sodomized, nearly asphyxiated in a hood containing calcium oxide — which can cause severe shortness of breath when inhaled — and subjected to waterboarding, including being hung by his feet with his head immersed in water until he nearly drowned.

Romagoza and two other torture victims brought a civil suit in U.S. federal court in West Palm Beach, Fla., against two Salvadoran generals who moved to Florida in 1989: Jose Guillermo Garcia, who was the minister of defense, and Carlos Eugenio Vides Casanova, who was the director general of the Salvadoran National Guard.

In 2002, a jury found them liable for the torture of the three, and a judgment of \$54.6 million was entered against them and upheld on appeal.

Romagoza said he didn't expect to see any of the money.

He testified that he'd received many threatening phone calls and letters at the time of the trial but that he'd overcome his fears and testified.

"I felt like I was in the prow of a boat and that there were many people rowing behind that were moving me into this moment," he told Durbin's panel. "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."

He said he and others were angry and frustrated that the two men "live in the same country where we have found refuge from their persecution."

Durbin said he'd send a letter asking the U.S. attorney in South Florida what was being done in the case.

"If he says he doesn't have authority, we should change the law. If he has the authority and is not using it, we should change the U.S. attorney," Durbin said.

Durbin and Sen. Tom Coburn, R-Okla., have introduced legislation that

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who's guilty of genocide, human trafficking or recruiting child soldiers.

David Scheffer is a Northwestern University law professor who was the ambassador at large for war-crimes issues during the Clinton administration. He testified that after the experience of war-crimes tribunals after World War II and international tribunals prosecuting many atrocities over the past 15 years, "one would be forgiven to assume that surely in the United States the law is now well established to enable U.S. courts — criminal and military — to investigate and prosecute the full range of genocide, crimes against humanity and war crimes. . . .

"That, however, is not the case."

THE SIGNIFICANCE OF NOV. 14

The date of Wednesday's hearing is significant in the history of war crimes, Justice Department official Sigal P. Mandelker told the subcommittee:

On Nov. 14, 1935, the Third Reich issued regulations that deprived Germany's Jews of their citizenship and established a system to classify people as Jews based on their ancestry and affiliations.

On Nov. 14, 1945, the International Military Tribunal convened in Nuremberg, Germany, to try Nazi leaders.

On Nov. 14, 1995, the International Criminal Tribunal for the former Yugoslavia issued its first indictments on genocide charges over the massacres of as many as 8,000 Bosnian Muslims at Srebrenica. Two of the leaders indicted, Radovan Karadzic and Ratko Mladic, remain fugitives.

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03:11:37 11/15/2007 [mcdrummond](#)

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Let's grab the Clinton War Criminals while we are at it. They failed to prevent acts of genocide and that makes them guilty. On his orders many innocents were killed. I believe he was doing the best job he could do. Isn't that what we ask of our leaders?

11:11:49 11/15/2007 [forachange](#)

Let's show the world what America really stands for and take all war criminals into custody. We can start with those of foreign origins, then arrest the war criminals in the White House.

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Charity begins at home. Meting out justice begins at home too.

The present criminal regime in the United States of America is staffed up with the people who funded, trained and supported the El Salvador war criminals that Juan Romagoza Arce and Durbin are talking about. John Negroponte and Elliot Abrams are two names that immediately come to mind. They need to be prosecuted as well as the Salvadoran generals.

But worse than that this regime is headed by two outright war criminals itself. They are responsible for 50,000+ US casualties and 1,000,000+ Iraqi casualties in their war of aggression against that country.

They are the ones who must be put in the docket at the Anglo-American War Crimes Tribunal, but they ought to be tried by us in this country. We ought to clean up our own mess.

11:11:21 11/14/2007 [phudnall](#)

The U.S. a haven for war criminals??? Yes, it certainly is!!