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Torture Victims Win Lawsuit Against Salvadoran Generals

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A federal jury in a civil lawsuit ruled yesterday that two retired Salvadoran generals now living in South Florida were responsible for acts of torture committed 20 years ago by troops under their command.



The jury in West Palm Beach, Fla., ordered the former generals, Carlos Eugenio Vides Casanova and Jose Guillermo Garcia, to pay \$54.6 million to three torture victims, who had sued them with the help of a U.S. human rights group.

The verdict marks the first time a jury has ruled against former commanders who appeared in court to defend themselves against a lawsuit filed under the Torture Victim Protection Act, human rights lawyers said yesterday. The 1992 law is based on the "command responsibility" doctrine, which holds military leaders accountable for the actions of their troops. Plaintiffs had previously won suits filed under the law against commanders who did not live in the United States and did not appear, including former Bosnian leader Radovan Karadzic and former Guatemalan defense minister Hector Gramajo.

"The message of this verdict is that those responsible for human rights abuses can be held accountable if they choose to come to the United States and to enjoy the benefits and privileges of living here," said Joshua Sondheim, litigation director for the San Francisco-based Center for Justice and Accountability, which argued the case on behalf of the plaintiffs.

The verdict could have far-reaching implications in the United States, where human rights groups estimate more than half a million torture victims now live. Jennie Green, a lawyer with the Center for Constitutional Rights, a New York nonprofit group involved in similar cases, said the plaintiffs won "a David-against-Goliath battle."

"It's a big deal morally, politically and emotionally," said Green, who estimated that more than two dozen torture cases are pending.

Two of the plaintiffs in the generals' case -- former college professor Carlos Mauricio and former church volunteer Neris Gonzalez -- sobbed as the verdicts were read, Sondheim said. The third plaintiff, Juan Romagoza Arce, a former surgeon who runs the Clinica del Pueblo health clinic in Washington, was in transit at the time but said later, "I feel that this is a vindication of the hundreds and thousands of Salvadorans who were victims and who didn't have the opportunity to seek justice."

Gonzalez said, "I am pleased that justice has been done. I joined this case to send a message of hope and to motivate people everywhere to continue the struggle for justice."

The generals were not present for the verdict. According to the Associated Press, defense attorney Kurt Klaus said they cannot pay the damages or even afford to appeal.

Klaus also represented Vides and Garcia two years ago, when a jury in the same West Palm Beach federal court ruled that they were not liable for the murders of three American nuns and a missionary two decades ago in El Salvador.

Both cases revived the horrors of El Salvador's civil war, a conflict that left as many as 70,000 people dead.

Gonzalez testified that she was eight months pregnant when she was repeatedly raped and beaten by Salvadoran soldiers. Her baby died two months after birth. Romagoza said the tips of his fingers were wrapped with a torture device known as Dedos Chinos, or Chinese Fingers, cutting off circulation and leaving him unable to perform surgery. Mauricio testified that he was viciously beaten.

All three said they were targeted because Salvadoran soldiers pegged them as subversivos, or subversives, because they taught reading or provided medical services to the poor.

The generals did not dispute that the plaintiffs were tortured. But they said they did not know about the torture and would have been unable to stop it.

"There's no doubt that what happened in El Salvador was horrible," Klaus said yesterday, according to the Associated Press. "But I don't think the parties that are responsible for what happened to these people are here."

Klaus described Garcia, 69, and Vides, 64, as reformers who improved human rights in El Salvador, comparing them to Thomas Jefferson and John Adams.

The jury awarded \$14.6 million in compensatory damages and \$40 million in punitive damages. Gonzalez was awarded the most -- \$21.5 million. Romagoza was awarded \$20 million, and Mauricio was awarded \$13.1 million.

Collecting damages in such cases has proved difficult. Nothing prevents Vides and Garcia from leaving the country to avoid paying, Green said, though she hoped the court would take steps to stop them from transferring assets out of the United States.

The plaintiffs' attorneys believe that Vides is wealthy because he is married to an heiress of the famed "14 families" that once controlled El Salvador. Garcia, on the other hand, testified that he survives on a small monthly pension.

The plaintiffs, though, have said money was never a motivating factor.

"In order to prevent torture, we must fight impunity," Mauricio said yesterday. "I hope this allows other accusations to be brought against those responsible for torture."