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Salvadoran General Accused in Killings Should Be Deported, Miami Judge Says

By [JULIA PRESTON](#) APRIL 11, 2014

An immigration judge has found that a former defense minister in [El Salvador](#), a close ally of the United States during a civil war there in the 1980s, should be deported because of his involvement in a number of human rights violations, including the assassination of an archbishop and the massacre of more than 1,000 peasants.

The [decision](#) by the judge, Michael C. Horn of Immigration Court in Miami, against the former officer, Gen. José Guillermo García, was issued on Feb. 26 but only released on Friday after a Freedom of Information Act request by The New York Times.

The ruling went beyond earlier court decisions and found that General García had played a direct role in some of the most egregious killings and torture in El Salvador at a time when Washington was supporting the Salvadoran military in its battle against leftist insurgents.

Judge Horn found “clear and convincing evidence” that General García “assisted or otherwise participated” in 11 violent episodes that scarred the Central American country, including the 1980 murder of Archbishop Óscar Arnulfo Romero as he was saying Mass in the capital, San Salvador.

The judge also found that General García helped conceal the involvement of soldiers who killed four American churchwomen later that year. He “knew or should have known” that army troops had slaughtered the villagers, including women and children, in the hamlet of El Mozote in December 1981, Judge Horn ruled.

In an unusually expansive and scalding 66-page decision, Judge Horn wrote that “these atrocities formed part of General García’s deliberate military policy as minister of defense.” He added that the general “fostered, and allowed to thrive, an institutional atmosphere in which the Salvadoran armed forces preyed upon defenseless civilians under the guise of fighting a war against communist subversives.” Despite the ruling, General García’s deportation is not imminent, as a lengthy appeal is expected.

“We respectfully disagree with the conclusions and rulings of the immigration judge,” Mr.



García's lawyer, Alina Cruz, wrote in an email. "The case is being appealed and we are confident that General García will be exonerated. I regret that I cannot comment further on this ongoing case." General García, now 81, was defense minister from October 1979 to April 1983. In 1990 he was granted political asylum in the United States, stating that he feared for his life if he remained in El Salvador. He has been living in Florida.

In 1999, a nonprofit legal group, the Center for Justice and Accountability, brought a lawsuit against General García and another former Salvadoran defense minister also living in Florida, Gen. Carlos Eugenio Vides Casanova. The group claimed that the two men had played a role in the torture of three Salvadorans. In 2002, a jury returned [a \\$54.6 million verdict](#) against the officers, which [was upheld](#) in 2006.

In a sign of the sea change in American policy since the end of the Cold War, in 2009 the Obama administration opened deportation proceedings against General García under a human rights law passed in 2004. In a parallel case, which is under appeal, another immigration judge [ordered the deportation](#) of General Vides in April 2013. The two generals are the highest-ranking officials to be prosecuted under the statute. Judge Horn's ruling was a victory for Homeland Security Department lawyers who had assembled their case against General García based in part on internal United States government communications from that period. A former American ambassador to El Salvador, Robert E. White, testified against him.

"This is the first court that has ever found General García linked so directly to these massacres and these killings," said Carolyn Patty Blum, senior legal adviser at the justice center. "It breaks new ground in terms of the depth the judge goes to articulate a set of criteria to apply to the things he did to participate in killing and torture and the protection of known human rights abusers."

Judge Horn found that as defense minister, General García held "the greatest power and authority in El Salvador." But instead of pressing for change, the judge wrote, he "rebuffed reform, protected death squad plotters, denied the existence of massacres, failed to adequately investigate assassinations and massacres, and failed to hold officers accountable for the killing of their fellow countrymen."

Those actions "created an atmosphere of impunity" that allowed the military to expand its brutality, Judge Horn found. General García "failed to adequately investigate" Archbishop Romero's assassination, the judge wrote, and encouraged "sham investigations" in the killings of the four churchwomen. Although the hearings in the case were open to the public, immigration court officials, following their general practice, did not release the ruling. But in response to The Times's request, court officials "determined that public interest in release of the information outweighs the privacy interest" of General García.

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