

An American sanctuary ends for Salvadoran general

Ruling to deport General Vides could signal warning for human rights violators enjoying sanctuary on American soil.

By [Nina Lakhani](#) April 8th 2015



Salvadorans continue seeking justice for the victims the civil war [Getty Images]

México City, Mexico - For General Carlos Eugenio Vides Casanova, the American dream is over.

The 77-year-old was deported from US Wednesday for his alleged role in the torture and extrajudicial killings of unarmed citizens during El Salvador's bloody civil war.

The general had been enjoying the good life in Florida's upmarket Daytona Beach since 1989, but now he is the highest ranking official from any country to be prosecuted under the 2004 "no safe haven" immigration law .

Vides, who is also a former defence minister, was deported because he held "command responsibility" over the troops who committed many atrocities, the highest US immigration court ruled .

While he was still considered a close US ally, Vides assisted in the cover-up of multiple crimes including the kidnapping, rape and execution of four American nuns in 1980 - one of the war's most emblematic massacres.

No puppet

The precedent-setting ruling on March 11 was tied to the international legal principle of command responsibility - first developed in the post-World War II Nuremberg and Tokyo trials - which set the groundwork for US courts to expel human rights violators enjoying sanctuary on American soil.

It did not matter that Vides was not the one pulling the trigger or administering the electric shocks: He was in charge, and therefore knew or should have known what was going on, making him ultimately responsible.

The court found that as the "most powerful person in the military which was the most powerful force in the country ... he participated in the commission of particular acts of torture and extrajudicial killing of civilians in El Salvador, in that they took place while he was in command."

The 1979 to 1992 Salvadoran civil war left around 80,000 people dead, 8,000 missing and a million displaced in a country the size of the US state of Massachusetts, according to the 1993 UN Truth Commission report .

The overwhelming majority of war crimes were attributed to the American-backed armed forces and paramilitaries.

In his defence, Vides argued it was "manifestly unjust" for the US to deport him because he had been "led to believe his conduct was consistent with the 'official policy' of the United States".

This appears to be partly true. Funding under President Ronald Reagan's administration quintupled the size of the Salvadoran armed forces, and many top commanders were trained by the then notorious School of Americas .

But, there was also strong political and public opposition to Reagan's alliance with the military dictatorship.

'Where the US once clandestinely offered safe haven to former Nazis and other war criminals, it will now be easier to deport foreigners who were once top commanders, based on violations committed by [their] soldiers.' Terry Karl, professor, Stanford University and expert trial witness

"General Vides was not a puppet ... there was no US commander above him, giving orders that he had to obey or fear for his own life. Judicial processes seek individual accountability for crimes, and this is what happened in his case," Terry Karl, professor of Political Science at Stanford University and an expert trial witness, told Al Jazeera.

"Where the US once clandestinely offered safe haven [not to mention social security payments] to former Nazis and other war criminals, it will now be easier to deport foreigners who were once top commanders, based on violations committed by [their] soldiers," she added.

Vides' deportation is a huge victory for victims and human rights campaigners, and is evidence of a striking shift in US policy.

Bad guys

For years, especially during the Reagan and George H W Bush administrations, the US provided sanctuary to former Cold War allies who were celebrated for fighting leftist uprisings in Latin America, with little concern about their human rights records.

Many, including Vides and another former defence minister José Guillermo García, moved to the sunshine state, perhaps under the illusion that they would live out their retirement years playing golf in blissful anonymity.

But in 1998, the Centre for Justice and Accountability (CJA), which is based in San Francisco where many Salvadoran diaspora sought refuge, compiled a "most wanted list" of human rights criminals named by the Truth Commission reportedly living in the US.

Since then, they and more recently prosecutors under the Obama administration, have pursued them, one by one, using a variety of civil and federal immigration laws.

The first big civil success was in 2002 when Vides and Garcia were found liable by a federal Florida jury for the torture of three Salvadoran civilians, and ordered to pay \$54.6m in compensation.

This case was crucial to the 2004 immigration reform which was subsequently used by Homeland Security to push for the deportation of Vides. The deportation case against Garcia is ongoing.

Last month's immigration ruling named and shamed another "bad guy" Nicolas Carranza - a former vice-minister of defence who was too bad even for the Reagan administration. Carranza was on a list of insupportable military leaders given to the Salvadoran leadership by then Vice President George H W Bush in 1983.

Carranza was found liable for crimes against humanity in a historic ruling by a Memphis jury in 2005. He was the operational commander of the military and the security forces during 1980 when 10,000 to 12,000 civilians were slain.

The dramatic trial revealed that Carranza, who claimed to be a mere pen-pusher, had been on the CIA payroll since 1965.

Former US ambassador to El Salvador Robert White, who was sacked by the Reagan administration, testified that it was under the twin-leadership of Carranza and Garcia that "military death squads flourished".

But 10 years on, Carranza, now 82, continues to live in Memphis, with little sign of progress in his immigration case. Carranza moved to the US in 1985, and was granted citizenship in 1991.

This means it is the Human Rights and Special Prosecution team in the Department of Justice (DOJ) - originally created to hunt down Nazis residing in the US - which is responsible for bringing the denaturalisation case, not Homeland Security.

Time for justice

"Here we have one of the biggest bad guys, what's the hold up?" said Patty Blum, senior legal adviser to CJA.

"Colonel Carranza has been in the US for 30 years. This is the moment he should be stripped of his citizenship and removed, he does not deserve safe haven in the US and it is an affront to his many victims that he should be allowed to stay here."

The DOJ declined to comment. The US courts have served as a proxy of sorts because justice in El Salvador has been unattainable.

An amnesty law, passed by the military-allied Nationalist Republican Alliance government less than a week after the UN Truth Commission report was published, absolved all those guilty of human rights atrocities.

The death squads, paramilitaries, security forces and leftist guerrillas have continued to enjoy impunity, despite the Inter-America Court of Human Rights declaring the amnesty illegal .

This could change soon. The Supreme Court is expected to rule imminently on whether the amnesty law, wholly or in part, is unconstitutional. Civil war survivors have never stopped fighting for justice on Salvadoran soil.

Neris Amanda Gonzales, a lay church worker, was abducted while eight months pregnant by uniformed National Guard soldiers under the command of Vides and Garcia.

For two weeks she was brutally raped, given electric shocks, and held down while soldiers jumped on her pregnant belly, before being dumped unconscious on a rubbish dump. Miraculously Gonzales survived - her infant son died aged two months.

"Our amnesty law allowed Vides and Garcia to hide from justice and enjoy the privileges and fun of Daytona Beach, but they could not escape American justice which exposed their atrocities against humanity," Gonzales told Al Jazeera.

"We eagerly await the Supreme Court ruling because we, the victims, have never given up hope of seeing these criminals in the dock facing justice in a Salvadoran courtroom."

<http://www.aljazeera.com/indepth/features/2015/04/american-sanctuary-ends-salvadoran-general-150406210929299.html#>