



Top Salvadoran Military Officer, Now a U.S. Citizen, Faces Suit for Torture, Murder

Evidence ties him to infamous murders of six opposition leaders

Contacts:

Center for Justice & Accountability

Matthew Eisenbrandt, staff attorney – 415.544.0444 x304, cell 415.225.0028, meisenbrandt@cja.org

Almudena Bernabeu, international attorney – 415.544.0444 x306, cell 415.305.2097, awentzel@cja.org

Carolyn Patty Blum, Senior Legal Advisor – 212.673.3887, cpblum@mail.law.berkeley.edu

Bass, Berry, & Sims

David Esquivel, attorney – 615.742.6285, desquivel@brassberry.com

MEMPHIS, Dec. 10 – Several Salvadorans filed a lawsuit in U.S. District Court here today against a former Salvadoran military commander for the torture they endured and for the murder of their family members.

Nicolas Carranza, now a U.S. citizen living in Memphis, was Vice-Minister of Defense of El Salvador from 1979-1981, a period marked by rampant human rights abuses, forced disappearances, arbitrary detention and murder. The Security Forces, with assistance from “death squads,” carried out widespread atrocities against suspected political “subversives,” including opposition political figures, members of labor unions, and people who provided care and education to the public, such as teachers, doctors, rescue workers and priests. Experts estimate that 10,000 to 12,000 unarmed civilians were killed in 1980 alone.

As Vice-Minister of Defense, Carranza exercised command and control over the three units of the security forces – the National Guard, National Police and Treasury Police – responsible for most of the attacks on civilians. The lawsuit also alleges that Carranza conspired with, or aided and abetted, subordinates in the security forces and others who carried out these abuses.

There are seven plaintiffs in this case:

- *Ana Patricia Chavez, Oscar Chavez, & Haydee Duran* – all children of Humberto & Guillermina Chavez, members of the teachers union *Andes 21 de Junio*, who were killed by the security forces in July 1980 in the family’s home in Ahuachapan, El Salvador. Ana Patricia is also bringing a torture claim for being forced to witness the torture and execution of her mother. All three children now reside in California
- *Cecilia Santos* – a student at the National University and employee of the Salvadoran Ministry of Education when she was arrested in a shopping center in San Salvador in September 1980. Cecilia was held in National Police Headquarters for eight days, tortured repeatedly with acid and electric shocks. She was then moved to a women’s prison where she was charged with being a “subversive.” She was never given adequate legal representation or a fair hearing, and remained in the prison for three years where she suffered a stroke as a direct result of her torture. She fled to the U.S. in 1983 after being released under a general amnesty and now lives in New York.



THE CENTER FOR JUSTICE & ACCOUNTABILITY

"Bringing human rights abusers to justice. Representing torture survivors in U.S. courts."

- *Francisco Calderon and Anonymous plaintiff* – Francisco was a worker at a cigarette factory in September 1980 when, late one night, members of the National Police came to his family's home near San Salvador. As he opened the door, uniformed men grabbed him and forced him to the floor at gunpoint. Francisco's father, Paco Calderon, a school principal and leader of the *Andes 21 de Junio* union in Ahuachapan, came to the door and told the men to let his son go. Paco Calderon was then seized and, after a brief struggle, shot directly in front of his son. Francisco now lives in San Francisco, California. He also brings a torture claim for being forced to witness the execution of his father. The anonymous plaintiff is also a relative of Paco Calderon whose name has been withheld for security reasons.
- *Anonymous plaintiff* – Among the most gruesome and shocking incidents carried out by the security forces during 1980, and one which led directly to the commencement of the Salvadoran civil war, was the assassination of six of the leaders of the *Frente Democrático Revolucionario* (Democratic Revolutionary Front, "FDR"), the main political coalition of pro-democracy forces in opposition to the ruling junta. The Commission on the Truth for El Salvador found that the FDR murders "outraged national and international public opinion and closed the door to any possibility of a negotiated solution to the political crisis at the end of 1980." The anonymous plaintiff is the widow of one of the six leaders.

Carranza's liability in this case is based on his responsibility as a commander for abuses committed by forces under his command. Under the internationally recognized doctrine of "command responsibility," a military commander may be held responsible for abuses committed by subordinates if the commander knew, or should have known, about the abuses and failed to take all reasonable measures to prevent the abuses or punish the offenders.

The case is being filed jointly by the Center for Justice & Accountability (CJA) and the Tennessee law firm of Bass, Berry, & Sims. Last year, CJA won a major victory against two former Salvadoran Defense Ministers, General José García and General Carlos Vides Casanova. A Miami jury ordered them to pay \$54 million dollars to three Salvadoran torture survivors.

Sandra Coliver, CJA's Executive Director, stated: "We are bringing this case to hammer home the message that the U.S. is not a safe haven for torturers. The survivors have waited 23 years for a chance to pursue justice. It's outrageous that such a man was able to become a U.S. citizen. We hope that the case will result in his being denaturalized and deported." Plaintiff Cecilia Santos said that "he [Carranza] was one of the intellectual authors and knows and knew that his subordinates were doing these things... I lift up my voice so that the world can see and know what we lived through."

The legal team includes David Esquivel of Bass, Berry & Sims, Matthew Eisenbrandt and Almudena Bernabeu of CJA, and Carolyn Patty Blum, Professor Emeritus, Boalt Hall School of Law, University of California, Berkeley.

The suit was brought under the Torture Victim Protection Act and the Alien Tort Claims Act. The latter Act, adopted in 1789, gives survivors of egregious human rights abuses, wherever committed, the right to sue responsible persons in U.S. federal court. The Torture Victim Protection Act, signed into law by former President Bush in 1992, extends the right to U.S. citizens to bring claims against individuals acting under "actual or apparent authority, or color of law," for torture and extrajudicial killing. Under both laws, the court has jurisdiction when the perpetrator is served with the lawsuit while physically present in the United States.

For more information about the case, please see CJA's website: www.cja.org.