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PILSEN MOM TESTIFIES IN SALVADORAN TORTURE CASE

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By Julia Lieblich

WEST PALM BEACH, Fla. -- A Chicago woman took the stand in federal court Wednesday and faced the two retired Salvadoran generals she holds responsible for her torture in El Salvador more than two decades ago.

The generals took notes as Neris Gonzalez, a Salvadoran native and former church worker who now lives on the Southwest Side, gave a brutal account of being abducted and tortured when she was eight months' pregnant. Her child died shortly after birth.

In an unusual case that has brought before a U.S. court foreign officials accused of violating human rights, she and two other Salvadoran plaintiffs charge that Jose Guillermo Garcia, 68, and Carlos Eugenio Vides Casanova, 64, who now live in Florida, are liable for crimes committed by their soldiers between 1979 and 1983.

The central issue in the case is not whether the plaintiffs were tortured but whether the generals are ultimately responsible for their suffering.

Gonzalez, 47, testified that for two weeks she was repeatedly raped, burned with cigarettes and given electric shocks. At one point, she said, she was forced to lie under a metal bed while four soldiers sat on the sides and rocked back and forth trying to crush her unborn baby.

"I was feeling my own torture, but I was also feeling the torture of my son," she said, before crying into a handkerchief. "I was almost dead thinking of my son."

The generals, the plaintiffs argue in their civil suit, knew or should have known the National Guard and police forces under their command were torturing civilians during the height of a 12-year civil war that led to the loss of up to 75,000 lives before ending in 1992.

The plaintiffs charge that Garcia, then defense minister, and Vides Casanova, then head of the National Guard, failed to take steps to prevent the torture, to investigate the crimes and to punish the perpetrators.

The case is a crucial test of whether the doctrine of command responsibility--historically applied in military cases--can be successfully applied in civil cases, said M. Cherif Bassiouni, DePaul University professor of international law, who filed an expert affidavit on behalf of the plaintiffs.

A verdict for the plaintiffs, he said, would send a message to top officials "that a commander cannot look the other way when these types of large-scale human rights

violations occur." A loss, Bassiouni said, could weaken one of the legal mechanisms for deterring commanding officers, including those at the top.

The stakes are particularly high because Garcia and Vides Casanova prevailed almost two years ago in another civil case testing the doctrine, brought by the families of four U.S. churchwomen who were raped and murdered in El Salvador in 1980. In that case the former generals maintained they were trying to establish democratic institutions and reform the military but were not in control of rogue soldiers, given the country's chaos. On Wednesday, the prosecution rested its case. The defense attorney, Kurt Klaus Jr., has not presented his case. Both sides have said they will not comment during the trial, which opened June 24.

The previous case relied heavily on declassified government documents. This time, the jury heard the testimony of alleged victims.

Shocking testimony

Gonzalez, who lives in Chicago's Pilsen neighborhood, told the jury she was one of 12 siblings in a peasant family in the municipality of San Vicente. As violence began to increase nationally, she said, her village became overrun with National Guardsmen, who left mutilated corpses by the side of the road.

Two of her girlfriends were murdered, she said. One of their heads was found impaled on a stick.

"We had fear of going outside," Gonzalez testified in Spanish. "We didn't know whether we would return."

National Guardsmen targeted Gonzalez, the mother of two daughters, because she coordinated church-based health and education programs that encouraged workers to seek better pay, she said. The guardsmen accused her of being subversive.

On Dec. 26, 1979, four men, three in uniform, took her from the marketplace to a local National Guard post, where she was brought to the basement, blindfolded and handcuffed, she said. Her arms still bear scars from cigarette burns.

But Gonzalez was most distraught when describing events she said she witnessed: the gouging out of a teenage boy's eye, the thrusting of a machete into a captive's stomach.

After that, Gonzalez said, she fainted.

"I couldn't stand it any longer," said Gonzalez, while her 29-year-old daughter watched from the front row in tears.

By the time Gonzalez was found dumped outside San Vicente, she had little awareness of her surroundings, she said. She doesn't recall giving birth to her son. The lawsuit says the child died two months later as a result of injuries suffered during the torture.

Gonzalez spent several months recovering and later became an environmental educator. Not until 1997 did she learn of the Marjorie Kovler Center for the Treatment of Survivors of Torture in Chicago, which prompted her move to the United States.

"Thanks to this treatment I can say what happened to me," said Gonzalez, who runs an environmental education project in Pilsen.

"Before I could not speak."

During a brief cross-examination, Klaus asked her what kind of monetary damages she was expecting--the amount is unspecified in the suit. Gonzalez said she was offended.

"My son has no price," she said.

Earlier in the trial, plaintiff Juan Romagoza, a doctor, testified he was abducted, detained and tortured by National Guardsmen in their San Salvador headquarters in 1980. He said he was repeatedly beaten and subjected to electric shocks, and that his fingers were broken to prevent him from ever performing his specialty of surgery.

Carlos Mauricio, then a professor at the University of El Salvador, testified that in 1983 he was taken from his classroom, detained and tortured by the Salvadoran National Police.

Civil lawsuit

Their lawsuit was filed under the 1992 Torture Victim Protection Act, which gives rights to U.S. citizens and non-citizens to bring claims for torture and extra-judicial killing (state violence without judicial mandate) committed in foreign countries.

Douglas Cassel, director of Northwestern University's Center for International Human Rights, said last week that in order to win the plaintiffs' lawyers will have to convey the reality of El Salvador 20 years ago and the power of its military so jurors do think the generals had control over their troops.

"To claim there was anarchy beyond their control is absolutely ludicrous," said Cassel, who was a legal adviser to the El Salvador truth commission in the early 1990s.

James Clarke, 69, brother of one of the slain churchwomen, Sister Maura Clarke, sat through the last trial and drops in on this one, hoping for a different outcome.

"We won't see justice," he said. "I would just like them to pay in some way, small as it may be."