

July 24, 2002

Torture Victims in El Salvador Are Awarded \$54 Million

By DAVID GONZALEZ

MIAMI, July 23 — A federal jury ordered two retired Salvadoran generals today to pay \$54.6 million in damages to three civilians who were tortured by security forces during El Salvador's civil war more than 20 years ago.

The jury, in West Palm Beach, found that José Guillermo García and Carlos Eugenio Vides Casanova knew of atrocities committed by their troops and did nothing to prevent them. Mr. García was minister of defense in the period covered by the suit, and Mr. Vides was the head of the National Guard. The two, who have been living in Florida since 1989, were not present in the courtroom for the verdict.

The case was brought under the 1992 Torture Victims Protection Act, which provides civil remedies for survivors of abuses during armed conflicts. The three plaintiffs gave graphic testimony of beatings, gang rapes and other forms of torture in the early 1980's by El Salvador's military, which was supported by the United States during a bloody conflict in which 75,000 people were killed.

"I am very happy that the North American people were able to let us try the generals and hold them responsible for so many crimes," said Neris González, a church worker who testified that she had been tortured and raped by soldiers. "We three represent all of those who could not speak and cry out for justice."

The generals were absolved of responsibility at trial in a civil suit in 2000 brought by the relatives of four American churchwomen who were raped and killed by the military in 1980. The former officers argued in that case that they had no control over their troops amid the tumult of the war.

In this case the defense argued once again that the commanders had not known about the atrocities described in the lawsuit, and had given orders that they would not tolerate torture. Their lawyer, Kurt Klaus Jr., argued that their control over the troops was diminished by the chaos during the 12-year civil war, which ended with a peace accord in 1992.

Mr. Klaus said the generals had sought to foster democracy in El Salvador, and he compared them in his closing remarks to Thomas Jefferson and John Adams. He pointed out that both generals had been honored by United States officials in the past.

The jury, which took 20 hours to reach a decision, rejected the defense arguments as contradictory.

Plaintiffs and witnesses recalled how the armed forces hunted down civilians suspected of being guerrilla sympathizers. They described how bloodied bodies littered the streets each day, and told of entire villages eliminated by government troops.

Juan Romagoza, a doctor who ran a health program in the countryside, said that during his captivity at National Guard headquarters, he was hanged by wires wrapped around his fingers and subjected to electrical shocks to his genitals. He testified that General Vides had come once to his torture chamber.

The plaintiffs cited declassified State Department cables that described the generals as "the power behind the throne" and said they had been unwilling to help put an end to atrocities.

"The generals were in charge of the National Guard and the country, it was a military dictatorship and they had the ability to do whatever they chose to do or not do, and they had the right and obligation," said Arnie Esbin, the jury foreman. "There is no doubt in my mind they knew what was going on."

Bill Ford, a New York lawyer and brother of Sister Ita Ford, a Maryknoll nun and one of the murdered American churchwomen, welcomed the verdict. "It may be fitting that the winning plaintiffs were Salvadoran," he said in a telephone interview. "The churchwomen would approve of that fact."

Sandra Coliver, the executive director of the Center for Justice and Accountability based in San Francisco, which brought the case, said the verdict was one of very few instances since World War II in which a civilian jury held military commanders responsible for torture. She said it was particularly significant for El Salvador, where no officers or troops were court-martialed for abuses during the generals' tenure, and a broad amnesty was given to all combatants after the peace accords.

A truth commission concluded that the military and death squads allied with it had been responsible for 85 percent of the abuses committed during the conflict.

Carlos Mauricio, a high school teacher who was one of the three plaintiffs, said he and other Salvadorans exiles intend to argue in their country that the amnesty was illegal.

"I am convinced that the struggle against torture begins with the struggle against impunity," he said. "Whatever they have done, we will accuse them."

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