

# THE CENTER FOR JUSTICE & ACCOUNTABILITY

870 MARKET STREET, SUITE 684 • SAN FRANCISCO, CA • 94102

PHONE: 415.544.0444 • FAX: 415.544.0456

E-MAIL: CENTER4JUSTICE@CJA.ORG • WEB: [WWW.CJA.ORG](http://WWW.CJA.ORG)

## PRESS RELEASE

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### CONTACTS:

**Joshua Sondheimer**, Director, Civil Litigation  
cell: (415) 385-8511, in West Palm Beach

**James K. Green**, Trial Counsel  
(561) 659-2029

**Sandra Coliver**, Executive Director  
phone: (415) 544-0444, x305

**Prof. Patty Blum**, trial team  
cell: (510) 384-7450, in West Palm Beach

## Florida Jury Finds Salvadoran Generals Liable for Torture, Awards \$54.6 to Victims

West Palm Beach, FL, -- July 23, 2002 -- A Florida jury in a federal civil trial today awarded \$ 54.6 million to three Salvadorans who proved they were brutally tortured by Salvadoran security forces between 1979-83.

Juan Romagoza, Neriz Gonzalez and Carlos Mauricio sued two Salvadoran generals who retired to south Florida in 1989. The suit is based on two federal laws that allow torture victims to seek redress in U.S. courts, even if the offenses occurred elsewhere.

The two retired generals are José Guillermo Garcia, Salvadoran Minister of Defense and Public Security from 1979-1983, and Carlos Eugenio Vides Casanova, the Director-General of the Salvadoran National Guard from 1979-1983, and subsequently Minister of Defense and Public Security.

The 10-person jury awarded \$14.6 million in compensatory damages and \$40 million in punitive damages, as follows. For compensatory damages, \$5 million to Juan Romagoza, \$6.5 million to Neris Gonzalez, and \$3.1 million to Carlos Mauricio. For punitive damages: \$10 million against Garcia and \$5 million against Vides Casanova to Romagoza; \$10 million against Garcia and \$5 million against Vides to Gonzalez; and \$10 million against Vides to Mauricio.

Mauricio's case was only against Vides because Garcia had retired by the time Mauricio was detained and tortured in June 1983.

During a four-week trial that began on June 24 the plaintiffs told of being detained and tortured by Salvadoran national guardsmen and police under the command of the two generals. The jury began deliberations on Thursday afternoon, and deliberated for a total of some 20 hours.

In addition to receiving electric shocks and other forms of brutal torture, Romagoza had been shot in the arm and suspended from his fingers so as to damage his hands and thus ensure that he would never be able to perform surgery again.

Gonzalez, who was eight months pregnant at the time she was tortured, was raped and stomped on. Her son died two months after birth as a result of the injuries. She was forced to watch the torture and execution of another prisoner and drink his blood, and was left for dead by the national guardsmen.

Mauricio was subjected to horrific beatings and was strung up with his hands over his head for long periods of time.

The case is one of the few cases since the Tokyo trials following World War II in which a foreign commander has been held liable under the doctrine of command responsibility for war crimes committed by his troops.

“This case sets an important precedent that commanders can be held responsible when they should know that their subordinates are torturing and killing civilians, and they give a green light for such abuses to continue by doing nothing to stop it,” said Joshua Sondheimer, Litigation Director of the Center for Justice & Accountability, a San Francisco-based group that initiated the lawsuit in 1999.

Plaintiff Neris Gonzalez said: “I am pleased that justice has been done. I joined this case to send a message of hope and to motivate people everywhere to continue the struggle for justice. This verdict provides an example of what can be done.”

Another plaintiff, Carlos Mauricio, said: “This is a great victory. In order to prevent torture, we must fight impunity, and I hope this allows other accusations to be brought against those responsible for torture.”

The award may be difficult to collect. Sandra Coliver, Executive Director of the Center for Justice and Accountability, stated that the Center will make every effort to enforce the judgment, but that locating the generals’ assets may prove difficult.

Carlos Mauricio, speaking for all of the plaintiffs, said, “We seek justice, not money. We hope that the assets of the generals can be taken away from them in order to fulfill the punishment determined by the jury.”

“We also hope that the generals will be deported,” stated Coliver. “Florida should not be a retirement community for human rights abusers. Deportation is not a penalty that fits

the crime, but it is a penalty. These men have enjoyed the benefits the U.S. has to offer for 13 years. It would be a substantial hardship for them to be forced to return to Salvador.”

The lawyers for the plaintiffs, all of whom volunteered their services, are James K. Green of West Palm Beach and Peter Stern and Beth van Schaack of the international law firm Morrison & Foerster. They were assisted by Professor Carolyn Patty Blum, Director of the International Human Rights Law Clinic, Boalt Hall School of Law, University of California at 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 President Bush in 1992, gives similar rights to U.S. citizens and non-citizens alike to bring claims for torture and extrajudicial killing. Under both laws, the perpetrator must be physically served with the lawsuit in the United States in order for the court to have jurisdiction.

*For more information about the case, including summaries of trial testimony and information about the plaintiffs, please see the Center's website: [www.cja.org](http://www.cja.org).*

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