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Florida Jury Exonerates Salvadoran Generals in 1980 Slaying of Churchwomen

by LADB Staff

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On Nov. 3, a Florida jury exonerated two former military officers in a civil suit stemming from the 1980 abduction, rape, and murder of four US churchwomen. The jury in a West Palm Beach Federal Court acquitted retired Gen. Carlos Eugenio Vides Casanova, 60, who was National Guard commander in 1980, and former Defense Minister Jose Guillermo Garcia, 67, on charges that they failed to prevent the crimes committed by soldiers under their command. The two men have lived in Florida since 1989 (see NotiCen, 1999-05-20).

Five national guardsmen were convicted of the crimes in 1984 and sentenced to 30 years in prison. Despite a UN Truth Commission report in 1993 that implicated Vides Casanova and Garcia in a coverup of the murders, no higher officials were tried in El Salvador. In 1998, four of the five convicted men said in an interview with *The New York Times* that they acted on orders from superior officers and that they were instructed to go along with the coverup (see NotiCen, 1998-05-07).

In October, the victims' families brought a US\$100 million wrongful-death suit against the two men under the federal Torture Victims Protection Act, which allows anyone to sue foreign officials for abuses committed under their authority. The New York Lawyers Committee for Human Rights (LCHR) represented the plaintiffs in the suit. LCHR director Michael Posner said the families would take the case to a higher court. "Ultimately, we will prevail in establishing individual accountability for the worst human rights crimes," he said.

Plaintiffs' lawyers based much of their case on declassified State Department documents that pointed to a coverup within the Salvadoran military high command. One of the documents indicated that Garcia told then US Ambassador in San Salvador Thomas Pickering that Col. Edgardo Casanova might have ordered the assassinations. Casanova is Vides Casanova's cousin and was commander of the military zone where the churchwomen were killed.

In other documents, US envoys reported various cases of torture and extrajudicial executions to the State Department and repeatedly warned that Garcia was aware of the violations but did nothing to stop them. While some documents showed that officials in the administration of President Ronald Reagan urged Garcia to stop the abuses, the State Department seemed more concerned with preventing knowledge of the abuses from reaching the US public who might then pressure Congress to cut off military aid to El Salvador.

Robert White, who was US ambassador in El Salvador in 1980, testified that there was "an Alice-in-Wonderland quality" to his meetings with Garcia and Vides Casanova. "They knew perfectly well that I knew the military ran most of the death squads, but they just insisted it was not so," White said. "Short of calling [them] liars, which would have broken the relationship, it was impossible to

break through the veneer because they didn't want to bring the death squads under control. I tried to keep it on a civilized plane, but it did test you, because they knew I was not stupid, and I had access to information."

Generals said they knew about abuses

The defendants admitted in court that they knew of the widespread torture and assassinations committed by their troops but claimed they were powerless to stop them. Vides Casanova said he issued orders instructing officers not to torture or assassinate anyone. "I did everything humanly possible to correct those deficiencies," he said. "But it is not easy to change a tradition of 50 years overnight or to make democracy in a country."

In reaching their verdict, some jurors said they did not believe the generals had enough control over the actions of their troops to prevent the murder of the churchwomen. White said he was shocked by the verdict. He told the Inter Press Service that he thought the jury might not have understood the judge's instructions on the commanders' responsibility for abuses committed by troops under their command.

Official reaction in El Salvador supported the verdict. President Francisco Flores said at the start of the trial that the proceedings would only "reopen the wounds of war." He said it was unfair to reopen this case and not those of victims killed by the guerrillas. "El Salvador had to choose during the war between justice and peace, and if we had chosen justice to prosecute war criminals, we would still be at war," said Flores.

Rene Figueroa, leader of the governing Alianza Republicana Nacionalista (ARENA) delegation in the Legislative Assembly, said the verdict was a wise one. He claimed the victims' families had sued to collect money from the generals.

Human rights groups and some religious leaders in El Salvador lamented the verdict. Auxiliary Archbishop of San Salvador Gregorio Rosa Chavez disagreed with the verdict, but he said the suit had set a precedent that human rights violators can be pursued outside their own countries. The church's legal-aid office (Oficina de Tutela Legal del Arzobispado de El Salvador) said Garcia and Vides Casanova were responsible for the crimes, as was the US government because of its military assistance to El Salvador.

In his testimony, White said that representatives of the incoming Reagan administration arrived in San Salvador in 1981 and let it be known that the military would have a free hand and impunity in dealing with opponents of the government. [Sources: Spanish News Service EFE, 10/10/00, 10/11/00; Prensa Grafica (El Salvador), 09/28/00, 10/09/00, 10/11/00, 10/12/00, 10/29/00; El Diario de Hoy (El Salvador), 10/10/00, 10/11/00, 10/29/00; The Miami Herald, 10/13/00, 10/27/00, 10/31/00; Inter Press Service, Associated Press, 11/03/00; Notimex, 11/03/00, 11/05/00; The New York Times, 10/20/00, 10/21/00, 11/04/00, 11/06/00]

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