

8-22-2002

Torture Victims Win Lawsuit

LADB Staff

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

Recommended Citation

LADB Staff. "Torture Victims Win Lawsuit." (2002). <https://digitalrepository.unm.edu/noticen/8996>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.

Torture Victims Win Lawsuit

by LADB Staff

Category/Department: El Salvador

Published: 2002-08-22

On July 23, a US federal jury in West Palm Beach, Fla., ordered two retired Salvadoran generals to pay US\$54.6 million to three Salvadoran victims of torture. The two generals former Minister of Defense Jose Guillermo Garcia and former National Guard director Carlos Eugenio Vides Casanova were prominent military leaders during the bloodiest years of El Salvador's civil war.

As minister of defense, Garcia commanded the military and security forces from 1979 until his retirement in 1983. Vides served under Garcia as head of the now-extinct National Guard. According to the United Nations' Truth Commission report, most of the atrocities in the civil war were committed by state security forces (see Update, 1993-03-26). The two retired generals, who have lived in Florida since 1989 (see NotiCen, 1999-05-20), were exonerated in November 2000 of charges that they were responsible for their subordinates' rape and murder of four American churchwomen in 1980 (see NotiCen, 2000-11-16).

The failed civil lawsuit represented the first time that plaintiffs had brought a court case against foreign officials under the Torture Victims Protection Act. The law, which was passed by the US Congress in 1992, allows victims and their families to sue foreign officials for abuses committed under their authority. The more recent suit, which also came under the Torture Victims Protection Act, differed from the previous case in that the plaintiffs did not have to prove that the generals knew of the specific crimes. The torture victims only needed to demonstrate that the generals were aware that soldiers under their command were committing acts of cruelty and that the generals did nothing to stop it.

Victims give horrific testimony

The three plaintiffs Juan Romagoza Arce, Carlos Mauricio, and Neris Gonzalez began presenting their civil lawsuit before the Florida jury in late June. Romagoza, a doctor, testified that he was shot in the foot in a military raid on a rural clinic in December 1980 and then transferred to a jail where he was tortured for three weeks on suspicion of being a leftist. Romagoza accused Garcia and Vides of doing nothing to stop soldiers from torturing, raping and killing civilians. Mauricio, who is now a high school biology teacher in San Francisco, gave anguished testimony about being kidnapped on June 13, 1983 and tortured for eight days in secret cells within the National Police headquarters in San Salvador. He said his interrogators repeatedly beat him while insisting that he was a member of the armed leftist insurgency that the military was fighting in the civil war. Mauricio said that, while in captivity, he saw a viciously beaten female prisoner crawling on the filthy cell floor in an attempt to elude her torturers.

According to Mauricio, a guard told the woman, 'Now I am going to apply electric shock and you will urinate and defecate in your underwear.' Gonzalez, who now directs an environmental organization, said she was kidnapped and taken to a National Guard post where she was

interrogated, undressed, raped and tortured. She said she was eight-months pregnant at the time of her torture and that she lost the baby as a result.

Gonzalez said that tongues, eyes and intestines were scattered on the floor of the room in which she was confined and that someone had written in blood "the house of human carnage" on one of the walls. The three torture victims displayed scars on their arms from bullet wounds, cuts by machete, and cigarette burns that they claimed to have suffered during torture.

Generals deny knowledge of human rights violations

Vides claimed he never saw proof that human rights violations against civilians had been committed by soldiers under his command. He testified that he had heard reports of torture, but he claimed that some of those reports were fabricated to destroy the image of the National Guard. A member of the plaintiffs' legal team asked Vides if the National Guard post described by Gonzalez had ever served as "a house of human carnage." "It's possible," Vides replied.

Garcia criticized the legal proceedings, saying that they neither proved who had committed the abuses nor determined whether the abuses had actually been committed. In addition, he questioned the validity of suing military leaders for acts carried out by soldiers. "When a policeman hits somebody, the policeman gets punished, not the police chief," he said. Vides claimed that the court case contributed to a misperception that only the Salvadoran Armed Forces had carried out abuses during the civil conflict.

However, when asked by the Salvadoran daily La Prensa Grafica if he would like to see a civil judgement against an ex-guerrilla figure, he replied, "No, because time has passed and now we should be constructive instead of destructive." "It would not be good to continue dredging up all these things that bring up such bad memories," he said. The retired generals have said they do not have the resources to comply with the lawsuit.

In anticipation of non-payment, the plaintiffs' legal team has indicated that it will seek the expulsion of the generals from the US. Former US ambassador to El Salvador supports lawsuit Robert White, a former US ambassador to El Salvador under President Jimmy Carter, supports the civil lawsuit against the two generals.

Testifying in the case, White described El Salvador in the early 1980s as a country in the grips of an enduring partnership of violence between the military and a tiny oligarchy. White said that the Carter administration had repeatedly warned military leaders in El Salvador about the widespread torture and murder of unarmed civilians. He said the Carter administration considered the two generals responsible for the abuses. "Our whole policy was based on the belief that they had command responsibility and could exercise it," White said. The plaintiffs' legal team argued that the generals had the power to stop abuses. White and the plaintiffs' attorneys dismissed the generals' claims that they did not know about the abuses and that they had little control over abuses amid civil war.

Plaintiffs, political opposition celebrate legal victory

Upon winning the lawsuit, Mauricio declared, "I hope this allows other people to bring accusations against those responsible for torture." Ex-guerrilla commander and current deputy Shafik Handal of the opposition Frente Farabundo Marti de Liberacion Nacional (FMLN) applauded the ruling but pointed out that Garcia and Vides were not the only culprits in the military's human rights violations. According to Handal, US military advisers who were "in practically every barracks" during the civil war were also implicated in such violations.

Another FMLN deputy, Humberto Centeno, announced that he too would launch a lawsuit in the US against retired Salvadoran Air Force General Juan Rafael Bustillo. Centeno, who accuses Bustillo of ordering his kidnapping in 1988, claims to have been tortured while in captivity.

-- End --