

**MIAMI HERALD**

**Wed, Jul. 24, 2002**

## **2 Salvadoran generals ordered to pay victims Liability for torture: \$54.6 million**

**BY LUISA YANEZ**

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WEST PALM BEACH - A federal jury on Tuesday ordered two retired Salvadoran generals to pay \$54.6 million to three torture victims -- the first time a U.S. court has held anyone from that nation liable for atrocities committed during the bloody civil war two decades ago.

Legal experts say the judgments -- even if hard to collect -- will likely encourage an estimated 500,000 victims of human rights abuses abroad to sue their torturers or their bosses who are now living in the United States.

"This is an historic victory that shows that [American] juries can grasp the concept that foreign commanders who condone atrocities by their men can be held accountable," said Joshua Sondheim of the Center for Justice & Accountability.

The San Francisco-based consortium of pro bono lawyers represented the three plaintiffs in the 1999 lawsuit -- a church worker, a rural doctor and a university professor who were labeled subversives and brutalized by Salvadoran soldiers in 1979 and the early 1980s. Tuesday's judgment contrasts sharply with the decision two years ago by another West Palm Beach jury.

In that trial the same defendants, former Gens. Carlos Vides Casanova and José Guillermo García, were found not liable for the rapes and murders of four American churchwomen by the Salvadoran military. The suit was brought by relatives of the four.

The big difference this time: The plaintiffs' attorney said the torture victims themselves testified in graphic detail about what happened to them at different interrogation posts -- including one with "Human Slaughterhouse" written in blood on the door.

"Having live testimony from a torture victim is about as powerful a testimony as you can get anywhere, anytime," said lead attorney James Green.

Added Sondheim: ``So these things happened under the noses of these generals. They couldn't argue, as it was done in the prior case, that the responsible parties were rogue soldiers."

In the end, that's also how the 10-person jury saw it. They spent 20 hours over four days in deliberations, which became acrimonious at times, the jury foreman said afterward.

"We had some terrible times," said Arnie Esbin, 69, a semi-retiree from Boynton Beach who edits a small community newspaper. "There was some yelling, screaming and crying" over whether the ex-generals had knowledge of the three victims' ordeals and later how much money to award them.

## **TURNING POINT**

The turning point came Tuesday morning, Esbin said. An unidentified female juror told the group that if progress was not made, she was going to U.S. District Judge Daniel T.K. Hurley and ask to be excused.

"After that, people tried" to work out their differences, Esbin said.

Neither García, 69, the former defense minister, nor Vides Casanova, 64, the former National Guard chief and García's successor in the defense post, was in the packed courtroom when the judgments were announced around 1:30 p.m.

Reached at his home in Plantation, García said: ``I spent my life trying to serve my country and the military the best I could. Those of us in government during that time were trying to save the country and begin the process toward democracy, but I understand that it's difficult for an American jury to understand that."

Vides Casanova, from his home in Palm Coast near Daytona Beach, said he and García were being made examples.

"Unfortunately, we are now pioneers," he said, referring to the fact that they are the first Salvadoran military leaders to lose in a U.S. court.

He added that it was "an impossible situation" trying to stop the violence in his country coming from all factions.

Two of the three plaintiffs were present as the court clerk read the verdict: Under the 1992 Torture Victim Protection Act, the ex-generals were ``legally responsible under the Doctrine of Command Responsibility."

The words brought tears to the eyes of Carlos Mauricio, 50, now a high school science teacher in San Francisco.

"The struggle for justice has been a very, very long one for me," said Mauricio, an agriculture professor in San Salvador who was tortured in the national police headquarters in 1983. ``It's vindication and it puts an end to impunity for military officials who torture and kill."

## **"THANK YOU!"**

Another plaintiff, Neris González, 54, of Chicago, mouthed "Thank you! Thank you!" to the jurors as she raised her arms in tribute.

González, who was teaching poor peasants to count, was eight months pregnant in 1979 when she was taken to a National Guard post in San Vicente. After two weeks of rapes, beatings and mutilations, she was near death when the guardsmen dumped her outside. Villagers rescued her, and soon afterward she gave birth to a baby boy -- who died two months later.

After the jurors left the courtroom, González followed them to the parking lot. She hugged Esbin.

"We gave you what we think you deserved," he said.

González received the largest award -- a total of \$21.5 million. That included \$6.5 million in compensatory damages, and punitive damages of \$10 million from García and \$5 million from Vides Casanova.

Mauricio, who sued only Vides Casanova, received \$13.1 million -- \$3.1 million in compensatory and \$10 million in punitive damages.

The third plaintiff, Dr. Juan Romagoza Arce, was awarded \$20 million -- including \$5 million in compensatory damages. Romagoza, who was not in court Tuesday, also was awarded punitive damages of \$10 million from García and \$5 million from Vides Casanova.

Romagoza, now 50, was a young doctor when soldiers arrested him in 1980. His torture included being sexually assaulted with a broomstick at a National Guard post. He is now head of the People's Clinic in Washington, D.C.

Esbin, the jury foreman, said there was no rhyme or reason as to how the group arrived at the monetary awards. "Who can tell what the damages were?" he said.

Jurors picked numbers out of the air, then fought over them, he said.

"One juror felt \$1 million was more than adequate," Esbin recalled, adding that another said: "If I had \$500,000, I could live on it for a long time."

The next task for the plaintiffs: getting the money from the ex-generals.

"I would have to win the lottery to pay it," García said in a phone interview.

In court, he testified he lives with his daughter's family in Plantation, along with his wife and grown son. He said he receives a \$700-a-month military pension and makes extra money taking his 11 grandchildren to school.

Defense attorney Kurt Klaus, who said he was "disappointed" in the verdict, said his clients could not pay the judgments or even afford to appeal.

Sondheimer said he does not buy it. "We believe they both have significant assets, which we will wholeheartedly pursue."

The verdicts could also create immigration problems.

## **POLITICAL ASYLUM**

García won political asylum on Aug. 6, 1990. The Immigration and Naturalization Service concluded, after consulting with the State Department's Human Rights and Humanitarian Affairs bureau, that he had "a well-founded fear of persecution" in El Salvador.

Vides Casanova arrived about a year earlier.

The INS could decide to revoke their legal resident status if officials determine the men erred on immigration applications by denying taking part in human rights abuses.

Legal experts such as University of Miami law professors Bernard Oxman and Stephen Schnably said Tuesday's decision could also have far-reaching implications -- prompting similar lawsuits against U.S. officials who supported or

tolerated government officials linked to atrocities. Oxman noted, though, that U.S. officials "enjoy certain protection under the law" for actions taken in the course of their duties.

Herald staff writer Alfonso Chardy and researcher Elisabeth Donovan contributed to this report.

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