

El Salvador: Class Action Suit Upheld Against Salvadoran Generals

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[excerpted and edited by IRTF from Miami Herald article "\$54 million Torture Verdict Reinstated," by Alfonso Chardy, Saturday, January 7, 2006]

Note from IRTF: IRTF hosted Dr. Juan Romagoza, lead plaintiff in this torture lawsuit, at our 2002 Annual Commemoration of the Martyrs. We are elated that justice has finally been served to Dr. Romagoza and his co-defendants.

This is a victory for the Salvadoran people and for Cleveland! IRTF members might recall that the families of the church women sued these same generals, but in the fall of 2000 a West Palm Beach jury acquitted both men of "command responsibility." The families lost their appeal.

Jose Guillermo Garcia (age 72) was defense minister from 1979 to 1983, when he was succeeded by Carlos Eugenio Vides Casanova (age 67), a graduate of the U.S. Army's School of the Americas. They reside in southern Florida.

In a stunning reversal, a federal appeals court in Atlanta has reinstated a West Palm Beach jury verdict awarding \$54.6 million to three plaintiffs who accused two former Salvadoran generals of doing nothing to stop subordinates from torturing them.

Plaintiffs Juan Romagoza Arce (rural physician), Neris González (church worker) and Carlos Mauricio (university professor) sued former Salvadoran Gens. José Guillermo García and Carlos Eugenio Vides Casanova in 1999. The plaintiffs won in July 2002, but the 11th U.S. Circuit Court of Appeals revoked the \$54.6 million verdict in February 2005. Now, the court has changed its mind again. **On January 4 the court decided it was wrong to hold the plaintiffs to a 10-year statute of limitations on filing the suit.**

The court said the case met the test of extraordinary circumstances because the plaintiffs were refugees of a bloody conflict who couldn't have filed before the Salvadoran civil war ended in 1992.

James Green, lead attorney for the plaintiffs, says the only recourse the former generals have now is the U.S. Supreme Court. Green said he expects a court hearing soon to determine whether the ex-generals can pay and how payments can be scheduled. He plans to raise questions at the hearing about whether the ex-generals transferred assets after the lawsuit was filed. He said about \$300,000 of the ex-generals' money, frozen in their accounts, may be delivered to the plaintiffs soon after the hearing.