

COLONEL NICOLAS CARRANZA HELD LIABLE IN U.S. COURT FOR TORTURE, EXTRAJUDICIAL KILLING AND CRIMES AGAINST HUMANITY (Center for Justice and Accountability)

Memphis, TN: November 18, 2005. Today a jury of nine U.S. citizens sent a powerful message that torturers and human rights abusers will not be allowed to reside in the United States with impunity. The federal court jury found Memphis resident Colonel Nicolas Carranza, the former Vice-Minister of Defense of El Salvador, responsible for overseeing torture and killings in that country. The verdict is a partial verdict in favor of four of the five plaintiffs. The jury has yet to reach a verdict on the claim of the fifth plaintiff, Ana Patricia Chavez, and is continuing to deliberate.

The verdict represents the first time that a U.S. jury in a contested case has found a commander liable for crimes against humanity. This means that violations were committed as part of a widespread or systematic attack against the civilian population of El Salvador. The jurors awarded each of the four plaintiffs \$500,000 in compensatory damages for a total of \$2 million.

The jury also recommended that Carranza should pay punitive damages. Additional testimony will be taken today or Monday to determine the precise amount of that award.

The case was brought by five courageous people who were tortured or had family members murdered by government forces under Carranza's command in the early 1980s. During the trial, all of the plaintiffs – Erlinda Franco, Cecilia Santos, Francisco Calderon, Ana Patricia Chavez and Daniel Alvarado – testified about the abuses they and their relatives endured at the hands of the military, especially the notorious Security Forces.

“My husband Manuel was one of six pro-democracy leaders of the Frente Democrático Revolucionario (FDR) who were abducted, tortured and killed by the Security Forces,” said Erlinda Franco. “Now that the jury has held Colonel Carranza responsible for these crimes my family has finally found the justice that we have been seeking all these years.”

Ana Patricia Chavez testified that she was forced to listen as military death squad members shot her mother, a member of the ANDES 21 de Junio teachers' union and the Christian Democrat Party. Minutes later, Chavez found her husband and father murdered.

Francisco Calderon witnessed the murder of his father, also a member of ANDES, by plain-clothes gunmen working with the National Police. During the trial, he stated, “This is not about seeking revenge but about seeking justice.” Cecilia Santos testified that interrogators burned her with acid and ran electrical shock through her body in the National Police headquarters.

As Vice-Minister of Defense, Colonel Carranza exercised command authority over the Security Forces when they carried out these abuses in 1980.

The jury also heard evidence that, in 1983, members of the Treasury Police abducted Daniel Alvarado and falsely accused him of the murder of U.S. military advisor Lt. Cmdr. Albert Schaufelberger. They tortured him severely and forced him to sign a confession. As director of the Treasury Police at the time, Carranza had contact with Alvarado on several occasions, including at a press conference. Eventually U.S. officials interviewed Alvarado, gave him a polygraph test, and concluded that he had confessed to the murder in order to stop the torture.

The trial was marked by several important revelations. Former U.S. Ambassador to El Salvador Robert White testified that Colonel Carranza was a paid informant for the CIA while he was Vice-Minister of Defense and a member of the High Command in 1980. At that time White asked the CIA station chief in El Salvador to remove Carranza from the CIA payroll because of his deplorable human rights record but no action was ever taken. Carranza admitted on the witness stand that he had been receiving money from the U.S. government since 1965.

Plaintiffs' counsel Matt Eisenbrandt of the Center for Justice & Accountability stated, "This verdict sends a strong message that the people of the United States, as represented by this jury, do not tolerate torture and other human rights abuses."

The suit was jointly brought by the Center for Justice & Accountability (CJA), a San Francisco-based non-profit human rights organization that works to bring perpetrators of human rights abuses to justice, and the Tennessee-based law firm Bass, Berry & Sims, PLC. CJA was represented at trial by Litigation Director Matt Eisenbrandt, Senior Legal Advisor Carolyn Patty Blum and International Attorney Almudena Bernabeu. The Bass, Berry & Sims team was led by partner David Esquivel and associates Steve Jasper, Matt Sinback and Jennifer Eberle. CJA and Bass, Berry & Sims represented the plaintiffs pro bono.

David Esquivel said, "I commend the courage of these plaintiffs for coming forward and bringing this case to trial, then taking the brave step of testifying in front of Colonel Carranza. I applaud the jury for upholding the principles of justice and the rule of law. This is a historic day for the people of Memphis just as it is historic for the people of El Salvador."

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