

**\$54 MILLION VERDICT UPHELD AGAINST SALVADORAN GENERALS
FOUND RESPONSIBLE FOR TORTURE**

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**ELEVENTH CIRCUIT COURT OF APPEALS AFFIRMS JURY VERDICT IN
FAVOR OF THREE TORTURE SURVIVORS FROM EL SALVADOR**

Atlanta, GA: January 6, 2006. The United States Court of Appeals for the Eleventh Circuit has upheld a \$54.6 million jury verdict against Generals Jose Guillermo Garcia and Carlos Eugenio Vides Casanova, two former Ministers of Defense who oversaw the worst period of human rights violations in El Salvador's history.

The plaintiffs in the case – Juan Romagoza, Neris Gonzalez and Carlos Mauricio – were tortured during the early 1980s at the hands of El Salvador's repressive military. Garcia and Vides Casanova came to the United States in 1989 and continue to live in South Florida today.

Upon hearing the news of the Court's ruling, plaintiff Neris Gonzalez had this to say, "This case has always been about all of the people of El Salvador, all my brothers and sisters. It shows that the Salvadoran military bears the responsibility for what we, as a people, suffered. Our victory in this case is a victory for the entire Salvadoran community. This decision from such an important U.S. court sends a strong message to the Salvadoran military that they will not get away with their crimes."

The San Francisco-based Center for Justice & Accountability (CJA) filed the case in May 1999 under two federal statutes, the Alien Tort Claims Act (ATCA) and the Torture Victim Protection Act (TVPA). In 2002, after a four week trial, a West Palm Beach jury found the generals responsible for the torture of the three plaintiffs and ordered them to pay \$54.6 million in damages.

The generals appealed the verdict, arguing that the case was not filed within the 10 year statute of limitations period permitted by the ATCA and TVPA.

In early 2005, the Eleventh Circuit issued an opinion initially overturning the verdict based on the statute of limitations issue. However, in a rare move, the Eleventh Circuit vacated the order in August 2005. With the most recent ruling the appeals court has now affirmed the jury verdict and stated decisively that the doctrine of "equitable tolling" applies to this case, meaning the plaintiffs' delay in filing their claims was justified.

Judge Gerald Bard Tjoflat, who authored the opinion, wrote, “This case . . . exemplifies the kind of ‘extraordinary circumstances’ that, in the interests of justice, require equitable tolling.” The court found that the 10-year statute of limitations can be suspended not only until the time that the defendants came to the United States but also until the time that widespread violence in El Salvador subsided with the signing of peace accords in 1992. Before that time, the plaintiffs could not have taken steps to bring the generals to justice without fear of reprisal.

Matt Eisenbrandt, CJA’s Litigation Director, stated, “This decision is a landmark victory for human rights. The case sets an important precedent on the statute of limitations issue, and reinforces the principle that military commanders are responsible for abuses committed by their subordinates. In today’s world, where torture is in the headlines everyday, this ruling sends a powerful message to commanders everywhere that these abuses will not be tolerated.”

CJA, a non-profit human rights organization that works to bring perpetrators of human rights violations to justice, is joined as co-counsel by James K. Green, Peter Stern of the law firm Morrison & Foerster, Prof. Carolyn Patty Blum, Prof. Beth van Schaack and Susan Shawn Roberts.