



under domestic and international law for their injuries, pain, and suffering.

### **JURISDICTION AND VENUE**

3. Plaintiffs allege that Defendant is liable for acts of torture and extrajudicial killing as defined by customary international law and the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350, note). Plaintiffs further allege that Defendant is liable for crimes against humanity contrary to customary international law. Accordingly, this Court has jurisdiction over this action based on 28 U.S.C. § 1350 (the Alien Tort Claims Act), and 28 U.S.C. § 1331.

4. On information and belief, Defendant resides in Memphis, Tennessee. Therefore venue is proper in the United States District Court for the Western District of Tennessee pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

#### *Defendant*

5. Defendant Nicolas Carranza Rivera is a native of El Salvador and a naturalized United States citizen, and currently resides in Memphis, Tennessee.

6. From about October 1979 to about January 1981, Defendant Carranza was the Subsecretary of Defense and Public Security in El Salvador. At all relevant times, as Subsecretary of Defense and Public Security, Defendant Carranza possessed and exercised command and control over the three units of the Salvadoran Security Forces – the *Guardia Nacional* (“National Guard”), *Policia Nacional* (“National Police”) and *Policia de Hacienda* (“Treasury Police”). Defendant was removed from this position in or about January 1981.

7. In or about June 1983, Defendant Carranza became Director of the Treasury Police. At all relevant times, as Director of the Treasury Police, Defendant Carranza possessed and exercised command and control over the Treasury Police. Defendant was removed from this position in or about May 1984.

#### *Plaintiffs*

8. Ana Patricia Chavez is a citizen of El Salvador, a legal permanent resident of the United States and a resident of California. She brings this action in her individual capacity for the extrajudicial

killing of her mother, Guillermina Chavez, and her father, Humberto Chavez, on or about July 26, 1980, by members of the Salvadoran Security Forces or persons or groups acting in coordination with the Security Forces or under their control, and for her own torture for being forced to hear her mother's murder.

9. Cecilia Santos is a native of El Salvador, a naturalized U.S. citizen and a resident of New York. She brings this action for the torture she suffered at the hands of the Salvadoran National Police or persons or groups acting in coordination with the National Police or under their control.

10. Plaintiff Jose Francisco Calderon ("Francisco Calderon") is a native of El Salvador, a naturalized U.S. citizen and a resident of California. He brings this action in his individual capacity for the extrajudicial killing of his father, Juan Francisco Calderon ("Paco Calderon"), on or about September 11, 1980, by members of the Salvadoran National Police or persons or groups acting in coordination with the National Police or under their control, and for his own torture for being forced to hear his father's murder.

11. Plaintiff Jane Doe is a native and citizen of El Salvador who also resides in El Salvador. Jane Doe brings this action in her individual capacity for the extrajudicial killing of her husband, James Doe, on or about November 27, 1980, by members of the Salvadoran Security Forces or persons or groups acting in coordination with the Security Forces or under their control. Plaintiff Jane Doe seeks to proceed under a pseudonym because she fears reprisals against her or her family as a result of her participation in this lawsuit.

12. Plaintiff John Doe is a native of El Salvador, is not a United States citizen, and currently lives in exile outside El Salvador. He brings this action for the torture he suffered in 1983 at the hands of the Salvadoran Treasury Police or persons or groups acting in coordination with the Treasury Police or under their control. Plaintiff John Doe seeks to proceed under a pseudonym because he fears reprisals against him or his family as a result of his participation in this lawsuit.

### **STATEMENT OF FACTS**

13. Beginning in the late 1970s, the Salvadoran armed forces, and particularly the Security Forces, were responsible for rampant human rights abuses against the civilian population of El Salvador, including the widespread and systematic use of torture, forced disappearances, arbitrary detention and

extrajudicial killing. This deliberate reign of state terror was most acute during the time Defendant Carranza was Subsecretary of Defense and Public Security, from October 1979 to January 1981. Experts estimate that 10,000 to 12,000 unarmed civilians were assassinated in 1980 alone. The Security Forces carried out numerous abuses against suspected political “subversives,” including opposition political figures, members of labor unions, and people who simply worked in areas of social advancement, such as teachers, doctors, rescue workers and priests.

14. The Security Forces often worked hand-in-hand with paramilitary groups known as “death squads.” These death squads were commonly composed of active and former members of the armed forces as well as civilians. Members of the death squads usually dressed in civilian clothes and often wore masks to hide their faces. The death squads frequently acted in coordination with or under the control of the Security Forces, often conducted joint operations with uniformed members of the Security Forces, and operated with the tacit approval and permission of the Security Forces and their commander, Defendant Carranza. Death squads acting in coordination with or under the control of the Security Forces were responsible for the widespread and systematic use of torture, forced disappearances, arbitrary detention and extrajudicial killing against the civilian population of El Salvador.

15. The overwhelming repression carried out by the Security Forces and death squads led to a civil war that lasted from about January 1981 to about January 1992. During the entire conflict, an estimated 75,000 civilians were killed. The United Nations Commission on the Truth for El Salvador (“Truth Commission”) concluded that 85% of the human rights abuses during the civil war were committed by government forces and the paramilitary groups and death squads allied with them. A major component of the Peace Accords negotiated under the auspices of the United Nations, and signed on January 16, 1992, by the Salvadoran government and guerrilla forces, was the dismantling of all three branches of the Security Forces. However, the neutralization of the power of the Security Forces and a reduction in death squad activity did not actually occur until many years after the signing of the Peace Accords.

16. Among the most gruesome and shocking incidents carried out by the Security Forces during 1980, and one which led directly to the commencement of the civil war, was the assassination of

six of the leaders of the *Frente Democratico Revolucionario* (Democratic Revolutionary Front, “FDR”), the main political coalition of the opposition to the ruling junta. Decedent James Doe, husband of Plaintiff Jane Doe, was one of the six FDR leaders assassinated by the Security Forces in November 1980.

17. In or about October 1979, reformist officers in the Salvadoran armed forces carried out a coup and put in place a governing junta (“first junta”) composed of civilians and military figures. By the beginning of 1980, the evidence was clear that the first junta had failed to stop the widespread human rights abuses being carried out by the Security Forces and death squads.

18. A dramatic downturn in the economy, a growing unemployment rate and the surging violence led to the downfall of the first junta in or about January 1980. When a new governing junta (“second junta”), composed of only military figures and members of the Christian Democrat party, was created, the remaining pro-democracy parties created a political alliance with labor unions and other popular organizations. The alliance attempted to initiate a national dialogue working toward a pluralist and democratic system of government. From its creation, the FDR, as the alliance came to be known, constituted the only serious political opposition to the ruling government, even after several members of the Christian Democrat party left the second junta in or about March 1980 after the assassination of a prominent Christian Democrat leader. All the pro-democracy political parties and most of the labor unions and popular organizations were part of the FDR.

19. The FDR had several elected leaders, who were all members of major political parties or labor unions. Many of them had held prominent positions in the first junta. The leaders included: Enrique Alvarez Cordoba, the FDR president and a former Minister of Agriculture; Juan Chacon, the general secretary of the *Bloque Popular Revolucionario* (Popular Revolutionary Block); Enrique Escobar Barrera, a member of the *Movimiento Nacional Revolucionario* (National Revolutionary Movement); Manuel de Jesus Franco Ramirez, a member of the *Union Democratica Nacionalista* (Nationalist Democratic Union); Humberto Mendoza, a member of the *Movimiento de Liberacion Popular* (Popular Liberation Movement); Doroteo Hernandez, a journalist and leader of the *Union de Pobladores de Tugurios* (Union of Slum Dwellers); Leonicio Pichinte and Juan Jose Martel.

20. On or about November 27, 1980, while Enrique Alvarez, Juan Chacon, Enrique Escobar,

Manuel Franco, Humberto Mendoza and Doroteo Hernandez were meeting at Externado San Jose, a Jesuit school in San Salvador, members of the Security Forces and persons or groups acting in coordination with the Security Forces or under their control entered the school and abducted the six FDR leaders. The six men were tortured and murdered, and their bodies were dumped later that day outside of San Salvador.

21. The murder of the FDR leaders, including Decedent James Doe, was, according to the Truth Commission, “an act that outraged national and international public opinion and closed the door to any possibility of a negotiated solution to the political crisis at the end of 1980.” The killings typified the repressive pattern exercised by the Security Forces and death squads throughout 1980. Once the possibility of a negotiated solution disappeared, the civil war erupted in or about January 1981.

22. During the civil war, the repression carried out by the Security Forces, and particularly the Treasury Police, continued. During the time that Defendant Carranza commanded the Treasury Police, from June 1983 to May 1984, many Salvadorans were arbitrarily detained and tortured. The Treasury Police committed numerous extrajudicial killings, often carrying them out in conjunction with, or with the support of, paramilitary death squads. Because of the human rights abuses committed by the Treasury Police in 1983 and 1984, Defendant Carranza was removed from his position as Director of the Treasury Police in May 1984 and forced to leave El Salvador.

*Plaintiff Ana Patricia Chavez*

23. At the time of the events at issue, Plaintiff Ana Patricia Chavez was living with her partner, Omar, and her child in San Salvador, El Salvador. Each weekend, she stayed at the house of her parents, Guillermina Chavez and Humberto Chavez, in Ahuachapan, El Salvador.

24. Decedents Guillermina and Humberto Chavez were active members of the Ahuachapan community. They were both teachers and members of *Andes 21 de Junio*, a teacher’s union. Humberto Chavez was also a Red Cross volunteer. Guillermina Chavez was a member of the Christian Democrat Party.

25. In or about July 1980, Humberto Chavez was walking in the fields that he owned near Achapuco, El Salvador, when one or more men from the Treasury Police stopped him and asked him several questions about where he was coming from and what he was doing. Prior to this time, Humberto

Chavez had never had any encounters with the Security Forces.

26. On or about July 26, 1980, at about 6:30 a.m., several armed men wearing civilian clothes and masks entered the Ahuachapan home of Guillermina and Humberto Chavez. The men carried G-3 rifles, the weapons commonly used by the Security Forces and death squads.

27. One of the armed men shoved Guillermina Chavez and Ana Patricia Chavez into a bedroom, where the other armed men were waiting. They started beating and interrogating Guillermina Chavez. When she did not answer them, the men threw both women onto the bed and beat Guillermina Chavez more severely. One of the men turned up the radio so that neighbors could not hear the beating.

28. They continued to viciously beat Guillermina Chavez, while Ana Patricia was taken to another room containing her infant daughter. As Ana Patricia listened in the other room, one of the armed men shot Guillermina Chavez in the head at close range while she was lying on her back, killing her.

29. After the armed men left, Ana Patricia Chavez ran out of the bedroom. She went to her mother's bedroom and found her dead.

30. A neighbor informed Ana Patricia Chavez that a man was dead outside the neighbor's house. She went to the house and found her partner, Omar, who was dead from a gunshot to the temple. When Ana Patricia Chavez returned to the Chavez home, she found her father, Humberto Chavez, dead on the floor, with several gunshot wounds. The house was surrounded by uniformed members of the National Guard for several hours. In 1982, Ana Patricia Chavez fled to the United States.

*Plaintiff Cecilia Santos*

31. At the time of the events at issue, Plaintiff Cecilia Santos was studying mathematics at the National University of El Salvador in San Salvador. She was also working in the statistics department of the Ministry of Education.

32. On or about September 25, 1980, Plaintiff Cecilia Santos was at *Supermercados Todos*, a shopping center in San Salvador. While she was in the bathroom, two private security officers entered. The officers took Santos to the basement of the shopping center. Two additional men in civilian clothing arrived and took her out of the shopping center. They forced her into a taxi. The taxi stopped one block away from the headquarters of the National Police. One of the men grabbed Santos'

arm and walked her into the National Police building.

33. Inside the building, Santos was taken to the second floor and blindfolded by her captors. She was led through a tunnel. Despite her blindfold, she could feel and hear that the floor of the tunnel was covered with the bodies of many people in pain and crying. She was taken into a small room and forced to sit at a desk. Despite the blindfold, Santos was able to ascertain that there were several men in the room. One of the men touched her legs and breasts and tried to put his hands inside her skirt. One man, in particular, interrogated her. During this interrogation, she was sexually assaulted. After a while, the men removed the blindfold; she then could see that one or more men wore masks and were taking her picture. After some time, she was blindfolded again, and the men renewed her interrogation. They threatened to harm her family. They poured acid on her hands, particularly in the area separating the fingers, and inserted Q-tips soaked with acid in her nostrils.

34. Santos was subjected to continuing torture as the men applied electrical shocks to her arms, hands, mouth and breasts, causing her extreme pain. She nearly lost consciousness each time the shocks were applied. The men forced her to sign a blank piece of paper which could later be used as a confession.

35. At some point during the interrogation, Santos was able to see her interrogators. She saw that two of them wore civilian clothes and that two of them wore khaki pants, khaki shirts, and boots, the typical uniform of the National Police. Santos was forced to hear the sounds of other people being tortured during the same time that she was tortured. She was not given any food or water during the entirety of the lengthy interrogation.

36. Early the next morning, Santos was registered as a political prisoner and placed in a cell in another part of the National Police headquarters. While she was there, a uniformed police officer began touching her breast and putting his hand up her skirt. She was held in the National Police cell for approximately eight days.

37. On or about October 2, 1980, Santos was transferred to the women's prison in Ilopango, El Salvador. She was detained there for nearly three years. During the first year at Ilopango, Santos suffered a stroke which, according to the doctor who treated her, was precipitated by the torture she experienced at the National Police headquarters.



38. After about one month at Ilopango, Santos was placed in a special proceeding with a military judge and charged with being a “subversive.” A man from the National Police told her to sign a declaration admitting that she was a subversive. She refused to sign the statement. She never was allowed to consult an attorney. She was not brought before any type of tribunal or court thereafter. She was held at Ilopango until about June 2, 1983, when she was released under a general amnesty. About eight days later, Santos fled to the United States.

*Plaintiff Francisco Calderon*

39. At the time of the events at issue, Plaintiff Francisco Calderon was working at a cigarette factory in San Salvador and helping his father pay for his younger stepsisters to go to school.

40. Decedent Paco Calderon was the principal of a school in Ahuachapan, El Salvador, and was one of the leaders of the *Andes 21 de Junio* teachers’ union in that city. In 1979, the Salvadoran government presented him with a medal for being one of the three best teachers in El Salvador, but he refused to accept the honor because of the government’s repression of the teachers’ union. On or about June 16, 1980, he was traveling by car in Ahuachapan. When the car approached a checkpoint, he tried to throw away a flyer that provided instructions to civilians on what to do in the event of a disaster. A soldier at the checkpoint observed Mr. Calderon’s actions, and Mr. Calderon was arrested. His family was unable to discover his whereabouts until the next day. When a crowd followed the family to the jail where Calderon was being held, the military forces dispersed the crowd.

41. After Calderon was released, he moved to San Salvador to live with one of his daughters and his son, Plaintiff Francisco Calderon. He rarely left the house.

42. On or about September 11, 1980, at approximately 10:00 p.m., several uniformed members of the National Police knocked on the door of the Calderons’ house in the Antiguo Cuzcatlan section of San Salvador. Plaintiff Francisco Calderon came to the door, and the uniformed men ordered him to unlock the door. As he opened the door, the uniformed men stepped back, and several men wearing civilian clothes and masks grabbed Francisco Calderon, and forced him to the floor. One of the men kept Francisco Calderon pinned to the floor and pointed a gun at his back. All the men in civilian clothes and masks carried G-3 rifles, the weapons commonly used by the Security Forces and death squads. Other armed men were positioned on the roof of the house.

43. Decedent Paco Calderon, who had been preparing for bed, saw his son, Plaintiff Francisco Calderon, pinned to the floor by the armed men. He came into the room where Francisco Calderon was being held and told the armed men to release his son. Then several armed men grabbed Paco Calderon and tried to drag him out of the house. After a brief struggle, one or more of the armed men shot and killed Paco Calderon. They shot him five times in the back, arm and head. The armed men then exited the house, leaving Paco Calderon's body on the floor. Plaintiff Francisco Calderon was forced to hear his father's murder.

*Plaintiff Jane Doe*

44. At the time of the events at issue, Plaintiff Jane Doe was living with her husband, Decedent James Doe, in San Salvador, El Salvador. James Doe was a leader of the FDR.

45. On or about November 27, 1980, six of the leaders of the FDR, including James Doe, were meeting at the Jesuit school, Externado San Jose, in San Salvador. Between about 9:00 a.m. and 10:00 a.m., a large group of heavily armed men, some wearing the uniforms of the Security Forces and some in civilian clothes, surrounded the school. Once at the main gate, they forcibly moved the doorman away from the gate and allowed several vehicles carrying other armed men to enter the school. Most of the men carried machine guns and G-3 rifles, the weapons commonly used by the Security Forces and death squads. Many of the men in the vehicles were members of the Security Forces.

46. Once inside, the armed men forced the school's occupants to lie on the floor. Some of the men then entered the offices where the six FDR leaders, including James Doe, were meeting and abducted them. The armed men took their captives outside and put them in a vehicle that subsequently drove away. The entire operation lasted approximately twenty minutes.

47. Later that afternoon, the dead bodies of four of the abducted men, including James Doe, appeared along the highway to the city of Apulo in the district of Ilopango. All four bodies showed signs of brutal torture, mutilation, strangulation and bullet wounds. They also showed deep burns around the necks. Their shoes, watches, belts and other belongings had been stolen. The next day, the body of another of the FDR leaders was found near the same location. His body also showed signs of brutal torture and bullet wounds. The body of the sixth FDR leader was found shortly thereafter.

48. The day of the abductions, at or about 4:00 p.m., heavily armed individuals wearing

civilian clothes arrived at Externado San Jose. They identified themselves as agents of the National Police and claimed that they were carrying out an investigation concerning the morning's operation.

49. When the bodies were found, a judge in Ilopango initiated an investigation and opened a dossier. The dossier was transferred to the Fourth Criminal Court in San Salvador. The Fourth Criminal Court failed to conduct a proper investigation and failed to perform mandatory autopsies of the bodies. The case was closed without further action on or about October 8, 1982. No individuals were ever arrested or tried for the murder of James Doe or the other five men who were killed.

*Plaintiff John Doe*

50. At the time of the events at issue, Plaintiff John Doe was an engineering student in San Salvador. He was married and had a two-month-old child.

51. On August 25, 1983, John Doe was abducted by five men dressed in civilian clothes while he was attending a soccer game. The men carried G-3 rifles and wore military caps. They blindfolded John Doe and forced him to sit on the floor in the backseat of their vehicle.

52. After driving around San Salvador for approximately one hour, the men took John Doe, still blindfolded, to the basement of a building he did not recognize at that time. He later discovered that the building was the headquarters of the Treasury Police. John Doe was forced to take off his clothes and was provided a pair of pants that did not fit.

53. That evening, several men began torturing John Doe. The men placed a hood over his head, which severely impaired his breathing, while they administered electric shocks all over his body, particularly his chest. The combination of the shocks and the hood over his head caused John Doe to be unable to breath and frequently lose consciousness. Whenever he lost consciousness, John Doe's torturers removed the hood, allowed him to breath and regain consciousness, and started the process over again.

54. During the night, John Doe's torture was interrupted so that his captors could blindfold him, place him in a car, and drive him to a nearby location in San Salvador. When they stopped and removed the blindfold, John Doe found that he was in front of his parents' house. John Doe's torturers told him that they knew where his family lived and would be willing to use torture and similar violence

against members of his family. John Doe was then returned to the Treasury Police headquarters.

55. The following day, John Doe was tortured using the same techniques. In addition, John Doe's torturers tied his wrists behind his back, then hung him from the ceiling by his wrists. He remained in that position for several hours while the torturers continued to apply electric shocks all over his body.

56. The second day after his abduction, John Doe was hung upside down by his feet and beaten in the back and the stomach with a brick. His torturers also sought information and attempted to elicit a confession about a murder that he did not commit. A number of days later, unable to endure any further torture, John Doe signed a declaration admitting his responsibility for a murder that, in fact, he did not commit.

57. John Doe remained imprisoned at the Treasury Policy headquarters for several months. During his incarceration, he had personal contact with Defendant Carranza on more than one occasion. Defendant Carranza once visited his cell and said, "Thank God that you're alive because we kill guerilla fighters."

58. After intervention and aid from a foreign government and a private attorney, John Doe was freed from prison and given a visa so that he and his family could flee El Salvador.

#### **GENERAL ALLEGATIONS**

59. The acts described herein were carried out under actual or apparent authority or color of law of the government of El Salvador.

60. At all relevant times between October 1979 and January 1981, Defendant Carranza, as Subsecretary of Defense and Public Security, possessed and exercised command and control over the National Guard, National Police and Treasury Police. He also acquiesced in and permitted persons or groups acting in coordination with the National Guard, National Police or Treasury Police or under their control to commit human rights abuses.

61. At all relevant times between June 1983 and May 1984, Defendant Carranza, as Director of the Treasury Police, was the highest-ranking member within the Treasury Police and possessed and exercised command and control over the Treasury Police. He also acquiesced in and permitted persons or groups acting in coordination with the Treasury Police or under their control to commit human rights

abuses.

62. At all relevant times between October 1979 and January 1981, as Subsecretary of Defense and Public Security, Defendant Carranza had the legal authority and practical ability to exert control over subordinates in the Security Forces that participated in the extrajudicial killing of Decedents Guillermina Chavez, Humberto Chavez, Paco Calderon and James Doe, and the torture of Plaintiffs Cecilia Santos, Ana Patricia Chavez and Francisco Calderon. Defendant Carranza's command over such forces included the authority and responsibility to give orders to, set policy for, and manage the affairs of forces under his control, and to appoint, remove and discipline personnel of such forces.

63. At all relevant times between June 1983 and May 1984, as Director of the Treasury Police, Defendant Carranza had the legal authority and practical ability to exert control over subordinates in the Treasury Police that participated in the torture of Plaintiff John Doe. Defendant Carranza's command over such forces included the authority and responsibility to give orders to, set policy for, and manage the affairs of forces under his control, and to appoint, remove and discipline personnel of such forces.

64. At all relevant times between October 1979 and January 1981, as Subsecretary of Defense and Public Security, Defendant Carranza had a duty under customary international law, multilateral treaties and Salvadoran law to ensure the protection of civilians, to prevent violations of international and Salvadoran law by the Security Forces, and to ensure that all persons under his command were trained in, and complied with, the laws of warfare and international and Salvadoran law, including the prohibitions against torture, extrajudicial killing, and crimes against humanity. Furthermore, Defendant Carranza was under a duty to investigate, prevent and punish violations of international and Salvadoran law committed by members of the Security Forces under his command.

65. At all relevant times between June 1983 and May 1984, as Director of the Treasury Police, Defendant Carranza had a duty under customary international law, multilateral treaties and Salvadoran law to ensure the protection of civilians, to prevent violations of international and Salvadoran law by the Treasury Police, and to ensure that all persons under his command were trained in, and complied with, the laws of warfare and international and Salvadoran law, including the prohibitions against torture, extrajudicial killing, and crimes against humanity. Furthermore, Defendant

Carranza was under a duty to investigate, prevent and punish violations of international and Salvadoran law committed by members of the Treasury Police under his command.

66. The acts of torture, extrajudicial killing, and crimes against humanity inflicted upon Plaintiffs and Decedents were part of a pattern and practice of systematic or widespread human rights violations against the civilian population of El Salvador. At all relevant times, Defendant Carranza knew or reasonably should have known of the pattern and practice of gross human rights abuses perpetrated against the civilian population by subordinates under his command, including the abuses committed against Plaintiffs and Decedents.

67. Defendant Carranza failed or refused to take all necessary measures to investigate and prevent these abuses, or to punish personnel under his command for committing such abuses.

68. Defendant Carranza, as Subsecretary of Defense and Public Security, exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to commit acts of extrajudicial killing, torture, and crimes against humanity, and to cover up these abuses. As Director of the Treasury Police, he exercised command responsibility over, conspired with, or aided and abetted subordinates in the Treasury Police or persons or groups acting in coordination with the Treasury Police or under their control to commit acts of extrajudicial killing, torture, and crimes against humanity, and to cover up these abuses. These actions and omissions were outside the scope of his lawful authority and were not authorized by Salvadoran or international law.

*Equitable Tolling of the Statute of Limitations*

69. Prior to March 1997, victims of abuses perpetrated by the Salvadoran Security Forces or associated paramilitary death squads could not have been expected to pursue a cause of action in the United States against former commanders of the Security Forces because of the reasonable fear of reprisals against themselves or members of their family still residing in El Salvador. Throughout the time period alleged in the complaint and up to the present, each of the Plaintiffs either lived in El Salvador or had immediate family (parents, children, or siblings) living in El Salvador. Furthermore, until March 1997, it would not have been possible to safely conduct investigation and discovery in El Salvador in support of a cause of action in the United States seeking to hold former commanders of the

Security Forces responsible for human rights abuses.

70. Throughout the 1980s, the Salvadoran Security Forces carried out a calculated program of state repression of the civilian population. Military and Security Forces showed a clear pattern and practice of arbitrary detention, torture, and extrajudicial killings.

71. During this time, Salvadorans were unable to seek justice in their country or abroad. Gross and systematic human rights violations committed by government military forces and death squads operating with impunity had an overwhelming and chilling effect. During this time in El Salvador, the Catholic Archbishop was murdered while saying mass, one of the alleged authors of the crime openly campaigned for the Presidency, the judge investigating this crime was forced to leave the country, death squads operated out of the office of the President of the legislature, and the Attorney General and the most important political opposition leaders were openly murdered by the Security Forces and military forces working with paramilitary death squads. Even Salvadorans living in the United States were the victims of politically motivated violence and threats of violence.

72. The Salvadoran judicial system was notorious for its failure to investigate serious crime; police, prosecutors and judges were unwilling to examine cases at all when the military was involved. Despite the fact that all major reports of human rights violations found that government forces or government-associated death squads committed the overwhelming majority of gross and systematic human rights violations, not a single Salvadoran officer of the military or police was ever tried and convicted for these abuses in El Salvador.

73. On January 1, 1992, the government and Salvadoran guerrilla forces signed Peace Accords sponsored by the United Nations. These Peace Accords, however, did not signal the end of political violence and reprisals because the implementation of the provisions of the accords did not start until well after this date. The Peace Accords called for the abolition of the Security Forces. This was a result of findings by the U.N. and U.S. officials that these organizations, and in particular the National Guard and Treasury Police, were “beyond repair.” Contrary to these requirements, at least several hundred members of the Treasury Police and National Guard were absorbed into the newly constituted National Civilian Police, which was intended to be independent of military control. Eleven of the eighteen executive-level candidates presented by the government to enter the National Civilian Police

were ex-members of the army, the Treasury Police, and the National Guard. Thus, the breaking up of these forces in order to insure the dismantling of their repressive apparatuses was not realized until well after the signing of the Peace Accords.

74. With impunity still in effect, visible human rights violations continued in El Salvador throughout the early 1990s. These human rights abuses were condemned by the U.N. Secretary General, the Commission for the Defense of Human Rights in Central America, and the United Nations Observer Mission in El Salvador, which concluded that the persistence of summary executions, torture and illegal detentions threatened the peace agreements.

75. In March 1994, El Salvador conducted its first elections following the signing of the Peace Accords. Although these nationwide and impartial elections represented an important turning point in the effort to reconstruct El Salvador, they were marred by ongoing and extraordinary political violence. The resurgence of death squad murders and political assassinations, including the murders of three high-level opposition leaders and the killing of a number of lower-level political activists, injected a high level of fear into the campaign. This was exacerbated by a pattern of victim selection and style of murder very reminiscent of military and Security Forces during the height of the war. Several death squads linked to military and Security Forces claimed credit for these murders, and the lack of government investigations contributed to the sense that these activities were, at the very least, tolerated by state officials. Prior to the elections, the United Nations Mission in El Salvador analyzed 94 cases of severe human rights abuses with political motivations, showing that only one of these had resulted in arrest.

76. During the 1994 elections, impunity was still intact. Serious and impartial investigations did not seem possible. The old National Police was still functioning in most of the country, there was a significant number of human rights violations, there was evidence that death squads were still active, and members of the Supreme Court known to be complicit in human rights abuses were still in place despite U.N. recommendations for their replacement.

77. The pattern of non-compliance with reforms, the consistent reappearance of death squad activity, and visible human rights violations continued throughout 1995-1996. For example, at least three dozen murders in early 1995 were attributed to the Black Shadow death squad, which also



threatened to execute six judges. These murders bore the markings of right-wing death squads operating during the war and closely linked to military and Security Forces. Contrary to the Peace Accords, the new police force was contaminated with formerly repressive police units and Security Forces notorious for their records of abuse. In the summer of 1995, for example, members of the National Civilian Police, including a very senior officer, were arrested for being part of the Black Shadow Death Squad.

78. Dismantling this system has been a slow and uneven process. It was not until approximately the time of national elections in March 1997 that political violence, and impunity for that violence, were largely eradicated. The March 1997 elections marked a decisive change in the climate of fear in El Salvador for several reasons. First, with the exception of the deaths of several opposition workers, the campaign was remarkably peaceful, unlike all previous electoral campaigns. Second, also unlike previous elections, there was little evidence of fraud. Third, this was the first election in which the opposition not only won significant political posts, including the office of the mayor of San Salvador, but was also permitted to safely occupy positions of power without fear of reprisals. This had never happened before in the history of El Salvador. Fourth, this was the first election that demonstrated the effects of significant reforms of the judiciary and police through a visible diminution of fear. Finally, the March 1997 elections were conducted by Salvadorans without the need for the overwhelming, but temporary, foreign presence that sought to guarantee the safety of participants in March 1994.

*Absence of Remedies in El Salvador*

79. Because of the political violence and reasonable fear of reprisals that existed in El Salvador until March 1997, it would have been impossible during that time to seek judicial remedies in Salvadoran courts, with even minimal guarantees of safety, for violations of human rights abuses. In March 1993, the Salvadoran legislature adopted a broad and unconditional amnesty for any individual implicated in “political offenses.” The amnesty law foreclosed both civil and criminal liability for all individuals who had participated in any way in the commission of political crimes, common crimes related to political crimes, or common crimes committed before January 1, 1992. This law precludes all liability under Salvadoran law for those responsible for the abuses perpetrated against Plaintiffs and

Decedents. To date, the government of El Salvador has not proceeded, nor has it shown any intention of proceeding, against Defendant Carranza for his involvement in human rights violations committed when he served as Subsecretary of Defense and Public Security or Director of the Treasury Police. Accordingly, there were and are no adequate and available remedies for Plaintiffs to exhaust in El Salvador.

**FIRST CLAIM FOR RELIEF**  
*(Extrajudicial Killing of Humberto Chavez –  
Plaintiff Ana Patricia Chavez)*

80. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

81. The murder of Humberto Chavez constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, the extrajudicial killing of Humberto Chavez constitutes a “tort ... committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

82. The extrajudicial killing of Humberto Chavez was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. Humberto Chavez was never charged with, convicted of, or sentenced for any crime.

83. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to murder Humberto Chavez. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

84. Defendant’s acts and omissions described above, and the acts committed by his subordinates against Humberto Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

85. Defendant’s acts and omissions described above, and the acts committed by his

subordinates, caused the extrajudicial killing of Humberto Chavez, and caused Plaintiff Ana Patricia Chavez to suffer severe mental pain and suffering.

86. As a result of the extrajudicial killing of Humberto Chavez, Plaintiff Ana Patricia Chavez has suffered damages in an amount to be determined at trial.

87. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**SECOND CLAIM FOR RELIEF**  
*(Extrajudicial Killing of Guillermina Chavez –  
Plaintiff Ana Patricia Chavez)*

88. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

89. The murder of Guillermina Chavez constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, the extrajudicial killing of Guillermina Chavez constitutes a "tort ... committed in violation of the law of nations or a treaty of the United States" under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

90. The extrajudicial killing of Guillermina Chavez was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. Guillermina Chavez was never charged with, convicted of, or sentenced for any crime.

91. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to murder Guillermina Chavez. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

92. Defendant's acts and omissions described above, and the acts committed by his

subordinates against Guillermina Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

93. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of Guillermina Chavez, and caused Plaintiff Ana Patricia Chavez to suffer severe mental pain and suffering.

94. As a result of the extrajudicial killing of Guillermina Chavez, Plaintiff Ana Patricia Chavez has suffered damages in an amount to be determined at trial.

95. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**THIRD CLAIM FOR RELIEF**  
*(Torture – Plaintiff Ana Patricia Chavez)*

96. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

97. The acts described herein, namely forcing Ana Patricia Chavez to hear the murder of her mother, Guillermina Chavez, constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, they constitute a "tort ... committed in violation of the law of nations or a treaty of the United States" under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that they were in violation of customary international law prohibiting torture as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

98. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, punishing Ana Patricia Chavez for an act her mother, Guillermina Chavez, was suspected of having committed, intimidating or coercing Ana Patricia Chavez, or discriminating against her or her parents for her parents' presumed political beliefs.

99. The torture of Ana Patricia Chavez did not arise from and was not inherent in or incidental to lawful sanctions.

100. Defendant Carranza exercised command responsibility over, conspired with, or aided

and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to torture Ana Patricia Chavez. Furthermore, Defendant knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

101. Defendant's acts and omissions described above, and the acts committed by his subordinates against Ana Patricia Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

102. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the torture of Ana Patricia Chavez, and caused her to suffer severe mental pain and suffering, including prolonged mental harm resulting from the threat of imminent death to her and the threat that her mother, Guillermina Chavez, would imminently be subjected to death or severe physical pain or suffering.

103. As a result of the torture of Ana Patricia Chavez, she has suffered damages in an amount to be determined at trial.

104. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

#### **FOURTH CLAIM FOR RELIEF**

*(Crimes Against Humanity – Plaintiff Ana Patricia Chavez )*

105. Plaintiff Ana Patricia Chavez re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

106. The extrajudicial killings of Humberto Chavez and Guillermina Chavez and the torture of Ana Patricia Chavez described herein were committed as part of a widespread or systematic attack against a civilian population. The acts constitute a "tort ...committed in violation of the laws of nations or a treaty of the United States" under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that they were in violation of customary international law prohibiting crimes against humanity as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

107. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to commit crimes against humanity, including the extrajudicial killings of Humberto Chavez and Guillermina Chavez and the torture of Ana Patricia Chavez. Furthermore, Defendant knew or should have known that extrajudicial killings and torture were being committed by his subordinates and that they were being committed as part of a widespread or systematic attack against a civilian population, and he failed to prevent these abuses or punish those responsible.

108. Defendant's acts and omissions described above, and the acts committed by his subordinates against Guillermina Chavez, Humberto Chavez and Ana Patricia Chavez, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

109. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killings of Humberto Chavez and Guillermina Chavez and the torture of Ana Patricia Chavez, and caused Ana Patricia Chavez to suffer severe mental pain and suffering.

110. As a result of Defendant's acts and omissions, Ana Patricia Chavez has suffered damages in an amount to be determined at trial.

111. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**FIFTH CLAIM FOR RELIEF**  
*(Torture – Plaintiff Cecilia Santos)*

112. Plaintiff Cecilia Santos re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

113. The acts described herein constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note).

114. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, obtaining from Cecilia Santos information or a confession, punishing her for an act she was suspected of having committed, intimidating or coercing her, or discriminating against her

for her presumed political beliefs.

115. The torture of Cecilia Santos did not arise from and was not inherent in or incidental to lawful sanctions.

116. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to torture Cecilia Santos. Furthermore, Defendant knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

117. Defendant's acts and omissions described above, and the acts committed by his subordinates against Cecilia Santos, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

118. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the torture of Cecilia Santos, and caused her to suffer severe physical and mental pain and suffering.

119. As a result of the torture of Cecilia Santos, she has suffered damages in an amount to be determined at trial.

120. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**SIXTH CLAIM FOR RELIEF**  
*(Extrajudicial Killing of Paco Calderon –  
Plaintiff Francisco Calderon)*

121. Plaintiff Francisco Calderon re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

122. The murder of Paco Calderon constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note).

123. The extrajudicial killing of Paco Calderon was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. Paco Calderon was never

charged with, convicted of, or sentenced for any crime.

124. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to murder Paco Calderon. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

125. Defendant's acts and omissions described above, and the acts committed by his subordinates against Paco Calderon, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

126. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of Paco Calderon, and caused Plaintiff Francisco Calderon to suffer severe mental pain and suffering.

127. As a result of the extrajudicial killing of Paco Calderon, Plaintiff Francisco Calderon has suffered damages in an amount to be determined at trial.

128. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**SEVENTH CLAIM FOR RELIEF**  
*(Torture - Plaintiff Francisco Calderon)*

129. Plaintiff Francisco Calderon re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

130. The acts described herein, namely forcing Francisco Calderon to hear the murder of his father, Paco Calderon, constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note).

131. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, punishing Francisco Calderon for an act his father, Decedent Paco Calderon, was suspected of having committed, intimidating or coercing Francisco Calderon, or discriminating against him or his father for his father's presumed political beliefs.



132. The torture of Francisco Calderon did not arise from and was not inherent in or incidental to lawful sanctions.

133. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the National Police or persons or groups acting in coordination with the National Police or under their control to torture Francisco Calderon. Furthermore, Defendant knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

134. Defendant's acts and omissions described above, and the acts committed by his subordinates against Francisco Calderon, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

135. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the torture of Francisco Calderon, and caused him to suffer severe mental pain and suffering, including prolonged mental harm resulting from the threat of imminent death to him and the threat that his father, Paco Calderon, would imminently be subjected to death or severe physical pain or suffering.

136. As a result of the torture of Francisco Calderon, he has suffered damages in an amount to be determined at trial.

137. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

#### **EIGHTH CLAIM FOR RELIEF**

*(Extrajudicial Killing of James Doe – Plaintiff Jane Doe)*

138. Plaintiff Jane Doe re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

139. The murder of James Doe constitutes an extrajudicial killing as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, the extrajudicial killing of James Doe constitutes a "tort ... committed in violation of the law of nations or a treaty of the United States" under the Alien Tort Claims Act, 28 U.S.C. § 1350, in

that it was in violation of customary international law prohibiting extrajudicial killing as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

140. The extrajudicial killing of James Doe was not authorized by any court judgment, and was unlawful under the laws of El Salvador that existed at that time. James Doe was never charged with, convicted of, or sentenced for any crime.

141. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to murder James Doe. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and failed to prevent abuses or punish those responsible.

142. Defendant's acts and omissions described above, and the acts committed by his subordinates against James Doe, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

143. Defendant's acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of James Doe, and caused Plaintiff Jane Doe to suffer severe mental pain and suffering.

144. As a result of the extrajudicial killing of James Doe, Plaintiff Jane Doe has suffered damages in an amount to be determined at trial.

145. Defendant's acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**NINTH CLAIM FOR RELIEF**  
*(Crimes Against Humanity – Plaintiff Jane Doe)*

146. Plaintiff Jane Doe re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

147. The extrajudicial killing of James Doe described herein was committed as part of a widespread or systematic attack against a civilian population. The act constitutes a "tort...committed in

violation of the laws of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that it was in violation of customary international law prohibiting crimes against humanity as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

148. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Security Forces or persons or groups acting in coordination with the Security Forces or under their control to commit crimes against humanity, including the extrajudicial killing of James Doe. Furthermore, Defendant knew or should have known that extrajudicial killings were being committed by his subordinates and that they were being committed as part of a widespread or systematic attack against a civilian population, and he failed to prevent these abuses or punish those responsible.

149. Defendant’s acts and omissions described above, and the acts committed by his subordinates against James Doe, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

150. Defendant’s acts and omissions described above, and the acts committed by his subordinates, caused the extrajudicial killing of James Doe, and caused Jane Doe to suffer severe mental pain and suffering.

151. As a result of Defendant’s acts and omissions, Jane Doe has suffered damages in an amount to be determined at trial.

152. Defendant’s acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**TENTH CLAIM FOR RELIEF**  
*(Torture – Plaintiff John Doe)*

153. Plaintiff John Doe re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

154. The acts described herein constitute torture as defined by the Torture Victim Protection Act, Pub. L. No. 102-256, 106 Stat. 73 (1992) (codified at 28 U.S.C. § 1350 note). Additionally, they

constitute a “tort ... committed in violation of the law of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that they were in violation of customary international law prohibiting torture as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

155. The acts described herein were inflicted deliberately and intentionally for purposes that include, among others, obtaining from John Doe information or a confession, or punishing him for an act he was suspected of having committed, but did not in fact commit, intimidating or coercing him, or discriminating against him for his presumed political beliefs.

156. The torture of John Doe did not arise from and was not inherent in or incidental to lawful sanctions.

157. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Treasury Police or persons or groups acting in coordination with the Treasury Police or under their control to torture John Doe. Furthermore, Defendant knew or should have known that torture was being committed by his subordinates and failed to prevent abuses or punish those responsible.

158. Defendant’s acts and omissions described above, and the acts committed by his subordinates against John Doe, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

159. Defendant’s acts and omissions described above, and the acts committed by his subordinates, caused the torture of John Doe, and caused him to suffer severe physical and mental pain and suffering.

160. As a result of his torture, John Doe has suffered damages in an amount to be determined at trial.

161. Defendant’s acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

**ELEVENTH CLAIM FOR RELIEF**  
*(Crimes Against Humanity – Plaintiff John Doe)*

162. Plaintiff John Doe re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

163. The acts of torture described herein were committed as part of a widespread or systematic attack against a civilian population. The acts constitute a “tort...committed in violation of the laws of nations or a treaty of the United States” under the Alien Tort Claims Act, 28 U.S.C. § 1350, in that they were in violation of customary international law prohibiting crimes against humanity as reflected, expressed, defined and codified in multilateral treaties and other international instruments, international and domestic judicial decisions, and other authorities.

164. Defendant Carranza exercised command responsibility over, conspired with, or aided and abetted subordinates in the Treasury Police or persons or groups acting in coordination with the Treasury Police or under their control to commit crimes against humanity, including the torture of John Doe. Furthermore, Defendant knew or should have known that acts of torture were being committed by his subordinates and that they were being committed as part of a widespread or systematic attack against a civilian population, and he failed to prevent these abuses or punish those responsible.

165. Defendant’s acts and omissions described above, and the acts committed by his subordinates against John Doe, were committed under actual or apparent authority, or color of law, of the government of El Salvador.

166. Defendant’s acts and omissions described above, and the acts committed by his subordinates, caused the torture of John Doe, and caused him to suffer severe physical and mental pain and suffering.

167. As a result of Defendant’s acts and omissions, John Doe has suffered damages in an amount to be determined at trial.

168. Defendant’s acts and omissions were deliberate, willful, intentional, wanton, malicious and oppressive, and should be punished by an award of punitive damages in an amount to be determined at trial.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for judgment against Defendant as follows:

- (a) For compensatory damages according to proof;

- (b) For punitive and exemplary damages according to proof;
- (c) For reasonable attorneys' fees and costs of suit, according to proof; and
- (d) For such other and further relief as the court may deem just and proper.

A jury trial is demanded on all issues.

DATED: June 20, 2005

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has this day been served upon the following counsel for the Defendant by depositing a copy thereof in the United States Mail, postage prepaid, this 20th day of June, 2005.

Robert M. Fargarson, Esq.  
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*Counsel for Defendant Nicolas Carranza*

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