

FILED

APR 20 1990

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFREDO FORTI and DEBORA
BENCHOAM,

Plaintiffs,

v.

CARLOS GUILLERMO SUAREZ-MASON,

Defendant.

C-87-2058-DLJ

JUDGMENT

ENTERED IN CIVIL DOCKET 4/25, 19 90

This is a civil action brought against a former Argentine general by two Argentine citizens currently residing in the United States. Plaintiffs Forti and Benchoam seek damages from defendant Suarez-Mason for actions which include torture, murder, and prolonged arbitrary detention, allegedly committed by military and police personnel under defendant's authority and control. Plaintiffs' action arises from events that occurred in the mid-to-late 1970s during Argentina's so-called "dirty war" against suspected subversives.

On September 20, 1989, plaintiffs moved for judgment by default pursuant to Federal Rule of Civil Procedure 55.

Regarding plaintiff Benchoam's claim, the Court makes the following factual findings:

Plaintiff Benchoam was incarcerated without charges for more than four years -- from July 25, 1977 to November 5, 1981 -- by forces controlled by defendant. At the time of her arrest, plaintiff was forced to watch as these forces twice shot her brother Reuben. Defendant's forces subsequently

1 brutally beat and murdered Mr. Benchoan. They also stole
2 plaintiff Benchoan's jewelry, and tortured and sexually abused
3 her on several occasions during her four years of
4 incarceration. Plaintiff was subjected to significant physical
5 and emotional pain and suffering as a result of her
6 incarceration and abuse. She continues to suffer from long-
7 term physical and psychological injuries.

8 Regarding plaintiff Forti's claim, the Court makes the
9 following factual findings:

10 Plaintiff Forti and his family were abducted on February
11 18, 1977 by forces controlled by defendant and held for a week
12 without charges. Forces commanded by defendant stole most of
13 the Forti family's personal belongings and subjected them to
14 mental cruelty and physical discomfort while supervising the
15 detention. Plaintiff was separated from his mother, who
16 shortly thereafter "disappeared" and was never seen or heard
17 from again. Plaintiff Forti suffers from long-term physical
18 and psychological injuries as a result of the trauma of his
19 abduction and incarceration. These injuries are likely to be
20 permanent.

21 Upon consideration of plaintiffs' application for default
22 judgment and request for damages, the default entered by this
23 Court on December 21, 1988, and the entire record here, it is
24 hereby ORDERED, ADJUDGED AND DECREED as follows:
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1 (1) An award of compensatory damages for pain and suffering
2 is proper and awarded to Debora Benchoam in the sum of three
3 million dollars ("\$3,000,000").

4 (2) An award of compensatory damages for pain and suffering
5 is proper and awarded to Alfredo Forti in the sum of one million
6 dollars ("\$1,000,000").

7 (3) An award of punitive damages is proper and awarded to
8 Debora Benchoam in the sum of three million dollars
9 ("\$3,000,000").

10 (4) An award of punitive damages is proper and awarded to
11 Alfredo Forti in the sum of one million dollars ("\$1,000,000").

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13 IT IS SO ORDERED.

14 DATED: April 20, 1990

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18 _____
19 D. Lowell Jensen
20 United States District Judge
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