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Justice Comes for the Archbishop

By Rigoberta Menchú Tum

Nearly 25 years after Archbishop Óscar Romero was assassinated while celebrating Mass in San Salvador, a chance for justice has finally appeared. A judge is expected to rule on Friday in a landmark lawsuit brought against a man accused of being an accomplice in the murder. The venue, however, is not a Salvadoran tribunal but a federal court in Fresno, Calif., where a longtime United States resident, Álvaro Saravia, faces civil charges for helping carry out orders to have Archbishop Romero killed.

Mr. Saravia, a former Salvadoran air force captain and close associate of Roberto d'Aubuisson, the founder of El Salvador's ruling right-wing party, is accused of obtaining the assassin's gun, arranging for his transportation to the chapel, and paying him afterwards. The suit, filed on behalf of a relative of the archbishop by the Center for Justice and Accountability, a human rights group, seeks damages for extrajudicial killing and crimes against humanity. Evidence was presented last week, and although Mr. Saravia has gone into hiding and is being tried in absentia, if the judge finds him liable he will face monetary damages.

This case is being watched closely throughout Central America, where fragile new democracies suffer the lingering effects of unpunished wartime crimes. The failure to bring human rights violators to justice encourages more violence, as the killing of Archbishop Romero and the 1998 assassination of Bishop Juan Gerardi in Guatemala sadly illustrated. The lack of arrests in the Romero murder was a signal that Salvadoran armed forces and paramilitary groups enjoyed impunity for their crimes, quickening the country's descent into a brutal 12-year civil war that left more than 75,000 civilians dead.

Countries emerging from civil conflict must reconcile the dual needs of consolidating stability and pursuing justice, a difficulty easily exploited by those intent on protecting their own interests. In El Salvador, a sweeping amnesty law rendered the 1993 findings of a United Nations truth commission legally irrelevant. That commission found Mr. d'Aubuisson (who died in 1992) and Mr. Saravia responsible for Archbishop Romero's murder, but neither man could be prosecuted in his homeland.

Thus the best chance for justice stems from the coincidence of Mr. Saravia's residency -- he has been in America since at least 1987. Through the Alien Tort Claims Act of 1789, the United States allows foreign citizens to sue people living within American borders. Fortunately, this summer in a case involving the kidnapping of a Mexican doctor, the Supreme Court decided against the Bush administration and affirmed the applicability of the act in human rights cases.

The Saravia trial, while an inspiring exercise in American law, does raise disturbing questions about United States policy. How did Mr. Saravia come to live in California in the first place? Declassified State Department and Central Intelligence Agency documents reveal that the government was aware of Mr. Saravia's alleged involvement in the Romero assassination as early as May 1980. The trial also represents an opportunity to examine, albeit obliquely, the responsibility of the Salvadoran government and its closest ally, the United States, in the events that led to the deaths of tens of thousands of Salvadoran civilians.

It is a sort of redemption, then, that the first trial in this murder is taking place in an American court. Let us hope that justice will be served at last in the case of Óscar Romero, and that it will inspire the governments of the United States, El Salvador and other nations to prosecute the many human rights abusers who live openly among us.