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Fresno suit hearing recalls Salvadoran cleric's slaying in '80

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Fresno -- The brazen murder of El Salvador's Roman Catholic Archbishop, Oscar Arnulfo Romero, was vividly recalled Tuesday at an unusual hearing in a Fresno courtroom.

Romero, an internationally revered peace advocate, was shot through the heart on the evening of March 24, 1980, while saying Mass at a San Salvador hospital chapel. He had been an outspoken opponent of the growing repression in his country and was described by the then-U.S. ambassador as "the most important leader in El Salvador at that time."

The hearing in federal district court in Fresno, which continues through Friday, is the first time anyone has been taken to court for the assassination of the archbishop, whose death helped catapult El Salvador into a civil war that claimed 75,000 lives and lasted until 1992.

Using a little-known 18th century law, the Alien Tort Claims Act, as well as the 1991 Torture Victim Protection Act, the Center for Justice and Accountability, a San Francisco human rights group, filed a civil suit last year on behalf of Romero's brother against a former captain in the Salvadoran air force, Alvaro Rafael Saravia, for playing a key role in the assassination. The brother's identity is not being revealed in court out of concern for his safety.

Saravia, who until recently had been living in Modesto, did not answer the complaint against him, so the court ruled against him by default. But given the unusual nature of the case, Federal Judge Oliver W. Wanger scheduled this week's hearing to ensure he had jurisdiction in the case and determine liability and the amount of damages, if any.

Saravia did not appear in court Tuesday, nor did he have an attorney represent him. He could not be reached for comment and is believed to have gone into hiding.

In 1987, Saravia was arrested in Florida and held for 14 months after a Salvadoran judge asked that he be extradited to stand trial in the Romero assassination. But the case never

went to trial in El Salvador, and Saravia was eventually released. His Miami attorney, Neal Sonnett, was out of the country and could not be reached for comment.

An amnesty law passed in El Salvador in 1993 at the end of the war prevents trial of the case there.

The center won a \$54 million judgment in 2002 against two Salvadoran former ministers of defense on behalf of three torture victims, including San Francisco high school teacher Carlos Mauricio, who attended the hearing in Fresno on Tuesday.

Mauricio said he hoped the hearing would represent the beginning of "an end to impunity" for human rights violators.

With no defense team to rebut the evidence, Wanger heard the plaintiff's dramatic case, which included slides of Romero's mangled body crumpled on the chapel floor and an audio tape of the archbishop's last words, punctuated by the explosion of gunfire.

As Romero's voice resounded through the wood-paneled courtroom, clusters of Salvadorans in the audience wept quietly.

"The pain is still there," said Maria Pereira, a San Jose businesswoman who journeyed to Fresno with her family to attend the hearing. "Two months after Monsignor's death, I lost a nephew, 19 years old. The army took him away and we never heard from him again. Romero's death was the most significant for the country, but it was one of many thousands."

To Nora Sotelo-Kury of San Francisco, and many others, the assassination of the archbishop signified that the Salvadoran military and affiliated death squads would stop at nothing to terrorize the country into submission.

"Here was this man who was the saint of the Americas, the voice of the voiceless," she said, dabbing at her eyes with a tissue. "If they could murder Monsignor Romero, they could do whatever they wanted."

U.S. church leaders and former U.S. Ambassador to El Salvador Robert White, who gave a video deposition that was played in court, were among the witnesses who testified about the importance of Romero's life and the impact of his death.

"I felt Oscar Romero was perhaps the only person who could serve as a bridge between the rich and the poor," said White. "Had Romero lived, it's quite possible we could have avoided the civil war because he could channel popular discontent into more constructive channels."

In addition, Amado Antonio Garay, who said he had worked as a driver for Saravia, testified that Saravia was closely linked to Maj. Roberto D'Aubuisson, who was later

identified by a United Nations truth commission as the mastermind of Romero's killing. D'Aubuisson died of cancer in 1992.

Garay testified that Saravia instructed him to drive the sniper to the chapel, stop while the man fired, then drive him away again. He said he later heard Saravia tell D'Aubuisson, "mission accomplished."

Wanger is not expected to issue a judgment for several weeks after the conclusion of the trial.

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