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FRESNO

Ex-Salvadoran officer ruled liable in killing of archbishop in 1980 **First trial ever in case, but ex-airman has disappeared**

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Fresno -- A federal judge in Fresno ruled Friday that a former Salvadoran air force captain is liable for \$10 million in compensatory and punitive damages for his involvement in the assassination almost a quarter century ago of El Salvador's Roman Catholic archbishop, Oscar Arnulfo Romero.

The hearing marked the first time that anyone has been brought to trial for the March 24, 1980, murder of Romero, an internationally renowned advocate for peace and human rights, who was gunned down in broad daylight while saying Mass at a San Salvador hospital chapel.

The civil court decision, by Judge Oliver W. Wanger, who was appointed to the bench by President Ronald Reagan, was met with jubilation and tears by about two dozen Salvadorans who sat through much of the five days of dramatic testimony.

"It's an incredible feeling of relief," said Juan Ramon Cardona, executive director of the Central American Resource Center in San Francisco and a native of El Salvador. "In all our families we have lost relatives, and no one has ever been prosecuted, so this judge's decision is a victory for us. It is justice being written."

The assassination of the archbishop helped plunge El Salvador into a 12-year civil war that claimed more than 75,000 civilian lives and displaced almost one-third of the country's population. In 1993, the Salvadoran legislature passed a sweeping amnesty law that has prevented prosecution in that country of this or any other crime committed during the war.

Human rights advocates hailed the judgment against Capt. Alvaro Rafael Saravia, who has been living in Modesto, as a historic step in holding human rights violators around the world responsible for crimes against humanity.

"This decision now ranks with other decisions by national and international courts in sending the message ... that reconciliation and the rule of law cannot flourish until there is an accounting for the heinous crimes of the past," said Sandra Coliver, executive director of the Center for Justice and Accountability in San Francisco, which brought the case on behalf of a sibling of Romero, whose identity is being kept under seal for fear of retaliation.

Saravia, who came to the United States in the mid-1980s, did not appear in court and was not represented by an attorney. He could not be reached at his last known address in Modesto and is believed to have gone into hiding.

U.S. authorities would not comment on Saravia's immigration status or whether they would seek to deport him, as Coliver hopes. But Virginia Kice, a spokeswoman for Immigration and Customs Enforcement, said, "We are observing the proceedings closely and continue to have an interest in this case."

Officials at the Salvadoran Embassy in Washington, D.C., did not return calls seeking comment Friday.

In testimony Friday, Stanford Professor Terry Karl, an expert on Latin America, presented the court with declassified U.S. government documents and other evidence linking former Salvadoran

Maj. Roberto D'Aubuisson and Saravia to Romero's murder, including handwritten notes by both men listing weapons, personnel and sources of funds for the assassination effort.

Her testimony was backed up by a 1993 U.N. truth commission report found that D'Aubuisson ordered the killing of the archbishop and that Saravia helped plan and carry it out, including paying the hit man and hiring the driver to take him to the chapel. D'Aubuisson, who later organized El Salvador's ruling ARENA party, died of cancer in 1992.

Wanger took pains to ensure that he had jurisdiction in the case and that the statute of limitations had not expired. Then, he issued a strongly worded statement, finding that Saravia was responsible for the murder under the terms of two U.S. laws -- the 1789 Alien Tort Claims Act and the 1991 Torture Victim Protection Act -- which allow civil suits against defendants in the United States, even when the crime was committed outside this country.

"The damage is of a magnitude that is hardly describable," said Wanger from the bench at the conclusion of the trial. "The only thing we can in a civil court is require the defendant to pay money."

Wanger set compensatory damages at \$2.5 million and added an additional \$7.5 million in punitive damages. Saying Romero's life was "beyond measure," plaintiff's attorney Nicholas van Aelstyn, of the firm Heller Ehrman White & McAuliffe, had pointedly declined to ask for a specific monetary amount.

After the case concluded, San Francisco State University Professor Felix Kury, who is Salvadoran, made reference to the estimated \$6 billion in U.S. support for the Salvadoran government during the war.

"The elephant in the room -- that we could not talk about because we wanted to find this man responsible -- is the role of the United States," he said. "The war would not have happened without it."

Then, in a traditional Latin American remembrance of the dead, Kury called out three times, "Monsignor Romero," and three times the crowd in the courtroom responded, "Presente!"

"He has been resurrected," said Kury, with tears streaming down his cheeks. "This is the beginning. It will give courage to people to continue fighting against death."

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