

The Tidings
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New winds of justice for El Salvador

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By Francisco Acosta

On September 3rd, Judge Oliver W. Wanger of the Federal District Court in Fresno issued a historic ruling finding Alvaro Saravia, a former captain in the Salvadoran air force and current U.S. resident, liable for his role in organizing the assassination of Archbishop Oscar Romero in El Salvador 24 years ago.

The lawsuit, for which I served as a witness, was brought under a little-known U.S. law that permits civil suits against individuals who committed human rights violations in other countries if they live in or visit the United States. Judge Wanger ruled that the evidence clearly established Saravia's responsibility for organizing the murder. He also determined that the murder constituted a "crime against humanity," and that it was part of a pattern of systematic violations of human rights for the purpose of perpetuating the oligarchy and the military government in El Salvador.

Within days of Judge Wanger's judgment, religious leaders in El Salvador called for a lifting of the 1993 Amnesty law and a reopening of the criminal investigation into the killing, committed on March 24, 1980 by a single bullet while the Archbishop was celebrating Mass. Salvadorans everywhere celebrated the verdict. For our people, Oscar Romero is like Martin Luther King for the United States or Mahatma Gandhi for India. The vindication of Romero's legacy is a vindication of all of the 75,000 civilians who were killed during El Salvador's bloody civil war.

Salvadoran President Tony Saca, in an August 28 interview with the Associated Press, said he was reluctant to dig up his country's dark history. "I don't think that [by] opening up the past [or] looking for those responsible ... we are going to achieve a better country." Similarly, Salvadoran Ambassador to the United States René Leon and former leftist rebel commander Joaquin Villalobos were both quoted in a WashingtonPost.com op-ed of September 9th as opposing the repeal of the amnesty law because it would "reopen ... wounds."

But while the bloodshed in El Salvador ended in 1992, peace has not arrived. As part of the peace accords between rebel leaders and the ruling Arenan government, the United Nations established a Truth Commission which implicated individuals from both the left and the right in human rights violations committed during the conflict. However, the right-wing government of El Salvador immediately declared a blanket amnesty for all those implicated. In effect, this amnesty subverted any real chance of healing and reconciliation.

I testified in the trial against Saravia that 72 of my own relatives were killed during that bloody decade. My family has never had the chance to fully work through this tremendous personal loss; this will happen only when the truth is revealed and impunity brought to an end. Therefore, the wounds are still open -- they cannot be *re*-opened because they were never closed. When one understands this context, it is clear why El Salvador is the second most violent country in Latin America after Colombia.

Both the ruling Arena party and Mr. Villalobos have reason for concern if the 1993 amnesty law is repealed. The Arena party was founded by Major Roberto D'Aubuisson, who was implicated in many atrocities, including the assassination of Archbishop Romero. The Truth Commission named the formerly leftist Villalobos as the top commander responsible for the murder of several mayors, and there is strong additional evidence that he bore responsibility for the murders of several other civilians, including El Salvador's most prominent poet, Roque Dalton.

The verdict in the Fresno case, in a court of the most powerful country in the world, has helped to provide a sense of closure for all Salvadorans who were victimized by the violence, including almost two million who currently reside in the United States. At last, a step has been taken to reverse impunity.

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But important additional steps are needed in order to close fully this dark chapter. All those responsible must be held accountable for the atrocities that were committed during El Salvador's 12 years of civil war. I propose that the amnesty be lifted and that a process of justice similar to the one that took place in South Africa be established. As part of that country's post-war process, those who committed politically-motivated crimes against humanity were required to confess their role in the commission of the atrocity before they could be pardoned. Telling the truth is painful, but it is the right thing to do. Only then will Salvadoran society begin to heal, to forgive, and to reconcile.

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