

PRESS RELEASE

Judge finds Modesto man liable for 1980 Assassination

of Archbishop Oscar Romero of El Salvador,

Orders him to pay \$10 million in damages

Fresno, September 3, 2004. Today at 5.45 pm, Judge Wanger issued a historic decision holding Modesto resident Alvaro Saravia responsible for his role in the assassination of Archbishop Oscar Romero of El Salvador as he was saying mass on March 24, 1980. Judge Wanger ordered Saravia to pay \$10 million to the plaintiff, a relative of the Archbishop, who has still not been identified for security reasons.

Until today, no single individual has been held responsible for the assassination, one of the most heinous and shocking murders of the last part of the 20th century.

In announcing the monetary award, Judge Wanger stated that "the damages are of a magnitude that is hardly describable."

Judge Wanger ruled that the evidence clearly established Saravia's responsibility for organizing the murder. He also determined that the murder constitutes a crime against a humanity, because it was part of a widespread and systematic attack intended to terrorize a civilian population. As Judge Wanger stated:

"Here the evidence shows that there was a consistent and unabating regime that was in control of El Salvador, and that this regime essentially functioned as a militarily-controlled government." The government perpetrated "systematic violations of human rights for the purpose of perpetuating the oligarchy and the military government."

He also concluded that what happened in El Salvador was the "antithesis of due process" and that there could not be a better example of extrajudicial killing than the killing of Archbishop Romero.

Judge Wanger's ruling is one of the few in the United States finding an individual liable for crimes against humanity. Such crimes were first defined and condemned in 1945 in the Nuremberg Charter, established to try Nazi war criminals. The novelty of crimes against humanity is that they can be committed by a government against its own citizens. In contrast, genocide is widespread persecution directed against a distinct people, defined by race, ethnicity, or religion.

The case was brought by the Center for Justice & Accountability (CJA), based in San Francisco, together with the law firm of Heller Ehrman White & McAuliffe.

Professor Patty Blum, CJA's Senior Legal Advisor, commented: "With this victory, U.S. courts join with national and international courts throughout the world in recognizing that egregious acts -- so atrocious that we label them crimes against all humanity -- must not go unpunished. Judge Wanger has provided Salvadorans, both in El Salvador and here in the U.S., with a measure of justice denied to them in their own country, for the loss of their most beloved leader, who was truly the voice of the voiceless during one of El Salvador's darkest times.

"This decision ensures that the United States will no longer be a safe haven for those responsible for this heinous crime," said Matthew Eisenbrandt, CJA's Litigation Director. "This verdict provides sufficient grounds for the immigration service to place Saravia in deportation proceedings."

Lead counsel Nicholas van Aelstyn, a partner with Heller Ehrman White & McAuliffe, added: "Archbishop Romero's legacy is great and yet also paradoxical. He is revered around the world as one of the foremost figures of non-violence whose powerful advocacy of human rights was rooted in a deep respect for the dignity of all human beings. Yet at the same time, his is the paradigmatic case of impunity. Despite all the evidence, no one has been held accountable in the 24 years since he was killed."

Co-counsel Russell Cohen of Heller Ehrman stated: "This case builds on the efforts of people around the world to counter impunity with accountability and ultimately to bring justice for and in El Salvador. The case is part of a world-wide movement that includes the Chilean Supreme Court's decision that Pinochet must stand trial for his crimes. What these cases are saying is that justice is needed if reconciliation and the rule of law are to take root."

Other comments:

Prof. Terry Karl of Stanford University, who testified at the trial as an expert witness, stated:

"El Salvador's civil war was framed by the murder of priests. The murder of Archbishop Romero was one of the major catalysts that pushed the country into war and the murder of six Jesuit priests on November 16, 1989 was one of the major catalysts that brought about the peace agreement. One of the Jesuits who was killed, Fr Ignacio Martin Baro, used to tell me that the worst thing that could happen was not the murder of Archbishop Romero or his burial, but that he would die over and over again if the truth were buried

with him. Today we have the satisfaction of knowing that more of the truth was told and acknowledged by a court of the United States."

Juan Carlos Cristales, Executive Director of El Rescate in Los Angeles, one of the leading organizations in the U.S. that defends the rights of Central Americans, commented: "The assassination of Archbishop Oscar Romero was one of the most shocking atrocities in our recent history. As long as that crime was allowed to go unpunished, any crime was conceivable. This case has said "No!" to impunity. There are consequences for such acts - maybe not yet in El Salvador, but in the U.S. and elsewhere. I believe that the success of this case will give support to efforts in El Salvador to repeal the 1993 Amnesty law."

Dr. Francisco Acosta, a witness at the trial whose life was saved by Archbishop Romero and who founded the Archbishop Romero University in El Salvador, stated: "For us, Oscar Romero was like Martin Luther King for the United States, or Gandhi for India. I knew that the opportunity to tell the truth in a legal court of the most powerful country in the world will help to provide a sense of closure for all of Salvadoran society. At last, steps have been taken to reverse impunity for human rights violators. At the personal level, I feel a strong sense of healing and closure. For almost 25 years, I have carried a bag of heavy rocks with me everywhere I go. Today, I have left this bag of rocks with the U.S. system of justice."

For additional comments:

THE NEW YORK TIMES

Editorials/ Op-Ed

August 31, 2004

Justice Comes for the Archbishop

By RIGOBERTA MENCHÚ TUM

<http://www.nytimes.com/2004/08/31/opinion/31menchu.html>

Guatemala City - 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.

Rigoberta Menchú Tum was awarded the Nobel Peace Prize in 1992.