Rights Advocates Question "Suspicious" Shutdown of El Salvador’s Tutela Legal

Benjamin Witte-Lebhar

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation
Rights Advocates Question "Suspicious" Shutdown of El Salvador’s Tutela Legal

by Benjamin Witte-Lebhar

Category/Department: El Salvador
Published: 2013-10-24

The Salvadoran Catholic Church has shuttered one of the country’s key human rights institutions, the Tutela Legal del Arzobispado, a legal aid office that operated for more than 35 years and collected a huge cache of documents regarding rights violations committed before, during, and after the country’s 1980-1992 civil war.

The closure went into effect on Sept. 30, much to the chagrin of Tutela Legal’s approximately dozen employees, who say they were blindsided by the decision. Tutela Legal—known originally as Socorro Jurídico—was founded in 1977 by Archbishop Óscar Romero, who was assassinated three years later while saying mass in a small chapel. The man who currently heads the archdiocese, Archbishop José Luis Escobar Alas, offered little in the way of explanation for the shutdown other than to say, via a written statement, that the institution’s work was "no longer relevant."

Rights advocates throughout the Americas disagree, saying that Tutela Legal’s efforts are as important now as they ever were, especially in the wake a recent decision by the Corte Suprema de Justicia (CSJ) to consider arguments against El Salvador’s controversial Amnesty Law (Ley de Amnistía General para la Consolidación de la Paz).

"The closure has come as a huge blow to the human rights movement in El Salvador," said María Silvia Guillén, director of the Salvadoran rights group Fundación de Estudios para la Aplicación del Derecho (FESPAD). "The office is vital to our work, and without access to it we are unable to fight for justice for the victims of severe human rights abuses. The archbishop has said the reason for the closure is that the civil war is long over and the office is no longer needed. The war may be over, but the cases have not yet received justice in El Salvador because of the Amnesty Law."

Challenges to Amnesty Law

The Amnesty Law—at the behest of then President Alfredo Cristiani (1989-1994)—was rushed into place in 1993 just days after a UN-backed truth commission named names in a landmark report entitled "From Madness to Hope: the 12-Year War in El Salvador." The document blamed state-security forces for 85% of the acts of violence committed during the war. It attributed approximately 5% of the violence to the Frente Farabundo Martí para la Liberación Nacional (FMLN), a former guerilla alliance that is now the country’s leading political party. The still influential Cristiani heads El Salvador’s main opposition party, the hard-right Alianza Republicana Nacionalista (ARENA).

Hailed by its backers as a still vital pillar of the country’s lasting peace, the Amnesty Law has weathered years of criticism—by rights groups and victims’ associations in El Salvador, as well as by international organizations, including several UN agencies (NotiCen, April 11, 2013). Its enduring influence was particularly apparent in late 2011 when the CSJ refused to extradite a group of ex-military men indicted in Spain for their alleged involvement in the 1989 killings of six Jesuit priests, their housekeeper, and her teenage daughter (NotiCen, Aug. 18, 2011). The Jesuit massacre, as
the killings are commonly known, took place at the Universidad Centroamericana (UCA) in San Salvador.

Recently, however, the two-decade-old statute has finally begun showing signs of wear and tear. A year ago, the Costa-Rica based Inter-American Court of Human Rights (IACHR) slammed the Salvadoran state for its role in a 1981 atrocity known as the El Mozote massacre (NotiCen, Jan. 17, 2013). The influential IACHR ordered El Salvador to properly investigate the killings and pay reparations to victims and their family members. It also ruled that the Amnesty Law is not applicable in this case since the massacre—during which soldiers slaughtered as many as 1,000 rural villagers (NotiCen, Nov. 15, 1991)—constitutes a crime against humanity.

The statute faces an even bigger potential challenge from the CSJ, whose Sala de lo Constitucional agreed on Sept. 20 to accept formal complaints filed against the Amnesty Law by a collection of Salvadoran rights groups. The principal organizations behind the suit, the UCA’s Instituto de Derechos Humanos and FESPAD, say the Amnesty Law is unconstitutional and should therefore be repealed.

It may still be a long shot, but there is now at least a possibility that the Sala de lo Constitucional could eventually agree. That, in turn, would open the door to a likely flood of litigation involving long-stalled human rights cases—such as the Jesuit and El Mozote massacres—for which Tutela Legal’s decades of research would clearly prove vital.

"Allow us to express our particular concern for the files Tutela Legal has put together," a group of nearly 20 human rights organizations, including the Washington Office on Latin America (WOLA) and the Centro Nicaragüense de Derechos Humanos (CENIDH), explained in a letter sent earlier this month to Archbishop Escobar Alas. "The thousands of individual testimonies, the documentation regarding massacres, and the investigations of complaints regarding human rights violations constitute an invaluable archive, not only for victims of these abuses, but for investigators and prosecutors seeking justice for the violations."

More than just a coincidence?

The timing of the two events—the CSJ ruling followed just 10 days later by Tutela Legal’s shutdown—has raised no shortage of eyebrows. "This is just too suspicious," Wilfredo Medrano, Tutela Legal’s assistant director, told the online news site El Faro. "Why now, right as the Amnesty Law’s constitutionality is being considered? This might have to do with pressures being exerted on the church."

Medrano, a 25-year veteran with the institution, was among those who arrived at the Tutela Legal’s San Salvador office on Sept. 30 only to find that the locks had been changed. He was given just minutes to collect his belongings—under the watchful eye of private security guards—before being sent on his way.

The church denies that it was in any way pressured to close the emblematic legal aid office. It has also promised to replace Tutela Legal with a more "relevant organization." Critics of the decision point to past statements by Archbishop Escobar Alas to suggest that politics likely did play a role. Three years ago, the church leader openly defended the Amnesty Law, calling it "perhaps the most appropriate mechanism for keeping the peace."
Medrano and his former colleagues say it is also curious that Escobar Alas ordered the closure just as Tutela Legal was preparing to publicly criticize the Salvadoran state for failing to heed the IACHR’s orders regarding reparations for El Mozote victims. Tutela Legal planned to present its complaints in December, on the 32nd anniversary of the killings.

"The archbishop has made an irresponsible decision for Salvadoran society. He closed [the office] with locks, put up security doors, and hired private security as if we were delinquents," Medrano told the daily La Pagina. "We have ended up like villains after working to defend and promote human rights in this country. The legacy of Archbishop Romero has been destroyed."

-- End --