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Former Salvadoran President Francisco Flores Dies at 56

by Benjamin Witte-Lebhar

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Francisco Flores, a US-educated conservative who led El Salvador for five years (1999-2004) before falling thunderously from grace a decade later under the weight of serious corruption allegations, died Saturday in a San Salvador hospital. He was 56.

News of the ex-president’s passing was first reported by his party, the hard-right Alianza Republicana Nacionalista (ARENA), which cited the cause of death as cerebral hemorrhage. Flores fell into a coma the week before after suffering a major stroke. “We mourn the death of president Francisco Flores and express solidarity with his family at this time,” ARENA said in a message posted Jan. 30 on Twitter. President Salvador Sánchez Cerén, a member of the rival Frente Farabundo Martí para la Liberación Nacional (FMLN), also took to Twitter to express his “condolences for the family.”

The social media niceties not withstanding, Flores remains a controversial figure, in part because of his political legacy—he dollarized the Salvadoran economy, launched the first mano dura (heavy-handed) crackdown on the country’s still-powerful street gangs, and famously joined the US-led “coalition of the willing” that invaded Iraq in 2003 without approval from the UN Security Council. More recently, he was also at the center of controversy because of claims that he misappropriated millions of dollars of earthquake relief money donated during his presidency by Taiwan (NotiCen, May 15, 2014).

The allegations, first aired in late 2013 by then-President Mauricio Funes (2009-2014), unleashed a dramatic sequence of events that led to formal charges (filed in 2014 by the Fiscalía General de la República, FGR) and concluded with a judge’s decision, two months ago, to have Flores stand trial for embezzlement and illicit enrichment involving more than US$10 million (NotiCen, Dec. 17, 2015). If convicted, Flores faced the possibility of more than 20 years in prison.

Proceedings for what more than a few observers dubbed “the trial of the century” were originally scheduled to begin in January. The trial promised to be a watershed event for the Salvadoran justice system, which has long been faulted for turning a blind eye not just to high-level corruption, but also to the widespread human rights violations that occurred during the country’s civil war (1980-1992). That conflict pitted US-backed state security forces against the FMLN, then a coalition of left-wing guerrilla groups, and resulted in an estimated 75,000 deaths.

“We think it could help break the chain of impunity that has existed all these years,” Oscar Campos, of the Iniciativa Social para la Democracia (ISD), one of the plaintiffs in the case against Flores, told the pro-government Diario Co Latino last September.

Persona non grata

Flores’ death, incidentally, comes just as legal developments in the US and Spain are turning new attention to decades-old human rights cases and increasing pressure on authorities there to stop providing safe-haven to the presumed perpetrators of those crimes.
One of the alleged culprits is José Guillermo García-Merino, 82, a retired Army general and former defense minister (1979-1983) who was deported to El Salvador last month after more than 25 years as a legal resident in the US. Human rights activists on hand for his arrival at the Monseñor Óscar Arnulfo Romero International Airport in San Salvador, the Salvadoran capital, heckled the former military officer with shouts of “murderer” and “torturer.” García-Merino responded by saying, “Long live El Salvador.”

The octogenarian’s removal from the US marked the end of a drawn-out immigration case that centered around his proximity, as defense minister during the early years of the war, to various high-profile human rights cases, including the assassination in 1980 of Archbishop Óscar Romero, for whom the San Salvador airport was renamed two years ago. Romero, a national icon, was officially beatified last May and is now just one step from sainthood (NotiCen, June 4, 2015).

García-Merino’s time as head of the defense ministry also coincided with the infamous El Mozote massacre in 1981, when members of the Army’s US-trained Atlacatl Battalion slaughtered hundreds of campesinos, many of them women and children, in a three-day killing spree that ranks as one of the most egregious war crimes in modern Latin American history (NotiCen, Nov. 15, 1991).

Two years ago, an immigration judge in Miami ordered that García-Merino be deported based on “clear and convincing evidence” that he “assisted or otherwise participated” in 11 human rights atrocities. In his 66-page decision, Judge Michael Horn said the crimes “formed part of General García’s deliberate military policy as minister of defense.” He went on to say that García-Merino “fostered, and allowed to thrive, an institutional atmosphere in which the Salvadoran armed forces preyed upon defenseless civilians under the guise of fighting a war against communist subversives.”

The retired general remained in the US pending appeal, but two months ago, a Board of Immigration Appeals (BIA) upheld Judge Horn’s 2014 deportation order. García-Merino was arrested nine days later, on Dec. 17, and held until Jan. 8, when US Immigration and Customs (ICE) officials sent him on a one-way flight to El Salvador. “The immigration judge determined, and the BIA upheld, that García knew or should have known about extrajudicial killing and torture, under the theory of command responsibility,” ICE explained in a press release issued the same day.

The removal order was carried out exactly nine months after another top-ranking Salvadoran official implicated in war-era rights abuses, Gen. Eugenio Vides Casanova, was also deported from the US (NotiCen, May 21, 2015). Vides Casanova, 78, headed El Salvador’s now-defunct Guardia Nacional before replacing García-Merino as defense minister in 1983. He held the post until 1989.

The deportations were praised by the Center for Justice & Accountability (CJA), a legal advocacy group based in San Francisco, California, that has played an influential role in these and other cases regarding war-era rights abuses in El Salvador. It called the deportations “unprecedented” and “a testament to the years of hard work of human rights activists in El Salvador and the US and the dedication of lawyers, researchers and others in the Department of Homeland Security.”

**Calls for accountability**

The two retired generals are the highest-ranking officials to date to be prosecuted under the Intelligence Reform and Terrorism Prevention Act (IRTPA), a 2004 amendment to the Immigration and Nationality Act (INA). Their removals represent a major policy shift for the US, which actively supported the Salvadoran military’s fight against left-wing guerrillas, tacitly approved of its hardline tactics and, as the internal conflict wound down, allowed García-Merino, Vides Casanova and other

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high-ranking officials to resettle in the country. Both generals were recipients in the 1980s of the Legion of Merit, a high US military distinction.

Rights groups are desperate to see a similar turnabout in El Salvador, which has long taken a let-sleeping-dogs-lie approach to its troubling civil war legacy. The legal bedrock of that stance is a 1993 amnesty law that continues to hold sway despite repeated calls by local victims groups and international bodies for its repeal. The amnesty law was rushed into place—at the behest of then-President Alfredo Cristiani (1989-1994)—just days after the release of a UN-backed truth commission report detailing many of the conflict’s most glaring atrocities. The report attributed at least 85% of the war’s human rights violations to state agents and 5% to the FMLN, which has historically joined the political right in backing the amnesty law.

Cristiani was the first of four consecutive presidents from ARENA, which governed for two decades before losing power in 2009 to President Funes, an FMLN-backed moderate and former journalist who cut his professional teeth covering the war. Unlike his conservative predecessors, Funes made a point of acknowledging and even apologizing for the state’s role in past atrocities (NotiCen, Feb. 23, 2012). His successor, President Sánchez Cerén—a guerrilla commander during the conflict—also made early overtures to war victims (NotiCen, July 17, 2014).

The attitude shift, however, has proven to be more symbol than substance, at least with regards to the courts, which continue to steer clear of any and all war-era rights cases. Vides Casanova, as a result, has been free to go and do as he chooses since his forced return to El Salvador last April. The same is now true for García-Merino, much to the dismay of critics such as Mirna Perla, a former Corte Suprema de Justicia (CSJ) judge whose husband, a human rights activist, was murdered in 1987.

“I call on the CSJ and the judges who have sworn to uphold the Constitution to reopen the [human rights] cases,” Perla, who was on hand for García-Merino’s arrival last month, told reporters and fellow activists. “In El Salvador, there is no excuse. The Constitution establishes access to justice and access to truth as fundamental rights.”

Passing the buck

García-Merino is not the only former military officer whose alleged misdeeds have made news of late. Just three days before García-Merino’s removal from the US, a judge with Spain’s Audiencia Nacional reissued international arrest warrants for 17 Salvadorans implicated in another prominent civil-war crime, the 1989 murders, by Salvadoran soldiers, of six Jesuit priests, their housekeeper and her teenage daughter.

Judge Eloy Velasco, operating under the principle of universal jurisdiction, has been looking into the case since 2008. Five years ago he indicted, in absentia, 20 former Salvadoran military officials and issued INTERPOL warrants for their arrests (NotiCen, July 28, 2011). One of the men had died shortly before. Another, Inocente Orlando Montano Morales, a former vice minister of defense, was residing in the US at the time but was later tried, convicted and jailed for immigration violations (NotiCen, Sept. 26, 2013). He remains in detention pending possible extradition to Spain. A number of the other men included on Velasco’s 2011 indictment list temporarily turned themselves in to Salvadoran military authorities that year but recovered their freedom shortly after when the CSJ, after reviewing the matter, dismissed the INTERPOL warrants on a technicality (NotiCen, Sept. 29, 2011).
The CSJ has since revised its stance on INTERPOL warrants, deciding that they do in fact obliges Salvadoran authorities to arrest and detain suspects, not just locate them, as the Court had ruled in 2011. With that in mind, Velasco opted to update the old warrants, a move that initially promised to pay big dividends. In a Jan. 6 statement to the press, Eugenio Chicas, spokesperson for the Sánchez Cerén administration, suggested that El Salvador would honor Velasco’s request. “The only path for our security forces to take is to proceed with the arrests,” he said. “There’s nothing to do but follow the law.”

A month later, however, El Salvador’s Policía Nacional Civil (PNC) has yet to make any arrests. Benito Lara, security minister at the time, told reporters Jan. 12 that authorities first want to hear from the CSJ. The high court’s rulings regarding INTERPOL warrants, he said, have been contradictory and need to be clarified before police can act. “If the Court says we should go ahead and make the arrests, then we’re ready to do that,” he said.

Lara lost his job as security minister less than two weeks later in a government shakeup prompted by last year’s horrendous homicide numbers, which topped 6,650, up 70% compared with 2014 (NotiCen, Jan. 21, 2016). He was replaced by Mauricio Ramírez Landaverde, then director of the PNC, which is now headed by Howard Cotto. In comments made Jan. 25, Cotto echoed Lara’s argument, saying it’s up to the CSJ to decide how to proceed with the arrest warrants. The CSJ disagrees, saying the PNC should do as it sees fit. “It’s not the Court’s job to tell them what to do,” CSJ Justice Rodolfo González told reporters Jan. 20.

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