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Óscar Romero, El Mozote Cases Reopened in El Salvador

by Benjamin Witte-Lebhar

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It has taken decades, but authorities in El Salvador are finally taking steps to establish a measure of accountability regarding gross human rights violations committed during the country's civil war (1980-1992), which claimed an estimated 75,000 lives and left another 8,000 missing.

Two cases in particular are challenging the let-sleeping-dogs-lie mentality that long characterized El Salvador's approach to such matters: the assassination in 1980 of Archbishop Óscar Arnulfo Romero, and the massacre, the following year, of as many as 1,000 civilians in and around the village of El Mozote, in the northeastern department of Morazán.

The latest move toward belated justice came May 18, when a judge in San Salvador officially reopened the decades-old Romero case and called for charges to be brought against the principal surviving suspect, Álvaro Rafael Saravia, a former Air Force pilot. Earlier proceedings against Saravia were halted in 1993 following passage of a controversial amnesty law rushed into place by the then-governing Alianza Republicana Nacionalista (National Republic Alliance, ARENA) days after the release of a bold, UN-backed truth commission report.

The report, titled "From Madness to Hope: The 12-Year War in El Salvador," contained detailed information about a number of emblematic crimes, including the Romero assassination ([NotiCen, April 11, 2013](#)). It also identified human rights violators by name and attributed 85% of the conflict's "acts of violence"—extrajudicial killings, disappearances, and torture—to "state agents."

The move to reopen the Romero case came eight months after another Salvadoran judge, Alberto Guzmán of the Second Court of San Francisco Gotera in Morazán, launched a judicial investigation into the El Mozote massacre, which took place over several days in December 1981. Judge Guzmán has since indicted 18 former military men—including José Guillermo García, a retired Army general who served as defense minister at the time—in connection with the killings. The accused face charges ranging from murder, aggravated rape, and forced disappearances to acts of terrorism, robbery, and aggravated damage, the independent media platform Open Democracy recently reported.

An earlier attempt to pursue the alleged perpetrators of the massacre was suspended (like the case against Saravia) after the introduction of the 1993 amnesty law—officially the Ley de Amnistía General para la Consolidación de Paz (General Amnesty for the Consolidation of Peace)—which was designed to shield people on both sides of El Salvador's deep military and political divide from prosecution for their war-era actions.

'Systematic plan of repression'

In both the Romero and El Mozote cases, pressure to pursue the alleged perpetrators had been building for years. Local rights groups have campaigned tirelessly for justice in these and other war-era crimes, such as the murders in 1989 of six Jesuit priests, their housekeeper, and her teenage daughter. Outside organizations like the California-based Center for Justice & Accountability

(CJA) have played an influential advocacy role as well, helping draw international attention to El Salvador's inaction ([NotiCen, May 21, 2015](#)).

Archbishop Romero is an iconic figure in El Salvador, a national hero whose stature as a human rights crusader and champion of the poor rose to even greater heights two years ago, when he was beatified, a final step before sainthood ([NotiCen, June 4, 2015](#)). The outpouring of public affection and admiration that accompanied the fallen archbishop's beatification ceremony—an event that drew worldwide attention—made the judiciary's refusal to take up the matter of his assassination all the more glaring.

Likewise, the El Mozote massacre was long ignored by the Salvadoran courts—and initially covered up by both the Salvadoran and US governments—but never forgotten. In early 2012, then-President Mauricio Funes (2009-2014) of the left wing Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front, FMLN) ended years of official silence on the matter by visiting El Mozote and delivering a tearful apology on behalf of the state ([NotiCen, Feb. 23, 2012](#)). Later that year, the Costa Rica-based Inter-American Court of Human Rights (IACHR) upped the ante in a landmark ruling that described the macabre events of late 1981 as a “systematic plan of repression” ([NotiCen, Jan. 17, 2013](#)).

The IACHR, an autonomous body with links to the Organization of American States (OAS), found the state “responsible for the violation of the right to life and the right to personal integrity and private property” and ordered authorities in El Salvador to finally investigate the atrocity.

“To this day there have been no effective judicial mechanisms carried out to investigate the serious human rights violations that were committed and prosecute and punish the people responsible,” the IACHR lamented.

Landmark ruling

The biggest turning point, however, came last July, when the Corte Suprema de Justicia (Supreme Court of Justice, CSJ), the nation's top court, struck down the controversial amnesty law ([NotiCen, July 28, 2016](#)). Members of the CSJ's constitutional law chamber (Sala de lo Constitucional) spent more than three years deliberating before concluding that the law was unconstitutional because it kept the state “from meeting its [constitutional] obligations to prevent, investigate, judge, punish, and offer reparations for serious rights violations.”

With the amnesty law finally out of the way, judges and prosecutors no longer had any excuse to keep turning a blind eye on war-era rights violations. “This is going to shake up our society,” René Hernández Valiente, a former CSJ justice (1994-2001), told the Spanish-language news service BBC Mundo at the time. The reopening of the El Mozote and Romero cases, in the months that followed, seems to bear that prediction out.

The country's leading political parties, ARENA and the FMLN, were noticeably uncomfortable with the bombshell CSJ ruling. Both trace their origins to the civil war. The hard-right ARENA was founded by Roberto D'Aubuisson, a notorious Army major and death squad leader who was identified in the 1993 truth commission report as the intellectual author of the Romero assassination. D'Aubuisson died of throat cancer in 1992. The now governing FMLN, for its part, began as a coalition of guerrilla forces, transforming into a political party after the warring parties signed peace accords in early 1992.

The current leader of the FMLN, President Salvador Sánchez Cerén, was a guerrilla commander during the conflict and could end up being challenged in the courts for his own war record, analysts suggest. Little wonder that his first response was to criticize the CSJ. "These rulings ignore or fail to take into account the effects they can have on the fragile coexistence that exists within our society," the president said shortly after the amnesty law was struck down.

For rights advocates and victims' groups, on the other hand, the CSJ decision was clear cause for celebration. The same goes for the reopening of the El Mozote and Romero cases, which continue to resonate in El Salvador and are intimately related, as Terry Lynn Karl, a professor at Stanford University in California, recently told the National Catholic Reporter. Several weeks after Romero was killed, D'Aubuisson, Saravia, and others linked to the crime were arrested. Within days, though, José Guillermo García, who was then defense minister and is one of the men indicted in the El Mozote case, decided to let them go.

"By releasing the people he believed killed the archbishop, García sent a signal, a green light to mass murder and state terror," Karl said. "It meant no one was going to be held accountable for terror, and that set off the big rural massacres, where they would go into villages and kill everyone in sight, culminating in the massacre at El Mozote."

Three-day murder spree

El Mozote was the worst single atrocity of the 12-year conflict. Some call it the deadliest massacre in modern Latin American history. Carried out between Dec. 10 and Dec. 12, 1981, by the Army's now-defunct Atlacatl Battalion, it was part of a so-called "scorched earth" campaign that involved wholesale slaughter and wanton destruction.

Testimony provided to the IACHR by the few survivors of the massacre suggests that soldiers separated the men, women, and children before executing them. In addition, the soldiers raped many of the young women and girls, burned villagers' homes and crops, and killed their livestock. The number of confirmed deaths stands at approximately 500, but victim accounts suggest the total number of casualties in El Mozote and surrounding villages was twice that.

Prosecuting people involved in a case that is more than 35 years old will not be easy, especially given the protections people like García, now in his 80s, are presumed to enjoy. The retired general appeared in court on March 29, when he was initially indicted, but was a no-show for a subsequent hearing several weeks later. What Judge Guzmán can or will do to bring him and other defendants in line is an open question.

"For victims, human rights defenders, and organizations, this is a dangerous sign," Alejandro Lening Díaz Gómez of the human rights organization Tutela Legal "Dra. María Julia Hernández" told Open Democracy. "It could be the start of the same strategy to evade justice that we have seen over the killings of the Jesuits, for which impunity persists. We are worried that the prosecutors aren't willing to take a stand against this."

The power of symbolism

Moving ahead with the Romero case could be more complicated still, given that the whereabouts of the primary suspect, Saravia, is unknown. Several years ago, the independent Salvadoran news site El Faro conducted a series of interviews with the former pilot but didn't reveal his location, noting only that he now lives in a Spanish-speaking country. "Why is it you want to talk now?" El Faro

founder Carlos Dada asked Saravia in 2010. "Because of my children," he responded. "Even they look at me as if I were Hitler."

The fugitive could thus end up being tried in absentia, as he was in a 2004 civil case that the CJA filed in the US, where he lived for a time after fleeing El Salvador. The US court found Saravia guilty of Romero's murder and ordered him to pay US\$10 million in compensatory and punitive damages. But even without a live defendant, the case "has extraordinary symbolic power," Karl explained. "It involves an archbishop who's about to become a saint and the founder of the ARENA party."

Symbolism is important for survivors of El Mozote as well. People say they don't want vengeance, just accountability, transparency, perhaps a bit of closure. For that reason, the March 29 hearing, featuring García and several other former military men, was deeply significant.

"I cried when I saw the officers sitting there," María Dorila Márquez, who was 25 at the time of the massacre and is now the leader of a victims' association, told the Inter Press Service news agency. "I imagined them organizing the operation and murdering my family, my parents, my 11-year-old little brother, Adolfo Arturo, my pregnant sister."

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