



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, Friday, September 3, 2004. Judge Oliver Wanger of the federal district court in Fresno issued a historic decision holding Alvaro Saravia responsible for his role in the assassination of Archbishop Oscar Romero, shot while saying mass in El Salvador in 1980. Judge Wanger ordered Saravia to pay \$10 million to the plaintiff, a relative of the Archbishop.

Until today, no single individual has been held responsible for the assassination, committed while Romero was celebrating mass on March 24, 1980.

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 helping to organize the murder. He also determined that the murder constitutes a "crime against humanity" because it was part of a widespread and systematic attack against a civilian population. As Judge Wanger stated:

"Here the evidence shows that there was a . . . 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 be no clearer example of extrajudicial killing than the killing of Archbishop Romero.

After the judge left the bench, the courtroom erupted in chants of "Monseñor Romero: *Presente!*" Many in attendance and others waiting outside the courthouse wept.

This is one of the few rulings in the United States to find 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 case was brought by the Center for Justice & Accountability (CJA), based in San Francisco, together with the law firm of Heller Ehrman White & McAuliffe LLP.

Comments on the Verdict by Witnesses and Members of the Legal Team

Matthew Eisenbrandt, CJA's Litigation Director, stated "This decision ensures that the United States will no longer be a safe haven for those responsible for this heinous crime. The \$10 million verdict sends a strong message that such killers cannot live in this country with impunity. Moreover, we firmly believe that the verdict, and evidence produced at trial, provide a sufficient basis for the immigration service to arrest, prosecute and deport Saravia."

Lead counsel Nicholas van Aelstyn, a partner with Heller Ehrman, 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 has been the paradigmatic case of impunity. Despite all the evidence, no one has been held accountable in the 24 years since he was killed. Today's decision helps to remove this bitter aspect of his legacy."

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 General 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."

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.

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 on March 24, 1980 was one of the major catalysts pushing the country into war. The murder of six Jesuit priests on November 16, 1989 was one of the major catalysts bringing about a peace agreement. Fr Ignacio Martin Baro, one of the Jesuits who was killed, used to say: The worst thing that could happen was not the murder and burial of Archbishop Romero. It would be worse if he were to continue to die, over and over

again, because the truth was buried with him. Today more of El Salvador's truth was acknowledged by a court of the United States."

Dr. Francisco Acosta, a trial witness whose brother's 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."

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."

BACKGROUND

The murder of Archbishop Romero, one of the most shocking political murders of the late 20th century, was a major trigger of El Salvador's 12-year civil war in which at least 75,000 civilians were killed. The murder sent the clear message that the military and their closely-linked death squads were prepared to kill anyone who spoke out against their repression. A U.N. truth commission linked the defendant, Alvaro Saravia and his boss Roberto D'Aubuisson, to Romero's murder. Immediately after the Commission's findings were made public in 1993, an amnesty law was passed.

Saravia's driver testified at trial that Saravia hired the shooter and ordered him, the driver, to drive the getaway car. Saravia has been living freely in the U.S. for at least 16 years, most recently in Modesto, California. Saravia did not appear at his trial and is in hiding.

FOR MORE INFORMATION

CJA's website includes summaries of witness testimony, the complaint against Saravia, answers to frequently asked questions, photos, and links to media coverage in English and Spanish, including an NPR interview with Aryeh Neier, President of the Open Society Institute, and an op-ed about the case by Guatemalan Nobel Laureate Rigoberta Menchu in the New York Times: <http://www.cja.org/>.

