Salvador archbishop: don't reopen murder cases

by Michael Humphrey

 Human rights activists both in El Salvador and the United States are expressing deep concerns about the archbishop of San Salvador?s opposition to reopening one of the most notorious murder cases during the Central American country?s 1980s civil war.

The Associated Press reported Nov. 17 that Archbishop Fernando Sáenz Lacalle spoke out against a criminal complaint filed last week in the Spanish High Court naming 14 members of the Salvadoran military and the nation?s president, accused of masterminding and covering up the assassination of six Jesuit priests, their housekeeper and her 16-year-old daughter at a San Salvador Jesuit university in November 1989. Lacalle was quoted, ?El Salvador?s affairs should be resolved in El Salvador.?

Five of the six priests killed in the massacre were Spanish citizens.

?The murders at the Central American University have never been seriously investigated by the Salvadoran government,? wrote Jesuit Fr. Dean Brackley, professor of theology at Central American University in an e-mail exchange with NCR. ?Those who ordered the murders have never been accused or tried for their crime. That is why the relatives of the Jesuits in Spain and the two NGOs [nongovernmental organizations] have pursued the case there. All efforts to do so in El Salvador have been fruitless.?

In 1991, two Salvadoran Army officers on the scene in the early morning raid of the Jesuits? living quarters were found guilty of murder, but were later released as part of a 1993 amnesty law that helped

officially end the civil war.

The criminal complaint, filed by human rights lawyers from Spain and the United States, named former Salvadoran President Alfredo Cristiani Burkard, accusing him of covering for the intellectual architects of the crime, which was internationally condemned. Lacalle said he was sure Cristiani was not involved.

?If Cristiani was not directly involved, nothing will come of those charges,? said Vicki Gass, senior associate for Rights and Development at the Washington Office on Latin America. ?But if the murders don?t get resolved at the highest levels of responsibilities, there will be no justice in El Salvador.?

There has been some discrepancy in media reports about how the Salvadoran Jesuits feel about the recent action in Spain. The AP reported that the order had decided not to participate in the proceedings, but the statement by Jesuit Fr. José María Tojeira, university rector, is more nuanced than that.

?We respect any other initiative that may come from the family members of the Jesuits,? Tojeira stated (translation by Irene Hodgson of Xavier University in Cincinnati), ?but will not participate in those judicial activities that go beyond the framework of the Salvadoran legal system or international obligations deriving from pacts or treaties signed by El Salvador.?

The statement went on to say: ?Our constant request, once the trial of the material authors was over [in 1991], was that there be a trial of the intellectual authors in El Salvador. ? If the trial of the intellectual authors had occurred in El Salvador, it would have been easier to continue the process of truth, justice and pardon that we were asking for from the beginning. In a certain sense, the opening of processes in other countries is in part the result of the opposition to providing adequate internal justice for this case.?

The statement goes on to emphasize that justice for this crime is still a high priority for the Jesuits. They point to the Inter-American Human Rights Commission?s findings in the late 1990s, which required El Salvador to carry out a serious investigation of the massacre, align its 1993 amnesty law with international human rights laws (human rights violations cannot be amnestied) and to somehow compensate the victims of the crime.

Lacalle?s tenure as archbishop has been fairly unpredictable on the human rights front. He has been seen by some as a defender of ARENA party, which ruled during the war, a time of widespread human rights abuses by the military and paramilitary forces. His defense of Cristiani will deepen that notion. He was criticized for accepting an honorary brigadier general designation from the Salvadoran armed forces after he became archbishop and for not strongly advocating for a vigorous investigation of the massacre.

On the other hand, Lacalle was widely praised by activists last year for leading efforts to oppose mining proposals by U.S. and Canadian companies that many believe would cause environmental and health disasters, especially for the poor. He was also strongly praised for his mobilization of international aid after two deadly earthquakes in 2000 and 2001.

But his latest statement will reaffirm many critics? notion that Lacalle is entrenched with the country?s ruling class and thus is undermining the work of his most famous predecessor, Archbishop Oscar Romero, who was assassinated in 1980 after speaking strongly for the rights of the country?s poor and voiceless.

?The (Salvadoran Catholic) church was polarized then and it?s still polarized,? said Jose Artiga, executive director of SHARE, a Salvadoran advocacy organization based in San Francisco. ?There?s only one way to stop that. True healing is through justice and reconciliation, not by putting it under the rug and pretending it didn?t happen. It?s easy to say don?t reopen the wound, but this is not only about justice toward the past but toward the future.?

Artiga, like the Jesuits, said it?s not punishment that is important. Neither seeks jail time for the crimes.

?We?re willing to forgive these guys,? Ariga said, ?but we need them to accept that they did this crime and promise not to do it again.?

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