

# ATROCIOUS CRIMES AND FORGIVENESS

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In the wake of the decision declaring the amnesty law unconstitutional, and after the arrest and later release of the perpetrators accused of the UCA massacre, some people have been urging the need for forgiveness. Unfortunately, some of these people, including government representatives, have made this suggestion in a manner that, to say the least, is confusing and unclear. In the minds of some there seems to be an unfortunate confusion between the Christian forgiveness of sins and the legal pardon of crimes. The real difference between these two realities needs to be clarified. There are others who insist that justice opens old wounds, and so, it is best to forgive and forget. Still others believe that forgiveness from victims can be achieved by lavishing them with gifts and monetary donations.

About Christian forgiveness, we can say that it is mandatory for all those who truly believe in the teachings and life of Jesus Christ. Christian forgiveness, however difficult it may be, must be our first response. Such forgiveness consists of not wishing harm to those who have wronged us, not even the very harm they have inflicted on us. Christians must pray for those who persecute or hurt them.

But this does not mean that forgiveness is divorced from truth and justice. Forgiveness does not mean turning a blind eye, forgetting or becoming indifferent to wrongdoing. But it does call for the resolve not to follow the example of the wrongdoers. If the wrongdoer kills, a Christian does not respond with "an eye for an eye and a tooth for a tooth." This would reduce the victim to the same level as the offender. If the offender turns to the brutality of killing, a Christian cannot seek the culprit's death – either illegally or legally by means of the death penalty. But justice must be demanded, for justice is not at odds with forgiveness. Furthermore, justice, like truth, is fundamental for the prevention of crime and for the good of the community. And because justice is for the good of the community, it cannot be the responsibility of the victim, but must reside in the hands of government institutions bound by laws. If the victim is a Christian, then he/she must forgive. But justice must still be sought.

If everything depended on personal forgiveness, justice would be superfluous. Assassins would continue killing, trusting they would receive the forgiveness of the people. Many would feel constrained to resort to legitimate self-defense by means of brute force, therefore identifying themselves, in a sense with the assassin. It should be noted that in the case of the Jesuits, as was stated in newspaper reports at the time, their brothers, from the very first



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moment, said that they forgave the assassins. It was a Christian forgiveness. And therefore, in the press conference on the same day of the killings, the Jesuits declared: "We want justice, not revenge."

In a time of war, this declaration was important, for there were certain groups who may have felt called for revenge. This was particularly likely when the government, instead of going after the obvious suspects, who were the military, decided, for two months, to blame the guerrillas. Later, when two of the nine accused of the crime were sentenced, the Jesuits, in a letter to parliament and as a sign of their desire for reconciliation, asked for their pardon. The answer from the right-wing party, ARENA, was diverse. Some said that only those affected by the crime, Salvadorans, could ask for their pardon; the Jesuits, since they were foreigners, could not—as if as foreigners they were less affected. Others said that the petition was merely a "show", since the Jesuits continued to call for an investigation to determine who were the masterminds of the massacre. A letter was also sent to President Cristiani, inviting him to join the petition for pardon for the accused.

There are still calls for the Jesuits to forgive the perpetrators of this crime, even though the perpetrators have not asked for forgiveness and have not cooperated in trying to uncover the full truth. It is clear that those who are making such calls are not interested in Christian forgiveness; all they are interested in is, a legal pardon. But Christian forgiveness is not a legal matter. If those who have suffered from assassinations were to legally forgive the assassins, they could be charged with promoting terrorism. Only the government, not the victims, can provide a legal pardon.

The Constitutional Chamber has called for a transitional justice, the same path that other countries have followed after a civil war. The Jesuits themselves, have insisted on transitional justice as the most effective path to reconciliation, for it simultaneously seeks to achieve prison sentences. Unfortunately, very few people have endorsed such transitional justice, even though it is an effective way for achieving lasting reconciliation. This is a pressing challenge both for lawyers and the legal process, as well as for lawmakers, for it is an opportunity not only to benefit the country, but also to promote the standing of the legal profession.

When attorneys present the perpetrators as victims, and the victims as perpetrators who hatefully refuse to forgive, they betray their profession. They are lying. And to have a lawyer lie is a betrayal of the meaning and practice of law. They continue to lie when they encourage the relatives of the perpetrators to call upon the victims to forgive. They are well aware that the Government is the one responsible for granting pardon. They know that the pardon we call amnesty has been declared unconstitutional. Transferring government responsibilities to the victims is a clear example of legal irresponsibility and a breach of professional ethics.

Unfortunately, associations of lawyers, for the most part, do not have rules for professional ethics, nor the power to ban lawyers from practicing when they break ethical norms. While it is true that there are honest, professional lawyers, there is no doubt that there are also a good number whom we can designate as money-grubbers, or gangster-lawyers. Such people are all too often found in the different branches of the government.

Analyzing issues, seeking justice, not obstructing the truth – these are expectations for everyone, but especially for those who promote and protect the law; unfortunately, as is clear in so many contexts in our country, such expectations are not being met. Rather, we face corruption linked with malfeasance, judicial fraud, misrepresentation or denial of the truth even assertions such as we recently heard from a judge who said that, some Salvadorans can only be rehabilitated in the grave. Certainly this judge is not familiar with Article 27 of El Salvador's Constitution, which assigns prisons the task of "rehabilitating" inmates for reinsertion into society.