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November 25, 2000, Saturday, Home Edition

SECTION: Part A; Part Page 4; Foreign Desk

LENGTH: 1018 words

HEADLINE: SALVADORAN LEGISLATOR'S IMMUNITY UPHELD; LAW: CONGRESS MEMBERS VOTE AGAINST PROSECUTING COLLEAGUE WHO SHOT AND WOUNDED POLICE OFFICER. ACROSS CENTRAL AMERICA, IMPUNITY IS UNDER ASSAULT.

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DATELINE: SAN SALVADOR

BODY: A Salvadoran congressman who admitted that he shot and wounded a police officer during a drunken rampage will not face criminal charges after fellow legislators voted early Friday to let him keep privilege that human rights activists say verges on impunity for public officials.

Deputy Jose Francisco Merino will retain legislative immunity, which protects him and El Salvador's 83 other lawmakers from criminal prosecution, much the way diplomatic immunity protects foreign envoys. The 43-40 vote showed the durability of a wall that citizens across Central America are clamoring to tear down, using methods as traditional as marches and as innovative as Web pages.

Former Guatemalan dictator Efraim Rios Montt, now president of his nation's Congress, and 20 fellow legislators are facing similar demands that they be held accountable for allegedly forging lower numbers into a legislative bill involving liquor taxes. The citizens group Alliance Against Impunity has staged demonstrations every Tuesday for two months in front of public buildings, insisting that the legislators face prosecution.

That case has been postponed until next year, indicating that, despite pressure from citizens, persuading elected officials to expose one of their own to the police and courts is difficult.

Last year, ruling party and opposition legislators joined forces in the Nicaraguan National Assembly in resoundingly refusing to force Daniel Ortega, a former president and current senator, to face charges that he sexually abused his stepdaughter.

Legislative immunity is a 2-century-old tradition that comes from the French Revolution. The original intent was to prevent public officials from being persecuted for votes taken or speeches given as part of their work.

In many Latin American countries, immunity has evolved into an all-purpose shield that puts officeholders above the law.

"It is a privilege that should disappear," said Benjamin Cuellar, director of the Human Rights Institute at the University of Central America in San Salvador. "We should all be equal before the law."

Most countries with legislative immunity also have procedures for removing that protection when warranted, but the steps are tedious and seldom taken. The Salvadoran and Nicaraguan congresses decide whether their members must face criminal charges; in Guatemala, the determination is up to the Supreme Court.

Rios Montt and his 20 fellow Guatemalan legislators have employed an array of stalling tactics to prevent the Supreme Court from deciding whether they should face prosecution for forgery, said Miguel Angel Albizu, who leads the anti-impunity alliance.

"By failing to act, the court will encourage impunity," he said. "It gravely undermines the legal system by allowing public officials to violate the law."

In El Salvador, Friday's vote "sets a very bad precedent," said Deputy Walter Duran of the opposition Farabundo Marti National Liberation Front, whose members voted for removal of Merino's immunity. "It shows that when high-ranking politicians are involved, there is not justice."

Merino had been considered vulnerable to becoming the legislator who set the precedent for removing immunity because he combined a long list of political enemies with behavior that tested the limits of tolerance, even in a country that winks at drunk driving and gunplay.

Prosecutors accuse Merino of attempted murder, making threats with a gun and causing property damage during a drunken spree. Police were called to an apartment building in the Salvadoran capital shortly after midnight Aug. 26, when a private security guard reported that a man with a pistol had threatened him, according to a 77-page document prepared by prosecutors.

When police arrived, they heard a shot, and a bullet zipped through the patrol car's windshield, wounding officer Flor de Maria Melendez, according to the document. The officers took cover, crashing the patrol car, then returned fire and called for backup.

When reinforcements arrived, the shooter gave up his gun and was handcuffed. Merino then identified himself as a lawmaker and insisted on being placed in the custody of another legislator, police said.

Merino told reporters at the scene that he thought the police were kidnappers or thieves. Videos presented as evidence show him barely able to walk and slurring his words.

"As drunk as he was, he had no intention of committing a crime or causing harm," said Deputy Hernan Cortes, a Merino defender.

Merino reached an out-of-court settlement with the wounded officer, according to documents his attorney presented to the legislative committee investigating the incident. That was a key element in the committee's recommendation, presented to the full Legislative Assembly on Thursday, that Merino keep his immunity.

Melendez should not be blamed for agreeing to a settlement, the opposition's Duran said. "She is just a police officer facing a system in which Merino has a lot of power."

Pressure to make Merino face criminal charges has come from a Web page that carries daily updates. Besides storing a growing list of Merino jokes and photos, the page has kept the public informed of the process that led to Friday's vote.

The Web page designers have not identified themselves, and Merino has angered so many people that the list of possible authors is a long one.

A declassified 1990 CIA report linked Merino to death squads when he was vice president--a post he held from 1989 to 1994--and a member of the Nationalist Republican Alliance, known as Arena.

"Right-wing elements plan to . . . kill leftist labor leaders and politicians," stated the document. "Roberto D'Aubuisson, a leader of the ruling Arena party, Vice President Francisco Merino and other wealthy Salvadorans will pay squad members and cover expenses."

Merino broke with Arena in 1997 to join the National Conciliation Party, traditionally the political vehicle of the armed forces. He alienated his new party in a power struggle over the assembly presidency this year

but remained the party whip.

GRAPHIC: PHOTO: Salvadoran legislator Jose Francisco Merino during his arrest after a drunken rampage in August. PHOTOGRAPHER: ALEXANDER RENDEROS / For The Times

LOAD-DATE: November 25, 2000

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