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In El Salvador, a new push for justice in priests' slayings

Soldiers and officers convicted or implicated in the deaths of six priests in 1989 are free under a controversial amnesty law. Victims' relatives and rights groups turn to Spain's courts.

By Tracy Wilkinson and Alex Renderos
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Reporting from Mexico City and San Salvador -- The murder 19 years ago of six Jesuit priests by a U.S.-trained army unit was the turning point in El Salvador's long civil war, an atrocity so grave that it helped force an end to the fighting.

But the soldiers and officers convicted or implicated in the slayings are free under a controversial amnesty law that is receiving new attention thanks to election politics here and a potentially landmark court case in Spain.

Relatives of the priests, who were killed along with their housekeeper and her young daughter, have joined with two human rights organizations and today plan to file suit in Madrid against the generals, colonels and soldiers blamed for the killings.

The plaintiffs are invoking the doctrine of universal jurisdiction, which Spanish courts have championed, that allows a case of egregious human rights violation to be heard in a country even if the acts did not take place there and the defendants do not reside there.

Human rights activists in the Americas and Europe said they hoped the Jesuit complaint could be used to fight impunity and bring justice to the victims' families by joining a procession of Spanish court cases that have forced Latin America to confront its violent past. These include suits against Guatemalan military officers accused in the massacre of indigenous citizens and figures in Argentina's "dirty war" against leftist dissidents.

"This has an invaluable historic importance for El Salvador," said David Morales, program coordinator at a legal think tank in San Salvador that specializes in justice issues. "All Salvadoran society has been the victim here. . . . Just knowing the truth has a restorative effect."

The war between El Salvador's right-wing, U.S.-backed government and leftist guerrillas formally ended in 1992. A national truth commission, as well as several international investigations, established that top army officers had ordered and then covered up the slayings of the priests, whom the military accused of supporting the guerrillas.

Four officers and five soldiers were tried and convicted for roles in the slayings, no one higher in rank than a colonel, but all were released in 1993 under the amnesty law. No one in the top military leadership was ever prosecuted.

The suit names as defendants Gen. Rene Emilio Ponce, the retired former defense minister, and other senior officers. It also names Alfredo Cristiani, the wartime president of El Salvador, who is accused in the suit of complicity in the cover-up, said attorney Almudena Bernabeu of the San Francisco-based Center for Justice and Accountability, one of the two organizations representing the priests' relatives.

The other group is the Spanish Human Rights Assn. Once the complaint is filed, a Spanish judge will decide whether the case will proceed.

Carlos Martin-Baro, brother of slain priest Ignacio Martin-Baro, said he hoped the pursuit of justice could help El Salvador emerge from its current "tragic and violent reality," which many people believe is a legacy of the war and its unresolved divisions. The tiny country remains badly polarized and awash in slayings, kidnappings and drugs.

"Amnesty laws in a given moment might be used to normalize civilian life, but they don't allow the wounds to close," Martin-Baro, a 67-year-old English teacher, said by telephone from Madrid.

In El Salvador, repeal of the amnesty law has become a burning topic in the campaign running up to presidential elections in March.

Ponce, the retired general, led thousands of army veterans on a protest march through San Salvador two months ago to demand the law remain in force. Repealing it would smack of "vengeance," he said, and "far from contributing to reconciliation, will only deepen the political polarization we are living in our country."

The Farabundo Marti National Liberation Front, or FMLN, the onetime guerrilla movement that is now a political party, has suggested in its electoral platform that the amnesty might be ended.

But the party's presidential candidate, Mauricio Funes, recently told an interviewer that he would not touch the law because to do so would "open wounds" and "create a climate of ungovernability." Funes is leading in polls, besting the candidate from Arena, the right-wing party that has ruled since the last years of the war.

An Arena official, Francisco Antonio Prudencio, sharply condemned the lawsuit Wednesday, saying it would dredge up painful memories of "very difficult moments."

"Do they want our country to return to another armed conflict?" Prudencio, who heads the party's human rights committee in the legislature, said in an interview.

Most of the cases that have invoked universal jurisdiction have not ended in conviction. Yet advocates say each case is another brick in an expanding legal foundation that holds wrongdoers accountable wherever they live.

"I don't think I'm being naive when I say that there is increasing consciousness that high-level human rights abusers should not be allowed to move around and seek haven around the world," Pamela Merchant, executive director of the Center for Justice and Accountability, said from Madrid.