

Case of '89 Jesuit Killings in Salvador Revived in Spain

By VICTORIA BRUNETT, Nov. 14, 2008

MADRID — Nearly 20 years after the Salvadoran Army killed six Jesuit priests in one of the most notorious events of El Salvador's civil war, a criminal complaint filed in the Spanish High Court has revived hopes that those behind the massacre could face trial.

Human rights lawyers filed a complaint on Thursday against the Salvadoran president at the time, Alfredo Cristiani Burkard, and 14 former members of the Salvadoran military, as well as two female employees, for their roles in the killings of the priests and in the official cover-up that followed. International outrage over the murders proved to be pivotal in sapping American support for United States military assistance to the Salvadoran Army.

“We hope this case helps to reawaken the memory and the conscience of El Salvador's people,” said Almudena Bernabeu, a lawyer for the San Francisco-based Center for Justice and Accountability, a human rights law center, which filed the case along with the Spanish Association for Human Rights.

The Spanish High Court must decide whether to press charges against the men and seek their extradition to Spain, Ms. Bernabeu said.

The crusading Spanish judge Baltasar Garzón made legal history in 1998 when he secured the arrest in Britain of the Chilean dictator Augusto Pinochet using a Spanish legal principle that crimes against humanity can be prosecuted anywhere. General Pinochet narrowly escaped extradition to Spain by pleading ill health. Since then, Spain's High Court has received cases connected to rights abuses in several countries, including Argentina, Chile and Guatemala.

In the early hours of Nov. 16, 1989, members of the Salvadoran Army forced their way into the Jesuit priests' residence on the campus of the Central American University in San Salvador. They ordered five of the priests to lay face-down in the garden and shot them, and then searched the house, killing another priest, the housekeeper and her 16-year-old daughter. But another housekeeper witnessed the attack.

A 1991 report by a United Nations-sponsored Truth Commission said Gen. René Emilio Ponce, then army chief, ordered the killing of one of the priests, Ignacio Ellacuría Bescoetxea. General Ponce ordered soldiers to leave no witnesses to the murder of Father

Ellacuría, who had promoted peace talks between the right-wing military government and Marxist guerrillas.

The complaint filed on Thursday accuses former President Cristiani of helping cover up a crime against humanity. It accuses General Ponce and the 13 other former military officials and soldiers of crimes against humanity, murder and state-sponsored terror for their involvement in the slaughter.

Carlos Martín-Baró, whose brother was one of the priests killed, said the case had rekindled his hopes of justice. However, he said he was past seeking retribution for his brother's murder and hoped any legal process would contribute to a wider fight against injustice in El Salvador.

Despite the witness account, the investigations, and circumstantial evidence, efforts to make El Salvador's military account for the Jesuit murders have been largely fruitless. In a 1991 trial held in El Salvador, two military officials were convicted of murder and conspiracy to commit acts of terrorism and sentenced to 30 years in prison. The two were released under a 1993 amnesty.

Gisela de León, a lawyer with the Center for Justice and International Law in Costa Rica, said she was cautiously optimistic that Thursday's court filing could result in the defendants facing trial in Spain.

"It will put pressure on the Salvadoran authorities and remind them that there is an international community out there and they have to respect its norms," she said by telephone.

Even if the suspects were not extradited, the Spanish case could force a trial in El Salvador, Ms. Bernabeu said. Any prosecution would serve as some form of justice and help strengthen calls for a repeal of the country's controversial amnesty law, she said.

"Remember, Pinochet died a criminal," she said.