



November 16, 1989 Jesuits' Massacre
filed November 13, 2008, Spanish National Court

I. Introduction

II. Jurisdiction

III. Popular Prosecutors¹:

- Center for Justice & Accountability.
- Association for Human Rights in Spain.

IV. Defendants²

- a. Alfredo Cristiani Burkard, (President of El Salvador, Chief of the Armed Forces).
- b. General Rafael Humberto Larios, (Minister of Defense).
- c. General René Emilio Ponce, (Colonel & Head of the Salvadoran Armed Forces' Joint Chiefs of Staff).
- d. General Juan Rafael Bustillo, (General & Commander of the Salvadoran Air Force).
- e. General Juan Orlando Zepeda, (Colonel & Vice Minister of Defense).
- f. Inocente Orlando Montano, (Colonel & Vice Minister of Public Safety).
- g. Francisco Elena Fuentes, (Colonel & Commander of the First Infantry Brigade).
- h. Carlos Camilo Hernández Barahona, (Major & Assistant Dean, Military College).
- i. José Ricardo Espinoza Guerra, (Lieutenant), Atlacatl Battalion.
- j. Gonzalo Guevara Cerritos, (Second Lieutenant), Atlacatl Battalion.
- k. Oscar Mariano Amaya Grimaldi, (Private), Atlacatl Battalion.
- l. Antonio Ramiro Avalos Vargas, (Sergeant), Atlacatl Battalion.
- m. Angel Pérez Vásquez, (Corporal), Atlacatl Battalion.
- n. Tomás Zárpate, Castillo, (Deputy Sergeant), Atlacatl Battalion.
- o. José Alberto Sierra Ascencio, (Private), Atlacatl Battalion.

V. Introduction

VI. Key general terms and military terms

VII. Facts

- a. Brief summary of facts, the massacre of the Jesuits and their two employees at the University of Central America (UCA).
- b. Historical context and background.
- c. Agrarian reform.
- d. The rise of the Christian-based communities.
- e. The coup and the establishment of the junta government in 1979.
- f. Biography of the victims and the facts in relation to each one of them.
 - 1. Father Ignacio Ellacuría Bescoetxea
 - 2. Father Ignacio Martín-Baró

¹ Unlike the U.S., where criminal charges are initiated by the government, Spanish law allows citizens and non-government organizations to initiate criminal actions by filing criminal complaints as popular prosecutors. CJA and APDHE have jointly filed a complaint as popular prosecutors in their organizational capacities.

² The rank in parenthesis reflects the position held at the time of the massacre.

3. Father Segundo Montes
4. Father Amando López
5. Father Juan Ramon Moreno
6. Father Joaquín López y López
7. Julia Elba Ramos
8. Celina Meredith Ramos
- g. Relation of the criminal acts as charged.
- h. The offensive of November 13, 1989.
- i. The plan to carry out the massacre; the searches of November 13 & 14, 1989 at UCA.
- j. The meeting to plan the massacre on November 15, 1989.
- k. The massacre of the Jesuits on November 16, 1989.
- l. Individual criminal liability of the defendants (theories).
- m. Direct liability.
- n. Command responsibility.
- o. Joint criminal enterprise.
- p. Accomplice and accessory after the fact.
- q. Amnesty law (El Salvador 1993).
- r. Chronology of the legal proceedings in El Salvador.
- s. Criminal case in El Salvador (1990) (list of irregularities).
- t. UCA suit filed in 2000.

VIII. Legal Arguments

- a. Jurisdiction.
 - Spanish National Court and the principle of universal jurisdiction (art. 23.4 Organic Law of the Judicial Power, LOPJ).
 1. Procedural questions.
- b. Proper complaint.
- c. Jurisdictional Issues.
 1. Amnesty Law of El Salvador.
 2. *Res Judicata*.
- d. Crimes Against Humanities is not subject to the statute of limitations.
- e. Crimes – 14 of the defendants are charged with the crimes against humanity and sState terrorism. Cristiani is charged with the cover up of crimes against humanity.

IX. Conclusion

Private prosecutors propose early discovery:

- a. Deposition of defendants.
- b. Deposition of Judge Sidney Blanco, former prosecutor in the 1990 Salvadoran criminal case.
- c. Deposition of Henry Campos, prosecutor in the 1990 criminal case.
- d. Deposition of Belisario Amadeo Artiga, former Attorney General of El Salvador.
- e. Deposition of Carlos Méndez Flores, defense attorney for the defendants in the 1990 case.
- f. Deposition of Erick Buckland, Major in the U.S. Army.
- g. Deposition of Col. Sigifredo Ochoa Pérez, current Honduran Ambassador to El Salvador.
- h. Copies of U.N. documents obtained in the course of the investigations of the U.N. Truth Commission.
- i. Documents from the Salvadoran Ministry of Defense.

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