

Salvadoran ex-soldiers face extradition over murder of priests

Retired soldiers named in Spanish indictment for 1989 'dirty war' killings await court decision

by Stephen Burgen
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In one of the worst atrocities of El Salvador's dirty wars, members of the military murdered six Jesuit priests, their housekeeper and her 16-year-old daughter 22 years ago. Now an extradition battle looms after the defence ministry handed over nine of the 20 accused to the judicial authorities in a move that has surprised many human rights workers.

The soldiers, all retired, include two generals. According to the El Salvador daily El Faro, the suspects presented themselves voluntarily so as to avoid being photographed in handcuffs.

Five of the murdered priests were Spanish and in 2008 the Spanish Human Rights Association and the San Francisco-based Centre for Justice and Accountability demanded the extradition of the 20 accused. The extradition order was ratified by Spain's highest court.

When the case first went to court in El Salvador in 1991, only two officers were found guilty of murder but were freed almost immediately under an amnesty law passed in 1993. Eloy Velasco, the Spanish judge in charge of the case, regards the 1991 trial as a fraud.

"These are crimes under international law," said Esther Major, of Amnesty International's Central America team. "We hope the court will pay regard to its international obligations when it rules on the extradition. We would expect them to allow this extradition and for justice to be sought in the Spanish courts, given that the amnesty law is such a huge obstacle to justice."

The latest move appears to have been prompted by a demand from Interpol that El Salvador respond to the extradition order, obliging the authorities to take the accused into custody to assess whether there is a case to answer.

Almudena Bernabéu, an international lawyer working for the CJA, said she hoped those detained "would be kept in custody until a decision was made over extradition". However, Eduardo Cardoza, a lawyer representing the accused, said they should not have been detained because they were already covered under the amnesty law.



A stone engraved with the names of the six Jesuit priests killed during El Salvador's 1980-92 civil war. Photograph: Luis Galdamez/Reuters

Judicial authorities said Carlos Calderón, a senior judge, would send a report to the supreme court "which will decide whether or not to proceed with extradition" and will assign a judge to the case. The court has 45 days in which to reach a decision on extradition.

"If they don't grant the extradition, then we hope that El Salvador will reverse the amnesty law and allow for these people to be prosecuted in their own country," said Major. "The bottom line is, there has to be justice. This is an opportunity for the court to show its commitment to human rights."

The 15 magistrates who must reach this decision have been reluctant to comply with the extradition order made by the Spanish court. In the meantime, they must decide whether to hold the men in preventive custody.

Benjamín Cuéllar, director of the Institute of Human Rights at the University of Central America, said he doubted the men would be extradited. "No one in their right mind would voluntarily hand themselves over if they believed they were going to be extradited," he said.

The murders were carried out on 16 November 1989, when members of the Batallón Atlacatl attacked the campus of the University of Central America. The five Spanish priests were Ignacio Ellacuría, Segundo Montes, Ignacio Martín-Baró, Amando López and Juan Ramón Moreno, as well as the Salvadoran Joaquín López.

The priests were outspoken critics of the human rights abuses committed by the armed forces during the 12-year civil war, which ended in 1992. They were honoured in a formal ceremony led by President Mauricio Funes on the 20th anniversary of their death.

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