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El Salvador Detains Four Suspects in Massacre of Jesuits; U.S. to Extradite Another

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A landmark extradition ruling in the US, and the arrests in San Salvador shortly after of four retired military officials, are providing a sudden momentum boost to the nearly three-decade-old case of the six Jesuit priests massacred in El Salvador on Nov. 16, 1989. The case stands a real chance now of finally going to trial—albeit in Spain, rather than El Salvador, where the macabre events took place.

The massacre, one of the most notorious episodes of the Salvadoran civil war (1980-1992), was committed by members of an elite, US-trained Army unit called the Atlacatl Battalion. The soldiers, presumably on orders from the military high command, descended in the wee hours of the morning on the campus of the Universidad Centroamericana (UCA) in San Salvador, roused the school’s outspoken rector, Ignacio Ellacuría, from his sleeping quarters, and executed him along with five other Jesuit scholars, their housekeeper and her teenage daughter (NotiCen, Nov. 17, 1989). The killings are of special interest in Spain given that Ellacuría and four of the other murdered priests were Spanish citizens.

Working under the principle of universal jurisdiction, a crusading judge from the Audiencia Nacional, a Spanish high court, began pursing the murder case in 2008 at the behest of a pair of rights groups, the Center for Justice and Accountability (CJA), based in San Francisco, California, and the Asociación Pro Derechos Humanos de España (APDHE), a Spanish organization.

Judge Eloy Velasco has made headlines at various points in recent years, most notably in 2011, when he issued formal indictments and INTERPOL arrest warrants against 20 former Salvadoran military men implicated in the crimes (NotiCen, July 28, 2011). So far, however, he has been unable to initiate oral proceedings—i.e. bring the case to trial—because he does not have physical access to the accused. Most of the men reside in El Salvador, where they have long been shielded from prosecution by an amnesty law that continues to hold sway despite heavy criticism from rights groups and international bodies such as the Inter-American Commission on Human Rights (IACHR).

All of that may finally change. In raids carried out on the night of Feb. 5 and early on the morning of Feb. 6, El Salvador’s Policía Nacional Civil (PNC) arrested four of the former soldiers implicated in the massacre. The men were identified as Guillermo Alfredo Benavides, a former Army colonel who allegedly transmitted the orders to kill Ellacuría and his UCA colleagues; Antonio Ramiro Ávalos Vargas, a former sergeant; Angel Pérez Vásquez, a former corporal; and Tomás Zárpate Castillo, a deputy sergeant. Benavides was one of two people convicted when the case was tried in El Salvador in 1991 (NotiCen, Oct. 2, 1991). He was sentenced to 30 years in prison but released in 1993 thanks to the Ley de Amnistía General para la Consolidación de la Paz, as the amnesty law is formally known.

Benavides and the other three men are being held pending hearings to determine whether they can be extradited to Spain. Their fate ultimately lies with the Corte Suprema de Justicia (CSJ), El Salvador’s top court, which balked five years ago when faced with a somewhat similar situation but may decide differently this time around.
One-way ticket to Spain

In 2011, when Velasco first issued his indictments, the CSJ used a technicality to invalidate the INTERPOL arrest warrants, ruling that they oblige the government only to locate the accused, not detain them (NotiCen, Sept. 29, 2011). The ruling settled a tense situation that arose when a number of the implicated men, fearing pending arrest, briefly turned themselves over to military authorities (NotiCen, Aug. 18, 2011).

More recently, however, the high court revised its stance, deciding that INTERPOL warrants do in fact require the government to arrest the accused. The about-face prompted Velasco to reissue the arrest warrants in early January (NotiCen, Feb. 4, 2016), this time for 17 ex-military officials (three of the 20 he originally indicted are dead). Sixteen of the men are believed to be in El Salvador. The other, a retired Army colonel named Inocente Orlando Montano Morales, 73, is in the US, where he was jailed in late 2013 after being convicted of immigration violations (NotiCen, Sept. 26, 2013).

The government of Salvadoran President Salvador Sánchez Cerén, a guerrilla commander during the war, promised initially to cooperate with the updated arrest warrants. Days turned to weeks, however, and nothing happened. The police claimed it needed word from the court before proceeding. The court said it should be up to the police to decide.

Ultimately, the impulse to act appeared to come from somewhere else entirely: a federal court in North Carolina, where a judge ruled Feb. 5—just hours before the PNC began its arrests—to honor a Spanish extradition request for Montano, who was El Salvador’s vice minister of defense at the time of the Jesuits’ massacre. “The government’s evidence shows [that Montano] was a decision-maker and member of a group of officers who collectively ordered the unlawful killings of Jesuit priests,” Federal Magistrate Judge Kimberly Swank wrote.

Montano spent years living in obscurity outside of Boston, Massachusetts, before being outed by Velasco’s 2011 indictment list, which landed him in hot water with US immigration authorities (NotiCen, Oct. 11, 2012). The decision to extradite Montano rather than deport him back to El Salvador—as US authorities recently did with two other former Salvadoran military men implicated in civil war-era rights abuses (NotiCen, May 21, 2015)—is not subject to appeal but does still require final approval from US Secretary of State John Kerry.

‘Significant on so many levels’

Rights groups are hailing the extradition decision and PNC arrests as a major victory in their decades-long quest for criminal accountability with regards not only to the case of the Jesuit massacre, but to the many other abuses and atrocities committed over the course of El Salvador’s dozen-year internal conflict. And though they would ultimately like these matters to be settled in Salvadoran courts, organizations such as the California-based CJA see the possibility of a criminal trial in Spain—which is close to becoming a reality thanks in particular to the Montano ruling—as a welcome and perhaps precedent-setting alternative.

“Holding a senior military officer accountable for the Jesuit massacre is significant on so many levels,” Almudena Bernabeu, an attorney with the CJA, said in a statement. “First, we will be able to find the truth that the Jesuits and all Salvadorans have demanded for so long. Truth and accountability will give strength to all those who are trying to end the cycle of violence in El Salvador that has resurfaced to levels not seen since the civil war.”
The developments have drawn applause in El Salvador as well. In a statement posted Feb. 6 on Twitter, the country’s human rights ombudsman, David Morales, praised the PNC for “fulfilling its duty,” and called the arrests of the ex-soldiers “good news for democracy.” He went on to say that the CSJ has “a historic opportunity to position itself on the side of justice.”

President Salvador Sánchez also took to Twitter after news of the arrests broke, saying his government is “committed to meeting international norms” with regards to the INTERPOL warrants, and urging the dozen ex-soldiers who have not yet been detained to turn themselves in. He repeated the call during a public appearance on Feb. 6. “There are people in hiding,” Salvador Sánchez said. “We don’t know if they’ve left the country. But my recommendation is that they turn themselves over to the justice system and leave it to the courts to decide whether or not to extradite them. The best thing for the country is that they surrender.”

Conservative opposition forces, on the other hand, are livid over the decision to arrest the four ex-soldiers. In a joint press release issued Feb. 7, the hard-right Alianza Republicana Nacionalista (ARENA) and the smaller Partido de Concertación Nacional (PCN) and Partido Demócrata Cristiano (PDC) argued that the situation “deepens the polarization in Salvadoran society and reopens old wounds.” The parties also said the arrests go against “the letter and spirit” of the 1992 peace accords.

ARENA, El Salvador’s leading opposition group, was co-founded early in the civil war by Roberto D’Aubuisson, an Army major with alleged links to anti-left death squads. It governed the country for two decades starting in 1989. ARENA was unseated in the 2009 presidential election by Mauricio Funes (2009-2014), a former journalist and political moderate allied with the left-wing Frente Farabundo Martí de Liberación Nacional (FMLN), which also formed during the war, in its case as a coalition of guerrilla forces. Funes was succeeded by Sánchez Cerén, who beat his ARENA challenger, Norman Quijano, a deputy and former San Salvador mayor, by fewer than 6,400 votes (NotiCen, March 20, 2014).

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