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El Salvador: Judge Rules Trials For Eight Military Personnel In Jesuit Murder Case

by Deborah Tyroler

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On Dec. 8, Supreme Court of Justice spokesperson Mario Gonzalez told reporters Judge Ricardo Zamora has ruled that Col. Guillermo Benavides, three lieutenants and four soldiers will be tried on eight counts of murder and terrorism charges in the Nov. 16, 1989 murders of six Jesuit priests and two women. He added that burglary charges related to the disappearance of \$5,000 in cash held by Central American University (UCA) rector Ignacio Ellacuria were dropped. The date of the trial will be announced Dec. 15, Gonzalez said. According to unidentified sources cited by the Agence France Presse, the defense is expected to appeal Zamora's ruling. The appeal process should take approximately three months. If the case goes to trial, transcripts of testimony gathered by Zamora in the past year will be reviewed by a jury of five persons. Under Salvadoran law, juries do not hear direct testimony from witnesses. In most instances, reviews last only a few days. If the jury pronounces the defendant guilty, the judge then delivers a sentence. The maximum sentence for murder is a 30-year prison term, and for terrorism, 10 years. The New York Times cited unidentified court officials who said the prosecution had a weak case because Salvadoran law prohibits co-defendants from testifying against each other in criminal cases. In addition, prosecutors are prevented from introducing detailed confessions made by several low-ranking soldiers before they were formally charged. Archbishop of San Salvador Arturo Rivera y Damas told reporters on Dec. 9 that the investigations stopped short of identifying high-level officers responsible for ordering the killings. He said that unless these officers are prosecuted, the trial "will be a mockery of justice." Central American Jesuit Provincial Jose Maria Tojeira criticized the judge's ruling on similar grounds. He said that the Salvadoran military pressured Zamora into sending the case to trial prematurely. The military, said Tojeira, has attempted to obstruct the investigation throughout with "lies and contradictory" testimony. He asserted that the US government shares responsibility in the problematic investigation since it withheld information germane to the case. An editorial appearing in a recent issue of *Proceso*, a weekly publication of the Central American University, said that the case should not be brought to trial until all evidence held by the US government is turned over to the court. Specific evidence cited by *Proceso* included the results of tests by the Federal Bureau of Investigation (FBI) on a diary kept by Benavides; recordings and transcripts of testimony, later retracted, by US Major Eric Buckland; and, 81 secret documents held by US intelligence services related to the case. (Basic data from AP, 12/08/90; AFP, 12/08/90, 12/09/90; Notimex, 12/09/90; 12/07/90 news summary by Salpress; New York Times, 12/09/90)

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