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## **El Salvador: Jury Reaches Verdict On Jesuit Murder Case**

*by Deborah Tyroler*

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On Sept. 28, following five hours of deliberation, five jury members reached a verdict in the case of the Nov. 16, 1989 murders of six Jesuit priests and two women on the University of Central America campus. The jurors found Col. Guillermo Benavides, director of the military academy at the time of the massacre, guilty on charges that he ordered and was therefore responsible for the murders of the six priests. Lt. Yushy Rene Mendoza was found guilty of the murder of 15-year-old Celina Maricela Ramos. The jury acquitted Lts. Jose Ricardo Espinoza and Gonzalo Guevara Cerritos; Sgts. Antonio Ramiro Avalos and Tomas Zarpate Castillo; Cpl. Angel Perez; and Pvts. Oscar Mariano Amaya and Jorge Alberto Sierra on all counts. Presiding Judge Ricardo Zamora has 30 days to render sentences for Benavides and Mendoza. The colonel faces a maximum 30-year jail sentence, and the lieutenant, 25 years. Defense attorneys asserted they would submit an appeal, despite the fact that Salvadoran law prohibits appeal on jury decisions. Sentences, however, can be appealed. Details of court proceedings are summarized below.

Sept. 26: The trial commenced with a summation of about 6,000 pages worth of compiled evidence. Under Salvadoran law, witnesses and new evidence cannot appear during a trial. Following the summation, lawyers for both sides were given nine hours each to their present their arguments. Concern for the safety of the jurors led presiding Judge Zamora to keep them hidden from public view during the course of the trial. In addition, 100 police armed with assault rifles were stationed outside the court building. About 100 national and foreign observers, relatives of the victims, diplomats, and about 30 journalists were present during the three-day trial.

Sept. 27: UCA students, professors and staff members demonstrated in front of the courthouse calling for a guilty verdict.

Sept. 28: In their closing statements to the jury, prosecuting attorneys Henry Campos and Sidney Blanco Campos said a conviction would carry the message that "there is hope the judicial system can offer guarantees concerning human rights." According to Blanco, "The intellectual authors of the crime hide in the shadows, and should be sanctioned following resolution of this trial." Carlos Mendez Flores, principal defense attorney, denounced technical irregularities. He noted "contradictions" in the testimonies of Lucia Barrera de Cerna and Central American Jesuit Provincial Jose Maria Tojeira which "led to doubt concerning their credibility." Defense attorney Eulogio Barahona said no one could confirm that the army's security cordon set up around UCA during the rebel offensive in November 1989 was not violated. He suggested that the FMLN was responsible for the murders. Another defense attorney, Raul Mendez, said the case was "saturated with foreign intervention," which worked not only against their clients but against the administration of justice in El Salvador. Barahona claimed that the Jesuit massacre was not an extraordinary case. He said, "There are deaths and juries to try them every day in El Salvador. Let us not bend to [external] pressures and condemn these men." Barahona called on the jury to "allow these men of the glorious armed forces to go home, because we need brave men like them." UCA rector Francisco Estrada characterized arguments by the defense as "false nationalism." He added, "There are no valid arguments [in favor of the defendants] because the facts cannot be refuted." Over 20 anti-riot police were deployed to prevent hundreds of protesters, mainly relatives of the defendants, from entering the courthouse.

Sept. 29: Tojeira described the verdicts as "hardly surprising." According to the Jesuit provincial, "Though there was sufficient evidence to convict them all, I believe it is correct that the jury placed the blame on the higher-

ranking officers. We should keep looking higher up in the ranks for more responsible parties. It is inconceivable that a single person was responsible for these killings." Campos and Blanco agreed that Benavides' conviction is "important because it facilitates continuation of further investigations" to determine the identity of senior officers who were ultimately responsible. Luis Fajardo, head of a four-member Spanish parliamentary delegation on hand to observe the trials, said that he was "perplexed" and surprised by the verdict. Fajardo said the process as a whole was seriously defective throughout, mainly because the military carried out the investigations. However, said Fajardo, the guilty verdict "ended the principle of impunity," and must be acknowledged as a positive development. Sept. 30: Campos said that the verdict was "the best possible for the rightwing government and the armed forces because it ends charges of military impunity, yet does not question the military high command nor the army as an institution." Tojeira said the Jesuit order would prepare a report demonstrating that the orders to murder the priests came from officers above Col. Benavides in the military hierarchy. President Alfredo Cristiani said that the verdict must be accepted because "it was reached within a legal framework and the law must be respected." He called the trial and "important page in Salvadoran legal history." The president asserted that if sufficient evidence exists to implicate others in the murders, the case would be reopened. US State Department spokesperson Margaret Tutwiler said, "In our view this trial and conviction is an historic achievement...which sends an important signal that violations of human rights by the security forces will not go unpunished." According to Tutwiler, the State Department did not have information regarding the involvement by other Salvadoran officers and government officials in the murders. The Washington Post cited unidentified sources who indicated that Judge Zamora would leave the country to pursue studies in Europe as soon as possible. In a communique, the Committee in Solidarity with the People of El Salvador (CISPES) said the conviction "raises more questions than it answers." CISPES asserted that human rights groups and US congressional investigators had compiled evidence showing that Salvadoran military officers had destroyed evidence, intimidated witnesses, and committed perjury. The organization called for an end to US military aid to El Salvador pending further investigation into the role of the army high command in the Jesuit murders. (Basic data from AFP, 09/25-30; ACAN-EFE, EFE, 09/26-30/90; AP, 09/27/91, 09/29/91, 09/30/91; Notimex, 09/28-30/91)

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