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El Salvador: Court disregards international obligations when ruling on the case of the Jesuit priests

Amnesty International deplores the ruling by the San Salvador *Tribunal de Segunda Instancia*, Court of the Second Instance, which means that the 1989 extrajudicial execution of six Jesuit priests, their housekeeper and her daughter, remains unpunished.

“Crimes against humanity are not subject to statutes of limitations, as stated in international instruments and laws, and the Salvadorean authorities, including the courts, must abide by this,” Amnesty International stated. “There is no question that the human rights violations carried out in El Salvador between 1980 and 1991, such as those involved in this case, do constitute crimes against humanity,” the organization added.

In a ruling issued on 31 January 2001, the court in question exonerated those who ordered the killings to be carried out, all of whom held high-ranking civilian and military posts at the time. The ruling is an attempt to put an end to the legal proceedings initiated by the Jesuit Order in March 2000 after the authorities had refused to comply with the recommendations of the Inter-American Commission on Human Rights.

In November 1999, the Commission concluded that the Salvadorean State had violated, among other rights, the right to life and had not complied with its obligation to investigate, identify and punish those responsible for the crime. In its recommendations, the Inter-American Commission therefore proposed that an investigation should be opened into the crime and that both the intellectual and material authors should be identified and punished.

In December 2000, far from heeding the recommendations, the Attorney General’s Office requested the San Salvador *Juzgado de Paz*, Magistrates’ Court, to stay the proceedings once and for all on the grounds that the offence in question was subject to a statute of limitations “...because it was over ten years since the crime had been committed...”. While accepting in its ruling that the time period during which a criminal prosecution could be brought had lapsed, the Court nevertheless pointed out that the accused were not covered by the 1993 Amnesty law; however, they have remained unpunished.

“The courts must take account of El Salvador’s international obligations. Whether they are ruling on an appeal or making a final ruling, these obligations must take precedence so that cases of this kind can be resolved inside the country,” Amnesty International concluded.

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