



THE GUERNICA CENTRE
FOR INTERNATIONAL JUSTICE

**SPANISH NATIONAL CRIMINAL COURT
CRIMINAL CHAMBER
SECOND SECTION**

Before: Magistrate José Antonio Mora Alarcón (President)
Magistrate Fernando Andreu Merelles (Reporting Judge)
Magistrate María Fernanda García Pérez

CASE NO. 97/2010

THE JESUIT MASSACRE TRIAL

Public Prosecutor: Teresa Sandoval

Private Prosecutor: Manuel Ollé
Almudena Bernabéu
José Antonio Martín Pallín

Defence Counsel: Jorge Agüero Lafora for Inocente Orlando Montano

Hearing: Second Session

Date: 10 June 2020



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Trial Briefing Note – Session Two

On 10 June 2020, the trial for the massacre of the six Jesuit priests and two women on 16 November 1989 in El Salvador resumed. At 10:00 a.m., the Second Session of the main trial commenced, with the remaining defendant, former Salvadoran Colonel and Vice Minister of Public Security, Inocente Orlando Montano, scheduled to testify.

Prior to his statement, Montano's defence raised a number of preliminary matters relating to the nationality of the victims, the expiration of the proscribed statute of limitation concerning criminal responsibility and further seeking the nullity of the proceedings due to the impartiality of the investigating judge, His Honour Judge Eloy Velasco. In addition, the counsel for the defence reiterated its opposition to the admissibility of certain witnesses previously proposed.

After hearing the other parties, who stressed that it was not the appropriate procedural moment to reiterate these issues and that they had already been ruled upon by the court, the Criminal Chamber of the Spanish National Court dismissed the interlocutory challenges and proceeded with the statement that was scheduled for the session.

The Presiding Magistrate, José Antonio Mora Alarcón, addressed the accused, Mr. Inocente Orlando Montano, to inform him of his rights and to enquire whether he intended to answer the questions of any, all or none of the parties. The accused, without looking to the bench of the prosecution, decided to exclusively answer to his defence. The Lawyers of the Popular and Private Accusations reacted by requesting the Presiding Judge permission to, at least, orally state the questions that were to be put to the accused. The Chamber, after hearing the defence, refused the request on the basis that the mere physical or non-verbal reactions of the defendant to the questions could impair his right to not testify.

The testimony of Inocente Montano began with an account of the Government in El Salvador at the time of the events and of his position within it; as well as with a description of his duties as Vice Minister of Public Security. Montano focused his statement on reiterating that his powers were limited to “administrative tasks pertaining to public security”, linking his control exclusively to the “police forces” and distancing himself from the military forces. However, he acknowledged being a member of both the High Command and of the *Tandona*, which he defined as the 1966 promotion of the El Salvador Military School and whose members “coincidentally” ended up holding the main positions of power in the Salvadoran Armed Forces. When mentioning the *Tandona*, Montano did not refer to the specific interests and objectives of this hermetic group of 46 members regarding the political situation in El Salvador in 1989.

Additionally, the defendant acknowledged, for the first time, the existence of “*Los Manequés*”, a well-known unit referred to as a death squad who were active in the 1980s and 1990s, referring to them as “a group of extreme right-wing civilians who handled the economy in El Salvador”.

Regarding the victims, former Colonel Inocente Orlando Montano claimed that he “had nothing against Father Ellacuría”, right before accusing the Jesuit priests and the Central American University (UCA) of orchestrating the 1979 *coup d'état* against General Francisco Romero, specifically stating that they had indoctrinated young university students and convinced them to take up arms and rise against the military government. Furthermore, in a statement that shocked many of those present in the courtroom, Montano specifically stated that Jesuit priest, Jon Sobrino, was directly responsible for training children for the FMLN guerrillas, affirming that there was video footage and photographs of Father Sobrino “teaching 10-year-olds how to use an AK-47 rifle [the same model of the murder weapon used against the Jesuits]”.

With regard to his alleged participation in the events that led to the assassination of the Jesuits, his housekeeper and her daughter, Montano denied having played any role in the criminal act or any contribution to the furtherance of these crimes at all. The defendant maintained that the murders had been solely perpetrated by military personnel, belonging to the Atlacatl battalion, and under the direct command of Colonel Emilio Ponce, the then head of the Chief of Staff, to whom he attributed full responsibility for the crimes. To justify the incursion of the soldiers of the Atlacatl battalion into the residence of the Jesuit fathers only two days after having carried out a security search



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in those premises, the former military Colonel merely stated that “there was information of FMLN troops in the UCA” and military personnel were sent there to kill them. With regard to his specific conduct on the day of the murders, he admitted only taking part in a meeting with then President, Alfredo Cristiani, in which members of the High Command and commanders of the security forces in San Salvador informed Cristiani of the seriousness of the guerrilla offensive and analysed further steps to counter it, even contemplating the possibility of launching an indiscriminate attack against civilian population, discussing how this may turn public national and international public opinion against them, implying other measures needed to be taken. When questioned about the other meetings that took place on 15 November 1989 at the headquarters of the Joint Command, he justified his absence by claiming that he was “sick that day”.



In the final part of his testimony, the defendant stated that he had never covered up criminal acts committed by the Armed Forces and assured his cooperation in their clarification. However, he admitted that the inquiry commissions that investigated the criminal events never took his statement.

The Third Session of the trial will resume on Thursday, 11 June 2020, at 10:00 a.m. (CET), where witnesses proposed by each of the parties will be heard and examined. In the next session, which will be the last of June 2020, the Court will hear the members of the delegations that the Congress of Spain sent to El Salvador in November 1990 and in September 1991 to supervise the criminal proceedings that followed the crimes and to report on the clarification of the facts that led to the assassination of the Jesuits. The members of these delegations are José Luis Navarro Pinar, Enrique Arnaldo Cubillo, Manuel García Fonseca, Joseba Mirena Zubia Achaerandío, Pere Balta i Llopart and, Criminal Law professor, José María Tamarit Samalla. In addition, the statements of the deceased witnesses, Mr. Francisco Cádiz Deleito and Mr. Fernando Álvarez de Miranda, both Spanish Ambassadors in El Salvador, at the time of the events and during the subsequent criminal proceedings, will be read out.

Finally, the Court has announced that due to agenda issues, the statement of the key witness Yussy René Mendoza Vallecillos will be moved to 8 July 2020.