



**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

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**CASE No. 97/2010  
COURT RECORD No. 4/2015  
THE JESUIT MASSACRE TRIAL**

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Public Prosecutor: Teresa Sandoval

Private Prosecutor: Manuel Ollé  
Almudena Bernabéu  
José Antonio Martín Pallín

Defence Counsel: Jorge Agüero Lafora for Inocente Orlando Montano

Hearing: Eighth Session

Date: 14 July 2020



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### Opening Trial Session

On 14 July 2020, starting just after 15:00 (Madrid, Spain), the trial for the massacre of the six Jesuit priests and two women perpetrated in El Salvador on 16 November 1989 resumed. In this eighth session, the expert witness, Óscar Alfredo Santamaría, Minister of the Presidency in the ARENA Government of President Cristiani and a member of the Commission that drafted the General Amnesty Law, gave evidence. The statements of the deceased witnesses Fernando Álvarez de Miranda and Francisco Cádiz Deleito, both former Spanish Ambassadors in San Salvador in 1989, were also read and reproduced. The statement of the deceased witness Miguel Francisco Estrada Lemus, a Jesuit father who resided at the UCA and who succeeded Ellacuría as university rector, and of Colonel José Luis García, a retired Argentine Colonel and specialist in the functioning of the armed forces in Latin America, were then read out.

The session began with the reading of the statement made during the investigation by the witness, now deceased, Fernando Álvarez de Miranda, Spanish Ambassador to El Salvador between 1984 and August 1989 and assistant of the two delegations sent by the Spanish Parliament in 1990 and 1991. The witness began by referring to the campaign of threats and attempts to discredit Father Ellacuría, indicating that the military radio station - to which all the stations were connected - referred to Ellacuría as “Comandante Ellacuría” and repeated the slogan “Be a patriot, kill a priest”.

On the preparation, execution and cover-up of the crimes, Mr. Alvarez de Miranda expressed his conviction that the military leadership made the decision to kill Ellacuría without leaving any witnesses.

The late Francisco Cádiz Deleito, Spain’s Ambassador to El Salvador from a month before the murder until March 1991, in his statement corroborated the testimony of Lucía Barrera de Cerna, regarding the protection afforded to her and her family at the Spanish and French Embassies, where she testified before Judge Zamora and Attorney General Colorado, as well as on her trip to the United States where she was interrogated by FBI agents and by Lieutenant Colonel Manuel Rivas, director of the Criminal Facts Investigation Commission (CIHD), a commission investigating the UCA murders.

Ambassador Cádiz Deleito declared that he was friends with Judge Zamora, who investigated and judged the Jesuits case in El Salvador under the protection of the President of the Supreme Court, Gutiérrez Castro. According to his testimony, Judge Zamora told the Ambassador that he “found difficulties everywhere in obtaining evidence”. For example, when he requested the visitors’ logbook from the Military School, it took several months to get it to him and in the end “the pages of the delicate days were cut off”. Also, even though he insisted on it, they never gave him the report that the Military Honor Commission had prepared with the evidence to prosecute Col. Benavides. Furthermore, “the investigation was not under seal, so that all the witnesses told the journalists what they had declared, and so the phrases were repeated insistently”, the more than 40 military personnel involved repeated phrases made in their declarations that “they had read in the press or in the Jesuits’ magazine”. On the other hand, the army colonels could only be interrogated in writing, which allowed them to answer with evasive answers for months and constantly invoke military secrecy and due obedience.

Mr. Cadiz Deleito declared that, as Judge Zamora constantly repeated to him, in the Military Honor Commission it was decided that “the scapegoat would be Benavides”, who “in an excess of unbridled patriotism, since he had prepared the operation to punish the [Jesuit] traitors, was going to be condemned, that was accepted beforehand, but everyone knew, that sooner or later peace would come and there would be an amnesty”. Therefore, it was “a perfectly manipulated trial in the sense of having a precise ceiling (...) the only thing that could not be touched, and Zamora never touched it, because nobody, and this is basic, nobody ever mentioned a colonel other than Benavides, here the only bad guy was him, nor was there even remotely any mention of the ‘Tandona’ or such a meeting in the Joint Chiefs of the Military Staff”. According to Cádiz Deleito, “no one could think that Benavides had acted alone, but who would ask? The very idea of asking would have produced smiles on one side and panic on the other”.



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Finally, Mr. Cádiz Deleito confirmed that at the meeting of the High Command at the headquarters of the Joint Chiefs of the Military Staff on the night of 15 November, the high officials voted unanimously to put an end to the “fifth columnists” or “traitors”, who were the progressive politicians, Guillermo Manuel Ungo and Rubén Zamora, who were taking refuge in embassies; Jesuit Father Jon Sobrino, who was on a trip in Thailand and, finally, Father Ignacio Ellacuría, who was in the UCA, less than a kilometer away from where the military was meeting.

The statement of the witness, now deceased, Miguel Francisco Estrada Lemus, was then read out. During the years before the murder, the witness said, the Jesuits suffered four bomb attacks, death threats and received messages asking them to leave the country. It was Father Estrada Lemus who picked up Ellacuría on November 13, upon his early return from Spain, and with whom he crossed the security checkpoints of the UCA. Regarding this fact, the witness stated that the agents who identified them when they entered the Jesuits' residence acted strangely, expressly asking Ellacuría if he had already returned from his trip. Father Lemus said that the same day the Fathers confirmed that a search had been carried out, which they did not give more importance to because of the routine of the search.

On the day of the massacre, the former University Dean of the UCA stated that, despite residing near Ellacuría's house, he found out the next morning through the husband and father of the murdered women, and that, together with Father Tojeira, he went to the scene of the events and was able to see the bodies of the victims and the destruction caused by the military as well as the false messages left by the military to incriminate the FMLN. Regarding the motive for the murders, Ellacuría's successor reflects that "as they were losing the war, the military decided to die killing, the leadership of the military chose those they had as communist enemies and who were more at hand, since they had not left the country nor were they refugees in embassies".

Afterwards, it was read the statement of the expert José Luis García, a retired colonel and specialist in the Latin American Armed Forces, who participated in the trial in El Salvador as an expert witness. According to his testimony, the military jurisdiction should have immediately tried the military responsible for having committed a crime in time of war and less than 200 meters from the Armed Forces' superior command.

According to the expert, Col. Benavides could not have individually and unilaterally carried out a military operation that involved the assassination of such a prominent figure as University Dean Ellacuría or Jesuits of the UCA, the country's main cultural centre.

The last one to testify was defense expert Oscar Santamaría, labour lawyer and Pres. Cristiani's Minister of Justice at the time of the events and Minister of the Presidency during the approval of the Amnesty Law. This expert was a member of the Dialogue Commission with the LWF to achieve peace, established in August 1989 and which lasted 28 months. Mr. Santamaría reiterated, in response to questions from the defense, that the Armed Forces always sought a peaceful solution to the conflict.

During his testimony, the prosecution questioned this expert about his trip to Spain in December 2008, during which, as the witness acknowledged, he held meetings with members of the Spanish Government, judges and members of the Spanish Public Prosecutor's Office. Despite denying any interference with justice, the accusation referred to a 2008 leak from Wikileaks and El Faro showing that the purpose of this visit had been to try to slow down and put pressure on the filing of the complaint filed by the accusations in 2008, from which the present proceedings stem.

The next and final session of the trial will take place on Wednesday, 15 July 2020 at 10.00 (Madrid, Spain). It will begin with the presentation of the concluding statements by the prosecution and the defence and, finally, the defendant, Inocente Orlando Montano, will be able to have the last word before the President of the Court concludes the trial proceedings.



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