



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: Seventh Session

Date: 13 July 2020



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### Opening Trial Session

On 13 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 seventh session, Terry Lynn Karl, Professor of Political Science and Head of the Department of Latin American Studies at Stanford University in the United States, gave testimony as an expert witness. Secondly, and as part of the defence evidence, Mauricio Ernesto Vargas, retired General of the Salvadoran Armed Forces and Member of the Tandonas, testified.

Professor Karl explained that the fundamental sources that she had consulted in preparing her two expert reports included the declassified cables from different government agencies of the United States, CIA, Department of State and Department of Defense, as well as reports from Congressman Moakley and the Lawyers Committee for Human Rights. In addition, and as part of her research, Karl conducted numerous interviews, for the UN Truth Commission (1993), with religious leaders, Salvadoran politicians, guerrillas, US ambassadors, UCA professors, etc.

Professor Karl stated that officers of the Salvadoran Armed Forces made an illegitimate use of violence, breaking the constitutional order and committing serious human rights violations. Following this, Professor Karl explained that the Armed Force was governed by a system of *tandas* (annual promotions of military officers), which created a strong bond of unity among its members, whose relations of loyalty exceeded those that each officer had with his armed institution. She also highlighted the “code of silence” that reigned among the military officers and which functioned thanks to the fact that it was a matter of economically corrupting or involving all the officers in human rights violations in order to guarantee their complicity in the cover-up and impunity of the crimes of the rest. The Armed Forces committed State terrorism.

Professor Karl confirmed that the Tandonas were the class of 1966, a particularly large, powerful and corrupt class. The Tandonas, according to the expert, functioned as a “mafia family” and its members took over all the command posts in the Armed Forces except for the Air Force command, which was held by General Bustillo, and the post of Minister of Defence, which was held by General Larios, almost retired. The three leaders of the Tandonas, called *compadres*, were Colonels Zepeda, Montano and Ponce, who were part of the military High Command with the positions of Vice Minister of Defence, Vice Minister of Public Security and head of the Joint Chiefs of the Military Staff, respectively.

According to Professor Karl’s testimony, Colonels Zepeda, Montano, and Ponce concentrated *de facto* power, that is, effective command within the Armed Forces, and made important decisions by consensus. On the other hand, according to the *de iure* structure of the chain of command, the expert stated that any relevant strategic decision had to be taken necessarily by the High Command, which included Vice Minister Montano and Colonels Ponce and Zepeda.

According to Professor Karl in 1989, the armed conflict reached an “impasse” and the different political actors were betting on two opposite ways to solve it. On the one hand, the hard line of the ARENA party and a part of the military officialdom, including the Tandonas, were betting on “total war” or “war by murder”, i.e. the killing of civilians as a method of war, which consisted of assassinating opposition civilian leaders in order to turn the conflict in their favour. On the other hand, the Jesuits of the UCA, the Salvadoran institutional church, some factions of ARENA and part of the military and guerrilla officials were betting on a negotiated and peaceful solution to the conflict. The undoubted leader of this negotiated way was the University Dean Ellacuría.

Likewise, Professor Karl confirmed that the reason why the Tandonas leaders decided to assassinate Father Ignacio Ellacuría and the UCA Jesuits was precisely because of his leadership in the peace negotiations.

The expert, Professor Karl, also stated that the decision to assassinate University Dean Ellacuría without leaving any witnesses was a consensual and premeditated decision by the military High Command. According to Professor Karl, in the days prior to the crime, Vice Ministers Montano and Zepeda carried out a campaign of verbal attacks against Father Ellacuría. Secondly, the transfer by the Joint Chiefs of the Military Staff of the Atlacatl Battalion command unit to the military complex beside to the UCA for at least three days, during which



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they carried out a reconnaissance search of the Jesuits' residence, fulfilled their task of killing Ellacuría without leaving any witnesses, and after the operation they were transferred out of El Salvador. According to Professor Karl, this unit could not be sent to fight guerrillas who were in the UCA, since it had only 40 members and the UCA campus had been extensively searched and had police checkpoints at all its entrances and exits.

Regarding the participation of Vice Minister Montano, Professor Karl pointed out that the Colonel was part of the group of officers who made the decision to kill the Jesuits and was present at the moment when the order was given to Colonel Benavides. Furthermore, it was Vice Minister Montano who provided the intelligence for the return of University Dean Ellacuría to the UCA because the security forces under his command had the perimeter of the campus cordoned off and did not allow anyone to enter or leave without authorization. Moreover, as Vice-Minister of Public Security, Montano was responsible for the investigation carried out by the Commission for the Investigation of Criminal Acts, a commission that, as was proven, actively covered up those responsible for the murders by destroying and manipulating evidence about the events.

Retired General Mauricio Ernesto Vargas, commander of the eastern zone of El Salvador and of the III Infantry Brigade in November 1989 and currently a Deputy in the Assembly of El Salvador for the political party ARENA, was the second witness to testify. The purpose of his statement was to confirm his report, presented by defence counsel for the defendant Inocente Montano in an attempt to present an alternative version to the expert evidence offered by the accusations.

To the questions of the defence, the expert made a general introduction on the genealogy of the Salvadoran conflict. The expert then stated that the tasks of the Vice-Minister were purely administrative and technical advice, without operational functions, linked to the definition of public policies and without control of police or military forces. Finally, in this intervention, he acknowledged that he was 138 km from San Salvador and that he was unaware of everything that happened at the headquarters of the armed forces before, during and after the commission of the Jesuit massacre as well as during the investigation of these events.

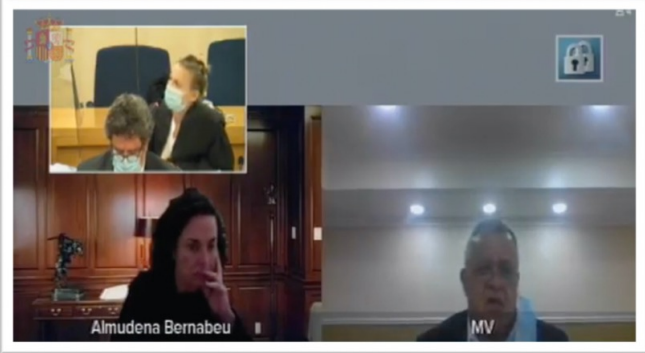
In addition, Vargas confirmed that he is a member of La Tandonia and a great friend of the defendant. Asked about the institution in which he prepared his report - the College of Strategic Studies - Mr. Vargas stated that it consisted of a group of friends who met to comment on current events and produce analyses of interest after a brainstorming session, but that it was not endorsed by any public body nor did it have legal personality.

Finally, on his report, the expert conceded that he had not written it in full and that he did not have references for many of his statements, without being able to specify the sources on which he had based his opinion.

The next session of the trial will take place on Tuesday, 14 July 2020 at 15.00 (Madrid, Spain). It will begin with the declaration of 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. After the expert's statement, the documentary evidence will be read, and audiovisual material will be reproduced and viewed.



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