



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
COURT RECORD No. 4/2015
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: Sixth Session

Date: 10 July 2020



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Opening Trial Session

On 10 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 sixth session, the following witness and expert witnesses were examined: Mr. Luis Alberto Parada Fuentes, who at the time of the events was a lieutenant in the Salvadoran army and an officer in the National Intelligence Directorate (DNI), Ms. Katherine Doyle, a specialist in obtaining and analyzing declassified documents by U.S. Government agencies, and Mr. Douglass Cassel, Legal Advisor to the United Nations Commission on the Truth for El Salvador (1993).

Lt. Luis Parada began with an explanation of the composition and functions of the High Command of the Armed Forces, whose members at the time of the assassinations were: 1) the President of the Republic, Alfredo Cristiani; 2) Minister of Defence and Public Security, General Larios; 3) Vice-Minister of Public Security and defendant Colonel Montano; 4) Vice-Minister of Defence, Colonel Zepeda; 5) Army Chief of Staff, Colonel Ponce; and 6) Army Deputy Chief of Staff, Colonel Rubio. According to Lieutenant Parada, the most important strategic decisions at the political-military level were taken within the High Command, where possible courses of action were discussed before making any relevant decision.

Lieutenant Parada has also pointed out that in 1989 the three public security bodies (National Guard, National Police and Treasury Police or *Policía de Hacienda*) were an integral part of the Armed Forces and not only performed police functions, but also had combat units to repel FMLN attacks, acting as regular military forces. In response to questions from international lawyer Almudena Bernabeu, Lieutenant Parada denied that the Vice Minister of Public Security was merely responsible for administrative functions and stated that the security forces reported to Colonel Montano, who had effective command over the Armed Forces as Vice Minister of Security.

Regarding the days prior to the assassinations, the witness described the actions of the High Command as negligent since they did not react with due anticipation despite having evidence of an imminent FMLN offensive. Faced with the offensive, President Cristiani decreed a state of siege in San Salvador and the High Command divided the capital into five security commands, the most important being that of the military complex. It included the Ministry of Defence, the Headquarters of the Army Joint Staff, the DNI, the Military School and the military colonies Arce and Palermo. The UCA was also located within the area of this very same security command.

According to Lieutenant Parada's testimony, on the afternoon of 13 November 1989, 45 minutes after the arrival of Father Ellacuría at the UCA from a trip to Europe, the command section of the Atlacatl Battalion was sent to carry out a search at the university. This elite unit, which two days later would carry out murder of the Jesuits, had been transferred to the security command of the military complex that same afternoon. Lieutenant Parada recognised that, at the time, he believed the search was to verify whether there were armed guerrillas hidden at the university campus. However, he does not find that explanation credible anymore, because the soldiers limited to searching the Jesuits' residence building and, within an hour, returned to the Military School. If they had really been looking for guerrillas, it would have taken at least five hours to sweep a campus as large as the UCA in the middle of the night.

In addition, Lieutenant Parada confirmed that he himself saw, during the raid, a checkpoint set up at the entrance to the UCA and controlled by the Treasury Police, in order to check the identity of those who entered and left the campus. The witness was told by those police officers that they had allowed Rector Ellacuría in a few minutes earlier.

Afterwards, Lieutenant Parada referred to the meeting of the DNI officers on the morning of 16 November 1989, when Captain Herrera Carranza, Head of DNI Operations, entered with two MX radios [Armed Forces radios], and reported that "they have just said that Ellacuría was killed after resisting arrest". Lieutenant Parada affirmed that this statement clearly meant that the Armed Forces had ordered Father Ellacuría's murder. After a few seconds, Lieutenant Parada recalls, the Captain went back inside to clarify that it had not only been Ellacuría killed, but also "eight priests". Lieutenant Parada stated that everyone at the meeting was dismayed, except the



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Director of the DNI, Colonel Guzmán Aguilar, who had been at the High Command meeting the night before and where they had decided that more drastic measures against the FMLN had to be taken. Upon hearing these news, Colonel Guzmán Aguilar, also a member of “La Tandoná”, responded calmly: “You see, some things are already starting to happen”.

According to the testimony of Lieutenant Parada, from the first moment onwards, the High Command covered up the murders of the Jesuits of the UCA. The intelligence officer assures that the magnitude of the institutional cover-up makes it necessary to assume that the High Command ordered and directed it. In fact, that same afternoon, the DNI was instructed not to comment on the matter, because the government had already begun an investigation. However, despite that, Cuscatlán radio [the Army’s radio channel] was already reporting that the FMLN was responsible for the murders.

Lieutenant Parada has stated that the Commission of Inquiry into Criminal Events (CIHD) began to call the DNI officers who had participated in the 16 November morning meeting and that several of them had been killed shortly afterwards, in strange circumstances. For example, Captain Herrera Carranza, who had revealed the death of the Jesuits at the DNI meeting and then denied his testimony before the CIHD, was shot in the head in November 1990, a few days after being transferred to the Morazán Military Detachment.

In this context of widespread fear, in March and May 1991, Lieutenant Parada was called in to testify before the CIHD, but prior to that, the Deputy Minister of Defence, General Zepeda, ordered him to go to the legal department of the Ministry of Defence so that the lawyers of the accused could give him instructions on what he had to testify. Although Lieutenant Parada disobeyed this order, the CIHD investigators only asked him testimonial and innocuous questions. After giving his statement, he was warned that, if he returned to El Salvador, his life would be in danger, because there were people who considered him a traitor.

The second individual examined by the court was expert witness Katherine Doyle, Senior Analyst of U.S. policy in Latin America at the National Security Archive. She explained the process followed to declassify and obtain over 12,000 official documents of the United States, some of which have served as key evidence in the present criminal proceedings. Thus, Katherine Doyle affirmed that the civil war in El Salvador was a shared conflict with the United States given the close collaboration during the war, which implied that a lot of insightful U.S. intelligence was generated on the crimes committed in El Salvador. She said the National Security Archive asked the Clinton Administration in 1993 to declassify these documents, which included many related to the Jesuit massacre, because “we had an obligation to review our history of [U.S.] involvement in human rights violations in El Salvador”.

With respect to the documents, Ms. Doyle stated that the information contained in the declassified documents has very strong credibility, not only because of the way it was generated (through U.S. officials and professional experts) but also because of the way it has been used within a broader context and in comparison with other strong sources. In addition, she explained that, within this universe of information, it was possible to identify a clear and important core of information, with solid credibility, related to the murder of the Jesuit fathers, its planning, the perpetration of the crime and the subsequent efforts to cover it up.

The last expert to testify was Mr. Douglass Cassel, Legal Advisor to the United Nations Commission on the Truth for El Salvador, who was tasked with overseeing the investigations as well as drafting and editing the Commission’s report. Mr. Cassel revealed in his statement that the mission of the Truth Commission was to examine the widespread impunity of the armed forces, which repeatedly violated human rights during the civil conflict.

Mr. Cassel pointed out that the leadership of the armed forces and the High Command considered the Jesuits to be the brains of the FMLN, and that they did not dare to order their death until the offensive in the capital, since it gave them the perfect opportunity to wipe out the Jesuits and blame the guerrillas. In this regard, Mr. Cassel emphasised that Colonel Montano himself, as part of the media campaign against Father Ellacuría, publicly identified the Jesuits as members of the FMLN. Mr. Cassel clarified that, back then, calling someone the “head of the guerrilla” was practically targeting him as public enemy and encouraging citizens to attack him.



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Regarding the Commission's conclusions, Mr. Cassel stated that the Commissioners opted to reveal the identity of the five members of the military responsible for the planning, deliberation and adoption of the order to assassinate Ellacuría –including the accused Inocente Montano– because the information analyzed derived from solid evidence and came from at least two independent and reliable sources that confirmed the intervention of the High Command. The strength of the evidence examined gave a chance to the Commissioners to extraordinarily reveal the names of the intellectual authors.

The expert also referred to the CIHD and the Honor Commission, stating that both mechanisms had a dual task: to blame the killings on lower-ranking officers and soldiers, and to cover up the fact that the planning and orders had come from the top of the army. Specifically, this expert confirmed that Rodolfo Parker intervened in the Honor Commission, created *ad hoc* by President Alfredo Cristiani, to modify the statements of those under investigation to exclude from the investigation those who had given the orders.

The next session of the trial will take place on Monday, 13 July 2020 at 15:00. It will begin with the declaration of the expert witness Terry L. Karl, Professor of Political Science at Stanford University and specialist in Latin American Studies with a long experience in El Salvador. She will be followed by expert Martha Doggett, author of the book “Una muerte anunciada. El asesinato de los Jesuitas en El Salvador”, who coordinated the Lawyers Committee for Human Rights in Latin America. After her, General Mauricio Ernesto “Chato” Vargas, member of the Tandoná and current ARENA deputy, will also testify as an expert witness. The last expert witness will be Oscar Alfredo Santamaría, Minister of the Presidency in the ARENA Government of President Cristiani and member of the Commission that drafted the General Amnesty Law.



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