



**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

Session: Fifth Session

Date: 9 July 2020



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Fifth Session of the Jesuit Massacre Trial

On 9 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 fifth session, the following witnesses were examined: Antonio Rubio Campaña, an investigative journalist for the newspaper *El Mundo*; José Benjamín Cuéllar Martínez, lawyer, political scientist and former director of the Institute of Human Rights of the UCA in San Salvador (IDHUCA); and Father José María Tojeira, former rector of UCA and current director of IDHUCA. Lastly, the Chamber heard George Alexander Portillo, better known as Jorge Galán, author of the novel 'November' which narrates the story of the murder of the Jesuit priests.

Antonio Rubio focused his testimony on his journalistic investigation of handwritten documents that had been given to him by the then Spanish Ambassador in San Salvador, Fernando Álvarez de Miranda.

Amongst these documents were copies of a notebook with a written record of what happened at the meeting of the High Command of the Armed Forces on the night of 15 November 1989, in which the order was given to kill Father Ellacuría without leaving any witnesses. According to this record, the group that made the decision was formed by the Deputy Ministers of Defence and Public Security, the accused Colonel Montano and Colonel Zepeda; as well as the Chief of the Military Staff (*Estado Mayor*), Colonel Ponce; Air Force Commander, General Bustillo; and Commander of the 1st Infantry Brigade, Colonel Elena Fuentes. All of them members of "La Tandoná", with the exception of General Bustillo.

Mr. Rubio explained that he carried out an investigation with different sources to check the veracity of the record of the meeting and above all to find out who the author was. According to his testimony, he was able to verify that the handwritten documents were written by Colonel Benavides.

The second witness to testify was the director of IDHUCA from 1992 to 2014, Benjamín Cuellar. During his time at the head of this institution, Cuellar directed a legal investigation that culminated in 2000 with the filing of a criminal complaint before the Attorney General against the members of the High Command of the Army and President Alfredo Cristiani because of their involvement in the Jesuits crime. However, the initiation of the criminal proceeding was delayed until the Constitutional Chamber ruled on the validity of the Amnesty Law; and, after said ruling, the complaint was dismissed on the basis that the statute of limitations to prosecute the High Command had expired.

In response to the prosecution, the witness stated that they had decided to investigate the criminal responsibility of the members of the High Command, because they were those who "gave the orders and covered up that massacre and many others". Regarding the accused, former Colonel Montano, Mr. Cuellar indicated that he was an intellectual author because multiple sources confirmed his presence at the meeting where the decision to kill Father Ellacuría had been taken and transmitted to Colonel Benavides. Besides, the witness also referred to Montano's hostility towards the Jesuits, mentioning that he had accused them of "discrediting the Public Security and the Armed Forces", days before the UCA suffered a bomb attack at the printing press.

Afterwards, Father José María Tojeira, Provincial of the Society of Jesus in Central America at the time of the events, gave evidence. Father Tojeira began his intervention pointing out that during the weeks prior to the murders, there had been constant attacks on military-controlled media against any civilian that demanded peace, specifically calling for the death of Fathers Ellacuría, Martín Baró and Segundo Montes. "It seemed that the army considered them [the Jesuits] to be their enemies" he affirmed.



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This witness had a very close relationship with the victims of the massacre and, in fact, on the very night of the events, he was sleeping in a house 40 meters away from the scene of the crime. Father Tojeira said that, in the early morning of the 16 November 1989, he woke up to several shots he heard in the vicinity of his room, which were followed by a burst of gunfire and explosions that lasted about 20 minutes. José María Tojeira explained that it was after, in the early morning of 16 November, when he was alerted by Lucía Cerna, that his friends and colleagues had been murdered.

The witness, who also participated in the filing of the complaint in the year 2000 against the High Command, stated that there were multiple reasons to affirm that the Armed Forces had been the planners and executors of the crime. For example, the duration of the shooting, the high level of security that surrounded the UCA concentrically and the proximity of the headquarters of the Armed Forces –700 meters away–, the headquarters of the National Intelligence Directorate –400 meters away– and the security forces that were stationed at the Democracy Tower –200 meters. In fact, the priest revealed that a sniper who had been stationed in the Democracy Tower eventually ended up telling him that “they had seen with their night vision goggles how the Jesuits had been killed; but, upon reporting it to the Chief Military Staff (*Estado Mayor*), they were ordered to keep silent”. “It does not make any sense that the army did not have intervened”, Tojeira concluded.

Father Tojeira stated that the Investigative Commission of Criminal Events (CIHD) limited itself to taking statements from soldiers who responded contradictorily, practicing polygraph tests, and reviewing self-incriminating testimonies from FMLN members. Similarly, the witness stressed that the Honour Commission, set up by Cristiani to carry out an internal investigation within the Armed Forces, only served to cover up the real perpetrators. Father Tojeira emphasize that they the only civilian member of the Commission, Rodolfo Parker, knew that Colonel Benavides had affirmed that they had the “green light” from the High Command to kill Ellacuría; and yet, no reference to such statement was made in the report produced by the Commission.

Finally, José María Tojeira ended his speech reminding that “we forgave the killers at the very first moment”; however, it is indispensable that the truth is known so that these crimes will not be repeated again.

The last statement was made by the witness George Alexander Portillo, better known as Jorge Galán. This Salvadoran writer and the author of the historical novel “Noviembre” (November), which narrates the events surrounding the massacre of the Jesuit priests of the UCA on 16 November 1989. His testimony focused on confirming the information he obtained from the interviews he conducted with President Cristiani and Jesuit Fathers José María Tojeira and Jon Sobrino, in order to document his novel.

According to his testimony, in the recorded interview with President Cristiani, he acknowledged to Jorge Galán that the intellectual authors of the massacre could not be tried in the 1991 trial in El Salvador because key evidence, such as the Military School record books, was destroyed. Pres. Cristiani also acknowledged that he “tended to think” that there were other intellectual authors besides Col. Benavides, such as the officers of “La Tandoná” or General Bustillo, Air Force Commander.

In his interview, President Cristiani also admitted having been at the Chief Military Staff (*Estado Mayor*) late at night when the Jesuits were massacred, but that he had never been informed of anything.

Finally, Jorge Galán declared that the publication of his novel in El Salvador caused him to receive threats which forced him to seek asylum in Spain.

The next trial hearing will take place on 10 July 2020, at 15.00 (Madrid, Spain). It will begin with the testimony of the witness Mr. Luis Alberto Parada Fuentes, who at the time of the events was a lieutenant in the Salvadoran



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army and an officer in the National Intelligence Directorate. After him, expert witness Ms. Katherine Doyle, a specialist in obtaining and analyzing declassified documents by U.S. government agencies, will testify.



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