



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

Defense Counsel: Jorge Agüero Lafora for Inocente Orlando Montano

Session: Fourth Session

Date: 8 July 2020



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Fourth Session of the Jesuit Massacre Trial

Today, on 8 July 2020, starting just after 15:00 (Madrid, Spain), the trial for the massacre of six Jesuit priests and two women perpetrated in El Salvador on 16 November 1989 resumed. In this fourth session of the trial, which is the first session to take place in the month of July, the following witnesses testified: firstly, Lieutenant René Yushy Mendoza Vallecillos, who was assigned to the El Salvador Military School under the command of Colonel Benavides and is a key witness, as he participated in the execution of the murders by the Atlacatl Battalion's units. Secondly, Mr. Álvaro Henry Blanco Solórzano and Mr. Edward Sidney Campos Reyes, who were the two prosecutors in charge of the 1991 investigation of the murders of the six Jesuit priests and the two women in El Salvador and who, after resigning due to the pressures they were subjected to by the Attorney General, returned to the case as private accusers on behalf of the families of the victims. The third and final testimony came from Mrs. Lucía Barrera de Cerna – the Jesuits' housekeeper - and her husband, Mr. Jorge Alberto Cerna Ramírez, who were the only eyewitnesses to the event, as they both spent the night of the murders at the UCA in a building next to the Jesuits' residence.

In his statement, Lieutenant Mendoza described the events which took place on the night of 15 November 1989. According to his testimony, that night Colonel Benavides (who was director of the El Salvador Military School and commander of the security zone where the UCA was located) summoned Lieutenant Mendoza and the rest of the officers of the El Salvador Military School. During this meeting, Colonel Benavides informed them that he had just been in a meeting with the Chief Military Staff (*Estado Mayor*), in which members of the Salvadoran High Command, including the Vice Minister of Public Security (the accused Colonel Inocente Orlando Montano), members of the Chief Military Staff (*Estado Mayor*) and the commanders of the San Salvador metropolitan area. At this meeting, the members of High Command decided to take a series of drastic measures to stop the FMLN guerrilla, including the elimination of those who they had supposedly identified as guerilla leaders. In the above-mentioned meeting, they also noted that the President of El Salvador, Mr. Alfredo Cristiani, was to be informed of every decision reached that night and that unless the President gave a counter order, their plan would be carried out. Lieutenant Mendoza maintained that such a counter order was never issued.

According to Lieutenant Mendoza's testimony, after this High Command meeting, Colonel Benavides attended a later meeting where a deciding group composed of the Colonels of *La Tandoná* –, namely Mr. Ponce, Mr. Montano, Mr. Zepeda, Mr. Elena Fuentes and General Bustillo - gave Colonel Benavides the order to use the Atlacatl battalion to eliminate Ellacuría, without any witnesses. In that meeting, it was Colonel Montano who informed Colonel Benavides that Father Ellacuría, who had been traveling abroad, had just returned to the UCA.

Lieutenant Mendoza continued his account of the events of the evening of 15 November 1989. Following the orders he had received from the High Command, Colonel Benavides ordered his second in command, Major Camilo Hernández Barahona, to organize the operation. Benavides sent for Lieutenant Espinoza, head of the Atlacatl Battalion's command units, and gave him the order to assassinate Father Ellacuría, since "they already knew the Jesuits' residence at UCA due to the search they had carried out two days before". To commit the murders, the unit was ordered not to use its regulatory weapons but rather an AK47, the typical weapon of the guerrillas, property of Major Camilo Hernández Barahona. Additionally, he ordered Lieutenant Mendoza to accompany them. According to the testimony of the witness, Atlacatl Battalion's command unit, along with Lieutenant Mendoza, went to UCA that very night, in the early morning hours of 16 November 1989. Inside the building where the Jesuit priests lived, Lieutenant Mendoza saw two women hugging each other. Moments later, he heard gunshots, which he reacted to by running outside where he saw, in spite of the darkness, the bodies of 5 people lying face down and apparently dead. After the commission of the massacre, Lieutenant Espinoza said, "It's over, let's go, give the withdrawal signal." The soldiers launched a flare and they all began to shoot at once, to simulate a confrontation with FMLN.



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The following day, Major Hernández Barahona and Lieutenant Hernández Ayala, following the orders of Colonel Benavides, went to report on the operation to Colonel Ponce - head of the Joint Chiefs of the Military Staff -, as well as to ask him what they should do with a briefcase of money and other evidence that they had removed from the deceased Father Ellacuría. Colonel Ponce, visible angry, ordered them to take away the evidence and destroy it.

According to Lieutenant Mendoza's testimony, in the days following the murders, the Commission of Inquiry into Criminal Acts (*Comisión de Investigación de Hechos Delictivos*, CIHD), which was composed of government-appointed members of the military and civilians, began an investigation into the case. However, its director (Colonel Rivas) took it upon himself to coordinate with the commander of the Atlacatl battalion (Colonel León Linares) to change the barrels of all the battalion's guns which had been used in the murders so that the ballistic tests did not return positive. According to Mendoza, this was done with the authorization of the Chief of the Military Staff. Additionally, Colonel Benavides ordered the destruction of the books recording entrances and exits at the El Salvador Military school so that there would not be proof of the Atlacatl Battalion's presence at the Headquarters that night.

Lieutenant Mendoza also pointed out during his testimony that, many days after his detention on 8 January 1990, CIHD called him to testify. However, in the middle of his testimony, Rodolfo Parker, lawyer and legal advisor to the Chief of Military Staff, interrupted him and ordered him to begin again without mentioning anyone who wasn't Benavides or members of the Atlacatl Battalion. Or, in other words, to begin again without stating that Benavides had received his orders in a meeting with High Command.

According to Lieutenant Mendoza's testimony, in the days following his detention he remained incommunicado, and his pregnant wife went to Vice Minister Montano's office to try to find his whereabouts, condemning him for ordering the killing of the Jesuits. Colonel Montano responded by grabbing her by the arm and pulling her into his office, where he sat with his feet on top of his desk and warned her "Please, don't repeat that again. We are in a war and anything can happen. Including to you."

Responding to the questions posed by the private prosecution during the trial, Mendoza Clarified in his testimony that, in those years, "La Tandoná" was known as a mafia organisation that had taken over all positions of power within the Armed Forces. With the exception of General Larios and President Cristiani, all members of the High Command - in charge of all strategic decisions -, were part of "La Tandoná", including Colonel Montano. He also pointed out that Minister Larios did not have real influence within the Ministry of Defence, as it was the two vice-ministers, Montano and Zepeda, as well as the head of the Joint Chiefs of Military Staff, Colonel Ponce who had the *de facto* power.

Once Mendoza's testimony concluded, Mr. Álvaro Henry Blanco Solórzano and Mr. Edward Sidney Campos Reyes, who initially acted as prosecutors in charge of the investigation for the murder of the Jesuits, declared on the procedural irregularities during the investigation of the crime as well as on the lack of political will by the Armed Forces to investigate the facts and assign criminal responsibilities. Mr. Edward Sidney Campos stated that they were not allowed access to the complete file; they were not allowed to question certain witnesses or to make any public statements on the matter. In addition to this, they were monitored and were purposely not notified of certain actions to avoid their presence. This was summarised by Mr. Álvaro Henry Blanco Solórzano in his testimony in the following way: "there was a state conspiracy, pursued by its agents, to ensure the concealment of the truth; it was clear there was a limit drawn up and planned to allow only the judgment of a group of soldiers who had been identified by the Armed Forces themselves".

In addition to these obstacles, the two prominent Salvadoran lawyers stated that they were subjected to many threats and pressure, both external and internal. During their investigations, there was a media campaign against them. As an illustration, at the United States embassy they were falsely informed that they would be victims of a



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terrorist attack if they continued with the investigation. Additionally, the Chief of the Military Staff actually called their superior, the Attorney General, to reprimand them for statements they had made to the media, indicating the potential involvement of high-ranking Army officials as responsible for the events.

Both former prosecutors and investigators stated that, in the exercise of their legal functions, they had collected and produced clear evidence that indicated that members of the High Command, including the accused, Montano, in his role of Vice Minister of Public Security, were directly involved as intellectual authors of the murder of the Jesuits and the two women. According to them, it was demonstrated that, by the date of the events, there was constant and effective communication between military members which demonstrated that members of the security forces – under the command of the accused - were located in concentric circles around the security zone, which included the UCA, and that there were daily meetings at the headquarters of the Chief Military Staff among the members of the High Command.

For them, it was also evident that given the short distance between the crime scene and the headquarters of the Armed Forces, the detonations and the noise of the rifles, along with the duration of the operation that ended with the killing of the Jesuit priests and two women, the military High Command had to know the facts. These elements, as the above-mentioned witnesses affirmed, only allowed them to conclude that there was a structure led the head of the Army, occupied by members of “La Tandoná”, which knew about the events and necessarily intervened in the planning, execution and concealment of these crimes.



The last witnesses to testify during the fourth session of the trial were Mr. Jorge Alberto Cerna Ramírez and Mrs. Lucía Barrera de Cerna, who spent the tragic night of the 15-16 November 1989, with their four-year-old daughter in a house located less than 30 meters from the building where the Jesuits lived in the UCA. They both explained that they had arrived in San Salvador from Soyapango fleeing the armed conflict and that they had found refuge in the UCA thanks to the kindness of the Jesuit priests, for whom Ms. Barrera had previously worked as housekeeper



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for eight years. Lucía Barrera showed special admiration and gratitude for Father Ignacio Martín Baró, whom he affectionately referred to as Father “*Nachito*”.

According to her testimony, Barrera woke up in the middle of the night surprised by the great noise of the shots that were heard. She got up and leaned out the window, through which she saw the Army soldiers, in their uniforms and with rifles, entering the Jesuits’ residence. Moments later, she heard loud screams, beats and gunshots, as well as the voice of Father Martín Baró shouting “that it an injustice and that they were scavengers.” For his part, Jorge Cerna declared that at dawn, he was able to see the bodies of the two women hugging each other, covered in blood and with their legs destroyed by the bullets. He was also able to see the bodies of the Jesuit priests, who were covered in blood too, showed gunshots everywhere and had their heads smashed.

Days later, Jesuits priests from the UCA managed to get the Spanish Ambassador to receive the couple at the Embassy, where a judicial statement was taken from Mrs. Barrera. However, the next day, the couple was transferred to the French Embassy, since in the Spanish Embassy their safety could not be guaranteed, as it did not have enough security officers to ensure their protection. The couple only stayed at the French Embassy for one afternoon, since Mrs. María Julia Hernández, Head of the Institute of Human Rights of the Central American University of San Salvador (IDHUCA), and the Jesuit priests provided them with passports to fly to Miami (USA). Upon the couple’s arrival to Miami, FBI agents took them and their four-year-old daughter to a hotel where they removed the phone and television signal to keep them isolated and unable to communicate with anyone for days. Every morning, Ms. Barrera and Mr. Cerna were taken to other offices, where they were subjected to lengthy interrogations by FBI agents and a Salvadoran army colonel, with constant verbal abuses and threats, in order to force them to declare that they had lied and were never present in the UCA that night. They also subjected to a polygraph test and took samples of their hair to contrast it with the hair found in house number 15, where they spent the night at the UCA. The couple was unable to contact the Jesuits priests at the University or any lawyer during the days they were interrogation.

The next trial hearing will take place on 9 July 2020 at 15.00 (Madrid, Spain), with the testimonies of the next witnesses. Mr. Antonio Rubio Campaña, investigative journalist for El Mundo will be the first witness. Secondly, Mr. José Benjamín Cuéllar Martínez, a lawyer and political scientist who was the director of the Institute for Human Rights at the Universidad Centroamericana de San Salvador (IDHUCA) will testify. Third to testify will be George Alexander Portillo, more well known as Jorge Galán, the writer of the novel *Noviembre*, which focuses on the murder of the Jesuit priests. Finally, Father José María Tojeira, who was also rector of UCA and is currently director of IDHUCA, will testify.

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