



THE CENTER FOR JUSTICE & ACCOUNTABILITY

Bringing Human Rights Abusers To Justice.

January 4, 2013

The Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4110
Boston, MA 02210-3002

In Re: Sentencing Hearing for Inocente Orlando Montano,
Case No. 12-CR-10044-DPW

Dear Judge Woodlock,

The Center for Justice and Accountability (CJA), an international human rights organization dedicated to deterring torture and other severe human rights abuses, bringing human rights abusers to justice, and advancing the rights of survivors, has assembled and provided the attached letters to assist the Court in determining the appropriate sentence of former Salvadoran Colonel and Vice Minister of Defense for Public Security, Inocente Orlando Montano. CJA's international attorney is leading, on behalf of the relatives, the criminal prosecution in Spain against Col. Montano and others for the massacre of six Jesuit Priests in El Salvador on November 16, 1989.

The attached letters illuminate Col. Montano's transgressions in command positions in the Salvadoran military, particularly during the last ten years of his thirty year military career. The letters are from direct victims and those who knew or worked with victims of troops under Col. Montano's command. As these letters reflect, Col. Montano was responsible for grave human rights abuses committed by troops under his command by ordering, inciting, and/or assisting their actions and failing to prevent or punish the perpetrators, as was his legal obligation as a commander. These crimes against humanity warrant an upward departure from the sentencing guidelines as his conduct transcends ordinary immigration fraud and perjury; crimes which have allowed Col. Montano to evade justice for years.

An index of the material has been provided for your convenience. Please do not hesitate to contact us for any further information we can provide regarding Col. Montano. We also will be present in the courtroom for the sentencing should you have any additional queries.

Sincerely Yours,

Almudena Bernabeu,
Director, Transitional Justice Program
Center for Justice and Accountability

Carolyn Patty Blum
Senior Legal Adviser
Center for Justice and Accountability

w/ permission
Enc Blythe

TABLE OF CONTENTS

**INDEX OF LETTERS SUBMITTED RE:
SENTENCING OF FORMER SALVADORAN MILITARY
COLONEL INOCENTE ORLANDO MONTANO**

December 31, 1981 through March 1, 1983 – Montano as Second-in-
Command, Belloso Batallion

1. Mario Turcio Letter – Survivor of Barrios Massacre – (Translated)

June 1, 1989 through March 2, 1992 – Montano as Vice-Minister of Defense
for Public Security

2. Professor Leslie Fleming Letter – Director of Anthropology Program,
Merritt College – Victim of Salvadoran Security Forces
3. Professor Mark Anner Letter (Including Attachments A-K) – Associate
Professor, Pennsylvania State University – Victim of Salvadoran
Security Forces

November 16, 1989 – Jesuit Massacre

4. Benjamin Cuellar Martinez Letter – Director, Jose Simeon Canas
Central American University – (Translated)
5. Charles L. Currie, S.J. Letter – Executive Director, Jesuit Commons
6. Donald Monan, S.J. Letter – Chancellor, Boston College
7. Stephen A. Privett, S.J. Letter – President, University of San Francisco

EXHIBIT 1

Honorable Authorities

On April 18, 1982, the Atlacatl Battalion commanded by Colonel Domingo Monterrosa and supported by different artillery battalions, including the Battalion Juan Ramos Beloso were colonel Inocente Orlando Montano was the second in command, arrived in the village known as Caserio Barrio del Canton Nombre de Jesus jurisdiction of the Department of Morazán. Once there, soldiers abruptly got everybody out of their houses forced them to lay down on the ground and separated them into two groups, Then the soldiers started shooting everybody indiscriminately killing them, among the people killed where 39 children, pregnant women ad elderly. The soldiers also raped my cousins Cristina, Isabel and Sandra, all of them under age at the time. In this massacre the soldiers of the Beloso Battalion killed my dad, Virgilio Flores shot to death in front of my eyes. The shot was so intense that they broke my dad's body in two pieces and I found myself covered with his blood. In that village we were all family; there were my aunts, uncles, cousins and then their husbands and wives. My brother Jose Armando 17 years old was also killed that day. Later, they murdered my sister in law Julia Amana and more of my uncles and their wives. After the massacre, I, who have been a member of the military, had to flee. I was persecuted by the Army for years after the massacre to silence me. I was also persecuted by the death squads commanded by Major Roberto D'Aubuisson. In the year 2000 I decided to carry on an exhumation of the innocent people massacred in Barrios, precisely to probe that the massacre took place. Then, the military responsible for the massacre threatened me again. I had to flee to the United States were I arrived in September 5, 2004. After much effort, I gained my refugee status on November 15, 2010. Refugee status is a legal status that it does not grant me the ability to continue with my studies and I have been already rejected by the University of Puerto Rico because I am not a resident or a citizen, that is apparently, a privilege that the terrorists and war criminals like Colonel Inocente Orlando Montano who lied to the US authorities to obtain his TPS status enjoy. TPS status allows you to legally work and study and to live freely in the country despite the horrible crimes against humanity that Montano committed.

Sincerely, Mario Turcios

Survivor of the Barrios Massacre

On the 18th of April, 1982

Houston, Tx, 29 October 2012

I, Almudena Bernabeu, hereby declare that I am fluent in Spanish and English and certify that the above translation of this letter from its Spanish original is true and correct.



Honorables Autoridades

El 18 de abril de 1982 el Batallón Atlacatl comandado por el coronel Domingo Monterrosa y apoyado por los diferentes Batallones de reacción inmediata entre estos Batallones estaba el Batallón Juan Ramos Bellosa de el cual el segundo al mando era el Coronel Innocente Orlando Montano y Brigadas de Infantería llego al Caserío Barrios del Cantón Nombre de Jesús Jurisdicción de el Divisadero del Departamento de Morazán, los soldados del Batallón Atlacatl con violencia sacaron toda la gente de sus casas de bahareque y las obligaron a tirarse en el suelo en 2 grupos y después brutalemente les dispararon con sus fusiles y ametralladoras mataron a 49 personas entre ellos habían 39 niños, mujeres embarazadas y ancianos, violaron a mis primas Cristina, Isabel y Sandra todas ellas eran menores de edad. En esa masacre mataron a mi papa Virgilio Flores lo mataron frente a mis ojos, lo hicieron dos pedazos a balazos su sangre chispeó y me cayo en mi cara y todo mi cuerpo quedo cubierto de sangre y pedazos de su carne. En ese Caserío Barrios todos éramos familiares, pues ahí vivían mis tíos, tías, primos, primas y los que no eran familiares por consanguinidad lo eran por afinidad, eran mis cuñados o cuñadas, sus esposos y esposas, mi hermano José Armando de 17 años de edad fue asesinado ahí, después asesinaron a mi cuña Julia Amaña también y a mis tíos y sus esposos y esposas. Después de la masacre yo tuve que huir de la Fuerza Armada, pues me perseguían para matarme y los escuadrones de la muerte comandados por el Mayor Roberto D-Auissón y los cuerpos de seguridad Guardia Nacional, Policía Nacional y los Policías de Hacienda también me buscaban para matarme, en el año dos mil dos iniciamos un proceso de exhumación de los restos y osamentas de los inocentes masacrados en Barrios, pero los militares responsables de haber cometido esos crímenes comenzaron a perseguirme y tuve que huir nuevamente y entre a Estados Unidos el 5 de Septiembre del 2004 logrando el Estatus de refugiado el 15 de Noviembre del año 2010 estatus que no me garantiza continuar con mis estudios, pues ya fui rechazado por la Universidad Nacional de Puerto Rico por no ser residente ni ciudadano Estados Unidos, estos son privilegios y derechos de los cuales gozan estos Terroristas de Estado y criminales de guerra como los es el Coronel Innocente Orlando Montano que mintió para obtener el Estatus de Protección Temporal (TPS) otorgado por el Gobierno de Estados Unidos el cual le garantiza el derecho a estudiar y vivir libremente a pesar de sus horrendos crímenes en contra de la humanidad.

Atte. Mario Turcios


Mario Turcios

Sobreviviente de la masacre de Barrios
Ocurrida el 18 de Abril de 1982
Houston Tx 29 de Octubre de 2012

EXHIBIT 2



Merritt College

12500 Campus Drive · Oakland, California 94619 · (510) 531-4911 · FAX (510) 436-2514

December 1, 2012

The Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4100
Boston, MA 02210-3002

Dear Judge Woodlock:

My name is Leslie Fleming. I am a 74-year-old woman, residing at [REDACTED]
[REDACTED]. I am the Director of the Anthropology Program at
Merritt College in Oakland, California. I have been employed there for 22 years.
I am submitting this letter to you in connection with your sentencing of Col. Inocente
Orlando Montano, former Vice Minister of Defense for Public Security of El
Salvador. I was a victim of two different security forces under Montano's command
in July 1989.

I traveled to El Salvador in June 1989 to live with the Committee of Mothers of the
Disappeared of El Salvador (Co-Madres) in their offices in San Salvador. Just months
earlier, the Co-Madres had initiated a program of international accompaniment which
means that they sought persons from other countries to live in their work/living space
and to accompany them as they gathered information and engaged in other public
activities in El Salvador in support of the cause of finding their disappeared relatives.
They hoped that this project of accompaniment would provide them a measure of
protection made necessary because of the extreme repression against the organization,
including the disappearance of two of their members, the arrest, torture and
imprisonment of many of their members, and the bombing of their offices. El
Salvador's security forces were believed to be involved in some of these actions. In
addition, the whole purpose of the organization was to shed light on the actions of the
military in abducting and disappearing the children and other relatives of the Madres.
I was only the third U.S. woman to participate in their accompaniment program.

On the morning of July 2, 1989, the Co-Madres held a demonstration on the El
Calvario Church steps in the city center protesting their children's disappearances by

Peralta Community College District

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military and security forces. I had accompanied a few of the Co-Madres to the demonstration and had photographed the protest from the street below. I was particularly interested in documenting women's efforts to improve human rights in El Salvador as part of my own anthropological research and for an article I intended to write for a San Francisco-based magazine. Following the protest, I joined the three members of Co-Madres to take a taxi back to their office. En route, the taxi was stopped by two National Police patrol cars. The National Police are one of three security forces and are not an independent police force; their commanders are military officers. Being stopped by them meant that we were in extreme danger. The Salvadoran women and I were forced at gunpoint into the back seat of one of the patrol cars and the taxi driver (unknown to any us) was forced to abandon his taxi on the street and was then forced into the second patrol car.

One of the police drove while another pointed what appeared to be a sawed-off shotgun or an automatic weapon with a muzzle of about 18 inches in length in our faces until we reached what I was later to discover was the National Police headquarters. We were then roughly pulled out of the patrol car and immediately blindfolded. I heard one of the Co-Madres plead, "It's too tight. It hurts. Please don't hurt us." A man's voice responded, "*Put a* (whore), in a little while you are really going to suffer."

We were dragged in rough manner and forced to sit on a bench in what sounded like a very large partially enclosed garage. With the blindfold on, I could not be sure of the exact location within the building or its grounds. Immediately, all four of us were interrogated at the same time, each of us by several men. It was very confusing and frightening since I could hear questions being asked of the other women at the same time I was supposed to answer questions directed at me. They asked me about who had paid me to work with the (FMLN) guerrillas. I answered truthfully that no-one had paid me to come to El Salvador and that I had never met with any guerrillas. I was repeatedly accused of lying despite my efforts to answer truthfully. Amid persistent questions, the men shouted obscenities and questions and threats at us. I could hear that the other three women were also constantly accused of lying. I had my purse with me which contained my U.S. passport, a letter from Congresswoman Nancy Pelosi, a letter from the chair of the Anthropology Department at San Francisco State University where I was employed, and a letter from the *San Francisco Weekly* stating that I was writing an article for them. They ignored these documents as well as my repeated requests to call (or have them call) the U.S. Embassy. As the minutes ticked by amidst the chaos of the yelling and interrogation, fear filled me as I realized that my United States citizenship very well might be worthless to protect me or my colleagues at Co-Madres.

At one point, I heard a "whump" and a Co-Madre seated next to me said, "Watch out, I've just been hit on the head. You'll be next." My mind was swimming with dread and I thought: "Which direction will it come from? How can I prepare myself?" I had no answer to my own questions. I heard another Co-Madre who previously had been arrested, tortured, and imprisoned, weeping. We were not allowed to touch one another although we sat about a foot apart. Her emotional and psychological pain was excruciating to hear.

I listened carefully in order to catch each of the women's full names; this information previously was not shared unless absolutely necessary. I wanted to make sure that I would have the information I needed to try to locate them if I were to survive and be released from custody. I kept telling my interrogators, "The Mothers of the Disappeared are well-known and well-loved in the U.S., especially because they won the prestigious Robert F. Kennedy Memorial Human Rights Award in 1984. In the USA there is great interest in and concern for these women. Everyone there wants to know how they are doing." I hoped that by pointing this out they might believe they should spare the women's lives. I was aware that human rights activists like the Co-Madres were particular targets at that time, so I guess my plea with my captors was naïve but I was feeling desperate.

The men interrogating me claimed to have proof that I was a terrorist. They said, "We have your maps." They added ominously, "You will be sorry." This "evidence" consisted of two maps, one of the country and one of the capital city San Salvador; I had obtained both maps just a few days earlier from the Salvadoran government's National Institute of Tourism. Two agents in the Tourism Office had marked the maps with recommended beaches and hotels. The National Police accused me of having circled those places as targets for future bomb placements. My efforts to explain were interrupted by the men shouting at me that I was a liar. I could see that the truth would have no effect on what was to happen to me next. I was very frightened. I somehow thought that if I could make some human connection with them, this would help, but it was difficult with the blindfold on as I could not make eye contact. I leaned forward at one point, and they shouted at me to sit up straight.

Still blindfolded, next we were led, train-style, hands on the shoulders of the person in front of us, in a circuitous route through some part of the National Police Headquarters. In front of me, the shoulders of one of the women were shaking. Men yelled at us and forced us into separate interrogation rooms. The room I was in felt small and I was seated on a chair with a man seated about six feet in front of me. I could see from the bottom of the blindfold that the person was a man from his uniform pants and high black boots, as well as from his voice. He offered me a glass of water.

He then interrogated me for several hours. Most of his questions involved basic information like my name, date of birth and so forth, but two of them chilled me: "Where does your son live?" "What kind of a car does he drive?" I knew from reading human rights reports that often family members were arrested and brought in to be tortured in front of their families as a way to get arrestees to give information. The message was: "We know exactly where your son is, exactly the kind of car he drives. He'll be picked up next." It made me shudder to hear these questions and know that some other mother's son could be arrested, tortured and killed. The photographs on the walls at the Co-Madres office of missing children were a testament to that reality.

My interrogator took me to another room about 25 or 30 feet down a hallway and told me that I was to be photographed. I was taken to a chair and told to sit down. Suddenly my blindfold was snatched off and a flash of light hit my eyes. I was immediately blindfolded again. A little later I was taken by my interrogator to a room perhaps 10 feet from the room in which I was photographed for what I was told would be a "medical exam." I was told to remove my clothes. I refused, but one of the men in the room insisted and told me if I persisted, "Then we will take them off." I took off my blouse and skirt but did not take off my bra and underpants." It seemed like there were three men in the room, my interrogator, the "doctor," and another person. I felt humiliated and extremely vulnerable to be standing almost naked and blindfolded and to be watched and touched by police officers who I could not see. My only medical examination was that a stethoscope was placed on my chest and back. The "doctor" said, "She's in good health." And I feared--Good health for what? I was permitted to put back on my skirt and blouse, and my interrogator took me back to the interrogation room for what seemed like another hour. I was not offered food or access to a toilet.

Some time during the late afternoon, a man entered the interrogation room and said "We are going to take you elsewhere. The other women will come later." I did not recognize his voice from any of my prior encounters. I was taken out of the room and led out of the building. My blindfold was removed and I realized that I was in the courtyard. About a dozen armed men dressed in the uniforms of the Treasury Police (known as La Policia de la Hacienda (PH) in El Salvador) stood nearby. The Treasury Police were another one of the security forces, with a reputation for being extremely brutal. The fact that I was in the custody of a large group of their men made me sick with dread. I was forced onto a truck with a large flatbed in back with sides and painted in camouflage colors. I was seated in the flatbed on a little bench surrounded by the armed men, several with their guns pointed at me. My mind raced with thoughts of being killed by them. I wondered if they would use this many men to kill

me and rationalized that they probably wouldn't take an obvious foreigner in the open back of a military vehicle through the capital during daylight if they were planning to kill me at that moment.

I remained without a blindfold so I could see that we had arrived at what I assumed was the Treasury Police Headquarters across San Salvador from the National Police Headquarters, about a 15 or 20 minute drive. I was forced out of the truck by the armed men, and a man in Treasury Police uniform led me to a beige van with smoked windows. The van had no license plate. I knew that unmarked vans with smoked windows like this one had been described in human rights reports as being death squad vehicles. I was put in the van with a single male driver dressed in civilian clothes. From inside the van I saw long, thin vertical streaks on the smoked windows by the middle seat where I was sitting. I wondered: were they from prisoners' fingernails?

The man drove me out into the woods on a dirt road. I had no idea where we were. I was reminded of the three U.S. nuns and their U.S. lay co-worker who had been driven into the woods, raped and then murdered by the Salvadoran security forces in December of 1980. I worried that I was being taken to be killed, and I thought about how I wanted to be and act in my last moments. The van circled through the trees on wheel-worn paths and then returned to the Treasury Police building. I was led inside to an anteroom or outer office. An officer took detailed notes of my face and body. I didn't understand why they would do this. I then was handed over to a guard. The guard wore tight pants, boots, and was shirtless, a black leather vest covering a heavily muscled upper body. His head was hairless. Staring at me, he held and stroked what appeared to be a small baseball bat. He led me to a cell. I will never forget how menacing he looked.

The cell was one of several along a corridor, some with lights and some without. It was windowless and about 8 by 10 feet in size. The single item in the cell was a commode, placed against the back wall. There was no other water in the cell nor had I been offered anything to drink by the Treasury Police. The door to my cell had a small open barred window at the top. At the bottom was a narrow slat that swung open a few inches. On two of the light beige walls there were brown and gray handprints at eye level and the handprints streaked vertically downward as if from someone who was thrown against the wall and fell down. The floor was moist in places and smelled of urine. I was exhausted but did not know whether to sit or stand. From time to time, men walked over to my cell door and looked in the window at me. One man in particular stood out. He wore lightly shaded glasses, even though there was no daylight. His facial expression was of utter contempt and disgust. On his

second trip to my window he said, "Just you wait and see what's in store for you." On his third, he said, "I can't wait to get my hands on you!" I was terrified and aware that I was defenseless in every way.

After about half an hour, I was taken out of my cell by the shirtless guard and to a room about 40 feet down a hallway for interrogation. We passed an open area where four large black leather or plastic mattresses were put together in a closed rectangle. I wondered what the set-up was used for. I asked to use a bathroom and was taken to a very small room with a toilet and a sink. The shirtless guard waited outside. When I came out I was led down the hallway to the interrogation room by the guard. I was interrogated in a small room, perhaps 10 feet by 6 feet by a man in a Treasury Police uniform. He sat in chair at a desk and I sat in a chair a couple of feet in front of him. During the interrogation, another man came in the room with a short-sleeved, navy knit shirt. It smelled strongly of body odor. I was ordered to put it on and then photographed in the shirt. I was told then to take off the shirt and the photographer took it and left the room. The Treasury Police interrogator asked me some questions about where I was born and other similar basic statistical information. After about 30 minutes, the policeman with the dark glasses came to the doorway and said to me, "You think he is easy. I'm getting you next and I'm not nice like him." Soon after, I was returned to my cell. When I got back to my cell, I waited anxiously for what would happen next.

Later on, the man with the shaded glasses opened the cell door. "Come with me!" he ordered. He led me to a different interrogation room, in the opposite direction from the first room. It was a small room, about 8 feet by 7 feet with a desk, a chair behind the desk and another chair in front of the desk. A small table was up against one wall. A black leather or plastic mattress was up against another wall, across from the table, similar to what I had seen before. A fan was on the desk. It was very hot in the room. He moved the chair in front of the desk into the corner, and then placed the fan in such a way that it only provided air to the chair behind the desk. He then sat behind the desk and motioned for me to sit in the chair against the wall. He said, "You are rightly afraid." I did not want him to know this, but, in truth, I was terrified. Instead, I said, "I'm just tired. It's been a long day and I haven't eaten." I spent about two hours in the room with him. I could hear members of the Treasury Police laughing outside the room. Finally, he told me, "You have to go now. David Ramos from the U.S. Embassy is here for you. He's been here for about a half an hour." He exuded satisfaction that he had kept a U.S. official waiting until he decided when to release me.

He led me to the anteroom/outer office where there were four men, all laughing and joking with an easy familiarity, some of whom wore the uniform of the Treasury Police. They appeared to know each other. Among them was David Ramos, U.S. Embassy Officer.

At about 10:30 pm, Ramos and I left the Treasury Police Headquarters. Before leaving, I was forced to sign a false "confession" that stated that on July 2, 1989, I, a foreigner, illegally demonstrated and shouted slogans against the state of El Salvador. Ramos told me that if I didn't sign, I would be put in prison.

Two of the women I was arrested with were released within the next several days after our capture. They each had been raped and sexually abused during their detention in the National Police headquarters. One of them had also been drugged.

Before I was able to make arrangements to leave El Salvador via bus and avoid the heavily guarded road to the airport, I attended one large demonstration of the Co-Madres, union members for the federations FENASTRAS and the UNTES (umbrella organizations representing all unions), students and others. Walking alongside the demonstrators, I saw a man walking toward me on the sidewalk and realized that it was the menacing Treasury Policeman who had been so verbally threatening. He saw me, too. I was able to act quickly to get a photographer from the *Vancouver Sun* newspaper to take his photograph. Copies of the photographs were given to other human rights organizations in El Salvador so that their members could be alerted to watch out for him.

When I returned to the San Francisco Bay Area, I went to visit Congresswoman Pelosi's office to discuss what had happened to me. Pelosi's senior staff assistant, Michael Yaki, told me that on the evening of my arrest Congresswoman Pelosi had been contacted by my mother who had been called by someone in El Salvador to tell her that I had been captured. Congresswoman Pelosi immediately phoned the U.S. Embassy in San Salvador and "yelled at them" to get me out of prison. Yaki said that the Embassy claimed that they did not hear of my arrest before Pelosi's call that evening.


I realized after I came home that I had been subjected to a variety of forms of torture and cruel, inhumane, and degrading treatment, including forced nudity, death threats, sensory deprivation, food deprivation, constant psychological harassment, and forced confession. I think that I was so conscious of the extreme abuse others had suffered in El Salvador that it was hard for me to come to terms with the fact that my time in custody, although brief, had been a horrifying experience. After I left, the Co-Madres

faced much repression. Their offices were bombed, and several members were injured on October 31, 1989. Another American woman and three Co-Madres were arrested on November 15, 1989, the day before the Jesuit priests were assassinated. The offices were raided and taken over by the security forces.

Many years have passed and yet this incident remains a sharp and clear memory. Several times during the dozen hours I was in custody I believed that I was going to be killed.

Today, 23 years later, I feel a mixture of grief and joy at being able to submit this letter to a U.S. federal judge. It seems to me a terrible irony that Col. Inocente Orlando Montano, former Vice Minister of Defense for Public Security of El Salvador, applied for and received the humanitarian benefit of Temporary Protective Status, given the documented human rights abuses of the Salvadoran security forces over which Col. Montano presided and which I experienced first-hand, as a victim and as a witness to the suffering of others. A substantial sentence, I believe, will send a strong message to other rights-abusing governmental officials, in El Salvador and elsewhere, that the impunity afforded Col. Montano in El Salvador is not to be replicated by the U.S. justice system.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Fleming". The signature is written in dark ink and is positioned above the typed name.

Leslie Fleming
Professor of Anthropology

EXHIBIT 3

December 28, 2012

The Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4110
Boston, MA 02210-3002

Dear Judge Woodlock,

My name is Mark Anner. I am 49 years old and am a citizen of the United States. I reside at [REDACTED]. I currently am an Associate Professor of Labor Studies and Employment Relations, and Political Science at Pennsylvania State University. My research takes me regularly to El Salvador. I am writing this letter in regards to the sentencing of former Salvadoran Colonel Inocente Orlando Montano. I lived in El Salvador in 1988-1989 and was a victim of the security forces which were under Col. Montano's command while he was Vice-Minister of Defense for Public Security. I also knew personally many others who were victims of the security forces.

In August, 1988, I moved to El Salvador to assist the National Federation of Salvadoran Workers, FENASTRAS, as an advisor and to help facilitate their relationships with international labor unions and assist in the implementation of their international programs. FENASTRAS is a legally-recognized federation that, at the time, represented major trade unions in El Salvador, similar to the U.S. AFL-CIO.

During my time in El Salvador, I witnessed and learned about countless cases of disappearances and arrests of trade unionists. Most arrested trade unionists reported being tortured while in the custody of the security forces. Bombings of the FENASTRAS building occurred in February and again in early September 1989. In August 1989, two trade unionists, Sara Cristiana Chan Chan Medina and Juan Francisco Massi Chavez, were abducted and never seen again. We lived in an atmosphere of fear and apprehension about what might happen next, who might next be targeted by the security forces.

The building was under near constant surveillance by armed members of the security forces, either in uniform or in plain-clothes. An old market was positioned across the street but elevated in such a way that it had a view of FENASTRAS Headquarters. I and others in the organization believed that this market place was one of the positions from which the building was watched. Cars with tinted windows, typically used by the security forces, frequently passed in front of the FENASTRAS building as well. There were daily foot patrols of police and other security forces that passed in front of the building.

On September 18, 1989, a group of Salvadoran trade unionists and I were arrested by members of the National Guard. The National Guard came to my home at about 5:30a.m. About five guardsmen entered my home, separated me and my then girlfriend, and while some began questioning us, others ransacked the entire house. After about an hour and a half, we were put into a pickup truck and taken to the National Guard headquarters. As evidence against me, the Guardsmen took copies of an academic publication of the Jesuit University of Central America called ECA, which could be purchased freely at bookstores. I was told this was subversive material.

When I was captured, I was treated roughly. The National Guardsman jammed handcuffs on me and began yelling and accusing me of being a subversive. At the National Guard headquarters, I quickly recognized other members of FENASTRAS who had been taken from their homes or from a factory where striking workers spent the night. Soon afterwards, I was forced into a National Guard van and taken to the Treasury Police. At that time, there were two other Americans present who also had been captured that day. We all were forcibly loaded into a Treasury Police van. The security forces had raided several organizations that day, and a number of Salvadoran activists and U.S. citizens had been arrested. As I was being driven in the Treasury Police van, I felt terrified as to what would happen to me and to my Salvadoran colleagues from whom I had been separated.

I was taken to the Treasury Police Headquarters and sent to a room for interrogation. I was told to take off my clothes and was given a pair of military shorts and a tee shirt to wear, and I was blindfolded and handcuffed. The interrogation went on for a number of hours; I was repeatedly asked what I was doing in the country, and who I associated with. I was specifically asked if I worked with any student or trade union groups. I was made to stand during interrogation. I was also told to remain in a standing position when in my cell, where I continued to be handcuffed and blindfolded. The cell seemed to be in a musty basement area and was empty save for the toilet.

At some point during that first day, a Treasury Policeman came to my cell and told me to put on my street clothes again. I was taken into an outer room where a U.S. Embassy official was waiting to visit me. He told me that he was there to ask my permission for the Embassy to speak on my behalf and wanted me to sign a paper agreeing to that. I signed only that "My name is Mark Anner, and I am being held at the Treasury Police Headquarters" and told him that this is all he could say on my behalf. He warned me that the U.S. would not be able to intervene on my behalf if I had committed any crime for which the Salvadorans wanted to charge me. This statement caused me grave anxiety as I had committed no crime, and I did not know what the Treasury Police had told him or what they were intending to do with me.

Afterwards, I was told to put on the tee shirt and shorts again and taken back into the interrogation room where I was questioned again. I then was returned to my cell. I went without water or food for twenty-four hours. I learned to listen out for the guards walking to the cell so I could try to sit on the floor of the cell instead of trying to stand continuously. I finally was released in the afternoon of the second day of my detention.

While I and the others were in custody, a large demonstration in San Salvador was organized to protest our arrests. At this demonstration, over fifty people were arrested. These people were all taken into custody by the security forces and subject to horrendous torture for several days. One woman, Tatiana Mendoza Aguirre, was raped twice while in the custody of the National Police. She was a FENASTRAS member and the daughter of one of the assassinated FDR leaders, Humberto Mendoza, and our fates were bound together forever as I will explain in a moment. (See photograph of Tatiana Mendoza Aguirre, Attachment "A").

Before releasing Tatiana from custody, National Police officials gave her and the other women and one man who had been raped buckets of water and soap and told them to clean up. Tatiana did not wash herself completely and put her clothes on over her body which was bloody and bruised. The women were transferred from the National Police Headquarters to the courts in order to be processed by a judge and then sent to the women's prison at Ilopango. When the detainees arrived at the court to be sentenced, members of the press were waiting. Tatiana yelled to them that she had been raped and demanded to see a doctor before being sent to prison. A doctor inspected her body and confirmed the sexual abuse. Tatiana and some of the demonstrators were released within a week or so. (See statement of (Julia) Tatiana Aguirre regarding her detention in the National Police Headquarters, Attachment "B").

On October 31, 1989, an experience which forever changed my life occurred. At shortly after noon, I was eating lunch in the cafeteria of FENASTRAS. The lunch area was a converted garage area, and I was sitting with three colleagues, Tatiana, Febe Elizabeth Velasquez, and Luis Edgardo Vasquez Marquez. Luis was a leader of the bank workers' union. Febe was a top leader of FENASTRAS. She began working at the age of thirteen to support her family. At the age of sixteen she began sewing garments for Levi Strauss in the Circa factory outside San Salvador. She joined the factory labor union and, in the years that followed, rose in the ranks of the union movement, becoming a leader of a textile workers' union and then the general secretary of FENASTRAS. On July 7, 1986, she was arrested by the security forces and was severely tortured for five days. (See photograph of Febe Velasquez with two of her three sons, Attachment "C") Febe was a close friend; I am the godfather of her youngest son.

I was seated at the head of the table with Luis to my right and Tatiana on my left. Febe was sitting to the right of Luis. The table was small and the area was crowded so that one of my knees was knocking against Tatiana's knee. There was an explosion although I do not remember hearing anything. I was blown from my seat and knocked unconscious. A large bomb had been set right outside the lunchroom area to go off exactly when the most people would be there for the noon meal. Tatiana, Febe and Luis, were all killed by extreme head injuries or partial decapitation. (See photograph of Tatiana's body in the cafeteria, Attachment "D"; and photograph of Febe in a Green Cross pickup truck moments before dying, Attachment "E").

I had the top of my head shirred off. On my right side, my eardrum and three inner ear bones were destroyed from the bomb's expansive wave. Amid the body parts, gore and destruction, evidently someone noticed that I was still alive and carried me outside. Then, a Green Cross (the Salvadoran Red Cross) worker loaded me onto the back of truck and took me to the Rosales Hospital, San Salvador's main public hospital. (See photograph of me in the Green Cross truck, Attachment "F"). I was in and out of consciousness on the ride but, at one point, noticed the other bodies on the truck and that I was bleeding profusely.

At the hospital, I was rushed to surgery and had 104 stiches in my head. (See photographs of me in operating room, Attachment "G", and in my hospital room, Attachments "H" and "I"). I was very sick and stayed there until my father and brother retrieved me to return with them to the United States. After I returned to the U.S., I needed surgery to reconstruct my ear drum and inner ear bones in my right ear. I had surgery in early 1990 after family and friends raised funds to cover the costs of the procedure. (See Attachment "J".) For years, I suffered from post-

traumatic stress as well as horrendous headaches and memory problems. In 2006, I received a diagnosis of Chiari Malformation, which had been aggravated and became symptomatic as a result of the extreme concussion that I suffered from the bombing. I had to have an operation to correct this condition that took 7½ hours and required three neurosurgeons. (See photograph of me post-surgery, Attachment "K"). It took several more years to recover fully from that surgery. In some essential way, I continue to live every day with the psychic and physical scars of what happened to me.

The FENASTRAS bombing killed nine trade unionists as well as one bystander on the street. Some 36 people were injured, some as severely as me. In writing this letter, I seek to assist the court in having a more complete picture of the man who will stand before you to be sentenced for his U.S. based crimes of committing immigration fraud and perjury.

As a victim of the security forces and as a colleague of dozens who also were the victims of security forces when Col. Montano presided over the three security forces as Vice Minister of Defense for Public Security, I felt compelled to write to you to tell you what happened to me, and I hope you will consider this information when sentencing Col. Montano.

Sincerely Yours,



Professor Mark Anner

Attachments: A-K

Attachment A: Tatiana Mendoza Aguirre (undated photo)



Attachment B: Tatiana Mendoza Aguirre, Testimony of arrest on Sept. 18, 1989

We were in a march, a protest. When we reached the Hispanic Bookstore the riot police came running, shooting their guns. We ran toward a church, where we sought refuge. Then they began to break the windows of the church and shoot in tear gas canisters. We yelled that we were coming down with our hands up. As we left the church one soldier hit me on the head with his billy club and another hit me in the back with his gun. They felt all over my body, fondling my breasts and crotch as they searched for papers.

When we arrived at the National Police compound we were blindfolded and seated in an open-air space. Then they sat me at a round table with one man on each side of me. Again I was blindfolded. They began to interrogate me, asking what union I belonged to, what my name was, what my pseudonym was, if I belonged to the National Resistance (a group belonging to the FMLN). A man took me down to the basement, and I could feel that the air was different; it smelled of gas. One man took me to a cubicle with a rug and started asking questions. He unbuttoned my shirt down to the waist and fondled my breasts as he questioned me. I said that I was a member of SITIGASC and had only been associated with FENASIRAS since June; that I was the Secretary of Press and Public Education and that I didn't know anything about these subversive organizations that he was asking me about. He hit me on the head, took off my blindfold and put on a darker one.

Then a man took me up to a cubicle and I was alone with him. He asked me to collaborate with them, and asked me more of the same questions. Then he asked me if I wanted to have intercourse with him and I asked him: "Don't you have a wife?" He responded "I'm asking the questions here." He told me to pull down my pants and panties and then he entered me. I knew that if I resisted he would only beat me more. (A day later) I was taken to bathe but only washed my head and part of my body. Then the man who had raped me took me into another cubicle. He said that he knew that I hadn't cooperated, he asked me who my responsible was, and told me that one of the FENASIRAS leaders had said that all the union leaders belonged to the National Resistance. Then he asked me if I had ever had anal sex. He leaned me over a chair, took down my pants and panties and entered me. It hurt so much and I asked him why he couldn't do it from the front because it was hurting so much. He just said that this is what happens if you don't cooperate.

In court I denied belonging to any subversive organization, I accepted belonging to FENASIRAS and SITIGASC. I also accepted that I had participated in a march and carried a banner, that I had made 3 banners and some bulletins for my union since June. Then I denied that I had been well-treated and said that I had been raped twice. I saw a doctor who said that there were signs that I had been violated through my vagina and that there were lacerations in and around my anus. I made a declaration that I was beaten and raped.

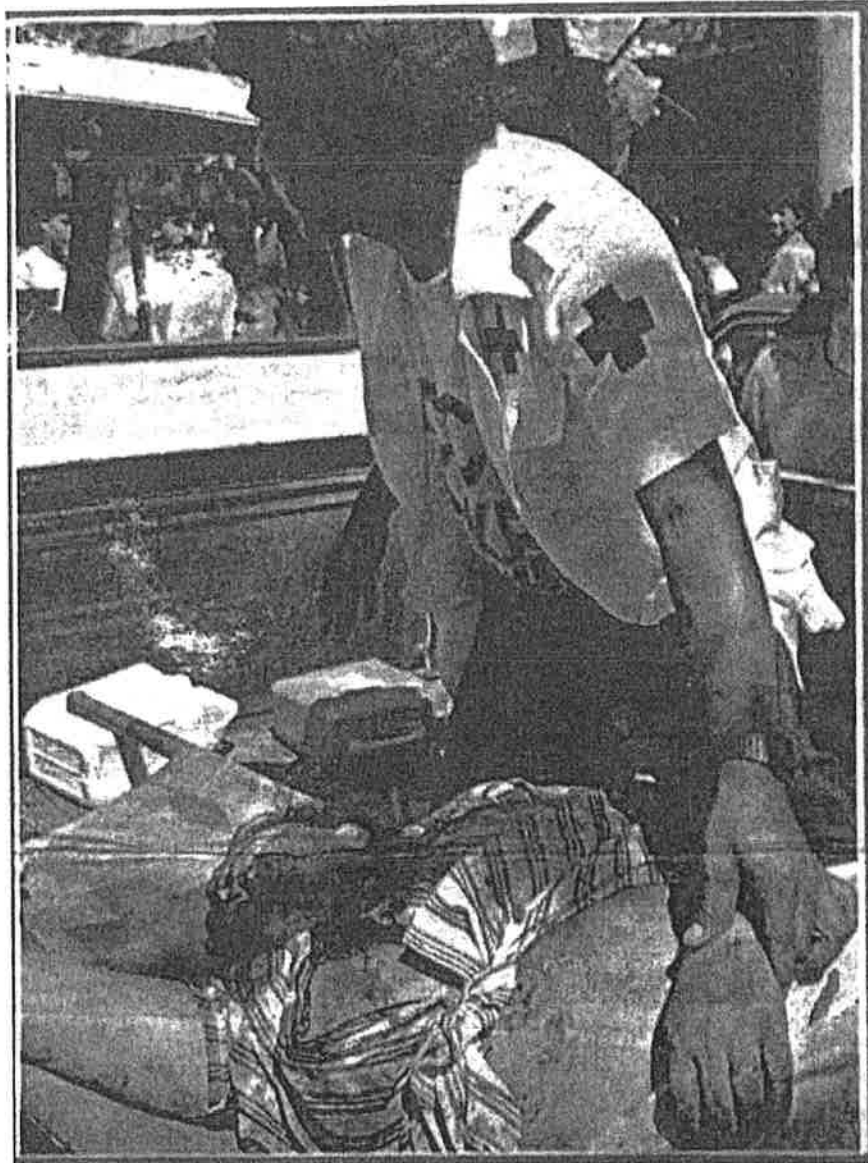
Attachment C: Febe Elizabeth Velasquez with two sons, 1989.



Attachment D: Tatiana Mendoza Aguirre, FENASTRAS Bombing, Oct. 31, 1989

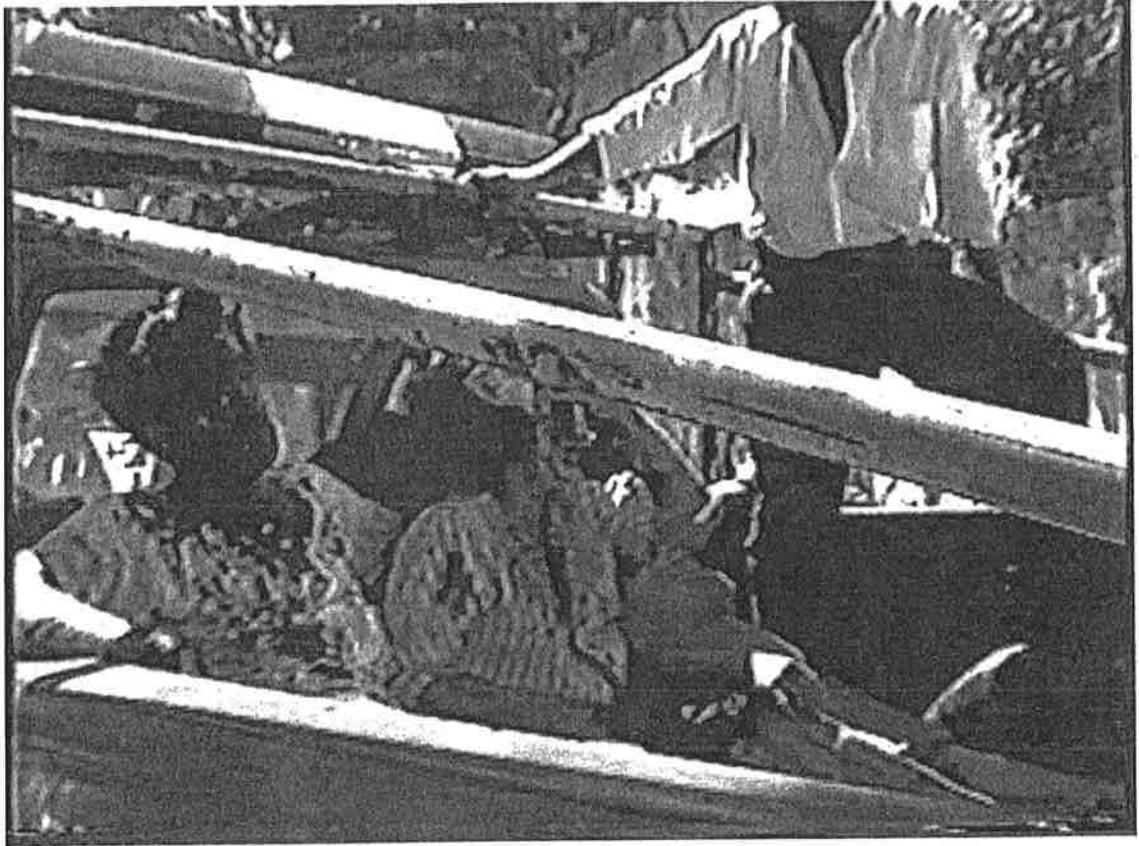


Attachment E: Febe Elizabeth Velasquez, FENASTRAS bombing, October 31, 1989.

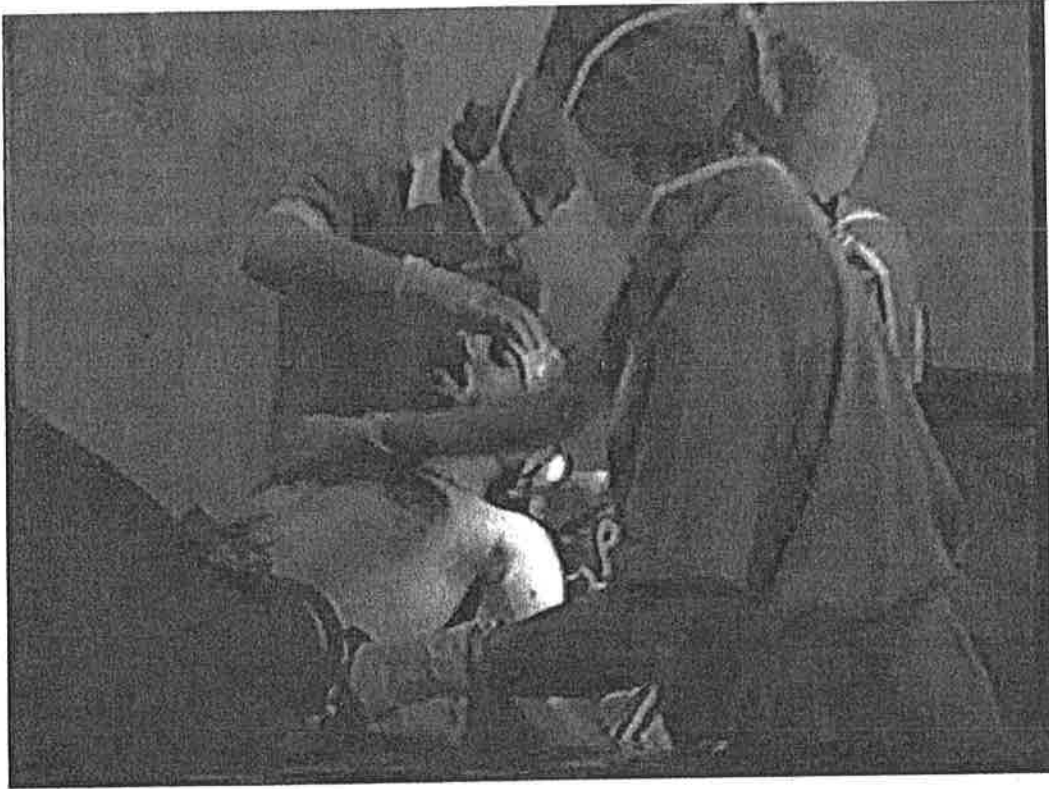


• Líder izquierdista Febe Elizabeth Velásquez, muere⁺

Attachment F: Mark Anner, FENASTRAS Bombing, October 31, 1989



Attachment G: Mark Anner, Operating Room after FENASTRAS bombing, Oct. 31, 1989



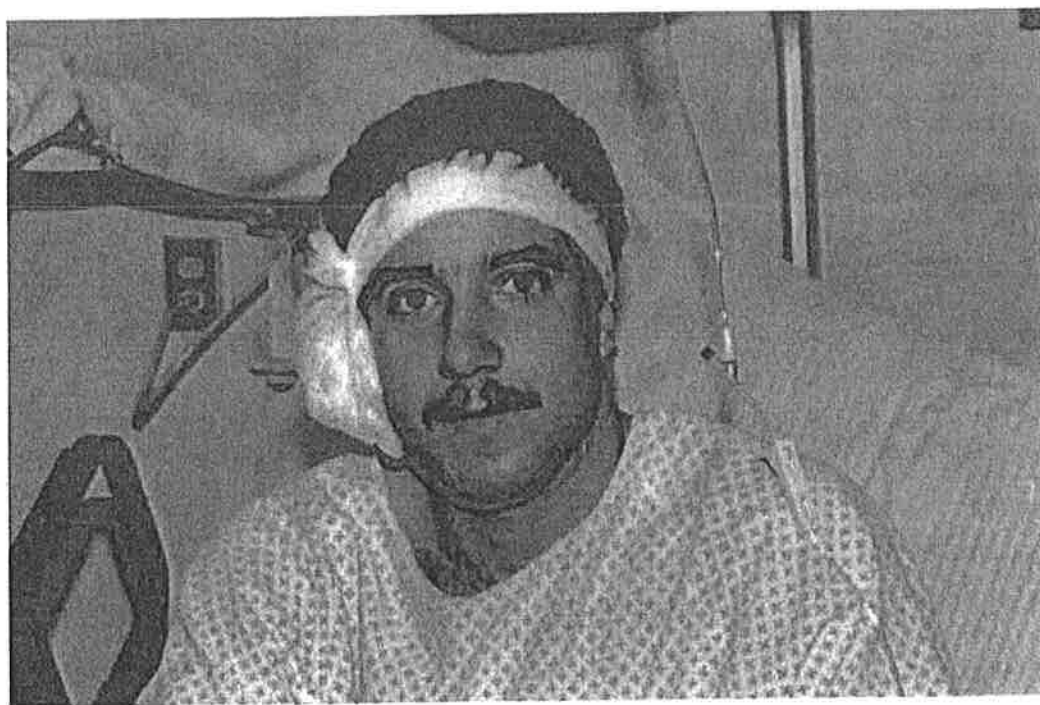
Attachment H: Mark Anner, Hospital Room after FENASTRAS bombing of Oct. 18, 1989



Attachment I: Mark Anner, Hospital Room after FENASTRAS bombing of Oct. 31, 1989



Attachment J: Mark Anner after ear surgery, 1990.



Attachment K: Mark Anner, after brain surgery, Sept. 11, 2006

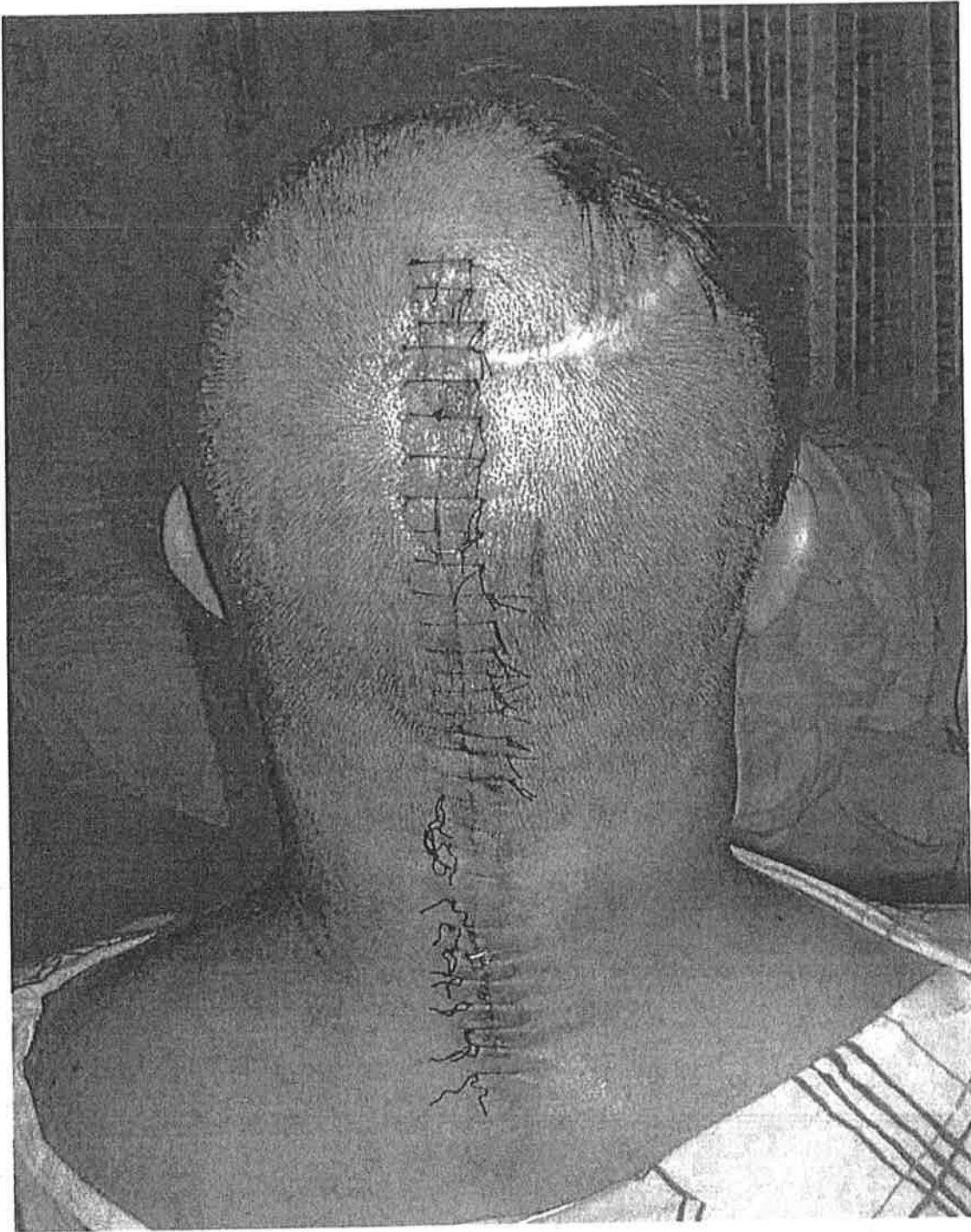


EXHIBIT 4

San Salvador, Wednesday 19th November, 2012

Honorable Douglas P. Woodlock,

United States District Court, District of Massachusetts

John Joseph Moakley United States Courthouse

One Courthouse Way, Room 4110, Boston, MA 02210-3002

Since 1965, the José Simeón Cañas Central American University (UCA) has been devoted to the knowledge and analysis of the Salvadoran national reality aiming to influence it and seeking the change of unfair structures. These structures permanently deny social inclusion, public security, truth, justice and reparations for the victims of grave human rights violations, war crimes and crimes against humanity committed before and during the civil war that ended in January 1992. Our solidarity as a University with the excluded populations follows an institutional Christian inspiration. We believe in the critical and efficient word, reproduced in a manner of ways, to make proposals that encourage the very much needed transformation, with a priority in the short, medium and long term being the defense of human rights. This is reflected in UCA's mission and vision.

This is why I send you this letter, your Honor, because the massacre committed by the Salvadoran army at our university on 16th November 1989 outraged this mission and ended the lives of persons dedicated to the defense of peace, truth and the most vulnerable peoples of El Salvador. However, their death did not finish the commitment to the popular majorities searching for a future far for the common evil.

That said, the fact that, to this date, the Jesuits massacre has not been clarified and those responsible punished, for those of us who believe in justice and dignity, offends irreparably not only the relatives of the victims, UCA and the Society of Jesus but also the Salvadoran society and the entire humanity. It is necessary to end the impunity that still reigns. It is necessary that the rule of law and justice prevail above egotistical interests that protect those responsible for serious human rights violations, war crimes and crimes against humanity. Despite that, the Jesuits massacre at UCA remains impune 23 years after it took place.

Shortly after the massacre occurred, the High Command of the Armed Forces of El Salvador (FAES) and its Commander in Chief, former president Alfredo Cristiani, denied all responsibility and falsely accused the guerillas of the Frente Farabundo Martí para la Liberación Nacional (FMLN) of having committed the crime. Due to international pressure, the Salvadoran government created a commission of honor to investigate the crime and later, as a result of the peace negotiations, a Truth and Reconciliation Commission. The commission of honor came up

with bias and distorted results to cover up those who ordered, committed and concealed the crime.

Years later, ignoring a report from the Inter- American Commission of Human Rights (CIDH) of 1999 on the Jesuits massacre, the Attorney General of the Republic of El Salvador refused to investigate the commander's responsibility for the massacre and sent a summons to a Justice of Peace who was not the Judge competent to know the case. Despite UCA's efforts to reopen the criminal investigation in El Salvador, and a decision stating the no application of the Amnesty Law to this crime, the case was dismissed on a status of limitations grounds, a improper dismissal according the Salvadoran procedural rules.

Later, after exhausting all national remedies, including a Constitutional appeal before the Supreme Court, and given a generalized protection of the perpetrators, the Institute of Human Rights at UCA (IDHUCA) filed in 2003 a complaint before the Interamerican Commission for Human Rights, requesting a new investigation. The CIDH had not yet ruled on this complaint.

Therefore, with all national options exhausted and awaiting a decision from the CIDH, we had no further options for justice but to address international jurisdictions with our colleagues in Spain. Moreover, impunity escalated when the current government of El Salvador protected 9 members of the military indicted in the Jesuits case before the Spanish National Court of Spain. The protection was based, among other false arguments, on the application of an Amnesty Law still current in the country that has been declared illegal repeatedly by international bodies. As a consequence, the case filed in Spain by Spanish attorneys with support from the US and the ongoing criminal prosecution, is the last chance for a fair trial for the massacre committed at UCA University on November 16, 1989.

At the same time, the United States, by persevering in its commitment to protect human rights avoiding becoming a save heaven for those responsible for human rights' violations, has become an essential piece in this process. For that reason, the prosecution of former colonel Inocente Orlando Montano for immigration fraud for lying about his military career in El Salvador is crucial. Montano intentionally lied in order to take advantage of humanitarian benefits that did not apply to him. By lying colonel Montano's was aiming to continue concealing his responsibility in the conspiracy to kill and the killing of six Jesuits priests, Julia Elba Ramos and her adolescent daughter, Celina.

Today, the worst crimes known to man are increasingly prosecuted. The circle of impunity is narrowing through special investigative commissions and international tribunals. Regional institutions are also supporting this global trend but for that, they need national jurisdictions like Spain and the US. These national jurisdictions embody the meaning of justice, truth and integral reparation to the victims.

Due to the aforementioned, from El Salvador and UCA we respectfully request from the honorable court, presided by your Honor, to consider all the atrocities in which Montano has

participated directly, as a commander and covered up, among which is the massacre at our university, when sentencing him. At the same time we energetically request and encourage the US Government to support and contribute to the search for justice extraditing Montano to Spain, where he will face a fair trial for the crimes he committed and that remain unpunished in El Salvador.

Affectionately,

[Signed and sealed]

Benjamín Cuéllar Martínez

Director, IDHUCA

I, Almudena Bernabeu, hereby declare that I am fluent in Spanish and English and certify that the above translation of this letter from its Spanish original is true and correct.





**Instituto de Derechos Humanos de la
Universidad Centroamericana "José Simeón Cañas"**
Mención especial Premio de los derechos del hombre de la República Francesa 2002
Premio de los derechos del hombre de la República Francesa 2004



San Salvador, miércoles 19 de noviembre de 2012

Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4110
Boston, MA 02210-3002

Desde 1965, por su esencia, la Universidad Centroamericana "José Simeón Cañas" (UCA) se dedica al conocimiento y el análisis de la realidad nacional salvadoreña para influir en la misma y buscar –desde su proyección social– el cambio de las estructuras injustas que le niegan a sus mayorías populares la inclusión social, la seguridad ciudadana y la verdad, la justicia y la reparación a las víctimas de graves violaciones de derechos humanos, crímenes de guerra y delitos contra la humanidad que ocurrieron antes y durante la guerra finalizada en enero de 1992. Nuestra solidaridad universitaria con los sectores excluidos y desposeídos obedece a la inspiración cristiana institucional. Creemos en la palabra crítica y eficaz, reproducida de muy diversas maneras, para realizar propuestas que impulsen la mencionada y muy necesaria transformación, teniendo como prioridad de corto mediano y largo plazo la defensa, desarrollo y respeto de los derechos humanos. Así lo reconoce la UCA en su misión y su visión.

Por esa razón le envío, Señoría, esta carta pues la masacre perpetrada por el ejército salvadoreño en nuestra Universidad el 16 de noviembre de 1989 ultrajó esa misión y acabó con la vida de personas que dedicaron la dedicaron a la defensa de la paz, de la verdad y de las personas más vulnerables del país. Pero no acabó con el compromiso con las grandes mayorías populares y la búsqueda de un destino alejado del mal común.

Sin embargo, el que esa matanza no haya sido esclarecida, juzgada y sancionada como corresponde es algo que –para quienes creemos en la justicia y en la dignidad– ofende de manera irreparable no solo a los familiares de las víctimas, a la UCA y a la Compañía de Jesús; también es un insulto para la sociedad salvadoreña y la humanidad entera. Es preciso que esa impunidad que aún pesa, sea superada; es necesario, por tanto, que la ley y sobre todo la justicia prevalezcan por encima de intereses egoístas y minoritarios que protegen a responsables de graves violaciones de derechos humanos, crímenes de guerra y delitos contra la humanidad. Pero la masacre en la UCA se mantiene impune veintitrés años después de ocurrida.

Poco después de semejante atrocidad, el Alto Mando de la Fuerza Armada de El Salvador (FAES) y su comandante general, el presidente Alfredo Cristiani, negaron la responsabilidad castrense y acusaron a la guerrilla del Frente Farabundo Martí para la Liberación Nacional (FMLN) de haber cometido las ejecuciones. Ante la fuerte condena internacional, el Gobierno salvadoreño nombró una "comisión de honor" y posteriormente –fruto de los acuerdos de paz– se formó una Comisión de la Verdad; la primera arrojó resultados parciales y distorsionados para encubrir a quienes ordenaron y encubrieron los hechos.

"No es tiempo todavía de cantar victoria por la vigencia de los derechos humanos,
pero tampoco es tiempo aún para la desesperanza". *Segundo Montes Mozo (1933-1989)*
Apartado Postal (I) 168, Bulevar de Los Próceres, San Salvador, El Salvador, C. A. Tel. Fax.: 2243 - 2184
Correo electrónico: E-mail: bcuellar@uca.edu.sv – Internet: <http://www.uca.edu.sv>

Posteriormente, ignorando el informe de fondo de la Comisión Interamericana de Derechos Humanos (CIDH) de 1999, el Fiscal General de la República de la época se negó a investigar la autoría mediata y envió requerimiento a un juez de Paz al cual no le correspondía conocer el caso. Luego lo envió a la autoridad judicial correspondiente, la juez tercera de Paz de San Salvador, y tampoco prosperó adecuadamente el requerimiento; pese a no aplicar la amnistía en este caso, se alegó una prescripción improcedente a todas luces para sobreseer a los imputados sin investigarlos y mucho menos juzgarlos.

Después, tras agotar todos los recursos nacionales –incluida la Sala de lo Constitucional de la Corte Suprema de Justicia– y dada la protección generalizada de los perpetradores, el Instituto de Derechos Humanos de la UCA (IDHUCA) solicitó en noviembre del 2003 a la Comisión Interamericana de Derechos Humanos (CIDH) una nueva investigación, la cual aún no se ha emitido pronunciamiento sobre su admisión.

Por esa razón, agotado la vía nacional y a la espera de la decisión de la CIDH, nos dirigimos a las jurisdicciones internacionales. Sin embargo, el colofón a la impunidad se culminó con la protección –que el actual Gobierno denominó “resguardo”– le brindó en agosto del 2011 a nueve militares reclamados por medio de jurisdicción universal desde la Audiencia Nacional de España. Entre otros falsos argumentos, esa decisión se apoyó en una Ley de Amnistía aún vigente en el país y contraria a todos los estándares internacionales de derechos humanos. Por ello, la persecución penal que se lleva a cabo en España representa en la actualidad la última esperanza de que se realice un juicio justo por los crímenes en la UCA ocurridos el 16 de noviembre de 1989.

Al mismo tiempo, Estados Unidos de América ha adquirido un papel esencial en este proceso al perseverar en su compromiso con los derechos humanos y evitar, por tanto, convertirse en un lugar seguro para los responsables de sus graves violaciones. Por ello, resulta clave la persecución penal del coronel retirado Inocente Orlando Montano por fraude migratorio al mentir sobre su carrera militar en El Salvador al momento de ingresar a ese país. Lo hizo con el fin de aprovecharse de beneficios humanitarios que no le correspondían. El objetivo del Montano era continuar evadiendo, así, su responsabilidad por participar en la decisión de asesinar a seis sacerdotes, Julia Elba Ramos y su adolescente hija, Celina.

Hoy día, los peores crímenes que conoce la humanidad son cada vez más perseguidos. Se estrecha el cerco de la impunidad a través de comisiones especiales y tribunales internacionales. Las instituciones regionales también apoyan esta tendencia global, pero requieren necesariamente del apoyo capital de las jurisdicciones nacionales. En todas esas instituciones se asienta el significado de la justicia, la verdad y la reparación integral para las víctimas.

Por todo lo anterior, desde El Salvador y la UCA se exhorta al honorable tribunal presidido por su Señoría a que tome en cuenta las atrocidades de los crímenes en los cuales Montano participó directamente y encubrió entre los cuales se encuentra la masacre en nuestra Universidad, a la hora de calcular su sentencia. Del mismo modo se exhorta al Gobierno estadounidense a que apoye y aliente la búsqueda de justicia mediante la extradición de Montano a España, donde debe enfrentar un proceso debido y justo para sancionar su actividad criminal que en El Salvador sigue en la impunidad, al igual que la de sus compañeros en la jerarquía castrense de la época.

Afectuosamente,

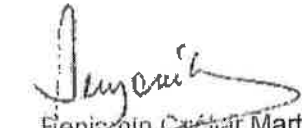

Ezequiel César Martínez
Director del IDHUCA



EXHIBIT 5

JESUIT Commons

November 25, 2012

The Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4110
Boston, MA 02210-3002

Dear Judge Woodlock:

I am writing to you concerning the sentencing of Colonel Inocente Orlando Montano, a member of the Salvadoran High Command involved in the November 1989 decision to kill "Jesuit Father Fr. Ellacuria and leave no prisoners," the decision that led to the death of six Jesuits and their two co-workers. I did not know Colonel Montano personally, but have dealt with several of his Military colleagues.

You have many issues to consider in your sentencing. Let me suggest a few on the basis of my involvement with what happened in El Salvador shortly after the killings and continuing until today.

I arrived in El Salvador when the blood was still on the grass outside the Jesuit residence where the Jesuits had been forced to lie down before being shot point-blank. Blood was still on the walls of the room where the mother and daughter were brutally murdered for simply being there. These Jesuits were not militants or firebrands dying by the violence they themselves might have preached. They were world-renowned scholars, who for over twenty years had applied that scholarship in the service of the people of El Salvador.

They were bridge builders, trying to bring peace to their adopted country. They could speak to both sides of the struggle and did. Fr. Ellacuria himself had just returned to El Salvador from Spain, at the personal request of President Cristiani to help in the investigation of the bombing of the main union headquarters and the killing of ten union leaders and the wounding of many others.

On my first visit after the killings, in early 1990, I met with Colonels (later Generals) Zepeda and Ponce, who dismissed the possibility of the military being involved in the Jesuit massacre as "absurd because it would have been so stupid." That was the first of a number of denials I heard -- and was part of the cover-up in which the military was involved. Congressman Joseph Moakley (whose service is honored by the courthouse's name in which the sentencing of former Colonel Montano will occur) would later summarize his evaluation of the Armed Forces:

I believe that the High Command of the Salvadoran armed forces is engaged in a conspiracy to obstruct justice in the Jesuits' case. Salvadoran military officers have withheld evidence, destroyed evidence, falsified evidence and repeatedly perjured themselves in testimony before the judge. I do not believe this could be done without at least the tacit consent of the High Command.

This behavior is closely linked with the problem of impunity for the military, which has stifled the cause of justice and human rights. Visiting El Salvador many times with Congressman Moakley and his aide, and later Congressman, Jim McGovern, I heard much of this evidence first hand.

I witnessed a very graphic example of impunity when I attended the trial of eight members of the military accused of killing the Jesuits. What might have seemed promising, namely, the first time a ranking military officer, Colonel Benavides (along with a lieutenant) was convicted, was hardly that. Even this trial raised more questions than answers. No one knows how these eight were chosen from the many involved. Except for the colonel, the soldiers had all made detailed confessions, yet none of those men were convicted; only two were convicted as the result of the often bizarre proceedings.

The haunting presence of the military High Command, benefitting from the complete lack of accountability for their actions in ordering the murders, hung over the entire scenario. The two men convicted were soon released under a broad amnesty law, so that no one has really paid any penalty for the Jesuit killings, let alone the many thousands of other killings traceable to the military and their surrogate death squads during the 12-year war.

This was the culture in which Colonel Montano played a leading role. Should he now be able simply to walk away from all of this as just one more example of impunity for the military? In my conversations over several years with military leaders, especially General Ponce, I never heard an ounce of regret for what happened.

The Center for Justice and Accountability is to be commended for its work in bringing human rights abusers, like Colonel Montano, to justice. We are not seeking vengeance, but the truth and justice that are necessary steps to prevent more human rights abuses. To that end, I hope my brief comments will be helpful as you reach your decision. I would be happy to explore any of them further with you should you so wish.

Respectfully,

Charles Currie, SJ

Charles L. Currie, S.J.
Executive Director, Jesuit Commons

EXHIBIT 6



BOSTON COLLEGE

OFFICE OF THE CHANCELLOR

The Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4110
Boston, MA 02210-3002

November 20, 2012

Dear Judge Woodlock,

I am writing to you with respect to the case involving the conviction of former Colonel Inocente Orlando Montano.

If people around the world have heard of the Jesuits, most think of us as educators. But I believe that a Jesuit education is about something more than the pursuit of knowledge for its own sake. A Jesuit education has always served as a cultural and social force to advance the wellbeing of the human person, an instrument to ease the oppression that comes from poverty and, at times, even from the oppression of political leaders who use well-trained armies to enforce their domination.

These activities, more than anything, describe the work of Jesuits in El Salvador in the 1980s. Undaunted in the face of government repression, the Jesuit priests of El Salvador insisted on speaking the word of God to uplift their people, all of whom had been brutalized by a government whose role should have been to nurture and protect its citizens and, instead, was the opposite. It was precisely because of this bold leadership that in the early morning hours of November 16, 1989, a unit of Salvadoran elite troops entered the campus of the Jesuit university in El Salvador, roused its president and five of his brother professors from their sleep, forced them onto a small plot of grassy land, and killed them on the spot. The priests' housekeeper and her daughter, having sought safety in the residence, also were murdered.

As president of Boston College at the time, the massacre by the El Salvadoran military of these priests, their housekeeper and her daughter, sounded an alarm to me as an educator, a university person, a Jesuit, and a human being. What happened was so atrocious and such a public attack on all the values they and I held dear, I felt that we must seek ways to be of help. I joined a group of Jesuit university presidents who demonstrated our solidarity with our sister institution by traveling to the site and communicating in

person to each of the principals connected to the case, from the investigating justice to the President and commander of the military, our condemnation of the atrocity. We worked cooperatively with the United States Congress to pressure the El Salvadoran government to identify the killers and bring them to justice. Unfortunately, the military officers suspected of ordering the murders were never tried in El Salvador. The men who confessed to carrying out the killings I later watched exonerated at a trial riddled with irregularities.

Nevertheless, the system of absolute impunity, in which the perpetrators had entirely placed their faith, eventually began to crumble. Efforts are currently underway in El Salvador to repeal the amnesty laws that provide protection to those involved in the massacre. These efforts were stimulated by the declaration by the Inter-American Commission of Human Rights, in a case concerning these murders, that the amnesty law was illegal as a matter of international law. Spain also has issued indictments against twenty individuals responsible for the attack. Five of the victims were Spanish citizens. The United States also has shown its unwillingness to provide safe haven to those involved, including one of the indicted top commanders, former Colonel Inocente Orlando Montano.

I applaud the progress such efforts to end impunity have made and I strongly urge this court, when calculating his sentence for immigration fraud and perjury, to consider the enormity of the crimes in which former Col. Montano was involved as one of the leaders who ordered the Jesuit massacre. I also urge the United States government to provide for former Col. Montano's extradition to Spain, so that he finally can stand trial for the massacre he helped bring about. It has been over 20 years since the six Jesuit priests, their housekeeper and her daughter were brutally murdered at the Jesuit university in El Salvador. I urge this honorable court and the other branches of my government to join the global efforts finally to effect accountability for this tragic event.

Sincerely,

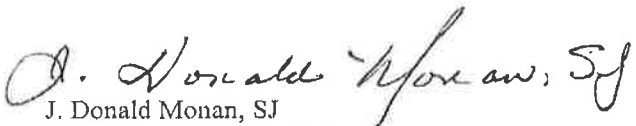

J. Donald Monan, SJ
Chancellor of Boston College

EXHIBIT 7

UNIVERSITY OF
SAN FRANCISCO

CHANGE THE WORLD FROM HERE

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November 14, 2012

The Honorable Douglas P. Woodlock
United States District Court
District of Massachusetts
John Joseph Moakley United States Courthouse
One Courthouse Way, Room 4110
Boston, MA 02210-3002

Dear Judge Woodlock,

As a member of the Society of Jesus and President of the University of San Francisco, I have the privilege of educating today's youth to face the challenges of tomorrow. In this capacity, I have made it my life's work to forge academic and spiritual communities committed to the pursuit of knowledge and truth, with an approach to service that responds to the needs of the poor and the oppressed. Throughout my career I have drawn inspiration from those who have given their minds, hearts and lives to the near impossible task of creating economic, political and social structures that respect and promote the dignity of every human being.

My work, without question, was influenced by my work with internal refugees during the civil war in visit to El Salvador in 1988. My experience in El Salvador was after the murders of four American churchwomen who cared for victims of the ongoing civil war and after the assassination of Archbishop of San Salvador Oscar Romero – all victims of the Salvadoran military. During my stay, I witnessed first-hand the economic injustice, human rights abuses and military repression that fueled the 12-year civil war in which 75,000 people lost their lives, and more than one million were displaced.

Less than a year after my return to the United States, I awoke on November 16, 1989 to the news that six Jesuit priests, their housekeeper and the housekeeper's daughter had been brutally massacred by the Salvadoran military. These priests motivated by the tenets of the Christian gospel to speak out against the injustice and oppression of the poor by their own government. Bold and courageous in the face of violence and repression, these Jesuits were a voice for the voiceless. They served as examples to their people, to Christian communities facing oppression around the globe, and to all those seeking to fashion a more humane and just world.

Though we knew that others like them had been attacked, killed or disappeared, the news of the UCA massacre came as great shock to me and my Jesuit colleagues all over the world. This brutal act demonstrated the arrogance of the perpetrators, their total disrespect for human life, and their complete confidence in their impunity.

Page 2
Judge Woodlock
November 14, 2012

Despite the amnesty laws in El Salvador that continue to shield those responsible for this massacre of innocent civilians, recent efforts around the globe have begun the process of ending their impunity. I applaud the efforts of Spain in issuing criminal indictments against the twenty individuals involved in plotting the UCA massacre. Five of the victims were Spanish citizens. I also commend the efforts of the United States to deny safe haven to those responsible, in particular the criminal prosecution of former Colonel Innocent Orlando Montano for immigration fraud after he lied about his entry date into the United States and his long-time military career in El Salvador in order to take advantage of a humanitarian benefit that he was not entitled to. By so doing, former Colonel Montano continued to seek to evade responsibility for his participation in the decision to murder the priests. The United States should not offer the impunity which Salvadoran military have benefited from for too long.

Legal efforts to end impunity are a clear message to all those who turn to violence and oppression to silence those who speak out in the name of truth and justice. I urge this honorable court, when calculating Col. Montano's sentence, to take into account the heinousness of the crimes in which Col. Montano participated and which he covered up - the ordering of the killing of the Jesuit priests, I also urge the United States government to support the pursuit of justice by extraditing Mr. Montano to Spain, where he can stand trial for his criminal activity with due process that justice requires.

Sincerely,



Stephen A. Privett, S.J.
President