

Ex-Salvadoran military officer accused in Jesuit killings gets immigration sentencing delay

By BRIDGET MURPHY Associated Press
January 15, 2013 - 6:14 pm

BOSTON — Human rights advocates claimed a victory Tuesday after a federal judge in Boston said he would consider a former El Salvadoran military colonel's alleged war crimes before sentencing him on separate immigration charges.

Inocente Orlando Montano is among 20 people that authorities in Spain indicted in 2011 following the 1989 slayings of six priests during El Salvador's 12-year civil war. He has denied involvement in the killings.



FILE - In this Dec. 19, 2011 file photo, Inocente Orlando Montano, a former Salvadoran military officer, arrives at federal court in Boston. On Tuesday, Jan. 15, 2013, a federal judge in Boston delayed Montano's immigration fraud sentencing. Montano is accused of playing a role in the 1989 slayings of six Jesuits priests during his country's civil war. (AP Photo/Steven Senne, File)

"The takeaway from today is Montano was before a judge who really wants to look at his human rights record," said attorney Carolyn Patty Blum from the Center for Justice and Accountability.

She called Tuesday "an incredible victory for human rights," saying it's the first time Montano's alleged role in the slayings will be aired in court. Her organization is leading the prosecution in Spain of what's called the Jesuit massacre.

In delaying Montano's sentencing, U.S. District Judge Douglas Woodlock said he might depart from sentencing guidelines when deciding a penalty. The defendant previously pleaded guilty to three counts of immigration fraud and three counts of perjury.

"My view is that, if proved, the allegations concerning Mr. Montano's acts with the military are matters that would cause me to consider an upward departure or variance," the judge said.

The government claims Montano lied about his past on U.S. immigration forms, including denying having military training when applying for temporary protected status as a foreign national, in part to avoid prosecution in El Salvador.

Prosecutors want the judge to consider a Stanford University political science professor's report that claims troops under Montano's command carried out 65 killings, 51 disappearances and 520 cases of torture, among abuses.

Blum's organization also submitted letters from alleged victims of human rights abuses reportedly perpetrated by troops under Montano.

He served as El Salvador's vice minister of defense for public security during a 30-year career as an elite member of the El Salvador Armed Forces.

A 1993 United Nations report found evidence Montano colluded with other Salvadoran military officials to murder a priest suspected of supporting leftist rebels, an order that allegedly resulted in the slayings of six priests and two other people at a Jesuit university.

Assistant U.S. Attorney John Capin said Tuesday the government isn't looking to prove allegations related to crimes in El Salvador, but rather to show that Montano came to the U.S. to escape potentially having to stand trial for them.

But federal defender Oscar Cruz Jr. said the government violated his client's plea agreement by asking the judge to consider a stricter sentence of about four years in prison based on allegations unrelated to the immigration case.

Cruz argued in court papers that the government's submission of the Stanford professor's report that paints his client "as a war criminal of epic proportions" is highly inflammatory.

Cruz said after court that he expects future testimony related to the Stanford professor's report, something he plans to challenge during a cross-exam.

Walking with a cane, Montano declined to comment while leaving court Tuesday. His next court date is expected to be in March.

The U.S. government has not indicated whether it would extradite Montano to Spain. He is in his 70s and was living near Boston for about a decade when authorities arrested him in 2011.

The Rev. Donald MacMillan, a Jesuit priest who works in Boston College campus ministry, said after Tuesday's court proceeding that he was looking for justice and peace for the families of the Jesuits slain in El Salvador.

"The Jesuit community would like to see justice served, and truth be told, and reconciliation take place for the Jesuit community, for the people involved, for the El Salvador community," MacMillan said.

The priest said Montano's sentencing on immigration charges would be a step toward justice, and he hoped Montano would face extradition to Spain.

<http://www.dailyjournal.net/view/story/ea6de07c667942c0968bfcb81dc9dbff/US-Salvador-Jesuits-Montano/>