

EXHIBIT A
ENGLISH TRANSLATION OF
VARGAS REPORT
DE#72

DECISION PRESENTED BY MAURICIO ERNESTO VARGAS
COLEGIO DE ESTUDIOS STRATEGICS

*"The truth is often contrary to rumors that circulate regarding events and people."
Jean de la Bruyere*

INITIAL COMMENTS

A Salvadoran by birth and citizen residing in El Salvador during the time of the armed conflict¹ that took place in my country in the 80's, I feel able to set forth some comments and state facts regarding what really happened during those difficult years of armed conflict in our history and which—thanks to the desire for peace of the Salvadoran people, together with the efforts of many men and women—managed to bring about the pacification of Salvador's society, and at the same time invigorate the democratic process in our country.

In the framework of this achievement, I am indignant at reading certain ideas regarding Inocente Orlando Montano which have been stated or referenced in the report presented by Professor Terry Lynn Karl, whom I respect for her academic title: however, because of my ideological disconnection and true knowledge of the facts, I do not share her opinions, and in some cases her baseless arguments.

The events which transpired on November 16, 1989 resulted in the death of eight people inside the Universidad Centroamericana "Jose Simeón Canas" (UCA), in the middle of a civil war, at the same time as the military offensive of the Farabundo Martí National Liberation Front, hereafter known as FMLN. This constitutes a criminal act and is a sad event recorded in the history of the country. But the loss of 70,000 human lives² during those 12 years of armed conflict is also tragic, and many of these are crimes that were never investigated, judged nor condemned because their perpetrators committed those crimes in secret.

On January 23, 1990, a jury presided by the honorable Judge of the 40th criminal court³, after reviewing the evidence in the case of the Jesuits, issued a decision against several members of the military who were found guilty of the crimes of murder, conspiracy to commit acts of terrorism, and concealment.

Even so, the thirst for justice in certain sectors was not satisfied and probably never will be. Political and ideological motivations continue to create rumors, assumptions, and volatile hypotheses which lack the proof required by criminal law.

¹ Refers to the armed confrontation which occurred in El Salvador in the period from 1980 to 1992. This confrontation took place between the legally constituted Government and clandestine forces which hoped to take power through the force of arms. Experts trace the motivational roots of this conflict back to the context of the "cold war."

² Approximate figure; includes civilians, law enforcement personnel and members of the FMLN.

³ In the territorial breakdown of District Courts, 10 criminal courts are assigned to the capital of El Salvador. The 4th Criminal Court is one of them. See the Organic Law of El Salvador.

In addition, linking to this case, and attributing non-evidence based of Human Rights violations, to military officers and professional officials who were engaged in the legitimate defense of the country during that difficult decade, was—and continues to be—a strategy used by sectors which are opposed to the country's democratization and seek to discredit their opponents in order to further their own dark interests.

A reading of the report presented by the accusing party reveals that "the shirt they are trying to fit on Montano is neither his type nor his size," giving rise to more questions than answers: For example, if there were truth to the arguments that Montano is part of a corrupt power caste called "Tandona" enjoying significant privileged and impunity in the country, what motives would lead him to abandon its protection and alleged impunity in El Salvador? Who would want to abandon such a paradise?

Considering the report by the "expert" showing Montano as a delinquent, with a criminal background covering his 30 years of private professional practice, where are Montano's pending cases in the Salvadoran Courts? Why are there no complaints against him? Why was he chosen by President Alfredo Cristiani to form part of his governing team? Why did the ex-President subsequently put his hands in the fire for him during 19 years? Why the talk of 30 years of a military career with a strategy of terror against civilians if the conflict lasted only 12 years?

If Montano is cited as a stumbling block for the peace process in El Salvador, how come Mexico⁴ "granted, in the year 1992, its diplomatic consent⁵" to have him be part of the Salvadoran diplomatic representation in his country?

Had Montano been one of the key figures in preparing the terrain for the decision to kill the Jesuit fathers, why was he the only member of the military command who was not called for questioning during the trial in El Salvador? Likewise, in the case summary⁶ presented at the National Hearing in Madrid, why, in the presentation of the complaint, is Montano's participation secondary or simply left to intuition?

Considering that sine the FMLN⁷ has been a powerful political force in the Legislative Assembly since the year 2000 and that the FMLN is the political party presently in the Government; why is Montano not prosecuted for the violations that the FMLN accused him of in the past? Could it be that these accusations are baseless?

Appendix I of this document shows records updated to February, 2013, stating that Inocente Orlando Montano has no criminal record and is not being sought by the police.

⁴ Mexico was a key ally in the completion of the peace process and it was in that country that the Peace Agreements were signed in the year 1992.

⁵ Diplomatic Consent is the sovereign right of nations to accept the proposed exercise of diplomacy by an official from a friendly country. Early in 1992, Inocente Orlando Montano was granted consent by the Mexican Ministry of Foreign Affairs as Salvadoran Defense Attaché.

⁶ [SUMMARY]: 97/10 (DP 391/08); ORDER OF COMMITMENT TO TRIAL; CENTRAL DISTRICT COURT NUMBER 6, NATIONAL TRIBUNAL (MADRID). May 30, 2011.

⁷ The Farabundo Marti National Liberation Front, known by its initials as FMLN, became a political party after the Peace Agreements were signed. Mauricio Funes, now president of El Salvador, won the elections for the FMLN in the year 2009.

Also shown are legal records from the courts where the suspected Human Rights violations by troops under the alleged responsibility of Montano are cited. There is no open case or pending lawsuit against him in any court.

Appendix II in this document contains letters from church authorities, former government officials, the Salvadoran private sector and the Governmental Commission for negotiation of the Peace Agreements, which testify that Montano is an honest person holding high moral and ethical values, deeply respectful of human dignity and having no involvement in the death of the Jesuit fathers.

Although questions become complex due to their inconsistency with the report submitted by the "expert," the answers themselves are not complicated: Inocente Orlando Montano did not conspire with other high-ranking officials to incite the murder of the Jesuit priests and the two women; Montano never concealed the investigations of this crime and never attempted to block the Peace Agreements during the armed conflict.

Montano's life contains no background of violence. What it does show are acknowledgements of his excellent professional work issued by the Salvadoran government and by the international community, including the Government of the United States of America.

In defense of the truth and of the noble citizens who made our country a better place in which to live, it is necessary to present this document, which briefly outlines the Salvadoran scene during the internal conflict of 1980 – 1992. The cases presented are real and reliable and show that Inocente Orlando Montano is an exemplary citizen and was, during his time of service, a professional with well-grounded human values.

SECTION I
THE INTERNAL CONFLICT IN EL SALVADOR AND THE FACE OF THE AGRESSOR
BEHIND POWER.

Clarifying Constitutional Aspects

Partial knowledge and malicious distortions of the facts are aspects that have been instrumental in the formation judgments and impressions by international public opinion that are often contrary to actual fact. This issue has worsened with time, to the point that wrong assertions have become dogmatized. Thus, certain concepts have arisen regarding the Salvadoran conflict of the 80's and affected by this phenomenon. Perhaps two of the most alarming are the idea that El Salvador at that time was a country wallowing in anarchy, a failed State sinking in an orgy of illegality, and the belief that the internal conflict was a struggle between the Salvadoran Armed Forces⁸—hereinafter the FAES—and the people who were up in arms. This is not so.

⁸ The Armed Forces of El Salvador (FAES) during the 80's were made up of the Army, the Air Force, the Navy and the Public Security Forces.

In this regard, it should be understood that, El Salvador became subject to the rule of law recognized in its "Constitution of the Republic"⁹ since the 19th century. This Constitution defines the State as sovereign¹⁰ and residing in the power of the people. Furthermore, as regards the form of government, that basic Law describes it as a republican, democratic and representative State, adding that the political system is pluralist and expressed through the political parties, which are the sole instrument for the exercise of citizen representation in the Government¹¹.

As regards the power of the State, Article 86 of the Constitution of the Republic states:

"The power of the State resides in the people. The Organs of the Government shall exercise it independently within their respective attributes and competencies as established by this Constitution and the laws. The attributes of the Organs of the Government cannot be delegated, but they will collaborate mutually in the exercise of public functions. The fundamental Organs of the Government are the Legislative, the Executive, and the Judicial. Government officials are delegates of the people and have no powers other than those expressly conferred on them by law."

It is likewise important to clarify that the sides involved in the struggle throughout the conflict were the legitimately constituted government and the clandestine armed groups which later came together in an organization that was called the Farabundo Marti National Liberation Front (FMLN). The FAES was and continues to be a government institution at the service of the Nation. Paraphrasing Article 213 of the Constitution:

"The Armed Forces are part of the Executive Organ and are subject to the authority of the President of the Republic, in his capacity as General Commander. Their structure, legal framework, doctrine, composition and operation are defined by the law, the regulations and the special provisions which may be adopted by the President of the Republic."

Having defined these aspects, and in order to broaden the view of the scenario and facilitate understanding of the statements presented in this document, a description, however brief, of the Salvadoran conflict is in order:

History of an Aggression — Concept of Struggle of the FMLN

The internal conflict which took place in El Salvador has been considered one of the struggles resulting from the ideological, political and military confrontation between the Soviet Union and the United States of America, known in the geopolitical-historical context

⁹ Reference shall be made throughout this document to the 1983 Constitution of the Republic of El Salvador. In effect as of December 20, 1983, this Constitution superseded the Constitution promulgated by Decree No.6, dated January 8, 1962. The Constitution of 1983 has presently been updated with reforms until the year 2009.

¹⁰ See ARTICLE 83, TITLE III – THE STATE, ITS FORM OF GOVERNMENT AND POLITICAL SYSTEM, Constitution of the Republic of El Salvador; in force as of December 20, 1983. <http://pdba.georgetown.edu/Constitutions/EISal/elsalvador.html>

¹¹ See ARTICLE 83, TITLE III – THE STATE, ITS FORM OF GOVERNMENT AND POLITICAL SYSTEM, Constitution of the Republic of El Salvador; in force as of December 20, 1983. <http://pdba.georgetown.edu/Constitutions/EISal/elsalvador.html>

as the Cold War¹². The warring sides during the conflict were influenced by the world confrontation. The Government of El Salvador had maintained a firm alliance with the U.S. since the mid-twentieth century and received military aid¹³ in the form of weapons, equipment and training. At the same time, some leftist movements that made up the FMLN, in particular the Salvadoran Communist Party (PCS), maintained relations involving cooperation and assistance with the USSR, countries of the Socialist Bloc in Eastern Europe, Cuba and Nicaragua.

As for motivations, it should be noted that the conflict was no chance occurrence, but rather the detonation of a bomb of social unrest resulting from the role of inefficient governments together with the parallel, secret work by Marxists-Leninists under various ideological flags and with the strategy of "deepening" the existing crisis and then offering themselves to the people as the only possible solution.

From the above, the following are recognized as true causes of the conflict: the influence of the international clash of politics and ideologies; concentration of the nation's wealth in a few hands; the lack of political spaces and insufficient attention given to solving the country's problems. These causes favored the rise of the PCS, founded in 1929 and influenced by an expansionist policy on the part of Communism, guided by the Russian Revolution of 1917. Its strategic objective was to destroy the country's capitalist structure, and to further this end, in 1932 it attempted a failed national insurrection.

After this event, the PCS began its process of clandestine reconstruction, infiltrating trade unions and organizations. Between 1975 and 1979, these armed groups became involved in kidnapping and murder, especially against those who represented economic power, and this allowed them to finance and maintain a considerable number of people in secrecy. Likewise, they were able to move significant groups of people from anywhere in the country to take part in demonstrations and acts of violence as a form of protest, and they could obtain adequate war supplies by bringing arms into El Salvador from the USSR, North Korea, Vietnam, Ethiopia, Bulgaria and East Germany, by way of Cuba, Nicaragua, Costa Rica and Belize, to be delivered into the hands of deceived peasants¹⁴. So began a series of violent acts and confrontations with security forces.

¹² "The Cold was a reality. The frictions between two entirely irreconcilable ideologies (idealism and materialism; capitalism y communism) generated a constant struggle in the world between the two sides, which used the problems of Third-World countries to create a battlefield, El Salvador being one of them." See Klare, Michael and Peter Kornbluh (Compilers). *Contrainsurgencia, proinsurgencia y antiterrorismo en los 80's. El arte de la guerra de baja intensidad. 1990.*

¹³ The Salvadoran Government received support from the U.S. and its allies only in the form of military material during the governments of Jimmy Carter, Ronald Reagan and George H. W. Bush. See Andrews Bounds (2001). "El Salvador: History". South America, Central America and the Caribbean 2002. 10th. edition. London.

¹⁴ The intelligence report of the U.S. Department of State, No. P830083-0944, from the latter part of 1983, states that two "high-ranking leaders" of the FMLN who were arrested August 22, 1982 provided valuable information regarding Cuban and Nicaraguan support for the Salvadoran guerrillas. In February, 1989, Secretary of State Alexander M. Haig sent a secret cable to the U.S. embassy in El Salvador advising the ambassador to inform Salvadoran president Jose Napoleon Duarte, at their next meeting, of the need to denounce the foreign support for the Salvadoran guerrillas. See <http://www.elsalvador.com/noticias/EDICIONESANTERIORES/2000/OCTUBRE/octubre15/NACIONAL/nacio4.html>

This was the context for the rise of armed Communist organizations which would later consolidate, in 1980, as the FMLN¹⁵. It should be mentioned that the majority of the organizations that would make up this clandestine structure would be guided by the vision of the Prolonged War of the People, by which means they sought to take power through "Guerrilla Warfare" and whose strategy was based on gaining followers throughout the nation. The acts of sabotage and violence, clashes with the forces of law and order, and open political struggle from the so-called mass fronts¹⁶ would be its "modus operandi" during the greater part of the conflict.

In response to the aggression, the Salvadoran government entrusted the country's defense to the FAES, fulfilling the constitutional mandate¹⁷ "to maintain internal security and support the democratic process.

Fighting Strategy of the Armed Insurgents A 12-Year Dose of "Prolonged War of the People"

The FMLN's war strategy during the conflict is divided into the following stages:

a. War of Movements (1981 - 1983).

The final offensive launched by the FMLN in January, 1981, marked the beginning of the Armed Conflict in El Salvador. During this stage of the conflict, the so-called "War of Movements" arose, in which the FMLN formed large armed contingents¹⁸, which faced off against the Military Units; simultaneously, political and diplomatic negotiation efforts were undertaken, together with campaigns of conspiracy and other actions in the various fields of power, such as economic destruction¹⁹ and acts of insurrection by the organized masses.

¹⁵ The Farabundo Marti National Liberation Front (in Spanish: Frente Farabundo Marti para la Liberación Nacional, FMLN) is, since 1992, a left-wing political party in El Salvador and formerly a coalition of five guerrilla organizations. The FMLN was formed on October 10, 1980 as an umbrella group of left-wing guerilla organizations: the Farabundo Marti People's Liberation Force (FPL), the People's Revolutionary Army (ERP), the National Resistance (RN), the Salvadoran Communist Party (PCS) and the Revolutionary Central American Workers' Party (PRTC).

¹⁶ "Mass fronts" is the term used to indicate the organized social movement made up of clandestine cells of the FMLN infiltrated into peasant, religious, educational, union, student, and other organizations, whose members—indoctrinated into the cause—formed pressure groups in the political arena.

¹⁷ ARTICLE 211 of the Constitution of the Republic (1983) states: ". . . The Armed Forces are instituted to defend the sovereignty of the State and its territory, maintain peace, tranquility and Public Security, and enforce the Constitution and other existing laws. They shall be charged particularly with maintaining the republican form of Government and the representative democratic system, ensuring compliance with the rule of alternation in the Presidency of the Republic, and guaranteeing freedom of suffrage and respect for Human Rights. They shall work together with other Agencies or the Executive Organ in programs of national development, especially in emergency situations.

¹⁸ An example of these armed contingents created New York the FMLN was the Rafael Arce Zablah Brigade, made up of various columns of 1,000 combatants each and designed to deal sounding blows to the FAES.

¹⁹ See "Situación revolucionaria y escalada intervencionista en la guerra salvadoreña," a text uploaded and digitalized by the "Sarbello Navarrete Center for Marxist Studies" (CEM); placed on the Web by the Ecumenical and Popular Information Service (SIEP), September 6, 2010.

During this period, and because of the inexperience and poor tactical training of the FMLN insurgent forces, the FAES was able to bring down a great number of insurgent forces in combat. Many of these defeats were skillfully disguised by the FMLN as denounced massacres and Human Rights violations by the Army²⁰.

b. Strategic Dispersion (1983 -1986)

This period is characterized by political and social struggles parallel to the military and political struggles. Politically, the FMLN focused its efforts on dialogue and negotiation as well as on political and diplomatic conspiracy.²¹ Socially, it reinforced the Organized Movement. One example was the creation of the National Union of Salvadoran Workers (UNTS). Militarily, the armed wing of the FMLN would continue wearing down the Armed Forces and murdering those who were opposed to its cause. That period saw the appearance of the guerrilla Commander of the FMLN, known as Mayo Sibrian, who was in charge of executing, by order of the upper echelon of the FMLN, all who were suspected of being disloyal to the cause. Reports state that over 1,000 members of the FMLN were executed²². These deaths and disappearances were reported to families of the victims and humanitarian aid organizations as acts committed by the FAES.

Between 1984 and 1988, at least 11 mayors were assassinated and kidnapped²³ in the municipalities of the warring areas. The Commission on the Truth attributed these to the ERP, one of the forces making up the FMLN.

On June 9, 1985, in an event which caused outrage for its utter savagery, 13 people were murdered in a restaurant of the commercial district known as the "Zona Rosa." The dead included 4 American Infantrymen, foreign civilians, and some nationals. The FMLN accepted its responsibility in the incident²⁴.

c. Strategic Counterattack (1986 - 1989)

²⁰ Commander Miguel Castellanos, who in 1985 embraced the measures of social reinsertion promoted by President Jose Napoleon Duarte. Commander Miguel Castellanos was Director of the Center for Studies of the National Reality (CEREN), made up of rebel combatants incorporated into the pacification process. On February 17, 1989 he was assassinated by order of the FMLN leadership. SEE "Crímenes políticos y secuestros en El Salvador" [kokr.facebook.com/note.php?note_id=390538057148](https://www.facebook.com/note.php?note_id=390538057148)

²¹ Michael Waller, author of "The Third Current of Revolution." A new aspect of low-intensity conflict can be seen in El Salvador, where the decade-long insurgency appears able to continue without aid from traditional sources in Cuba and East Europe. The Farabundo Marti National Liberation Front (FMLN) made its debut in 1980, but not before a private support network was established in the U.S. and other western countries to provide funds and political support for its struggle to overthrow the Salvadoran government. The FMLN is the most sophisticated guerrilla force in Latin American history. Raising millions of dollars, the FMLN relies on a well-oiled propaganda machine run by American supporters to pressure Congress to weaken the Salvadoran government. Using front groups, churches, and public figures, the FMLN's private network has stymied policymakers in Washington and San Salvador

²² See "El Carnicero de las FPL, las locuras del comandante Mayo Sibrián"; extract from the book "La grandeza y miseria de una guerrilla". <http://mayosibrian.blogspot.com/2008/09/las-locuras-de-uncommander-del-fmln.html>

²³ Report of the Commission on the Truth, Alcaldes Case.

²⁴ Report of the Commission on the Truth, Zona Rosa Case.

In 1986 the FMLN launched its so-called "STRATEGIC COUNTERATTACK," which consisted in establishing new lines of action such as the destruction of farm sector equipment and output, attacks against cities and generalized destruction of public utilities infrastructure. On a political level, the FMLN felt the need to expend efforts through a parliamentary struggle²⁵ in the Legislative Assembly.

That same year brought the electoral victory of ALFREDO CRISTIANI of the ARENA Party, who became the new President of the Republic and who stated, from the time of his inauguration, the desire to solve the armed conflict through a negotiated political approach, but on the condition of respect for the country's existing institutional and constitutional framework.

In an unexpected event, given the progress of the peace talks, on October 30, 1989 the FMLN attacked the facilities of the Joint Chiefs of Staff of the Armed Forces²⁶—hereinafter EMCFA—using a car loaded with explosives and causing the death of two employees and over 30 wounded; the FMLN opted for a unilateral withdrawal from the negotiations, and on November 11 of that year it launched the offensive action called "TO THE END," whose primary objective was to take power "by assault" and with the alternate objective of reinforcing an advantageous negotiated political solution.

The FMLN's aggression against the Salvadoran people took place on the stage of the national territory, with principal efforts in the capital city and simultaneous combats in the cities of San Miguel, Usulután and Zacatecoluca.

d. 1989 to End of Conflict: Manipulating the Dialogue through Quasi-Conventional Military Pressure

Negotiations resumed in Caracas, Venezuela, in May of 1990, this time with the participation of General Mauricio Ernesto Vargas, Vice Chairman of the Joint Chiefs of Staff of the Armed Forces, representing the FAES. At this meeting, the agenda and calendar were agreed upon. Both parties would seek a cease-fire by mid-September. However, in June of the same year, the negotiations taking place in MEXICO were stalled when the topic of the Armed Forces was discussed. The FMLN proposed to issue this topic in an open forum and based on this, to define the future of the military institution, which is inadmissible.

Given this impasse, on November 20, 1990 the FMLN carried out another offensive, called "JUDGEMENT AND PUNISHMENT OF MILITARY ASSASSINS"²⁷ which continued through the remainder of that year and was characterized by increased terrorist action and

²⁵ In 1989 the Political Party called Democratic Convergence (CD) was formed as a new political fraction on the left, with the intention of winning seats in the Legislative Assembly.

²⁶ FAES Headquarters

²⁷ According to Jose Merino, the insurgent leader at the time, the top echelon of the FMLN felt that the participation of military personnel in the process of dialogue-negotiation was an obstacle to its plans. Consequently, their intention in this new attack was to launch attempts on the lives of key military figures.

the use of sophisticated weaponry such as land-to-air missiles for snipers, brought in through the Sandinista government of Nicaragua at the time.

On January 2, 1991, the FMLN shot down a U.S. helicopter using the missiles brought from foreign countries. The pilot, Daniel Scott, was killed in the accident, while U.S. military personnel David H. Pickett and Ernest G. Dawson were wounded and later executed savagely by an FMLN patrol.²⁸

In September, 1991 the New York Agreement was signed in the American city of that name, and from then on negotiations became more dynamic. Conversations continued in MEXICO during October and November, and again in December in NEW YORK, where an agreement was reached to end the armed conflict. The Peace Agreements were finally signed on January 16, 1992, in CHAPULTEPEC, MEXICO.

It is estimated that the war resulted in 75,000 deaths, most of them civilians. In addition to the cost in human lives, mention must be made of the hundreds of thousands of children and adults who were mutilated for life as a result of landmines placed by the FMLN²⁹; the incalculable physical destruction caused by the war, which caused the country's economy to regress tens of years; the tax increases or creation of new taxes to finance reconstruction; the loans contracted for millions of dollars mainly to replace the damaged infrastructure such as: bridges, electric transmission towers, schools and hospitals.

SECTION II **THE ARMED FORCESE OF EL SALVADOR DURING THE LEGITIMATE** **DEFENSE AGAINST INSURGENT AGGRESSION (1980 - 1992)**

Legal Framework and Institutional Prestige of the FAES

According to the Constitution of the Republic in effect in the 80's, the FAES are defined as a permanent Institution at the service of the Nation. "They are obedient, professional, apolitical and non-deliberating." In addition, the Constitution specifies³⁰ that the FAES form part of the Executive Organ and are subject to the authority of the President of the Republic in his capacity as General Commander. Their structure, legal regime, doctrine, composition and operation are defined by the law, regulations and any special provisions adopted by the President of the Republic.

The constitutional mission³¹ of the FAES is to defend the sovereignty of the State and the integrity of its territory. The President of the Republic may, exceptionally, make use

²⁸ See Report of the Commission on the Truth, Case of Americans

²⁹ The mines placed by the FMLN against the civilian population, and which killed or mutilated thousands of peasant children is considered to be the worst Human Rights violation. Se Minas del FMLN Parte 1 - 2 - 3- 4. www.youyube.com

³⁰ See Article 213, Chapter VIII- The Armed Forces. Constitution of the Republic de El Salvador; in effect as of December 1983.

³¹ See Article 212, Chapter VIII- The Armed Forces. Constitution of the Republic de El Salvador; in effect as of December 1983.

of the Armed Forces to maintain domestic peace consistent with the provisions of this Constitution. The FAES were also commissioned to collaborate in works for the public wellbeing as charged by the Executive Organ, and to aid the citizenry in cases of national disaster.

Under this legal framework, the FAES were subject to the civilian power, which in the 80's was characterized as governments with civilian presidents and chosen by Salvadoran people through free elections. Although the FAES are part of the Executive Organ by law, the Constitution of the Republic grants the core organs of the Government the power to make use of the FAES in implementing provisions adopted by them, within their respective areas of constitutional jurisdiction, in order to enforce the Constitution.

This constitutional commitment requires a responsible and trained FAES dedicated to the service of the Nation; because of this requirement, the institution must be scrupulous about its prestige³² and holds no tolerance for members who dishonor it through bad conduct and improper actions. In aspects of military jurisprudence, the FAES is regulated by a Military Code of Justice³³ which is so severe that it includes the Death Penalty among its severest punishments³⁴.

Organization and Operation of the FAES

The FAES is also the oldest of the State institutions. Founded on May 7, 1824³⁵, it has evolved according to the demands and challenges posed at different times. It is made up of officers and troops. The Officers come from the troops or are academy graduates. The "Capitan General Gerardo Barrios" Military Academy has been the main training center since the year 1858³⁶ and one of the oldest military academies in Latin America. Officers trained at this academy receive instruction in military and humanistic subjects, including ethics, civics and Human Rights. Mention should be made of the fact that it evidences considerable European and U.S. influence³⁷ in its training processes and doctrines.

³² In the years after the conflict an editorial in a newspaper of the capital city referred to the Armed Forces in these terms: ". . . it has been shown once more that the best-trained, most orderly and effective institution to call upon in times of crisis is the Armed Forces, because its training, by its very nature, gives it the discipline and responsibility necessary to carry out tasks which call for immediate response ", "La Prensa Grafica," March 20, 2001

³³ Code of Military Justice of the Armed Forces; in effect as of May 5, 1974.

³⁴ See Article 8, Chapter 1- Various types of punishment, Title II – On Punishments. Code of Military Justice of the Armed Forces of El Salvador; in effect as of May 5, 1974.

³⁵ The Legion of Freedom of the State of El Salvador—the name under which it was created by the Army, today the Armed Forces, in the first Constitution of the Republic—was founded on May 7, 1824, as an initiative of the Prócer General Manuel Jose Arce. The Constitutional Congress at the time recognized this person as its illustrious founder.

³⁶ On May 19, 1858, Salvadoran President Miguel Santín del Castillo established the first Military Academy, or Military School, in San Salvador. Bustamante Maceo, Gregorio. HISTORIA MILITAR DE EL SALVADOR. 2nd Edition. Imprenta Nacional. El Salvador. 1951. p. 99

After completion of their training in the Military School, officers begin their military career and are promoted in rank by fulfilling the necessary requirements, among them the following: conduct, service in practice, academic courses and time of service. The latter promotes the generational concept known as "tandas."³⁸

During the development of the internal conflict of the 80's, the FAES was made up of professional commanders and well-trained troops. The long standing of the institution, together with the regulations and laws governing its operation, consolidated it as a solid and highly prestigious organization. The commanders' concern with the complete training of the members was such that they included religious service³⁹ for the spiritual support of the members.

As regards its organization, the FAES was composed of four forces: the Army, the Air Force, the National Navy and Public Security Forces. The Military units pertaining to these Forces were under the operational control of the EMCFA.⁴⁰

On the political level, and for budget purposes, the FAES is under the Ministry of National Defense, headed by the Minister and the Vice Ministers of National Defense and of Public Security. It is important to clarify that this organizational structure has no command of troops, and that the command relations with the Armed Forces are political-strategic in nature. The Ministry of National Defense is responsible for directing and executing the plans contained in the Governing Plan of the President of the Republic; they are likewise responsible for managing administrative and budgetary aspects required for operation of the Armed Forces.

Appendix III of this Document contains a graph of the organization of the Armed Forces and its respective relationships of command and coordination.

SECTION III **NOTES ON THE LIFE AND WORK OF INOCENTE ORLANDO MONTANO**

Inocente Orlando Montano is the oldest of five siblings. He was born into a family of modest means in the town of San Vicente in the year 1942. As a child he enjoyed playing in the plantations of the countryside in the department of San Vicente, where he became

³⁸ In Salvadoran military vocabulary, "Tanda" refers to generational groups graduating the same year at the Military Academy or promoted to a new military rank in the same year. It is not, nor should it be interpreted as an organizational concept, political or economic group, or an illegal group.

³⁹ The FAES is one of the few Armed Forces in the world who have religious service in their structure. The Military Catholic Chaplaincy was created in the early 80's and the position is filled by Catholic priests who provided religious services at each military garrison. The religious service is presently made up of the Military Ordinary who looks after the spiritual instruction of the members of the Armed Forces and is headed by Monseigneur Fabio Colindres who was recently appointed Military Bishop by the Vatican, this being without precedent in the region.

⁴⁰ The Joint Chiefs of Staff of the Armed Forces (EMCFA) was the operational command and control Organism of the Military for the entire territory of the nation. It was commanded by the Chairman of the Joint Chiefs of Staff of the Armed Forces, with the counsel of the heads of the command functions: personnel, intelligence, operations, logistics and civilian affairs. (STAFF)

much attached to the peasants and the working class of the country and learned from them the values of friendship and honesty. Because his house was close to the Church of Vicente, he was close to the clerics of the archdiocese of San Vicente, among them Father Jesus Antonio Carpio, with whom he forged a durable friendship.

Moved by his desire to serve and his patriotism, he registered at the "Capitan General Gerardo Barrios" Military School in the year 1963, and graduated with honors in the year 1966. His good academic performance earned him a scholarship for specialization in the area of Military Engineering. He took courses in Panama, the United States and El Salvador. In the area of engineering, the army gave him specialized training in local development works. These studies would prove to be very valuable in his future professional work.

Starting in 1968, Montano was involved, as an engineering Officer, in the development of several programs to improve the living conditions of the poorest populations in the country, designing and building—with the Military Corps of Engineers—works such as streets, schools, sports fields and lighting in towns and villages throughout the country⁴¹. A noteworthy achievement was his invention of an irrigation system with an innovative mechanism of locks, which was built under his supervision in the Hacienda Escuintla Cooperative, department of La Paz, and which allowed hundreds of peasants to irrigate their crops⁴².

As a result of his extensive experience in engineering projects, in 1973 he was called to be a part of the brigades to aid the Mexican people affected by a destructive earthquake⁴³. Montano participated with Mexican and Salvadoran brigades in the rescue of hundreds of Mexican citizens trapped in the debris of collapsed buildings.

In the 80's, due to insurrections by illegal armed groups, Montano was incorporated into the Military Units involved in the country's defense. The military command assigned him to professional units which were to cause significant defeats for the rebel forces of the FMLN. Montano soon stood out as a leader and became the subject of defamation campaigns and even assassination attempts by urban commandos⁴⁴ of the rebel forces.

⁴¹ As a member of the Center for Engineering Instruction of the Armed Forces, Inocente Orlando Montano was in charge of designing and implementing the Soccer Stadium in the city of Zacatecoluca, as well as the construction of over 50 streets, 14 schools and 22 public lighting works in the departments de Sonsonate, La Paz, San Vicente, Chalatenango And La Unión. In the year 1972 he received an award from the Zacatecoluca Municipal Committee for his work to benefit the community.

⁴² Information provided by Amadeo Antonio Lopez, member of the Treasury Administration, Escuintla

⁴³ On August 28, 1973 (4:53:41 a.m.), a powerful earthquake (magnitude 7.3 on the Richter scale) rocked the area of central Mexico. Victims were estimated to be 1,200 a 3,000 dead and the total destruction of eastern Puebla and central Veracruz. This was the costliest earthquake in Mexican history, leaving 2,000-4,000 injured, 310,000 homeless, most of them sent elsewhere by their families. The Armed Forces of El Salvador (FAES) sent humanitarian aid with military engineering personnel so join the rescue and evacuation efforts.

⁴⁴ Organization of FMLN hit men involved in assassinating members of the FAES, during their times of permission. . Approximately 1,200 members of the Armed Forces were assassinated or disappeared at the hands of these squadrons. Data provided by the government Office of Information and Response.

Amid the violence being experienced by the country at that time, Montano performed one of his most humane and noble works: In the year 1985 he founded the Zacatecoluca Home for Children⁴⁵. The Website of this children's home referred to its history in the following terms:

". . . The Zacatecoluca Home for Children was founded on August 1, 1985 as an eminently Christian and apolitical charitable institution for social and cultural service. The idea came from Lieutenant Colonel Inocente Orlando Montano after seeing many children who were orphans, abandoned and in extreme poverty. It began with boys. In 1987 Monseigneur Romero Tobar Astorga assumed the responsibility for the home as an apostolate of the Dioceses. In 1989, at the request of the Bishop, the institution was put under the direction of the Franciscan Sisters of the Immaculate Conception, and from then on became a coed children's home. Ever since, it has tried to provide the best possible care for the children in all aspects having to do with proper information, with preparing citizens able to serve GOD, the country and society, trained to recognize human values and guided toward healthy coexistence with others. . ."

On October 10, 1986, the capital was affected by one of the most destructive earthquakes in El Salvador's history. The number of deaths was 1,500 and about 200,000 people lost their homes⁴⁶. Once again, Montano was commissioned to join the rescue and emergency efforts, this time as General Coordinator of the rescue and evacuation of civilian personnel affected by earthquake damage in the central area of San Salvador.

Because of his elevated judgment and outstanding professional work, the upper command of the FAES saw in Montano someone who could be part of the government's efforts to attain peace through dialogue⁴⁷ with the insurgent forces. Consequently, he was sent to do graduate studies in Human Rights and crisis management in various national and international schools and academies

June, 1989, saw the electoral victory of Alfredo Cristiani, candidate of the ARENA Party, who became the new President of the Republic and who announced, from the time of his inauguration, his desire to solve the armed conflict through political-negotiation means, with the proviso that the country's institutional and constitutional framework must be upheld.

⁴⁵ In the city of Zacatecoluca, in the Department of La Paz, is the Jardin de Amor Children's Home and Shelter for boys and girls who are abandoned and have HIV, It is managed by Franciscan nuns of the Immaculate Conception. Here, the children and youth receive care, love and understanding. Telephones: (503) 23556660- 2355675- 71259804 Email: frat_santainfancia@hotmail.com. See <http://hogar-infantil-de-zacatecoluca.globered.com/>

⁴⁶ According to historian Thomas Anderson, in his book *Politics of Central America*, 1988.

⁴⁷ Elections held in May of 1984 had resulted in the victory of engineer Jose Napole6n Duarte. At this point, the process of dialogue - negotiation took on a different dynamic, with rounds of dialogue between the government and the insurgent forces in Salvadoran territory.

Sure of Montano's professional qualities and belief in the vision of a country at peace, President Cristiani invited him to form part of the Government as Vice Minister of Public Security⁴⁸. From the outset, Montano subscribed to the government policies of "Humanizing the conflict", so that in late 1989 he accompanied President Alfredo Cristiani to a dialogue that was summoned for September 15 of that year in Mexico City. There, it was decided to jointly request mediation of Javier Perez de Cuellar, Secretary General of the United Nations.

In the year 1992, when final adjustments were being made to conclude the signing of the Peace Agreements, Montano was named Defense Attaché in the diplomatic mission of El Salvador in Mexico. On January 16, 1992 the Peace Agreements were signed definitively in Mexico City⁴⁹.

After completing his diplomatic mission, Montano returned to the country and was invited to teach at various universities in the country. Especially noteworthy were his lectures⁵⁰ on the Salvadoran conflict and the process of dialogue-negotiation which brought about the pacification of El Salvador.

In the year 2001, Inocente Orlando Montano was seriously affected by the earthquakes that hit the country. His home destroyed, with very little income other than his retirement pension, he decide to seek out new horizons to support himself, pay for his medicines and help his family.

SECTION IV **FMLN's "FINAL OFFENSIVE" AND DEATH OF THE JESUITS**

By the year 1989, after almost ten years of confrontation with the armed insurgent forces of the FMLN, the government headed by recently-elected President Alfredo Cristiani, was conducting its best efforts to resolve the armed conflict through a political-negotiated

⁴⁸ During the decade of the 80's, the Vice Ministry of Public Security was under the Ministry of National Defense; but independent of the Army's military operations, The Vice Ministry of Public Security was the political – administrative organism of the Public Security corps (Police) and had its own management and control structure. The highest authority in the police force was its Director General.

⁴⁹ Together with Salvadoran ambassador Dr. Rafael Meza Delgado, Inocente Orlando Montano planned the logistic strategy of the meetings, press conferences, and dealing with top authorities of the Mexican government and the media, guiding them to provide continuous truthful information that would elevate the prestige of the Nation of El Salvador. The most important part was lobbying top authorities of the Mexican government for their full support and presence so that the negotiations would be timely and successful. Their effective participation and presence was assured, so that the signing of the Agreements would be a matter of international importance and take place in a grand context, the Castle of Chapultepec. This was one of the most important events in the country's history. See "Otros personajes y los Acuerdos de Paz" by María de los Angeles Mazzini de Pleitez/ newspaper El Mundo.

⁵⁰ Some of the most outstanding lectures given by Inocente Orlando Montano on the subject of the Salvadoran conflict and the process of dialogue - negotiation were: Universidad Modular Abierta; "Cycle of Lectures on the Peace Agreements" July 25, 1994. Universidad Tecnológica, May, 1995. Colegio de Altos Estudios Estratégicos, April 25, 1998.

approach⁵¹. The second meeting of the new process of dialogue took place in San Jose, Costa Rica, on October 16 and 17 with the presence of Alvaro de Soto, witness from the United Nations. Although no concrete agreements were reached, it was mutually decided to begin a process of dialogue strengthened by the presence of the United Nations⁵².

However, in an unprecedented occurrence, on October 30, 1989 the FMLN attacked the EMCFA facilities using a car bomb. Subsequently, the FMLN withdrew unilaterally from the negotiations and in the month of November of that year they began the offensive known as "To the End"⁵³, with the primary goal of taking power "by assault" and with the alternate objective of reinforcing an advantageous negotiated political solution.

On November 11, 1989, the FMLN—with all its preparation in the periphery of San Salvador, began hostilities based on an alleged political crossroads which, according to the FMLN analysis, favored the VIOLENT TAKEOVER OF POWER and was based on insurrection as its apparent cause. The real cause of this aggression was the reduction of political spaces which were smaller and smaller, and the FMLN's major difficulty in justifying an armed struggle against the democratic system.

The FMLN's initial plan⁵⁴ was to consolidate positions in densely populated districts and neighborhoods where—according to their analysis—there was a better chance of stirring up the population. Simultaneously, selective attacks would be carried out against political objectives for the purpose of leaving the national political power leaderless and creating chaos.

The Offensive was unexpectedly large and alarming for the FAES. The guerrillas controlled several areas in the capital and outskirts of San Salvador. During the first night of the offensive, there were attacks against the homes of President Cristiani himself, Vice

⁵¹ Between September 13 and 15 of 1989, after arduous negotiations conducted in the Mexican capital, representatives of the new government of Alfredo Cristiani and the guerrillas agreed to reopen the dialogue and invited the Secretary General of the United Nations to send a witness, who would later become a mediator.

⁵² <http://www.monografias.com/trabajos65/acuerdos-paz-the-salvador/acuerdos-paz-the-salvador2.shtml>

⁵³ The Offensive called "Hasta the tope" ("To the end") was a forceful armed action in the concept of "total war". The guerilla commander Jose Luis Merino would confess, years later, that this offensive was being planned and prepared since the year 1985. Joaquin Villalobos, of the FMLN command, later said, "So, when the Army tried to remove us, it would be unable to do so. Days would go by, and suddenly we would be on CNN and other international press media. All this was going to produce an impact, so that it would lead to intervention by the Blue Helmets of the UN, and then real negotiations would be generated with the intervention of the U.N." See El día "D" hasta the tope, ecumenical and popular information service.

⁵⁴ It is important to reflect on the armed actions of the FMLN in connection with the negotiations:

- (1) Activities involving terrorism and destruction of the economic infrastructure by the FMLN were meant to reinforce advantageous negotiations.
- (2) During the November, 1989, offensive, the FMLN relegated the social costs (including its bases) in its eagerness to attain political- military goals. In other words, the loss of human lives held no importance for them.
- (3) The FMLN did not have the support of the masses to carry out an insurrection. There were more weapons and combatants in the offensive.
- (4) Since the actions were carried out in densely-populated urban sectors, there were factors limiting the Army's actions, as it was not trained to fight in urban areas.

President Francisco Merino and the President of the Legislative Assembly, as well as the homes of ministers and other government officials⁵⁵.

Furthermore, it was reported that during the offensive, cases were reported of FMLN members using civilians as shields and forcing them to form corridors. At other times, FMLN members prevented the free movement of civilians, who were even forced to build barricades⁵⁶.

For its part, the Government reported that on November 12, 1989, members belonging to the FMLN took over the Hospital Santa Teresa in the city of Zacatecoluca, using explosives to damage the building, and killing and injuring soldiers.

Both the strategy used by the insurgent forces and the means of repression applied by the Government and the Armed Forces were severely criticized because of their effects on the civilian population. In the Message from the Bishops of the Central American Isthmus dated November 30, 1989, considered that:

"The Christian conscience is repulsed by acts such as the use of the civilian population as protective shields by groups of armed insurgents, and the intense bombardment over densely populated areas and the use of social networks to exacerbate and increase the hatred between brothers."⁵⁷

On November 13, the FAES made up the Security Command of the Military Complex in response to the FMLN offensive. Colonel Guillermo Alfredo Benavides Moreno was appointed Chief of the Security Command of the Military Complex. This zone of defense included the facilities of the Ministry of National Defense, the Joint Chiefs of Staff, the Arce y Palermo residential districts (where the majority of residents were military families and found themselves under fire from the insurgents), the residence of the ambassador of the United States and the Catholic University (UCA) campus. Also, army units were concentrated, ready for deployment in that jurisdictional zone.⁵⁸

On that same day, guerrilla fighters entered the UCA facilities and remained on campus. The following day, a military detachment was set up around the university to guard the entry and exit.

The lack of experience in urban combat, together with the complexity resulting from the decentralized execution of this type of operations, were factors that contributed to poor procedures on the part of the Army forces.

⁵⁵ Ofensiva del 89 Sin vencedores... ni vencidos. Vertice

⁵⁶ Ofensiva del 89 Sin vencedores... ni vencidos. Vertice

⁵⁷ See ANNUAL REPORT OF THE INTERAMERICAN COMMISSION ON HUMAN RIGHTS 1989-1990.

⁵⁸ The Handbook of Tactical Leadership MD12-50 of the Salvadoran Army, says, "The tactical leader inside the assigned zone structures the maneuvers and should assign to each maneuvering unit the space limits where it is to complete the mission assigned. This succession of space assignments should continue through the combatant, who shall have a space for which he is answerable."

On November 16, 1989, in the early morning hours, 8 people were murdered inside the UCA facilities. President Cristiani determined that the extrajudicial investigation would be conducted by the Investigation Commission⁵⁹ made up of civilians and military personnel. On January 12, 1990, the Commission submitted its report to President Cristiani. The report cited nine military personnel as being responsible for the deaths. These military personnel were arrested and prosecuted before the Fourth Criminal Court presided by Judge Ricardo Alberto Zamora⁶⁰.

Colonel Guillermo Alfredo Benavides, Director of the Military School, was accused of issuing the order to murder the priests. Lieutenant Yussy Rene Mendoza Vallecillos, officer of the Military School, and Lieutenants Jose Ricardo Espinoza Guerra and Gonzalo Guevara Cerritos, officers of the Atlacatl Battalion, were accused of taking part in the operative's command. Sergeant Antonio Ramirez Avalos Vargas, Sergeant Tomas Zarpate Castillo, Corporal Angel Perez Vazquez and the soldiers of the Battalion, Oscar Mariano Amaya Grimaldi y Jorge Atlacatl Alberto Sierra Ascencio were accused of being the material authors of the murders.

El Colonel Guillermo Alfredo Benavides was sentenced to 30 years of prison for the crimes of murder of the Jesuit priests and of Elba Julia Ramos, as well as the crime of proposition and conspiracy to commit acts of terrorism. Lieutenant Yussy Rene Mendoza Vallecillos was sentenced to 30 years of prison for the crime of murder of the child Celina Mariceth Ramos as well as the crime of proposition and conspiracy to commit acts of terrorism and for actual concealment. Sub lieutenant Gonzalo Guevara Cerritos was sentenced to three years of prison for the crime of proposition and conspiracy to commit acts of terrorism. Lieutenant Colonel Camilo Hernandez, who was subsequently included in the process, was sentenced to three years of prison for the crime of actual concealment.

DISASSOCIATION OF INOCENTE ORLANDO MONTANO EN THE EVENTS OF NOVEMBER 16, 1989.

As regards the deaths of the Jesuit priests, at the time when the FMLN was launching its bloodiest offensive and there was fighting in the streets of the capital city, and although the 4th Criminal Judge—applying the laws of El Salvador—handed down a sentence, there are people with baseless arguments who try to involve Montano simply for the fact of his being part of the top military command. In addition to the fact that there is no evidence to prove it, showing the lack of relation between him and the case is easy, due to two factors: the first is the disassociation by organizational outline, and the second is disassociation by decision-making level.

⁵⁹ Investigators from the Spanish Police, the FBI and Scotland Yard were involved in the investigation of the facts, supporting the existence of criminal acts in en El Salvador in the investigation.

⁶⁰ Dr. Ricardo Alberto Zamora Perez, is also a career judge trained in Spain. He served for many years as 40th Criminal Judge and led the investigation into the murder of six Jesuits and their collaborators. He served as magistrate of the 1st Criminal Chamber and more recently of the New Chamber of San Salvador. Judge Zamora is one of the most prestigious jurists on the National Judicial Council and has been nominated as judge of the Supreme Court of Justice.

Disassociation by organizational nature

During the violent acts caused by the FMLN's attack in the capital city, the EMCFA proposed that the government constitute Security Commands. These Commands were made up of clusters of Troops with their respective commanders, and were deployed in a jurisdictional zone⁶¹ known as the Area of Operations.

For the defense of the Capital and its vital areas, the Chairman of the Joint Chiefs of Staff of the Armed Forces structured Security Commands⁶², among them the Security Command of the Military Complex, appointing Colonel Guillermo Alfredo Benavides Moreno as its head. As the organism in charge of operations, the EMCFA⁶³ assigned Colonel Benavides army troops and his respective Area of Operations, whose boundaries were the facilities of the Ministry of National Defense, the Arce and Palermo residential districts, the residence of the U.S. ambassador and the campus of the Universidad Católica (UCA).⁶⁴

The deaths of the Jesuits took place inside the Catholic University (UCA) located within the area of responsibility assigned to the Security Command of the Military Complex, and the Military Units deployed pertained to the Army.

Militarily, the concept of organic disassociation is understood to mean the non-existence of organizational links between the elements that participate in a military action. That is, there are no coordination relationships between neighboring units or command and control relations between superiors and subordinates.

Inocente Orlando Montano, as Vice Minister of Public Security, was associated with the Public Security forces, and it has been shown that the Public Security forces had no part in the actions.

Comment: According to the findings of the investigations, it is clear that the actions causing the death of the Jesuit priests were attributed to Army troops. There are no records or data indicating that members of the Public Security Corps were involved in the actions. Likewise, from military doctrine and under the military principle of "Unit of Command," all the Military Units were under the orders of a single commander, who was Colonel Benavides.

In his position as Vice Minister of Public Security, Montano had no organizational relationship which would involve participating in or exercising command and control of the military units that did not pertain to his organization. Inocente Orlando Montano had no

⁶¹ The Handbook of Tactics and Operations FM- 3-8 states that the Jurisdictional zone is a physical space bounded by the borders of the sector and with troops under command for the performance of tactical operations.

⁶² See interview with General Rene Emilio Ponce. Rtv.e.es. May 20, 20. <http://www.rtv.e.es/television/20090520/entrevista-general-rene-emilio-ponce/277531.shtml>

⁶³ During the response to the FMLN attack on the capital city beginning in the month of November, the Joint Chiefs of Staff of the Armed Forces directed the military operations from the Joint Operations Center (COCA).

⁶⁴ The area of responsibility of the Security Command of the Military Complex included an approximate area of 42 square kilometers.

command over troops; much less did he have the organizational relationship to influence the orders of the Commander of the Security Command of the Military Complex or of the troops commanded by him, because the commander was directly under the EMCFA.

Disassociation by decision-making level

Armed Forces doctrine recognizes four decision-making levels.⁶⁵ The level of political-strategic direction is the highest and is effected through the President of the Republic as General Commander of the Armed Forces; the Minister and Vice Ministers are also involved. Broad decisions involving National Objectives are made at this level. The other planning and executory levels are the operational and the tactical. These levels of direction correspond to the Head of the EMCFA, who is responsible for land, air, sea and public security throughout the national territory.

Appendix III of this Document shows a graph of the organization of the Armed Forces and its respective decision-making levels.

Under this concept, enshrined in the doctrine, acts by the Minister and the Vice Ministers do not concern the operational and tactical levels. Decision-making at the operational and tactical levels is where combat actions are determined, and they are directed by the Head of the EMCFA.

It would be inconsistent and illogical for high-ranking officials such as the Minister of National Defense, the Vice Minister of National Defense or the Vice Minister of Public Security to be present at meetings for operations and tactical coordination during the events of November, 1980. But it is unbelievable from a military hierarchy perspective that any such meeting would have then-Colonel Ponce, in his capacity as head of the EMCFA and consequently lower in rank than the Minister and Vice Ministers, issuing orders to eliminate the Jesuits.

Comment: Given his hierarchical position, Inocente Orlando Montano, as Vice Minister of Public Security, had nothing to do with operational - tactical actions. Montano's level of involvement during this crisis and other crises was at the strategic-political level, not at the level of combat action. As a public official, Montano received guidelines from the President of the Republic and the Minister of National Defense, and supervised the administrative and budgetary aspects for fulfillment of the public security mission. In these functions, his relationships were with the Directors of the Public Security Corps, and not with Commanders of Military Units of the Army, Air Force or the National Navy.

SECTION VI **ACTUAL FACT REGARDING** **INOCENTE ORLANDO MONTANO**

⁶⁵ See Manual de la Conducción Estratégica Terrestre del Ejército Salvadoreño. ME-30-1

1.- **FALSE:** ". . .Vice Minister Montano held great deal of authority in the two Commands and issued orders to the Security Forces. He was the Minister's Executive Head, responsible for the daily actions and operations of the three Security Forces: the National Police, the Treasury Police and the National Guard. Additionally, he had the capacity to diminish . . . the level of extrajudicial torture and deaths by the Security Forces. But this did not happen . . . The Security Forces under the authority of Colonel Montano became a center of terror or aided in blocking negotiation of the conflict. . . "

FACT: It has been proven that in his position as Vice Minister of Public Security, Inocente Orlando Montano was not responsible for the daily operations of the three Public Security Forces: the National Police, the Treasury Police and the National Guard. The functions assigned to him as Vice Minister of Public Security by the Organic Law of National Defense⁶⁶ are: to advise the Minister of National Defense in matters of Public Security and coordinate political-administrative aspects with the Public Security Corps.

Politically, this refers to carrying out the government's plans contained in the Governing Plan⁶⁷ of the President of the Republic. Administratively, it refers to budgeting for the needs of the Public Security Corps, inventories, and procurement of goods and services.

The same Organic Law of National Defense determines that organizationally the Public Security Corps were under the Operational Control of the EMCFA. This Organism served as the agency for command and control of the three police forces.

Appendix III of this Document contains a graph of the Organization of the Armed Forces and its respective decision-making levels. During Montano's administration as Vice Minister of Public Security there was a notable effort to professionalize and improve the technical capacity of the Police forces by providing professional training to their members. During his term Montano was committed to collaborating with President Alfredo Cristiani's efforts to pacify the country. Through his position, he sought to professionalize and technify the Public Security Corps. Montano set up agreements with the International Crime Investigative Training Assistance Program (ICITAP)⁶⁸ to train⁶⁹ the Salvadoran police forces, strengthening relationships with the United State Department of Justice (US DOJ). These efforts resulted in a significant decrease in accusations of Human Rights violations by the Public Security Corps.

It is evident that Inocente Orlando Montano was not responsible for the daily actions and operations of the three Public Security forces. His performance was professional and satisfactory. President Cristiani testifies the following with regard to Montano:

⁶⁶ Organic Law of National Defense. Decree Law No. 275 dated August 22, 1961

⁶⁷ The Governing Plan, Partido Alianza Republicana Nacionalista 1989 -1994. <http://www.arena.com.sv>

⁶⁸ ICITAP was established in 1986, in response to a need the US State Department identified in the training and development of foreign police forces, at that time in Latin America. Since its inception, ICITAP has developed into a broad Department of Justice program that has at its core the fostering of International Stability and Rule of Law. Mostly serving in post-conflict countries.

⁶⁹ A few of the programs implemented in El Salvador in coordination with ICITAP were: Justice System Development, Identification of Victims and Recovery of Evidence from Mass Graves, Sexual Assault Investigations and Crime Scene Analysis and Processing.

" . . . I have known Mr. Montano since 1989, when I was elected President of the Republic of El Salvador that year, and knowing his background, I asked him to be part of my cabinet as Vice Minister of Public Security, which position he filled satisfactorily during the time he was in the cabinet, showing himself to be responsible, professional and a very highly-trained officer . . . "⁷⁰

2.- FALSE: ". . . The intense scrutiny of the Jesuits continued to grow, with the participation of Colonel Montano. On November 12, a military patrol searched the UCA for weapons. Troops were placed at the entrance to the university campus and around it. The same day, ten Treasury Police officers, whose Director reported all movements to Vice Minister of Security Montano. . . "

FACT: *There is no evidence indicating that Inocente Orlando Montano participated in any intense vigilance of the Jesuits. First, it should be understood that in his position as Vice Minister of Public Security he had no relation to the military forces. Also, because he was a public official his actions were limited to the political-administrative arena, with no command and control over military or police units.*

On November 11, 1989, the FMLN leadership launched its greatest armed offensive against the city of San Salvador. The EMCFA organized five Security Commands in the city of San Salvador. One of those Commands was the security of the Military Complex made up exclusively Salvadoran Army troops⁷¹ and not of elements of the Public Security Corps.

A review of the documents shows that Inocente Orlando Montano could not have received reports from the Director of the Treasury Police, because there was no deployment of this police force around the UCA, as Jesuit Ignacio Martin Baro⁷² himself wrote on his personal computer.

There exists no evidence, or proven accusations, which might determine that Inocente Orlando Montano has anything to do with the events occurring at the UCA in the month of November, 1989. The former Solicitor General of the Republic, Atty. Mauricio Eduardo Colorado, certified in writing that Montano was not part of the investigations because he had nothing to do with what occurred.

Appendix II of this document includes several letters testifying that Montano is an honest person, holding high moral and ethical values, deeply respectful of human dignity, and that his troops never acted outside the law. Also included in this Appendix is the certification issued by the former Solicitor General of the Republic.

3.- FALSE: "Colonel Montano was part of a small elite group of officers who gave the official order to assassinate Ellacuria and "leave no witnesses" on November 15, 1989."

⁷⁰ Letter from President Cristiani, December 13, 2012

⁷¹Report n° 136_99 of the Interamerican Human Rights Commission

⁷² See Ignacio Martin Baro, *Cateo de the Universidad Centroamericana y la Comunidad Universitaria Jesuitica*, San Salvador, November 14, 1989.

FACT: There exists no proof indicating that Inocente Orlando Montano belonged to an elite group of officers. There is proof that Montano was part of a Government cabinet, and in the hierarchical scale of the FAES he was a member of the upper command. Because of his level as Vice Minister of Public Security, Montano took part in meetings of the Government cabinet. These high-level meetings were attended by the President of the Republic, Ministers, and Vice Ministers of the different government ministries (political plane). The meetings where orders were issued to troop commanders did not correspond to his level of action (military plane).

It should be clarified that the expression "Kill Ellacuria and leave no witnesses" is not a phrase used in the Salvadoran military vocabulary⁷³: likewise, in the event that such an order had been issued, both the Superior and the Subordinate would be aware that it is an illegal order which would cause an impact, for which reason according to the rules of "Army Orders"⁷⁴ it would have to be transmitted in writing. There is no written document where the alleged order to "Kill Ellacuria and leave no witnesses" has been transmitted, nor is there any other written document that makes reference to an illegal order during the events of November, 1989.

The report of the Commission on the Truth does make reference to an alleged meeting where the illegal order to "Kill Ellacuria and leave no witnesses" originated, but there is no proven evidence⁷⁵. For this reason, when the commission concludes, it does so on the basis of "substantial proof"⁷⁶ and not "overwhelming proof"⁷⁷. General Ponce⁷⁸ later stated, in an interview given on May 2, 2009:

". . . Because at no time, and in no place, have I ever given Colonel Benavides the order to assassinate the Jesuits and leave no witnesses. Note that what is contained in the report of the Commission on the Truth is contradictory. Because they say that in front of two Generals and two Colonels I order him to: assassinate the Jesuits and leave no witnesses. (And those who were listening, were they not

⁷³ Herald Von Santos Mendez, Salvadoran Military Analyst and Historian

⁷⁴ Ar. 9 of the Ordenanza del Ejército. 1983Edition. 75, See page 14.

⁷⁵ In the investigation *Methodology*, the Report of the United Nations Commission on the Truth for El Salvador, *From Madness to Hope: The 12-Year War in El Salvador* states the following: ". . . From the onset of its work, the Commission recognized that the accusations presented in secret and the evidence received in the same way imply a much greater risk of being considered less reliable than those which are submitted at traditional judicial tests to determine the truth and to other similar requisites involved in due process of Law, including especially the right of the accused to confront and examine witnesses against him. . ." See page 14.

⁷⁶ In the investigation *Methodology*, the Report of the United Nations Commission on the Truth for El Salvador, *From Madness to Hope: The 12-Year War in El Salvador* refers to substantial proof as "more solid proof in support of the conclusion of the Commission". Page 14.

⁷⁷ In the investigation *Methodology*, the Report of the United Nations Commission on the Truth for El Salvador, *From Madness to Hope: The 12-Year War in El Salvador* refers to overwhelming proof as "convincing or highly convincing proof in support of the conclusion of the Commission". Page 14.

⁷⁸ See interview with Gral. Rene Emilio Ponce. Rtve.es. 20 de mayo del 2009.
<http://www.rtve.es/television/20090520/entrevista-general-rene-emilio-ponce/277531.shtml>

witnesses? It is a contradiction. The most incredible thing about the Commission on the Truth is that it cites no source which ever said that. I cannot imagine anyone inventing such a story. Because I definitely want to give the categorical assurance that at no time and in no place have I ever gave the order to assassinate the Jesuits.... "

4.- FALSE: ". . .Vice Minister Montano obstructed justice in different ways, for example, as supervising authority of the Special Investigation Unit (SIU) of the National Civil Police, which was designated to examine the bodies of the two women. . ."

FACT: Inocente Orlando Montano never obstructed justice. On the contrary, he helped enforce the Law. Proof of this statement is the fact that, although Montano was not a direct authority of the Special Investigations Unit (SIU)⁷⁹, through his excellent relations with other international institutions, he was able to suggest that President Alfredo Cristiani request the support of other international police forces in order to make use of their experience and provide more transparency to the investigation process. On November 19, 1989, the Minister of Foreign Relations of El Salvador Jose Manuel Pacas Castro sent a note to the Extraordinary and Plenipotentiary Ambassador from Spain, Francisco Cadiz Deleito, from which the following extract is taken:

" . . . I consider it necessary to the success of that investigation to have the best technical-scientific resources available, I respectfully request from the illustrious government de Spain, through you, the collaboration which I feel is necessary for you to provide us, in the form of human resource and equipment, so that, in coordination with Salvadoran authorities, the necessary proof can be sought to make possible the desire of my government, of the Armed Forces and of all the Salvadoran people, to take to the tribunals of Justice those who were responsible for such horrendous and reproachable crimes . . ."

Lastly, thanks to Montano's initiative, the investigation would be joined by investigators from the U.S. Federal Police, the Spanish police, Scotland Yard and the Canadian Secret Service. These investigation teams expressed their appreciation for the support provided by the Public Security authorities during the process⁸⁰. Appendix II includes a letter submitted by former members of the Government Commission for Peace Negotiation, stating that Inocente Orlando Montano never pressured nor obstructed the work of the Commission. They likewise state that in his function as Vice Minister of National Defense he lent his collaboration to the work of the Commission. This same Appendix presents certification by the former Solicitor General of the Republic in which he states that Inocente Orlando Montano was never mentioned nor summoned during the trial regarding the Jesuits.

⁷⁹ The Special Investigative Unit (SIU) was under the organic and operational control of the General Direction of the National Police.

⁸⁰ See the newspaper El Pals, edition of January 14, 1990

5.- FALSE: ". . . As a young officer, Montano pursued studies in Chile, a place known as the training center for intelligence and interrogation at that time, and he was known to be a great admirer of Pinochet.

FACT: There is documentary and testimonial evidence that Inocente Orlando Montano never pursued any studies in Chile. The Department of Archives of the Ministry of National Defense was consulted, and showed that Montano's professional history⁸¹ contains no record⁸² indicating that he ever pursued or participated in any studies in Chile.

Appendix III to this Document includes Inocente Orlando Montano's Service Record, and it shows that he was never assigned to pursue studies in Chile.

Studies by officers in the area of intelligence were reserved only for those who were specialized in intelligence and were serving in these areas. Montano did not have a specialization in intelligence and was never assigned to positions in that specialty⁸³. It is important to note that Chile has never been a referent in intelligence and interrogation for Latin America. The Salvadoran doctrine on intelligence⁸⁴ is its own, with some U.S. influence in certain areas.

Montano was trained as an Engineering Officer and served as an Officer in this specialty, constructing buildings, roads, bridges and other engineering projects that were necessary for the institution or to benefit civilian communities.

There is likewise no evidence stating that Inocente Orlando Montano has any admiration for General Pinochet. The Dictionary of the Royal Academy of the Spanish Language defines admiration as: "a very positive evaluation of something, which is considered good because of its qualities." Since Montano never knew General Pinochet, nor was familiar with his actions, there was no way for him to conceive a positive evaluation of the Chilean General, so as to feel any admiration for him.

6.- FALSE: ". . . The relationship between Montano and the 30 years of military service of retired Colonel Byron Disrael Lima Estrada, the longest-standing officer convicted in the death of Archbishop Gerardi. Both were involved in military intelligence and likewise highly motivated, ultra reactionary and with undemocratic performance. . ."

FACT: There is evidence indicating that during his 30-year career, Inocente Orlando Montano showed successful performance and unimpeachable conduct. Proof of this is the fact that in the year 2009 he was admitted to the Galería de Honor of the Capitán General Gerardo Barrios

⁸¹ Inocente Orlando Montano's Service Record shows no assignments in the area de intelligence.

⁸² According to legal provisions, government officials and employees who pursue courses or training in a foreign country must do so through an Executive Decree in the branch or institution to which they belong.

⁸³ Interview with the Head Official of the Department of Doctrine in the National School of Intelligence of the Military Education and Doctrine Command (CODEM). San Salvador. El Salvador

⁸⁴ Interview with a professor of intelligence at the National School of Intelligence of the Military Education and Doctrine Command (CODEM). San Salvador. El Salvador

Military School⁸⁵, thereby being shown as an example for future generations of officers of the FAES.

A review of the history and actual facts reveals that there is no relationship between the profiles of Montano and Colonel Lima Estrada. It has been proven that Inocente Orlando Montano was, during his professional career, an Engineering Officer and that his great virtues—reflected in his professional career—earned him the position of a Government cabinet official. Col. Lima Estrada, on the other hand, pertained to the intelligence specialty and exercised functions in this specialty. Lima Estrada was never a public official, nor is there any known evidence that he had a successful military career⁸⁶.

One striking fact is that President Alfredo Cristiani could have appointed a civilian citizen to be Vice Minister of Public Security, because this is permitted by Law. However, he chose Inocente Orlando Montano considering his democratic profile and good performance.

As for Colonel Lima Estrada, the Guatemalan Judiciary found sufficient proof to sentence him for his role in the assassination of Juan Gerardi, Archbishop of Guatemala, which occurred on April 16, 1998. It is strange that attempts are made to relate these occurrences, which took place almost a decade after the Salvadoran conflict. The relationship of the profiles and connection of the facts are non-existent.

7.- FALSE: ". . . working in the Ministry of National Defense during the administration of General Romero (1977-1979), Montano was sent to Chile, where officers who admired General Pinochet were sent to pursue studies in methods of intelligence, in addition to other topics. In October of 1979, when General Romero was changed, Major Montano was switched from the Ministry of Defense to the Chiefs of Staff, where he worked in intelligence/operations. . ."

FACT: Inocente Orlando Montano never pursued studies in Chile and was never assigned to the Chiefs of Staff. Montano never studied intelligence and has never gone to Chile⁸⁷ to pursue studies of any kind. Montano's record of assignments⁸⁸ contains no evidence that he was appointed to work in intelligence or operations in the Chiefs of Staff. Appendix III of this Document shows Inocente Orlando Montano's Service Record, which proves that there are no assignments to pursue studies in Chile or assignments to the General Staff.

⁸⁵ The Galería de Honor (Hall of Fame) is a mural which exhibits the military personnel who, because of their high professional performance and their distinguished military virtues, become an example for future generations. In the modern history of the Military School, a total of 37 officers have achieved this distinction.

⁸⁶ See National Security Archive. The George Washington University. <http://www.gwu.edu/nsarchiv/NSAEBB/NSAEBB25/index.htm>

⁸⁷ Consultation at the Office of Information and Response (OIR) of the Ministry of National Defense.

⁸⁸ As evidenced in the Constancia de Alta certification of Inocente Orlando Montano.

It is important to mention that the officers assigned to the General Staff or to the Ministry of National Defense are those having a rank of Colonel or Lieutenant Colonel, due to the nature of the functions and hierarchy involved.⁸⁹

8.- FALSE: ". . . The intelligence section of the General Staff not only had its own archives, but also received information from the de intelligence and operations section of the Security Corps. In any of the functions Montano may have had, this was the control center allowing the Death Squads to eliminate civilians opposed to the regime . . ."

FACT: There is no evidence in the record of assignments⁹⁰ for Inocente Orlando Montano that he ever belonged to the intelligence section of the General Staff. There is likewise no evidence, or proven reports, to indicate that the Intelligence Section of the General Staff was involved in Death Squad activities.

There are no records to date of criminal proceedings or accusations indicating that officers of the General Staff ever took part in the control of Death Squads.

There is documentary proof indicating that Inocente Orlando Montano received training and exercised functions only in the specialty of engineering, and that he was assigned on several occasions during his career to units of the Military Corps of Engineers.

9.- FALSE: ". . . Major Inocente Orlando Montano received his first important command post in 1981, as second in command or "Executive Officer" of Military detachment N°6, located in Sonsonate. As Executive Officer, he answered directly to the Commander and was in charge of transferring orders into actions. The transfer of these orders resulted in civilian deaths despite the fact that Sonsonate was an area relatively unaffected by the Salvadoran conflict."

FACT: In the year 1981, Inocente Orlando Montano was assigned by General Order⁹¹ of the FAES as Training Officer of the Training Center for Recruits of the Armed Forces (CIRFA)⁹². This Training Center provided the training for the infantry Troops of FAES Units⁹³. Because of its nature, the CIRFA did not participate in military operations. Montano's role in this Unit was planning, execution and supervision of basic soldier training. In his functions as Training Officer, he never transferred orders from his superiors resulting in the death of civilians, particularly in the CIRFA, as the recruits did not participate in military operations until after they completed their basic training and returned to their original Military Unit. It was shown that Inocente Orlando Montano was not given a post as second in command or Executive Officer, because in the year 1981 he was a very young officer and lacked the years of service necessary to hold post of this magnitude. Likewise, he never gave orders

⁸⁹ Stated in an interview with a (Retired) Colonel who was in charge of personnel on the General Staff during the 80's.

⁹⁰ As shown in the Constancia de Alta certification for Inocente Orlando Montano.

⁹¹ The General Order of Officers is an official document used by the FAES to report promotions, transfers and movements of Officers in the Military Units.

⁹² As shown in the Constancia de Alta certification for Inocente Orlando Montano.

⁹³ Consultation at the Centro de Historia Militar

leading to the death of civilians. The murder of civilians is contrary to the Laws of the Republic and is punishable in the Code of Military Justice⁹⁴ and in the Common Criminal Code⁹⁵.

Training of recruits takes place, according to the rules, only in training areas within the Training Center. Also, the town of Armenia is about 65 miles away from the Training Center, that is, a considerable distance from the CIRFA facilities.

There is no record indicating that Montano participated directly or indirectly in attacks against civilians. Appendix I of this document includes records updated to February 2013 which certify that Inocente Orlando Montano has no judicial record, nor is he sought by the police. It also includes legal certifications from the courts where mention is made of the Human Rights violations allegedly committed by troops under Montano's command. There are neither open cases nor complaints against him in any court.

10.- FALSE: ". . . Major Montano, after becoming Executive Officer of the Belloso Battalion, formed on December 31, 1981. As second in command, he was again commissioned to the tasks of implementing orders. One of the largest killings, an operation officially called "Operation Cleansing" but known as "Guinda de Mayo", was a "scorched earth" campaign. Belloso troops killed hundreds of civilians, burned villages and crops and chased peasants to the mountains. . . In August of 1982, for example, the Belloso Battalion was involved in another scorched earth campaign that resulted in the massacre at El Calabozo. Another example was the November 13, 1982 massacre at Cerro Cuyas Cumbres, San Isidro Labrador, Chalatenango. In February, 1983, a massacre in the canton of Tenango, Cuscatlan. . ."

FACT: Inocente Orlando Montano, as Executive Officer of the Belloso Battalion, was not charged with the task of implementing military orders. Contrary to other armies, in El Salvador the functions of the Executive Officer or "second in command" are to oversee administrative issues such as inventories, financial funds, operation of the facilities and representing the Commander in his absence. In the doctrine of the Salvadoran Army, the tasks of issuing executive orders in the field correspond to the Operations Officer⁹⁶.

It is important to state that the Military Units of the Salvadoran Army are lodged in facilities protected by personnel of the same Unit, because these facilities are isolated and not part of a complex as is the case for forts and military bases of the United States of America, which have Military Police or "Force Protection" Units which protect the barracks when the troops are in the field.

By way of procedure during military operations, the Infantry Battalions would go out into the field with their commander, but the second in command, in this case the Executive Officer, always remained at the facilities to manage the military facility. In the exercise of his functions as Executive Officer, Montano did not participate in the military actions of the

⁹⁴ Applicable in military criminal infractions

⁹⁵ Applicable in ordinary criminal infractions

⁹⁶ FM-7-8 Manual de Tactica y Operaciones de la FAES. Military Doctrine and Education Command

Belloso Battalion in the field. As regards the Military Operation allegedly called "Guinda de Mayo", no record was found of the murder of hundreds of civilians or the burning of crops and houses that are mentioned in the study by the "expert." In that area, there is a known investigative process regarding the disappearance of 9 girls, among them the sisters of the Serrano Cruz family.

On March 1, 2005, Interamerican Commission on Human Rights issued a decision⁹⁷ on facts and reparations in the case of the Serrano Cruz sisters, in which it holds the Salvadoran State guilty of violation of legal guarantees and legal protection, to the detriment of Ernestina and Erlinda Serrano Cruz and their relative, and of the right to the personal safety of the family members. No mention was made of the troops in the Belloso Battalion.

It is important to mention that the Belloso Battalion⁹⁸ was a highly trained battalion which had no jurisdictional zone, that is, it was used as support in the jurisdictional zones of other Infantry Brigades. This means that the Battalion was employed in Areas of Operations (AOR) where there were more Battalions and a Brigade Commander who was the military person responsible for the AOR.

It has been proven that there is no evidence, proven testimonies, indicating that the troops under Montano ever participated directly or indirectly in attacks against civilians in the towns of El Calabozo⁹⁹, Cerro Cuyas Cumbres in Chalatenango¹⁰⁰ and Canton Tenango in Cuscatlan¹⁰¹.

In view of the lack of incriminating evidence against Montano, it became known that people interested in finding a way to attribute violations to him, in a desperate effort published an "Open Letter"¹⁰² in the October 22, 2012 Diario y Radio Digital Voces. In this letter they begged for information from anyone having knowledge of the survivors of massacres living in the United States or in El Salvador and who were willing to write a letter

⁹⁷ The sentence in the Serrano Cruz case, which has to do with two girls who disappeared during a military operative in 1982, was handed down by the judges in 2005 and sentenced El Salvador to take several actions.

⁹⁸ The Belloso Battalion was a military counter insurgency unit trained at Fort Bragg, North Caroline, USA. Its doctrine and operating characteristics were American.

⁹⁹ An Open Letter from the NGO Amnesty International dated November 1, 2012 points to the troops of the Atlacatl Battalion as participants in the alleged violent acts in the Canton El Calabozo.

¹⁰⁰ A team of attorneys visited the District Court of Chalatenango to hear complaints or criminal proceedings against Inocente Orlando Montano, and confirmed that there is no legal complaint. The District Court covers the municipalities of Chalatenango, Conception Quezaltepeque, Ojos de Agua, Las Vueltas, Azacualpa, San Francisco Lempa, San Luis del Carmen, San Miguel de Mercedes, San Antonio Los ranchos, San Antonio de la Cruz, san Isidro Labrador, Nueva trinidad, Cancasque, Potonico, San Jose de las Flores, Arcatao and Nornbre de Jesus, all in the Department of Chalatenango.

¹⁰¹ A team of attorneys visited the Second Criminal Court of Cuscatlan to hear complaints or criminal proceedings against Inocente Orlando Montano, and confirmed that there is no legal complaint. The Second Criminal Court covers the municipalities of Cojutepeque, San Ramón, San Rafael Cedros, Tenancingo, El Rosario, El Carmen, San Cristobal, all in the Department of Cuscatlan.

¹⁰² Felix Salvador Kury, Program Director & Faculty Advisor, Clínica MartIn-Baró, SFSU-UCSF, 1600 Holloway Avenue, San Francisco, CA 94132

of testimony. In this regard, it is strange that of the hundreds of thousands of people who doubtless had access to this "Open Letter," they were able to get only one person with a testimony, which was confusing and altered in the translation from Spanish to English¹⁰³. Likewise, the "desperate" Open Letter concludes by saying, "These testimonies will be sent to the judge in support of the extradition of Colonel Montano to Spain. For any questions on this, please contact. . ." What extradition is this referring to?

Appendix I of this document includes records updated to February, 2013, stating that Inocente Orlando Montano has no criminal record and is not being sought by the police. Also shown are legal records from the courts where the suspected Human Rights violations by troops under the alleged responsibility of Montano are cited. There is no open case or pending lawsuit against him in any court.

11.- FALSE: ". . . In May, 1984, LT. Col Montano was transferred to the School of Engineers of the Armed Forces (CIIFA), where he remained three full years until May 31, 1987. At the CIIFA, he commanded the Military Detachment of Engineers of the Armed Forces, using his experience in intelligence acquired in the General Staff. The School of Engineers was a center for death squads for the Armed Forces. Practices involving torture, extrajudicial deaths and disappearances continued at the CIIFA under the direction de Lt. Colonel Montano. . ."

FACT: Inocente Orlando Montano was not assigned as Commander in a unit with the name School of Engineers of the Armed Forces (CIIFA). Consultation of Montano's professional history, on May 30, 1984 shows that he was appointed Commander of the Military Detachment of Engineers of the Armed forces (DMIFA).

It is not true that in commanding the Unit Montano made use of intelligence experience gained during his time in the General Staff, because it has been proven that he was never assigned to any intelligence functions and was never assigned to the General Staff.

There is no evidence indicating that the Military Detachment of Engineers ever served as a center for death squads. No proof has been found that Inocente Orlando Montano ever participated or allowed any participation in practices involving torture, deaths and disappearance of civilians¹⁰⁴/

¹⁰³ Mario Turcios wrote a Letter on October 29, 2012, telling that his family was the victim of a massacre by troops of the Atlacatl Battalion. In an attempt to deceive the honorable authorities, Almudena Bernadeu omits in the translation the fact that soldiers of the Atlacatl Battalion are the ones involved in this alleged attack. See 5th line of the letter in Spanish written by Mario Turcios. Almudena Bernadeu has lied in his translation from the original Spanish.

¹⁰⁴ A team of juridical personnel visited the District Criminal Court to determine whether there were any complaints or open cases against Montano in relation to alleged Human Rights violations occurring in different towns of the Department of La Paz and confirmed that there are no complaints or open cases of any kind. Montano has no outstanding legal liabilities in the Department of La Paz.

A relevant fact during his time as Commander of the DMIFA is that Montano became very close to the civilian community in the town of Zacatecoluca, and his good relations with the clerics of the archdiocese of Zacatecoluca are noteworthy. In 1985, struck by the state of the children—orphans, abandonment, neglect and extreme poverty—Montano founded the Zacatecoluca Home for Children.

As Commander of the DMIFA, Montano carried out plans to protect the civilian population and farmers, cattle raisers and industrialists so that they would not be the objects of attack by FMLN terrorist forces, thus allowing them to carry out the productive activities which the country needed.

It became known that various sectors¹⁰⁵ of the department of La Paz and specifically the city of Zacatecoluca acknowledge and appreciate Montano's role as troop commander, emphasizing that he stood out for his respect for human dignity and his closeness to the population and to civil and religious authorities.

Appendix II of this document includes letters from church authorities and the Salvadoran productive sector giving testimony that Montano is an honest man, holding high moral and ethical values, deeply respectful of human dignity, and that his troops never acted outside the scope of the Law.

12.- FALSE: ". . . Colonel Montano was in command of the 6th Infantry Brigade from May 31, 1987 to June 1, 1989. Thirty-three Human Rights violations are recorded during this period. There are no records too indicate that the Brigade Commander ever investigated those abuses. . ."

FACT: There is no evidence that troops of the 6th Infantry Brigade were ever involved in the Human Rights violations mentioned in Appendix II, Table 3. When consulted, the Personnel Officer¹⁰⁶ of the 6th Infantry Brigade explained that in the case of soldiers involved in violations or criminal acts, they were prosecuted by the Law and Order Department of Discipline of the Brigade in accordance with the Code of Military Justice. In cases where civil infractions were committed, the persons involved were sent to common or civil courts. Background and witnesses were sought regarding the alleged incidents of the grenade thrown into a house in Usulután: the murder of a baker and the case of the coffee-processing factory in Santiago de Maria, Usulután. In this regard, nobody was found to state references to these occurrences because they never happened.

A team of juridical personnel visited the District Criminal Court to determine whether there were any complaints or open cases against Montano in relation to alleged Human Rights violations occurring in different towns of the Department of Usulután and confirmed that there are no complaints or open cases of any kind. Montano has no outstanding legal liabilities in the Department of Usulután. It is clear that Inocente Orlando has no legal liabilities pending in the Department de Usulután.

¹⁰⁵ Engineer Luis Felipe Trigueros, now Executive Director of PROCANA, collected the impressions of agricultural producers, cattle raisers and fishermen, where they mention and express thanks for the collaboration by Inocente Orlando Montano in defending them against terrorist attacks by the FMLN.

¹⁰⁶ Interview with personnel officer of the Infantry Brigade

Appendix II of this document includes a letter in which the residents, business people, producers and peasants express their gratitude for the protection afforded them by the troops commanded by Montano and state that thanks to this protection they were able to carry out their economic and subsistence activities.

13.- FALSE: ". . . Colonel Montano's final post was Vice Minister of Public Security, where he held operational authority over the three Security Forces. In addition to the massacre of the Jesuits, other violations by the National Police, the Treasury Police and the National Guard are recorded during his term."

FACT: It has been proven that in his position as Vice Minister of National Defense, Inocente Orlando Montano had no operational authority over the three Public Security forces. In his position as Vice Minister of Public Security together with the Minister of National Defense and the Vice Minister of National Defense he was in charge of carrying out the planes contained in the Governing Plan of the President. Consequently, his area of influence was the political-strategic level.

In accordance with the functional organization of the FAES, the Public Security Corps are under the Operational control of the Joint Chiefs of Staff of Armed Forces. The Vice Minister of Public Security has no effective command over the police forces.

It has been proven that Montano's relationship to the Security Corps had to do with administration and managing budget resources¹⁰⁷. Likewise, each security force held the operational authority over the Police force under its command.

It is important to mention that the police forces were organized by delegations and Detachments, and that these had a territorial deployment with a zone of responsibility. According to the Organic Law of the Armed Forces, during Security Forces at that time were operationally under the Public Security Corps.

Appendix III of this Document, shows the Organization of the FAES according to the Organic Law of the Armed Forces. It clearly shows that the police were under the operational control of the EMCFA. Also, the relationship of the Minister and the Vice Ministers with the EMCFA is political and not operative. Proof of the foregoing is that civilians can be appointed in these hierarchies according to the Law. The above makes it clear that the Minister and Vice Ministers were not in command of troops.

SECTION VII
JURIDICAL SITUATION IN EL SALVADOR AND
MONTANO'S STATUS VIS-À-VIS THE JUSTICE SYSTEM

Application of the Law of Amnesty and Anniversary of the Peace Agreements

¹⁰⁷ Organic Law of National Defense. Decree Law W 275 dated August 22, 1961

The Chapultepec Peace Agreements were a set of agreements signed January 16, 1992 between the Government of El Salvador and the Farabundo Marti National Liberation Front (FMLN), to put an end of twelve years of civil war in the country.

It is well-known that friendly and intermediary countries proposed that in order to truly consolidate the peace, it was necessary to enact a Ley granting broad amnesty to those persons who had participated in any way in the perpetration of political and common crimes resulting from the armed conflict.

The fighting ceased definitively on February 1, 1992, under the supervision of the National Commission to Consolidate the Peace (COPAZ)¹⁰⁸ and with the noteworthy presence of former commanders of the FMLN and its former enemies. In order for this meeting to take place, on January 23, the Legislative Assembly approved a Law of National Reconciliation¹⁰⁹, whereby the Salvadoran State refrained from opening legal cases against the combatants in the war and granted amnesty to combatants of the FMLN, who were to lay down their arms and join mainstream society.

The Legislative Assembly, in an attempt to correct the inequities in the Law of National Reconciliation—which had not considered the members of the government forces—and with a view to promoting national pacification, considered it advisable to grant far-reaching, absolute and unconditional amnesty in favor of all persons who had been involved in any way in the armed conflict. After the Peace Agreements signed in January of 1992 in order to put an end to 12 years of intense war, Salvadorans also agreed to create and approve, in 1993, a Law of Amnesty¹¹⁰ which granted pardon to the members of both sides of the conflict for alleged crimes and accusations derived from the actions involved in the conflict. This has allowed Salvadorans to live in peace for almost two decades. In fact, it allowed many former guerrilla leaders to become a part of society and politics, and even aspire to public office; so that several former guerrilla leaders now form part of the country's first Leftist government.

But the Salvadoran example is not unique in the world. In Spain, the Amnesty Law¹¹¹ of 1977 was part of the Spanish political reform effected by the government of Adolfo

¹⁰⁸ COPAZ was made up of members of all the political forces in the country, and became the first multi-party commission in El Salvador. See Guadalupe Miranda (1997). "Acuerdos de Paz"

¹⁰⁹ Legislative Decree No. 147 dated January 23, 1992.

¹¹⁰ Legislative Decree No. 486 dated March 20, 1993.

¹¹¹ Several decades later, in the wake of alleged complaints lodged for crimes against humanity such as genocide and forced disappearance, supposedly committed during the Spanish Civil War and the Franco regime, and which met with the insurmountable obstacle of the law, which precluded prosecuting crimes that pertained to that period, organizations such as HUMAN RIGHTS WATCH and AMNESTY INTERNATIONAL repeatedly requested the Government of Spain to revoke said law, considering it incompatible with International Law because it prevents the prosecution of crimes considered not to be under a statute of limitation. On February 10, 2012, Navanethem Pillay, representative of the Office of the High Commissioner of the United Nations for Human Rights, formally asked Spain to revoke the law, arguing that it violated international rules on Human Rights. So far, Spain has firmly refused to revoke the law stating that to reactivate a penal responsibility which has exceeded the statute of limitations would violate the principal of non-retroactivity of unfavorable rules on sanctions established in Article 9.3 of the Spanish Constitution. See http://es.wikipedia.org/wiki/LeLde_Amnest%C3%ADa_en_Espa%C3%B1a_de_1977

Suarez, with the goal of seeking the social reconciliation of the Spanish people, aimed at bringing about the country's transition to a democratic regime.

Last January 16, 2013, Salvadorans commemorated 21 years since the signing of the Peace Agreements which put an end to the conflict, with activities that included reflecting on the democratic progress made by the country. Through the Ministry of Foreign Relations of El Salvador, the government also commemorated the 21st anniversary of the peace agreement in which the United Nations Organization (UN) served as mediator; and it is considered by this Organization to be the most successful in the world¹¹².

Salvadoran Minister of Foreign Relations Hugo Martinez, who presided at the celebratory acts in at the Ministry of Foreign Relations, emphasized the social and democratic transformations achieved by the country since the end of the war.

". . . We know that there still remain challenges on which work must continue, but there is no doubt that progress has been made in 21 years and that it deserves to be acknowledged on this anniversary. . . "

The Salvadoran Minister of Foreign Relations further stated that this anniversary is the time to continue strengthening the peace process and democracy in El Salvador. In this regard, the Archbishop of San Salvador, Monseigneur Jose Luis Escobar, stated his opposition to initiatives which seek to revoke the Law of Amnesty, in the following terms:

". . . In my judgment, it is better not to revoke (the Law of Amnesty), because taking into account the experiences of countries regarding this issues... there are many people requesting revocation of the Law of Amnesty, and others who do not want if revoked; justice should be served, that is true, but sometimes imperfect things are more advisable in order to avoid falling once again into a spiral of demands that we may not be able to satisfy. . . "¹¹³

The recent celebration of the signing of the Peace Agreements showed the common sense of the Salvadoran people who did not revoke the Law of Amnesty. The General Coordinator of the now political party FMLN, Medardo Gonzalez denied that his political party ever requested revocation of the Law of Amnesty¹¹⁴. Notwithstanding, there are some groups which, in isolated efforts, seek its revocation. For example, the Director of the institute of Human Rights of the UCA, (IDHUCA), Benjamin Cuellar¹¹⁵ stated to the digital

¹¹² In 1997, Butros Butros-Ghali, Secretary General of United Nations, determined the peace process in El Salvador to be finished, and cited it as the most successful in contemporary world history.

¹¹³ Arzobispo en contra de derogar Ley de Amnistia. <http://www.laprensagrafica.com/arzobispo--en-contra-de--derogar-lei-de-amnistia->

¹¹⁴ FMLN dice: "No tener planteado pedir derogación de la Ley de Amnistía". Diario Digital La Página, January 16, 2013

¹¹⁵ On the night of Sunday, May 2, 2010, traffic police arrested the DIRECTOR OF THE INSTITUTE OF HUMAN RIGHTS OF THE UNIVERSIDAD CENTROAMERICANA (IDHUCA), BENJAMIN CUELLAR, for drunken driving, as confirmed by police sources. This is not the first time he is caught driving a vehicle under the influence of alcohol. On the night of August 30, 2001, the traffic police doing vehicle control in the Bulevar de los Héroes pulled over the vehicle he was driving; a sobriety test gave positive results, with high alcohol levels. However, he could not be arrested at that time because reckless driving had not been raised to the category of a crime and was only punishable by 57 dollars (500 colones). Reckless driving has been considered a crime since August of 2004. See http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=6358&idArt=4757472. The 40th Court

magazine "Noticias y Cronicas" that the Law of Amnesty should be revoked firstly for "ethical" reasons and for the dignity of the victims.

However, experienced attorneys and former judges of the Salvadoran Supreme Court of Justice consider that legally, people who participated in the domestic war can no longer be prosecuted for the crimes committed in that framework because the criminal responsibility has expired with time.

On this issue, religious leaders go further and warn of the harmful effects of revoking the law, because it has allowed national reconciliation to take place. The pastor general of the Tabernaculo Bíblico Bautista Amigos de Israel, Edgar López Bertrand, refers to it in these terms:

"To me, it is the extraordinary example of a reconciliation, because we hold, speaking in marriage terms, that there is no reconciliation if the errors of the past continue to be mentioned. The same thing would happen in the country, there would be no reconciliation if we were to keep recalling the errors of the past."

The Law of Amnesty continues to be in effect and has been ratified by the Supreme Court of El Salvador and accepted by Salvadoran society, and it has allowed, for example, former guerrilla commanders¹¹⁶ to hold public office in the present Salvadoran Government, and some FMLN combatants to be representatives in the Legislative Assembly.

Jesuit Case Provisionally Closed. Technical Reticence and Doubts about the Spanish Tribunal

On March 27 of the year 2000, a written document was submitted to the Office of the Solicitor General of the Republic requesting that the case of the UCA Jesuits be reopened, based on arguments of illegality of the Law of Amnesty. In this regard, the Office of the Solicitor General of the Republic decided to refrain, for the time being, from honoring the requests for investigation drawn up by the plaintiff because it considered that the Law of Amnesty is a juridical - political act whose application to the facts mentioned in the complaint has gone through the judicial system and its constitutionality was recognized by the First Criminal Chamber in Section One of the Center, March 31, 1993. In conclusion, it is a law of the Republic, having practical application.

Also, a second request to reopen the case against the ex-president of the Republic and five other high-ranking military leaders, in the year 2000, was denied by the Third Court of the Peace of San Salvador, because it considered that criminal action had expired, that is, the 10 years provided in penal legislation to prosecute a crime had already elapsed.

of the Peace imposed driving rules consisting in ABSTAINING FROM ALCOHOLIC BEVERAGES FOR ONE YEAR. Cuéllar was supervised by the 1st Court of Penitential Supervision and Sentence Execution from May 5, 2010 to May 5, 2011. See "Benjamín Cuéllar debe pasar un año sin consumir alcohol". <http://www.lapagina.com.sv/ampliar.php?id=31746>

¹¹⁶ Salvador Sánchez Ceren, ex - guerrilla commander of the FMLN, is the present Vice President of the Republic and presidential candidate with Oscar Ortiz for the 2014 presidential elections. Both Sánchez and Ortiz have been indicated by the Commission on the Truth for several Human Rights violations

On May 30, 2011 the case was reopened¹¹⁷ at the National Tribunal in Madrid, Spain; agreed to by Magistrate Eloy Velasco Núñez, Judge of Central District Court Number 6. Extradition of 13 defendants was requested¹¹⁸.

On May 8, 2012, the Supreme Court of El Salvador agreed to deny the extradition motion. The central argument in the decision handed down by the full Court was that the homicides of the Jesuits occurred on a date prior to the reform of Article 28 of the Constitution which took place in 2000, precluding the extradition of Salvadorans to Spain in any case.

Spanish attorney Antonio Alberca¹¹⁹ explained that the fact that Judge Eloy Velasco opened a legal case against the military men constitutes a violation of the sovereignty of El Salvador and interference in the autonomy of the Salvadoran judicial system. Alluding to what Judge Velasco declared on one occasion, stating that the trial held in El Salvador had been a fraud, Attorney Alberca said¹²⁰:

". . . No other country has the right to judge whether the resolutions of a sovereign and democratic State such as El Salvador are fair or unfair; this is uncalled for."

The defense attorney declared that the National Tribunal of Spain has taken on a competence that does not pertain to it, by trying to prosecute the Salvadoran military personnel under Spanish criminal jurisdiction. In addition, Attorney Alberca questioned Judge Velasco's position, overstepping his authority by opening a legal case where he had no jurisdiction, just as occurred with Judge Baltasar Garzón¹²¹, who was prosecuted for perverting the course of justice by trying to reopen a case regarding the Spanish Civil War, regarding which there is also a Law of Amnesty.

Similarly, he questioned the fact that Judge Velasco would try to prosecute General René Emilio Ponce, when he was already deceased, this being like the intentions of Judge

¹¹⁷ The legal case was opened in May, 2009 after acceptance of a complaint of the Association pro Human Rights of Spain (APDHE) and by the Center for Justice and Responsibility (CJA), headquartered in San Francisco, California.

¹¹⁸ The 13 military personnel included in the motion to extradite so that they could be prosecuted for the murder of the Jesuits are Rafael Humberto Larios, Juan Rafael Bustillo, Antonio Ramiro Avalos Vargas, Tomas Zarpate Castillo, Francisco Elena Fuentes, Juan Zepeda and Guillermo Benavides. Also Joaquin Arnoldo Cerna, Oscar Alberto Leon, Carlos Mauricio Guzman, Jose Ricardo Espinoza, Gonzalo Guevara Cerritos and Oscar Mariano Guzman, according to official documents in the power of the Court.

¹¹⁹ Antonio Alberca, an attorney of Spanish origin, is the defense attorney in the case presented May 30, 2011 in Central District Court Number 6 of the National Tribunal in Madrid, Spain.

¹²⁰ "Abogado español dice que juez no tiene autoridad para juzgar a militares"
<http://m.elsalvador.com/wfDetalleContenidoWap.aspx?cont=6085618&cat=63>

¹²¹ Baltasar Garzón was condemned in February of 2012 for exceeding his authority during the investigation of a corrupt plot, and was officially removed from the judiciary for the next 11 years. The decision handed down by the court of seven magistrates who judged Garzón, considered that his decision was "unjust" because it "arbitrarily restricts" the right of defense of the persons in prison. See "Juez Garzón es inhabilitado 11 años, dice adiós a la magistratura",
<http://www.chron.com/spanish/the-vozlarticle/Juez-Garz-n-es-inhabilitado-11-a-os-dice-3201131.php>

Garzón who also tried to prosecute General Francisco Franco, arguing that he did not know the General had died.

On May 28, 2009, three international criminal lawyers¹²² submitted for consideration to the Government of the Republic of El Salvador a decision on "The consequences according to International Law of the lawsuit opened in Spain." That Document first questions the nationality of the victims, as the complaint itself admits that the actual nationality of the Jesuit victims was Salvadoran¹²³. Also, the acts which gave rise to the complaint before the National Tribunal were already the subject of criminal action before the Salvadoran courts¹²⁴. It also says that there is very considerable evidence of the technical reticence and doubts about the practice of the Spanish National Tribunal when it attributed the principle of universal jurisdiction to itself while ignoring some minimal points of connection (such as the Spanish nationality of the victim) between the state where the acts are prosecuted and the place where they occurred (*locus delicti*).

Appendix V includes the "Decision on the Consequences, According to International Law, of the Complaint Lodged in Spain." That document states recommendations for the Government of the Republic of El Salvador to guarantee enforcement of International criminal law considering the arbitrariness that may result from unilateral, excessive and abusive use of universal criminal jurisdiction.

Spanish attorney Antonio Alberca has declared in Madrid that given the impossibility of having the Salvadorans extradited and prosecuted in that European country, the next step is for the case to be definitively closed¹²⁵.

Inocente Orlando Montano and the Salvadoran Courts

Regarding Inocente Orlando Montano's legal situation in El Salvador, there is very considerable evidence that there are no legal liabilities. Certifications of his criminal record and of the National Civilian Police show that Montano has no accusation or pending criminal case against him. Also, the territorial criminal courts, though their honorable judges, have handed down certifications to the effect that Inocente Orlando Montano is not being sought by the Law. These certifications were requested in those places where the study by the "expert" presumes violations committed by troops under Montano's command. No accusations were found pointing to Inocente Orlando Montano in those alleged events.

Mention should be made of the fact that when Inocente Orlando Montano emigrated to the United States of America, he did so legally under a VISA issued by the Government of the United States of America and he continually sought permanent legal status in that country, applying—like other Salvadorans—the program of temporary migrant workers known as TPS.

¹²² Dr. Prometeo Cerezo de Diego, Dr. Carlos Jimenez Piernas and Dr. Jose Antonio Tomas Ortiz de la Torre

¹²³ See pp. 31-32 of the complaint.

¹²⁴ See pp. 52 Y 57-59/126 of the complaint.

¹²⁵ See "Archivarán el caso Jesuita en Espana".

http://www.elsalvador.com/mwedh/nota/nota_completa.asp?idCat=47859&idArt=6888066

Also, Inocente Orlando Montano has lived in the United States of America openly, as the honest, hard-working and friendly man he has always been in the community. He has not committed any crimes or acts against the community. His stay in the United States of America has been for the purpose of working and being able to help his needy family in El Salvador.

FINAL CONCLUSIONS

Based on the facts, on very substantial evidence, and consolidating the testimony of high-ranking church authorities, producers, farmers, judges, attorneys, prosecutors and key persons in the time of the Salvadoran armed conflict [Appendix I], [Appendix II], [Appendix III], I have reached the following conclusions:

1. Inocente Orlando Montano has been a professional with a successful career and unimpeachable conduct. He was chosen to be Vice Minister of Public Security, which functions he fulfilled based on the Law and his values in the context of respect for human dignity and the desire of the Salvadoran people to consolidate peace in the country. Today, the name of Inocente Orlando Montano is engraved in the "Hall of Fame" of the Military School, as an example for future generations of Officers of the Armed Forces of El Salvador.

2. Inocente Orlando Montano was never involved directly or indirectly in the deaths of the Jesuits of the UCA, he was not involved in conspiracies, orders or concealments of this crime. Montano cooperated with the investigations and proposed, to the President of the Republic, International Police intervention to give the investigations more transparency and quality. The Solicitor General of the Republic of El Salvador considered that Montano had no involvement in the events.

3. In El Salvador, the death of the Jesuits of the UCA, of Salvadoran nationality, in the year 1989, is a *res judicata* and has exceeded the statute of limitations according to Salvadoran Law. The Law of Amnesty is the law in effect in the Republic and covers all participants on both sides who may have had accusations or alleged crimes derived from the armed conflict. The Supreme Court of El Salvador, in the exercise of the powers granted it by Law, decided to deny the extradition of the military men accused before the National Tribunal of Madrid, Spain. The case has been temporarily filed.

4. Inocente Orlando Montano's 30-year career has been honorable and at the service of the people of El Salvador. One of Montano's special characteristics has been his spiritual values, nourished by his friendly relations with Catholic priests. These spiritual values moved him to lead his troops on the path of what is right. As a public servant, Montano protected peasants, farmers, fishermen, business people and civilians against attacks by terrorists, guaranteeing life and productive activities as well as the economic subsistence of the country, through the conduct of his troops.

5. Inocente Orlando Montano's 30-year career is full of episodes of humanitarian work and altruistic activity. Montano's membership in the Corps of Engineers helped him design, execute and supervise many engineering projects to aid the poorest communities in the country. Montano took part in significant search, rescue and evacuation missions for people affected by natural disasters, such as the Mexican earthquake of 1973 and the 1986

earthquake that shook El Salvador. In the year 1985, he founded the Zacatecoluca Home for Children to care for poor and orphan children.

6. Lnocente Orlando Montano is not being sought by the Law, does not have a criminal record, has no pending liabilities with the Salvadoran courts and is not wanted by the Police. There are no accusations in Salvadoran courts involving him in Human Rights violations. Montano entered the United States legally and sought legal permanent status visibly in this country. Despite his illness, he has remained in the United States of America to work hard and be able to help his needy relatives in El Salvador.

San Salvador, February 10, 2013.

[signed]
MAURICIO ERNESTO VARGAS

Credentials

MAURICIO ERNESTO VARGAS Retired General Mauricio Ernesto Vargas holds a degree in management and political science studies from Taiwan; He was a member of the Governmental Commission for the Negotiation the Peace Agreements. In El Salvador. He also served as Presidential Commissioner for the implementation of the peace agreement of El Salvador. He is an expert in civic - military relations and has been a guest professor/speaker in countries like: Colombia, United States of America, Guatemala and the Philippines.

...IN WITNESS WHEREOF: The signature on the above statement is **AUTHENTIC** as it has been placed by his own hand in my presence, by Mr. MAURICIO ERNESTO VARGAS, of legal age, a Retired Military, from this city, whom I know and identify by means of his unique identity document, which I had before me. San Salvador, on the tenth day of the month of February two thousand thirteen.

[signature and seal]