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Salvadoran convicted of immigration fraud

Ex-military commander sought by Spain in 1989 killing of priests

By Milton J. Valencia SEPTEMBER 11, 2012

A former Salvadoran military commander pleaded guilty in federal court Tuesday to lying to immigration authorities so that he could stay in the United States, a development that could aid Spanish authorities who are seeking to have him extradited to that country, to face charges that amount to war crimes.

He would be the first of nearly two dozen former military commanders brought to a court to answer to their alleged crimes.

Inocente Orlando Montano stood hunched over before US District Court Judge Douglas P. Woodlock to plead guilty through a Spanish interpreter to multiple charges of immigration fraud and perjury. The 70-year-old's cane fell as he answered guilty to six charges.

Prosecutors are asking that he serve 15 to 24 months in prison, and Woodlock said he may consider whether Montano lied on his immigration applications in order to conceal his alleged war crimes, a determination that could strengthen a sentence. Montano could face a maximum sentence of 10 years in prison on some of the charges. Woodlock set a sentencing hearing for Dec. 18.

Montano's lawyer continued to deny his client's involvement in a violent, illegal military past, and he argued that the accusations should have no bearing on the immigration charges. He also said that Montano's decision to plead guilty will not affect his right to challenge extradition to face murder charges in Spain.

Human rights organizations said Tuesday that the latest development in the case brings them closer to seeing Montano and others tried for crimes involving the slayings of Jesuit priests in El Salvador. The Center for Justice & Accountability and other human rights groups alleged he was part of a small group of top commanders who in 1989 plotted the assassination of six Jesuit priests, who were outspoken critics of the



military dictatorship. The center filed a complaint against the commanders four years ago, leading to legal action in Spain.

In May 2011, a Spanish court indicted Montano and 19 other former Salvadoran government and military officials, alleging they orchestrated the slayings of the priests, their housekeeper, and her teenage daughter. Five of the priests were Spaniards, giving the country a legal standard to bring murder charges.

“This creates fertile ground for the extradition,” said Carolyn Patty Blum, a senior legal adviser for the Center for Justice & Accountability, a San Francisco-based human rights group that has worked to expose the alleged war crimes.

Montano can challenge the extradition request, but Blum said the United States would legally and politically want to hand him over to Spain.

Montano was living in Everett and working in a candy factory under his own name in virtual anonymity before he was identified by the human rights group last year as a former military commander in El Salvador. Montano sought to flee to El Salvador after a Boston Globe report in August disclosed his identity and whereabouts, but he was intercepted by federal agents in Virginia.

In 2011, Spanish officials agreed to seek the extradition of Montano and 14 other former members of the Salvadoran military, according to the Center for Justice & Accountability.

Montano would be the first of the military commanders brought to justice, and the first to face punishment of any kind, Blum said.

Montano’s lawyer, Oscar Cruz Jr., sought to establish Tuesday that his client has not waived the right to contest the extradition, and maintained that his client denies the war crimes allegations.

Montano, who holds degrees in civil engineering and business administration from El Salvador, acknowledged Tuesday that he served in his country’s military, for several years as a vice minister for public security, and that he lied on his immigration applications.

Assistant US Attorney John Capin argued Tuesday that Montano lied to conceal his criminal past. He said Montano was “motivated by a desire to conceal human rights violations that he participated in, or sought to conceal what he was involved in in El Salvador.”

Capin has argued in court records that a 1993 United Nations report found evidence that Montano was involved in the assassination of the priests.

The records stated that Montano retired from the military in 1994, and that at some point he came to the United States. He began applying for protected status in 2002.

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<http://bostonglobe.com/metro/2012/09/11/former-salvadoran-official-convicted-immigration-fraud-boston-sought-spain-war-crimes-charges/q0rTPruik4sLU8x9ESfByJ/story.html>