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Judge Grants Extradition of Salvadoran Colonel Accused in Jesuit Massacre

CJA states that ruling is essential step towards accountability that Jesuits and Salvadorans have demanded for so long.

Greenville, North Carolina—The Center for Justice and Accountability (CJA) celebrates a decision today by Magistrate Judge Kimberly Swank granting the extradition to Spain of Inocente Orlando Montano, El Salvador’s former Vice Minister of Public Security, to stand trial for his role in the 1989 massacre of six Jesuit priests, a housekeeper, and her daughter at the University of Central America in El Salvador.

Judge Swank decided that Montano will stand trial in Spain as a terrorist who conspired with his fellow military leaders to commit a **jus cogens** offense – the most heinous in international law.

CJA Senior Legal Advisor Carolyn Patty Blum said: “Judge Swank's opinion – thorough, erudite and sweeping in scope - turns on a central legal ruling: As a government official, Montano collaborated with others to carry out the murders, acting beyond the scope of his official authority. As such, Montano can be considered a terrorist. This finding is a vindication of the years of struggle of the Salvadoran people against a repressive military which tried to turn reality on its head by calling anyone who defied it – including the Jesuits priests - terrorists. It is gratifying that a US court has recognized the true reality and named its leaders, Montano one of the most powerful - what they were - terrorists.” She added: “The Assistant U.S. Attorney was persuasive in all aspects of his arguments, ably representing the interests of Spain in the U.S. judicial process.”

Carlos Martín Baró, plaintiff in CJA’s **Jesuits Massacre Case** in Spain and brother of Father Ignacio Martín Baró, one of the murdered priests, said: “My brother had a broad desire to help people. When he encountered the poverty and inequality of El Salvador, he realized the problem was deeper, and he dedicated his entire life to helping the people of that country. The fact that the Colonel Montano may face trial in Spain won’t heal the pain but is a victory for all people who seek justice.”

Colonel Montano was El Salvador’s Vice Minister of Public Security during the 1989 murders, reporting directly to the Minister of Defense. In reviewing the basis in evidence of Montano’s role, Magistrate Judge Swank stated that Colonel Montano was a decision-maker and member of the military group ordering the killing of Father Ellacuría, the Rector of the University of Central America, and to leave no witnesses. Montano provided crucial information for this decision and actively participated in the conspiracy to conceal the crime afterwards. Father Ellacuría was targeted for his attempt to broker peace between the government and rebel forces of the FMLN. The peace negotiations included discussions of disbanding an elite and corrupt cadre of officers, of which Montano was a part.

As Magistrate Judge Swank verified, Montano and his fellow co-conspirators “commissioned” the Atlacatl Battalion of the Salvadoran Armed Forces, an elite band of U.S.-trained soldiers, to carry out the order to kill Father Ignacio Ellacuría, which led to the massacre of five other Jesuit priests, a housekeeper, and her daughter. As Magistrate Judge Swank termed it, this was the “basic evil” requiring extradition.

CJA and the Spanish Association for Human Rights filed the **Jesuits Massacre Case** in Madrid in 2008 against the former senior military officials who ordered the murders. Although the Spanish National Court indicted 20 military officials in this case in May 2011 and requested their extradition from El Salvador, a blanket amnesty law thwarted the request and protected those responsible.
Montano has been detained since October 2013. He will remain detained until his transfer to Spain. U.S. extradition law requires the Secretary of State, John Kerry, to give final approval of all extradition orders. Once Montano is extradited, he will face a criminal trial in Spain before a three-judge panel of the Spanish National Court.

CJA’s International Attorney, Almudena Bernabeu, who will lead CJA’s case in Madrid, said: “Holding a senior military officer accountable for the Jesuit massacre is significant on so many levels. First, we will be able to find the truth that the Jesuits and all Salvadorans have demanded for so long. Truth and accountability will give strength to all those who are trying to end the cycle of violence in El Salvador that has resurfaced to levels not seen since the civil war. Magistrate Judge Swank’s decision is an affirmation of Spanish Judge Eloy Velasco’s efforts to keep Spain’s universal jurisdiction law alive, challenge impunity, and prosecute human rights abusers.”

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