

**CHRONOLOGY OF JUDICIAL DEVELOPMENTS IN THE JESUIT CASE
(FOURTH PENAL COURT OF THE DISTRICT OF SAN SALVADOR, EL
SALVADOR)**

NOVEMBER/89.

16. Alleged Military Commandos killed six Jesuit Priests and their two assistants. The victims were Ignacio Ellacuria, Ignacio Martin Baro, Segundo Montes, Armando Lopez, Joaquin Lopez y Lopez, Juan Ramon Moreno, Elba Julia Ramos and Celina Marisela Ramos. Justice of the Peace Dr. Rosario Gochez Castro de Paz inspected the crime scene and conducted a preliminary investigation. Shortly afterward, the Special Investigative Unit (CIHD) began the formal investigation.

14. The 4th Criminal Judge, Dr. Ricardo Zamora initiated his duties with respect to the case.

18. Judge Zamora and a secretary went to the Central American University to take statements from plaintiffs and witnesses. Due to the mourning in progress, this process was postponed. The order to admit the declaration of plaintiffs, father Jose Maria Tojeira Pelayo and other priests of the same order, was issued. An order to conduct the ballistics tests of the bullets used in the murder, was also issued.

20. The Attorney General of the Republic appointed the following special agents for the case: Sotero Consuett Diaz and Saul Rigoberto Zelaya. The court authorized Lucia Barrera de Cerna to testify as a witness.

22. Mrs. Lucia Barrera de Cerna testified as a witness.

23. Following a petition from the Attorney General, Mrs. Lucia Barrera de Cerna expanded on her testimony.

27. Dr. Fidel Chávez Mena and Ms. Maria Julia Hernández were subpoenaed by the Attorney General to testify relative to the case. Ricardo Marcial Zelaya and Jorge Carlos Figeac were sworn in as special representatives of the Attorney General.

28. The court ordered the filing of the sworn statement of Col. René Emilio Ponce. The declarations of Father Fermín Sainz and other witnesses and neighbors of the UCA were also taken. In addition, Jesuit Father Rogelio Pedraz testified with respect to the search conducted on 13th of November and the theft on the day of the murders.

DECEMBER/89.

5. The court ordered the filing of the sworn statement from witness Monsignor Gregorio Rosa Chávez. The bullets were delivered for ballistics tests.

8. Colonel Rene Emilio Ponce, Armed Forces Chief of Staff, testified by means of a sworn statement. Judge Zamora continued to take statements from neighbors of the University and the CIHD continued its investigations.

11. The sworn statement of Col. Ponce was filed. The court subpoenaed certain soldiers of the Atlacatl Battalion.

JANUARY/90.

4. The court ordered the delivery of the forensic certificates concerning the victims to father Tojeira. It subpoenaed Dr. Chávez Mena for the second time. The declaration of Monsignor Rosa Chávez as a witness was requested again.

16. The court ordered that autopsies be performed to establish if the bodies showed any signs of torture. Col. Guillermo Alfredo Benavidez Moreno, Director of the Military School, Lt. Yusshi Rene Mendoza, Lt. Jose Ricardo Espinoza, 2Lt Gonzalo Guevara Cerritos, Cpl. Angel Perez Vasquez, Sgt. Tomas Zarpate Castillo, Sgt. Antonio Ramiro Avalos Vargas and Pvt. Oscar Mariano Amaya Grimaldi were remanded to the Judge and charged with the crime. Pvt. Jorge Alberto Cierra Ascencio was also charged but remained at large having deserted the Army. All those charged pleaded not guilty as charged.

16. The Criminal Investigating Commission (CIHD) report of the homicide investigation was received. Based on this, the formalities of the judicial process began. An order to detain the accused for questioning was issued.

17. Defense attorneys were appointed and advised accordingly.

18. Provisional detention of the accused was ordered and an embargo was placed on their personal property. Statements were taken from members of the Atlacatl Battalion which conducted the search of the UCA on November 13th as well as the operation on the 16th. Sgt. Jose Antonio Cordova Monge testified.

19. The defense was sworn in.

22. Military witnesses were requested.

23. Defendant's demand for dismissal was referred to the Attorney General.

26. The dismissal was denied and the defendants were ordered held in the custody of the Court.

FEBRUARY/90.

1. The Judge ordered the National Police to present as witnesses the following members of the Atlacatl Battalion: Oscar Rafael Molina, Jose Napoleon Argumedo, Orlando Martinez Dubon, and Neftali Ruiz Ramirez.

9. Subpoenas were issued to witnesses on active duty in the security forces and the CIHD. Further testimony from defendants Tomas Zarpate Castillo, Angel Perez Vazquez and Oscar Mariano Amaya Grimaldi was ordered to be taken.

14. The results of the ballistics tests were requested from the CIHD. Additional testimony was taken from defendants Jose Ricardo Espinoza and Gonzalo Guevara Cerritos.

22. After President Cristiani integrated an Honor Commission to investigate the murders, the court requested the names of its members. For the third time, Monsignor Rosa Chávez was requested to appear in front of the court. The Justice of the Peace concluded the execution of the embargos ranging from \$2,000 - \$6,000 on the residences of the defendants.

MARCH/90.

1. The daily Operations Journal was requested from the Joint Security Command of the Military School. In addition, a Commission was established to assign investigators to assess the damages caused at the UCA.

12. Testimony from 22 troops of the Atlacatl Battalion and other neighbors of the UCA was requested. The Control Log of the Military School was requested from the CIHD.

15. The sworn statement of Monsignor Rosa Chávez was added to the docket.

16. The names of the Commanders of the guards that were on duty at the Military School between 12 and 16 November was requested as well as details concerning the Ford 250 pickups assigned to the school.

22. The request for change of venue was received from the Defense and referred to the Attorney General.

Several Police Agents were called to testify. The National Institute of Geography, "Ing. Pablo Arnaldo Guzman", was asked to present a report on the exact locations of the Military School and the UCA.

26. The National Institute of Geography reported that the Military School was located in El Salvador. The testimony of Father Ernesto Cardenal was ordered to be taken.

30. The list of the members integrating the Honor Commission was received from President Cristiani. The request to move the case to New San Salvador was rejected. The court ordered that members of the Honor Commission be subpoenaed to testify as witnesses in the case. The CIHD presented a report concerning the Ford 250 pickups and provided the names of the Commanders of the Guard on duty at the Military School on the nights of the 15th and 16th of November.

APRIL/90.

16. The CIHD stated that it did not have adequate personnel to properly investigate the case. The Attorney General answered affirmatively to the request to move the case to New San Salvador. The Judge declared the petition from the defense for a change of venue to be without merit. The testimony from the Cadets Honor Commission which commanded the guards at the Military School on the night of the crime was ordered to be taken.

27. The petition by the Attorney General's Office to obtain sworn testimony from Col. Ochoa was approved by the court.

30. The Vice Minister of Defense, Col. Zepeda, offered to collaborate with the court when statements on CBS accused him of complicity.

MAY/90.

3. The Moakley Commission Report was added to the docket.

4. The Military School report containing the names of the cadets on duty the night of November 15 and 16, 1989 was added to the docket. The declarations of the Cadets on duty were ordered to be taken and information concerning the courses that the Cadets involved were taking abroad was also requested.

8. The lawyers Rodolfo Parker and Antonio Augusto Gomez

Zarate, members of the Honor Commission, were cited for the second time to provide testimony.

9. The American attorney Margaret Popkin was appointed by the court to translate the "Moakley Commission Report". In addition, an order for the Cadets on guard duty to appear to testify was presented to the High Command. The Judge declared without merit the second petition for a change of venue to New San Salvador.

11. The Minister of Defense, General Larios, requested that all inquiries referred to the Military, be addressed thru his office. The testimony of Father Jose Rodolfo Cardenal Chamorro was taken. Cadet Jose Wilfredo Aguilar was presented but he denied serving as a guard on the nights in question.

14. The Director of the National Police, Col. Dionisio Ismael Machuca, member of the Honor Commission, delivered a sworn statement.

21. The sworn statement of Col. Ochoa Perez as well as the Moackley Report was received by the Judge.

23. The sworn statement was received from Gen. Villamariona. The report of the Honor Commission was requested from President Cristiani. The sworn statements of U.S. Major Erick W. Buckland, Col. Armando Avilés, and other military personnel were requested from the Defense Ministry. The Ministry of Defense was requested to provide the names of the guards on duty on the nights of the 15th and 16th of November as well as the logbook for November and December. The CIHD was requested to provide information concerning anyone providing false information concerning this subject. The Commander of the Military School was requested to provide the names of the guardians of the logbooks. A citation to give evidence in the case was issued to Lt. Hector Ulises Cuenca, former member of the National Intelligence Directive (DNI). The CIHD reported on the burning of the logbooks which was done under the orders of Major Carlos Camilo Hernandez.

24. It was requested that the accused amplify on their declarations.

28. The list of guards was delivered to the Judge. A clerk, Juan Rene Arana, Col. Hernandez and Lt. Mendoza were ordered to appear and testify concerning the burning of the books.

29. The report of the Honor Commission was

received from President Cristiani.

30. The testimony of the Honor Commission was completed. The guards were ordered to appear and testify. The Report of the Honor Commission was added to the docket.

JUNE/90.

1. The sworn statement of U.S. Major Erick W. Buckland was received and attorney Popkin was appointed to translate it. Lt. Hector Ulises Cuenca Ocampo who supervised the search of the UCA on the 13th of November under the orders of Capt. Fernando Herrera Carranza, Chief of DNI Operations, provided his testimony.

4. The clerk, Rene Arana Aguilar gave his testimony as a witness.

6. The translation was received from attorney Popkin.

11. The Military School Log Books for the months of November and December of 1989 were requested.

21. Col. Avilés was subpoenaed for the second time. The legal representative of the UCA was subpoenaed to appear as plaintiff and testify with respect to damages suffered by the university.

26. The Log Book of the Military School was received. The provisional detention of Col. Carlos Camilo Hernández was ordered together with an order for his capture and the placement of an embargo on his personal property.

JULY/90.

1. Col. Benavides amplified his testimony as defendant.

12. As a result of testimony from Col. Avilés, U.S. Major Erick W. Buckland was subpoenaed to testify again. Col. Ponce amplified on his previous testimony. An order was issued to investigate the Order Book and name the experts for that purpose. An order was also issued demanding the testimony of the drivers and employees of the Military School whose names appeared in the Order Book as well as the testimony of Col. Joaquin Arnoldo Cerna Flores, Chief of Staff of the High Command in November.

13. Sworn statements were ordered to be taken from Col. Ivan Lopez y Lopez, former advisor to the CIHD, and Lt. Col. Manuel Antonio Rivas, Chief of the CIHD. The Ministry of Defense was ordered to provide the names of the drivers who transported Atlacatl Battalion troops, the types of vehicles used, the times they went out and returned to the Military School, the information contained in the logbooks that were kept during 1989 as well as the actions of the assistant warehouse clerk, Nelson Arnoldo Lazo Guevara. Captain Fernando Herrera Carranza also testified.

17. The defense attorney for Lt. Col. Hernandez, Dr. Ricardo Castellon, requested the release from prison of his client and presented his resignation from the case due to threats he had received.

18. Col. Carlos Camilo Hernández testified. His defense attorney was appointed and bail was requested. Steps were begun through diplomatic channels to seek the presence of Maj. Buckland. The defense attorneys for Col. Benavidez took on the defense of Lt. Col. Hernandez.

19. A request for another sworn statement was issued to Col. Rene Emilio Ponce, Chief of the High Command, and a request was made through diplomatic channels for Col. Milton Menjivar, Chief United States Military Advisor to El Salvador, to appear and testify.

20. The Rector of the UCA, Father Francisco Estrada, testified as plaintiff. Another petition by the defense was presented seeking a change of venue to New San Salvador. The request for release of Lt. Col. Hernandez was sent to the Attorney General for comments.

27. Col. Carlos Camilo Hernández testified again. The Attorney General approved the release on bail of Lt. Col. Hernandez.

31. Col. Hernández was freed on bail.

AUGUST/90.

3. Sworn statements from Minister Larios and Col. Ponce were received. The court ordered a sworn statement from President Cristiani. Col. Zepeda was ordered to appear and testify.

7. The chief of the CIHD was requested to provide the court with a report of the total number of guns and the serial numbers for each one of the guns that were subject to ballistic tests, and the names of each of the troops to whom they had been

assigned. Nelson Guevara Lazo was ordered to appear and testify again.

9. CIHD reports concerning the radio transmissions that were made by the Security Command of the Military School were received.

13. The court issued an appeal to the Supreme Court for it to formally request the appearance of American Major Erick W. Buckland to testify. Lt. Francisco Monico Gallardo, warehouseman at the Military School, testified and denied that there were AK-47 rifles kept in inventory.

14. Father Tobías Vargas was subpoenaed to declare as Plaintiff with respect to the damages caused to the Jesuit Residence that adjoins the grounds of the UCA. Further testimony was ordered from various members of the Atlacatl Battalion and the Commander, Col. Oscar Alberto Leon Linares was also cited to testify. In addition, a declaration was ordered to be taken from Lt. Mendoza's Aide-de-camp as well as from the aides to the Investigative Commission.

17. The Supreme Court requested the Foreign Ministry to seek the appearance of Major Buckland. The Attorney General opposed the move to New San Salvador of the case. The Judge dismissed the change of venue petition and also requested from the Minister of Defense the names of the military commanders present at the meeting of the evening of the 15th of November.

20. President Cristiani and the High Command expressed to the Supreme Court, Dr. Mauricio Gutierrez Castro and Judge Zamora, their complete compliance with the law and disposition to cooperate in clarifying the issues in the case.

24. Provisional detention for Sergeant Oscar Armando Solórzano Esquivel was ordered on the basis of his having given false testimony. An embargo was placed on his personal property in the amount of \$2,000. The appeal submitted by the defense for a change of venue was declared inadmissible.

28. Investigators were named to value the damages done to the UCA. The defense presented a claim to the Chamber for a change of venue.

29. Another sworn statement was received from Col. Rene Emilio Ponce. The Chamber declared without merit the change of venue request made by the defense.

30. The sworn statement of Gen. Rafael Humberto Larios,

Minister of Defense, was delivered to the Judge along with the list of Officers present at the meeting of the 15th of November. The Judge ordered that a list of questions be sent to the President to be answered by means of a sworn statement. Col. Juan Orlando Zepeda, Vice Minister of Defense, was cited to appear and testify.

SEPTEMBER/90.

5. The arrest was ordered for Hector Antonio Guerrero Maravilla and Rufino Barrientos Ramos, members of the Atlacatl Battalion, on the charge of perjury.

6. President Cristiani waived his right to provide a sworn statement and he was subpoenaed to appear in Court to testify on 7 September at 3:30 PM.

7. President Cristiani appeared at 3:30 p.m. before the court to provide his testimony relative to the Case.

10. Lt. Col. Juan Emilio Velasco Alfaro, Commander of the Bracamonte Battalion, and Major Mauricio de Jesús Chávez Cáceres, Director of COPREFA, testified.

11. The Attorney General considered non-processable the defense request for release on bail presented to the First Criminal Chamber of the First Section of the Center for Justice. Col. Juan Velasco Alfaro testified. The Chamber rejected the defense request for release on bail.

14. Col. Heriberto Hernandez and Col. Nelson Ivan Lopez y Lopez testified. The first was Director of the Treasury Police during the 1989 Offensive and later transferred to the 6th Infantry Brigade based in Usulután and was then transferred as Military Attache to Nicaragua. The second officer was an assistant to the CIHD until July, 1989 and then named Chief of Group I of the High Command where he served until the beginning of 1990 when he was transferred to the Military Engineering Group with Headquarters in Zacatecoluca, Department of La Paz. Lt. Col. Juan Velasco Alfaro.

18. Col. Orlando Zepeda, Vice Minister of Defense, testified about the November 15th meeting of the High Command.

21. Col. Joaquín Arnaldo Cerna Flores (former Commander of Group III of the High Command before being transferred to General Manager of ANTEL), testified.

24. Lt. Nelson Alberto Barra Zamora, assistant to Col. Benavides, testified.

25. Capt. Julio Armando Garcia Oliva, and Jose Heriberto Valle (assistant to Lt. Yushi René Mendoza Vallecillos), testified.

26. Col. Ismar Francisco Roque (Finance Dept. Chief at the Ministry of Defense) and Lt. Col. Oscar Alberto León Linares, (former commander of the Atlacatl Battalion), testified.

28. U. S. Army Major Erick Buckland, a former member of the U.S. Advisors Team, ratified before the Judge the sworn statement he made in January and his testimony cited in the Moakley Commission Report.

OCTOBER/90.

1. Fathers Francisco Javier Ibizate S.J. and Tobías Alberto Vargas S.J. testified as plaintiffs. Jose Ismael Parada and Catalino Lovato testified as "communicator" and secretary of extra judicial activities in the case.

2. Col. Benjamín Eladio Canjura (Commander of C.I.T.F.A.) and Col. Juan Carlos Carrillo (Director of the National Guard), testified.

5. Col. Mauricio Guzmán Aguilar (former Chief of the National Intelligence Department, current Military Attache to Costa Rica) appeared before Judge Zamora to testify in relation to his version of the Military High Command's meeting that took place on the night of November 15, 1989 at Military Headquarters.

10. Detectives Jose Ismael Parada Cáceres and Catarino Lovato Ayala, both members of the C.I.H.D., testified as witnesses.

15. Declarations from Col. Rene Emilio Ponce, Col. Juan Carlos Carrillo and Col. Dionisio Ismael Machuca were requested.

16. Engineers Jose Carlos Hasbún and Mary Patrice Mendez, expert witnesses in the case, presented their report of the monetary damage caused to the University installations on November 16, 1990, and concluded that total damages caused had a value of four hundred four thousand nine hundred and forty five colones.

18. Lt. Jose Luis Preza Rivas, Chief of the Special Investigation Unit, testified as a witness.

19. Lt. Col. Manuel Antonio Rivas Mejía, Chief of the

Special Investigations Unit, testified as a witness in the case.

22. Three sworn statements of Major Buckland were received from the United States Embassy thru unofficial channels.

23. The court issued a statement in reference to the statements of Rep. Moakley about documentation implicating Col. Benavides and stated that the court had received 29 pages of sworn statements and related matters from Maj. Erick W. Buckland. In addition, the court received the sworn statements of Col. René Emilio Ponce, Minister of Defense, and Col. Juan Carlos Carrillo Schlenker, Director of the National Guard.

24. In separate meetings, the United Nations Human Rights Observer for El Salvador, Dr. Jose Antonio Pastor Ridruejo, met with the Supreme Court and Judge Zamora.

30. Lt. Col. Jose Antonio Armendariz Rivas, member of Section II of the National Police, Lt. Jose Alberto Arias Ramos, member of the National Police, both of whom were in charge of the custody of the military suspects, testified as witnesses. In addition, Col. Dionisio Ismael Machuca, Director of the National Police gave his sworn statement.

31. Lt. Col. Carlos Armando Avilés, Chief of Section V of the High Command, appeared to amplify on his previous declarations as a witness in the case. At the request of Judge Zamora, the Supreme Court began diplomatic efforts to secure any remaining evidence in the hands of the United State authorities.

NOVEMBER/90.

1. The Supreme Court requested that the Ministry of Foreign Affairs seek from the appropriate authorities in the United States the delivery to the court of all documentation and related items pertaining to the case. In addition, the ballistics expert, Noé Antonio González García appeared and provided a statement as a witness in the case.

7. The Commission performing ballistics tests was ordered to present their pending report.

8. Intelligence reports from the National Police about the purported presence of Guerrillas in the UCA were requested.

9. Major Rene Guillermo Contreras who in November 1989 served as Chief of Counterintelligence of Group II of the

High Command testified in the case.

13. The Commission stated that it still had 32 bullet casings to analyze.

14. Judge Zamora announced that he would request that the remaining evidence in the case that was still in the hands of United States authorities be turned over to him.

16. Arguing that irregularities occurred in the investigation and that no proof existed against Col Benavides, the defense consisting of lawyers Raul Mendez Castro, Carlos Mendez Flores, Adalfredo Salgado and Joaquin Eulogio Barahona requested the release of all the soldiers charged. The CIHD delivered clothing and other personal effects in possession of the victims at the time of the crime.

20. The accused were charged with acts of terrorism and preparation of terrorist acts based on the results of the damages done at the UCA at the time of the crime and based on the non-judicial statements made by the accused and other witnesses. For acts of terrorism, eight of the soldiers were ordered held and an embargos of \$3,000 to \$5,000 were levied. For planning and conspiracy in acts of terrorism, embargos of \$650 to \$1,250 were levied based on testimony given by the accused and other witnesses. With the exception of Col. Benavides, the soldiers were charged with acts leading to terrorism and embargos of \$1,000 to \$1,850 were levied. The arrest was ordered of Lt. Yusshi Rene Mendoza for the crime of obstruction of justice in the burning of the Military School Logbooks and levied an embargo of \$1,850. A new order for the arrest of Jorge Alberto Cierra Ascencio was issued a a time limit was established for him to present himself in his defense. The Judge also announced that an inspection will be undertaken of a M-60 machinegun, an AK-47 rifle and two M-16 rifles in the hands of the Forensic Technical Unit of the CIHD.

21. The opinion of the Attorney General regarding the summary crimes of the accused was requested.

26. The defense announced their opposition to the Tribunal's issuance of terrorism charges against the accused and stated that they would file an appeal.

27. Considering that the case was ready to be presented at trial, the Attorney General requested that a trial date be set.

29. The defense presented a demand for aquittal of the accused on the most recent terrorism charges brought against the defendands.

30. The Attorney General of the Republic rejected the defense's demand and requested that the case go to trial.

DECEMBER/90

3. The defense objected to calls by the Attorney General to begin the trial phase. The defense filed to have the charges dropped for the planning and conspiracy in acts of terrorism as well as charges for obstruction of justice.