



(Translation - Spanish)

FOURTH CRIMINAL COURT: San Salvador, at 3:45 p.m., January 18, 1990.

The legal period having expired for investigation of the accused present, **Angel Pérez Vásquez**, 30 years of age, student, native of Barrio El Tránsito, San Miguel Tepezontes, Department of La Paz, resident in the same place; **Tomás Zarpate Castillo**, 28 years of age, staff sergeant in the Army, native of Ahuachapán, resident on Final 1st Street East, Barrio La Vega, Ataco, Department of Ahuachapán; **Antonio Ramiro Avalos Vargas**, 21 years of age, soldier, native of Lourdes, Colón, Department of La Libertad, resident on Fifth Street West, House No. 1-6, Lourdes, Colón, Department of La Libertad; **Gonzalo Guevara Cerritos**, 27 years of age, soldier, native of Santa María Ostuma, Department of La Paz, resident in Colinas de San Francisco, Street No. 5, lot No. 4, house No. 16, San Salvador; **José Ricardo Espinoza Guerra**, 28 years of age, soldier, native of Sonsonate, resident on San Antonio Abad Street, No. 2425, Colonia Las Roas, of this city; **Oscar Mariano Amaya Grimaldi**, 26 years of age, soldier, native of Jiquilisco, Department of Usulután, temporary resident in the barracks of the Atlacatl Battalion; **Yusshy René Mendoza Vallecillos**, 26 years of age, Army Lieutenant, native of La Unión, resident at Residencial Betania, building No. 4, house No. 1, Nueva San Salvador; **Guillermo Alfredo Benavides Moreno**, 44 years of age, soldier (Colonel), native of this city, resident in Colonia General Arce, Capitán Douglas Varela Street, housing development "E," house No. 7, of this city; and **Jorge Alberto Cierra Ascencio**, personal data unknown, since he is absent; they are charged with the crime provisionally termed as murder, described and sanctioned in Art. 154, par. 1, related to Art. 153, Nos. 2 and 6, of the same body of laws, against the persons **Ignacio Ellacuría**; **Ignacio Martín Baro**; **Joaquín López y López**; **Juan Ramón Moreno Pardo**; **Segundo Montes Mozo**; **Amando López Quintanilla**, all the above former members of the Society of Jesus; as well as of **Mrs. Elba Julia Ramos** and her daughter **Celina Marisela Ramos**; events occurring on November 16, 1989, in the early morning hours inside of the residence of the Jesuit priests, located next to the campus of José Simeón Cañas Central American University (UCA), of this capital city.

From the evidence that appears in the information to date, the following is resolved:

The existence or body of the crime in the events that are being investigated has been established in the corresponding legal steps through the inspection made at the place of the events, whose written record appears on pgs. 1151 // and which in the pertinent section states:

"...On the eastern side of José Simeón Cañas Central American University, the Jesuit University Residence, at 10:10 a.m. of November 16, 1989...on the upper floor of that building there is a grassy area next to the building in which are found four numbered

corpses which were identified through priests Miguel Francisco Estrada and Francisco Javier Ibisate, thus:

Body number 1 corresponds to **Amando López**, priest, 54 years of age, of Spanish citizenship, who is found in the following position: head to the west, feet pointed to the east, mouth down, left arm bent toward the west, right arm bent to the east; dressed in striped shorts, green terrycloth poncho and green jeans;

Number 2 corresponds to **Ignacio Martín Baro**, priest, Vice Rector of this University, 46 years of age, born in Spain and naturalized in El Salvador, who is found in the following position: head to the west, feet to the east, left arm to the west, right arm bent to the north, right foot on the left, mouth down; wearing blue sport shirt, black leather belt, gray pants, black shoes and socks.

Number 3 corresponds to **Segundo Montes**, priest, 56 years of age, born in Spain and naturalized in El Salvador, who is found in the following position: mouth down, feet extended to the northeast; head to the southwest, left arm and right arm bent below the head with direction to the south; wearing beige shorts, beige shirt and green jeans.

Number four corresponds to **Ignacio Ellacuría**, priest, Rector of this University, 59 years of age, born in Spain and naturalized in El Salvador, who is found in the following position: mouth down, head to the north, feet to the south, left arm to the north, right arm bent toward the face; wearing brown bathrobe, beige shorts with vertical stripes, blue shoes.

In the northern part, one and a half meters away, approximately, from those bodies, is a wall with multiple blood stains of different sizes and near the bodies particles of encephalic mass; entry is made of the mixed construction described previously, to a hallway one and a half meters wide by 20 meters long, approximately, indications being found of blood as if a person were dragged toward the inside of the corridor. Next to the entrance to the corridor, a brown Hush Puppy shoe is found.

In this place, upon inspecting the second room on the right side, the place where the blood indications lead, another body is found, which, according to the priest Miguel Francisco Estrada, belongs to **Juan Ramón Moreno Pardo**, priest, 55 years of age, and of Spanish citizenship, who is found in the following position: mouth down, head to the west, feet to the east, arms extended toward the southwest, dressed in black corduroy pants, black belt, long-sleeve blue shirt, purple shorts, brown leather shoe on the right foot, Hush Puppies, the same as the one found in the corridor.

And in the third room on the left another body is found, which, according to the priest Miguel Francisco Estrada, belongs to **Joaquín López y López**, 71 years of age, priest, of Salvadoran citizenship, Director of *Obra Fe y Alegría* /lit: faith and happiness/, who is found in the following position: mouth up, head to the east, feet to the west, arms bent over the chest at the level of the nipples, and hands semi-closed; wearing a white sleeveless undershirt, brown pants, black belt and shorts with vertical stripes...

Then we went to the west side of the construction, where the kitchen is, and in an adjoining room are found the bodies of two women, who, according to the priest Francisco Javier Ibisate, belong to the cook, **Elba Julia Ramos**, 40 years of age, approximately, and other general data unknown, who is found in the following position: mouth up, head to the north, left foot to the south and right foot to the southwest, right arm to the northwest, left arm to the southeast, both extended; she is wearing: a blue dress, beige slip, black leather shoes, white bra; and her daughter, named **Celina Ramos**, 15 years of age, approximately, and other data unknown, who is found in the following position: mouth up, next to the body of the first, head to the north, feet to the south, right arm over the chest, left arm perpendicular to the left side with direction to the north; wearing blue shorts, black, orange, red and beige vertically striped blouse, white leather shoes with laces.

Next, we proceeded to inspect the lower part of the building, finding on the inside passage an undetermined amount of heavy calibre rifle cartridges...": and, through the legal medical examinations made on the bodies of those now deceased, added to pgs. 1153, 1183, 1188, 1186, 1158, 1109/??, 1104 and 1187 /?/, in which the respective forensic doctors determined that the cause of death of the priest **Joaquín López López** was the lesions produced with a firearm and which damaged lungs, heart and liver, this causing at the same time irreversible thoracic-abdominal hemorrhagic shock; of **Juan Ramón Moreno**, the destruction of the encephalic mass, caused by firearm lesions, which in turn caused irreversible cerebral hemorrhagic shock; of **Ignacio Ellacuría**, severe cranial encephalic traumatism produced by firearm lesions which caused the destruction of the encephalic mass and irreversible cerebral hemorrhagic shock; of **Amando López**, severe cranial encephalic traumatism produced by firearm lesions, which caused destruction of the encephalic mass and irreversible cerebral hemorrhagic shock; of **Segundo Montes**, severe cranial encephalic traumatism, produced by a firearm, which caused irreversible cerebral hemorrhagic shock; of **Ignacio Martín-Baro**, severe cranial encephalic traumatism produced by a firearm, which caused irreversible cerebral hemorrhagic shock; of **Mrs. Elba Julia Ramos**, destruction of the encephalic mass produced by firearm, which caused irreversible hemorrhagic shock; and of the minor **Celina Marisela Ramos**, severe thoracic and cranial encephalic traumatism produced by firearm, which in turn produced irreversible hemorrhagic shock; the violent death to which the murder victims were subjected being established with the above.

The material participation of the accused **Angel Pérez Vásquez** was proven sufficiently through his own out-of-court confession, rendered at the General Office of National Police, at 8 a.m. on the 14th of this month and year, which in the pertinent section says: "...That he admits responsibility in having killed a person who was at the UCA facilities, and about that he can say the following: That he is on duty with the fourth company and stationed in the Commando Section of the Atlacatl Battalion, with headquarters at the Sitio del Niño in the Department of Libertad...that on the 15th at 6:00 p.m. Lt. Espinoza gave the order for them to leave the Military School and take a position on the west side of UCA, because of having knowledge that in it there was a concentration of subversives and that they had personnel wounded; so that they left through the back door of that school, they walked along a street that passes by a champerío /meaning not found/ until reaching the Southern Expressway and they posted themselves on a street

that leads to a theater. They had as an order to return at 8:00 p.m. if there were no problems, but since there was a small confrontation in the sector around the theater, where a member of the National Guard died, the Commander of the patrol decided to take positions on the south side of the theater, that he remembers that around midnight a soldier came to call them and took them around the corner of the theater where the rest of the section was located, Lt. Espinoza and Second Lieutenant Cerritos and another lieutenant who the speaker saw for the first time and apparently he is on duty in the Military School; that Lt. Espinoza gathered some of them together and told them that he had received an order, without specifying from whom, but that it dealt with eliminating the intellectual leaders of the guerrillas and that they were inside the UCA, that in addition the soldier Amaya Grimaldi, alias "Pili Jay" had the mission of murdering those who were there and that he would do it with an AK 47 rifle, which had been assigned to him for some three months. He also told them that at the moment of withdrawal there would be a flare and later a simulation of a confrontation would take place; later the entire Section of Commandos, plus the soldiers that had been added before that, approached the south side entrance to that university, that since it was closed, the soldiers that went first opened it by force. Now being inside in a disorderly form they advanced to the building where the persons were that they were going to eliminate for which purpose a group of soldiers advanced along the left side and others along the right as if trying to surround the place of their interest; that the declarant remained on the left side in front of a glass door, that in that place there was no electrical energy, being able to observe that several of his companions broke the glass door and entered the lower level, where they proceeded to burn documents. Then the declarant entered through the same door together with Sgt. Molina Aguilar and they opened a wood door by force where there were only books; it was at that time that he heard several shots in the upper part of the building, that about eight minutes later the declarant went up to the second floor of that building and entered a hallway where there were several rooms. When he left for the other side, i.e. outside of the building, he was able to observe several dead persons in that same instant he saw that from the hallway was leaving a tall man with white clothing, that man left and observed the bodies, returning immediately to the inside of the building. It was then that several soldiers were speaking to him saying to him, "Pal, come here," and the man paid no attention. When he was now going to enter a room there was a soldier that fired at him, not remembering if it was shot to shot or in a burst, the speaker being able to observe that the man fell to the floor; the reason why the declarant went near that room in order to carry out the search. And when he was passing over the man at whom they had fired, he felt him grab his feet, to which he stepped back and fired at him, shooting four times...immediately he heard that his companions were saying that it was now time to withdraw, the reason why he left through some stairs until reaching a street where some vehicles were parked, observing that at that moment they set off the flare, he also observed that several of his companions, without knowing who, were destroying the glass of the windows of the vehicles and that in addition a group was simulating a confrontation..." A confession that was ratified by the eye-witnesses to it, Juan Pablo Uribe Vargas and Luis Alonso García González, of ps. 1320 /?/ and 1326, respectively.

With respect to the criminal participation of the defendant Tomás Zarpate Castillo, the necessary evidence has been established through his own out-of-court confession rendered at the General Office of the National Police, at 5 p.m. on the 13th of this month and year, which, in the essential, says, "...that he takes responsibility for the crime with which he is charged in these and on them he can say the following: That he is on duty in the Eighth Company and stationed in the Commando Section of the Atlacatl Battalion, with headquarters in Sitio del Niño, Department of La Libertad, as a staff sergeant...that not until the 15th at 7:40 p.m. did he receive the order from Lt. Espinoza to go with his patrol and to take a position on the south side of the University that is mentioned above i.e. by the street light that is located on the southeast side of said University, since there was knowledge that at that center of studies they were going to take some wounded delinquents/terrorists (D/T), having been led on foot, leaving through the rear door of the School, going to near the Torre Democracia, then he continued crossing the expressway and took a direct street, i.e. on the southern side of that tower until reaching the area of an alleyway that is located on the right side of that street and which leads to another street that ends up at the southern door of that University. In that place, around the alley, he remained until 9 p.m. Then he moved and remembers that he passed by the main southern door that is mentioned before until reaching the Colonial Theater, where he remained until 1:30 a.m. on the 16th, that at that time Lt. Espinoza Guerra talked to him by radio to tell him to move to the east side of his position, remembering that he walked some 100 meters, reaching a wide street that leads to the bank, observing that in that place was part of the Commando Section, Lt. Espinoza, 2nd Lt., Cerritos and another officer that he does not know, but that later he learned that he was from the Military School, that upon his arrival he was introduced to Lt. Espinoza and he told him that they were going to mobilize at the University since they had knowledge that the people staying there were terrorists and that it was necessary to eliminate them, that after that all the section moved toward the UCA facilities, the speaker recalling that his patrol entered through the south door of that university, which was open, then he went down some stairs, reaching a wide street he crossed to the right until reaching a door of metallic mesh, upon reaching it he entered and walked a few meters until reaching another door that is on the left side and which is of wood, in that place the lieutenant of the Military School ordered him to remain in it and not to let anyone leave, that at that moment he heard a sound and on turning his sight to the inside of the room, he was able to see two women, one of them seated on a bed and the other was lying down, that he could see that through the clarity of the moon that was entering the room, later he heard a noise and a shout and several shots, then he heard the voice of someone that was saying "Now," as if he was giving a voice of command and that immediately he heard a round of shots, so that the speaker says that he fired at the two women that he was watching over, not remembering the amount of shots he fired, but that it was shot to shot, that upon being sure that those women had died since they no longer were complaining, he began the retreat through the same door of metallic mesh...that then he went to the main door where he had entered, being able to observe that the rest of the Section simulated a confrontation and they set up a flare, not knowing who did it..."; out-of-court confession that was legally ratified by the eye witnesses to it, Luis Alonso García González and José Fredis Retana Chávez, of ps. 1334 and 1318, respectively.

With respect to the criminal participation of the accused Antonio Ramiro Avalos Vargas, the necessary evidence has been established in a legal form through his own out-of-court confession rendered at the General Office of the National Police, at 3 p.m. on the 13th of this month and year, that in the pertinent part says: "...That he takes responsibility for having participated in the crime that is being investigated and with respect to it he states the following: That he has about five years of being on duty in the previously mentioned Battalion, forming part of the Commando Company, which is commanded by Lieutenant José Ricardo Espinoza Guerra and as executive Second Lieutenant Gonzalo Guevara Cerritos, the sergeant of that company being Oscar Armando Solorzano Esquivel. That the declarant has the nickname of "Sapo" or "Satanas."...He remembers that on the 15th of November of last year, at about 10:00 p.m. they were formed opposite the Prevention Guard of the Military School and at which were present the patrols number 3, 4, 6, and the one of the speaker, and in addition two patrols more were added of 15 members each, still of the Atlacatl Battalion, since the first and fifth patrol of his company had previously left in order to carry out a counterinsurgency mission since he recalls that from the day in which they arrived at that School there had been continuous confrontations with the delinquents/terrorists (D/T) who were attacking the city; that when they were formed, together with the two officers from his company, these two officers took the chiefs of the patrols present there out of the formation and a short distance from that place got them together, recalling that the heads of patrols were: Sergeant Zarpate Castillo, of the third patrol; Sergeant Molina Aguilar, of the fourth patrol; and Sergeant González Rodríguez, who at that time was a corporal, of the sixth patrol; all of his company, as well as also in the command of another patrol added was a sergeant who they called "Salvaje," not knowing the name or nickname of the head of the other patrol, but they also did form part of that gathering; that being together, the Company Commander told them that they would go out to carry out a delicate mission and one that was ordered from above, the senior officers not specifying who was giving that order; then they told them that the order was to locate some priests who were in the UCA University, because they were the leaders of the D/Ts, whom they were supporting with everything, whether in the logistical, transmissions, suggestions for the attacks on military installations and the civilian population; that this mission was going to be carried out secretly, since there too they would find subversive material that would be useful to them, among this medicine, shoes and clothes. So the declarant and his other fellow patrol commanders as soldiers and subordinates that they are, agreed to carry out that order, since if they did not do it the speaker thought that they could classify him as a traitor and as he again repeats, he is a soldier loyal to his superiors and because in addition, they understood that those persons that they would confront were D/Ts of the FMLN. After that they left in two Ford 250 pickups, beige, which are assigned to that school, that being in the vehicles, a lieutenant of that School arrived, whose name he does not know but he can recognize him if he sees him, who was in military uniform, not remembering if olive green or camouflage, who came out of the inside of the building of the School where the Guard Commander was and who had in his hands an AK 47 rifle of the small type, also carrying in his hands some long chambers for the same rifle and carrying an M16 rifle of the small type on his shoulder; he then approached where they were in the vehicles and asked: "Which of you has knowledge and can handle this weapon?" He showed them to them at that same instant, so that everyone said aloud, "Pilijai can handle that weapon," referring to the soldier of his

patrol with the last names of Amaya Grimaldi, observing that the soldier mentioned got out of the vehicle and went to take the AK 47 with the chambers, proceeding to handle it and at the same time he made the comment that the rifle was completely dirty and that it was not going to operate at the moment it was used, so that immediately Sergeant Solorzano Esquivel, who was in one of the vehicles, got out and provided that soldier with oil and other tools so that he would clean that weapon, taking some 10 minutes in the cleaning of it, and after that he tried it again, being satisfied with the cleaning he had done...that when they reached UCA it was about 1:00 a.m. already of November 16; that immediately and after going down those steps they took the right along a paved street until reaching where there was an open shed and there he saw some vehicles parked, then they continued the march and a few meters from that place they crossed to the right, passing in front of a chapel, upon turning right, they went up some steps, coming to a main door, observing that it was locked and with a key, and alongside this door there was metallic mesh that surrounded the residence where the Lieutenant of the Military School said the terrorist priests were living, so that they decided to jump that fence on the right side of that door, the officers entering and the speaker accompanied by his patrol through that place, now inside of the property, they surrounded the rooms of it; then they began to beat on the doors and windows of it, observing that one of his soldiers, not recalling who he was, was beating with a piece of wood that they had found along the east side of the room where the priests were sleeping, he was beating a door that was behind and to the side of the residence, but after about 10 minutes of beating on those doors and windows the door that they were beating with the chunk of wood was opened by a blond man in pajamas, not recalling their color, who told them not to continue beating the doors and windows because they were aware of what would happen to them; then the speaker led that man to the part in front of the residence and where there is grass, observing that at that time also coming through the door that is in the front part of that residence were four other men, among them some dressed in pajamas and others in pants, some with sandals and others with shoes, who were also gathered together next to the one he had under his custody and on seeing that just he together with Amaya Grimaldi were watching over the five men and that they lacked trust, that they could react against them, they chose to have them lie down on the grass, at that instant, Sergeant Solorzano Esquivel entered the rooms, with four more soldiers of that patrol, to see if there were more persons inside; a few minutes later after Sergeant Solorzano Esquivel had entered with the soldiers, Lieutenant Espinoza Guerra, who was with the lieutenant of the Military School along the steps at are at the entry to that residence, called him, so that immediately the speaker who was in front of the door to that residence walked a few steps to the steps, leaving Amaya Grimaldi watching over the five men, that on reaching where Lieutenant Espinoza was, he told the speaker: "At what time are you going to proceed," the speaker understanding as an order to eliminate the five men that they had face down, so that he went back where Amaya Grimaldi was; that the five men were face down, lined from north to south, with their heads toward the west, and their feet stretched toward the east; that the soldier Amaya Grimaldi was on the side of the heads of the first three who were from south to north and the declarant was located in front of the other two who were on the north side of the row; then he approached that soldier and in his ear said to him in a low voice: "Let's proceed," so that immediately Amaya Grimaldi, with the AK 47 rifle that the lieutenant from the School had given him, began to fire at the three men that he had in

front and the speaker with his M16 rifle proceeded to fire at the head and body of the other two that he had in front of him, at that moment he also heard shots inside that residence and that it was where Sergeant Solopzano Esquivel had entered with the four soldiers...so the speaker began to walk toward the entry door of the residence on the side of the chapel, it being at that time that he was joined by the soldier Jorge Alberto Sierra Ascencio, who was providing security, but before reaching that main door, which was now open, he heard that from the inside of a room that is near that door, some persons were moaning, so that he immediately thought that it was persons at whom they had fired and they were not dead, that on looking toward that place he observed that the room was without the light on and with the door open, so that he told the soldier Sierra Ascencio to go to see and being at the door of that room, the declarant lit a match, observing that inside of it there were two women spread out on the floor and who were embracing, moaning, so that he ordered the soldier Sierra Ascencio to rekill them, so that the soldier with his M 16 fired a round like of 10 cartridges toward the body of those women until they no longer moaned...that now being in front of the parking lot that is by the chapel, one of the officers, not remembering who, told Corporal Cota Hernández to fire his 40 mm grenade launcher of illumination, which would serve as a signal for uniting the rest of the staff that still had not arrived." The above transcribed out-of-court confession was ratified in legal form in this Tribunal by the eye witnesses to it, Edgar Guzmán Urquilla and Mario René Ortiz Fabián, ps. /illeg./, respectively.

With respect to the accused **Gonzalo Guevara Cerritos**, his criminal participation in the crimes that are being investigated has been established sufficiently, through his own out-of-court confession rendered at the General Office of the National Police at 1:00 p.m. on the 13th of this month and year and which, in the essential part, says: "...that he does not take responsibility for the acts with which he is charged in these proceedings, but about it he can relate the following: that on November 13 of the recently past year, at about 4 p.m. the declarant left the Atlacatl Battalion together with Lieutenant José Ricardo Espinoza Guerra, Commander of the Commando Section, and 135 troop members, in some four military vehicles headed for the Capitán General Gerardo Barrios Military School, the place where they would remain in reserve under the command of Col. Alfredo Benavides Moreno, Director of that School...that it was not until the 15th of November at about 10 p.m., that being in the Colonia Arce together with six soldiers of the troop and Lieutenant Espinoza, a call was received by radio to reconcentrate at the School, being for that reason that the order was obeyed, Lieutenant Espinoza reporting to Colonel Benavides that they were now present, three patrols missing with which it had not been possible to make contact, they being those of Sergeant Cordova Monge, located around the Colonial Theater, and the one of Sergeant Haum y Samson, who were around some old buildings located on the west side of UCA University; that after that they went to rest at the place that they had assigned at that School and that at about midnight of that day, the 15th, the Director of it, ordered them called and upon reaching where he was, with him was Lieutenant Mendoza Vallecillos, Colonel Benavides telling them, "Well, gentlemen, we're staking it all, it's either us or them, since they have been the intellectuals that have led the guerrillas for a long time." That in addition, after stating that he added "that there was Lieutenant Mendoza and that since he is a comrade of Lieutenant Espinoza and has more seniority,

he would be the one that was going to direct the operation, since already Espinoza's soldiers know where the Jesuit fathers sleep and I don't want witnesses." Then the three officers left, being led by Lieutenant Mendoza, towards his tent; then the declarant with Espinoza gathered together the chiefs of patrols that were there and relayed to them the order that they had received from Colonel Benavides; ...that now being ready, in two Ford pickups they went until getting to the west side of UCA University, between the old buildings and the Colonial Theater, since there they got out of the vehicles and joined the other patrols that were posted near that place...that it was there where Lieutenant Mendoza communicated to all of them the order that had been received from the Director of the School and at the same time began to give the instructions, leaving on foot for the southern entrance to said University...that when the speaker got to where there is a roofed parking lot, he observed that some soldiers were jumping over a metallic mesh, which is to the right of a two or three-story building, in which he supposes the Jesuit fathers lived...after being in that parking area some two minutes, he went toward a garden that is near a traffic circle, staying some 30 meters away from the previously mentioned building, where he observed some steps to the side of where he was; that being in that place, he heard shots on the other side of that building, not being able to specify what calibre the detonations were, since they sounded as if they were inside a building, so that the declarant was afraid and decided to look for the exit, i.e. the part through which he had entered, running into Lieutenant Espinoza, who was around where there are some steps near that main door...but when they were some 100 meters before getting to it, there were loud explosions, rounds of machine gun, shots from an M 16 rifle, supposing that the loud explosions were Law anti-tanks, not knowing if he was hearing shots from an AK 47, but he did observe that they sent up a flare inside the UCA...this shooting for a period lasted some 15 minutes more or less..." The out-of-court confession above was legally ratified by the eye witnesses to it, José Lázaro Martínez and Milton Oswaldo Escalón Fuentes, whose judicial statements are found on ps. 1341 and /illeg/, respectively.

With respect to the accused José Ricardo Espinoza Guerra, his criminal or material participation in the crimes being investigated has been established sufficiently through his own out-of-court confession offered at the General Office of the National Police, at 11 a.m. on the 13th of this month and year, where however he does not take responsibility for the acts of which he is accused, in the course of it he admitted having participated in the crimes for which they are being tried; said statement, in the essential part, says: "...that he does not assume responsibility for the acts of which he is accused in these proceedings, but about them he can state the following: That he is on duty as Commander of the Company of the Commando Unit of the Atlacatl Immediate Reaction Infantry Battalion, with headquarters in the canton Sitio El Niño, Department of La Libertad...over the course of the 13th, 14th and the 15th of November of last year, recalling that this latter day, at about 5 p.m., all the unit was occupying several positions in different sectors of the periphery of the Military Complex...it being about 10:15 p.m. of the same day, the 15th of November, when the unit was still occupying the previously described positions, that he received an order by radio to regroup with his unit at the installations of the Military School, so that the declarant began to radio all the patrols, but it became impossible to sustain communication with Nahum, Salvaje, and Samson, as well as with Lagarto's patrol,

so that he only returned to the Military School with the patrols of Satanás, Maldito, Rayo and Acorralado, including with Second Lieutenant Cerritos and Sergeant Solorzano Esquivel, now being in that institution, at about 10:30 or 11 p.m. of the same day, the Logistical Officer of the Battalion, gave him the supplies...that at about 11 p.m. on the same day, Nov. 15, he received the order to appear before the Director of the Military School, Col. Benavides, who was at the Operations Center of that school, so that the speaker headed for that place, then Lieutenant Yussy René Mendoza Vallecillos arrived, who asked him about Lt. Cerritos, the speaker answering that he was around there, to which Lt. Mendoza told him, "My Colonel Benavides wants to talk with you," so that he ordered Lt. Cerritos called, the latter coming at that moment and with the three together, i.e., Lt. Mendoza, Lt. Cerritos and the declarant, at about 11:15 p.m. on the 15th, Colonel Benavides appeared in the room where they were, who told them that they would go head for the main office, because there were a lot of people there, that was how Lieutenant Mendoza, Second Lieutenant Cerritos and the declarant accompanied Colonel Benavides, toward the office, then in that place, Colonel Benavides told them the following: "This is a situation where it's them or us; we are going to begin with the leaders, inside the sector of ours we have the university and there is Ellacuría," after this he pointed to the declarant and told him, "You did the search and your people know that place, use the same force as the day of the search and he must be eliminated and I don't want witnesses, Lieutenant Mendoza is going to go with you as the one in charge of the operation so that there won't be any problems." So that the speaker told Colonel Benavides that that was a serious problem and the Colonel answered him: "Don't worry, you have my support." That after having received the above order, Lieutenant Mendoza Vallecillos offered the speaker and Lieutenant Cerritos some camouflage bars...moments later Lieutenant Mendoza appeared, who asked the soldiers if one of them could handle the AK47 rifle, observing that the soldier Oscar Mariano Amaya Grimaldi answered that he could handle it, to which Lieutenant Mendoza told the soldier, "Vitiri, you are the key man," taking him away immediately; that at about 12:10 a.m. on November 16, the unit now being ready to leave and formed opposite the Prevention Guard of the Military School, he observed that the soldier Amaya Grimaldi was seated along some steps of the Prevention Guard and that at that same moment he saw that Lieutenant Mendoza was coming from inside the school installations, carrying an AK 47 rifle, which he immediately handed over to the soldier Amaya Grimaldi; Lieutenant Mendoza immediately ordering taking up the trip on board two Ford 250 pickups, the speaker recalling that at that moment they were a total of 36 people, but since not all the people fit, part of the group remained, awaiting a second trip, the first group leaving immediately together with Lieutenant Mendoza and the speaker in the second vehicle Lieutenant Cerritos, having taken the road toward Santa Tecla...then they take Mediterráneo St., until reaching the pedestrian entry to UCA, the soldiers having forced the door, then they entered the facilities of the University until reaching the two-story building belonging to the residence of the priests, observing that Amaya Grimaldi was going alongside Lt. Mendoza, as well as his assistant, whom the speaker does not know, that at about 1:15 a.m. on the same day, the 16th, he observed that the personnel were beginning to bring a group of priests, not counting how many there were and they ordered them to spread out on a lawn in front of the building, so that on seeing this the speaker opted to withdraw little by little from that building, since he felt bad about what he was observing, withdrawing with his eyes tearful, but when he had reached the steps that are located

about 15 meters from the building, he heard some voices, not being able to identify them, and they said: "Quick, Quick, let's give it to them quick," so then he began to hear several shots one by one but quick, not recalling if he had heard bursts..and when they were around the Colonial Theater, they heard detonations of Law rockets, grenades and bursts of rifles and M 70 machine guns,...and on looking to the facilities of UCA, the speaker managed to observe that the sector was illuminated by flares...then the declarant sought Colonel Benavides, in order to complain to him, since he was indignant about what had happened but upon not finding him, he chose to meet with his staff and moments later Colonel Benavides arrived, who told him, "What's wrong with you, you're worried," to which the speaker answered him, "My Colonel, I haven't liked this thing that's been done." ?And he told him,"Calm down, don't worry, you have my support, trust me," to which the speaker answered, "I hope so, my Colonel.." The out-of-court confession above, which has been ratified in legal form in this Tribunal by the witnesses that have witnessed it, Jose ...Reta...Chavez and Douglas Alberto Tejada Maldonado of ps. 1332 and 13/?, respectively.

With respect to the accused Oscar Mariano Amaya Grimaldi, in this report his criminal participation has been established sufficiently, through his own out-of-court confession rendered at the General Office of the National Police, on the 14th of this month and year at 10 a.m., who, in the pertinent part, stated: "...that he takes responsibility for having participated in the death of three Jesuit priests, whose names he does not know; that on that same event he can say the following: ...but he does remember that it was about midnight of the 15th of that month, on the occasion when he was asleep, his patrol commander woke him up and at the same time told the declarant that he had received the order that they were going to kill some D/Ts who were inside the UCA University, recalling that they gathered together the troops of his battalion somewhat near the headquarters of the Guard of that School, and being in that place, an officer arrived, who is from the Military School, whose name he does not know, but he is of the following description: medium height, slim, clear dark skin, young appearance, whom he could point out in case it should be necessary, who had an AK-47 rifle in his hands, which was handed over to the speaker, not remembering at this moment if it was this officer that handed it over to him directly or if it was Lieutenant Espinoza, since he was next to the officer from the school; but he does recall that the chambers for this weapon were handed over to him by the official whose name he does not know; that before going to carry out this mission, the declarant did not know directly whom they were going to go to eliminate, but he did suppose that really it was terrorist leaders, due to the situation that was occurring in those days, referring to the offensive launched by them; that now everyone in the School being ready they boarded two Ford 250 pickups and together with the three officers already mentioned, they left for the university, having gotten out of the vehicles where the old previously described buildings are, where the declarant saw that there were more personnel of the same, i.e. those that previously had been posted in that place; that it was there where he received the latter instructions, the declarant asking his section commander with whom he was going to go, if he was joining his patrol, since he saw that it was the one that was heading the column for the place indicated. It was at that moment that the officer of the school said to him, "You're the key man," the speaker understanding that he was the one who would be in charge of killing the persons that were in that place; so that

from there the speaker went together with the officer from the school and Espinoza, since with them he entered through the previously mentioned door, but along the way Lieutenant Espinoza told the declarant, "Hide that shit," referring to the AK47 rifle that he was carrying; that arriving at the door it was already open, not knowing what was done to open it by the first who arrived, going down some steps just after entering this, then walking passing by a parking lot, then he crosses to his right and at that instant observes that now the officers have not remained behind him, that he reaches some steps that are on the west side of a chapel, goes up the steps and reaches a metallic mesh which he jumps, heading along a covered passageway that leads to some dorms; but when he reached that place there were already troops up ahead; since he was hearing a disturbance around those places such as if they were breaking window glass; that he continued through a green zone until arriving at a door where he saw a hammock; which was empty; that being in that place the speaker said "Let's see what time they leave here, according to you I have time to be waiting for them: being able to observe that at the same moment a man came out who he could not figure out from what place he had exited; but he stopped opposite the hammock and said, "wait for me, I'm going to open for you, but don't go on creating that disorder." That this man was dressed in a brown night shirt; but at the same time after having said that they would open he withdrew, the declarant remaining standing in front of that door that is transparent, balcony type; that when he was waiting he heard the voice of someone that told him, "Hey, Piliyay, they're coming out here," calling him since he is known by that name, not recognizing the voice of the companion that called him, but in going to the place that was the end of the corridor from which he had passed, he saw that already outside was the person that he had seen before and near him was Sergeant Oscar Solorzano Esquivel called Hercules, Avalos Vargas and another one whose name he doesn't remember, then other persons, all male, began to come out; since he saw a total of five come out, whom sergeant Avalos Vargas ordered to spread out on the ground, so that they spread out, falling on the grass; that at those precise instants in that place is the speaker with Sergeant Avalos Vargas, not knowing what is done with the other two that are mentioned before; that in that moment the speaker felt that those persons were delinquents/terrorists, that when they were now spread on the ground; the speaker saw the officer from the school and Espinoza, that they were some 10 meters away from where he was; that also at that moment the speaker places himself in front of them, i.e., of the civilians, and observed that Avalos Vargas began to fire at those that he had the closest and the declarant also, on seeing that he had begun, fired at the other three that he had the closest, observing that the ones that he shot he was getting in the head, then he fires at all of them or in other words the five, but in order to get the ones that Avalos Vargas had, fired at, he hit a wall behind; that he does not remember if those persons said some words before they were killed; that among the three men that the speaker shot first was the one who was wearing the brown night shirt previously mentioned; that the declarant fired the shots with the AK 47 rifle and Avalos Vargas with his M 16 rifle; also in those instants he heard the voice of Lieutenant Espinoza, who gave the order to corporal Cotta Hernandez, telling him, "Put them inside even if dragged," the speaker not observing the position that the corporal had; also at that moment he saw that a sixth person also of the same sex was coming out of those facilities along the same passageway, who said, "Don't kill me because I don't belong to any organization," and immediately he returns inside. Then the declarant leaves that place for where some vehicles were, where he

remained a few minutes; but being in that place, he heard several shots inside the premises, in the place where the person that returned had gone; that the shots heard were supposedly from an M 16 rifle from where they had jumped over the metallic mesh, opposite the walkway, not knowing at that moment who was shooting..that after having had a beer, the declarant left that place, observing that in those moments the School Lieutenant comes and Espinoza, who asked if they had not observed the sign for retreat, which ahead of time they had agreed on, that he was going to send up a flare; but until that moment the speaker had not observed such a signal, hearing that Espinoza, now in the street says to Lieutenant Cerritos to fire the other flare and this one the speaker does observe that he fires it...then the officers leave the facilities and the patrol of the sergeant called "Salvaje" stays, to which the declarant added himself voluntarily and he fired with his weapon against the building from which the civilian persons had come; that in addition the speaker fired a Law anti-tank that he was carrying; that after firing against the building they left those facilities through the same entry gate, observing that a fire had started on the lower floor of that same building...that this operation at the facilities lasted for a period of more or less an hour, since he recalls that the military school, they returned at about three in the morning...that now being at that school the speaker went to the guard headquarters and picked up his weapon and equipment that he had left there at the time of receiving the AK 47 from the officers of the school that had handed it over to him." Out-of-court confession that has been ratified legally in this tribunal by the eye witnesses to it, José Lázaro Moreno Martínez and Milton Oswaldo Escalón Fuentes, 1341 and 1313, respectively.

With respect to the accused Yusshi René Mendoza Vallecillos, his material participation in the events investigated was proved in the corresponding legal step through his own out-of-court statement, in which he confesses to his participation in them and which he rendered at the General Office of the National Police of this city on January 13 of this year at 9 a.m. and that, in the pertinent part states:...that he does not confess to having participated in the death of the Jesuit Priests, but with respect to this event he can relate the following: that he is on duty as the Section Commander, in the Capitán General Gerardo Barrios Military School; that on November 15 of last year, at about 11 or 12 midnight, approximately, he received an order to appear before Colonel Guillermo Alfredo Benavides Moreno, Director of the Military School, in his office, i.e. in the Directorate, so that he immediately headed for the office, observing that in the corridor of that office was Colonel Benavides Moreno, together with two officers, of which he was able to recognize Lieutenant Espinoza Guerra, since he is his classmate, but not the other, but he later heard them call him Lieutenant Cerritos; that upon approaching them, he gave the message to Colonel Benavides that he was present, and immediately after that the colonel touched him on the back and said, "Look, Mendoza. Are you going to accompany Espinoza to carry out a mission? He already knows what it is," to which the declarant responded, "That's fine, my colonel." That after receiving that order, they all left, but when going down the steps that are by the office, Espinoza addressed the speaker, asking him where he was going to be, answering him that he would be in his tent, then Espinoza told him that he would go to prepare his people, the speaker withdrawing to his tent, where he began to camouflage his face and about 20 minutes later Lieutenant Espinoza arrived

at his tent, and asked him to lend him a camouflage bar, with which he too camouflaged his face; that about five minutes later, Second Lieutenant Cerritos also showed up at his tent, who was accompanied by two more people, unknown to the declarant, but he deduces that they were from Espinoza's unit, then they remained in his office, which consists of his bedroom, and his office, divided by some walls and door; that after Lieutenant Cerritos and the other two arrived, the speaker went inside his bedroom to continue preparing his equipment and being in this place with the door closed, he managed to hear Lieutenant Espinoza say, "Remember where we went the day before yesterday," not recalling if he mentioned the word mission or search to them; moments later the declarant left his tent, leaving Espinoza, Cerritos and the other two in his office, heading to the sector of the Guard Command of that School, observing that in the parking lot in front of the Command there were two Ford 250 pickups parked and aboard them were between 10 and 15 soldiers, completely equipped; that when he had been about 5 or 10 minutes approximately at the Prevention Command, he observed that Lieutenant Espinoza, Second Lieutenant Cerritos and the two strangers were coming toward him, Espinoza saying to him, "Now we're ready, we're going to go in those two vehicles," pointing to him the two vehicles that he mentioned previously, so that at that moment the declarant boarded the latter of the two vehicles, getting on the floor of it, so that he was unable to observe if more personnel were in the cabin, not knowing in which of the two Espinoza was or the other two strangers that were with Cerritos. Leaving the School at about 1:15 a.m. of the 16th, taking the following route; they left through the main gate of the Military School, they traveled on the street to Santa Tecla until reaching the turn around the Church of Guadalupe, crossing to the South Expressway, going to the Mortgage Bank, where they crossed on the street that leads to Colonial Theater, unloading opposite some uninhabited buildings, those vehicles returning; that when they were opposite those buildings, Lieutenant Espinoza whistled at the personnel that were in that sector, the declarant observing that immediately between 20 and 25 members of the troops joined them; then the speaker saw that Lieutenant Espinoza met with some 7 or 8 men and began to talk to them. He could not hear what he was saying to them, since the speaker was some 10 meters away. After the meeting, Lieutenant Espinoza approached the speaker they told him that they were going through the UCA sector, without specifying to him what it was they were going to do. Then Lieutenant Espinoza gave the order to march and the unit formed a column and began to walk, arriving at the Colonial Theater, crossing on Mediterráneo St., until reaching the south entrance to UCA, the declarant having gone to the end of the column, observing that through that door the personnel were entering, since it was open. Then the declarant followed the column, which was making its journey along a street that borders all of the southern side of UCA, passing opposite some tall buildings, which were to the left side, where they were walking, passing by some houses that are on the right side, until reaching opposite a house that seemed to be of two stories, seeing that at the end of this house the soldiers were penetrating the second floor, it being the case that on observing that Lieutenant Espinoza was surrounding the building, he decided to follow him, arriving at the back part of the house, entering through a mesh door, which was open, seeing that Lieutenant Espinoza was going some five meters ahead of him and crossing a covered corridor, but now he didn't follow him and he entered the two-story building, through a door that was open, seeing that inside of the first room, some soldiers were searching it and that in it seated on the bed were a fat woman and another that was covered with her,

whom he illuminated with a lamp that he was carrying, leaving the soldiers in that room, and the speaker continued walking, passing through a kitchen, then through a dining room and a laundry, getting to the clothesline, places where he didn't find anyone; that when he was around the clothesline, he heard a series of shots, in a continuous form, not as a burst, by the outside part of the two-story building, so that the speaker thought that they had been surprised by the enemy and he chose to leave the building, doing it through the first door that he found more or less around the kitchen, so that he could no longer see the two women and the soldiers that were in the room, going out to the covered corridor and he went searching for the place where he had heard the shots, but on getting almost to some steps, he observed that Lieutenant Espinoza was returning along the same corridor and he told the speaker, "Let's go," so that on seeing that he was retreating, he opted to follow him, but when they went out to the street that is in front of the building, he heard other shots in the same form as the first ones, continuing his march passing by a parking lot where some vehicles were parked. He also saw that several soldiers were there and others that were now in retreat searching for the exit through the south door; that when he was now outside of the UCA installations he heard bursts of shots, distinguishing an M 60 machine gun, law rockets, explosions such as of grenades and he saw flares; that he remembers having seen smoke from the building, around the place where the soldiers had entered; that the withdrawal from the University he made along the same Mediterráneo St., until reaching the Colonial Theater, crossing the street that passes in front of the unoccupied buildings and upon reaching these buildings he observed that the two pickups were parked, the declarant having boarded one, remaining something like a period of five minutes to wait for all the personnel to arrive; that after that Lieutenant Espinoza boarded another vehicle or the other pickups and ordered them to withdraw from that place, the speaker observing that most of the soldiers remained in that sector, while others got in the pickups they began the trip to the Military School, passing in front of the Colonial Theater on Mediterráneo St., going by the Guadalupe Basilica, then they went along the street to Santa Tecla until reaching the main entry to the School, where he saw that Lieutenant Espinoza headed for the office of Colonel Benavides Moreno, not knowing what they talked about. The speaker then headed for his tent to rest. The speaker adds that when he met up with Lieutenant Espinoza in the covered corridor at the UCA installations, after having heard the first shots, he asked him, "What's going on here?" to which Espinoza answered, "Let's go, let's go, here they're giving it to some terrorist leaders." He also remembers that when they met by the south entrance to UCA, he observed that a soldier he does not know was carrying a light brown valise, as he managed to see, not knowing the contents or destination of that valise..." Out-of-court confession that has been ratified in each and every one of the parts by the witnesses to it, in this Tribunal, Luis Irineo Díaz Hernández and Julio César Polio Gómez, ps. 1316 and 1320, respectively.

Out-of-court confessions of the previously mentioned accused, which meet each and every one of the requirements established by Art. 496 Pn. Pr. through which they are evaluated by this Tribunal as sufficient evidence of their material participation in the crimes with which they are charged; the above complemented with the court statement rendered by the witnesses Eduardo Antonio Cordova Monce, which is added to ps. of the case, and the technical expertise used on the sign found the day of the events on the pedestrian gate of UCA, which is added to ps. 640 and ss. of the case, where it is

determined that the writing of Second Lieutenant Gonzalo Guevara Cerritos and the writing of Sergeant Antonio Ramírez Avalos Vargas present similar characteristics to the writing on the previously mentioned poster.

With respect to the absent accused person, **Jorge Alberto Cierra Ascencio**, data on whom are unknown because of his absence, sufficient elements of judgment exist through the steps taken in order to calculate that he had participation in the events investigated, so that the procedural case is considered established.

With respect to the accused **Guillermo Alfredo Benavides Moreno**, sufficient elements of judgement exist in the case in order to consider established his participation in the events investigated; in the first place, the statement rendered through sworn certification by the Chief of the Joint Staff of the Armed Forces, Artillery Colonel of the Staff, René Emilio Ponce, which is added to pgs. 1221 and sub. of this report and, in which he states: "...as a consequence of the terrorist actions that were affecting this capital city from the hours of the night of the 11th day of November, I ordered reinforcement of the security deployment for the defense of Colonias Manuel José Arce and Palermo, as well as of the military complex formed by the National Intelligence Directorate, the Cap. Cral. Gerardo Barrios Military School, the San Benito Battalion of the National Police, the Joint Staff of the Armed Forces and Ministry of Defense and Public Security, since they evidently constitute objectives of that terrorist aggression; in addition, in order to coordinate that security directly, I ordered the formation of a Security Commando, with headquarters in the Military School listed above, under its director Colonel Guillermo Alfredo Benavides Moreno, which began to operate in the afternoon of the 13th of the same month; that security deployment, established with the goal indicated, included the area of the José Simeón Cañas University, detailing below the Military Units, their location and list of their members, who, in compliance with their mission described above remained in places near that university in the period included from 6 p.m. of the 15th until 7 a.m. on the 16th, both dates of the same month, according to registries at the Staff..." and, in second place, with the out-of-court confessions of the accused, Yusshi René Mendoza Vallecillos, José Ricardo Espinoza Guerra and Gonzalo Guevara Cerritos, related previously, with which and other probatory elements collected in the process to date, have a concatenated and logical relationship so that it is considered established that said accused person participated in the acts investigated as the intermediate perpetrator of them (Art. 46 No. 2CPn.)

For the reasons given above, and on the basis of that is contained in Art. 247 of the Penal Code. **THE PROVISIONAL ARREST IS ORDERED OF THE ACCUSED:** Guillermo Alfredo Benavides Moreno, Yusshi René Mendoza Vallecillos, José Ricardo Espinoza Guerra, Gonzalo Guevara Cerritos, Antonio Ramiro Avalos Vargas, Tomás Zarpate Castillo and Angel Pérez Vásquez, and of the absent accused person Jorge Alberto Cierra Ascencio, of description mentioned previously, for the crimes termed provisionally as "murder," (Art. 154 Penal Code) in the persons of Ignacio Ellacuría, Segundo Montes, Ignacio Martín Baro, Juan Ramón Moreno, Amando López, Joaquín López y López, Elba Julia Ramos and Celina Ramos; those accused person shall continue present in the detention in which they are

found on the order of this Tribunal; the corresponding warrants for arrest against the absent accused person shall be issued; strict compliance with Arts. 47 and 722 of the Pn. Cd. is to be given.

According to what is provided in Art. 267, Pn. Pr., a lien is declared on the property of the accused Guillermo Alfredo Benavides Moreno up to the amount of 40,000 colons for each of the acts of which he is accused; Yusschi René Mendoza Vallecillos up to the amount of 35,000 colons for each of the crimes of which he is accused; José Ricardo Espinoza up to the amount of 35,000 colons for each of the events investigated; Gonzalo Guevara Cerritos up to the amount of 30,000 colons for each of the acts of which he is accused; Antonio Ramiro Avalos Vargas up to the amount of 25,000 colons for each of the acts of which he is accused; Angel Pérez Vásquez up to the amount of 20,000 for each event and Jorge Alberto Cierra Ascencio up to the amount of ...colons for each of the crimes of which he is accused. The Justices of peace being commissioned to oversee the respective writs of attachment: Fourth Court of this judicial district to oversee that of the first accused person; First of Peace for the Department of La Unión for that of the second accused; First of Peace of the Department of Sonsonate to oversee that of the third accused person; Justice of Peace of Santa María Ontuma, Department to issue the writ of attachment of the fourth accused person; Justice of Peace of la Libertad, Colon for the fifth accused; Justice of Peace of Ataco, Department of Ahuachapán that of the sixth accused; Justice of Peace of San Miguel Tepazontez, Department of La Paz for the writ of attachment of the seventh accused and Fourth of Peace of this judicial district for that of the eighth accused person.

Document to be sent to the Director of Penal and Readaptation Center so that he will report to this Tribunal if the prisoners mentioned have a penal background or cases pending or concluded against them.

Document to be sent to the justices of the criminal courts of this judicial district so that they will report to this Tribunal if pending or concluded cases exist against the accused mentioned.

The corresponding report of this office is to be given to CENIC, for the subsequent legal effects.

In accordance with what is established in Art. 106 Pr. pu. this resolution shall be made known to the accused and parties in the case for the purposes of this law.

Translated by
Deanna Hammond
CRS - Language Services
February 6, 1990