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RELEASE IN PART B5,B3 INA,B6

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BODY

SUBJ: SAN SALVADOR: JUDGE HOLDS FIRST HEARINGS IN EL MOZOTE
UNCLAS SAN SALVADOR 000486

SENSITIVE

E.O. 13526: N/A
TAGS: PGOV, PHUM, PREL, KJUS, KCRM, KAWC, SV

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SUBJECT: SAN SALVADOR: JUDGE HOLDS FIRST HEARINGS IN EL MOZOTE Massacre Trial

REF: REF A: 16 SAN SALVADOR 1306

1. (SBU) Summary: On March 29 and 30, the Second Court of First Instance of San Francisco Gotera held hearings to charge the defendants in the 1981 El Mozote massacre case (reftel). Two named defendants are deceased and only 12 of the remaining 18 attended the hearings. This was the first time the defendants were summoned before a judicial body to face criminal accusations for the crimes committed during the massacre. Former Human Rights Ombudsman David Morales served as representative to victims of the massacre and called on the Attorney General's Office to support the proceedings. End summary.

2. (SBU) Judge Jorge Guzman Urquilla, of the Second Court of First Instance in San Francisco Gotera, Morazan, began trial proceedings in the El Mozote massacre case on March 29, when he initiated two-day hearings to charge the defendants in the case. The first day of hearings was marked by a gallery full of victims' families. On March 29, nine defendants were called to the hearing, but only seven made an appearance. Another nine defendants were called to the March 30 hearing, though only five appeared. Those absent were represented by their attorneys, though Judge Urquilla noted that the defendants were obligated to appear in-person, and that he would call on them to appear at future hearings or face contempt of court. None of the defendants present at the hearing made a statement.

3. (SBU) Attending on day one:

1. General Jose Guillermo Garcia, former Minister of Defense



End note.

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2. General Rafael Flores Lima, former head of the Joint Chiefs of Staff
3. Colonel Natividad de Jesus Caceres Cabrera (then, a Major)
4. Colonel Francisco Adolfo Castillo
5. Lieutenant Colonel Jose Antonio Rodriguez Molina (then, a Captain)
6. Lieutenant Colonel Luis Adalberto Landaverde Barrera (then, commander of the Artillery Brigade)
7. Colonel Jose Mario Godinez Castillo

Colonel Juan Ernesto Mendez Rodriguez (then, a Captain) and General Juan Rafael Bustillo Toledo, former commander of the Air Force, did not attend the hearing.

Attending on day two:

1. General Mauricio Isaac Duke Lozano
2. General Walter Oswaldo Salazar Martinez (then a Captain)
3. General Carlos Eduardo Caceres Flores
4. Colonel Jorge Armando Alfaro Bautista
5. Colonel Rafael Santiago Del Cid Aguirre

Captain Oscar Cordova Hernandez, Colonel Jose Roberto Antonio Garay Saravia, Salvador Augusto Guzman, and Major Cesar Augusto Milla did not attend the hearing. Lieutenant Colonel Domingo Monterrosa Barrios, and Captain Salvador Augusto Guzman are also charged, but are deceased.

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(Source: El Diario de Hoy, March 29, 2017. Pictured are five of the seven defendants who attended the hearing to be informed of the charges against them in the El Mozote trial. Second from the right is General Jose Guillermo Garcia, Minister of Defense.)

4. (SBC) The defendants are charged with a range of crimes, including murder, aggravated rape, aggravated abduction, breaking and entering, robbery, aggravated damages, acts of terrorism, and conspiracy. They are being prosecuted under the 1973 Criminal Procedural Code, under which the judge, not the prosecutor, leads the inquiries and directs the judicial process. Victims were represented by David Morales, former Human Rights Ombudsman (2013-2016), and attorneys for the NGO Tutela Legal "Maria Julia Hernandez," who called on the government of El Salvador (GoES) to cooperate fully with the trial, including responding to questions and turning over all documents pertinent to the investigation. Eleven other would-be defendants have died since the case was first initiated in 1991 by Tutela Legal. The primary witness in the original complaint, Rufina Amaya, died in 2007. She was the only surviving eye witness to the massacre. Though the case was closed following the passage of the 1993 Amnesty Law, her records and other testimonies taken by Tutela Legal in the 1991 proceedings are admissible as evidence since no trial hearings took place before the case was closed.

5.



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