

## QUESTIONS BY THE EL SALVADOR TASK FORCE

### OVERVIEW OF THE INVESTIGATION

1. Please summarize the procedures established in the Salvadoran Constitution and in the Salvadoran law for the investigation and prosecution of a crime such as the murders of the Jesuits, including:

- the role of the local justice of the peace;
- the role of the judge;
- the role of the Attorney General;
- the role of external organizations, such as the FBI, that might be available to provide technical assistance; and
- the role of the Special Investigative Unit (SIU).

2. Please describe the authorities and responsibilities of the armed forces in a case where military personnel are suspected of committing a crime such as the murders of the Jesuits. For example, is the military required or at least authorized to conduct an independent investigation in such a case? Also, what steps must be taken before a military officer may be formally charged with, or stand trial for, a civil crime?

3. Please describe in detail the steps that have been taken pursuant to the procedures listed in questions 1 and 2 to investigate the killings of the Jesuits, including:

- The position/identity of the principal investigatory persons involved;
- A chronology of the investigatory steps taken;
- A description of any investigatory actions taken by the armed forces, and the identity of those within the armed forces who have taken responsibility for any investigation that is being conducted;
- the position/identity of those charged with preparing a prosecution of the case; and
- A list of planned future steps.

4. What roles are other countries and foreign agencies playing in the investigation?

### MILITARY UNITS

1. What unit or units of the Salvadoran armed forces and/or security forces had responsibility for the area in and around the University

of Central America campus on November 15-16? Please name the commanding officers of those units, including the names of the officers above them in the chain of command.

2. It has been reported that uniformed members of the armed forces conducted a search of the Pastoral Center, where the Jesuits were living at the University, on the evening of November 13, two days prior to the murders.

- Which unit conducted the search?
- Who commanded the unit?
- For what purposes was the search conducted?
- Did the unit that conducted the search submit an oral or written report subsequent to the operation and, if so, to whom?
- What was the substance of the report?

3. It has been reported that on April 19, the former commander of the First Brigade and now Vice-Minister of Defense publicly accused the Central American University of planning FMLN strategies, of being a haven for terrorists, and of complicity in the assassination of the (previous) Attorney General (reported in the local press on April 20). Other reports indicate that the Crusade for Peace, associated with ARENA, wrote President Cristiani on July 3, urging that he arrest and punish through summary justice the "terrorist hordes" commanded by Rev. Ignacio Ellacuria and Rev. Segundo Montes.

- Are these accounts accurate?
- Were other public threats made against the priests prior to their murders? Who made them and when?
- Have these or other critics of the Jesuits been questioned?

4. It has been reported that on Saturday, November 11, 1989, at 11pm, most Salvadoran radio stations were required to carry, via a nationwide hookup, broadcasts of Radio Cuscatlan (the radio station of the armed forces of El Salvador). It has also been reported that Radio Cuscatlan received and then broadcast calls from Salvadoran citizens threatening the lives of various individuals, including the Jesuits in general and Father Ellacuria in particular.

- Is this accurate?
- If so, why were such threats broadcast?
- Has anyone been reprimanded for permitting this to happen?

5. It has been reported that Father Ellacuria returned to El Salvador from Spain on November 13, 1989, and that he was questioned by soldiers before being allowed back on the UCA campus.

- Is this accurate?
- Has any effort been made to determine which soldiers interrogated

Father Ellacuria and their reasons for doing so?  
--If so, what has been learned?

6. The U.S. trained Atlacatal Battalion was reported to have been patrolling part of the neighborhood adjacent to the UCA on November 15.

--Has the Commander of the unit been questioned by any military or civilian authorities? If so, by whom?  
--Has any effort been made to determine which soldiers were patrolling the area and what they saw?  
--If so, what has been learned?

7. Has the commander of the First Brigade, been questioned about the announcement heard near the Archdiocese offices on November 17. It has been reported that through a megaphone it was announced: "Ellacuria and Martin-Baro have fallen. We will continue killing communists." Seconds later, the same voice over the microphone identified itself as belonging to the First Brigade.

--If the commander was interviewed, what did he say?

8. It has been reported that the area around the University was under a curfew that extended from 6pm November 15 through 6am November 16.

--Is this accurate?

#### THE INVESTIGATION, IN GENERAL

1. Please describe whether members of the Salvadoran security forces have been questioned or have presented formal testimony in the Jesuits case? In such cases, please indicate the rank and unit of the individual involved; the date on which the questioning took place or when the testimony was presented; whether the individual was placed under oath; whether a transcript of the statement was prepared; and whether the individual was given a lie detector test.

--If lie detectors were administered, how many were given and by whom?

2. Please describe the efforts that have been made to match fingerprints and ballistics evidence taken from the scene of the crime with the fingerprints and weapons of security force units known to be in the vicinity of the University at the time of the murders.

--Some reports have indicated that photographs of boot-prints were

taken at the scene of the murder. Is this accurate? If so, what has been learned?

3. It is reported that the judge in charge of the investigation, Ricardo A. Zamora, had recorded only two testimonies by November 30 because of his caseload.

--How much time is he devoting to the investigation?

--What assistance is he receiving from the Salvadoran Government or the U.S. Government?

--Have efforts been made to alleviate Judge Zamora's caseload?

--What security protections have been afforded Judge Zamora since his assignment to the case?

4. When did the SIU investigators arrive at the Pastoral Center on November 16? What were their first steps? When did they secure the crime scene?

5. Were civilians questioned regarding the murders of the Jesuits, especially residents of the neighborhood?

--If so, by whom?

--If so, what do they know?

6. Has the husband of the slain cook been interrogated as to what he saw and heard on the evening of the murders?

--If so, what did he say? If not, why not?

## FMLN INVOLVEMENT

1. Please describe, in detail, any evidence or theories which point to FMLN involvement in the murder of the Jesuits.

--Has evidence been found at the scene of the crime which implicate the FMLN? If so, please describe it.

## MR. AND MRS. CERNA

1. Please provide a chronology of events surrounding the interrogation of Mr. Jorge Cerna and Mrs. Lucia Barrera de Cerna, including:

- the date and location of each interview;
  - a list of those, U.S. and Salvadoran, who were present at each interview;
  - a transcript of each interview (including any transcript associated with any polygraph tests); and
  - a copy of any written statements signed by Mr. or Mrs. Cerna.
- Have either the Cerna's been determined "not credible" as witnesses in this case by the Salvadoran or U.S. authorities?

2. The Cerna's both reported they could see men wearing camouflage uniforms in the moonlight.

--Was the moon visible in San Salvador that evening? To what extent?

3. The Cerna family has testified that they saw uniformed men wearing caps (cachuchas) with visors. Do any units of the Salvadoran Armed Forces wear such headgear?

## ARENA

1. The December 11 issue of Newsweek magazine reports that U.S. officials have information that Roberto D'Aubuisson threatened some of the Jesuits by name the night before the killings.

- Is this report accurate?
- If so, has the information been transmitted by U.S. officials to the appropriate law enforcement officials in El Salvador?
- Please describe efforts by the Salvadoran authorities to investigate the possible involvement of D'Aubuisson in the killings, including whether testimony has been solicited from D'Aubuisson.

2. Please state whether Mr. Hector Antonio Regalado is currently living primarily in El Salvador and, if so, what his occupation is and what involvement, if any, he has with the ARENA party.

GENERAL

1. Please describe the current state of the Salvadoran judicial system.

--What are the greatest obstacles and problems that remain in reforming the judiciary?

--What steps has the Cristiani Government taken to improve the system?

--What steps at reform are contemplated for the future?

--Please describe the provisions and rationale for the newly proposed reforms in the penal code. What is its current status?

--What are the views of the principal political parties on the "penal code reform bill"?