

Jim: Re: 1980 Churchwomen murders:  
if the language re: Vidus Czesnava  
sounds too tentative, you can  
use the language (below) on the  
Major in charge of the Not Cord's  
internal investigation.

The evidence taken as a whole shows irrefutably that the five defendants, following the orders of Subsergeant Colindres Aleman, kidnapped the women at a checkpoint outside the El Salvador Airport on December 2, 1980. They rode through the countryside to a remote location some fifteen miles from the airport, where they raped and murdered the women. Thereafter, the National Guardsmen drove the church-women's van to another remote location and set it afire.

The first reaction of the Salvadoran authorities to the murder was, tragically, to conceal the perpetrators from justice. Evidence available to the United States, including the special Embassy evidence, shows beyond question that Colindres Aleman confessed his involvement in the crime to ranking members of the National Guard within days of the murder. They responded by concealing this fact from the outside world, and ordering the transfer of the killers from their airport posts and the switching of their weapons to make detection more difficult.

*cover-up* →

\* →

At a minimum, then Major Lizandro Zepeda Velasco, the National Guard officer in charge of the Guard's internal investigation, was aware of the identity of the killers and participated in these acts. Sergeant Dagoberto Martinez, Colindres Aleman's immediate superior, has admitted that he also knew of Colindres Aleman's guilt. We believe it is probable that Colonel Roberto Monterrosa, head of the government's official investigation of the crime, was aware

Quote from Oscar Arias commenting on the recent Presidential election in Nicaragua:

"Let this be a message for the brother people of El Salvador. We cannot let only Gorbachev write the history of freedom in our times; we have much to say and we will say it without fear. Those who have not understood that the Salvadoran people are tired of war do not realize that the world is moving in another direction, on the side of negotiation and ballot boxes, which will solve conflicts."

#### BACKGROUND

The brutal murder in San Salvador on November 16, 1989 of six Jesuit priests, their cook and her daughter, did not occur in isolation. To military leaders, the Jesuit fathers had long been figures of suspicion. They were thought to be, in the words of the Armed Forces Deputy Chief of Staff, Col. Orlando Zepeda, "advisers to the FMLN", and their university "a center of information inclined to the left where a certain concept of the revolutionary struggle began."

Of those killed on November 16, the most prominent was the (UCA)'s rector, Father Ignacio Ellacuria. Fr. Ellacuria was considered to be one of the leading intellectual and political thinkers in El Salvador, and a man whose teachings had influenced the lives of many younger Salvadorans, including some who had become leaders of the FMLN, and others who had joined the armed forces.

In the months prior to his death, Fr. Ellacuria became deeply involved in efforts to initiate and sustain serious peace negotiations between the Government of President Alfredo Cristiani and the leaders of the FMLN. In so doing, he traveled on several occasions to Managua to talk to the FMLN. These visits

*University of  
Central America*

It almost sounds like we agree that the Jesuits were not interested in peace. Perhaps we could say they felt they were not interested in peace.

were viewed by at least some military officers as the actions not of a man interested in promoting peace, but of an adviser to terrorists. This was true despite the fact that Ellacuria had become increasingly critical of the FMLN.

Father Ellacuria's effort to promote a dialogue was dealt a series of blows during the late fall of 1989. Meetings between the government and FMLN in Mexico City, in September, and San Jose, in October, produced some optimism but no real progress. The optimism evaporated quickly, however, following an outbreak of the kind of tit for tat terrorism that has plagued El Salvador for years. The FMLN murdered the daughter of Salvadoran Col. Oscar Casanova Vejar. Someone, presumably the right, bombed the house of opposition political leader Ruben Zamora. The FMLN attacked the house of the father of Col. Mauricio Vargas. And finally, the headquarters of the leftist labor confederation FENESTRAS was bombed, killing nine. In the midst of this, the FMLN withdrew from the negotiations and--on November 11--launched the fiercest offensive of the war.

As we need to say who he is.

The murders of the Jesuits occurred on the fifth night of that offensive, at a time when the outcome of the fighting was far from clear. The FMLN had established and was holding positions throughout the northern and eastern part of the area around San Salvador, in neighborhoods that included San Sebastian, Soyapango, Zacamil, Ciudad Delgado and Mejicanos.

On November 11, the night the offensive began, a government-run radio network began broadcasting threats, apparently from callers to the station, that were directed by name at persons associated with the political left. Those threatened included Fr. Ellacuria and another of those murdered on the 16th, Fr. Segundo Montes.

That same night, a group of guerrillas fled through the UCA grounds after setting off a bomb at the gate to force it open.

Two days later, according to Colonel Ponce, the military received information that mortars and machine guns were being fired from

the UCA. A unit of the U.S.-trained Atlacatl Battalion was authorized by the High Command to enter the university for the purpose of determining whether the reports were accurate. The unit was escorted during its search by Fathers Ellacuria and Segundo Montes, checking classrooms and the living quarters of the priests. No evidence of mortars or machine guns was found.

*These reports accurate?*

The unit of the Atlacatl that conducted the search had arrived in the area at 4:00 p.m. on the afternoon of the 13th. It was one of several units that had been assigned to the command of Col. Alfredo Benavides, director of the Salvadoran Military School. The mission of these units, which were drawn not only from the Atlacatl, but from the Treasury Police, National Police and various Army detachments, was to defend what Col. Ponce termed "the military head of the country." The sector included the headquarters of the General Staff, the Ministry of Defense, the Intelligence School, and the homes of senior military officials, as well as the Military School and UCA. As a result, the area around the UCA and the military complex was one of the most heavily guarded in the city.

The Atlacatl unit, a commando company led by Lt. Jose Ricardo Espinosa Guerra, was considered be one of the toughest and most experienced and disciplined units in the Salvadoran military. In addition to protecting Salvadoran military targets, it also had responsibility for protecting the home of U.S. Ambassador William Walker. *[Wasn't it a back-up unit to protect the Embassy?]*

On November 9, two days before the offensive began, the High Command of the military began meeting one or two times every night to review the situation and coordinate the response.

On November 15th, the High Command's meeting began around 7:30 p.m. Those present included the Minister and two Vice-Ministers of Defense, Chief of Staff, Colonel Ponce, the heads of the joint commands, the commanders of the various national security forces, the commanders of units in the metropolitan area, including Col. Alfredo Benavides and a press officer.

According to those who attended the meeting, the mood was grim. There was a real fear that the guerrillas' effort to spark a popular insurrection might succeed. From the beginning of the offensive, there had been concern about the difficulty of dislodging the guerrillas from areas where large numbers of civilians lived. As a result, an effort had been made to encourage the civilian population to leave the conflictive areas. Now, the decision was made to use heavy airpower and artillery against FMLN-held positions. Area commanders were instructed to locate and take action against guerrilla command centers in their sectors. Minister of Defense Larios, among others, gave what amounted to a "pep talk", and urged those present to fight back hard. The meeting ended with joined hands and a prayer for God's help. Subsequently, President Cristiani was asked to come to the High Command where he personally authorized the use of air and artillery power.

#### THE MURDERS

After the meeting at the High Command, Col. Alfredo Benavides returned the short distance to the military school. There was no electricity that night. Shortly after 11:00 p.m., he met in his office with Lt. Yussi Mendoza Vallacillos (assigned to the military school), Lt. Espinosa and Sub. Lt. Guevara Cerritos, both of the Atlacatl. About 45 minutes earlier, Lt. Espinosa had been given an order by radio to assemble his troops at the military school.

Now, Col. Benevidas told the lieutenants that, "this is a situation where it's them or us; we're going to begin with the ringleaders. Within our sector, we have the university and Ellacuria is there."

Turning to Lt. Espinosa, he continued:

"You conducted the search and your people know the place. Use the same tactics as on the day of the search and eliminate him. And I want no witnesses. Lt. Mendoza will go with you as the man

in charge of the operation so that there will be no problems."

The lieutenants left Col. Benavides' office and mustered their men into two beige Ford vans for transportation to the UCA, where they would link up with other patrols from the Atlacatl. Before leaving, Lt. Mendoza asked if any of the men knew how to use an AK-47, which is a weapon sometimes used by the FMLN.

An enlisted man, Oscar Mariano Amaya Grimaldi, said that he knew how to use the weapon, and the group was delayed for approximately ten minutes while he cleaned it. Amaya was told by Lt. Espinosa that the purpose of the mission upon which they were about to embark was to kill "some terrorists who were inside the UCA."

Not long after midnight, as many soldiers as could fit into the two vans (20-25) drove to some empty apartment buildings located on the west side of the UCA where they met up with two (?) Atlacatl patrol units that Lt. Espinosa had instructed to take up positions near the UCA earlier in the evening.

Now, Lt. Espinosa told the patrol leaders that they had been given an order "from above" to eliminate the intellectual leaders of the guerrillas, who were inside the UCA. He said that at the moment of withdrawal there would be a flare and later a simulation of a confrontation would take place. It was around 1:00 a.m. when the entire group of 45-50 then moved towards the university.

The soldiers split into three groups, one spread out on the perimeter of the area, a second searching and lighting small fires in the far side of the building where the Jesuit fathers lived and a third moving towards the gates to the residential area itself.

After the soldiers began banging on the doors, one of the Jesuit fathers emerged, went to the front gate and let the soldiers inside.

Soon afterwards, Fr. Martin Baro went with a soldier to open the other gate, not far from where Mrs. Lucia Cerna was sleeping with her husband and young daughter. It may have been then that she heard Fr. Baro say to the soldier, "this is an injustice. You are scum."

Five of the priests were gathered on a small plateau of land just above the entry to the living quarters. The five were instructed to lie face down. Lt. Espinosa inquired of Sub. Sgt. Antoni Avalos when he was going to proceed. Avalos interpreted this as an order to kill the priests. Accordingly, Avalos approached Amaya Grimaldi (the soldier with the AK-47) and said to him:

"Let's proceed."

And they began shooting. Avalos shot Juan Ramon Moreno and Amando Lopez Quintanilla. Amaya, using the AK-47, shot Ellacuria, Martin Baro and Montes.

While this was going on, another soldier, Tomas Zarpate "was providing security" for Mrs. Elba Julia Ramos and her 15 year old daughter Marisela who had been discovered by the soldiers in a guest room at the far end of the building where the Jesuits lived. On hearing the voice ordering: "Now," and the following shots, Zarpate shot the two women.

It was at this moment, immediately after the shooting, that a sixth priest, Fr. Lopez y Lopez appeared in the door of the residence. The soldiers called him and he responded:

"Don't kill me because I don't belong to any organization."

He then went back inside the house, where he was pursued by a soldier -- still unidentified -- and shot. Another soldier, Perez Vasquez, was leaving the building when he felt Fr. Lopez's hand grabbing for his ankle. Perez Vasquez shot him four times.

While leaving, Avalos Vargas -- nick-named "Toad" and "Satan" by



his comrades -- passed in front of the guest room where the two women had been shot and heard them moaning in the darkness. He lit a match and saw the two women on the floor embracing each other. He then ordered a soldier, Jorge Alberto Sierra Ascencio, to "re-kill" them. Sierra Ascencio shot the women about ten times, until they stopped moaning. (Sierra Ascencio subsequently deserted the Army. His whereabouts are not currently known).

Their grim mission accomplished, the soldiers, as ordered, shot off a flare as a signal for the unit to withdraw.

The soldiers then feigned a firefight, using an M-60 machine gun, an anti-tank rocket, the AK-47 and other weapons. As they left, one of them turned a sign around on the pedestrian gate to the UCA and wrote, "The FMLN executed the enemy spies. Victory or Death, FMLN."

In his testimony, Lt. Yussi Mendoza said that he saw a soldier, whose identity he did not know, carrying a light brown valise. The Jesuits believe that the valise contained \$5,000 which had been given to Fr. Ellacuria a few days earlier in recognition of his work on human rights.

The unit then proceeded back to the Military School where the lieutenants, after some effort, were able to locate Col. Benavides. Lt. Espinosa said "My Colonel, I did not like what was done."

Benevidas told him to "calm down, don't worry. You have my support. Trust me."

"I hope so, my Colonel," Espinosa replied.

At approximately 5:00 or 6:00 a.m., the unit that had carried out the murders left the Military School to re-join the main part of the Atlacatl Battalion in the northern part of the city near the First Brigade.

## THE INVESTIGATION--THE TECHNICAL SIDE

The bodies were discovered at approximately 7:00<sup>AM</sup>, after the curfew was lifted, by the husband of the cook.

At 8:30, the Special Investigations Unit (SIU), under the direction of Lt. Col. Carlos Rivas arrived at the murder scene. Although the site had already been disturbed by Jesuits, neighbors, the press and others, the SIU began the process of gathering physical evidence, taking photographs, preparing maps and interviewing potential witnesses. Although neighbors confirmed the sound of gunfire and explosions during the night, no one claimed to have seen the murders take place.

National and Treasury Police, stationed about 1/4 of a mile away in the Democracy Tower, said that they did not see any vehicles pass by, but that they had heard shots fired in the UCA sector.

On November 22, six days after the killings, the first acknowledged eyewitness, Mrs. Lucia Cerna, testified at the Embassy of Spain. Her testimony here and in subsequent interviews is discussed below in the section entitled, "the witness".

From the beginning, the SIU considered three major possibilities. First, that the killings had been carried out by the FMLN. Second, by the armed forces. And third, by a death squad, that might or might not have included military personnel, acting on the instructions of someone on the extreme right.

Despite the sign left at the premises, the use of an AK-47, and the attempt to feign a firefight, no hard evidence surfaced indicating involvement of the FMLN.

Speculation about the possible involvement of ARENA party leader Roberto D'Aubuisson increased when a report appeared in Newsweek magazine, ascribed to "intelligence sources", saying that D'Aubuisson had said at a meeting the day before the crimes that "the Jesuits must go". However, there is no supporting evidence

that such a meeting took place or that D'Aubuisson made this statement. *(Should not mention the list defectiveness?)*

The investigation of possible military involvement began slowly. According to the SIU's own chronology, it was not until December 5th, almost three weeks after the murders, that the SIU asked the High Command for a list of those who carried out the search of the UCA two days before the murder, and not until six days after that that the list was received. It was not until December 7th that a request was made for confirmation as to whether the types of ammunition found at the scene were used by the military. And it was not until December 11th, almost four weeks after the murders, that a request was made for a list of the military personnel assigned to the area around the UCA on the night of the crimes.

By late December, however, the SIU had taken 385 ballistics samples and 385 sets of fingerprints from soldiers assigned to the area of the UCA on the night of the murders, including 45 from members of the Atlacatl unit that actually perpetrated the crimes. In addition, 14 people had been polygraphed, 11 of whom were military officers, and 86 depositions from military personnel had been taken.

In the course of taking statements, the SIU noticed that discrepancies had begun to emerge in statements made by members of the Atlacatl unit. While describing their participation in the search that had been authorized on November 13th, some soldiers made reference to events--such as the lack of electricity--which had taken place on the 15th. Suspicions were aroused, as well, when Lt. Espinosa managed to delay a scheduled polygraph examination three times, citing each time a different excuse.

On December 28th, according to Lt. Col. Rivas, his ballistics experts noted some similarities between cartridges found at the UCA and those belonging to members of the Atlacatl. A decision was made to run new tests using a burst of fire rather than shot to shot. The results of those tests became available on January

5th, and showed a match.

On the 7th, President Cristiani went on national television to say that the investigation now indicated that the armed forces had been responsible for the murders. He also ordered that 45 members of the Atlacatl, and Col. Benavides and Lieutenant Mendoza of the Military School, be held for questioning. The next day, it was announced that a special military honor board would begin questioning those who had been held.

During the week that followed, several of the soldiers, including Lt. Espinosa and Sub. Lt. Cerritos, admitted their involvement in the murders and said that had been operating under the orders of Col. Benavides. In addition, the SIU succeeded in matching the handwriting on the sign left at the UCA claiming FMLN responsibility for the murders, with the handwriting of Sub. Lt. Guevara Cerritos.

*2 + hand  
Mendoza  
high at all  
Pinal  
Wrote  
we should  
should*

#### THE AVILES AFFAIR

Throughout the early part of December, a tense relationship existed between the Jesuits and the Army investigators. That relationship was gravely complicated by hard feelings over the alleged mistreatment of Mrs. Cerna. On or about December 20th, the investigators attempted to ease the situation by arranging a meeting between Jesuit leaders, Fr. Tojeira and Fr. Estrada and Army Chief of Staff Colonel Ponce. Col. Carlos Aviles, a Jesuit-educated officer who was well-connected both to the Jesuits and to the officers heading the SIU, also participated in the meeting.

As a result of the meeting, the SIU arranged a full briefing for the Jesuit leaders on the progress of the investigation on December 22nd. According to Lt. Col. Rivas, a spirit of full cooperation between the Jesuits and the FMLN emerged after the briefing had taken place. Col. Aviles and Lt. Colonel Lopez y Lopez were present, along with Rivas, at the briefing.

*2  
Sig*

At about this same time, but before the SIU's briefing of the Jesuits, a conversation is alleged to have taken place between Col. Aviles and an American major assigned to the military group at the Embassy.

Col. Aviles and the American major were close friends and co-workers. Their joint task was to improve the image of the Salvadoran armed forces and demoralize the guerrilla opposition. In both respects, the murder of the Jesuits, and the accompanying suspicion of military involvement, was a serious problem.

The two discussed the case frequently. But according to the American Major, on or about December 20th, Col. Aviles said something that went far beyond their earlier talks.

According to the Major, Aviles said he had something to say that should be used on, in his words a "break in case of emergency" basis; that is, only if he was killed and if the investigation wasn't going the way it should.

Col. Aviles said that his information was based on a conversation that he had had with Col. Lopez y Lopez, a friend and--like Aviles--a former head of the SIU. In early December, Lopez y Lopez had been assigned to assist Lt. Col. Rivas in the Jesuits case.

According to the information, Col. Benavides had approached Lt. Col. Rivas about the time the investigation started and said something to the effect of "I did it...what can you do to help me...what can we do about this?"

The American Major asked Aviles, "What do you mean? Did Benavides kill the Jesuits?"

The answer was, no, a lieutenant with the Atlacatl and a special operations group had been the triggermen. But the Major understood Aviles to be saying that the lieutenants had been

acting under orders from Benavides.

The Major asked "who else knew? (Colonel) Ponce?" Aviles said he didn't know. He thought Ponce had been told by Rivas or Lopez y Lopez, but was not sure.

The Major asked why an arrest had not been made. The answer was that Benavides could not be arrested until the investigation had been completed.

According to Aviles, SIU director Rivas was scared after his conversation with Benavides. As a result, the investigation slowed. This prompted Col. Lopez y Lopez to initiate a conversation with Lt. Col. Rivas during which Rivas cited his discussion with Col. Benavides. Lopez y Lopez subsequently passed on the information to Col. Rivas who then told the American major.

During the next ten days, the major shared the substance of his conversation with two individuals on the same "break in case of emergency" basis that Aviles had used to convey the information to him. But he did not tell his superiors in the embassy.

According to the major, there were three reasons he did not come forward immediately.

First, he felt a strong sense of loyalty to Aviles.

Second, he believed that the Salvadorans were committed to finding and prosecuting those involved in the crimes. Those in charge of the investigation already had this information, so there may have been no need to tell anyone else.

Finally, he felt it would be better for the armed forces if it was clear that they had solved the case on their own.

According to the Major, he and Aviles continued to discuss the case. The Major was told that the investigation was going well;

that a lieutenant from the Atlacatl was having trouble with his polygraph tests and kept making excuses about it; that the cartridges were starting to show some similarities; and that there were some discrepancies in other testimonies given by members of the Atlacatl.

Despite this, the Major was concerned that no arrests had been made. He was troubled that when the Jesuits were briefed on the case, they were not told about the conversation between Benavides and Rivas. The Major asked Aviles again who in the Salvadoran leadership knew about that conversation, and he was told, again, that Aviles did not know.

On January 2nd, the Major finally told his immediate superior, Colonel William Hunter, about his conversation with Aviles. Hunter immediately told the head of the Military group, Col. Milton Menjivar.

Menjivar immediately went with a political officer from the Embassy to Colonel Ponce's office at the High Command. According to Menjivar, Ponce reacted with disbelief, disappointment and anger. He asked Menjivar the source of the allegation, and Menjivar told him about the conversation between Aviles and the American Major. Ponce said he would want the charges in writing.

*w/o not getting  
written  
charges*

The American Major was summoned, and a meeting was held in Ponce's office. At that meeting, Ponce summarized the allegations and asked Aviles to respond. Aviles admitted discussing the case with the Major, but denied telling him about any conversation between Benavides and Rivas. At one point, Aviles said, "if I knew this information, why would I risk my career by telling the Major?"

The Major then told his story again, after which Ponce dismissed the meeting. Outside his office, as the group prepared to leave the High Command, Aviles asked one of those present, "How could (the Major) have been so stupid?"

The next day, the American Major wrote a sworn statement that was submitted, along with a cover letter from Col. Menjivar, to Defense Minister Larios and the High Command.

Also on that day, an American Embassy officer informed Lt. Col. Rivas of the American Major's allegations. Rivas denied having any conversation with Col. Benavides in which Benavides admitted guilt, a denial which Rivas subsequently repeated to Members of the Task Force. Col. Lopez y Lopez also denied having a conversation either with Lt. Col. Rivas or with Col. Aviles of the nature described in the American Major's account.

*Handwritten notes in a circle:*  
Larios  
Menjivar  
Aviles on  
2nd

On January 5th, the Major took--and failed to pass--a polygraph exam. At about the same time, Aviles took--and also failed--a polygraph.

On the 6th, the Major left for the United States where he took--and again failed to pass--another polygraph test.

The next day, President Cristiani announced that the investigation had concluded that the Armed Forces were responsible, and Benavides and the others were arrested shortly thereafter.

**Discussion and Findings.** If the story of the American Major is accurate, and if what Col. Aviles said to the American Major is also true, the entire investigation in the Jesuits case appears in a different light.

First, it means that Lt. Col. Rivas, the head of the SIU, was aware from the early stages in the investigation that Col. Benavides and the Atlacatl were guilty.

Second, it means that Col. Benavides had a reason to go to Rivas, soon after the murders, to seek assurance that he would be protected.

Third, it means that the investigators, Rivas and Lopez y Lopez,



and former investigator Aviles, were not certain whether they had enough support within the armed forces and the Salvadoran government to assign blame to Col. Benavides.

Fourth, it means that notwithstanding these doubts, Lt. Col. Rivas continued to gather evidence that was tending, more and more as the days went by, to implicate the Commando unit of the Atlacatl generally, if not Col. Benavides, personally.

Fifth, Lt. Col. Rivas is perhaps the strongest potential witness in the case against Col. Benavides.

Sixth, the timing of events is such that it is not clear whether the case ever would have broken if the American Major did not come forward.

And seventh, if the American Major <sup>is</sup> telling the truth, Rivas, Lopez y Lopez and Aviles are lying. is story is true

The Task Force believes that there is a high probability that the American Major is telling the truth. It is simply not credible to imagine that he simply concocted a story that just coincidentally happened to be true about the identity of those responsible for the murders. This premise is supported by the fact that, in coming forward ten days to two weeks after the event, he was subjecting his own actions to potentially serious criticism. Further, there is nothing in his statements that is contrary to facts otherwise known.

The Task Force believes that it is probable that the account given by Col. Aviles to the American Major concerning his conversation with Lopez y Lopez and the rest of the sequence, is also true. It is again, unlikely, that Col. Aviles would have been able to identify Col. Benavides as the culprit if the account were untrue, nor does there exist any incentive for Aviles to have made such a potentially dangerous allegation if it were not based on fact. Col. Aviles was Jesuit-educated and was the individual selected to help secure cooperation from the

Jesuits in the investigation. It seems very possible that his concerns about a possible cover-up, coupled with his own knowledge, led him to share the information with the American Major "for use in an emergency only."

The evidence provided by the polygraphs on the American Major and on Col. Aviles cancel each other out. It is known that Col. Aviles has received threats against himself and his family for allegedly talking to an American about his knowledge of the case. It is worth remembering his comment upon leaving the high command: "How could the (American Major) have been so stupid?" And it is revealing that Col. Aviles' assignment to the coveted position of Defense Attache to the Salvadoran Embassy in Washington was cancelled as a result of this incident (Aviles was assigned to Taiwan, instead). By punishing Aviles in this way, the Salvadoran high command is essentially admitting that it believes the American major is telling the truth.

*x Aviles  
has known  
this?*

The Task Force is concerned that, despite the obvious importance of this incident, no serious effort beyond the initial polygraphs of the American Major and Aviles has been made to discover the truth. Lt. Col. Rivas told the Task Force that he would not take a polygraph because he is in charge of the investigation and such a test would impugn his honor. No effort has been made to polygraph Col. Lopez y Lopez.

There are two final questions, about which the Task Force can reach no firm conclusion, the first of which is why Col. Benavides would admit his guilt to Lt. Col. Rivas if, in fact, he did. The Task Force has been told by sources in El Salvador, but has been unable to confirm, that Benavides was aware very quickly after the murders that his involvement was no secret within the military. According to this account, he sought an assurance that he would nevertheless be protected in any investigation. And the fact is that no accusation was made against the Colonel or his unit until after the American Major came forward.

The second, related, question, is whether Col. Benavides and the

Results'

others would have been arrested if the Colonel's alleged confession had not been raised so directly by American officials with the Salvadoran armed forces. On the one hand, it is clear that the SIU investigation had produced some evidence against the Atlacatl unit prior to January 2nd. However, results from the ballistics tests which led to the arrests did not become available until at least January 5th. It is possible, moreover, that the SIU investigation would have concluded with the arrest of the lieutenants and soldiers involved, but not Col. Benavides, if the allegation concerning his confession had not been made. Although this is obviously an extremely ~~an~~ important point, the Task Force can reach no conclusion on it. It may be that even those most directly involved, the leaders of the SIU, are not certain how this question would have been answered if the conversation between Col. Aviles and the American Major had not taken place.

#### THE JUDICIAL PHASE

The questioning conducted by the Honor Board produced admissions of involvement in the crimes by the lieutenants and the soldiers who actually did the killing.

On January 16th, the 8 accused of the crime appeared before Judge Ricardo Zamora to give their declarations in the case. Col. Benavides, accompanied by the Director of the National Guard, Col. Juan Carlos Schlenker, testified for more than two hours and reportedly denied all charges.

On the 19th, Judge Zamora released a summary of the statements made to the Honor Board and announced his finding that there is sufficient evidence to hold all eight prisoners under provisional arrest for the next stage in the judicial process. Those arrested include Col. Benavides, Lieutenants Mendoza, Espinosa, and Cerritos, and five soldiers, one of whom, Sierra Ascencio, had deserted.

## WHO ELSE MAY HAVE BEEN INVOLVED?

From the day the murders occurred, Jesuit leaders and others have expressed doubt that a crime of this gravity could have been committed without the knowledge and consent of high officials within the Salvadoran armed forces. The High Command, on the other hand, has denied ordering, consenting to, or covering up the murders.

The following is a description of the information received by the Task Force that tends to support or refute the notion first, that the crimes were ordered by someone senior to Colonel Benavides; and second, that senior officials withheld evidence after the murders took place.

### HIGHER ORDERS

#### 1. Nature of the crime.

The murders of the Jesuit fathers were crimes of immense national and international importance. This fact was freely admitted by Col. Ponce and other military officials with whom the Task Force spoke. The possibility that Col. Benavides would personally conceive of and execute an operation of this magnitude and brutality struck virtually everyone we talked to who knew Benavides as extremely remote. Unlike several other senior officers, Col. Benavides did not have a history of political activism; he had not been accused of human rights violations in the past; he has never made public statements, to our knowledge, critical of the Jesuits or linking them to support for terrorist activity; and he had never before, again to our knowledge, departed from the chain of command in carrying out his military responsibilities.

*— what about his role in policy? — just kidding*

Col. Benavides is a member of the Tandonia, the powerful 1966 graduating class of the Salvadoran Military Academy. He was a classmate of Chief of Staff, Col. Ponce, Deputy Defense Minister, Col. Zepeda and then-Chief of Operations, Col. Cerna Flores, all

of whom were above him in the chain of command on the day the crimes took place. These are people with whom he has worked on close terms all his adult life. Even if he had considered ordering troops under his command to murder the Jesuits, why would he not have checked first with his superiors to determine whether their judgment confirmed his own? Why risk his career on an action that seemed likely, at a minimum, to prompt grave suspicion of the armed forces, as an institution?

Neither Col. Ponce nor Col. Zepeda could answer these questions. Instead, they expressed the same puzzlement that Members of the Task Force felt about Col. Benavides's possible motives. They argued, however, that they themselves understood the negative repercussions that murdering the Jesuits would have and said that, for that reason, they would never have ordered or consented to such a crime.

Two theories about Benavides' motivation have been put forward by officials of the U.S. Embassy. The first is that Benavides was experiencing great stress as the result of a serious illness to his son which became evident shortly after the guerrilla offensive began. They suggested that Benavides might have attributed his son's illness in some way to the offensive and felt a personal grievance against the guerrillas as a result.

The second theory, which is not inconsistent with the first, is that Benavides may have erroneously interpreted a general exhortation on the part of his superiors to "strike back hard at guerrilla command centers" as an order to kill the Jesuits. One military officer told us that although Benavides didn't have any "command centers" in his sector, he did have UCA, and for many in the armed forces, that was the same thing."

Finally, the Task Force was told by one church official that Benavides, who served as head of military intelligence from July of 1988 until June of 1989 might have been hostile to the Jesuits even if he never mentioned this hostility in public. Benavides' intelligence background, said the churchman "explains many

things. They never speak in public, but they handle and manage information, and their judgment is that these priests are communists and should be eliminated."

Unfortunately, Col. Benavides has not admitted his involvement in the murders, and has not volunteered any information that would prove or disprove the theories or suspicions thus far put forward.

## **2. Military hostility to the Jesuits**

The longstanding suspicion within the military that the Jesuits were aiding the guerrillas has already been discussed. Col. Zepeda, among others, has made statements to this effect. Threats directed at Father Ellacuria and other Jesuit leaders were broadcast over government-controlled radio soon after the offensive began on November 11th. There was an incident at the UCA that same night during which the armed forces pursued FMLN forces across the campus. Two days later, the military reported that firing was coming from inside the UCA and a search was undertaken. And a large number of military units were deployed close to the UCA throughout the period in question.

By the 15th, the armed forces were, by all accounts, seriously worried that the offensive might succeed. The decision made at the high command meeting that night was to strike back hard at guerrilla command centers with air and artillery power. Some observers have suggested that the anger and desperation of the armed forces had reached the point where rational political calculations had been superseded by a simple desire to strike back. Thus, an order to kill the Jesuits, politically unthinkable only a week earlier, might have been given in the heat of the moment. Those who experienced the offensive stressed to the Task Force the incredible emotion impact that the fighting in San Salvador had on those involved. Clearly, this could have affected the judgment of the high command. But the Task Force has seen no hard evidence -- other than the fact that murders were committed to indicate that it did.

### 3. Conduct of the Operation.

Col. Benavides and his troops made a crude effort to frame the FMLN for the murders. One of the soldiers chosen as a triggerman was given an AK-47, sometimes used by the guerrillas. A fake firefight was staged at the scene of the crime. A sign, purportedly written by the FMLN, was left behind. And Col. Benavides wrote in his operations book that a confrontation with the FMLN had occurred at the UCA at 12:30a.m. on the 16th.

Benavides made little apparent effort, however, to conceal from other military officials what he had decided to do. Instead, he ordered a unit numbering more than four dozen men, commanded by two lieutenants who had been under his own command for only two days, to assemble in an area heavily populated by other military units, murder the Jesuits, fire a flare and then return to headquarters. Whether or not Col. Benavides was acting under orders, he behaved as if he was. He promised his lieutenants that they would be protected and solicited from them no vows of silence or secrecy. He used forces that could be traced directly to him. And his efforts to pin responsibility on the FMLN were so rudimentary that only an all out effort by the military to block a serious investigation could have made it hold up.

It should be noted that the Task Force was asked, during its inquiry, to consider the nature of the operation carried out by the troops under Benavides' command in a light different from that discussed above. This suggestion, put forward by an official of the U.S. Department of State, was that the relatively open nature of the operation makes it less likely, rather than more likely, that Benavides was acting on his own.

The official pointed out that if high officials in the Salvadoran armed forces had really planned to kill the Jesuits, they would not--and need not--have involved so many soldiers in the operation, and they would have gone to greater pains to maintain security. The official suggested, for example, that the armed forces could have always called upon the death squad operated by

the Salvadoran Air Force to carry out the murders. That would, he said, have involved only a few, very well trained people who could have gotten in and out in a very short period of time.

*Benavides  
was in as  
helping*

#### 4. The Meeting of the High Command

As discussed earlier, a meeting of the Salvadoran High Command, including Col. Benavides, was held beginning at 7:30<sup>pm</sup> on November 15th.

According to the military officers who attended the meeting and with whom we spoke, the subject of the Jesuits did not come up. The meeting was so large, in any event, that a decision to murder the Jesuits would not likely have been made or announced at such an event. Col. Aviles, who we believe later told an American military officer of Col. Benavides' involvement in the case, was present at the meeting, but his information concerning Benavides did not come from the meeting. Another of those present, Col. Heriberto Hernandez, then-director of the Treasury Police, later took a polygraph test that indicated no knowledge on his part of an order to kill the Jesuits.

For these reasons, the Task Force does not believe that an explicit order to kill the Jesuits was given at the November 15th of the High Command. Obviously, this does not mean that such an order could not have been given earlier or at another, smaller, meeting that same night. Nor does it preclude the possibility that Benavides undertook an order to attack "guerrilla command centers" as an order to kill the Jesuits.

#### 5. The radio call.

Lt. Espinosa was assigned by Benavides to lead the operation against the UCA. At 10:15 on the night of the murders, according to his own testimony, he received a radio instruction to assemble his troops at the military school. According to our understanding of the chronology of events that night, Col. Benavides would still



have been at the meeting of the high command at that time. If the radio call was received from Benavides, it means that he was putting his plan into motion while still with the high command. If the call was from someone other than Benavides, it raises in a very direct way the question of whether at least one other individual was involved in preparing or ordering the operation. Lt. Espinosa did not identify the individual who gave him the order. To our knowledge, the question has never been asked.

#### 6. Armed Forces Reaction.

Almost immediately after the bodies were discovered, the Armed Forces released an official communique stating their condemnation of "the treacherous murder committed by the FMLN guerrillas." A similar communique was issued the following day.

This may have been simply a reflexive reaction on the part of military propagandists. It is also possible, however, that it was part of a planned effort, crudely begun at the scene of the crime, both to strike back at the Jesuits and to gain public relations mileage by blaming the FMLN at the same time.

#### 7. The Atlacatl Unit.

The Command Unit of the Atlacatl Immediate Reaction Infantry Battalion is one of the best-trained, and most experienced, units in the Salvadoran armed forces. The question is why this elite unit was assigned to the Military School when the remainder of its battalion was engaged in heavy fighting against the FMLN elsewhere in the city. It is worth noting, in this context, that the first action undertaken by the unit after it was assigned to the Military School on the afternoon of November 13th was to search the UCA. The last action it took before rejoining the rest of the Atlacatl about 6:00 a.m. on the 16th was to murder the Jesuits.

Obviously, the movements of the Commando unit do not prove anything. Units were being assigned and re-assigned on a daily

basis as a result of the offensive. However, the nature of this particular unit, coupled with the coincidence in timing, would be consistent with a planned operation directed at the Jesuits, even if it does not prove that this is what took place.

#### 8. Treatment of Benavides.

As is discussed elsewhere in this report, Col. Benavides has been very well treated by the armed forces during his incarceration. This may be, as President Cristiani has said, simply the way the system operates in El Salvador. It is also possible, however, that the good treatment is part of an effort to persuade Benavides either that he will not be punished for the crime, or that the punishment he does receive will be bearable. If it were the case that Benavides had acted under higher orders, such treatment would be one way of encouraging him not to talk.

#### 9. Assignment of Col. Lopez y Lopez to the Investigation.

Lt. Col. Rivas of the SIU told the Task Force that the high command has cooperated fully in his investigation. He cited, as an example, Col. Ponce's decision to assign Col. Lopez y Lopez, an experienced and capable investigator, to assist in the inquiry. If Ponce had ordered the crime, said Rivas, why would he have assigned one of his best people to help us discover the facts? The Task Force agrees that this is a good question.

#### A COVERUP?

1. At least 45 soldiers participated in or provided security for, the murders. The operation occurred in a small area, the size of a few blocks, within which several hundred other members of the security forces were stationed. The troops simulated a firefight, and sent up two flares at the completion of their work.

Virtually all of the troops on duty in the area that night were interviewed, although not polygraphed, by the SIU. To our knowledge, none came forward with evidence of value.

*[Handwritten signature and scribbles]*

2. After the murders, the Commando unit of the Atlacatl re-joined the rest of the battalion in the northern part of San Salvador, near the First Brigade. That afternoon, a sound truck from the First Brigade drove by the offices of the Archbishop of San Salvador broadcasting the following message:

"We're going to continue killing communists. Ellacuria and Baro have fallen. Surrender."

Col. Elena Fuentes, Commander of the First Brigade, confirmed to the Task Force that a sound truck from his brigade was operating in the area at the time in question. He denied, however, that the troops operating the truck had authorization to broadcast the threat heard by Archbishop Rivera y Damas and others. The Task Force concludes that it is at least possible that troops from the First Brigade were informed by members of the Commando Unit of the Atlacatl that they had killed the Jesuits and that this prompted the decision to air the unauthorized message that afternoon.

3. The Task Force asked Col. Ponce if, upon learning of the murders, he had asked Col. Benavides, the commander of the sector that included the UCA, what he knew. Ponce said "yes, he was asked and he answered that he didn't know anything." No inquiry was apparently made at the time about an entry in Benavides' operations book indicating that a confrontation with guerrillas had occurred at the UCA at 12:30 a.m.

4. There is no record of any investigation by the SIU into the possibility that members of the high command ordered the murders of the Jesuits. The SIU did not ask the Defense Minister (Larios), the Vice-Minister (Zepeda), or the Chief of Staff (Ponce) whether such an order had been given, nor did it request any records or documents that might conceivably have pointed in this direction. Even the fact that there had been a meeting of the high command on the night before the murders, and that Col. Benavides had been present at that meeting, was apparently not known by the SIU until after reports of the meeting surfaced in

(inserted)

February in the Washington Post and the Baltimore Sun.

5. At 5:00 a.m.(?), on the day after the murders, a meeting of the heads of military intelligence (DNI) was held at intelligence headquarters in San Salvador, very close to the military school. According to one of those present, an announcement was made at that meeting that the Jesuits had been killed. This announcement was greeted with approval, although not the cheering and applause which has been mentioned in some press reports. The bodies of the murder victims were not discovered until about 6:30 a.m. If this account is accurate, it means that military intelligence had knowledge of the crimes that could only have been obtained from those who perpetrated them, or by witnessing them. This leads, in turn, to the question of whether this knowledge was disseminated within the military, especially at the higher levels, and--if so--how broadly. The head of DNI at the time of the murders was Col. Guzman Aguilar, a member of the Tandonia, recently transferred from the Treasury Police as a result of corruption, and shortly thereafter transferred to a position as military attache to Costa Rica, which has no army.

#### Discussion and Findings.

(To be expanded)

1. As has been stated, the Task Force is not an investigative body. Rather, it was established to monitor the investigation conducted by Salvadoran authorities.

In our judgment, that investigation can be fairly criticized for its failure to delve in any serious way into the possibility that individuals senior to Col. Benavides may have ordered the murders.

The nature of the crimes, coupled with the nature of the military command structure and Col. Benavides past history, lead us to believe that higher orders could have been given and this possibility should have been -- and should continue to be -- an integral part of the investigation.

2. If our judgment about the Aviles affair is accurate, exactly two members of the Salvadoran military have voluntarily come forward with information concerning the murders at the UCA on November 16th. The first was Col. Benavides, himself, in the hopes of escaping punishment. The second was Col. Aviles, who came forward on a confidential basis with information that he did not want used except in an emergency. That is, by any standard, a miserable record.