

United States Department of Justice



Washington, D.C., August 9, 19 91

to whom these presents shall come, Greeting:

I certify That Deborah A. Robinson whose name is signed

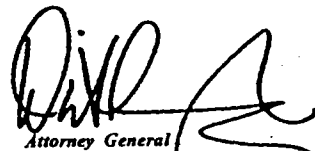
to the accompanying paper, is now, and was at the time of signing the same,

Associate Judge, United States District Court for the District of Columbia

duly commissioned and qualified.

In witness whereof, I, Dick Thornburgh

Attorney General of the United States, have hereunto caused the Seal of the Department of Justice to be affixed and my name to be attested by the Deputy Assistant Attorney General for Administration, of the said Department on the day and year first above written.


Attorney General

By Michael J. Rosen
Deputy Assistant Attorney General for Administration

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

IN RE LETTERS ROGATORY)
FROM THE FOURTH CRIMINAL)
COURT JUDGE OF SAN SALVADOR,)
EL SALVADOR)

Washington) SS
District of Columbia)

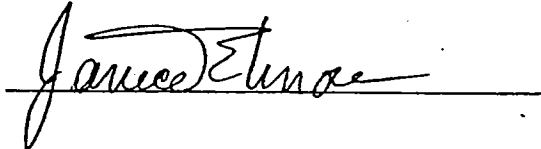
AFFIDAVIT

I, Janice Elmore, being duly sworn, do depose and say that:

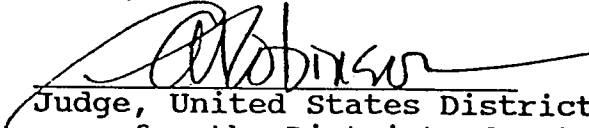
1. I am a citizen of the United States of America.

2. On August 6, 1991, I testified under oath in response to a request dated June 6, 1991, from the Fourth Criminal Court Judge of San Salvador, Republic of El Salvador. A complete and accurate transcript of my testimony is attached to this affidavit.

3. I attest that the attached testimony is true and correct to the best of my knowledge and belief.



Sworn to and subscribed before me
this 6 day of August, 1991



Judge, United States District Court
for the District of Columbia

Deborah A. Robinson
U.S. Magistrate Judge

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE LETTERS ROGATORY)
FROM THE FOURTH CRIMINAL)
COURT JUDGE OF SAN SALVADOR,) SS
EL SALVADOR)
WASHINGTON)
DISTRICT OF COLUMBIA)

Washington, D.C.

Tuesday, August 6, 1991

Deposition of:

JANICE ELMORE

a witness of lawful age, taken on behalf of the Department of
Justice in the above-entitled action, before Shannon S.
Griffin, a Notary Public in and for the District of Columbia,
in the offices of the Office of International Affairs,
1400 New York Avenue, N.W., Suite 5400, Washington, D.C.
20530, commencing at 12:25 p.m.

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WASHINGTON, D.C. 20005

(202) 628-2121

APPEARANCES:

On Behalf of the Department of Justice:

JOHN E. HARRIS, ESQ.
Deputy Director
Office of International Affairs
1400 New York Avenue, N.W., Suite 5400
Washington, D.C. 20530

On Behalf of the State Department:

JULIE OETTINGER, ESQ.
Attorney Advisor
Office of the Legal Advisor
U.S. Department of State
Washington, D.C.

On Behalf of the Department of the Army and the
Department of Defenses:

BETH A. WILKINSON, ESQ.
Assistant to the General Counsel
Office of the General Counsel
Department of the Army
The Pentagon, Room 2E725
Washington, D.C. 20310-0104

ALSO PRESENT: Jim McGovern

* * * * *

C O N T E N T S

EXAMINATION BY:	Page
Counsel for the Department of Justice	4

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P R O C E E D I N G S

1
2 MR. HARRIS: It is 12:25, August 6, 1991. We're in
3 the conference room of the Office of International Affairs in
4 Washington, D.C.

5 I'm John Harris, Deputy Director of the Office of
6 International Affairs in the Criminal Division of the United
7 States Department of Justice.

8 Present with me today is the witness, Ms. Janice
9 Elmore. Also present is Ms. Julie Oettinger, Attorney Advisor
10 in the Office of the Legal Advisor for the Department of
11 State; Ms. Beth Wilkinson, Assistant General Counsel,
12 Department of the Army; and Mr. Jim McGovern, who's with
13 Congressman Moakley's staff, who is here at the invitation of
14 the witness.

15 We're here to record testimony requested in a
16 Comision Rogatoria issued by the judge of the Fourth Criminal
17 Court of San Salvador in the Republic of El Salvador for use
18 in the criminal prosecution pending in that court of a
19 Guillermo Alfredo Benevides Moreno and others for the crime of
20 murder.

21 I'll now ask the court reporter to swear in the
22 witness.

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1 Whereupon,

2 JANICE ELMORE

3 was called as a witness and, having been first duly sworn, was
4 examined and testified as follows:

5 EXAMINATION BY COUNSEL FOR THE DEPARTMENT OF JUSTICE

6 BY MR. HARRIS:

7 Q Ms. Elmore, you're here today to voluntarily provide
8 truthful answers, under oath, to the questions posed by the
9 Fourth Criminal Court in San Salvador, is that correct?

10 A That's correct.

11 Q I hand you now a copy of the Comision Rogatoria from
12 El Salvador, and I ask you to read it carefully.

13 (Witness examined the document.)

14 BY MR. HARRIS:

15 Q Have you now read the questions contained in the
16 request from Judge Ricardo Albert Zamora Perez in San
17 Salvador?

18 A Yes, I have.

19 Q Are you prepared to voluntarily answer these
20 questions?

21 A Yes, I am.

22 Q Very well. Ms. Elmore, when were you on assignment

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1 to El Salvador?

2 A I was in El Salvador from 1986 through July of 1990.

3 Q And what was the nature of your job?

4 A I was an officer in the Political Section of the
5 embassy.

6 Q What duties did your position require?

7 A For the first two years I was a political officer
8 with duties following the congress and the political parties.
9 In the last two years I was there I was a political military
10 officer.

11 Q Did you hear comments about the Jesuits of the UCA by
12 Salvadoran military personnel in 1989?

13 A Yes, I did.

14 Q What did you hear, specifically?

15 A I can't remember any specific comments made by any
16 specific people.

17 Q Under what circumstances did you hear these comments?

18 A In very general conversations.

19 Q Did you hear comments about the attacks on the UCA
20 printing house in April and July of 1989?

21 A I heard no comments, and I don't remember that event.

22 Q So you don't recall who made these comments or what

1 was said.

2 A No, I heard no comments of that kind.

3 Q Ms. Elmore, when paid advertisements appeared in the
4 Salvadoran newspapers for which Arena and the armed forces of
5 El Salvador were allegedly responsible, accusing the Jesuits
6 of defending acts of terrorism, did you know who was producing
7 and launching this campaign?

8 A No, I didn't.

9 Q Did the U.S. Embassy respond in any way to the
10 attacks on the UCA printing house or the attacks that appeared
11 in the newspapers?

12 A I don't remember any embassy response.

13 Q Did you discuss these issues with any member of the
14 armed forces of El Salvador?

15 A As I said before, no, I don't remember any attack on
16 the printing house whatsoever.

17 Q Ms. Elmore, in the early days of FLMN offensive, did
18 you hear of the threats against the Jesuits broadcast over the
19 national radio network?

20 A Yes, I did.

21 Q Did you talk about these broadcasts with military or
22 civilian officials?

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1 A I heard about the broadcasts at the embassy and do
2 not recall discussing these broadcasts specifically with
3 anybody outside of the embassy.

4 Q Did you do anything about the threats heard on the
5 Cuscatlan radio station?

6 A No.

7 Q Ms. Elmore, during the November guerrilla offensive,
8 what did your job consist of?

9 A As a political military officer my principal job was
10 to monitor the course of the offensive and the Salvadoran
11 military's response to it, and also to monitor civilian-
12 military relations.

13 Q Where were you throughout the first week of the
14 offensive?

15 A When the offensive began, I was out of San Salvador
16 visiting military units. It was too dangerous to return to
17 the city, and I spent three days at two of the units until it
18 was safe enough to return.

19 Q So you did visit military garrisons?

20 A Yes.

21 Q Which ones and on what dates?

22 A Can we go off the record?

1 (A discussion was held of the record.)

2 THE WITNESS: During the first week of the offensive
3 I visited the Atlacata Battalion, the cavalry, artillery and,
4 as near as I can remember in the time frame, the Estado Mayor
5 and the National Police.

6 BY MR. HARRIS:

7 Q Ms. Elmore, were you aware of any threats made by
8 anyone in particular against the Jesuits at UCA?

9 A No, I wasn't.

10 Q When did you become aware of the murder of the
11 Jesuits?

12 A On the morning following the murder, at approximately
13 11:00, 11:30, I was at the military hospital, and I was told
14 by an officer at the hospital that he had just heard of the
15 murders.

16 Q So it was through that source.

17 A Right.

18 Q When did you find out that the Salvadoran military
19 held any responsibility?

20 A I'm not aware that there has been -- that the case
21 has been finished, but the official allegation was made by
22 President Cristiani, I believe, on January 6th.

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1 Q And that's when you first found out --

2 A The official allegation was made on the 6th of
3 January.

4 Q Were you aware of a plan to kill the Jesuits before
5 the actual murders took place?

6 A No.

7 Q What exactly did you know?

8 A Nothing.

9 Q Is it true that after the murders, you publicly
10 stated that you knew the murders were going to take place?

11 A No.

12 Q Can you explain?

13 A I didn't know they were going to take place, and I
14 obviously made no comment about it because I didn't know.

15 Q Ms. Elmore, did you do anything personally to try and
16 find out information about the murders?

17 A I was a member of the embassy task force which was
18 chaired by the DCM, and one of my responsibilities was to
19 monitor the investigation.

20 Q What steps did you take?

21 A I spoke with a lot of members of the Salvadoran
22 military to impress upon them the seriousness of the

1 investigation and to make sure that a clear investigation
2 could take place.

3 Q What were you able to find out?

4 A Everything that I found out was reported to the task
5 force, to the DCM.

6 Q Ms. Elmore, when did you find out about what MAJ
7 Buckland said regarding the information he received from COL
8 Aviles that COL Benavides was responsible for the murders?

9 A I was told in the afternoon -- and I believe it was
10 January 2nd -- by COL Menjivar that he had heard something to
11 this effect.

12 Q Can you describe in detail the January 2, 1990,
13 meeting with Ponce, Aviles, Buckland, et cetera?

14 A I'm going to describe some of the meeting. I don't
15 remember all the details. I was not present for the entire
16 meeting.

17 While I was present, COL Menjivar and COL Ponce
18 discussed it. COL Ponce called COL Aviles, who denied the
19 allegations.

20 Q Did you have any later contact with MAJ Buckland?

21 A I did, yes.

22 Q Did you know that he had prior knowledge of a plan to

1 commit the murders?

2 A No, I didn't, and, as a matter of fact, I expressly
3 remember that he told me he did not.

4 Q When did you learn this?

5 A On January 3rd.

6 Q And under what circumstances?

7 A MAJ Buckland came into my office for just a brief
8 visit, and we talked very briefly.

9 Q Ms. Elmore, do you know LT Jose Ricardo Espinoza
10 Guerra?

11 A Yes.

12 Q Did you ever meet with him?

13 A Yes.

14 Q What did you discuss?

15 A I met with him early in the year in very general
16 circumstances and discussed -- I don't remember what we
17 discussed. It was very general.

18 Q Do you remember if you discussed the Jesuit matters
19 with him or with any other military officer?

20 A Following the murders I discussed them with a lot of
21 members of the Salvadoran military.

22 Q Can you describe the circumstances?

1 A As it was part of my job to tell everybody I could
2 talk to that we took it very seriously and to convey to them
3 that there should be no obstacles to the investigation. He
4 was one of many.

5 Q Did you visit any of the accused after they were
6 arrested?

7 A I have not visited any of the accused.

8 Q So --

9 A I have to go off the record.

10 (A discussion was held off the record.)

11 THE WITNESS: At the anniversary of the treasury
12 police to which I was invited I saw LT Espinoza, who was being
13 held there, and very briefly said hello to him.

14 BY MR. HARRIS:

15 Q What did you discuss during that encounter?

16 A We discussed nothing.

17 Q Ms. Elmore, since leaving El Salvador, have you
18 spoken to any Salvadoran military officer about the Jesuit
19 murders?

20 A No.

21 Q Do you have any information regarding civilian
22 involvement in the planning or execution of the crime?

1 A No, I don't.

2 Q Is there anything that you'd like to add or any
3 answer that you'd like to clarify?

4 MS. OETTINGER: Let's go off the record.

5 (A discussion was held off the record.)

6 BY MR. HARRIS:

7 Q Ms. Elmore, is there anything you'd like to add to
8 clarify any of your answers?

9 A Yes, I would like to clarify points on J, L and M.

10 Q On question J.

11 A Mm-hmm.

12 Q "When did you find out the Salvadoran military held
13 any responsibility and through what source?"

14 A From the very beginning, there were rumors throughout
15 Salvador as to who did the killings. The first significant
16 thing that I heard was on the 2nd of January, when COL
17 Menjivar informed me of MAJ Buckland's comments.

18 And then on the 6th of January, when President
19 Cristiani went on television in El Salvador and informed the
20 Salvadoran people that there was belief that the military was
21 involved.

22 Q My question now: Did you do anything personally to

1 try and find out information about the murders? What steps
2 did you take and what were you able to find out?

3 A Off the record.

4 (A discussion was held off the record.)

5 THE WITNESS: Okay, as to what I was able to find
6 out, I at the very beginning was able to find out where the
7 Salvadoran military forces were stationed during that time
8 period. And also looked into why the electricity was off, was
9 able to come up with some explanation as to why the
10 electricity went off in that zone that evening.

11 And, basically, during the first couple of weeks,
12 that's what I concentrated on.

13 I don't recall -- off the record.

14 (A discussion was held off the record.)

15 THE WITNESS: Okay. Everything that I did find out,
16 the things which I just described, was reported to the task
17 force.

18 BY MR. HARRIS:

19 Q With respect to question M, "Do you know LT Jose
20 Ricardo Espinoza Guerra? Did you ever meet him? What did you
21 discuss?" You've answered that.

22 Did you discuss the Jesuit murders with any other

1 military officer, and, if so, describe the circumstances.

2 A Okay, part of my job was to discuss these murders
3 with any and all members of the Salvadoran military with whom
4 I had contact. I talked to approximately 300 people over a
5 period of time.

6 We discussed the murders and the seriousness with
7 which the U.S. government took it, and the fact that the
8 Salvadoran military should present no obstacle to the
9 investigation.

10 The officers with whom I talked assured me that the
11 Salvadoran military would cooperate fully with the
12 investigation. At no time was I given any direct answer as to
13 who did the murders.

14 Q Thank you very much.

15 (Whereupon, at 1:00 p.m., the deposition of
16 JANICE ELMORE was concluded.)

17 * * * * *

18 I have read the foregoing, which reflects a correct
19 transcript of the answers given by me to the questions herein
20 recorded.

21 Deponent

Janice Elmore

22 Date

August 6, 1991

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