

Sunday evening 4 March 80

Nike:

Some notes on various and sundry to go with the package.
Enclosed are:

1. Yet another translation of letter to organizations. Tell Tish and Pam that I thought it better to streamline it a bit. Zaira's was too literal and therefore came off a bit odd and stilted in Spanish. I had both a Salvadoran and a Spaniard check this one over, so it should be ok.

2. two copies of piece on Jesuit trip (they were cornered at courts). Message for Scott: "Now we've both been smeared!" (See second paragraph, which begins, "The priest R. Scott Greathead, who led the delegation...") (I'm referring to the fact that I've been ~~misrepresented~~^{identified} as an attorney on several occasions, and now Scott has joined the the clergy of the Church of Rome.

3. Piece about Congressmen's trip to UCA. (please send McGovern a copy). That's me in the photo (the one in the skirt; Matt McHugh is walking between Father Tojeira (Jesuit provincial) and me.

4. Article on State D. Country Report, leading off with "The FMLN is the author of most human rights violations in El Salvador...."

5. A few clips for Arthur on repatriates. Tell him that there was another repatriation today, from San Antonio to Usulután, involving about 1000 people. Before I leave I'll sit down with the people I know in that "branch" and make up a list of people he might want to interview.

6. How long will Scott be here? I want to see the Minister of Justice; the President of Sup. Ct.; and Salvador Ibarra/the legal institute. Would he want to be a part of any of those meetings, or should I go ahead this week?

7. Do you have any sense of what 50 Min. might want of me? Tojeira will definitely be away, which from my perspective is too bad, but from theirs, probably irrelevant given that he doesn't speak English. Two men who lived in the community that was murdered both speak English and would be good to interview. I've talked to Jon Cortina, who is willing to come down from Chalatenango where he is now working. Jon Sobrino is back from abroad this week. His English is even better. There's another one, Fermin Sainz, who directs the Loyola Center near the UCA, who was here during the killings. Dick Howard will be back by then. Also, a Canadian Jesuit is arriving to fill in for one of the murdered ones who is good. He knows the situation well, though he's just beginning to live here. He was here for the funeral. He's very important in

Canadian Jesuit circles and until he came down here directed the Jesuit Centre for Social Faith and Justice in Toronto.

8. See p. 7 on Sierra Ascencio. This is the one who deserted. He shot the women the second time around, according to this account. I'm anxious to see your package to see what you have to say on this and his whereabouts.

(I understood you to be saying that he's the one who they called you about; if it is it makes the CIA story unlikely)

The Jesuits say they heard from one of their contacts in Mexico that he is in Mexico and that he is saying he heard one of the lieutenants talking on a walkie talkie to "Colonel Zepeda." the Lt. is supposed to have told Zepeda that they had found two women and asked what they should do about it. The answer came back to kill them too. It makes sense that they would have been surprised to find the women there. They didn't normally sleep there and they weren't even the cooks of the priests who were killed. The question I have is whether a lieutenant would have been radioing to someone like Col. Z. It strikes me that a Lt. would have been talking on the radio to someone lower in rank, but perhaps if (as some say) Z. assumed responsibility for the action (perhaps because Ponce wouldn't) and that on some level anyway, they understood the significance of what they were doing and perhaps the higher-ups took a more hands-on role that they would in an operation of lesser significance.

The source, as far as I know, on the CIA whisking off the 5th defendant is Alvaro Magaña, whom I'm going to call this week. He told some jo., who asked the Emb., who denied it. Presumably you're getting the same info. Phil says they told the Moskley crowd. Both Magaña and Leonel Gomez are playing a (characteristically) funny role in this whole thing. Gomez told Phil he was going back to DC to "direct" the Moskley report.

When Walker was asked at the Jesuit meeting about whether the CIA was at the meeting of the intelligence body DNI on Nov. 16 he said "They tell me they were not." He has confirmed to journalists that they generally do attend these meetings. DNI is largely a CIA creation, said to be largely CIA funded, and CIA shares office space with them.

The question is what is Z's relationship to the CIA. Are they likely to go out on a limb to protect him? I've always considered it unlikely the US would push any higher than Benavides because those at the top now (Ponce, Larios, Z, and Montano) are not among the bad-boys that they'd just as soon dump. Larios is not a major player. (He was a compromise bet. Ponce and Bustillo.) There are those in the military (elena Fuentes, Staben, Guzman Aguilar) who the Embassy would be happy to be rid of and regularly dumps on. Though Z. is perfectly capable of ordering the murder of the Jesuits he's not in the bad-boy category and the US has done business with him for yrs. I would not be surprised if he's close to the CIA.

Another person who might be key is Guzman Aguilar. He was dumped at the National Police because of too much torture. He was at the DNI (intelligence) for only a matter of months (during the offensive) and was sent off as Mil Attache to CR. Why? He's the one who supposedly came into the 5 am DNI meeting and announced that Eliacuria had been killed resisting arrest, and they all cheered.

8. Paco Palmieri called me with the following: AID is looking at ways to do technical training of governmental HK Com. HK promoters (they are the ones who go out to garrisons and teach HK). They want to bring in an expert for 4-5 wks. to review the current training program (which includes anti-liberation theology and Church of the poor stuff--and people wonder why they kill jesuits!, editorial comment) and to design initial improvements as well as a long-term redesign of the program. He wants to know if we can suggest any groups that do something like this. Do you and do you want to answer the question?

Phil Bronstein and I have had two sessions sharing info on Jesuits. He's the only journalist still working on the story. The word is that D. Farah is coming back, since the Post has no one.

One tidbit he told me today is that Cristiani discovered that Ponce has met with the defense attorneys and was not pleased. I'm told the Armed Forces are paying the defense attorneys' fees, something I'll try to confirm.

Cristi

PS.

Sometime over the week we'll be getting 1000 plus pages from the case file. The process has been cumbersome and slow (surprise, surprise) but it appears we're going to get what we want. The mechanics of it are even more cumbersome. The Curia (HQ of provincial) has to take their own photocopy machine down to the courts after hours and have one of their people stand there and do the copying. Maggi and I were both rejected because we'd be too conspicuous. Then the Curia's secretary will make us a second set of copies. I don't know how we're ever going to deal with that much material.

mid

Monday AM

I forgot a few things last night:

1. A piece appeared in La Prensa Grafica on March 2, 90 saying the defense attorneys had asked the judge to declare himself incompetent and pass the case to the courts in Santa Tecla. Tojeira says that what they have done is ask the appropriate authority (known as the "cartografia") to rule on the question. In anticipation of this the judge, acting as a private person, filed the same petition and was given the answer that the case did indeed belong in Santa Tecla. It will take a while for the cartografia to answer. What I need to find out is if the judge is obligated to pass the case on under these circumstances. I suppose like most things in this country a "creative" solution can be found if there is a will to do so.

2. MF and I went last week to see the fiscales in charge of the case. The two we met say they have the entire HR dept of the Fiscalia on the case and that the AG has "retained the right to intervene personally." I bet he has. (Somebody has asked the assembly to look into his business practices for some sleazy deal he did as an attorney. This week he announced that it was actually Jennifer Casolo who sent these Salvadorans to harass him, it was all an international communist plot!)

They say they are present during each interview by the judge of a witness. They have proposed no witnesses themselves, and may only ask questions thru the judge.

They think judge intends to take the statements of all 47 men of the Atiacati, but there are 1000s of other cases in this tribunal, so it will take a long time.

They rejected all suggestion that it wasn't moving fast enough: Our system moves slowly; each new witness interviewed is a step forward.

I asked whether they thought an acusador particular was a good idea and he said "it depends on the person and his abilities." When I pressed him by saying if he were a relative of one of the dead jesuits would he do it, he said no. When I asked for his reasoning he would only say that he didn't earn much and such a spec. prosecutor would surely want \$250,000, life insurance, and help getting family out of the country.

Other news:

**The judge has passed the San Francisco case to plenary but will try only Major Beltran and Sub Sergeant Rafael Rosales Villalobos. He dismissed charges against all other defendants.

Miraculously, the Fiscalia has appealed his dismissal of charges against Sub. Lt. Antonio Vasquez Alvarenga and Sub. Sergeant Jorge Alberto Tobar Guzman.

And the defense attorneys have appealed his decision to try Beltran and Rosales Villalobos.

The fiscales say all are still in detention awaiting the Appeals court's decision (Camara de lo penal). The camara can actually disagree with both the Fiscalia and the judge and dismiss all charges ag. all of them, or order that all be tried. They said the case file is voluminous and since the magistrates don't know the case, their ruling will take some time. When pressed they said it would be a "matter of months."

**Judge Berrano investigation is still with the SIU. All witnesses in the case seem to have developed "amnesia." "We've given up any hope of ever going to trial."

basta.
mid

Narration On the Events Surrounding the Death of the Fathers

Based on the investigation conducted, we believe we can reconstruct the scenario surrounding the assassination of our UCA brothers. Especially the extrajudicial declarations of those who participated in the crime help us to reconstruct the events. Both the quotations and the dialogue in this narration are taken textually from these declarations.

1. The Prelude to the Crime:

On the afternoon of Monday 13 November, a military cordon was established around the High Command headquarters, the Military Academy, and the Arce Neighborhood, which are directly in front of the main gate of the UCA. This military zone was under the command of Col. Guillermo Alfredo Benavides Moreno, Director of the Military Academy. Also in the zone were troops attached to various battalions, among them some men belonging to the Atlacati Battalion, as well as some belonging to military detachments in Sonsonate and Ahuachapán. This same Monday the order was given to conduct a search of our brothers' residence at the UCA, and the order to carry it out was given to Lt. José Ricardo Espinoza Guerra and his second-in-command, Sub.Lt. Gonzalo Guevara Cerritos, both on active duty in the Atlacati Battalion.

Apparently--if we take into consideration the extrajudicial declarations of those accused of the assassination--the possibility of murdering our brothers was not mentioned at this time. There are nonetheless some suspicious elements. In an account of the search written by Nacho Martín Baró he mentions that the officer insisted on searching the Center of Theological Reflection as well as our brothers' residence, which is in the same building. Further, Father Ellacuria invited the officer to return the following morning in order to search the UCA in daylight, so that they would be convinced that there was nothing there. The soldiers did not return the next day.

Was the assassination already planned?

2. Disorganized Planning

According to the account in the extrajudicial confessions of the eight suspects arraigned before the judge, events unfolded in the following manner: At 11:00 pm on November 15, Lt. Espinoza was ordered to report to Col. Benavides in the Military Academy. In the Academy he meets Lt. Yussi Mendoza Vallacillos, who repeats that the Colonel wants to see him and Sub.Lt. Guevara Cerritos. They find the Colonel in the officers' quarters and walk with him to his office. There the Colonel says:

"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."

He immediately turned to Espinoza and 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."

Espinoza adds that he told the Colonel that "this was a serious problem."

"Don't worry," the Colonel responded. "You have my support."

The two other lieutenants differ from this version on a few points. Sub Lt. Guevara agrees with Espinoza, but additionally puts the following words in the Colonel's mouth: "These are the intellectual authors who have directed the guerrillas for a long time." In contrast, Yussi Mendoza asserts that when they called him into the Colonel's office Espinoza was already there and the Colonel only said to him:

"Look Mendoza, you are going to accompany Espinoza to carry out a mission. He already knows what it is."

Later, before they left the Military Academy, Espinoza will ask Yussi Mendoza for a bar of camouflage grease in order to paint his face. Simply a military reflex? Fear of being recognized? The fact is that Lt. Espinoza graduated from the Externado San José (Jesuit High School) at a time when Father Segundo Montes was the principal. Segundo did not recognize him during the search, but it is not difficult to imagine that the Lieutenant would have recognized Father Montes. For his part, Espinoza asserts that Mendoza offered him the bar of camouflage for his face.

Throughout the extrajudicial declarations the contradictions continue between the versions of Espinoza and Mendoza, especially concerning who was in charge of the operation. Sub Lt. Guevara Cerritos supports practically everything that Espinoza says. He will even say at one point during the interrogation that he suggested to Espinoza that he ask for the order in writing, when Espinoza expressed his disagreement with the order. But Espinoza responded that he was afraid that they would consider him a traitor if he did so.

Ready to leave, Lt. Mendoza offered an AK-47 to any man who could use it. Oscar Mariano Amaya Grimaldi, enlisted man in the Atiacatl Battalion, who would be charged with using it, does not remember which of the two lieutenants (Espinoza or Mendoza) gave it to him, given that the two were together. But he did receive the information from his commander (Espinoza) that they were going to kill "some delinquent terrorists who were inside the UCA."

All agree that a short while after the Colonel gave the order they left the Military Academy in two Ford Pick-Ups 250, accompanied by a group of approximately 15 soldiers. They got as far as the empty apartment buildings located on the west side of the UCA which have been left half-built, and congregated there.

Once again differences in the testimonies emerge. Ultimately one can deduce that the three lieutenants gave the instructions for the operation they were going to carry out, that the three knew where they were going, and that the three collaborated in the execution of the plan, which included an operation providing cover and security for those who were going to kill our brothers. They chose the individuals who would participate in the actual execution of the crime and the whole group, in a column, moved out toward the UCA. Our initial calculation of 30-40 persons fell short. At least 47 soldiers participated in the operation, though not all of them played a direct role in the assassination. Before leaving the old building, the soldier Amaya Grimaldi remembers that Lt. Mendoza said to him:

"You are the key man."

Amaya Grimaldi, known among his friends as PiliJay, understood "that he was the one in charge of killing the people who were inside this place." En route, walking beside Lt. Espinoza and Lt. Mendoza, PiliJay hears Espinoza say to him--in reference to the AK-47:

"Hide that shit."

Scruples? Fear? It is difficult to determine.

3. Inside the UCA

They enter by the pedestrians' entrance to the UCA, and, incomprehensibly, they wait for awhile near the parking lot. It is at this moment that a plane passes very low over the UCA, which awakens Father Fermin Gáinz and several neighbors. Any connection with the crime? What is certain is that the worst air bombardment of the civilian population (during the

offensive) occurred this same night in Soyapango.

In front of the parking lot the soldiers feign the first attack, damaging the parked cars and launching a grenade. One of the night watchmen who was sleeping that night in one of the buildings parallel to the parking lot testifies that he heard two sentences: "Don't go over there, there are only offices over there" and "now is the time to go kill the Jesuits."

The operation involved three concentric circles. One group of soldiers stayed in areas that are remote from the Theological Reflection Center Monsignor Romero (CRT). Others encircled the building, some climbed up on the roofs of neighboring houses. Finally, a smaller "select" group actively participated in the assassination. Only this limited group would be brought to trial.

Encircling the house, the soldiers begin to bang on doors. Simultaneously they entered the lower floor of the building (Theological Reflection Center), destroying and burning what they found. Those who encircle our brothers' house yell at them to open the doors. Oscar Amaya (Pilijay) remembers having said at the back gate to the residence:

"I wonder when they are going to come out of there. You guys are taking so long that I'm going to I have to wait for them for a long time."

And he sees that one person, stopping in front of the hammock that was hanging on the balcony, answers him:

"Wait. Now I'm coming to open the door, but don't keep making such a commotion."

Pilijay only remembers "that this man wore a brown nightshirt." Eliacuria, in fact, wore at the moment of his assassination a bathrobe of this color. Antonio Ramiro Avalos Vargas, Sub Sergeant on active duty in the Atlacatl Battalion, testified that a soldier banged on this door with a piece of wood. That after "ten minutes of banging on these doors and windows, a man with light colored hair wearing pijamas opened the gate which they were banging with the stick...." This man "said to them that they should not continue banging on the doors and windows because they knew what was going to happen to them." This comrade, perhaps Segundo Montes, the only one among the murdered who was in his pijamas without a robe, is taken to the lawn in front of the residence (behind the facade of the CRT). Already there were Amando, Eliacuria, Martin Baró and Juan Ramón. Probably, around the time at which Segundo Montes arrived, Martin Baró went with a soldier to open the

where the witness Lucia Barrera saw five soldiers. There too, is probably where Martin Baró would say to a soldier: "This is an injustice. You are scum." Lucia heard this phrase perfectly, while another neighbor, a little further away, only managed to hear the words "injustice" and "scum."

Speculating, it could be that Nacho said these words when he saw that a soldier had pointed his rifle at Elba and her daughter Celina. In fact, to get to this gate you have to pass by the room where the two women were assassinated. Tomás Zarpote Castillo, Sub Sergeant on active duty in the Atlacatl Battalion, was guarding the door of this room on the orders of the lieutenant from the Military Academy, as all those who gave their declarations call Yussi Mendoza.

Abdulio, the husband of Elba, will remember that he heard the sentence "get down on the ground" twice from his house, which is very close to the spot where the events occurred. After hearing the shots, he so panicked that he couldn't remember anything or focus on any details. Nonetheless, he never imagined that among the dead would be his wife and daughter.

Antonio Avalos and Óscar Amaya say they ordered the priests to lie down at a moment when they feared losing control of our five comrades because they were alone. The search of the house continued.

Meanwhile, Joaquin López y López, Lolo, had managed to hide in a room. How long were our comrades lying on the ground? It is difficult to calculate, but surely only a short while. The whispers continued and some neighbors heard them without understanding what was said. At one point, just before the gunfire began that killed them, one neighbor is sure she heard a kind of rhythmic whispering, like a psalmody of a group in prayer.

4. Time to Kill

Antonio Avalos says that Lt. Espinoza, with Lt. Mendoza at his side, called him and asked:

"At what time are you going to proceed?"

The Sub. Sergeant declares that he understood this sentence "as an order to eliminate the men who were lying face down." He approached the soldier Amaya and said to him:

"Let's proceed."

And they began shooting. Avalos vented his fury against Juan Ramon and Amando. Pilijay shot Eliacuria, Martin Baro and Montes. Espinoza and Mendoza remained ten meters away, according to the testimony of one of the executioners. Pilijay would remember that "among these three men whom he shot first (afterward he would give a coup de grace to each one) was the one who wore the aforementioned brown nightshirt." Among these shots--and if we take into account Pilijay's declarations--Macho Martin Baro only received the coup de grace. The entrance and trajectory of the bullets leads one to think that some of our brothers attempted to get up at the moment the execution started. Others, like Macho, appear not to have moved at all, even keeping his feet crossed until the end, like someone who lies down on the floor and finds a comfortable position.

While this was going on Tomas Zarpate "was providing security" (according to his own declarations) for Eiba and Celina. On hearing the voice ordering: "Now," and the following shots, he "also shot the two women" until he was sure they were dead, because "they no longer groaned."

At this moment, when the shooting was over, Lolo appeared in the door of the residence. The soldiers called him and Pilijay says that he responded:

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

And he then immediately went back inside the house. Angel Perez Vazquez, active duty corporal in the Atlacatl, gives us a version which agrees in part with this one. Father Joaquin Lopez leaves his hiding place on hearing the shots, sees the corpses, and immediately goes back into the house. The soldiers outside call to him:

"Compa, come here."

And the narration continues: "the señor paid no attention, and just when he had entered a room a soldier shot him." Who was this soldier? The investigation has not established his identity. What Perez Vazquez continues to relate is that as Lolo fell down inside the room he went in to inspect the place. And that "when he passed over the Señor who they had shot he felt (Father Lopez) grab his feet and he moved back and shot him four times."

At the end of the crime they shoot off a Bengal light. It was the signal to withdraw. And since some of them did not move, they shot off another Bengal light. While leaving, Avalos Vargas--nick-named "Toad" and "Satan" by his comrades--passed in front of the guest room where Eiba and

Celina were murdered and heard some people panting. He thought immediately it might be wounded people who would have to be shot again, and "he lit a match, seeing that inside the room...were two women lying on the floor embracing each other and moaning, so he ordered the soldier Sierra Ascencio to shoot them again." Jorge Alberto Sierra Ascencio, on active duty in the Atlacatl, "shot off a round of about ten cartridges toward the bodies of these women until they stopped moaning," Avalos will remember. Later, Sierra Ascencio, when he realized the investigation is focusing on his group, deserts and will be tried in absentia.

Nothing remained to be done. Amaya Grimaldi hears Espinoza Guerra give the order to Corporal Cotta Hernández.

"Get them inside even if you have to drag them."

Corporal Cotta will carry the body of Juan Ramón to Jon Sobrino's room and leave him there. Lying next to him is the book "The Crucified God" by the European theologian Moltman. Going outside the house, Cotta notices that everyone has left and he too departs, leaving the others on the grass.

One hour had passed since they had entered the campus and staged a skirmish in front of the parking lot by the UCA chapel. Cerritos sends up the second Bengal light. From his room, Father Pedrosa sees how both descend slowly, the light passing through the curtains of his room at Mediterráneo 50. Lucho Toro sees them too from Antiguo Cuscatlán. Pilijay, meanwhile, drank a beer at the site of the crime. An imported beer, the Mexican Tecate. The empty can will lie up against a wall of a neighboring house without any of the investigators retrieving it. Finally, a Jesuit turns it over to the Special Investigative Unit (SIU, Comisión de Investigación de Hechos Delictivos).

As a farewell, they feign an attack on the Center of Theological Reflection. It was part of the plan. Col. Benavides' Book of Operations contains the following entry: "at 12:30 am on Nov. 16, delinquent terrorists launch grenades from the San Felipe sand ravine, on the southeast edge of the University, damaging the Theology Building of this center of studies, no casualties reported." The Colonel was only mistaken in the location from where the attack was launched and the hour. In fact, he moved forward the attack exactly two hours, coinciding with the overflight of the plane that has already been mentioned. Simple coincidence?

On the doors and walls of the lower floor of the CRT, the soldiers wrote the initials "FMLN." Exiting through the pedestrians' gate to the UCA, one of the criminals writes: "The FMLN executed the enemy spies. Victory or Death, FMLN."

"The FMLN executed the enemy spies. Victory or Death, FMLN." Handwriting analysis indicates that the handwriting of Sub.Lt. Guevara Carritos and that of Sub Sergeant Avalos Vargas "exhibits similar characteristics." Either one of the two could be the author.

The Theological Reflection Center has already been burned inside. Presumably Guevara Carritos, who at no moment is present at the scene of the assassination, will direct the burning. Later he sets up an M-60 machine gun, brought from the Military Academy along with the AK-47, in front of CIUAI and points it toward the CRT. Filijay, who has finished his beer, arrives in time to shoot off his LAW anti-tank rocket, which explodes against the iron grate on the balcony of our brothers' residence. He adds his own shots to those of the M-60. Other soldiers also shoot and one throws two M-79 grenades against the building. Neither Cotta Hernández--who participated in the assassination by moving Juan Ramón's body--nor the Sergeant nick-named "Savage" and his patrol, who cowardly shot up the building, nor those soldiers who enter the Theological Reflection Center and burn and destroy its equipment, will be brought to trial. More than achieving justice, what we have is the presentation of a minimal case in order to fend off vociferous international criticism. For this it appears to be sufficient to present the actual assassins and those who gave the direct order. In the testimony of Lt. Yussi Mendoza remains one last memory of the crime scene. "An unidentified soldier took a light brown bag." The \$5,000 in prize money from the Alfonso Carlos Comin Award which had been given to Ellacuria a few days earlier never appeared.

5. Back at the Military Academy

Little remains. Espinoza Guerra tells in his declaration that he left the site with his eyes full of tears. He would cry again when he gave his declaration.

And back at the Military Academy. The operation had been a success. Participating in the operation had been patrols led by "Satan, Wicked, Lightning, and Corraled," nick-names of war given to the Sergeants and Sub Sergeants. The soldiers Nahún, Savage, Samson, Hercules and Lizard were in the area and at least Savage participated in the operation. The nick-name of Espinoza was "Bull." The brutality of these names was matched by the events.

Espinoza Guerra relates in his declaration that as soon as he arrived at the Military Academy he went to the office of Col. Benavides "with the intention of confronting him, because he was angered by what had happened." He didn't find him. When at last he appeared, the Colonel took the initiative:

"My Colonel, I did not like what was done."

"Calm down, don't worry. You have my support. Trust me."

"I hope so, my Colonel."

There were 219 officers and enlisted men around the UCA and surrounding neighborhood that night, without even counting those who participated in the assassination. And not one of them wondered, worried, informed his superiors, or tried to investigate what was happening at the UCA. The soldiers of the Atlacatl who participated in the assassination were sent at 5:00 am on Nov. 15 to fight in Mexicanos and Zacamil, rejoining their own battalion. There they told soldiers of the First Brigade what they had done. Between 2:00 and 3:00 pm this same day, Monsignor Rivera and Monsignor Rosa heard a voice over a megaphone on a military sound truck saying, "We're going to continue killing communists. Ellacuria and Martin Baro have fallen. Surrender. We belong to the First Brigade." Despite the public denunciation by Monsignor Rosa, the event was not investigated.

B. The Deficiencies in the Narration

Even though we think that the narration tells a lot about how the assassination actually occurred, we see that, in some respects, it can also distort reality. There is, of course, a basis for the distortion which is in some sense logical. The soldiers carried out two operations (the search and the assassination), with different variations. They were in a tense situation that did not permit them to clearly remember days, times, and even their own movements. In fact, the investigation began to focus on the men of the Atlacatl when, while being interrogated about the search, some of them began to say that there was no electricity that night and therefore they couldn't remember some things well. There was in fact electricity the night of the search and only on the night of the crime were the lights out all night. This first confusion gave the initial clue. But even taking into account this state of confusion and tension, we see in the declarations a series of contradictions which should be clearly laid out.

a) The whole operation is presented as the result of a nearly instantaneous and spontaneous decision taken by Col. Benavides. According to the narration, there is no relationship--beyond the merely accidental--between the search on Monday and the order given Wednesday night. There is practically no talk of preparation, which in reality did take place and which implies a longer decision-making period than that described in the declarations. For example, the idea to take along an AK-47 and an M-60 machine gun belonging to the Military Academy, the idea to implicate the FMLN and to leave

behind supposed traces of the FMLN at the scene of the crime, to fake combat, to record false combat reports, leads us to believe that the plan was carefully elaborated. According to the declarations of Espinoza Guerra and Guevara Cerritos, they would not have had time to plan out the mechanics of the whole operation. Who did it? Only Col. Benavides? Did Yussi Mendoza play a role in this? Only he? In fact, the narration surprisingly tends to sidestep every detail which could answer these questions.

b) Within the investigative process a series of deficiencies can be observed.

*There is no investigation of those who destroyed the interior and damaged the exterior of the CRT, not to speak of an attempt to prosecute them. Nor are the accomplices being prosecuted, those who participated in a high profile murder operation, in which many soldiers were on-lookers and acquiesced as others destroyed what they found in their path.

*In the extrajudicial testimonies mention is made of a soldier who initially shot Father Lolo. The investigation failed to examine the question of who did this, nor were any attempts made to do so. The only thing of interest is an investigation of those who pulled the triggers and those who gave the order to shoot at the scene of the crime. Merely wounding someone appears of little importance.

*The soldier Cotta Hernández does not appear on the list of the Atlacatl soldiers who conducted the search on Monday. Nor does his name figure among those who were assigned to the area around the UCA. Where does he come from? Were there more soldiers in the zone than the 219 that the High Command acknowledges were in the area? Cotta Hernández moved the body of Juan Ramón inside the house. Doesn't this mean he collaborated in the crime? Why hasn't he been charged?

*The soldiers of the Atlacatl who carried out the operation were not assigned to the zone where the operation was carried out. Where were they assigned? Who conspired in the lie to place the Atlacatl soldiers in a false location? Is it not a violation of the Military Code to fabricate reports of military action?

The way in which Father Lolo's body was found in the room--making it impossible to fully open the door--calls into question the credibility of the version put forward by Pérez Vázquez.

The declarations of Avalos Vargas and of Pilijay contradict one another from the moment they describe their arrival at the place where our brothers were assassinated. Avalos Vargas asserts that he took--Segundo Montes, most likely--toward the front of the residence and that the other four priests were already coming out that door. Pilijay, by contrast, asserts that all five priests came out of the main door and that Avalos was there.

At the door of the residence leading to the spot where they would be assassinated was Sub Sergeant Oscar Armando Solórzano Esquivel, alias, Hercules, on active duty in the Atlacati Battalion. Why has he not been prosecuted?

b) The investigation has tended to center the intellectual authorship on Col. Benavides. Nonetheless, he has kept his silence and denies any participation in the crime, both extrajudicially and before the judge. Why would he completely refuse to speak in the face of such an accusation and evidence? Why the silence? Could it be more serious to speak than to remain silent?

Further, Benavides' track record within the Armed Forces is relatively clean. He is not a man known for being crazy, repressive, risk-taking, or any other quality that would give credence to the hypothesis based on a bloody, unilateral action taken without consulting anyone. Logically, while recognizing that war itself defies logic, it is unthinkable that a thoughtful person would venture to carry out such a brutal deed without anyone putting him up to it. The investigation has totally failed to address this issue.

Finally, despite the fact that Yussi Mendoza was present during the operation, Col. Benavides chose two military men to carry out the assassination who had only been under his command for two days. Two unknowns to carry out an illegal act with the most far-reaching consequences in many years, through standard military structures (not by means of death squads, special units, etc.). Simple carelessness on the part of the Colonel? Or did he feel he had sufficient backing that he could ignore elementary details?

The totality of the deficiencies shows that the investigation is inadequate. It has, of course, clearly established material authorship of the crime, supported by an abundance of evidence. But a series of unexplained aspects remain which merit a second deeper phase of the investigation which is tailored to resolving the majority of doubts that persist.