

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

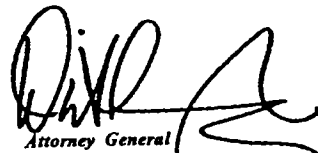
to the accompanying paper, is now, and was at the time of signing the same,

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

duly commissioned and qualified.

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. Roman
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, Carlos Puentes, 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.

Carlos A. Puentes

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

Deborah A. Robinson
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:

CPT CARLOS A. PUENTES

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 11:05 a.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

* * * * *

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: Good morning. It is 11:05, August 6,
3 1991. We're in the Conference Room of the Office of
4 International Affairs in Washington, D.C. I'm John Harris,
5 the Deputy Director of the Office of International Affairs, in
6 the Criminal Division of the United States Department of
7 Justice.

8 Present with me today is the witness, CPT Carlos
9 Puentes, United States Army. Also present is Ms. Julie
10 Oettinger, Attorney Advisor in the Office of the Legal
11 Advisor, United States Department of State, and Ms. Beth
12 Wilkinson, Assistant General Counsel, Department of the Army.

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

19 I'll now ask the court reporter to swear in the
20 witness.

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1 Whereupon,

2 CPT CARLOS A. PUENTES

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 CPT Puentes, please state your occupation.

8 A I am an officer assigned to Third U.S. Corps in Fort
9 Hood, Texas.

10 Q You're here today to voluntarily provide truthful
11 answers under oath to the questions posed by the Fourth
12 Criminal Court of San Salvador, is that correct?

13 A Yes, that is my understanding.

14 Q I hand you now a copy of the Comision Rogatoria from
15 El Salvador, and I ask that you read it carefully.

16 (Witness examined the document.)

17 THE WITNESS: I have read it.

18 BY MR. HARRIS:

19 Q Have you now read the questions contained in the
20 request from Judge Ricardo Alberto Zamora Perez in San
21 Salvador?

22 A Yes, sir, I have.

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1 Q Are you prepared to voluntarily answer these
2 questions?

3 A Yes, sir, I am.

4 Q Very well. CPT Puentes, what dates were you in El
5 Salvador?

6 A I was in El Salvador from 2 through 12 May 1989 and
7 from 7 July 1989 through 10 August 1990.

8 Q What position did you hold and what were your
9 responsibilities?

10 A I was a U.S. Military Advisor in the Salvadoran
11 Estado Mayor within the C5 directorate. I advised the
12 Salvadoran military on the national plan for the
13 reconstruction of El Salvador, and my duties included advising
14 on civil defense, civic action and psychological operations.

15 Q Did you meet MAJ Eric Buckland?

16 A Yes.

17 Q What was your professional relationship with MAJ
18 Buckland?

19 A MAJ Buckland supervised my day-to-day activities in
20 the Estado Mayor.

21 Q CPT Puentes, during your stay in El Salvador did you
22 ever hear members of the Salvadoran military discuss the UCA

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1 Jesuits?

2 A Yes.

3 Q In what sense?

4 A I first heard, as I remember, the mentioning of the
5 Jesuits after the murders occurred in late November 1989, and
6 in the conversations I had, it was basically -- in the
7 conversations I had, the remarks that the Salvadorans made
8 were basically how unfortunate and wrong such a crime had
9 been.

10 Q Can you list the dates, places and the people whom
11 you heard discuss the Jesuits?

12 A I cannot remember the specific dates, places or
13 people who I had these conversations with.

14 Q In your job in Conjuncto 5 did you have anything to
15 do with Radio Cuscatlan?

16 A Yes.

17 Q Do you know how it worked?

18 A Yes, I was generally aware how Radio Cuscatlan
19 worked.

20 Q During the November 1989 guerrilla offensive were you
21 aware of any threats broadcast by this station against the
22 Jesuits?

1 A No, I was not aware of any.

2 Q Did you make any recommendations regarding the
3 threats?

4 A Not being aware of any threats, I would not have
5 recommended anything.

6 Q Who was in charge of that channel?

7 A I remember a civilian being in charge of the day-to-
8 day operations of the radio station. I do not remember his
9 name.

10 Q CPT Puentes, what were you doing during the first few
11 days of the offensive?

12 A I was either -- during the first two days of the
13 offensive I was restricted to my house. Afterwards I was
14 given permission to leave the house, and I was either in the
15 house or performing my duties in the Estado Mayor.

16 Q Did you spend any night in El Manquito, where MAJ
17 Buckland was also?

18 A Yes.

19 Q On what date or dates?

20 A I do not specifically remember the date or dates that
21 I spent the nights.

22 Q Did COL Aviles stop by to visit you there?

1 A Yes.

2 Q If so, what was the purpose of his visit?

3 A He was checking up on the welfare of all of the
4 people that were staying at El Manquito?

5 Q What did you discuss?

6 A We just discussed that we were all right, and that
7 everybody seemed to be fine where we were at.

8 Q Did MAJ Buckland on any occasion give you any type of
9 information regarding the Jesuits of the UCA?

10 A Yes.

11 Q Did MAJ Eric Buckland mention a conversation with COL
12 Carlos Aviles in which COL Aviles gave him information about
13 COL Benavides's responsibility in the crime?

14 A Yes, he did.

15 Q Please explain.

16 A When I returned from leave on the 28th of December, a
17 vacation that I had in the United States, MAJ Buckland picked
18 me up in the airport, and over the next few days discussed
19 information that he had obtained from COL Aviles on the
20 subject of the Jesuit incident and COL Benavides's
21 involvement.

22 Q CPT Puentes, after the Jesuits were murdered, who

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1 proposed and ordered the idea of a media campaign to
2 demonstrate that the armed forces were not responsible for the
3 murders?

4 A I'm not aware of a media campaign being conducted to
5 demonstrate that the armed forces were not responsible for the
6 murders.

7 Q Why was this campaign embarked upon?

8 A Not knowing of one being embarked upon, I don't have
9 any comment on this.

10 Q Did the general staff, Section 5, play a decisive
11 role in this campaign?

12 A Again, not being aware of such a campaign, I would
13 not think that Section 5 was involved in any way.

14 Q CPT Puentes, on the night of November 15, 1990, and
15 early morning of the 16th when the Jesuits were killed, where
16 were you, specifically?

17 A I was either -- can I go off the record?

18 Q Sure.

19 (A discussion was held off the record.)

20 THE WITNESS: I assume you mean on the 15th of
21 November of 1989, and I was either in my house and sleeping or
22 in El Manquito.

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1 BY MR. HARRIS:

2 Q Did you hear loud explosions and gunfire?

3 A I heard loud explosions and gunfire throughout the
4 offensive. I cannot remember on the specific night in
5 question.

6 Q Where did the sounds come from?

7 A Sounds of explosions and gunfire came from all around
8 the area that we were staying at.

9 Q Did anyone inform you of what was going on?

10 A We were all generally aware of the offensive and the
11 attacks by the guerrillas into the city.

12 Q Who should have been informed of such a situation,
13 given its seriousness?

14 A Everyone was aware of the attacks that were going on
15 in the city of El Salvador, as the guerrillas penetrated the
16 suburbs and fought with the army forces.

17 Q But who specifically should have been informed of
18 such a situation?

19 A Can I go off the record?

20 Q Sure.

21 (A discussion was held of the record.)

22 MR. HARRIS: On the record.

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1 BY MR. HARRIS:

2 Q CPT Puentes, do you want to clarify your answer in
3 any way?

4 A Yes, I just want to state that the noises that I
5 heard were just noises of the offensive, explosions and
6 machine gun fires and a series of things, and we would report
7 this information through our chain of information.

8 Q Did anyone comment on the loud explosions?

9 A Everyone commented on all the explosions that were
10 going on during the offensive from all the directions,
11 different directions.

12 Q CPT Puentes, when did you become aware that the armed
13 forces held any responsibility for the murders?

14 A On the 28th of December, 1989.

15 Q Have you had any contact with MAJ Buckland since you
16 left El Salvador?

17 A Yes.

18 Q If so, where and when, and what did you discuss?

19 A I spoke with MAJ Buckland several times on the
20 telephone, and I discussed the welfare of his family, how his
21 job was going and how the war in El Salvador was going.

22 Q CPT Puentes, do you have anything that you want to

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1 add?

2 A Off the record.

3 (A discussion was held off the record.)

4 MR. HARRIS: On the record.

5 THE WITNESS: I would like to clarify F and J, and
6 could you please re-ask me the questions?

7 BY MR. HARRIS:

8 Q Certainly. CPT Puentes, did MAJ Buckland on any
9 occasion give you any type of information regarding the
10 Jesuits of the UCA?

11 A Yes, he did.

12 Q Did MAJ Eric Buckland mention a conversation with COL
13 Carlos Aviles in which COL Aviles gave him information about
14 COL Benavides's responsibility in the crime? Please explain.

15 A Yes, he did. MAJ Buckland, over a few days after the
16 28th of December, provided me information on a conversation
17 that he had held with COL Carlos Aviles referencing COL
18 Benavides's involvement in the murders, and that COL Benavides
19 had given instructions for the murder of the Jesuits to have
20 been carried out.

21 And that is the only specific time -- or specific
22 story that I remember in reference to the Jesuits that I

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1 remember.

2 Q CPT Puentes, have you had any contact with MAJ
3 Buckland since you left El Salvador? If so, where, when and
4 what did you discuss?

5 A In addition to -- yes, I did. I spoke with MAJ
6 Buckland on several occasions, asking how his family was
7 doing, how his job was doing, how the war was -- we talked
8 about how the war in El Salvador was going on, and I
9 specifically asked him questions as to how was he doing and
10 how his family had undertaken this whole process of the
11 questioning and the things that had gone on to him in relation
12 to the information he had obtained on the Jesuit case.

13 Q Thank you very much.

14 (Whereupon, at 11:27 a.m., the deposition of
15 CPT CARLOS A. PUENTES was concluded.)

16 * * * * *

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

20 Deponent

Carlos A. Puentes

21 Date

6 August 1991

22

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C E R T I F I C A T E

1
2
3 THE UNITED STATES OF AMERICA)
4 IN THE DISTRICT OF COLUMBIA)

5
6 I, Shannon S. Griffin, Notary Public, before whom
7 the foregoing deposition was taken, do hereby certify that
8 the witness whose testimony appears in the foregoing deposi-
9 tion was duly sworn by me; that the testimony of said witness
10 was taken by me, using stepomask dictation, and thereafter
11 reduced to typewritten form under my direction; that said
12 deposition is a true record of the testimony given by said
13 witness; that I am neither counsel for, related to, nor
14 employed by any of the parties to the action in which this
15 deposition was taken; and, further, that I am not a relative
16 or employee of any attorney or counsel employed by the
17 parties hereto, nor financially or otherwise interested in
18 the outcome of this action.

19
20
21 
22 Shannon S. Griffin, Notary Public

My commission expires:

November 14, 1991

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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, Carlos Puentes, being duly sworn, do depose and say that:

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

2. On August __, 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 __ day of August, 1991

Judge, United States District Court
for the District of Columbia