

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, Richard Chidester, being duly sworn, depose and say that:

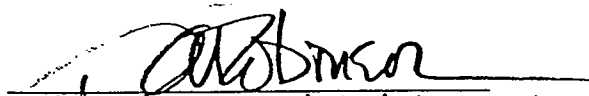
1. I am a citizen of the United States of America.

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



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:

RICHARD J. CHIDESTER

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 11:40 a.m.

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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: Leonel Gomez
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 11:40 on 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, a 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, Mr. Richard
9 Chidester. Also present is Ms. Julie Oettinger, Attorney
10 Advisor in the Office of the Legal Advisor, United States
11 Department of State; Ms. Beth Wilkinson, Assistant General
12 Counsel, Department of the Army; Mr. Leonel Gomez and Mr. Jim
13 McGovern, who is with Congressman Moakley's staff, who are
14 here at the invitation of 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 in 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 will now ask the court reporter to swear in the
22 witness.

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1 Whereupon,

2 RICHARD J. CHIDESTER

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

10 A That's correct.

11 Q And I now hand you a copy of the Comision Rogatoria
12 from 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. Mr. Chidester, what were your positions

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1 in the U.S. Embassy in El Salvador at the time you worked
2 there?

3 A Okay, I was the Legal Officer at the U.S. Embassy in
4 San Salvador. It was my responsibility to monitor progress in
5 major human rights cases that the U.S. Embassy and the U.S.
6 Government was following.

7 And I was also a program manager for a part of our
8 Administration of Justice program, specifically the principal
9 liaison with the SIU, the Comision de Investigacion de Hechos
10 Delectivos, CIHD.

11 Q Those were your duties. What has your work regarding
12 the Jesuit case consisted of? Did you conduct some kind of
13 formal or informal investigation into the murders?

14 A Okay. The Jesuit case fell within my
15 responsibilities, in that the SIU, the Special Investigative
16 Unit, was charged by President Cristiani as the investigative
17 body to investigate this crime.

18 As far as a formal or informal investigation, we were
19 not conducting a formal investigation, other than, within the
20 embassy, to monitor, speculate and to collect information
21 relative to the case.

22 Q What was your relationship to the Comision de

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1 Investigacion de Hechos Delectivos?

2 A I was the principal U.S. government liaison with the
3 commission.

4 Q If such a relationship existed, what did you know
5 about the investigation?

6 A I monitored progress in the investigation.

7 Q Did the embassy having a working group on the Jesuit
8 case?

9 A Yes.

10 Q On what date was the group formed?

11 A I don't recall the exact date. It would have been in
12 December 1989.

13 Q And who were the members of the group?

14 A Embassy agencies were represented on the group.

15 Q Who appointed them?

16 A It was -- the Ambassador formed the group, and then
17 the DCM, the Deputy Chief of Mission was the senior person,
18 and he would decide who would come to the meetings.

19 Q To whom in the embassy did the group report?

20 A To the Deputy Chief of Mission, Mr. Jeff Detrick, and
21 then we would inform the Ambassador on progress.

22 Q To whom in the U.S. Department of State did the group

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1 report?

2 A We reported to the Department of State through the
3 Bureau of Latin American Affairs.

4 Q Mr. Chidester, what were the group's links to the
5 government of El Salvador?

6 A There were no links to the government of El Salvador.

7 Q To the armed forces of El Salvador?

8 A There were no links to the armed forces of El
9 Salvador.

10 Q To the criminal investigation of the commission?

11 A To the CIHD? There were no links to the commission.

12 Q When did the group dissolve?

13 A I left El Salvador on June 1st, and the group was
14 still active when I left.

15 Q Do you know why the group dissolved?

16 A The group did not dissolve.

17 Q Mr. Chidester, do you know COL Manual Antonio Rivas
18 Mejia?

19 A Yes, I do.

20 Q Did you speak with COL Rivas about the Jesuit case in
21 the months of November and December of 1989?

22 A Yes, I did.

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1 Q On how many occasions?

2 A Various occasions. I cannot recall each and every
3 occasion.

4 Q What aspects did you discuss?

5 A It was my responsibility to monitor progress, so we
6 discussed every aspect of the case.

7 Q Did you accompany COL Rivas or other members of the
8 CIHD while he conducted the investigation into the murders of
9 the Jesuits?

10 A It was not my routine to accompany COL Rivas on
11 investigations.

12 Q Do you know the reasons for inviting COL Rivas to
13 Miami to interview the witness, Lucia Barrera de Cerna?

14 A Yes. I was asked by the Ambassador to accompany
15 Lucia to Miami to ensure that her well-being and that of her
16 family was well taken care of by the U.S. government. I
17 accompanied her through customs. I paid for her expenses
18 while she was up there until such time as we could turn her
19 over to the people or authorities who would take care of her
20 relocation and her family.

21 And at that point I called -- I asked Lucia first if
22 she would be willing to talk with investigating authorities

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1 from the government of El Salvador. She said that she would
2 be willing to talk to those authorities. And at that point I
3 called COL Rivas and asked him if he would like to come up and
4 talk to Lucia.

5 Q When was he invited?

6 A That would have been late November. We flew up on
7 Thanksgiving Day 1989, and the colonel came up that weekend.

8 Q And who invited him?

9 A I did.

10 Q Mr. Chidester, did you speak with COL Benavides on
11 any occasion in November or December of 1989?

12 A I spoke with COL Benavides on one occasion in
13 December of 1989.

14 Q When and where?

15 A It would have been early December. It would have
16 been at the military school.

17 Q Who else, if anyone, was present?

18 A COL Rivas was present and other embassy officers.

19 Q What did you talk about?

20 A He was the colonel in charge of the zone where the
21 crime had been committed, and we asked him for information on
22 any kind of military activities that occurred around UCA on

1 the night of November 15th, 16th, and he generally provided us
2 with that information.

3 Q How would you describe COL Benavides's attitude in
4 that meeting?

5 A His attitude was, he was forthcoming. I noticed
6 nothing, you know, extraordinary about it.

7 Q Mr. Chidester, did COL Benavides provide you or
8 anyone else with oral or written information?

9 A He provided oral -- he gave us an oral briefing as to
10 what had happened that night.

11 Q Written information?

12 A He provided me with no written information.

13 Q Does the embassy have a map prepared by the military
14 academy identifying the alleged location of the various
15 military units that comprised the complex security command for
16 some days during the week of the guerrilla offensive?

17 A The map that's referred to in the question was
18 prepared by the Special Investigative Unit, and it was a map
19 that indicated, from COL Benavides's briefing, the location of
20 Salvadoran military units and the location of encounters that
21 occurred during that 24-hour period.

22 Q Do you know if this map was made available to the

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1 judicial authorities?

2 A I do not know. I know that in discussions with the
3 judge, that he was aware of the information. I don't know
4 specifically that that map was provided to him.

5 Q Did you speak with other Salvadoran military
6 personnel during the months of November and December 1989
7 regarding the assassination of the Jesuits?

8 A Yes, I did.

9 Q What were their names?

10 A I don't recall every person that I spoke with. It
11 was -- during that time period it was my responsibility to
12 talk to the SIU and anybody else who might have information.

13 Q When and where did you have these conversations?

14 A It would have been in San Salvador, either in my
15 office or in various locations. I can't be specific. I don't
16 recall.

17 Q What information did you obtain?

18 A General information on the progress of the
19 investigation.

20 Q Did you know CPT Jose Alfonso Chavez Garcia?

21 A No, I did not.

22 Q Did you speak with him regarding the assassination of

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1 the Jesuits?

2 A No, I did not.

3 Q What do you know of the circumstances of the death of
4 CPT Chavez?

5 A I understand he was killed in combat.

6 Q Mr. Chidester, when did you receive copies of the
7 interviews and videotape of MAJ Buckland conducted by the FBI?

8 A It would have been in late January, possibly as late
9 as early February, 1990.

10 Q When did you learn of the existence of these
11 statements?

12 A As they were taking place.

13 Q Why did you not make this information available to
14 the Salvadoran court prior to November 9, 1990?

15 A It would have not been my responsibility to provide
16 that to the Salvadoran court. They were FBI documents. I had
17 only partial sets of those documents. And unless the FBI had
18 authorized us or ordered us to share those documents, I could
19 not share those documents.

20 Q Did you have any contact with MAJ Buckland after his
21 departure from El Salvador in January of 1990?

22 A I met with MAJ Buckland in November of 1990. That

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1 would have been the only occasion.

2 Q Why were you in Washington, D.C., in the same week
3 that MAJ Buckland departed El Salvador?

4 A I was not.

5 Q Did you have any contact with MAJ Buckland during
6 this week?

7 A I did not.

8 Q Do you know which U.S. government officials
9 interviewed MAJ Buckland during these days?

10 A Yes, I knew at one point. I cannot recall their
11 names right now.

12 Q Were you present when El Salvadoran President
13 Cristiani watched MAJ Buckland's videotape statement to the
14 FBI?

15 A Yes, I was.

16 Q What were the circumstances of the screening?

17 A He was asked to come and view the videotape. They
18 thought it was important that he see it.

19 Q Can you tell us what was the president's attitude
20 toward MAJ Buckland's statements?

21 A I would not presume to speak for the president of El
22 Salvador.

1 Q Have you shown the videotape to any other El
2 Salvadoran government officials?

3 A No, no, I have not.

4 Q Do you know if COL Rivas spoke to COL Benavides on
5 other occasions after Rivas's visit to the military academy in
6 early December?

7 A I do not know.

8 Q Mr. Chidester, when did you learn that COL Benavides
9 was implicated in the Jesuit case?

10 A If by "implicated," you mean officially indicted or
11 named, it would have been when President Cristiani announced
12 in early January a list of those that would be retained,
13 indicted in the case.

14 If you mean suspect, if he was named as one of the
15 people that could have been involved, it would have been in
16 ~~January~~, early ~~January~~ when suspicions arose that he may
17 have been involved.

18 Q Do you have anything that you'd like to add or a
19 question you'd like to clarify?

20 MS. OETTINGER: Can we go off the record, please?

21 (A discussion was held off the record.)

22 MR. HARRIS: Back on the record.

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1 BY MR. HARRIS:

2 Q Mr. Chidester, I'd like to ask you a portion of one
3 of the questions that I didn't ask you earlier. Were you
4 present when MAJ Buckland's videotaped statement to the FBI
5 was shown to any officials of the U.S. government?

6 MS. OETTINGER: Let's go off the record. That's not
7 the question.

8 (A discussion was held off the record.)

9 BY MR. HARRIS:

10 Q Mr. Chidester, have you shown the videotape to any
11 officials of the U.S. government?

12 A Yes, I have. I've shown it to various officials
13 within the U.S. government. I don't remember all the names of
14 the people or the circumstances. Various people within the
15 embassy and those interested in the case.

16 Q Have you shown the videotape to officials from the
17 U.S. Congress?

18 A Yes.

19 Q Under what circumstances?

20 A Under circumstances of those that were charged with
21 official oversight for the case and had a particular interest
22 in the case, I showed it to them.

1 Q What were their reactions?

2 A I would not presume to speak to their reactions.
3 They were interested in the videotape and took the information
4 for it's -- for the value and information on the case.

5 Q Now, Mr. Chidester, are there any other questions
6 that you'd like to clarify your answers to or anything that
7 you'd like to add?

8 A Yes, I'd like to refer to question C. The question
9 refers to, "Did the embassy have a working group on the Jesuit
10 case? On what date was the group formed? Who were the
11 members of the group?"

12 I'd like to clarify that this group was a changing
13 group; that when it was initially formed, you had a wider
14 representation there. And then as time went on, depending on
15 the issues, depending on the membership of the group and who
16 would be called to discuss various issues. So it was a group
17 that changed in size and in representation.

18 I'd also like to refer to question E, where the
19 question states: "Did you accompany COL Rivas or other
20 members of the CIHD while he conducted the investigation into
21 the murders of the Jesuits?"

22 I was in almost daily communication with COL Rivas

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1 and others at the SIU. It was not my place, nor was I
2 experienced to accompany them when they would interrogate
3 witnesses, when they would conduct interviews. But I did
4 monitor progress in the case and was in daily communication
5 with COL Rivas and others at the SIU.

6 Okay, I'd like to refer to question G, "Did COL
7 Benavides provide you or anyone else with oral or written
8 information? What kind of information?"

9 On our meeting in December, when I and others spoke
10 with COL Benavides, he gave us a briefing on his perspective
11 as the zone commander on what military actions had taken place
12 in the zone on the night of the murders. He also gave us
13 information as to the disposition of Salvadoran troops within
14 the zone.

15 I'd also like to refer to question L-1: "When did
16 you learn that COL Benavides was implicated in the Jesuit
17 case?"

18 I officially learned that he was indicted or on the
19 list of those to be indicted when President Cristiani made his
20 announcement in early January. A few days before, when COL
21 Menjivar told the embassy about Eric Buckland's revelations
22 was the first time that I heard COL Benavides's name in

1 conjunction with having any responsibility for the murders.

2 Q Thank you very much, Mr. Chidester.

3 (Whereupon, at 12:21 p.m., the deposition of

4 RICHARD J. CHIDESTER was concluded.)

5 * * * * *

6 I have read the foregoing, which reflects a correct
7 transcript of the answers given by me to the questions herein
8 recorded.

9 Deponent Richard J. Chidester
10 Date 6 August 1991

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C E R T I F I C A T E1
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THE UNITED STATES OF AMERICA)
)
 IN THE DISTRICT OF COLUMBIA)

I, Shannon S. Griffin, Notary Public, before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me, using stenomask dictation, and thereafter reduced to typewritten form under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.


 Shannon S. Griffin, Notary Public

My commission expires:

November 14, 1991

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