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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, 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."

History of killing priests (Romero, Rutilio Grande, church)

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 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.

The murders of the Jesuits occurred on the fifth night of a wide-ranging guerrilla offensive the resolution of which was, at the time, not 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 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.

The unit of the Atlacatl that conducted the search was one of several units that had been assigned on or about November 13th 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, commanded by Lt. Jose Ricardo Espinosa Guerra, was considered be one of the toughest and most experienced and disciplined units in the Salvadoran military. Its members had nicknames like ----- . In addition to protecting Salvadoran military targets, it also had responsibility for protecting the home of U.S. Ambassador William Walker.

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. At approximately 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.

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."

(other instructions given to the lts.)

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."

Shortly 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 the other Atlacatl patrols. The entire group of 45-50 then moved towards the UCA.

In front of the parking lot the soldiers feigned an attack, shooting and damaging the parked cars and launching a grenade.

The soldiers then split into three groups, one spread out on the perimeter of the area, a second encircling the building where the

Jesuit fathers lived and a third moving towards the gates to the residential area itself. (?)--see rescate

After the soldiers began banging on the doors, one of the Jesuit fathers (probably Fr. Ellacuria or Segundo Montes) 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. Mendoza (or Espinosa), who unlike the others was permanently assigned to the command of Col. Benavides, 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 (or Perez Vazquez) shot Juan Ramona and Amando. Amaya shot Ellacuria, Martin Baro and Montes. Lts. Espinosa and Mendoza remained about ten meters away during the killings.

While this was going on, another soldier, Tomas Zarpate "was providing security" for two women who had been discovered by the soldiers in a guest room at the far end of the building where the Jesuits lived. The two were Elba Ramos, cook, and her daughter Marisela. 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 and shot to death.

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

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 some people moaning. He lit a match and saw the two women on the floor embracing each other. He then ordered the soldier, Jorge Alberto Sierra Ascencio, to 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).

Outside the gates surrounding the residence, Lt. Cerritos sent up a second flare.

The soldiers then make another effort to feign 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 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.

The unit then proceeded back to the Military School where the lieutenants, after some effort, are able to locate Col. Benavides. Lt. Espinosa, who had been educated by the Jesuits (?), 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 unit had been under the command of Col. Benavides for a little more than two days, from the day the search at UCA was conducted, to the early hours of the 16th, the day the murders at UCA were carried out.

Between 2:00 and 3:00 p.m. this same day, Monsignor Rivera and Monisgnor 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."

THE INVESTIGATION--THE TECHNICAL SIDE

The bodies were discovered at approximately 7:00, after the curfew is lifted, by the husband of the cook.

At 8:30 the Special Investigations Unit (SIU), under the direction of Lt. Col. 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.

The investigation of possible military involvement began slowly. 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. 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 --- belonging to members of the Atlacatl. A decision was made to run new tests using a burst of fire rather than single shots. The results of those tests became available on January 5th, and showed a match.

On January 7th, President Cristiani went on national television to accuse the military of the crime. The next day, it was announced that a special military honor board would begin questioning the members of the Atlacatl unit and the director of the Military School, Col. Alfredo Benavides.

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.

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 19th, 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 two days later. 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.

(sequence here)

What happened next remains a matter of controversy.

THE JUDICIAL PHASE

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

Three days later, on January 19th, Judge Zamora declared that there is sufficient evidence to require the 9 (including the deserter, Sierra Ascencio) to stand trial.