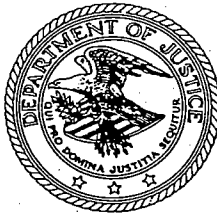


United States Department of Justice

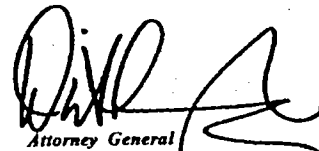


Washington, D.C., August 9, 19 91

to whom these presents shall come, Greeting:

I certify That Deborah A. Robinson whose name is signed
on the accompanying paper, is now, and was at the time of signing the same,
State 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)

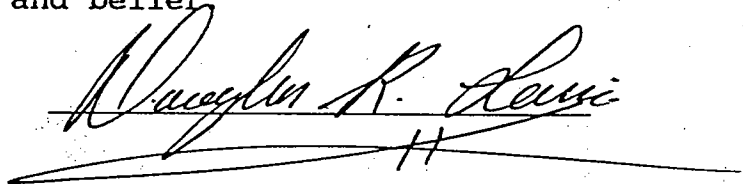
AFFIDAVIT

I, Douglas Lewis, being duly sworn, do depose and say that:

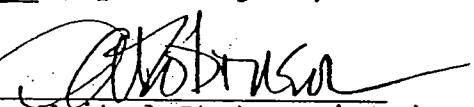
1. I am a citizen of the United States of America.

2. On August 5, 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.


Douglas R. Lewis

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,)
EL SALVADOR)
WASHINGTON) SS
DISTRICT OF COLUMBIA)

Washington, D.C.

Monday, August 5, 1991

Deposition of:

MAJ. DOUGLAS RICHARD LEWIS

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, Conference Room, Washington, D.C., commencing at 1:25 p.m.

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WASHINGTON, D.C. 20005

(202) 628-2121

APPEARANCES:

On Behalf of the Department of Justice:

JOHN E. HARRIS
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
Attorney Adviser
Legal Advisers Office
State Department
Washington, D.C.

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

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

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P R O C E E D I N G S

1
2 MR. HARRIS: Let's go on the record.

3 It is 1:25 p.m., August 5, 1991. We are in the
4 Conference Room of the Office of International Affairs in
5 Washington, D.C.

6 I am John Harris, Deputy Director of the Office of
7 International Affairs in the Criminal Division of the
8 Department of Justice.

9 Present with me today is the witness, Major Douglas
10 Lewis, United States Army. Also present is Ms. Julie
11 Oettinger, Attorney Adviser, United States Department of
12 State, and Ms. Beth Wilkinson --

13 MS. WILKINSON: Assistant to the General Counsel.

14 MR. HARRIS: Assistant to the General Counsel.

15 MS. WILKINSON: Department of the Army.

16 MR. HARRIS: Department of the Army. Thank you.

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

22 I will now ask the court reporter to swear in the

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1 witness.

2 Whereupon,

3 MAJ. DOUGLAS RICHARD LEWIS

4 was called as a witness and, after being first duly sworn, was
5 examined and testified as follows:

6 EXAMINATION BY COUNSEL FOR THE DEPARTMENT OF JUSTICE

7 BY MR. HARRIS:

8 Q Major Lewis, would you please state your occupation?

9 A Current occupation?

10 Q Yes.

11 A I'm a member of the Deputy Chief of Staff for
12 Intelligence, Foreign Intelligence, current, in the Pentagon.

13 Q You are here today to voluntarily provide truthful
14 answers, under oath, to the questions posed by the Fourth
15 Criminal Court of San Salvador, is that correct?

16 A Yes.

17 Q I hand you now a copy of the Comision Rogatoria in
18 El Salvador, and I ask that you read it carefully.

19 A (Examining.)

20 Q Are you prepared to answer the questions?

21 A I'm prepared to answer, yes.

22 Q Very well. At what period of time were you

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1 stationed in El Salvador?

2 A I was stationed in El Salvador from May 1988 until
3 -- excuse me, I was stationed in El Salvador from June 1988
4 until May 1990.

5 Q And what were your responsibilities?

6 A I was the National Intelligence Training Adviser.

7 Q Who was your Salvadoran counterpart?

8 A The Deputy C-2.

9 Q What were your duties?

10 A My duties consisted of intelligence training at the
11 Army Headquarters, at the Intelligence School, and MILGROUP
12 duties, giving threat briefings.

13 Q And where were you, Major Lewis, between November 11
14 and 16, 1989?

15 A From approximately 1600 hours on the 11th until 0700
16 hours on the 13th, I was in my apartment. The morning of the
17 13th, which was a Monday morning, from that time on, I worked
18 at the Estado Mayor, the Army Headquarters, until the end of
19 the offensive on or about 15 December.

20 Q During your stay in El Salvador, did you ever hear
21 members of the Salvadoran military discuss the Jesuits or the
22 UCA?

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1 A No to the Jesuits, and yes to the University of
2 Central America.

3 Q What did they say?

4 A In reference to the University of Central America,
5 they discussed it in conjunction with all the universities in
6 the town as offering safe havens to FMLN urban commandos for
7 training, propaganda, and rest and relaxation.

8 Q Were you aware of any threats or plans to kill the
9 UCA Jesuits?

10 A No.

11 Q Major Lewis, as part of your duties at the General
12 Staff, C-2, did you have anything to do with Radio Cuscatlan?

13 A No.

14 Q Did you know how the radio station management
15 worked?

16 A Other than it was a military radio station, no.

17 Q During the November 1989 offensive, were you aware
18 of any threats made against the Jesuits on national radio?

19 A No.

20 Q Are you aware of any action taken to stop those
21 threats?

22 A No.

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1 Q Did you do anything, in particular?

2 A No.

3 Q Major Lewis, were you aware of any intelligence
4 reports regarding guerrilla presence in the UCA on November
5 13?

6 A No.

7 Q During the first days of the offensive, before the
8 Jesuits were killed, were weapons, uniforms, or any other
9 evidence found that might suggest a guerrilla presence?

10 A Yes, my understanding was that there were uniforms
11 and propaganda and some ammunition found in a Jesuit-
12 controlled house immediately off the campus.

13 Q Who reported this?

14 A That was reported through the C-2.

15 Q Was an operation undertaken based on these reports?

16 A In attending after the fact a briefing, it was
17 briefed as if an operation had been taken, but I don't know if
18 one was in fact.

19 Q Were you aware that a search was to be conducted at
20 the UCA?

21 A No.

22 Q And that a search was in fact undertaken on November

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1 13, 1989?

2 A No.

3 Q Do you know what the outcome was of that search?

4 A No.

5 Q Was a report about the search registered at the C-2?

6 A I don't know.

7 Q Section 2?

8 A (No further response.)

9 Q Major Lewis, during the offensive, who was in charge
10 of registering intelligence reports in the C-2?

11 A There is a section within the C-2 that is made up of
12 enlisted and civilian that receive the reports.

13 Q Can you explain that?

14 A A section within the C-2 that receives the written
15 reports that come in -- all kinds of messages that come in all
16 over the country. Can you elaborate? I don't know what else.
17 I mean, there is a section within the C-2 that receives
18 reports.

19 Q Do you know who is in charge of it?

20 A There is a duty officer in charge, who could be in
21 charge, there is an officer of the section that could be in
22 charge, so it depends on when and what time it comes in.

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1 Q Were you at the staff headquarters, Estado Mayor, on
2 the night of November 15 and the early morning of November 16,
3 1989, when the Jesuits were killed?

4 A Yes.

5 Q Specifically, where were you?

6 A I was in my office, I was in the training office,--
7 that's another U.S. controlled office -- I was in the
8 Operations Intel Center, and I had a couple of hours in a bed
9 provided by the El Salvadorans in a special room for us.

10 Q Did you attend any meetings?

11 A No.

12 Q Did you hear loud shots and explosions in the early
13 morning of November 16?

14 A During the first two weeks of the offensive, you
15 heard loud shots and explosions at all hours of the day and at
16 all hours of the night.

17 Q Was there a reaction among the military personnel in
18 the Estado Mayor?

19 A There was no different reaction than any other time
20 during the two weeks on that particular night.

21 Q To whom would one report a serious incident like
22 those loud shots and explosions?

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1 A Normal loud shots and explosions would not be
2 considered a serious incident, unless the Estado Mayor was
3 directly under attack, and you would report it to the C-3 duty
4 officer.

5 Q Major Lewis, were you aware of any intelligence
6 reports indicating that the UCA Theology Center had been
7 attacked by the FMLN at 12:30 a.m. on November 16, 1989?

8 A No.

9 Q Did you know of any other intelligence report
10 indicating that the Jesuit priests and two women were killed
11 in a fusillade by FMLN terrorists?

12 A No.

13 Q Where did this report originate?

14 A Not applicable. I don't know.

15 Q Or who reported it?

16 A I don't know that, either.

17 Q When did you first learn of the Jesuit murders?

18 A The first week in January.

19 Q January --

20 A Excuse me. This is not when -- okay, I learned of
21 the Jesuit murders Wednesday morning about 1000 hours.

22 Q How?

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1 A I had been given an order to get in a helicopter and
2 check out the bridges and roads in the country to see if they
3 were still okay and able to be used, so I flew out and had to
4 also go see the Third Brigade in San Miguel.

5 I landed at the Third Brigade Headquarters and
6 received a briefing from the Third Brigade Commander, and he
7 had told me that he had just received a call from Colonel
8 Ponce, who at that time was the Chief of Staff of the Army,
9 and that Colonel Ponce was very concerned over the Jesuit
10 issue. The Third Brigade Commander turned to me at that time
11 and asked me if I knew anything about it, and that was the
12 first I had heard about it.

13 Q When did you learn that members of the Armed Forces
14 held any responsibility for the murders?

15 A That would have been January, the first week in
16 January.

17 Q Did you discuss the murders with members of the
18 Armed Forces after the fact?

19 A Yes.

20 Q With whom?

21 A Mostly with officers of the C-2, but also other
22 officers.

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1 Q What did your conversation consist of?

2 A Who had done it, what possible reason could have
3 been to do it, and didn't they understand that they needed to
4 clear this issue up as soon as possible, because it was
5 putting them in a bad light internationally, especially after
6 they had done a very good during the offensive in getting the
7 rebels defeated and out of the city.

8 Q Did the C-2 have any information linking the UCA
9 Jesuits to the FMLN?

10 A Other than the Jesuits frequently broadcast on Radio
11 Venceremos and, of course provided safe havens in the
12 University, those are the two things, yes.

13 Q Did the C-2 investigate the murders?

14 A It's my understanding, yes, they did.

15 Q Major Lewis, did the C-2 have any information
16 regarding a labor union meeting that was held at the UCA on
17 November 15, 1989?

18 A I don't know.

19 Q If so, what was the source of this information?

20 A Once again, I don't know anything about that.

21 Q Would this information have been passed to General
22 Staff, Section 3, or to the High Command?

1 A I do not know.

2 Q What, if any, operations were ordered?

3 A I don't know.

4 Q Major Lewis, do you have anything to add or to
5 clarify any of the matters we have discussed?

6 A I need to change it to July. That's when I first
7 arrived there, July 1988 to May 1990. I said June, but it's
8 July.

9 MS. WILKINSON: Can we go off the record?

10 (A discussion was held off the record.)

11 MR. HARRIS: Back on the record.

12 BY MR. HARRIS:

13 Q Major Lewis, is there anything that you would like
14 to add?

15 A Yes, I would like to clarify Question K. I would
16 like you to ask me that question again.

17 Q Did you discuss the murders with members of the
18 Armed Forces after the fact, and, if so, with whom, and what
19 did your conversation consist of?

20 A Okay, yes, I did discuss it with them, and this
21 would be in the months of the second half of November and
22 December. I discussed it with officers in the C-2 and other

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1 officers at the Army Headquarters. The conversations
2 consisted of who conducted the killings, why would such
3 killings have been conducted from either side, because it
4 seemed very stupid, and pressing the El Salvadorans to get an
5 answer to this, because the propaganda value was now going
6 against them, and everybody was concentrating on that issue
7 and ignoring the good work that they had done during the
8 offensive.

9 No one knew at that time who had done it. The
10 supposition that we were under was that it had actually been
11 carried out by the FMLN.

12 MR. HARRIS: Thank you. We are concluded.

13 (Whereupon, at 1:40 p.m., the deposition of MAJOR
14 DOUGLAS RICHARD LEWIS was concluded.)

15 * * * * *

16 I have read the foregoing pages, which reflect a
17 correct transcript of the answers given by me to the questions
18 therein recorded.

19 Deponent

Douglas R. Lewis

20 Date

06 AUG 91

21

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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 stenomask 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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