

THE JESUIT CASE

Considerations for a Further Investigation

February 16, 1990

CONTEXT of the Operation Against the Jesuits:

The assassinations of six Jesuit priests, their housekeeper and her daughter took place on the fifth night of the most powerful FMLN offensive of the war, at a critical moment when the military High Command believed it was "all or nothing...them or us." After four days of major infantry operations with Air Force support the FMLN still held strategic positions in the capital. Just hours before the operation against the Jesuits was executed, the top officers of the Armed Forces decided to launch the heaviest bombing of the war, over marginal areas of the capital, to use heavy artillery and armored units in an all-out effort to dislodge guerrillas. During the three-hour meeting on the night of the 15th the officers also agreed to hit rebel command centers and, according to press accounts of the meeting, the UCA was mentioned as a "launching point" for guerrilla attacks.

The desperate logic behind the operation to kill the Jesuits was a result of the perception that it was necessary to eliminate all political opposition in order to win the war. The offices of popular organizations were also raided that night and a search was made for movement leaders but everyone else, expecting such reprisals, was in hiding. The Jesuits, in spite of the search of their house two nights before by soldiers of the Atlacatl Battalion, did not take precautions. The supposition on the part of those who planned the operation was that the political cost, nationally and internationally could be borne for the sake of the "greater good", the survival of the state.

The long history of assassinations, bombing attacks and propaganda campaigns against the Jesuits has been well-documented, including accusations on the government radio network during the first days of the offensive. The anti-intellectual, irrational hatred of the Jesuits and all they represent has not ended with their deaths; on February 17 the Anti-Communist Death Squad ("GAS") issued a communique "condemning to death" fifteen people, among them seven already assassinated including five of the Jesuit priests. The statement said, "Many of these criminal terrorists have already died and now can never again harm our Salvadoran people who were victims of the genocide of November 11th."

RESPONSE to the Investigation:

The Catholic Church, the Jesuit community, human rights organizations and the Congressional Task Force which visited El Salvador February 11-14 have all concluded that the investigation, while technically "good police work", has not probed deeply enough. There is evidence to prosecute the material authors of the crime but the real intellectual authors have not yet been discovered. There is general consensus that Colonel Guillermo Benavides Moreno, accused of ordering the assassinations, is either innocent, a scapegoat, or was following orders from his superiors; a crime of such magnitude, with profound implications for the government and the

military could not have been conceived of or implemented by a single officer, much less a circumspect man like Benavides.

According to Roberto D'Aubuisson and other ARENA and military hardliners, the case is closed and further "speculation" that could endanger the Armed Forces must be ended. President Cristiani assured the Congressional delegation that the investigation will continue but on February 15th he said, "There is no evidence that suggests the involvement of other military officers in the assassinations."

The investigation has gone further than any previous investigation of the military in Salvadoran history due to international pressure. The question now is will it stop here or will it uncover those responsible for planning and ordering the operation? And who has the power to conduct such an investigation? Certainly no one in El Salvador; not even the U.S. Embassy which has vested interests that may not coincide with a truly impartial, objective investigation.

It must be remembered that US policy for the past ten years has been to "professionalize" and support the Armed Forces. Public criticism of the conduct of the institution from U.S. officials has been rare. The Embassy and other officials such as General Maxwell Thurmon have "talked tough" in private; Vice-President Quayle called for an investigation of the San Sebastian massacre during a brief visit last year but the bottom line has always been support for the military. The priority has been to win a military victory over the insurgency and it has not been in the interests of the U.S. Government to push too hard on human rights. A U.S. official once said, early on in the war, "If we went after all those responsible for human rights violations, who would be left to fight the war?" This conflict of interests has always been and continues to be an obstacle to the implementation of a policy which requires unconditional respect for human rights.

U.S. policymakers are well aware that a thorough investigation of the case will jeopardize U.S. interests, as long as those interests are perceived as requiring a military solution to the Salvadoran conflict; the investigation would force a dismantling of the hierarchy of the Armed Forces and their clandestine networks and structures constituted to maintain control at all costs.

Possible areas of investigation to pursue if judicial proceedings were to be initiated which would include the power of subpoena:

U.S. SOURCES:

1. All Embassy cable traffic should be examined from November 9th to date.
2. Senator Thomas Harkin has requested transcripts of the High Command meeting on November 15th; if transcripts are available they should also be examined from November 9th to date.
3. Embassy political officers involved in the case, DCM William Dieterich and others should be questioned about information available before the assassinations which may have indicated that such an operation was planned, how the Embassy responded to such information and what information is now available to them which might further clarify the case. A family member of someone close to the case alleges privately

that Embassy officials had knowledge of the operational plans two days in advance.

Embassy task force members including representatives of the political section, DAO, Economic Section, Legal Section, DEA, Narcotics Assistance Unit, FBI, Milgroup as well as the DCM should be questioned.

4. MILGROUP Commander Colonel Menjivar, U.S. advisor Major Eric Buckland and other advisors, particularly to the Atlacatl Battalion should be interviewed; any U.S. advisors present at the planning meeting on November 15 must be questioned.
5. CIA officers who, as is now public, "share" offices with the DNI (National Intelligence Department of the Armed Forces). One question would be why the CIA leaked the name of Roberto D'Aubuisson to the press in December in relation to the case.
6. Why was the witness treated as the accused by U.S. officials? Who was responsible for that decision? Why did FBI officials allow questioning of the witness by a Salvadoran colonel, the head of the Special Investigation Unit, in Miami?

SPECIAL OPERATIONS GROUPS:

The unit that carried out the operation was a "special operations group" (Grupo de Operaciones Especiales, GOE). Very little information is available about the structure, command and control of these clandestine units which are also the "death squads."

NOTE: Most knowledgeable observers agree that there are very few "private death squads" in the country. (paramilitary groups hired to carry out operations) Those groups existed in the '70's and early '80's but are no longer necessary because the operations are carried out from within the military structures, with military resources. First Brigade deserter, Jova Martinez has testified in the United States as to the "modus operandi" of the GOE's and his information would be useful to an investigation of the Atlacatl unit.

The GOE'S are autonomous units, not necessarily responsible to their Battalion or Brigade commanders and do not respond to a vertical chain of command. They are "untouchable" and unaccountable. The funding and operations of all GOE'S in general, and the Atlacatl unit in particular should be investigated as should the U.S. advisors assigned to that unit. Pertinent questions would be who was in overall command of the unit, who ordered the unit to the Military School and, of course, who ordered the operation.

According to all reports, Colonel Benavides was a "clean" officer, not related to previous human rights violations or corruption. He has been "protected" since Military School by his friend Colonel Juan Orlando Zepeda, a much more intelligent, ambitious and ideological officer. According to the Embassy, on the night of November 15 Benavides "probably would have reported to Zepeda or the Chief of Operations"... "The Command Structure was not clear."

Benavides may or may not have known the extent of the operation. He may have only been aware of or approved of a search of the Jesuit

House. The Atlacatl unit certainly did not take orders from a Colonel they did not know; the orders came from the unit commander who received them from another structure. It is possible that Benavides is even unaware of the other structure and chain of command. His extrajudicial and judicial declarations have to date been classified but should be reviewed by competent impartial investigators and he should be questioned, though sources close to the military believe that he will defend the institution and allow himself to be the "scapegoat" if necessary.

KEY SALVADORAN OFFICERS possibly related to the case who, if legally obligated to testify, would have further information.

1. General Juan Rafael Bustillo, Commander of the Air Force until December 31st, 1989; officially retired.

Questions have been raised about the sudden "voluntary" retirement of General Bustillo and some sources close to the military believe his departure is closely related to the Jesuit case.

During the first days of the offensive Bustillo assumed command of the entire counteroffensive operation ("usurped control of the Armed Forces," according to the source). Colonel Ponce, the Minister of Defense and other members of the High Command were unable to respond to the crisis; even they admit the Air Force "saved the day" for the army. Without the massive bombing, rocketing and strafing of the areas of the capital occupied by the FMLN it is doubtful that ground troops could have retaken the zones. Bustillo, who has always been stubborn, independent and reactionary, was in control during the first four days and in his element.

When the FMLN launched the biggest offensive of the war on November 11th, Bustillo was ready for the "total war" he had always advocated. His pilots flew the skies over the capital and other major cities under attack constantly during that week, launching deadly firepower over the most densely populated areas of the country. From the point of view of the Armed Forces he successfully directed the war effort during the first critical days.

On November 13th or 14th Bustillo met with the High Command and offered to relinquish command of the entire counteroffensive to them. It is believed that certain agreements were reached at that meeting which may have included one night of "operational freedom" (the night of November 15-16) and/or the approval of a joint plan to conduct certain operations.

When General Maxwell Thurmon arrived in El Salvador on December 1st he ordered the Armed Forces to go on the offensive. He also demanded that the High Command "cough up" any officers involved in the Jesuit case. Thurmon said Bustillo must be retired and was apparently told that would not be possible, particularly after his contribution during the early days of the offensive. So why did Bustillo, a man who wanted desperately to be appointed Minister of Defense, resign just four weeks later?

According to one source, a high level official either from the Embassy or the High Command met with Bustillo in December and presented him with the following scenario: He had usurped control of the Armed

Forces during the first days of the offensive; either he ordered or had knowledge of the operation against the Jesuits or he "created the climate of anarchy" that permitted the crime; as de-facto commander-in-chief he was responsible. He was given the option to retire gracefully "for the good of the institution"..and he took the opportunity.

Though he has been appointed as Military Attache to Israel, as of mid-February Bustillo has yet to officially turn over his command to his replacement, General Rafael Villamariona.

The Embassy is not commenting on Bustillo but one high level U.S. officer recently denied privately that Bustillo had anything to do with the offensive, saying he was "out of the country" during the first days.

2. Colonel Juan Orlando Zepeda, Vice-Minister of Defense.

Zepeda is an "expert in counterinsurgency", former commander of the Atlacatl Battalion and the First Brigade, an ideologue. On at least one occasion, April 19th 1989, he made strong accusations against the Jesuits. He is a hardliner, an ally of Bustillo and has shepherded the career of Benavides since their days together in Military School.

3. Colonel Rene Emilio Ponce, Chief of Staff of the Armed Forces

Ponce is a favorite of the U.S. Embassy, slated to be Minister of Defense although his promotion has been held up due to internal disagreements, an "incompetent performance" during the early days of the offensive and, finally because the officer corps is furious with the Embassy for the investigation and has reportedly refused to grant promotions requested by the Embassy.

Other officers of the "inner circle" or who would be involved in the highest levels of decision-making include:

4. Colonel Inocente Orlando Montano, Vice-Minister of Public Security

5. Colonel Juan Francisco Elena Fuentes, Commander of the First Brigade

6. Colonel Gilberto Rubio, DNI (National Intelligence Department)

7. Colonel Ivan Reyaldo Diaz, Chief of Intelligence of the Armed Forces

8. Colonel Oscar Alberto Leon Linares, Commander of the Atlacatl Battalion

9. Colonel Hector Heriberto Hernandez, Former Commander of the Treasury Police, and Captain Chavez Garcia, head of CEAT (Treasury Police SWAT squad which operated in the zone of the UCA on November 16)

10. Colonel Juan Carlos Carrillo Schlenker, Commander of the National Guard, named as Chief of Operations ("Jefe de Plaza") during the offensive.

Also:

11. Colonel Carlos Armando Aviles, currently under house arrest. Director of Psychological Operations for the Armed Forces in November; friend of Benavides and of the U.S. advisor Major Buckland; reportedly informed Buckland of the charges against Benavides out of concern for the colonel; Buckland later informed the Embassy, the Embassy (Colonel

Menjívar and DCM Dieterich) confronted Ponce with the information. Ponce called Aviles into a meeting of the High Command. Aviles denied the charges, was forced to submit to a lie detector test which he failed. The Embassy's inept handling of the incident and betrayal of Aviles, a close ally, will not be forgotten by the military or by any Salvadoran who would be inclined to provide information to U.S. officials. Aviles' career is ruined, his appointment as Military Attache to Washington has been rescinded, his life could be in danger and relations between U.S. advisors and their Salvadoran counterparts have deteriorated to such a level of distrust that the advisors are considered "spies."

12. Officers in charge of other units operating in the zone on November 16: Military Detachments #6, #7; Treasury Police (Libertadores Battalion, CEAT), National Police (Montserrat Battalion) as well as the Atlacatl. According to UCA officials 217 troops were in the immediate area of the UCA that night and 47 actually entered the grounds.

Many of these officers have been questioned by official investigators and have met with members of Congress; some have provided the information requested but all have denied any further knowledge of the operation. The officer corps will stand together and will protect Benavides to the extent possible; he is still on active duty and receiving his salary. The only evidence against him is that he was zone commander that night; the accusations from three of the other accused that he ordered the operation are not permissible in court. Under Salvadoran law accused cannot testify against one another.

Forty-five soldiers of the Atlacatl Battalion ignored two citations to appear in court for investigation. On February 15th two soldiers did appear but according to court officials, testimonies from those and other members of the Battalion are "contradictory and confusing."

CONCLUSION:

Since the November offensive it is apparent, even to a sector of private enterprise in El Salvador and to the U.S. State Department that the solution to the conflict is not military but political. Negotiations can only succeed if the military institution is "cleaned out" and respect for human rights guaranteed. The "blackmail" policy used by the Reagan and Bush Administrations, threatening the military with aid cut-offs but not enforcing those threats, is ineffective.

The Jesuit investigation, if thorough and complete will open the door for a resolution of other crimes and will lead to a termination of the "dirty war" that has afflicted El Salvador for more than ten years. A coverup by Salvadoran and/or U.S. officials may now be perceived to be in the best short term interests of their governments or of individuals involved but in the long run only an honest investigation will provide the opportunity for democratic military officers to assume control of the institution and for a negotiated settlement to the war. That would truly be in the best interests of the United States.