

## The Aviles/ Benavides Controversy

In the immediate aftermath of the Jesuit murders, the fighting between the FMLN and government soldiers continued with varying degrees of intensity. Theories were promoted by some in the Salvadoran government -- including the Attorney General -- that the murders were committed by the FMLN. Indeed, many with the United States Embassy in San Salvador, including one particular Major with the U.S. MilGroup, found it difficult to believe that the Salvadoran armed forces would intentionally commit such a crime.

On or about December 20, Col. Carlos Amando Aviles, head of the military high command's psychological operations and a former head of the SIU, confronted the U.S. Major with news that would have a significant impact on the investigation.

During the course of their almost daily conversation, Col. Aviles told the U.S. Major, that he had some new information about the Jesuit case.

Aviles said he had information that a conversation had occurred some time earlier between Col. Benavides, head of the military school, and Lt. Col. Rivas, the head of the unit in charge of the investigation, in which Benavides admitted responsibility in the slaying of the Jesuits.

Benavides reportedly said, "I did it. What can you do to help me?"

Aviles said Lt. Col. Rivas was "scared" and "did not know what to do."

Sometime later, Rivas told Lt. Col. Lopez y Lopez, another former head of the SIU, about his conversation with Col. Benavides.

Col. Lopez y Lopez passed the information onto Aviles; and Aviles told the U.S. Major.

Aviles and the U.S. Major were close friends. And according to the U.S. Major, Aviles relayed this information as "friend to friend," in confidence that the information would not be repeated to anyone. Aviles told the Major only to use this information for "Break in Case of Emergency." The Major said that meant in case Aviles was killed or if the case didn't break.

In addition to singling out Benavides, Aviles told the Major that members of the Atlactl battallion working out of the Escuela Militar, lead by a lieutenant, had done the actual killing. Aviles also said he thought Col. Ponce, the Army Chief of Staff, knew -- but wasn't sure.

The Major asked Aviles why Benavides hadn't been arrested. Aviles said that "nothing could be done until the investigation was completed."

The Major was "disappointed" and "shocked" by the knowledge of military involvement in the crime. "Justice had to be done."

From December 20 to January 2, the U.S. Major, out of loyalty to his friend, kept the story from his superiors. Initially, the Major believed that the investigation was on track and that it would be only a matter of a short time before the involvement of the Salvadoran military would be exposed..."I thought the crime was solved."

In the days that followed their initial discussion, the Major would frequently ask Aviles about any new developments in the case. Aviles said he didn't know much else other than the fact that a lieutenant from the Atlactl was doing "bad" on a polygraph.

There were no rumors of arrests or big breaks in the case.

Finally, on January 2, the U.S. Major told his immediate superior at the Embassy, Col. Hunter, about his knowledge. Shortly afterwards, they also briefed the Chief of the U.S. MilGroup, Colonel Milton Menjivar.

That same day, the U.S. Major, Col. Hunter, Col. Menjivar, and a political officer at the Embassy went to see Colonel Ponce about the latest revelation. Neither Ambassador Walker (who was in the United States) nor Jeffrey Dietrich, the Deputy Chief of Mission, were informed.

Also at that meeting was Colonel Aviles.

Ponce was told that it was Aviles who informed the U.S. Major of the involvement of Col. Benavides.

Aviles said that he had talked with the Major about the Jesuit case -- "but never in any detail." Essentially, he denied the allegations.

The Major felt that he had betrayed a confidence from Aviles and, at the same time, felt "crushed" by the refusal of Aviles to corroborate his story.

Both Aviles and the Major were polygraphed -- and both showed signs of deception. It is not clear the value of such tests, especially when administered to people who are understandably nervous and anxious.

The Task Force interviewed the the U.S. Major and found him to be candid and consistent. We believe his account is credible --and have no reason to believe otherwise.

We believe the Major should have reported immediately to his superiors the information that Aviles had told him. Perhaps, he succumbed to having mixed loyalties. However, given his friendship with Aviles and the respect he had for his friend and others in the

Salvadoran military, the Major's story appears plausible.

Another controversy stems from whether or not it was appropriate for Colonel Menjivar to identify Col. Aviles, as the source, to Col. Ponce.

The Major was nervous