

INTERIM REPORT OF THE SPEAKER'S TASK FORCE ON EL SALVADOR

April 30, 1990

EMBARGOED UNTIL 11am, Monday, April 30

Congress of the United States
Washington, DC 20515

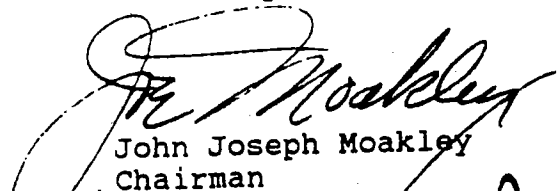
April 30, 1990

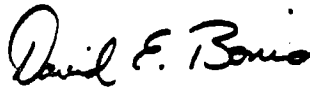
The Honorable Thomas S. Foley
The Speaker
U. S. House of Representatives
Washington, D.C. 20515

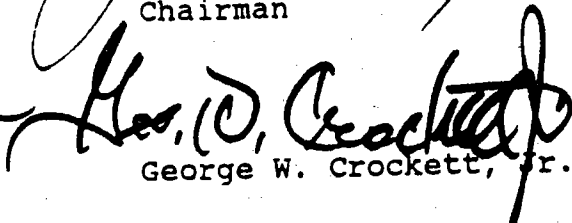
Dear Mr. Speaker:

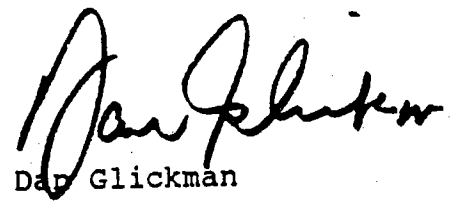
We, the undersigned members of your Special Task Force on El Salvador, submit the following report for your review and consideration. Based on our information-gathering and deliberations, we all concur with the findings outlined in this report.

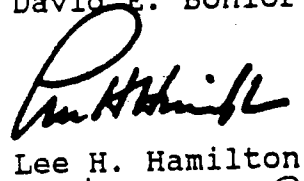
Sincerely,

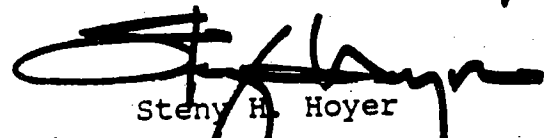

John Joseph Moakley
Chairman


David E. Bonior

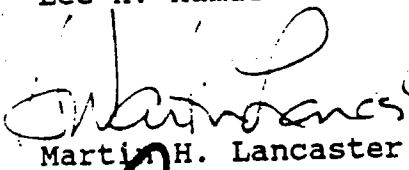

George W. Crockett, Jr.

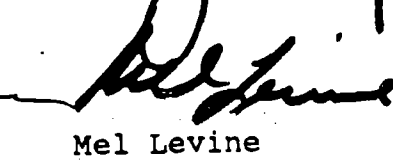

Dan Glickman

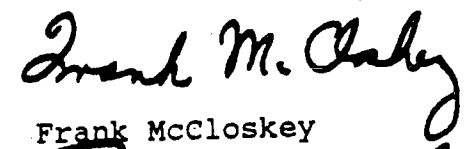

Lee H. Hamilton

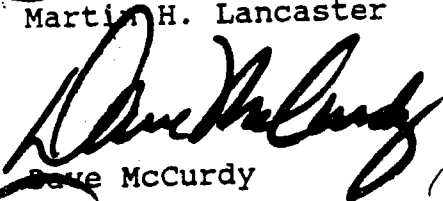

Steny H. Hoyer

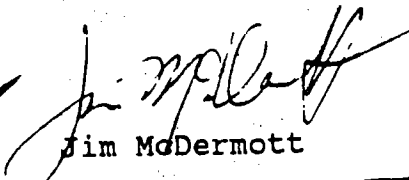

Barbara B. Kennelly

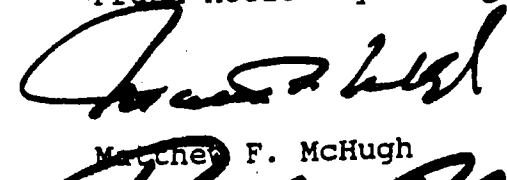

Martin H. Lancaster

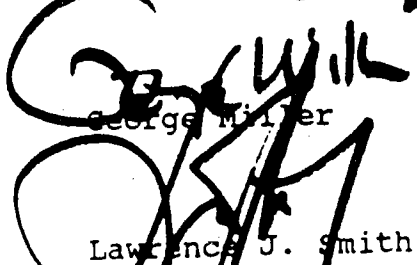

Mel Levine

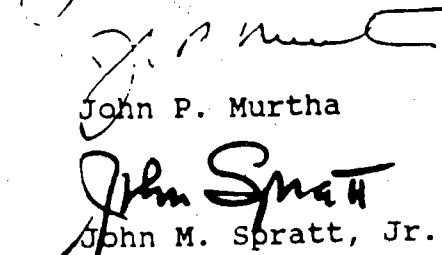

Frank McCloskey

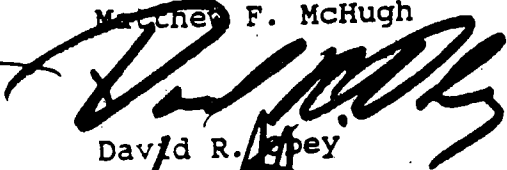

Dave McCurdy

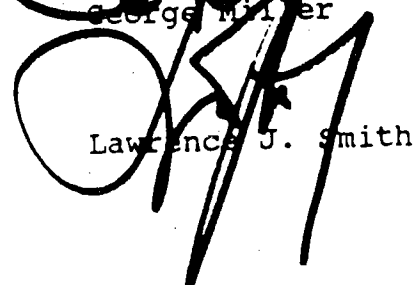

Jim McDermott

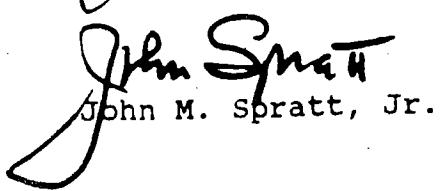

Matthew F. McHugh

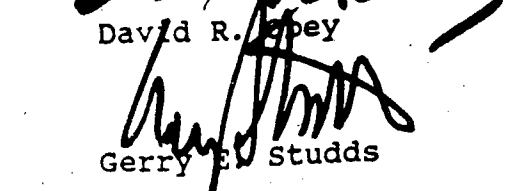

George Miller


John P. Murtha


David R. Bonior


Lawrence J. Smith


John M. Spratt, Jr.


Gerry E. Studds

Members of the Speaker's Special Task Force on El Salvador

Joe Moakley (D-MA) Chairman

David E. Bonior (D-MI)

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Table of Contents

Introduction.....1

List of Key Persons.....4

Executive Summary.....6

The Murders at the University
of Central America.....13

Related Issues.....50

Appendices

INTRODUCTION

Early on the morning of November 16, 1989, six Jesuit priests, their cook, and her daughter, were brutally murdered at the University of Central America (UCA) in San Salvador, El Salvador. On December 6th, House Speaker Thomas Foley appointed a Special Task Force of 19 Democratic Members of the House, chaired by Rep. Joe Moakley, to monitor the Salvadoran government's investigation into that crime and to look into related issues involving respect for human rights and judicial reform in El Salvador.

Over the past four months, the Task Force has held a series of informal meetings and interviews with U.S. and Salvadoran officials and others with knowledge of the investigation of the Jesuits' case and related matters. From February 11-14, ten Members of the Task Force joined five Republican Members of the House in a visit to El Salvador. Staff delegations from the Task Force visited El Salvador in January and April. The Task Force is especially grateful to Salvadoran President Alfredo Cristiani, Jesuit Provincial Fr. Jose Maria Tojeira, UCA Rector Fr. Miguel Estrada, Archbishop Arturo Rivera y Damas, Army Chief of Staff Col. Rene Emilio Ponce, and U.S. Ambassador to El Salvador William Walker and his staff for their courtesy and cooperation during these visits.

Most of the information contained in this report was obtained during interviews or meetings involving Members or staff of the Task Force, or from documents provided to the Task Force by the Salvadoran government, the U.S. Departments of State and Defense or other sources. In some cases, the individuals providing information or making statements cited in the report are not specifically identified either out of concern for the safety of those individuals or because it was a condition of obtaining the information, or both.

It is important to emphasize that the mandate of the Task Force is to obtain information concerning the investigation into the Jesuits' case and related issues and to share that information

with the Speaker, other Members of the House and the public. Obviously, the Task Force does not, itself, have either the responsibility, or the capability, of carrying out its own investigation of the crimes.

Further, it is not the job of the Task Force to recommend specific changes in U.S. policy towards El Salvador or to examine the full range of issues that are relevant to that policy. For that reason, the Task Force does not examine the many crimes perpetrated by the extreme right or the FMLN in recent years. Although it is not part of our mandate to investigate the human rights abuses committed by the FMLN, the Task Force recognizes that the guerrillas have played an instrumental role in the violence that has afflicted Salvadoran society for the past decade. FMLN actions such as the assassination and attempted assassination of civilian political leaders (including attempts on the lives of President Cristiani and Vice-President Merino at the start of the November offensive), kidnappings, the use of mines, sabotage and the attempted disruption of elections have contributed greatly to El Salvador's misery.

Accordingly, the Task Force emphasizes that what is omitted from this report does not reflect a lack of concern on the part of Task Force members with these or other violations of human rights that have occurred in El Salvador, or with the larger policy issues that affect relations between our two countries. We urge those who read this Report to consider its findings, as we will, in the context of other information and other issues relevant to U.S. policy towards El Salvador.

As discussed below, the investigation into the murders at the University of Central America is not yet complete. In addition, the Task Force continues to seek information concerning a few recent cases that raise issues related to those in the Jesuits' case. These include allegations made by Cesar Vileman Joya Martinez, a deserter from the Salvadoran military, concerning the alleged operation of a death squad within the Salvadoran First Brigade during the 1988-89 period, and the murder in Guatemala in

January, 1990, of Salvadoran political leader Dr. Hector Cueli. For that reason, this should be considered an interim, not a final, report of the Task Force.

LIST OF KEY PERSONS MENTIONED IN REPORT

Officials of the Government of El Salvador:

- o President, Alfredo Cristiani
- o Attorney General, Mauricio Eduardo Colorado
- o Majority Leader of the Assembly, Roberto D'Aubuisson

Leaders of the Armed Forces:

- o Minister of Defense, Gen. Rafael Humberto Larios Lopez
- o Vice-Minister of Defense, Col. Juan Orlando Zepeda
- o Chief of Staff, Col. Rene Emilio Ponce
- o Commander, Air Force, Gen. Rafael Antonio Villamariona
- o Chief of Personnel, Col. Nelson Ivan Lopez y Lopez
- o Chief of Psychological Operations, Col. Carlos Amando Aviles Buitrago

Victims of the Murders at the University of Central America:

- o Dr. Ignacio Ellacuria
- o Dr. Segundo Montes
- o Dr. Ignacio Martin-Baro
- o Dr. Amando Lopez Quintanilla
- o Dr. Juan Ramon Moreno
- o Dr. Joaquin Lopez y Lopez
- o Mrs. Julia Elba Ramos
- o Ms. Celia Marisette Ramos

Those currently under arrest:

Col. Guillermo Alfredo Benavides Morales
Lt. Yussy Rene Mendoza Vallecillos
Lt. Jose Ricardo Espinosa Guerra
First. Lt. Gonzalo Guevara Cerritos
Sgt. Antonio Ramiro Avalos Vargas
Sgt. Thomas Zarpate Castillo
Cpl. Angel Perez Vasquez

Pvt. Oscar Mariano Amaya Grimaldi

Pvt. Jorge Alberto Sierra Ascencio (deserted)

Head of the Special Investigations Unit:

Lt. Col. Manuel Antonio Rivas Mejia

Judge, 4th District San Salvador:

Dr. Ricardo Zamora

Officials, U.S. Embassy, San Salvador:

Ambassador, William Walker

Deputy Chief of Mission, Jeffrey Dietrich

Head of Military Group, Col. Milton Menjivar

EXECUTIVE SUMMARY

Purpose. The central purpose of the Speaker's Special Task Force on El Salvador is to monitor the investigation by Salvadoran authorities into the murder of six Jesuit priests, their cook and her daughter, at the University of Central America (UCA) on November 16, 1989. The Task Force was also asked to consider issues related to those killings, including respect for human rights in El Salvador and the need for judicial reform.

General Findings. The most important general findings of the Task Force, to date, are that:

1. The murders of the Jesuits reflect problems within the Salvadoran armed forces that go far beyond the actions of a particular unit on a particular night. Major reforms within the military are necessary to make a recurrence of such crimes unlikely; to insulate the judicial process from military pressure; and to strengthen Salvadoran democracy.
2. A serious effort was made to identify those who actually killed the Jesuits and, for a time, good police work was done. These facts reflect an advance from the early 1980's in El Salvador when similar crimes would not even have been investigated. We attribute the progress to positive efforts by the civilian leaders of El Salvador and to an understanding on the part of some within the military that aid from the United States would be affected by its actions in this case.
3. Despite the good police work, those now charged with the crime might not have been arrested if an American military officer had not come forward in early January with information concerning the alleged involvement of Salvadoran Col. Alfredo Benavides in the case.
4. The investigators have made little effort to determine whether senior military officers other than Col. Benavides might have had a role in ordering, or in covering up, the crimes.

5. As of mid-April, the investigation and preparations for prosecuting the case have come to a virtual standstill. This is true both with respect to any investigation of possible senior officer involvement in the crimes, and to the gathering of further evidence against those already arrested. This lack of continued progress, coupled with certain aspects of Salvadoran law, make it less and less likely that full justice will be done.

Discussion. As of mid-April, when this report was prepared, the investigation in the Jesuits' case had led to the arrest or charging of 9 members of the Salvadoran armed forces, including Col. Benavides, commander of the Military School from which the operation that allegedly carried out the murders was launched. Col. Benavides and the others arrested are currently being held by the National Police and Treasury Police pending the completion of the investigative phase of the judicial process. Once that phase is complete, a decision will be made as to whether some or all of the prisoners should stand trial.

Evidence contributing to the arrests was gathered by the Special Investigations Unit (SIU), a U.S.-funded group of specially-trained military officers located within the Salvadoran Ministry of Justice. The second, more formal, investigatory phase is being conducted by Judge Ricardo Zamora, of the Fourth Circuit of San Salvador, with the assistance of the SIU.

There was widespread skepticism from the outset that a thorough inquiry into potential military involvement in the crimes would be attempted or allowed. There is evidence that the SIU investigators, themselves, were unsure what the consequences of alleging military involvement might be.

Despite these doubts, the Task Force believes that Salvadoran President Alfredo Cristiani has made a sincere effort to encourage a professional investigation into the murders, and that the SIU carried out its basic police work in a competent manner. Ballistics evidence, handwriting samples, and

discrepancies in the statements of those who allegedly committed the crimes were obtained and used as a basis for the arrests that were made.

Both U.S. and Salvadoran officials have told the Task Force that this "good police work" was solely responsible for the arrests. The Task Force believes that other factors may have also played a part.

On January 2, an American military officer assigned to the U.S. Embassy came forward with information indicating that Col. Benavides had told the head of the SIU not long after the murders occurred that he was responsible for the crimes. Embassy officials immediately confronted the Salvadoran High Command with the information, and five days later the Salvadoran government announced for the first time that the military had murdered the priests. As a result, the Task Force believes that although "good police work" was important, it may have been the American officer's decision to come forward that actually precipitated the arrests.

Although the Task Force was pleased with some aspects of the SIU investigation, we were very disappointed by its failure to investigate seriously the possibility that military officers senior to Col. Benavides may have ordered or otherwise had prior knowledge of the crimes. That disappointment extends, as well, to the efforts made by Judge Zamora subsequent to the arrests.

Even today, a series of questions about the possible involvement of higher officials in ordering the crimes remain unanswered and, as far as can be determined, unasked. The investigators have not questioned senior officials about a meeting of the Armed Forces High Command, at which Col. Benavides was present, on the night of the murders; they have not questioned them about other conversations they might have had with Col. Benavides shortly before, during or shortly after the night on which the murders were committed; they have not questioned them about the reasons for the assignment and re-assignment of the commando unit that

allegedly carried out the murders; they have not investigated a radio call that was made while the meeting of the High Command was going on and that apparently set the murders in motion; they have not investigated the presence of a military intelligence officer during a search of the UCA two and a half days before the murders took place; and they have not questioned military officials about their possible involvement in withholding information or attempting to cover up the crimes.

The Task Force is particularly disturbed by the failure of the investigation to make significant progress in any area since the arrests were made in January. Judge Zamora has only met with SIU investigators once to coordinate further efforts to gather information. Numerous suggestions for interviewing potential witnesses have not been acted on by either the Judge or the SIU. Now, there is a possibility that Judge Zamora will be replaced by a new judge, resulting in additional delay. Meanwhile, legal experts are concerned that Col. Benavides will benefit from certain provisions of Salvadoran law that render inadmissible the testimony of co-participants in a murder. Given the lack of on-going efforts to gather new evidence against him, Col. Benavides may not even stand trial.

During its inquiry, the Task Force was asked repeatedly by U.S. and Salvadoran officials to view the murder of the Jesuits as a crime committed by individuals, and not an indictment of the armed forces as an institution. Unfortunately, the Task Force believes it is both.

We believe that the murder of the Jesuits grew out of an attitude of suspicion and anger towards activist segments of the church that remains all too widespread within the armed forces and certain other sectors of Salvadoran society. Because of this attitude, too little effort is made to distinguish between those who use non-violent methods to advocate or achieve change, and guerrillas who take up arms against the government.

During its visit to El Salvador, Task Force members heard the

murders of the Jesuits described by high military officials as "stupid", "self-defeating", and "dumb". But no senior military official with whom we talked said it was wrong. This lack of outrage or moral condemnation is further illustrated by the treatment of Col. Benavides since his arrest, reportedly including one or more trips to an Army-owned vacation facility on El Salvador's southern coast.

The Task Force is concerned, as well, by the failure of individuals within the military to come forward with information concerning the murders. Literally hundreds of military personnel were deployed in the area around the University on the night of the crime. There are allegations that some in military intelligence may have witnessed the crime and reported their knowledge to superior officers. And other military personnel may have been told of the murders by the 45-50 soldiers who actually participated in the operation.

Despite this, not one member of the Salvadoran armed forces has voluntarily provided information of real value, for the record, in this case. Even the head of the SIU, Lt. Col. Manuel Antonio Rivas Mejia, has refused to give a formal statement concerning the allegation that Col. Benavides confessed to him his guilt.

The institutional nature of the problems in El Salvador is demonstrated, as well, by the fact that the Jesuits' case reflects the Salvadoran justice system at its best, not its worst. This is one of a handful of the human rights cases in El Salvador over the past decade that has received enough international attention to be taken seriously by Salvadoran authorities. Thousands of other crimes, some perpetrated by the FMLN, some by the military, some by forces unknown, have not even been investigated. Despite a decade of promises, tens of millions of dollars in U.S. aid and repeated statements that progress is just around the corner, the Salvadoran justice system remains essentially an oxymoron--neither systematic, nor just.

The Task Force is also concerned by the continued abuse of human

rights by military forces in El Salvador despite receiving hundreds of millions of dollars in U.S. aid and training over the past decade. All of the soldiers charged with murdering the Jesuits, except Col. Benavides, received at least some U.S. training, including four who received training in the United States. Sadly, the entire unit that allegedly carried out the crimes was participating in a U.S. training exercise during the two days immediately prior to the murders.

Finally, the Task Force is disturbed by the reluctance of the leadership of the armed forces to accept the need for change. The murder of the Jesuits was a symptom of a too-frequent failure within the military to accept civilian authority and to pattern its own actions on the requirements of law. Progress within the armed forces is hampered by its continued allegiance to the so-called "tanda" system, which places seniority above ability in promotions, and loyalty to a classmate above loyalty to law. As a result, some officers are kept in key jobs despite being perceived by those both within and outside the armed forces as corrupt, incompetent or criminal.

Despite our strong feelings about the need for military reform, the Task Force does not wish this report to be read as a criticism of all members of the armed forces of El Salvador. On the contrary, the Task Force recognizes that there are many officers and enlisted men and women in the Salvadoran military who carry out their duties in a professional and responsible manner.

Next Steps. It is not the responsibility of this Task Force to make specific recommendations governing U.S. policy towards El Salvador. Those judgments require a broader focus than that dealt with in our deliberations or in this report. Nor is it our responsibility to make policy recommendations to the government of El Salvador. It is our hope, nonetheless that:

o those arrested in the Jesuits case will be prosecuted and, if found guilty, punished in accordance with the serious nature of

the crimes;

o the investigation will continue and the focus will be broadened both to establish the strongest possible case against those arrested and to examine the possibility that officers senior to Col. Benavides or others may have ordered or otherwise participated in the crimes;

o serious efforts will be made to increase civilian control over the armed forces, resulting in the removal of incompetent, corrupt or criminal officers; the replacement of the present "tanda" system with a promotion system based on merit; and the establishment of independent, civilian-controlled police and criminal investigative forces;

o renewed efforts will be made to institute judicial reform, including increased training, recruitment and protection of judges; and

o serious negotiations for a peaceful settlement to the war will proceed.

THE MURDERS AT THE UNIVERSITY OF CENTRAL AMERICA

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. They were thought to be, in the words of Deputy Minister of Defense, 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."

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. His 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 Salvadoran Government and the leaders of the FMLN. In so doing, he traveled on several occasions to Managua to talk to the FMLN. According to U.S. officials, 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. They felt this way despite the fact that Ellacuria had become increasingly critical of the FMLN.

Father Ellacuria's effort to promote a dialogue was dealt a series of blows during the late fall of 1989. Meetings between the government and FMLN in Mexico City in September, and in San Jose in October, produced some optimism but no real progress. The optimism evaporated quickly, however, following an outbreak of the kind of tit-for-tat terrorism that has plagued El Salvador for years. The FMLN murdered the daughter of Salvadoran Col.

Oscar Casanova Vejar. Someone, presumably from the right, bombed the house of opposition political leader Ruben Zamora. The FMLN attacked the houses of relatives of several senior military officers. And finally, the headquarters of the leftist labor confederation FENESTRAS was bombed, killing nine. In the midst of this, the FMLN withdrew from the negotiations and--on November 11--launched the fiercest offensive of the war.

The murders of the Jesuits occurred on the fifth night of that offensive, at a time when the outcome of the fighting was far from 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 radio listeners, that were directed by name at persons they associated with the political left. Those threatened included Fr. Ellacuria and another of those murdered on the 16th, 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. Acting under guidelines instituted by President Cristiani that required a specific authorization from the High Command before the military could enter the UCA, a unit of the Atlacatl Battalion went to the university for the purpose of determining whether the reports were accurate. Before entering the UCA, the unit was joined by Lt. Hector Ulises Cuenca Ocampo of military intelligence (DNI). 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 had arrived in

the area at 4:00 p.m. on the afternoon of the 13th. It was one of several units that had been assigned 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 also 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 the UCA. As a result, the area around the UCA and the military complex was one of the most heavily guarded in the city.

Salvadoran military leaders told the Task Force that the commando unit of the Atlacatl Battalion, led by Lt. Jose Ricardo Espinosa Guerra, was one of the best and most experienced units in the Salvadoran armed forces. Lt. Espinosa and Lt. Guevara Cerritos, his second in command, were both graduates of the Salvadoran Cadet Preparation Course given at Fort Benning, Georgia, and Lt. Espinosa had also attended the Special Forces Officer's Course at Fort Bragg. Sgt. Antonio Ramiro Avalos Vargas and Cpl. Angel Perez Vasquez had also received training at Fort Benning. A scheduled ten day special forces training course for the entire unit, which had begun on November 11, was interrupted after two days by the guerrilla offensive. (Note: the American Green Beret unit that was conducting this training course spent a day barricaded in the San Salvador Sheraton as the result of an FMLN attack soon thereafter).

On November 15th, the High Command met, as it had every night since shortly before the offensive began. That night, the meeting began around 7:30 p.m. Those present included the Minister and two Vice-Ministers of Defense; the Chief of Staff, Colonel Ponce; the heads of the joint commands; the commanders of the various security forces; the commanders of units in the metropolitan area, including Col. Benavides; and a press officer.

According to those who attended the meeting and with whom the

Task Force spoke, 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 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. Around 10:30 p.m., President Cristiani was asked to come to the High Command where he personally authorized the selective use of air and artillery power. The meeting broke up around 11:00 p.m.

THE MURDERS

The following account of the murders and surrounding events is taken primarily from the testimonies given by those who participated in the events, as published in the proceedings of the Fourth Criminal Court of San Salvador on January 18, 1990. These testimonies were used as a basis for the arrests that have been made in the case. The Task Force notes that no statement from Col. Benavides was published and that he has not publicly admitted any responsibility or guilt.

According to the testimonies, Col. Benavides arrived at the military school shortly after the meeting of the High Command ended at 11:00 p.m. There, he met in his office with Lt. Yushy Mendoza Vallecillos (assigned to the military school), Lt. Espinosa and First Lt. Guevara Cerritos, both of the Atlacatl. About 45 minutes earlier, Lt. Espinosa had been given an order by radio to assemble his troops at the military school.

Now, Col. Benavides 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."

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."

Not long 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 two Atlacatl patrol units that Lt. Espinosa had instructed to take up positions near the UCA earlier in the evening.

Now, Lt. Espinosa told the patrol leaders that they had been given an order "from above" to eliminate the intellectual leaders of the guerrillas, who were inside the UCA. He said that at the moment of withdrawal there would be a flare and later a simulation of a confrontation would take place. It was around 1:00 a.m. when the entire group of 45-50 moved towards the university.

After soldiers began banging on the doors, one of the Jesuit fathers emerged, went to the front gate and let some of the soldiers inside.

Soon afterwards, Fr. Martin Baro went with a soldier to open the other gate. Not far away, in a small house bordering the Jesuit property, a young woman who did cleaning for the Jesuits was sleeping with her husband and young daughter when she was awakened by the noise. The woman, Mrs. Lucia Cerna, says 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 backyard entrance to the living quarters. The five were instructed to lie face down. Lt. Espinosa inquired of Sub. Sgt. Antonio 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 shot Fr. Juan Ramon Moreno and Fr. Amando Lopez Quintanilla with an M-16. Amaya, using the AK-47, shot Fr. Ellacuria, Fr. Martin Baro and Fr. Montes.

While this was going on, another soldier, Tomas Zarpate "was providing security" for the Jesuits' cook, Mrs. Elba Julia Ramos, and her 15 year old daughter Marisela who had been discovered by the soldiers in a guest room at the far end of the building where the Jesuits lived. On hearing the voice ordering: "Now," and the ensuing 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 to 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 -- still unidentified -- and shot. Another soldier, Perez Vasquez, was leaving the building when he felt Fr. Lopez's hand grabbing for his ankle. Perez Vasquez shot him four times.

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 them moaning in the darkness. He lit a match and saw the two women on the floor embracing each other. He then ordered a soldier, Jorge Alberto Sierra Ascencio, to "re-kill" them. Sierra Ascencio shot the women about ten times, until they stopped moaning. (Sierra Ascencio deserted the Army in late December. His whereabouts are not currently known).

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

The soldiers then feigned 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 his testimony, Lt. Mendoza said that he saw a soldier, whose identity he did not know, carrying a light brown valise. The Jesuits believe that the valise contained \$5,000 which had been given to Fr. Ellacuria a few days earlier in recognition of his work on human rights.

The unit then proceeded back to the Military School where the lieutenants, after some effort, were able to locate Col. Benavides. Lt. Espinosa said "My Colonel, I did not like what was done."

Benavides 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 left the Military School, pursuant to orders from the High Command, to re-join the main part of the Atlacatl Battalion in the northern part of the city near the First Brigade.

THE INVESTIGATION--THE TECHNICAL SIDE

The bodies were discovered at approximately 7:00 a.m., after the curfew ended, by the father and husband of the two murdered women.

At 8:30 a.m., 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. Neighbors confirmed the sound of gunfire and explosions during the night, but no one claimed to have seen the murders take place.

On November 22, six days after the killings, the first acknowledged eyewitness, Mrs. Lucia Cerna, testified at the Embassy of Spain that she had seen uniformed men and heard shots near the scene of the murders during the early morning hours of November 16. Her testimony there and in subsequent interviews is discussed below in the section entitled, "the witness".

From the beginning, the SIU focused on three possible suspects: the FMLN, the armed forces, and a death squad, which might or might not have included military personnel, acting on the instructions of someone on the extreme right.

Other than the sign left at the premises, the use of an AK-47, and the attempt to feign a firefight, the SIU uncovered no evidence 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 "U.S. intelligence sources", saying that D'Aubuisson had said at a meeting the day before the crimes that "the Jesuits must go". However, no supporting evidence that such a meeting took place has come to light and D'Aubuisson subsequently denied making the statement.

The investigation of possible military involvement began slowly. According to the SIU's own chronology, 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 on November 13 and not until December 11 that the list was received. It was not until December 7 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 11, 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 conditions--such as the lack of electricity--which had existed on the 15th. Suspicions were also aroused when Lt. Espinosa managed to frustrate three efforts to polygraph him, citing each time a different excuse.

On December 28, according to Lt. Col. Rivas, his ballistics experts noted some similarities between cartridges found at the UCA and those 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 5, and showed a match between the AK-47 used to commit some of the murders and one of four AK-47's belonging to the Military School. No match was established, however, for the M-16's that were used to kill the other Jesuits and the two women.

On January 7, President Cristiani announced on national television that the investigation now indicated that the armed forces had been responsible for the murders. He also ordered that 45 members of the Atlacatl, and Col. Benavides and Lt. Mendoza of the Military School, be held for questioning. The next day, it was announced that a special military honor board would begin questioning those who had been held.

THE WITNESS

There has been much controversy surrounding the testimony of Mrs. Lucia Barrera de Cerna--the first witness to come forward with information on the Jesuit murders--and her treatment by those who interrogated her.

Summary of the Facts. In brief, Mrs. Cerna's testimony is that at approximately 1:00 am on the morning of the murders, November 16, she was awakened by gunfire and saw five men, some of them dressed in camouflage uniforms, standing at the main entrance gate that led to the residence of the Jesuits. She heard more gunfire and the voice of Father Ignacio Martin-Baro shouting the words, "This is an injustice...you are scum"; and then more gunfire. According to her testimony, she did not see the actual murders take place, and she could not identify the faces of the men at the gate or the insignias on their uniforms. Members of the Task Force who traveled to El Salvador attempted to retrace Mrs. Cerna's steps the night of the murders in accordance with her testimony and, in our judgment, there is no question that she could have seen and heard what she said she saw and heard that night.

On November 23, after making a declaration to the investigating judge, Mrs. Cerna and her family agreed to arrangements made by the Spanish and French Ambassadors to go to Miami and stay with Jesuits there. Ambassador Walker, upon learning of the arrangements, asked the French Ambassador to allow representatives from the United States Embassy and the FBI to be present on the plane, which was a French military aircraft. According to Embassy officials, the purpose of this request was to "facilitate a smooth entry into the United States". There was no mention made to the Cerna family or to the Jesuits in San Salvador that the Cernas would be interrogated further in Miami.

Once in Miami, the Cernas were under the care of the U.S. Department of State. Between November 27 and December 3, they were interrogated at length by two agents of the F.B.I. and by the head of the Salvadoran SIU, Lt. Col. Rivas. The only other person present during the questioning was the legal officer from the U.S. Embassy in San Salvador. The Cernas were not asked if they wanted to have an attorney, a member of the Jesuit community, or some other trusted person with them during the lengthy interrogations.

Mrs. Cerna told the Task Force that she ultimately changed her story because she felt that the interrogators did not believe her original one. She said, "I felt pressured...they scared me, and I have hypertension and I am very excitable." She said that at one point an F.B.I. agent quickly turned toward her, changed his line of questioning, and asked, "This Estrada (the new rector of the UCA), is he or isn't he a guerrilla?" Mrs. Cerna answered that he was not. However, she said that her interrogators continued to ask the same questions over and over, and "then I became scared of these men. I didn't have any confidence anymore. And then I said, no sir. I don't know anything. Don't ask me any more questions. I don't know anything." Ultimately, both Mrs. Cerna and her husband, Jorge Cerna, were subjected to a series of polygraph tests in which deception on their part was indicated.

Word of the interrogations quickly spread to El Salvador. Salvadoran President Cristiani said in a press interview that Mrs. Cerna had changed her story and that she had failed several polygraph tests.

The Salvadoran Attorney General issued a statement saying that Mrs. Cerna was now a "very unreliable witness."

Members of the Jesuit order and the Catholic Church hierarchy in El Salvador were furious. They said they felt betrayed and deceived by the actions of the United States government. On December 10, Archbishop Rivera y Damas publicly accused the State Department of "brainwashing" Mrs. Cerna and of subjecting her to "aggressive and violent interrogation." On December 12, Father J.M. Tojeira, the Jesuit Provincial for Central America, issued a public communique which stated:

"...At times we have even been deceived with regard to certain aspects of the investigation. The clearest instance of this is in the way in which the witness, Lucia Barrera de Cerna, has been manipulated by the United States.

In effect, the U.S. Embassy made a commitment to accompany the witness to Miami and to hand her over there to the priests of the Society of Jesus. Instead, the witness was handed over to U.S. police agents for 8 days under the pretext of watching out for her security and with no attention to the wishes which had been expressed here."

In an effort to arrive at the truth concerning these allegations, the Task Force asked the F.B.I. to allow Members to question the two agents who interrogated the Cernas, and to provide copies of the transcripts of those interviews. Although these requests were refused, the F.B.I. did provide a number of documents, including the transcripts of the interviews, to the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee. In addition, Chairman Moakley received a copy of a letter, dated March 12, from F.B.I. Director William Sessions to Reverend Patrick J. Burns, S.J., President, Jesuit Conference, which explains the F.B.I.'s view of the interrogation of the Cernas.

The letter states:

"During the course of the FBI's contacts with the Cerna family, they were treated in a courteous and professional manner. ...All interviews and polygraph examinations were consistent with our procedures for direct contact interviews and were conducted in a professional manner. Throughout the several interviews, great care was taken to ensure that the witnesses were comfortable with the interview process and the office environment. ...All of the witness interviews were limited to normal business hours. Additionally, FBI personnel took the Cerna family to sightsee various parts of Miami or to visit Jesuit acquaintances during extended lunch breaks or on weekends."

Of particular concern to me were the allegations of witness mistreatment through "abusive incommunicado interrogation" by Special Agents of the FBI. Our inquiry determined these allegations to be totally without factual support and are in complete contradiction to the actual treatment afforded the Cerna family."

Ambassador Walker has stated that the purpose of the further questioning of Mrs. Cerna in Miami was to obtain additional information that might be useful during future legal proceedings on the case. The presence of Lt. Col. Rivas, in his view, was appropriate because Rivas was the chief investigator. Ambassador Walker says that Mrs. Cerna was polygraphed only after having provided three differing versions of what she had observed the evening the crimes occurred, but that Mrs. Cerna's failure to pass the polygraph tests does not mean that she is lying. He said that the witness may have been nervous and all that can be concluded is that it is not clear which version of events she offered is the most accurate.

Discussion and Findings. In view of the conflicting statements that have been made, and because we were unable to review the tapes and other relevant material concerning the treatment of the Cerna family, it is impossible for us to resolve fully the discrepancies in the

various accounts of what happened in Miami.

However, it is reasonable to believe that Mrs. Cerna, a cleaning woman with hypertension, a limited education, and no experience with airplane trips, big hotels, murder investigations, or the United States, was scared and nervous during her ordeal. This alone may explain the differing accounts she gave of what she did and did not observe. Given the fact that she was not a criminal suspect and given the grisly nature of the crime she was testifying about, it is disturbing that she was interrogated for so long, and especially that she and her husband were subjected to polygraph examinations, without being offered access to an attorney.

The Task Force also believes that U.S. officials should have informed Mrs. Cerna and the Jesuits in San Salvador of exactly what they wanted to do in Miami and asked for their cooperation. There was no reason to believe that Mrs. Cerna would not cooperate. She, in fact, voluntarily cooperated with Salvadoran authorities and provided a statement to the judge; she did her duty. One regrettable result of this affair is that witnesses in this or other human rights cases in El Salvador may be less likely to come forward or to accept assurances of protection from the United States.

While the Task Force believes that U.S. officials should have acted with greater sensitivity, we do not have a basis for concluding that their actions were abusive or part of a conscious plan to discredit Mrs. Cerna's testimony. Given the limited nature of what Mrs. Cerna actually saw on the night of the murders, there would have been no motive, even under the most cynical of circumstances, for the U.S. Embassy or others to have sought to discredit her statement. The fact that Mrs. Cerna never claimed to be able to identify the military unit or individuals involved in the crimes is one of the ironies of this whole controversy.

COL. AVILES AND THE AMERICAN MAJOR.

Background. Throughout the early part of December, a tense relationship existed between the Jesuits at the UCA and Army

investigators. That relationship was gravely complicated by hard feelings over the alleged mistreatment of Mrs. Cerna. On December 19th, the investigators attempted to ease the situation by arranging a meeting between two Jesuit leaders, Fr. Tojeira and Fr. Estrada, and the Army Chief of Staff, Colonel Ponce. Col. Carlos Aviles, a Jesuit-educated officer who was well-connected to the Jesuits and a former head of the SIU, also participated in the meeting.

As a result of the meeting, the SIU held a full briefing for the Jesuit leaders on December 22 to report on the progress of the investigation. According to Lt. Col. Rivas, a spirit of full cooperation between the Jesuits and the SIU emerged after the briefing had taken place.

At about this same time, but before the SIU's briefing of the Jesuits, a conversation is alleged to have taken place between Col. Aviles and an American Major assigned to the military group at the Embassy.

The Major's Account. The following account is based primarily on the sworn statement of the American Major that was provided to the Salvadoran High Command on January 3, 1990 and an interview conducted by some Members of the Task Force with the Major on March 22. In deference to a request from the U.S. Department of Defense, the name of the Major is not cited in this account.

Col. Aviles and the American Major worked together closely. Their joint task, among other things, was to improve the image of the Salvadoran armed forces and demoralize the guerrilla opposition. In both respects, the murder of the Jesuits, and the accompanying suspicion of military involvement, was a serious problem.

The two discussed the case frequently. But according to the Major, on or about December 20th, Col. Aviles said something that went far beyond their earlier talks.

According to the Major, Col. Aviles said he had something to say that should be used on, in his words, a "break-in-case-of-emergency" basis. The Major interpreted this to

mean that the information should only be used if something were to happen to Col. Aviles and the investigation were not going forward as it should.

Col. Aviles said that his information was based on a conversation that he had had with Col. Lopez y Lopez, a friend and--like Col. Aviles--a former head of the SIU. In early December, Col. Lopez y Lopez had been assigned to assist Lt. Col. Rivas in the Jesuits' case.

According to Col. Aviles, Col. Benavides had approached Lt. Col. Rivas about the time the investigation started and said something to the effect of "I did it...what can you do to help me...what can we do about this?"

The American Major asked Col. Aviles, "What do you mean? Did Benavides kill the Jesuits?"

The answer was, no, a special operations group from the Atlacatl Battalion, headed by a lieutenant, had done the killing. But the Major understood Col. Aviles to be saying that the lieutenant had been acting under orders from Col. Benavides.

The Major asked "Who else knows? (Colonel) Ponce?" Col. Aviles said he did not know. He thought Col. Ponce had been told by Lt. Col. Rivas or Col. Lopez y Lopez, but was not sure.

The Major asked why an arrest had not been made. The answer was that Col. Benavides could not be arrested until the investigation had been completed.

According to Col. Aviles, SIU director Rivas was scared after his conversation with Col. Benavides. As a result, the investigation slowed. This prompted Col. Lopez y Lopez to initiate a conversation with Lt. Col. Rivas during which Rivas cited his discussion with Col. Benavides. Col. Lopez y Lopez subsequently passed on the information to Col. Aviles who then told the American Major.

During the next ten days, the Major shared the substance of his conversation with two individuals on the same "break-in-case-of-emergency" basis that Col. Aviles had used to convey the information to him. But he did not tell his superiors in the embassy.

According to the Major, there were three reasons he did not come forward immediately. First, he felt a strong sense of loyalty to Col. Aviles, who had requested his silence. Second, he believed that the Salvadorans were committed to finding and prosecuting those involved in the crimes. Those in charge of the investigation already had this information, so there may have been no need to tell anyone else. The Salvadorans had the responsibility to follow up on this information and he believed that they would. Finally, he felt it would be better for the Salvadoran armed forces if it was clear that they had solved the case on their own.

According to the Major, he and Col. Aviles continued to discuss the case. The Major was told that the investigation was going well; that a lieutenant from the Atlacatl was having trouble with his polygraph tests and kept making excuses about it; that the cartridges found at the scene were starting to show similarities to those fired from weapons belonging to the Atlacatl; and that there were some discrepancies in other testimonies given by members of the commando unit.

Despite this, the Major was concerned that no arrests had been made. He was troubled that when the Jesuits were officially briefed on the case on December 22nd, they were not told about the conversation between Col. Benavides and Lt. Col. Rivas. The Major asked again who in the Salvadoran leadership knew about that conversation, and Col. Aviles told him again that he did not know who knew.

On January 2, the Major finally told his immediate superior, Colonel William Hunter, about his conversation with Col. Aviles. Col. Hunter immediately told the head of the Military group, Col.

Milton Menjivar.

Without notifying either the Ambassador or the Deputy Chief of Mission, Col. Menjivar immediately went with a political officer from the Embassy to Colonel Ponce's office at the High Command. According to Col. Menjivar, Col. Ponce reacted first with disbelief, then with disappointment and finally with anger. He asked Col. Menjivar the source of the allegation, and Col. Menjivar told him about the conversation between Col. Aviles and the American Major.

Col. Aviles and the Major were summoned, and a meeting was held in Col. Ponce's office. At that meeting, Col. Ponce summarized the allegations and asked Col. Aviles to respond. Col. Aviles admitted discussing the case with the Major, but denied telling him about any conversation between Col. Benavides and Lt. Col. Rivas. At one point, Col. Aviles said, "if I knew this information, why would I risk my career by telling (the Major)?"

The Major then told his story again, after which Col. Ponce dismissed the meeting.

The next day, Col. Menjivar briefed the Salvadoran High Command on the allegations and the Deputy Chief of Mission at the U.S. Embassy, Jeffrey Dietrich, did the same in a meeting with President Cristiani. The American Major wrote a sworn statement that was submitted, along with a cover letter from Col. Menjivar, to Defense Minister Larios and the High Command.

Also on that day, an American Embassy officer informed Lt. Col. Rivas of the American Major's allegations. Lt. Col. Rivas denied having any conversation with Col. Benavides in which Col. Benavides admitted guilt, a denial which Lt. Col. Rivas subsequently repeated to Members of the Task Force. Col. Lopez y Lopez also denied having a conversation either with Lt. Col. Rivas or with Col. Aviles of the nature described in the American Major's account.

On January 5, the Major took a polygraph examination administered by the FBI. At about the same time, Col. Aviles took a polygraph test administered by Salvadoran authorities. The polygraph results indicated some deception in both cases.

On January 6, the Major left for the United States where he has taken additional polygraph examinations. The Task Force understands that these tests have not resolved the issues raised in the first exam.

The next day, President Cristiani announced that the investigation had concluded that the Armed Forces were responsible, and Col. Benavides and the others were arrested shortly thereafter.

Col. Aviles' Account. The Task Force did not have an opportunity to discuss this affair with Col. Aviles until April 20, during a visit by a staff delegation to San Salvador. On that date, Col. Aviles described this entire incident as a "nightmare" that has had a serious effect on his family and his professional career. He said he was shocked that the American Major had made the allegations, and that the only information he had provided to the Major about the case was that investigators were focusing on the FMLN, the armed forces and a rightwing death squad as possible culprits. He regretted that the affair has become "politicized", and said that he feared most Americans would almost certainly take the word of an American officer against the word of a Salvadoran.

When asked why the American Major might have made up such a story, Col. Aviles said "I wish I had a crystal ball that would help me learn the answer."

Both Col. Aviles and other senior Salvadoran military officials with whom the Task Force spoke denied published reports that Col. Aviles had ever been "arrested" or "detained" as a result of this incident.

Discussion and Findings. If the story of the American Major is accurate, and if what Col. Aviles said to the American Major was also true, the entire investigation of the Jesuits' case appears in a different light. It means, for example that:

- o Lt. Col. Rivas, the head of the SIU, was aware from the early stages in the investigation that Col. Benavides and the Atlacatl were involved in the murders;

- o Col. Benavides, a senior military officer of the same rank and class as those in the leading positions within the Salvadoran military, approached Lt. Col. Rivas, soon after the crimes, to seek assurance that he would be protected;

- o the investigators, Lt. Col. Rivas and Col. Lopez y Lopez, and former investigator Col. Aviles, may have been uncertain whether they had enough support within the armed forces and the Salvadoran government to accuse Col. Benavides;

- o notwithstanding these doubts, the investigators continued to gather evidence that was tending, more and more as the days went by, to implicate the commando unit of the Atlacatl;

- o Lt. Col. Rivas is perhaps the strongest potential witness in the case against Col. Benavides; and

- o the timing of events is such that it is not clear whether the case ever would have broken if the American Major did not come forward.

The Task Force believes that the American Major is telling the truth. It is simply not credible to imagine that he concocted a story that just coincidentally happened to be true about the identity of those responsible for the murders. This premise is supported by the fact that, in coming forward ten days to two weeks after the event, he was subjecting his own actions to potentially serious criticism. Further, the Major did not even know Col. Benavides, Col. Lopez y Lopez or Lt. Col. Rivas and had

no personal or professional reason for involving them. In addition, there is nothing in his statements that is contrary to facts otherwise known.

Having accepted the validity of the American Major's account, the Task Force concludes it is probable that what the Major says he was told by Col. Aviles is also true. We find it very unlikely that Col. Aviles would have been able to identify Col. Benavides as the culprit if he had not been told about the Colonel's alleged "confession" to Lt. Col. Rivas. Nor does there exist any incentive for Col. Aviles to have made such a potentially risky allegation if it were not based on fact. Moreover, even if Col. Aviles was aware of information that directly implicated Col. Benavides, why make up such a complicated story?

Col. Aviles was Jesuit-educated and was the individual selected to help secure cooperation from the Jesuits in the investigation. Despite his denials, the Task Force believes it is very possible that his concerns about a potential cover-up, coupled with the weight of his own knowledge, led Col. Aviles to share the information with the American Major "for use in an emergency only."

The evidence provided by the polygraphs of the American Major and on Col. Aviles are wholly inconclusive. The Task Force is concerned that, despite the obvious importance of this incident, no serious effort beyond these polygraph tests has been made to discover the truth. Lt. Col. Rivas told the Task Force that he would not take a polygraph because he is in charge of the investigation and such a test would impugn his honor. Col. Lopez y Lopez simply said that such a test would not be conclusive even if he were to take one.

There are two final questions, about which the Task Force can reach no firm conclusion. First, why did Col. Benavides admit his guilt to Lt. Col. Rivas if, in fact, he did? The Task Force has been told by sources in El Salvador, but has been unable to confirm, that Col. Benavides was aware very quickly after the

murders that his involvement was no secret within the military. He may have believed, in any case, that his involvement in the crimes could not be concealed from senior military officers. If true, it would have been logical for him to seek an assurance from Lt. Col. Rivas or a more senior military officer that he would nevertheless be protected in any investigation. And the fact is that no accusation was made against the Colonel or his unit until after the American Major came forward.

Second, would Col. Benavides and the others have been arrested if Benavides' alleged confession had not been raised so directly by American officials with the Salvadoran armed forces?

It is clear that the SIU investigation had produced some evidence against the Atlacatl unit before the arrests were made. In December, the SIU had obtained Col. Benavides' operations book indicating that a confrontation had occurred at the UCA on the night of the murders. However, the SIU did not disclose this fact to anyone until after the arrests, did not cite it as evidence at the time of the arrests, and never questioned Col. Benavides about it. The most damaging evidence cited at the time of the arrests was that provided by ballistics. However, the results from the ballistics tests which led to the arrests did not become available until at least January 5, three days after the American Major came forward.

Although the question of whether the arrests would have occurred if the Major had not come forward is extremely important, the Task Force can reach no conclusion on it. It may be that even those most directly involved, the leaders of the SIU, are not certain how this question would have been answered if the conversation between Col. Aviles and the Major had not taken place.

AFTER THE ARRESTS

The Honor Board. President Cristiani announced on January 6 that the armed forces were involved in the crimes. That same day, he

appointed a military honor board to review the evidence in the case. The honor board included five Salvadoran officers of different ranks, and was headed by General Rafael Antonio Villamariona, the Air Force Chief of Staff.

On January 7, the SIU briefed the honor board on the evidence it had gathered in the case. On January 13, President Cristiani announced that nine soldiers had been charged with participation in the crimes. What happened during the intervening five days is not clear.

According to the chronology of events that was provided to the Task Force by the U.S. Department of State, President Cristiani's announcement was based on the findings of the military honor board. The Director of the SIU, Lt. Col. Rivas, also stated that the honor board had questioned the soldiers from the Atlacatl and obtained confessions from them. General Villamariona, however, told the Task Force that the honor board obtained no confessions. Another honor board member, Col. Dionisio Machuca, said that the honor board did not even question the soldiers that had been detained. Instead, said Col. Machuca, the honor board sought to "motivate the soldiers to tell the truth."

Neither U.S. nor Salvadoran officials with whom the Task Force spoke could explain how President Cristiani was able to announce the names of those to be charged with the crimes if those names were not provided to him by the honor board, and yet the honor board denies doing anything of the kind.

It is also unclear how the soldiers now charged with the crimes were "motivated" to admit their involvement in detailed statements made at National Police Headquarters on January 13 and 14, immediately after the honor board had completed its work.

There is no known record of any kind concerning the proceedings of the honor board. Because of the confusion surrounding its role, Judge Zamora reportedly intends to ask the members of the board to come forward and present testimony in the case.

Gathering Evidence. Those arrested as a result of the statements given at the National Police Headquarters on January 13-14 were Col. Benavides, Lieutenants Espinosa and Cerritos from the Atlacatl, Lt. Mendoza from the Military School, and five soldiers, including the deserter, Sierra Ascencio.

On January 16, the accused appeared before Judge Ricardo Zamora to give formal declarations in the case. Col. Benavides, accompanied by the Director of the National Guard, Col. Juan Carlos Carrillo Schlenker, testified for more than two hours and reportedly denied all charges.

On the 19th, Judge Zamora announced his finding that there was sufficient evidence to hold all the prisoners under provisional arrest for the next stage in the judicial process, called the "investigative phase". The proceedings in the case currently remain in the investigative phase.

During the investigative phase, the judge attempts to gather evidence to determine whether a trial is warranted. The investigative phase in the Salvadoran judicial process is slated to last a maximum of 120 days after the provisional detention of the suspects begins, which in this case was on January 19. After 120 days, the judge is supposed to decide whether to conduct a trial or release the detainees. In practice, the investigative phase often exceeds 120 days, and detainees are kept in confinement until a decision on whether to conduct a trial is made by the judge. As a result, there is no effective deadline on when a decision to go to trial in the Jesuits' case will be made.

At the present time, Judge Ricardo Zamora is directing the investigation into the Jesuits' murders and is reportedly interviewing two or three witnesses (from a list of 180) per day. In addition to interviewing witnesses, the Judge is empowered to request additional investigative assistance from the SIU and other elements of the security forces. For this system to work effectively, a high degree of cooperation between the judge and those with investigative capability is required. Unfortunately, a high degree of cooperation has yet to

materialize in this case.

Since the arrests were made in January, the judge and the head of the SIU, Lt. Col. Rivas, have only met once (in late March); and that meeting was arranged by the U.S. Embassy. According to Lt. Col. Rivas, the meeting concluded with a promise from Judge Zamora to follow-up with additional requests for information. To date, that has not happened.

During the past three months, the SIU has taken only two initiatives with regard to the Jesuits' case. At the urging of a U.S. Senator, it is seeking to question the participants in a meeting of military intelligence that took place at 7:30 a.m. on the morning of the murders. And at the request of the judge, it has asked the Salvadoran Military School to provide its vehicle log book for the night of the murders. The process of questioning those at the intelligence meeting has just begun; the log books have disappeared.

In the meantime, both the SIU and the Judge have failed to act on numerous suggestions from the U.S. Embassy and others that certain individuals be questioned in the case. It has been suggested, for example, that the investigators should question 1) individuals who may have talked to Col. Benavides and the others arrested about their possible involvement in the crimes; and 2) officers assigned to the Military School on the night of November 15-16, including Lt. Col. Camilo Hernandez, the second in command, about any information they might have concerning events at the School before, during and after the time the murders took place.

Problems for the Prosecution.

a. Co-defendant testimony. On March 21, Salvadoran President Cristiani said in an interview that he is "not confident that (Col. Benavides) is going to be convicted." The President added, "I'd be sad if he is acquitted because I think he is guilty based on the investigation."

The reasons for President Cristiani's skepticism are found in several characteristics of the Salvadoran judicial system. One of the rules

of evidence in El Salvador is that the testimony of one co-defendant is not admissible as evidence against another person charged in the same crime. This rule, which has hindered criminal proceedings in several other prominent human rights cases involving military personnel, prevents the testimony of soldiers who may have committed murder from being used to incriminate those who ordered them to do so.

The prohibition on co-defendant testimony in Latin American law originated in a desire to prevent "biased" testimony in court--i.e., testimony from persons who stand to benefit or lose from the outcome of the trial. Most Latin American legal systems now allow the judge at least some flexibility in determining whether co-defendant testimony should be allowed. However, this is not the case in El Salvador.

In 1986, the Salvadoran Assembly did modify the co-defendants rule for some crimes. At the time, criminal proceedings were beginning in a case in which military personnel and right-wing paramilitarists were accused of kidnapping wealthy civilians for ransom while making the crimes appear to be the work of the FMLN. Prosecution of the case had the backing of some of the wealthiest members of Salvadoran society, and yet the prosecution had been stymied by the rule against co-defendants testifying against each other. As a result, the Assembly passed a law allowing co-defendant testimony in cases involving extortion, drug trafficking, and kidnapping only. Cases involving murder or other heinous crimes were not included in the law. Despite this change, the kidnapping-for-profit case has not come to trial and, just this past week, charges were dropped against all but two of those arrested.

The question prosecutors will face in the Jesuits' case is whether there is enough evidence, other than that provided by his co-defendants, to force Col. Benavides to stand trial. The current admissible evidence against Col. Benavides appears to be circumstantial and consists solely of the facts that he was the commander of troops within the sector where the Jesuits were killed, that some of those troops have admitted carrying out the murders, and that there is physical evidence linking those soldiers to the crimes.

El Salvador's Attorney General, Mauricio Eduardo Colorado, told the Task Force that he believes the evidence currently available would not be sufficient to convict Col. Benavides. However, Ernesto Altschul, Vice Minister of the Presidency, urged the Task Force not to conclude that Col. Benavides will be released for lack of evidence.

It is possible that Judge Zamora or the SIU will be able to uncover other evidence implicating Col. Benavides. If not, some have suggested that the prosecutors should drop the charges against one of the accused triggermen and then use his testimony to build a stronger case against the Colonel.

In the U.S., charges might even be dropped against someone at Benavides' level if he presented firm evidence that superior officers ordered him to carry out the murders. In El Salvador, though, there is no tradition of this type of plea-bargaining or granting of immunity. There is, however, precedent for dropping the charges against individuals with minimal culpability in a crime in exchange for testimony against others more seriously involved. One possible option for the judge in this case might be to drop the charges in exchange for testimony against one of the three lieutenants who was present when Col. Benavides allegedly gave the orders, provided there is no evidence that the lieutenant shot, or ordered the shooting, of any of the victims.

b. Venue. One other potential problem for the prosecution, primarily because of the delay it would cause, is a motion from defense attorneys to have the jurisdiction of the case changed to a court in Santa Tecla, which is where the UCA is located. The defense claims that the current court does not have jurisdiction because the crimes were committed in Santa Tecla, not San Salvador.

Upon the request of Judge Zamora, Attorney General Colorado submitted an advisory opinion on the motion, finding that a change of venue is warranted under the law. In late April, Judge Zamora issued a ruling in which he disagreed with the Attorney

General. Judge Zamora's ruling remains subject, however, to a possible appeal to the Supreme Court.

Discussion and Findings. The Task Force has reached three principal findings concerning the more recent stages of the investigation as it affects those currently under arrest.

First, the Task Force hopes that President Cristiani, the armed forces, and Judge Zamora will work to clear up the mystery surrounding the actions of the Military honor board during the week of January 7-13. This critical period in the investigation resulted in a narrowing of the range of suspicion from 45 members of the Atlacatl unit, plus two officers from the Military School, to the nine who were arrested. All information provided to the honor board by any of the soldiers involved should be available to the judge and the prosecution. Instead, there is currently no record of its actions and no admission on the part of the honor board that it gathered any information, at all. This is not credible, and in a serious investigation, not acceptable.

Second, the Task Force hopes that the investigators, including both the Judge and the SIU, will begin to work more closely and that they will actively seek new evidence against those arrested, including Col. Benavides. Given the legal difficulties resulting from the prohibition on co-defendant testimony, an ongoing effort to gather additional evidence is required if justice is to be done.

Finally, the Task Force hopes that the investigators and prosecutors in this case will take advantage of every option within the Salvadoran legal code that would permit them to make a strong case against Col. Benavides, the most senior officer currently charged. Specifically, this means that consideration should be given to dropping charges against one of the lieutenants in return for his testimony against the Colonel.

WERE OTHERS INVOLVED? THE INVESTIGATION'S GREATEST FAILURE.

From the day the murders occurred, Jesuit leaders and others have expressed doubt that a crime of such gravity could have been committed without the knowledge and consent of high officials within the Salvadoran armed forces. The High Command, on the other hand, has denied ordering, consenting to, or covering up the murders. The Task Force is very concerned that no serious effort has been made by the investigators to determine whether or not the possibility of higher level involvement is supported by fact.

Need for Further Investigation--Specific Issues.

The need to consider the possibility of higher level involvement would not arise if it were clear, from the facts already established, why, how and by whom the decision to murder the Jesuits was made. In this case, however, it is not clear. A number of issues have come to light since the investigation began that bear on this question, but which have not been seriously investigated. The following is a discussion of some of these issues.

a. **The Meeting of the High Command.** As discussed earlier, a meeting of the Salvadoran High Command, including Col. Benavides, began at 7:30 p.m. on November 15.

According to the military officers who attended the meeting and with whom we spoke, the subject of the Jesuits did not come up at this meeting. Salvadoran authorities argue that the meeting was so large, in any event, that a decision to murder the Jesuits would not likely have been made or announced at such an event. In addition, one of those present, Col. Heriberto Hernandez, then-director of the Treasury Police, later took a polygraph examination in which he was asked about an order to kill the Jesuits and--according to U.S. officials--showed no deception when he denied knowledge of such an order.

Despite this, the Task Force believes that a meeting held immediately prior to the murders, involving the individual charged with ordering them, is of obvious importance to the investigation. To date, not one of those who attended the meeting has been required to give a formal statement concerning the meeting, itself, or any conversations they might have had with Col. Benavides before or after it.

In this connection, the Task Force notes that Col. Sigfrido Ochoa (ret.), a senior official of the ARENA party, has alleged publicly that a second meeting was held that night involving the High Command, Col. Benavides and others with direct operational responsibility in San Salvador. Neither Col. Ochoa, nor those alleged to have participated in such a meeting, have been questioned by investigators.

b. **The Radio Call.** Lt. Espinosa was allegedly assigned by Col. Benavides to lead the operation against the UCA. According to his own testimony, the lieutenant received a radio instruction at 10:15 on the night of the murders to assemble his troops at the military school. Lt. Espinosa did not identify who gave him the order. This means that the radio call was received either from Col. Benavides, while he was still at the meeting of the High Command, or from someone else. In either case, serious questions are raised. If Col. Benavides made the call while still at the High Command, did he do so with the knowledge, or at the direction, of others? If someone other than Col. Benavides made the call, who was it and why would his instructions have been obeyed by Lt. Espinosa?

To date, neither the SIU nor the judge has made any effort to investigate this radio call or to identify the radio operator who may have made it.

c. **The Atlacatl Unit.** The Commando Unit of the Atlacatl Immediate Reaction Infantry Battalion is one of the best-trained and most experienced units in the Salvadoran armed forces. The question is why this elite unit was assigned to the Military School when the

remainder of its battalion was engaged in heavy fighting against the FMLN elsewhere in the city. It is worth noting, in this context, that the first action undertaken by the unit after it was assigned to the Military School on the afternoon of November 13 was to search the UCA. The last action it took before rejoining the rest of the Atlacatl about 6:00 a.m. on the 16th was to murder the Jesuits.

To date, the investigators have not questioned those in the High Command who ordered the assignment and re-assignment of the unit about their motives for doing so.

d. **Military Intelligence and the Search of the UCA on November 13th.** The same unit that allegedly carried out the murders searched the UCA on November 13th, less than three days before the crimes were committed. The SIU took detailed statements from members of the unit about that search. Despite this, none of the statements mentioned the presence throughout the search of an official from Salvadoran military intelligence named Lt. Hector Ulises Cuenca Ocampo. According to later testimony provided by Lt. Espinosa of the Atlacatl, his unit was about to enter the UCA on the 13th when it received a radio call from Lt. Ocampo, who asked him to wait until he arrived. Lt. Espinosa complied.

To date, the investigators have not attempted to establish how or why military intelligence got involved in the search of the UCA, whether a report on the search was filed, or whether any actions were ordered as a result. Not even Lt. Ocampo has been questioned.

e. **Armed Forces Reaction.** Almost immediately after the bodies were discovered, the Armed Forces released an official communique stating their condemnation of "the treacherous murder committed by the FMLN guerrillas." A similar communique was issued the following day.

The investigators have made no effort to determine whether these communications were simply a reflexive reaction on the part of

military propagandists to the crimes, or part of a planned effort, crudely begun at the scene of the crime, to strike back at the Jesuits and gain public relations mileage by blaming the FMLN at the same time.

Need for Further Investigation--General Issues.

The need to investigate questions such as those listed above is strengthened by other factors. These include the nature of the crimes committed, the history of ill feeling between the Jesuits and some in the armed forces, the past record of Col. Benavides and the manner in which the operation that allegedly resulted in the killings was conducted.

a. **Nature of the crimes.** The murders of the Jesuit fathers were crimes of immense national and international importance. The possibility that Col. Benavides would personally conceive of and execute an operation of this magnitude and brutality struck virtually everyone with whom we talked who knew Col. Benavides as extremely remote. Unlike several other senior officers, Col. Benavides did not have a history of political activism; he had not been accused of human rights violations in the past; he was not known to make public statements critical of the Jesuits, or for departing from the chain of command in carrying out his military responsibilities.

Col. Benavides is a member of the Tandon, the powerful 1966 graduating class of the Salvadoran Military Academy. He was a classmate of Chief of Staff Ponce, Deputy Defense Minister Zepeda and then-Chief of Operations, Col. Cerna Flores, all of whom were in positions senior to him when the crimes took place. These are people with whom he has worked on close terms all his adult life. Even if he had considered ordering troops under his command to murder the Jesuits, it would have been consistent with Salvadoran military tradition and his own personal history to have checked first with his superiors to determine whether their judgment confirmed his own. Why risk his career on an action that seemed likely, at a minimum, to prompt grave suspicion of the armed

forces as an institution?

When asked by the Task Force, neither Col. Ponce nor Col. Zepeda could answer these questions. Instead, they expressed the same puzzlement that Members of the Task Force felt about Col. Benavides's possible motives. They argued, however, that they themselves understood the negative repercussions that murdering the Jesuits would have and said that, for that reason, they would never have ordered or consented to such a crime.

Three theories about Col. Benavides' motivation have been put forward by U.S. and Salvadoran officials with whom the Task Force has talked. The first is that Col. Benavides was experiencing great stress as the result of a serious illness to his son which became evident shortly after the guerrilla offensive began. They suggested that Col. Benavides might have attributed his son's illness in some way to the offensive and felt a personal grievance against the guerrillas as a result.

The second theory, which is not inconsistent with the first, is that Col. Benavides may have erroneously interpreted a general exhortation on the part of his superiors to "strike back hard at guerrilla command centers" as an order to kill the Jesuits. One military officer told us that "although Benavides didn't have any 'command centers' in his sector, he did have the UCA, and for some that was the same thing."

Finally, Col. Zepeda, among others, suggested that Col. Benavides may have acted in response to pressure from younger officers under his command.

Col. Benavides has not volunteered any information that would prove or disprove the theories or suspicions thus far put forward. The Task Force believes that the doubts about his motivation in the case provide an important additional reason for investigating the possibility that other senior military officers were involved.

b. History of Military Hostility towards the Jesuits. The long-standing suspicion within the military that the Jesuits were aiding the guerrillas has already been discussed. Col. Zepeda, among others, has made statements to this effect. Threats directed at Father Ellacuria and other Jesuit leaders were broadcast over government-controlled radio soon after the offensive began on November 11. There was an incident at the UCA that same night during which the armed forces pursued FMLN forces across the campus. Two days later, the military reported that firing was coming from inside the UCA and a search was undertaken. A large number of military units were deployed close to the UCA throughout the period in question.

By the 15th, the armed forces were, by all accounts, seriously worried that the offensive might succeed. The decision made at the High Command meeting that night was to strike back hard at guerrilla command centers with air power. Some observers have suggested that the anger and desperation of the armed forces had reached the point where rational political calculations had been superseded by a simple desire to strike back. The Task Force believes that this possibility should be fully explored by the investigators.

3. Conduct of the Operation. Col. Benavides and his troops apparently made a crude effort to frame the FMLN for the murders. One of the soldiers chosen as a triggerman was given an AK-47, often used by the guerrillas. A fake firefight was staged at the scene of the crime. A sign, purportedly written by the FMLN, was left behind. And Col. Benavides wrote in his operations book that a confrontation with the FMLN had occurred at the UCA at 12:30 a.m. on the 16th.

Col. Benavides made little apparent effort, however, to conceal from other military officials what he had decided to do. Instead, if the testimonies provided thus far in the case are accurate, he ordered a unit numbering more than four dozen men, commanded by two lieutenants who had been under his own command for only two days, to assemble in an area heavily populated by other military

units, murder the Jesuits, fire a flare and then return to headquarters.

Whether or not Col. Benavides was acting under orders, it can be argued that he behaved as if he were. He promised his lieutenants that they would be protected and solicited from them no vows of silence or secrecy. He used forces that could be traced directly to him. He turned over his operations book and the AK-47 allegedly used in the murders to the SIU. And the efforts to pin responsibility on the FMLN were so rudimentary that only an all out effort by the military to block a serious investigation could have made them hold up.

All of these circumstances contribute to the Task Force's view that a full investigation into the possible involvement of other senior military officers is needed.

d. Possibility of a Coverup. The possibility that senior officers may have ordered the murders is both strengthened by the failure of individuals within the military to come forward with information about the crimes, and weakened by the apparent cooperation of the High Command in the investigation.

To our knowledge, virtually no one in the Salvadoran armed forces has voluntarily come forward with information that has helped significantly in the investigation. More than 200 military personnel were deployed in the area immediately around the UCA on the night of the murders, presumably with instructions to be awake, aware and watchful. In addition, 45-50 members of the Commando Unit of the Atlacatl participated directly or indirectly in the murders and it is probable--given human nature--that at least some of them shared the information with others in the military.

In addition, the Task Force has been told that three members of military intelligence (DNI) witnessed the crimes from a nearby building, briefly surveyed the murder scene after the curfew was lifted at 6:00 a.m. and informed their superior officers at DNI

upon returning to headquarters. If this account is accurate, it means that military intelligence knew which unit had perpetrated the crimes shortly after the event. This leads, in turn, to the question of whether this knowledge was disseminated within the military, especially at the higher levels, and--if so--how broadly.

The possibility that military officers may have participated in a coverup, or otherwise failed to come forward with information in the case is, to a certain extent, separate from the question of who ordered the crimes. There exists, however, a stronger incentive for those who are guilty than for those who are innocent to cover up the facts in a murder case. In this connection, the Task Force notes that Col. Ponce and the High Command appear to have cooperated fully in responding to requests for information and evidence from the SIU. This cooperation included the transfer of one of the murder weapons to the SIU for ballistics tests, along with the operations book belonging to Col. Benavides.

The expressed willingness of the members of the High Command to cooperate makes it even less easy for the Task Force to understand the reluctance of the investigators to question them individually about any additional knowledge they might have in the case.

Discussion and Findings.

In our judgment, the investigation in the Jesuits' case has failed to delve in any serious way into the possibility that individuals other than Col. Benavides may have ordered the murders. This contention is not disputed by the investigators from the SIU. They consciously adopted a "from-the-bottom-up" approach to the investigation, beginning with the physical evidence and continuing up to Col. Benavides, whose refusal to talk has apparently stopped them cold.

The SIU director, Lt. Col. Rivas, and others have argued that it

is not logical to question senior military officers in the absence of evidence that they participated in the crimes. From the viewpoint of the Task Force, however, that is not the issue. The purpose of an investigation should be to explore all logical possibilities concerning the identity of those directly or indirectly responsible for the murders. The nature of these particular crimes, coupled with the nature of the military command structure and Col. Benavides' past history, lead us to believe that higher orders could have been given. Exploring that possibility does not require the investigators to make accusations; it simply requires them to seek information. This, they have not done.

At a minimum, the Task Force hopes that the Judge, in cooperation with the SIU, will proceed immediately to question the appropriate officials, including those in military intelligence, concerning:

- o the meeting of the High Command on November 15th;
- o the radio call to Lt. Espinosa at 10:15 on the night of the murders;
- o the reasons for the assignment and reassignment of the commando unit of the Atlacatl during the period immediately preceding and subsequent to the murders;
- o the presence of an agent of military intelligence during the search of the UCA two and a half days before the murders; and
- o the possibility that information concerning the identity of those who participated in the crimes was withheld by military officers.

RELATED ISSUES

During the course of its inquiry into the Jesuits case, the Task Force also examined, in less detail, a number of related issues concerning the judicial system, the military as an institution, human rights and the prospects for a negotiated settlement to the war.

Judicial Reform.

It is vital, we believe, that the high degree of public concern about the Jesuits' case, both in our own country and around the world, not obscure the need for reforms that go far beyond the success or shortcomings of a single criminal investigation. The purpose of a judicial system is not to ensure justice in one case or a few cases of special notoriety; it is to ensure professional and systematic efforts to provide justice in all cases.

Unfortunately, the Salvadoran justice system flat out does not work. Although this report will not attempt a comprehensive analysis of that system or of the issues that need to be addressed in order to reform it, there are two matters that are directly related to the Jesuits' case and that are worthy of mention here.

First, El Salvador desperately needs independent criminal investigative capability. The SIU, which was created as part of a U.S.-financed judicial reform effort begun in 1984, is neither independent enough, nor large enough, to meet the nation's needs.

Although the SIU has made an important contribution to the Jesuits' case, among others, it has done so despite an inherent conflict of interest. SIU investigators are military officers. If they want to be promoted, they must have the support of their fellow officers and of the High Command. In the Jesuits' case, the fact that Lt. Col. Rivas has been put in the position of investigating officers of higher rank has gravely complicated his task.

The Task Force hopes that President Cristiani will pursue plans to develop an independent civilian police, with full powers of investigation and full authority to gather evidence in criminal cases. Unlike the SIU, its mandate should be to provide an investigative capability in all cases, not just those of particular political importance.

Second, the Task Force has learned through its inquiry in the Jesuits' case that the Judge plays a role in the Salvadoran justice system that is even more central and more important than in ours. The system simply cannot work if the judge does not make it work. Unfortunately, judges in El Salvador are under-paid, under-staffed, under-equipped and under-protected. They are highly vulnerable--and highly susceptible--to bribery. They are frequently threatened. And they are sometimes killed.

The Task Force hopes that the Cristiani government, with support from the U.S., will develop and implement a systematic program for recruiting, training and protecting judges and other court officers in El Salvador, building on the preliminary steps that have thus far been taken.

Military Reform.

The need for reform within the military is obvious and admitted by the civilian leadership of El Salvador.

The Tanda System. A central feature of the Salvadoran military is the tanda system. A tanda is a graduating class of officers from the Salvadoran military school. By tradition, members of a tanda help each other, advance within the armed forces together, and are loyal to each other. The class of 1966 was particularly large and is known as the Tandona. Its members currently hold most of the key positions within the armed forces.

Loyalty to one's classmates is natural within any institution. Unfortunately, there is evidence that the loyalty among tanda members, and especially members of the Tandona, has overridden

questions of competence, integrity and even criminality of behavior.

Under the tanda system, the most severe punishments accorded even those who commit serious abuses are job reassignments which do not affect rank or pay or prospects for a comfortable retirement. Recent examples of this involving Tandon members include the reassignment of Col. Carlos Guzman Aguilar, who is believed to be corrupt, as military attache in Costa Rica; the reassignment of Col. Hector Heriberto Hernandez, who is believed to be both corrupt and brutal, as commander of the Sixth Brigade; and the continued assignment of Col. Roberto Mauricio Staben, who is believed to be corrupt, brutal and criminal, as commander of the 7th Detachment. Numerous other members of the Tandon remain in positions of authority despite reputations for incompetence, corruption, brutality or all three.

The willingness of the Salvadoran armed forces to tolerate unprofessional behavior from its senior officers damages its military effectiveness, demoralizes its younger officers and diminishes its support among the Salvadoran people. Two groups within the military, one consisting of captains and the other of majors, submitted reports to the High Command last fall complaining about corruption and urging that promotions be based more on merit and less on standing within a tanda. This exercise in internal criticism is encouraging, but it is not clear that the recommendations contained in these reports will be taken seriously.

Human Rights. The most serious test of the professionalism of the military arises when its own members are suspected of involvement in a significant abuse of human rights. Despite the all too extensive experience that the armed forces of El Salvador have had with such suspicions, they have permitted their forces to be investigated only when external pressures forced them to do so. The Jesuits' case is an illustration of this.

Moreover, the armed forces have not yet learned the advantage of

candor in dealing with the public or with their own government when controversial cases arise. During the Task Force's visit to El Salvador in February, for example, a refugee re-settlement village in Chalatenango was rocketed by the Air Force, killing six civilians, following a fight with guerrillas in that same province. Despite abundant physical evidence to the contrary, the armed forces immediately denied responsibility for the attack and blamed the FMLN. Its version was quickly disproved.

This type of denial and subsequent retraction has been repeated many times, including another case that the Task Force looked into, the murder of two suspected FMLN agents near the village of Tres Ceibas in July, 1989. In that case, the two victims were beaten to death separately, one buried at the scene, the other returned to the headquarters of the First Brigade where he was kept without medical care for a week before being transferred to a hospital, where he died. The initial explanation provided by the military was that the two victims had "fallen off a truck".

In September, 1988, soldiers from the Fifth Brigade murdered ten campesinos near the town of San Sebastian. The military immediately said that the deaths occurred during a "firefight" with guerrillas. After the bodies were exhumed and shown to have been executed at close range, the military argued that the FMLN had dug up the bodies, shot them in the head, and re-buried them to make it look as if the Army had done it. Strong pressure from U.S. Ambassador William Walker, coupled with ballistics evidence, ultimately led the military to admit responsibility, but no trial has yet been held.

Discussion and Findings.

From the time it was created, our Task Force has been asked by U.S. and Salvadoran officials to consider the Jesuits' case and other problems involving the Salvadoran military in isolation. We were asked to believe that the difficulties that have arisen were caused by individuals acting on their own, and that they should not reflect badly on the institution, itself. The Deputy

Minister of Defense, Col. Zepeda, attempted to illustrate this point by telling the Task Force that "it would be wrong to blame all the apostles for the actions of Judas."

Without taking Col. Zepeda's comparison too literally, the Task Force agrees that it would be wrong to hold other members of the armed forces personally accountable for the actions of those who murdered the Jesuits, or who have committed other serious human rights abuses. We also believe, however, that it would be wrong to ignore the need for institutional reform within the Salvadoran military.

We are convinced that the military's contribution to the problems of human rights and a paralyzed judicial system are not caused by a few renegade officers; they reside at the heart of the armed forces as an institution. Decades of power, tempered only by the need to maintain a working alliance with wealthy landowners and businessmen, have created an upper echelon within the armed forces that too often finds deference to civilian authority neither necessary nor desirable. The tanda system has insulated many senior military officers from responsibility for their own actions, harming discipline, undermining morale and eroding professionalism. As a result, the armed forces remain unwilling to police themselves, and only accept the right of others to do so when enormous pressure is applied.

The Task Force hopes that the civilian leadership within El Salvador will make a stronger effort to encourage reform within the armed forces, including--

- o the removal of corrupt, incompetent or criminal officers;
- o the replacement of the tanda system with a system based on merit;
- o the adoption of new internal procedures for dealing with allegations that members of the armed forces have violated human rights; and

o the implementation of recommendations by younger officers to reduce opportunities for corruption and to increase accountability throughout the armed forces.

The Need For Peace.

The political extremes in El Salvador feed each other while those in the center starve. With each bombing or land mine or offensive or murder, the space for peaceful political debate diminishes and the progress towards democracy slows.

A negotiated settlement of the war in El Salvador is essential because far too many people have already died or been crippled or driven into exile; because economic and social progress is not possible in the midst of civil war; because neither side can win on the battlefield; because the vast majority of the Salvadoran people are sick of the violence; and because the opportunity for a settlement that meets the minimum conditions of both sides has never been greater.

Peace, if it comes, could--and should--have a profoundly positive effect on some of the problems discussed in this report.

Peace could lead, as President Cristiani told the Task Force, to a restructuring of the military, including the transfer of the security forces to direct civilian control.

It could lead to the removal or retirement of senior officers with less than distinguished records from the armed forces.

It could result in a diminution in the size, and therefore the influence, of the military.

It could help create a political process capable of debating constitutional and legislative questions, including those concerning the proper role of the military in a democracy.

It could spur a serious effort at judicial reform.

It could magnify the effectiveness of the foreign assistance provided to El Salvador, and permit a greater portion of that aid to be used for economic rather than military purposes.

It could reduce or eliminate entirely the physical and economic threats posed by assassination, sabotage and military actions perpetrated by the FMLN.

It could, in short, lend added meaning to Salvadoran democracy; opportunity to the Salvadoran economy; hope to the Salvadoran people; and life, itself, to a nation that has been paralyzed for a decade by a brutal civil war. Both the region and the world within which El Salvador exists are changing; the promise of democratic and nonviolent change has never been stronger or nearer or more important; and the possibility of peace has never been greater.

The Task Force's most important finding, therefore, is also its simplest. El Salvador must have peace.

APPENDICES

The Speaker's Rooms
U.S. House of Representatives
Washington, D.C. 20515

December 5, 1989

Dear Joe:

On November 20, the House adopted H. Con. Res. 236 condemning the recent violence in El Salvador and expressing its revulsion at the murder of six Jesuit priests and two women. In light of the critical importance the resolution places on a satisfactory prosecution of this case, and in an effort to ensure that any progress is carefully monitored, I am appointing a special committee composed of committee chairmen and members who closely follow Central American issues. It will be part of and report to the leadership's Central American Task Force, which has been chaired since 1985 by Chief Deputy Whip David Bonior. I invite you to chair this special committee.

The committee should employ the resources of the relevant House committees and of its members to gather all available information about the murders, those responsible and the process undertaken to apprehend and bring them to justice. Since the murders were preceded by other unsolved political killings and deteriorating human rights conditions, and by the failure of the Salvadoran judicial system to offer either remedy or redress, the committee should examine the way in which these factors contributed or are relevant to the murders. I would expect the chairman to keep me informed of all developments in the case and that the committee would make periodic reports to me as well as to the Task Force.

It is my sincere hope that the murderers of these innocent victims will be tried promptly and punished for their crime and that the committee's efforts will contribute toward this end.

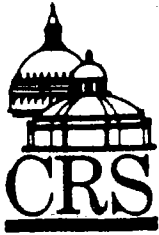
With warmest personal regards, I am

Sincerely,



Thomas S. Foley
The Speaker

Hon. John Joseph Moakley
221 Cannon House Office Building
Washington, DC 20515



(Translation - Spanish)

FOURTH CRIMINAL COURT: San Salvador, at 3:45 p.m., January 18, 1990.

The legal period having expired for investigation of the accused present, Angel Pérez Vásquez, 30 years of age, student, native of Barrio El Tránsito, San Miguel Tepezontes, Department of La Paz, resident in the same place; Tomás Zarpate Castillo, 28 years of age, staff sergeant in the Army, native of Ahuachapán, resident on Final 1st Street East, Barrio La Vega, Ataco, Department of Ahuachapán; Antonio Ramiro Avalos Vargas, 21 years of age, soldier, native of Lourdes, Colón, Department of La Libertad, resident on Fifth Street West, House No. 1-6, Lourdes, Colón, Department of La Libertad; Gonzalo Guevara Cerritos, 27 years of age, soldier, native of Santa María Ostuma, Department of La Paz, resident in Colinas de San Francisco, Street No. 5, lot No. 4, house No. 16, San Salvador; José Ricardo Espinoza Guerra, 28 years of age, soldier, native of Sonsonate, resident on San Antonio Abad Street, No. 2425, Colonia Las Roas, of this city; Oscar Mariano Amaya Grimaldi, 26 years of age, soldier, native of Jiquilisco, Department of Usulután, temporary resident in the barracks of the Atlacatl Battalion; Yussby René Mendoza Vallecillos, 26 years of age, Army Lieutenant, native of La Unión, resident at Residencial Betania, building No. 4, house No. 1, Nueva San Salvador; Guillermo Alfredo Benavides Moreno, 44 years of age, soldier (Colonel), native of this city, resident in Colonia General Arce, Capitán Douglas Varela Street, housing development "E," house No. 7, of this city; and Jorge Alberto Sierra Ascencio, personal data unknown, since he is absent; they are charged with the crime provisionally termed as murder, described and sanctioned in Art. 154, par. 1, related to Art. 153, Nos. 2 and 6, of the same body of laws, against the persons Ignacio Ellacuría; Ignacio Martín Baro; Joaquín López y López; Juan Ramón Moreno Pardo; Segundo Montes Mozo; Amando López Quintanilla, all the above former members of the Society of Jesus; as well as of Mrs. Elba Julia Ramos and her daughter Celina Marisela Ramos; events occurring on November 16, 1989, in the early morning hours inside of the residence of the Jesuit priests, located next to the campus of José Simeón Cañas Central American University (UCA), of this capital city.

From the evidence that appears in the information to date, the following is resolved:

The existence or body of the crime in the events that are being investigated has been established in the corresponding legal steps through the inspection made at the place of the events, whose written record appears on pgs. 1151 /?/ and which in the pertinent section states:

"...On the eastern side of José Simeón Cañas Central American University, the Jesuit University Residence, at 10:10 a.m. of November 16, 1989...on the upper floor of that building there is a grassy area next to the building in which are found four numbered

corpses which were identified through priests Miguel Francisco Estrada and Francisco Javier Ibisate, thus:

Body number 1 corresponds to Amando López, priest, 54 years of age, of Spanish citizenship, who is found in the following position: head to the west, feet pointed to the east, mouth down, left arm bent toward the west, right arm bent to the east; dressed in striped shorts, green terrycloth poncho and green jeans;

Number 2 corresponds to Ignacio Martín Baro, priest, Vice Rector of this University, 46 years of age, born in Spain and naturalized in El Salvador, who is found in the following position: head to the west, feet to the east, left arm to the west, right arm bent to the north, right foot on the left, mouth down; wearing blue sport shirt, black leather belt, gray pants, black shoes and socks.

Number 3 corresponds to Segundo Montes, priest, 56 years of age, born in Spain and naturalized in El Salvador, who is found in the following position: mouth down, feet extended to the northeast; head to the southwest, left arm and right arm bent below the head with direction to the south; wearing beige shorts, beige shirt and green jeans.

Number four corresponds to Ignacio Ellacuría, priest, Rector of this University, 59 years of age, born in Spain and naturalized in El Salvador, who is found in the following position: mouth down, head to the north, feet to the south, left arm to the north, right arm bent toward the face; wearing brown bathrobe, beige shorts with vertical stripes, blue shoes.

In the northern part, one and a half meters away, approximately, from those bodies, is a wall with multiple blood stains of different sizes and near the bodies particles of encephalic mass; entry is made of the mixed construction described previously, to a hallway one and a half meters wide by 20 meters long, approximately, indications being found of blood as if a person were dragged toward the inside of the corridor. Next to the entrance to the corridor, a brown Hush Puppy shoe is found.

In this place, upon inspecting the second room on the right side, the place where the blood indications lead, another body is found, which, according to the priest Miguel Francisco Estrada, belongs to Juan Ramón Moreno Pardo, priest, 55 years of age, and of Spanish citizenship, who is found in the following position: mouth down, head to the west, feet to the east, arms extended toward the southwest, dressed in black corduroy pants, black belt, long-sleeve blue shirt, purple shorts, brown leather shoe on the right foot, Hush Puppies, the same as the one found in the corridor.

And in the third room on the left another body is found, which, according to the priest Miguel Francisco Estrada, belongs to Joaquín López y López, 71 years of age, priest, of Salvadoran citizenship, Director of Obra Fe y Alegría /lit: faith and happiness/, who is found in the following position: mouth up, head to the east, feet to the west, arms bent over the chest at the level of the nipples, and hands semi-closed; wearing a white sleeveless undershirt, brown pants, black belt and shorts with vertical stripes...

Then we went to the west side of the construction, where the kitchen is, and in an adjoining room are found the bodies of two women, who, according to the priest Francisco Javier Ibisate, belong to the cook, Elba Julia Ramos, 40 years of age, approximately, and other general data unknown, who is found in the following position: mouth up, head to the north, left foot to the south and right foot to the southwest, right arm to the northwest, left arm to the southeast, both extended; she is wearing: a blue dress, beige slip, black leather shoes, white bra; and her daughter, named Celina Ramos, 15 years of age, approximately, and other data unknown, who is found in the following position: mouth up, next to the body of the first, head to the north, feet to the south, right arm over the chest, left arm perpendicular to the left side with direction to the north; wearing blue shorts, black, orange, red and beige vertically striped blouse, white leather shoes with laces.

Next, we proceeded to inspect the lower part of the building, finding on the inside passage an undetermined amount of heavy calibre rifle cartridges..."; and, through the legal medical examinations made on the bodies of those now deceased, added to pgs. 1153, 1183, 1188, 1186, 1158, 1109/??, 1104 and 1187 ??, in which the respective forensic doctors determined that the cause of death of the priest Joaquín López López was the lesions produced with a firearm and which damaged lungs, heart and liver, this causing at the same time irreversible thoracic-abdominal hemorrhagic shock; of Juan Ramón Moreno, the destruction of the encephalic mass, caused by firearm lesions, which in turn caused irreversible cerebral hemorrhagic shock; of Ignacio Ellacuría, severe cranial encephalic traumatism produced by firearm lesions which caused the destruction of the encephalic mass and irreversible cerebral hemorrhagic shock; of Amando López, severe cranial encephalic traumatism produced by firearm lesions, which caused destruction of the encephalic mass and irreversible cerebral hemorrhagic shock; of Segundo Montes, severe cranial encephalic traumatism, produced by a firearm, which caused irreversible cerebral hemorrhagic shock; of Ignacio Martín-Baro, severe cranial encephalic traumatism produced by a firearm, which caused irreversible cerebral hemorrhagic shock; of Mrs. Elba Julia Ramos, destruction of the encephalic mass produced by firearm, which caused irreversible hemorrhagic shock; and of the minor Celina Marisela Ramos, severe thoracic and cranial encephalic traumatism produced by firearm, which in turn produced irreversible hemorrhagic shock; the violent death to which the murder victims were subjected being established with the above.

The material participation of the accused Angel Pérez Vázquez was proven sufficiently through his own out-of-court confession, rendered at the General Office of National Police, at 8 a.m. on the 14th of this month and year, which in the pertinent section says: "...That he admits responsibility in having killed a person who was at the UCA facilities, and about that he can say the following: That he is on duty with the fourth company and stationed in the Commando Section of the Atlacatl Battalion, with headquarters at the Sitio del Niño in the Department of Libertad...that on the 15th at 6:00 p.m. Lt. Espinoza gave the order for them to leave the Military School and take a position on the west side of UCA, because of having knowledge that in it there was a concentration of subversives and that they had personnel wounded; so that they left through the back door of that school, they walked along a street that passes by a champerío /meaning not found/ until reaching the Southern Expressway and they posted themselves on a street

that leads to a theater. They had as an order to return at 8:00 p.m. if there were no problems, but since there was a small confrontation in the sector around the theater, where a member of the National Guard died, the Commander of the patrol decided to take positions on the south side of the theater, that he remembers that around midnight a soldier came to call them and took them around the corner of the theater where the rest of the section was located, Lt. Espinoza and Second Lieutenant Cerritos and another lieutenant who the speaker saw for the first time and apparently he is on duty in the Military School; that Lt. Espinoza gathered some of them together and told them that he had received an order, without specifying from whom, but that it dealt with eliminating the intellectual leaders of the guerrillas and that they were inside the UCA, that in addition the soldier Amaya Grimaldi, alias "Pilljay" had the mission of murdering those who were there and that he would do it with an AK 47 rifle, which had been assigned to him for some three months. He also told them that at the moment of withdrawal there would be a flare and later a simulation of a confrontation would take place; later the entire Section of Commandos, plus the soldiers that had been added before that, approached the south side entrance to that university, that since it was closed, the soldiers that went first opened it by force. Now being inside in a disorderly form they advanced to the building where the persons were that they were going to eliminate for which purpose a group of soldiers advanced along the left side and others along the right as if trying to surround the place of their interest; that the declarant remained on the left side in front of a glass door, that in that place there was no electrical energy, being able to observe that several of his companions broke the glass door and entered the lower level, where they proceeded to burn documents. Then the declarant entered through the same door together with Sgt. Molina Aguilar and they opened a wood door by force where there were only books; it was at that time that he heard several shots in the upper part of the building, that about eight minutes later the declarant went up to the second floor of that building and entered a hallway where there were several rooms. When he left for the other side, i.e. outside of the building, he was able to observe several dead persons in that same instant he saw that from the hallway was leaving a tall man with white clothing, that man left and observed the bodies, returning immediately to the inside of the building. It was then that several soldiers were speaking to him saying to him, "Pal, come here," and the man paid no attention. When he was now going to enter a room there was a soldier that fired at him, not remembering if it was shot to shot or in a burst, the speaker being able to observe that the man fell to the floor; the reason why the declarant went near that room in order to carry out the search. And when he was passing over the man at whom they had fired, he felt him grab his feet, to which he stepped back and fired at him, shooting four times...immediately he heard that his companions were saying that it was now time to withdraw, the reason why he left through some stairs until reaching a street where some vehicles were parked, observing that at that moment they set off the flare, he also observed that several of his companions, without knowing who, were destroying the glass of the windows of the vehicles and that in addition a group was simulating a confrontation..." A confession that was ratified by the eye-witnesses to it, Juan Pablo Uribe Vargas and Luis Alonso García González, of ps. 1320 // and 1326, respectively.

With respect to the criminal participation of the defendant Tomás Zarpate Castillo, the necessary evidence has been established through his own out-of-court confession rendered at the General Office of the National Police, at 5 p.m. on the 13th of this month and year, which, in the essential, says, "...that he takes responsibility for the crime with which he is charged in these and on them he can say the following: That he is on duty in the Eighth Company and stationed in the Commando Section of the Atlacatl Battalion, with headquarters in Sitio del Niño, Department of La Libertad, as a staff sergeant...that not until the 15th at 7:40 p.m. did he receive the order from Lt. Espinoza to go with his patrol and to take a position on the south side of the University that is mentioned above i.e. by the street light that is located on the southeast side of said University, since there was knowledge that at that center of studies they were going to take some wounded delinquents/terrorists (D/T), having been led on foot, leaving through the rear door of the School, going to near the Torre Democracia, then he continued crossing the expressway and took a direct street, i.e. on the southern side of that tower until reaching the area of an alleyway that is located on the right side of that street and which leads to another street that ends up at the southern door of that University. In that place, around the alley, he remained until 9 p.m. Then he moved and remembers that he passed by the main southern door that is mentioned before until reaching the Colonial Theater, where he remained until 1:30 a.m. on the 16th, that at that time Lt. Espinoza Guerra talked to him by radio to tell him to move to the east side of his position, remembering that he walked some 100 meters, reaching a wide street that leads to the bank, observing that in that place was part of the Commando Section, Lt. Espinoza, 2nd Lt., Cerritos and another officer that he does not know, but that later he learned that he was from the Military School, that upon his arrival he was introduced to Lt. Espinoza and he told him that they were going to mobilize at the University since they had knowledge that the people staying there were terrorists and that it was necessary to eliminate them, that after that all the section moved toward the UCA facilities, the speaker recalling that his patrol entered through the south door of that university, which was open, then he went down some stairs, reaching a wide street he crossed to the right until reaching a door of metallic mesh, upon reaching it he entered and walked a few meters until reaching another door that is on the left side and which is of wood, in that place the lieutenant of the Military School ordered him to remain in it and not to let anyone leave, that at that moment he heard a sound and on turning his sight to the inside of the room, he was able to see two women, one of them seated on a bed and the other was lying down, that he could see that through the clarity of the moon that was entering the room, later he heard a noise and a shout and several shots, then he heard the voice of someone that was saying "Now," as if he was giving a voice of command and that immediately he heard a round of shots, so that the speaker says that he fired at the two women that he was watching over, not remembering the amount of shots he fired, but that it was shot to shot, that upon being sure that those women had died since they no longer were complaining, he began the retreat through the same door of metallic mesh...that then he went to the main door where he had entered, being able to observe that the rest of the Section simulated a confrontation and they set up a flare, not knowing who did it..."; out-of-court confession that was legally ratified by the eye witnesses to it, Luis Alonso García González and José Fredis Retana Chávez, of pa. 1334 and 1318, respectively.

With respect to the criminal participation of the accused Antonio Ramiro Avalos Vargas, the necessary evidence has been established in a legal form through his own out-of-court confession rendered at the General Office of the National Police, at 3 p.m. on the 13th of this month and year, that in the pertinent part says: "...That he takes responsibility for having participated in the crime that is being investigated and with respect to it he states the following: That he has about five years of being on duty in the previously mentioned Battalion, forming part of the Commando Company, which is commanded by Lieutenant José Ricardo Espinoza Guerra and as executive Second Lieutenant Gonzalo Guevara Cerritos, the sergeant of that company being Oscar Armando Solorzano Esquivel. That the declarant has the nickname of "Sapo" or "Satanas."...He remembers that on the 15th of November of last year, at about 10:00 p.m. they were formed opposite the Prevention Guard of the Military School and at which were present the patrols number 3, 4, 6, and the one of the speaker, and in addition two patrols more were added of 15 members each, still of the Atlacatl Battalion, since the first and fifth patrol of his company had previously left in order to carry out a counterinsurgency mission since he recalls that from the day in which they arrived at that School there had been continuous confrontations with the delinquents/terrorists (D/T) who were attacking the city; that when they were formed, together with the two officers from his company, these two officers took the chiefs of the patrols present there out of the formation and a short distance from that place got them together, recalling that the heads of patrols were: Sergeant Zarpate Castillo, of the third patrol; Sergeant Molina Aguilar, of the fourth patrol; and Sergeant González Rodríguez, who at that time was a corporal, of the sixth patrol; all of his company, as well as also in the command of another patrol added was a sergeant who they called "Salvaje," not knowing the name or nickname of the head of the other patrol, but they also did form part of that gathering; that being together, the Company Commander told them that they would go out to carry out a delicate mission and one that was ordered from above, the senior officers not specifying who was giving that order; then they told them that the order was to locate some priests who were in the UCA University, because they were the leaders of the D/Ts, whom they were supporting with everything, whether in the logistical, transmissions, suggestions for the attacks on military installations and the civilian population; that this mission was going to be carried out secretly, since there too they would find subversive material that would be useful to them, among this medicine, shoes and clothes. So the declarant and his other fellow patrol commanders as soldiers and subordinates that they are, agreed to carry out that order, since if they did not do it the speaker thought that they could classify him as a traitor and as he again repeats, he is a soldier loyal to his superiors and because in addition, they understood that those persons that they would confront were D/Ts of the FMLN. After that they left in two Ford 250 pickups, beige, which are assigned to that school, that being in the vehicles, a lieutenant of that School arrived, whose name he does not know but he can recognize him if he sees him, who was in military uniform, not remembering if olive green or camouflage, who came out of the inside of the building of the School where the Guard Commander was and who had in his hands an AK 47 rifle of the small type, also carrying in his hands some long chambers for the same rifle and carrying an M16 rifle of the small type on his shoulder; he then approached where they were in the vehicles and asked: "Which of you has knowledge and can handle this weapon?" He showed them to them at that same instant, so that everyone said aloud, "Pilijai can handle that weapon," referring to the soldier of his

patrol with the last names of Amaya Grimaldi, observing that the soldier mentioned got out of the vehicle and went to take the AK 47 with the chambers, proceeding to handle it and at the same time he made the comment that the rifle was completely dirty and that it was not going to operate at the moment it was used, so that immediately Sergeant Solorzano Esquivel, who was in one of the vehicles, got out and provided that soldier with oil and other tools so that he would clean that weapon, taking some 10 minutes in the cleaning of it, and after that he tried it again, being satisfied with the cleaning he had done...that when they reached UCA it was about 1:00 a.m. already of November 16; that immediately and after going down those steps they took the right along a paved street until reaching where there was an open shed and there he saw some vehicles parked, then they continued the march and a few meters from that place they crossed to the right, passing in front of a chapel, upon turning right, they went up some steps, coming to a main door, observing that it was locked and with a key, and alongside this door there was metallic mesh that surrounded the residence where the Lieutenant of the Military School said the terrorist priests were living, so that they decided to jump that fence on the right side of that door, the officers entering and the speaker accompanied by his patrol through that place, now inside of the property, they surrounded the rooms of it; then they began to beat on the doors and windows of it, observing that one of his soldiers, not recalling who he was, was beating with a piece of wood that they had found along the east side of the room where the priests were sleeping, he was beating a door that was behind and to the side of the residence, but after about 10 minutes of beating on those doors and windows the door that they were beating with the chunk of wood was opened by a blond man in pajamas, not recalling their color, who told them not to continue beating the doors and windows because they were aware of what would happen to them; then the speaker led that man to the part in front of the residence and where there is grass, observing that at that time also coming through the door that is in the front part of that residence were four other men, among them some dressed in pajamas and others in pants, some with sandals and others with shoes, who were also gathered together next to the one he had under his custody and on seeing that just he together with Amaya Grimaldi were watching over the five men and that they lacked trust, that they could react against them, they chose to have them lie down on the grass, at that instant, Sergeant Solorzano Esquivel entered the rooms, with four more soldiers of that patrol, to see if there were more persons inside; a few minutes later after Sergeant Solorzano Esquivel had entered with the soldiers, Lieutenant Espinoza Guerra, who was with the lieutenant of the Military School along the steps at are at the entry to that residence, called him, so that immediately the speaker who was in front of the door to that residence walked a few steps to the steps, leaving Amaya Grimaldi watching over the five men, that on reaching where Lieutenant Espinoza was, he told the speaker: "At what time are you going to proceed," the speaker understanding as an order to eliminate the five men that they had face down, so that he went back where Amaya Grimaldi was; that the five men were face down, lined from north to south, with their heads toward the west, and their feet stretched toward the east; that the soldier Amaya Grimaldi was on the side of the heads of the first three who were from south to north and the declarant was located in front of the other two who were on the north side of the row; then he approached that soldier and in his ear said to him in a low voice: "Let's proceed," so that immediately Amaya Grimaldi, with the AK 47 rifle that the lieutenant from the School had given him, began to fire at the three men that he had in

front and the speaker with his M16 rifle proceeded to fire at the head and body of the other two that he had in front of him, at that moment he also heard shots inside that residence and that it was where Sergeant Solopzano Esquivel had entered with the four soldiers...so the speaker began to walk toward the entry door of the residence on the side of the chapel, it being at that time that he was joined by the soldier Jorge Alberto Sierra Ascencio, who was providing security, but before reaching that main door, which was now open, he heard that from the inside of a room that is near that door, some persons were moaning, so that he immediately thought that it was persons at whom they had fired and they were not dead, that on looking toward that place he observed that the room was without the light on and with the door open, so that he told the soldier Sierra Ascencio to go to see and being at the door of that room, the declarant lit a match, observing that inside of it there were two women spread out on the floor and who were embracing, moaning, so that he ordered the soldier Sierra Ascencio to rekill them, so that the soldier with his M 16 fired a round like of 10 cartridges toward the body of those women until they no longer moaned...that now being in front of the parking lot that is by the chapel, one of the officers, not remembering who, told Corporal Cota Hernández to fire his 40 mm grenade launcher of illumination, which would serve as a signal for uniting the rest of the staff that still had not arrived." The above transcribed out-of-court confession was ratified in legal form in this Tribunal by the eye witnesses to it, Edgar Guzmán Urquilla and Mario René Ortiz Fabián, ps. /illeg./, respectively.

With respect to the accused Gonzalo Guevara Cerritos, his criminal participation in the crimes that are being investigated has been established sufficiently, through his own out-of-court confession rendered at the General Office of the National Police at 1:00 p.m. on the 13th of this month and year and which, in the essential part, says: "...that he does not take responsibility for the acts with which he is charged in these proceedings, but about it he can relate the following: that on November: 13 of the recently past year, at about 4 p.m. the declarant left the Atlacatl Battalion together with Lieutenant José Ricardo Espinoza Guerra, Commander of the Commando Section, and 135 troop members, in some four military vehicles headed for the Capitán General Gerardo Barrios Military School, the place where they would remain in reserve under the command of Col. Alfredo Benavides Moreno, Director of that School...that it was not until the 15th of November at about 10 p.m., that being in the Colonia Arce together with six soldiers of the troop and Lieutenant Espinoza, a call was received by radio to reconcentrate at the School, being for that reason that the order was obeyed, Lieutenant Espinoza reporting to Colonel Benavides that they were now present, three patrols missing with which it had not been possible to make contact, they being those of Sergeant Cordova Monge, located around the Colonial Theater, and the one of Sergeant Haum y Samson, who were around some old buildings located on the west side of UCA University; that after that they went to rest at the place that they had assigned at that School and that at about midnight of that day, the 15th, the Director of it, ordered them called and upon reaching where he was, with him was Lieutenant Mendoza Vallecillos, Colonel Benavides telling them, "Well, gentlemen, we're staking it all, it's either us or them, since they have been the intellectuals that have led the guerrillas for a long time." That in addition, after stating that he added "that there was Lieutenant Mendoza and that since he is a comrade of Lieutenant Espinoza and has more seniority,

he would be the one that was going to direct the operation, since already Espinoza's soldiers know where the Jesuit fathers sleep and I don't want witnesses." Then the three officers left, being led by Lieutenant Mendoza, towards his tent; then the declarant with Espinoza gathered together the chiefs of patrols that were there and relayed to them the order that they had received from Colonel Benavides; ...that now being ready, in two Ford pickups they went until getting to the west side of UCA University, between the old buildings and the Colonial Theater, since there they got out of the vehicles and joined the other patrols that were posted near that place...that it was there where Lieutenant Mendoza communicated to all of them the order that had been received from the Director of the School and at the same time began to give the instructions, leaving on foot for the southern entrance to said University...that when the speaker got to where there is a roofed parking lot, he observed that some soldiers were jumping over a metallic mesh, which is to the right of a two or three-story building, in which he supposes the Jesuit fathers lived...after being in that parking area some two minutes, he went toward a garden that is near a traffic circle, staying some 30 meters away from the previously mentioned building, where he observed some steps to the side of where he was; that being in that place, he heard shots on the other side of that building, not being able to specify what calibre the detonations were, since they sounded as if they were inside a building, so that the declarant was afraid and decided to look for the exit, i.e. the part through which he had entered, running into Lieutenant Espinoza, who was around where there are some steps near that main door...but when they were some 100 meters before getting to it, there were loud explosions, rounds of machine gun, shots from an M 16 rifle, supposing that the loud explosions were Law anti-tanks, not knowing if he was hearing shots from an AK 47, but he did observe that they sent up a flare inside the UCA...this shooting for a period lasted some 15 minutes more or less..." The out-of-court confession above was legally ratified by the eye witnesses to it, José Lázaro Martínez and Milton Oswaldo Escalón Fuentes, whose judicial statements are found on ps. 1341 and /illeg/, respectively.

With respect to the accused José Ricardo Espinoza Guerra, his criminal or material participation in the crimes being investigated has been established sufficiently through his own out-of-court confession offered at the General Office of the National Police, at 11 a.m. on the 13th of this month and year, where however he does not take responsibility for the acts of which he is accused, in the course of it he admitted having participated in the crimes for which they are being tried; said statement, in the essential part, says: "...that he does not assume responsibility for the acts of which he is accused in these proceedings, but about them he can state the following: That he is on duty as Commander of the Company of the Commando Unit of the Atlacatl Immediate Reaction Infantry Battalion, with headquarters in the canton Sitio El Niño, Department of La Libertad...over the course of the 13th, 14th and the 15th of November of last year, recalling that this latter day, at about 5 p.m., all the unit was occupying several positions in different sectors of the periphery of the Military Complex...it being about 10:15 p.m. of the same day, the 15th of November, when the unit was still occupying the previously described positions, that he received an order by radio to regroup with his unit at the installations of the Military School, so that the declarant began to radio all the patrols, but it became impossible to sustain communication with Nahum, Salvaje, and Samson, as well as with Lagarto's patrol,

so that he only returned to the Military School with the patrols of Satanas, Maldito, Rayo and Acorralado, including with Second Lieutenant Cerritos and Sergeant Solorzano Esquivel, now being in that institution, at about 10:30 or 11 p.m. of the same day, the Logistical Officer of the Battalion, gave him the supplies...that at about 11 p.m. on the same day, Nov. 15, he received the order to appear before the Director of the Military School, Col. Benavides, who was at the Operations Center of that school, so that the speaker headed for that place, then Lieutenant Yushy René Mendoza Vallecillos arrived, who asked him about Lt. Cerritos, the speaker answering that he was around there, to which Lt. Mendoza told him, "My Colonel Benavides wants to talk with you," so that he ordered Lt. Cerritos called, the latter coming at that moment and with the three together, i.e., Lt. Mendoza, Lt. Cerritos and the declarant, at about 11:15 p.m. on the 15th, Colonel Benavides appeared in the room where they were, who told them that they would go head for the main office, because there were a lot of people there, that was how Lieutenant Mendoza, Second Lieutenant Cerritos and the declarant accompanied Colonel Benavides, toward the office, then in that place, Colonel Benavides told them the following: "This is a situation where it's them or us; we are going to begin with the leaders, inside the sector of ours we have the university and there is Ellacuría," after this he pointed to the declarant and told him, "You did the search and your people know that place, use the same force as the day of the search and he must be eliminated and I don't want witnesses, Lieutenant Mendoza is going to go with you as the one in charge of the operation so that there won't be any problems." So that the speaker told Colonel Benavides that that was a serious problem and the Colonel answered him: "Don't worry, you have my support." That after having received the above order, Lieutenant Mendoza Vallecillos offered the speaker and Lieutenant Cerritos some camouflage bars...moments later Lieutenant Mendoza appeared, who asked the soldiers if one of them could handle the AK47 rifle, observing that the soldier Oscar Mariano Amaya Grimaldi answered that he could handle it, to which Lieutenant Mendoza told the soldier, "Vitiri, you are the key man," taking him away immediately; that at about 12:10 a.m. on November 16, the unit now being ready to leave and formed opposite the Prevention Guard of the Military School, he observed that the soldier Amaya Grimaldi was seated along some steps of the Prevention Guard and that at that same moment he saw that Lieutenant Mendoza was coming from inside the school installations, carrying an AK 47 rifle, which he immediately handed over to the soldier Amaya Grimaldi; Lieutenant Mendoza immediately ordering taking up the trip on board two Ford 250 pickups, the speaker recalling that at that moment they were a total of 36 people, but since not all the people fit, part of the group remained, awaiting a second trip, the first group leaving immediately together with Lieutenant Mendoza and the speaker in the second vehicle Lieutenant Cerritos, having taken the road toward Santa Tecla...then they take Mediterráneo St., until reaching the pedestrian entry to UCA, the soldiers having forced the door, then they entered the facilities of the University until reaching the two-story building belonging to the residence of the priests, observing that Amaya Grimaldi was going alongside Lt. Mendoza, as well as his assistant, whom the speaker does not know, that at about 1:15 a.m. on the same day, the 16th, he observed that the personnel were beginning to bring a group of priests, not counting how many there were and they ordered them to spread out on a lawn in front of the building, so that on seeing this the speaker opted to withdraw little by little from that building, since he felt bad about what he was observing, withdrawing with his eyes tearful, but when he had reached the steps that are located

about 15 meters from the building, he heard some voices, not being able to identify them, and they said: "Quick, Quick, let's give it to them quick," so then he began to hear several shots one by one but quick, not recalling if he had heard bursts..and when they were around the Colonial Theater, they heard detonations of Law rockets, grenades and bursts of rifles and M 70 machine guns,...and on looking to the facilities of UCA, the speaker managed to observe that the sector was illuminated by flares...then the declarant sought Colonel Benavides, in order to complain to him, since he was indignant about what had happened but upon not finding him, he chose to meet with his staff and moments later Colonel Benavides arrived, who told him, "What's wrong with you, you're worried," to which the speaker answered him, "My Colonel, I haven't liked this thing that's been done." ?And he told him, "Calm down, don't worry, you have my support, trust me," to which the speaker answered, "I hope so, my Colonel.." The out-of-court confession above, which has been ratified in legal form in this Tribunal by the witnesses that have witnessed it, Jose ...Reta...Chavez and Douglas Alberto Tejada Maldonado of ps. 1332 and 137/, respectively.

With respect to the accused Oscar Mariano Amaya Grimaldi, in this report his criminal participation has been established sufficiently, through his own out-of-court confession rendered at the General Office of the National Police, on the 14th of this month and year at 10 a.m., who, in the pertinent part, stated: "...that he takes responsibility for having participated in the death of three Jesuit priests, whose names he does not know; that on that same event he can say the following: ...but he does remember that it was about midnight of the 15th of that month, on the occasion when he was asleep, his patrol commander woke him up and at the same time told the declarant that he had received the order that they were going to kill some D/Ts who were inside the UCA University, recalling that they gathered together the troops of his battalion somewhat near the headquarters of the Guard of that School, and being in that place, an officer arrived, who is from the Military School, whose name he does not know, but he is of the following description: medium height, slim, clear dark skin, young appearance, whom he could point out in case it should be necessary, who had an AK-47 rifle in his hands, which was handed over to the speaker, not remembering at this moment if it was this officer that handed it over to him directly or if it was Lieutenant Espinoza, since he was next to the officer from the school; but he does recall that the chambers for this weapon were handed over to him by the official whose name he does not know; that before going to carry out this mission, the declarant did not know directly whom they were going to go to eliminate, but he did suppose that really it was terrorist leaders, due to the situation that was occurring in those days, referring to the offensive launched by them; that now everyone in the School being ready they boarded two Ford 250 pickups and together with the three officers already mentioned, they left for the university, having gotten out of the vehicles where the old previously described buildings are, where the declarant saw that there were more personnel of the same, i.e. those that previously had been posted in that place; that it was there where he received the latter instructions, the declarant asking his section commander with whom he was going to go, if he was joining his patrol, since he saw that it was the one that was heading the column for the place indicated. It was at that moment that the officer of the school said to him, "You're the key man," the speaker understanding that he was the one who would be in charge of killing the persons that were in that place; so that

from there the speaker went together with the officer from the school and Espinoza, since with them he entered through the previously mentioned door, but along the way Lieutenant Espinoza told the declarant, "Hide that shit," referring to the AK47 rifle that he was carrying; that arriving at the door it was already open, not knowing what was done to open it by the first who arrived, going down some steps just after entering this, then walking passing by a parking lot, then he crosses to his right and at that instant observes that now the officers have not remained behind him, that he reaches some steps that are on the west side of a chapel, goes up the steps and reaches a metallic mesh which he jumps, heading along a covered passageway that leads to some dorms; but when he reached that place there were already troops up ahead; since he was hearing a disturbance around those places such as if they were breaking window glass; that he continued through a green zone until arriving at a door where he saw a hammock; which was empty; that being in that place the speaker said "Let's see what time they leave here, according to you I have time to be waiting for them: being able to observe that at the same moment a man came out who he could not figure out from what place he had exited; but he stopped opposite the hammock and said, "wait for me, I'm going to open for you, but don't go on creating that disorder." That this man was dressed in a brown night shirt; but at the same time after having said that they would open he withdrew, the declarant remaining standing in front of that door that is transparent, balcony type; that when he was waiting he heard the voice of someone that told him, "Hey, Piliyay, they're coming out here," calling him since he is known by that name, not recognizing the voice of the companion that called him, but in going to the place that was the end of the corridor from which he had passed, he saw that already outside was the person that he had seen before and near him was Sergeant Oscar Solorzano Esquivel called Hercules, Avalos Vargas and another one whose name he doesn't remember, then other persons, all male, began to come out; since he saw a total of five come out, whom sergeant Avalos Vargas ordered to spread out on the ground, so that they spread out, falling on the grass; that at those precise instants in that place is the speaker with Sergeant Avalos Vargas, not knowing what is done with the other two that are mentioned before; that in that moment the speaker felt that those persons were delinquents/terrorists, that when they were now spread on the ground; the speaker saw the officer from the school and Espinoza, that they were some 10 meters away from where he was; that also at that moment the speaker places himself in front of them, i.e., of the civilians, and observed that Avalos Vargas began to fire at those that he had the closest and the declarant also, on seeing that he had begun, fired at the other three that he had the closest, observing that the ones that he shot he was getting in the head, then he fires at all of them or in other words the five, but in order to get the ones that Avalos Vargas had fired at, he hit a wall behind; that he does not remember if those persons said some words before they were killed; that among the three men that the speaker shot first was the one who was wearing the brown night shirt previously mentioned; that the declarant fired the shots with the AK 47 rifle and Avalos Vargas with his M 16 rifle; also in those instants he heard the voice of Lieutenant Espinoza, who gave the order to corporal Cotta Hernandez, telling him, "Put them inside even if dragged," the speaker not observing the position that the corporal had; also at that moment he saw that a sixth person also of the same sex was coming out of those facilities along the same passageway, who said, "Don't kill me because I don't belong to any organization," and immediately he returns inside. Then the declarant leaves that place for where some vehicles were, where he

remained a few minutes; but being in that place, he heard several shots inside the premises, in the place where the person that returned had gone; that the shots heard were supposedly from an M 16 rifle from where they had jumped over the metallic mesh, opposite the walkway, not knowing at that moment who was shooting..that after having had a beer, the declarant left that place, observing that in those moments the School Lieutenant comes and Espinoza, who asked if they had not observed the sign for retreat, which ahead of time they had agreed on, that he was going to send up a flare; but until that moment the speaker had not observed such a signal, hearing that Espinoza, now in the street says to Lieutenant Cerritos to fire the other flare and this one the speaker does observe that he fires it...then the officers leave the facilities and the patrol of the sergeant called "Salvaje" stays, to which the declarant added himself voluntarily and he fired with his weapon against the building from which the civilian persons had come; that in addition the speaker fired a Law anti-tank that he was carrying; that after firing against the building they left those facilities through the same entry gate, observing that a fire had started on the lower floor of that same building...that this operation at the facilities lasted for a period of more or less an hour, since he recalls that the military school, they returned at about three in the morning...that now being at that school the speaker went to the guard headquarters and picked up his weapon and equipment that he had left there at the time of receiving the AK 47 from the officers of the school that had handed it over to him." Out-of-court confession that has been ratified legally in this tribunal by the eye witnesses to it, José Lázaro Moreno Martínez and Milton Oswaldo Escalón Fuentes, 1341 and 1313, respectively.

With respect to the accused Yusshi René Mendoza Vallecillos, his material participation in the events investigated was proved in the corresponding legal step through his own out-of-court statement, in which he confesses to his participation in them and which he rendered at the General Office of the National Police of this city on January 13 of this year at 9 a.m. and that, in the pertinent part states:...that he does not confess to having participated in the death of the Jesuit Priests, but with respect to this event he can relate the following: that he is on duty as the Section Commander, in the Capitán General Gerardo Barrios Military School; that on November 15 of last year, at about 11 or 12 midnight, approximately, he received an order to appear before Colonel Guillermo Alfredo Benavides Moreno, Director of the Military School, in his office, i.e. in the Directorate, so that he immediately headed for the office, observing that in the corridor of that office was Colonel Benavides Moreno, together with two officers, of which he was able to recognize Lieutenant Espinoza Guerra, since he is his classmate, but not the other, but he later heard them call him Lieutenant Cerritos; that upon approaching them, he gave the message to Colonel Benavides that he was present, and immediately after that the colonel touched him on the back and said, "Look, Mendoza. Are you going to accompany Espinoza to carry out a mission? He already knows what it is," to which the declarant responded, "That's fine, my colonel." That after receiving that order, they all left, but when going down the steps that are by the office, Espinoza addressed the speaker, asking him where he was going to be, answering him that he would be in his tent, then Espinoza told him that he would go to prepare his people, the speaker withdrawing to his tent, where he began to camouflage his face and about 20 minutes later Lieutenant Espinoza arrived

at his tent, and asked him to lend him a camouflage bar, with which he too camouflaged his face; that about five minutes later, Second Lieutenant Cerritos also showed up at his tent, who was accompanied by two more people, unknown to the declarant, but he deduces that they were from Espinoza's unit, then they remained in his office, which consists of his bedroom, and his office, divided by some walls and door; that after Lieutenant Cerritos and the other two arrived, the speaker went inside his bedroom to continue preparing his equipment and being in this place with the door closed, he managed to hear Lieutenant Espinoza say, "Remember where we went the day before yesterday," not recalling if he mentioned the word mission or search to them; moments later the declarant left his tent, leaving Espinoza, Cerritos and the other two in his office, heading to the sector of the Guard Command of that School, observing that in the parking lot in front of the Command there were two Ford 250 pickups parked and aboard them were between 10 and 15 soldiers, completely equipped; that when he had been about 5 or 10 minutes approximately at the Prevention Command, he observed that Lieutenant Espinoza, Second Lieutenant Cerritos and the two strangers were coming toward him, Espinoza saying to him, "Now we're ready, we're going to go in those two vehicles," pointing to him the two vehicles that he mentioned previously, so that at that moment the declarant boarded the latter of the two vehicles, getting on the floor of it, so that he was unable to observe if more personnel were in the cabin, not knowing in which of the two Espinoza was or the other two strangers that were with Cerritos. Leaving the School at about 1:15 a.m. of the 16th, taking the following route; they left through the main gate of the Military School, they traveled on the street to Santa Tecla until reaching the turn around the Church of Guadalupe, crossing to the South Expressway, going to the Mortgage Bank, where they crossed on the street that leads to Colonial Theater, unloading opposite some uninhabited buildings, those vehicles returning; that when they were opposite those buildings, Lieutenant Espinoza whistled at the personnel that were in that sector, the declarant observing that immediately between 20 and 25 members of the troops joined them; then the speaker saw that Lieutenant Espinoza met with some 7 or 8 men and began to talk to them. He could not hear what he was saying to them, since the speaker was some 10 meters away. After the meeting, Lieutenant Espinoza approached the speaker they told him that they were going through the UCA sector, without specifying to him what it was they were going to do. Then Lieutenant Espinoza gave the order to march and the unit formed a column and began to walk, arriving at the Colonial Theater, crossing on Mediterráneo St., until reaching the south entrance to UCA, the declarant having gone to the end of the column, observing that through that door the personnel were entering, since it was open. Then the declarant followed the column, which was making its journey along a street that borders all of the southern side of UCA, passing opposite some tall buildings, which were to the left side, where they were walking, passing by some houses that are on the right side, until reaching opposite a house that seemed to be of two stories, seeing that at the end of this house the soldiers were penetrating the second floor, it being the case that on observing that Lieutenant Espinoza was surrounding the building, he decided to follow him, arriving at the back part of the house, entering through a mesh door, which was open, seeing that Lieutenant Espinoza was going some five meters ahead of him and crossing a covered corridor, but now he didn't follow him and he entered the two-story building, through a door that was open, seeing that inside of the first room, some soldiers were searching it and that in it seated on the bed were a fat woman and another that was covered with her,

whom he illuminated with a lamp that he was carrying, leaving the soldiers in that room, and the speaker continued walking, passing through a kitchen, then through a dining room and a laundry, getting to the clothesline, places where he didn't find anyone; that when he was around the clothesline, he heard a series of shots, in a continuous form, not as a burst, by the outside part of the two-story building, so that the speaker thought that they had been surprised by the enemy and he chose to leave the building, doing it through the first door that he found more or less around the kitchen, so that he could no longer see the two women and the soldiers that were in the room, going out to the covered corridor and he went searching for the place where he had heard the shots, but on getting almost to some steps, he observed that Lieutenant Espinoza was returning along the same corridor and he told the speaker, "Let's go," so that on seeing that he was retreating, he opted to follow him, but when they went out to the street that is in front of the building, he heard other shots in the same form as the first ones, continuing his march passing by a parking lot where some vehicles were parked. He also saw that several soldiers were there and others that were now in retreat searching for the exit through the south door; that when he was now outside of the UCA installations he heard bursts of shots, distinguishing an M 60 machine gun, law rockets, explosions such as of grenades and he saw flares; that he remembers having seen smoke from the building, around the place where the soldiers had entered; that the withdrawal from the University he made along the same Mediterráneo St., until reaching the Colonial Theater, crossing the street that passes in front of the unoccupied buildings and upon reaching these buildings he observed that the two pickups were parked, the declarant having boarded one, remaining something like a period of five minutes to wait for all the personnel to arrive; that after that Lieutenant Espinoza boarded another vehicle or the other pickups and ordered them to withdraw from that place, the speaker observing that most of the soldiers remained in that sector, while others got in the pickups they began the trip to the Military School, passing in front of the Colonial Theater on Mediterráneo St., going by the Guadalupe Basilica, then they went along the street to Santa Tecla until reaching the main entry to the School, where he saw that Lieutenant Espinoza headed for the office of Colonel Benavides Moreno, not knowing what they talked about. The speaker then headed for his tent to rest. The speaker adds that when he met up with Lieutenant Espinoza in the covered corridor at the UCA installations, after having heard the first shots, he asked him, "What's going on here?" to which Espinoza answered, "Let's go, let's go, here they're giving it to some terrorist leaders." He also remembers that when they met by the south entrance to UCA, he observed that a soldier he does not know was carrying a light brown valise, as he managed to see, not knowing the contents or destination of that valise..." Out-of-court confession that has been ratified in each and every one of the parts by the witnesses to it, in this Tribunal, Luis Irineo Díaz Hernández and Julio César Polio Gómez, ps. 1316 and 1320, respectively.

Out-of-court confessions of the previously mentioned accused, which meet each and every one of the requirements established by Art. 496 Pn. Pr. through which they are evaluated by this Tribunal as sufficient evidence of their material participation in the crimes with which they are charged; the above complemented with the court statement rendered by the witnesses Eduardo Antonio Cordova Monce, which is added to ps. of the case, and the technical expertise used on the sign found the day of the events on the pedestrian gate of UCA, which is added to ps. 640 and ss. of the case, where it is

determined that the writing of Second Lieutenant Gonzalo Guevara Cerritos and the writing of Sergeant Antonio Ramírez Avalos Vargas present similar characteristics to the writing on the previously mentioned poster.

With respect to the absent accused person, Jorge Alberto Cierra Ascencio, data on whom are unknown because of his absence, sufficient elements of judgment exist through the steps taken in order to calculate that he had participation in the events investigated, so that the procedural case is considered established.

With respect to the accused Guillermo Alfredo Benavides Moreno, sufficient elements of judgement exist in the case in order to consider established his participation in the events investigated; in the first place, the statement rendered through sworn certification by the Chief of the Joint Staff of the Armed Forces, Artillery Colonel of the Staff, René Emilio Ponce, which is added to pgs. 1221 and sub. of this report and, in which he states: "...as a consequence of the terrorist actions that were affecting this capital city from the hours of the night of the 11th day of November, I ordered reinforcement of the security deployment for the defense of Colonias Manuel José Arce and Palermo, as well as of the military complex formed by the National Intelligence Directorate, the Cap. Cral. Gerardo Barrios Military School, the San Benito Battalion of the National Police, the Joint Staff of the Armed Forces and Ministry of Defense and Public Security, since they evidently constitute objectives of that terrorist aggression; in addition, in order to coordinate that security directly, I ordered the formation of a Security Commando, with headquarters in the Military School listed above, under its director Colonel Guillermo Alfredo Benavides Moreno, which began to operate in the afternoon of the 13th of the same month; that security deployment, established with the goal indicated, included the area of the José Simeón Cañas University, detailing below the Military Units, their location and list of their members, who, in compliance with their mission described above remained in places near that university in the period included from 6 p.m. of the 15th until 7 a.m. on the 16th, both dates of the same month, according to registries at the Staff..." and, in second place, with the out-of-court confessions of the accused, Yusshi René Mendoza Vallecillos, José Ricardo Espinoza Guerra and Gonzalo Guevara Cerritos, related previously, with which and other probatory elements collected in the process to date, have a concatenated and logical relationship so that it is considered established that said accused person participated in the acts investigated as the intermediate perpetrator of them (Art. 46 No. 2CPn.)

For the reasons given above, and on the basis of that is contained in Art. 247 of the Penal Code. **THE PROVISIONAL ARREST IS ORDERED OF THE ACCUSED:** Guillermo Alfredo Benavides Moreno, Yusshi René Mendoza Vallecillos, José Ricardo Espinoza Guerra, Gonzalo Guevara Cerritos, Antonio Ramiro Avalos Vargas, Tomás Zarpate Castillo and Angel Pérez Vásquez, and of the absent accused person Jorge Alberto Cierra Ascencio, of description mentioned previously, for the crimes termed provisionally as "murder," (Art. 154 Penal Code) in the persons of Ignacio Ellacuría, Segundo Montes, Ignacio Martín Baro, Juan Ramón Moreno, Amando López, Joaquín López y López, Elba Julia Ramos and Celina Ramos; those accused person shall continue present in the detention in which they are

found on the order of this Tribunal; the corresponding warrants for arrest against the absent accused person shall be issued; strict compliance with Arts. 47 and 722 of the Pn. Cd. is to be given.

According to what is provided in Art. 267, Pn. Pr., a lien is declared on the property of the accused Guillermo Alfredo Benavides Moreno up to the amount of 40,000 colons for each of the acts of which he is accused; Yusschi René Mendoza Vallecillos up to the amount of 35,000 colons for each of the crimes of which he is accused; José Ricardo Espinoza up to the amount of 35,000 colons for each of the events investigated; Gonzalo Guevara Cerritos up to the amount of 30,000 colons for each of the acts of which he is accused; Antonio Ramiro Avalos Vargas up to the amount of 25,000 colons for each of the acts of which he is accused; Angel Pérez Vásquez up to the amount of 20,000 for each event and Jorge Alberto Cierra Ascencio up to the amount of ...colons for each of the crimes of which he is accused. The Justices of peace being commissioned to oversee the respective writs of attachment: Fourth Court of this judicial district to oversee that of the first accused person; First of Peace for the Department of La Unión for that of the second accused; First of Peace of the Department of Sonsonate to oversee that of the third accused person; Justice of Peace of Santa María Ontuma, Department to issue the writ of attachment of the fourth accused person; Justice of Peace of la Libertad, Colon for the fifth accused; Justice of Peace of Ataco, Department of Ahuachapán that of the sixth accused; Justice of Peace of San Miguel Tepazontez, Department of La Paz for the writ of attachment of the seventh accused and Fourth of Peace of this judicial district for that of the eighth accused person.

Document to be sent to the Director of Penal and Readaptation Center so that he will report to this Tribunal if the prisoners mentioned have a penal background or cases pending or concluded against them.

Document to be sent to the justices of the criminal courts of this judicial district so that they will report to this Tribunal if pending or concluded cases exist against the accused mentioned.

The corresponding report of this office is to be given to CENIC, for the subsequent legal effects.

In accordance with what is established in Art. 106 Pr. pu. this resolution shall be made known to the accused and parties in the case for the purposes of this law.

Translated by
Deanna Hammond
CRS - Language Services
February 6, 1990

APPENDIX D

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-2400

10 APR 1990



In reply refer to:
I-90/51466

INTERNATIONAL
SECURITY AFFAIRS

Honorable John Joseph Moakley
House of Representatives
Washington, D.C. 20515

Dear Congressman:

In response to your letter of February 26, the United States Military Group in El Salvador has researched each issue which you raised and provided information as detailed as their records permit.

Each question has been answered to indicate training provided, the U.S. instructors involved, and information on training of those Salvadorans implicated in the Jesuit murders.

There are several points which the attached data illustrate. The unit in question is representative of most Salvadoran units, inasmuch as it has a high turnover rate. This accounts, in part, for the periodic U.S. training of the same unit over a ten year period. Second, human rights has been a key focus of U.S. training and is an important component of training currently provided by the Salvadoran Armed Forces. The importance of human rights is emphasized to the Salvadoran recruit during basic training at the National Training Center, and is reinforced in the field by unit commanders. The Chief of Staff of the Armed Forces has institutionalized training by providing publications for every field commander, including a compilation of human rights-related laws and a guide for arrest procedures when there are human rights implications, and a guide on proper conduct for enlisted men. Human rights emphasis continues to improve and become more institutionalized, due in part to the combined efforts of the U.S. and the Government of El Salvador to press for progress.

An evaluation of the effectiveness of training has not been presented, because, as you are aware, our defense attaches reporting on Salvadoran military performance in the field are the only independent evaluation of the effectiveness of training.

We trust that this data will be useful for your report to the Speaker, and we are ready to clarify any additional questions you or your staff may have.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carl W. Ford, Jr.", written in dark ink.

CARL W. FORD, JR.

Acting Assistant Secretary of Defense

ISSUE 1: US training relationship with the Immediate Reaction Infantry Battalion (BIRI) Atlacatl and training received by members of the BIRI Atlacatl.

RESPONSE:

As stated in the information provided 9 Feb 90, no formal advisory relation with the BIRI Atlacatl exists nor has one ever existed. US personnel assigned as trainers in El Salvador are assigned at the National Staff level, fixed training centers, and regional commands. The regional commands are responsible for specific geographic areas and have forces permanently assigned to accomplish their mission. The five BIRIs are strategic national assets that respond directly to the national staff and are assigned missions throughout the country. They do not have fixed areas of responsibility; thus, US trainers are not dedicated to them.

It should be noted that the Immediate Reaction Infantry Battalion Training Center (CEBRI), which has a US trainer assigned, is located near the Atlacatl. This trainer is not attached to nor does he work with the Atlacatl. A conscious and intentional split was made between what is the CEBRI training center and what are the Atlacatl installations. This trainer is not one of the US trainers charged with training Salvadoran combat Battalions, but rather part of the US National Basic Training Center Staff who assists in the training of basic recruits.

The BIRI Atlacatl was in fact trained by US forces in 1981. This information was forwarded to USSOUTHCOM on 22 Feb 90. A total of 1,383 soldiers were trained. The training was conducted in El Salvador. The training consisted of basic infantry training for individual soldiers and progressed through company level operations. A memorandum for Ambassador Pickering dated 14 December 1983 indicated that of the 1,383 soldiers trained in 1981 only 250 soldiers remained on active duty in 1983. This is 18% of the force that was trained. The Atlacatl currently receives 64% of its total strength as new recruits each year. Therefore, the battalion that was trained in 1981 or in any year up thru 1987, is not the battalion that exists today.

USMILGP does not have records indicating specifically what courses were taught, the unit which provided the training, names of trainers who conducted the training, nor the names of those who received the training in 1981.

Training in the United States has been provided to members of the BIRI Atlacatl. MILGP records of this training consist only

of the student's name, date of course, and the name of the course a student will attend or has attended. No unit affiliations are provided by the El Salvador Armed Forces. Given a full name, soldiers can be identified as students and all course data can be provided. In the information provided on 9 February, USMILGP was given the names of identified Atlacatl personnel and then provided what specific training was received from US sources.

All graduates from the Salvadoran Military Academy from 1970 to 1977 and from 1980 to the present have attended the Salvadoran Cadet Preparation Course at USARSA or the United States Army Infantry School (USAIS) in one of its five forms which occurred as part of the course evolution during this time period. These courses are generally to provide military academy cadets with practical knowledge of concepts and fundamentals of military subjects, without regard to their future branch specialization. These five forms are: The Cadet Orientation Course, Combat Arms and Support Service Basic, Officer Preparation Course, Spanish OCS Course, and the El Salvador Cadet Course. Specific data concerning each of these courses is not available at USMILGP. Information may be obtained from USARSA or USAIS, Fort Benning, GA. All Atlacatl officers who are military academy graduates and the majority of those who received commissions after serving as non-commissioned officers received this training.

Three of the four officers implicated in this case attended the El Salvadoran Cadet Course.

1LT MENDOZA Vallecillos, Yussy Rene
1LT ESPINOZA Guerra, Jose Ricardo

Attended the Spanish OCS Course JAN - APR82, conducted at United States Army Infantry School, Fort Benning, Ga.

2LT GUEVARA Cerritos, Gonzalo

Attended the El Salvador Cadet Course (ESCC) 13JUN - 30SEP88, conducted at USARSA, Fort Benning, Ga.

Selected company grade officers and NCO's attend the Small Unit Training Management Course is also conducted at USARSA, Fort Benning, Ga. Course descriptions are available from that source. The course generally is to prepare individuals to plan, conduct, and manage small unit training. It teaches US Army training doctrine, principles, and techniques. The following persons implicated in this case attended this training:

SGT AVALOS Vargas, Antonio Ramiro

23OCT - 14DEC88

CPL PEREZ Vasquez, Angel
30SEP - 20NOV87

The names of all others implicated in this case have been cross referenced with USMILGP records and no other soldiers implicated have been found who attended this course.

The Special Forces Officer's Course (SFOC) is the same course US Officers attend. It is given at the Special Warfare Center (SWC), Fort Bragg, NC. The specific course description is not available at USMILGP but can be obtained from SWC, Fort Bragg, NC. Generally the course prepares students to conduct unconventional warfare, Special Forces Operations, and Foreign Internal Defense (FID). Individuals are trained to serve as an Operational Detachment -Alpha (ODA) Commander. The following officer implicated in this case attended this training from 11NOV88 - 21JAN89:

ILT ESPINOZA Guerra, Jose Ricardo

In addition to the training conducted at US Army installations, USMILGP has knowledge of the following additional training activities that involved the BIRI Atlacatl.

The first of these is a Designated Marksman Course supervised by the 1st Brigade Operations, Planning and Assistance, and Training Team (OPATT). The 1st Brigade OPATTs supervised a Designated Marksman Course of three weeks duration given to Atlacatl soldiers, CEBRI Training Center instructors, and to members of the four other BIRIs. The purpose of the course was to provide a cadre of instructors to train marksmen capable of obtaining a first round hit with their assigned weapons at 500 meters. There were approximately 20 students, all enlisted, of which 10 were from the Atlacatl. The course was taught at the Atlacatl Garrison from 06FEB - 25FEB89.

The US Trainers (OPATTs) involved were:

MAJ William Council, a Special Forces Officer with approximately 15 years service.

SFC Robert Jarman, a Special Forces Communications Specialist, length of service unknown.

SFC Melchor Becena, a Special Forces Weapons Specialist, with approximately 12 years of service.

It should be noted that although these soldiers are all Special Forces qualified they were assigned as trainers to USMILGP and were not there as part of a Special Forces Unit.

The same instructors supervised a Sniper Course from 24APR89 - 20MAY89. This course was given at the Atlacatl Garrison to train personnel for employment as snipers in combat operations. The Atlacatl's sniper weapon system was used. There were 36 Atlacatl soldiers who received this training.

The names of the Atlacatl soldiers who received this training are:

ADVANCED MARKSMAN COURSE
06 - 25FEB89

SGT EDWIN ERNESTO RODAS TRUJILLO
HECTOR EDUARDO ESCAMILLA BARRERA
VALENTIN SERGIO MARTINEZ CRUZ
AGUSTIN AGUILAR HERNANDEZ
ANTONIO ARISTIDES GOMEZ CORNELIO
LUIS FRANCISCO VELASQUEZ HERNANDEZ
PEDRO ANTONIO MARTINEZ CORDERO
MIGUEL ANGEL MOLINA RENDEROS
CPT MIGUEL ANGEL MARTINEZ GARCIA
FRANCISCO ARRIAZA ZAMORA

SNIPER COURSE
24APR-22MAY89

PVT ISMAEL DOLORES MELGAR
JOSE ORLANDO VENTURA VELASQUEZ
RAUL RAFAEL VALLE
ROLANDO DE JESUS ABARCA
JUAN FRANCISCO BARRIENTOS CHACON
JOSE LUIS TOBAR ZELADA
BENJAMIN ALCIDES FUNES CHICAS
HERBERT WALTER GUADRON FUENTES
FERNANDO LOPEZ ALFARO
JOSE EMILIO CARTAGENA DUENAS
JOSE VITELIO MALDONADO MEJIA
NICOLAS GARCIA LIU
DANIEL FUENTES BANOS
DANIEL MARTINEZ JACOBO
EDGARD OSWALDO PALACIOS
ALBERTO QUIJANO CALLES
JOSE LUIS CHAVEZ ARDON
ELIAS PAYES GUZMAN
JUAN ANTONIO GALVEZ ARIAS
MOISES ROSALES CASTELLANO
ELISEO FLORES MANCIA
JOSE ADAN LIEVANO SIGUENZA
MIGUEL ANGEL MARROQUIN
OSCAR ARMANDO TRIGUEROS
MIGUEL ANGEL ESCALANTE

JOSE NOE NUNEZ AVELAR
FERMIN ALFREDO PINEDA
FRANCISCO ARMANDO HERRERA
MARIO RENE AQUINO CATATA
SONIA PERDOMO LIMA
SANTOS PEREZ FLORES
MANUEL DE JESUS DIAZ LOPEZ
MARIO DE JESUS CARBAJAL
JOSE ISRAEL BAUTISTA GUZMAN
OSCAR ARMANDO HERNANDEZ
FRANCISCO MEDRANO SERRANO

The final activity is the 7th Special Forces Group (Airborne) Deployment for Training (DFT) exercise conducted from 10 - 20NOV89. The purpose of this DFT was to test a Special Forces Detachment in their ability to execute their primary special forces mission of training foreign armies. As part of the detachment's evaluation, training was given to approximately 150 soldiers from the Atlacatl in order to evaluate the language and teaching skills of the Detachment. The training was stopped because of the 11NOV89 Communist offensive in which the Atlacatl was committed to combat on 13NOV89. The training conducted from 11 - 13NOV89 was in dismounted Infantry Patrol Techniques, Weapons Training, and day and night practical exercises of these subjects.

The training provided as part of the DFT included:

- Organization of Combat Patrols
- Duties and Responsibilities of Patrol Members
- Military Troop Leading Procedures
- Combat Orders
- Patrol Base Activities
- Immediate Action Drills
- Techniques of Fire and Maneuver
- Rapid Fire Techniques (Firing without looking through sights)
- Preparation of Arms and Equipment for a Patrol
- M16 Zero Fire (Procedure to align sight of the M16 to the soldier's view of the target)
- Practical Exercise in Combat Orders

After 14NOV89, the Detachment trained Atlacatl personnel that remained behind to secure the base in various subjects. USMILGP does not have a detailed list of the training conducted by them after 13NOV89 nor of what personnel were trained. This information may be available from the 7th Special Forces Group (Airborne), Fort Bragg, NC. Listed below is the information available at USMILGP:

<u>DATE</u>	<u>SUBJECT TAUGHT</u>	<u>NO OF PERSONS TRAINED</u>
15NOV89	Communications Training	6
	Weapons Tng (M16; G-3, FN)	80
	Mortar Tng (81MM and 60MM)	12
	Map Reading	10
	Medical Tng	10
16NOV89	Mortar Tng	30
	Map Reading	10
	Weapons Tng	20
17NOV89	Mortar Tng	40
17NOV89	Mortar Tng	40
19NOV89	Mortar Tng	20

The personnel that conducted the training were:

CPT David C. Akins, Special Forces Officer, Detachment Commander
 MSG Elton D. Read, Special Forces Operations Sergeant,
 Detachment Operations Sergeant
 SFC Marcus L. Woodward, Special Forces Engineer Specialist,
 Detachment Engineer Sergeant
 SFC Miguel L. Jaramillo, Special Forces Weapons Specialist
 Detachment Heavy Weapons Sergeant
 SFC Elmer Bas-Gay, Special Forces Intelligence Specialist,
 Detachment Intelligence Sergeant
 SSG James L. Marcus, Special Forces Medical Specialist,
 Detachment Medical Sergeant
 SSG Mario Rodriguez, Special Forces Weapons Specialist,
 Detachment Light Weapons Sergeant
 SSG Mark L. Alexander, Special Forces Communications Specialist,
 Detachment Communications Chief
 SSG Daniel S. Briley, Special Forces Medical Specialist,
 Detachment Medical Specialist
 SSG Reyes Lopez, Special Forces Weapons Specialist, Detachment
 Light Weapons Sergeant.
 SSG Randal Whitely, Special Forces Communications Specialist,
 Detachment Communications Sergeant.
 SSG Laurence J. Cardass, Special Forces Medical Specialist,
 Detachment Medical Specialist
 MSG Richard J. McGuinness, Special Forces Operations Sergeant,
 Exercise Evaluator.

The length of service of these individuals is not available at USMILGP.

It is important to note that this was not training for the Atlacatl but the annual evaluation of the Special Forces

Detachment in its ability to conduct Foreign Internal Defense training missions.

It is also possible that training conducted by Mobile Training Teams (MTT) has been attended by members of the Atlacatl. Records of such training and names of soldiers who would have attended this training are not available at USMILGP. Further information about MTT's may be available from the US Army Security Assistance Agency for Latin America (USASAALA).

No other information of US sponsored training is on record at USMILGP El Salvador.

ISSUE 2: Detailed information relating to time, location, nature, and evolution of US training for every member of the Atlacatl who received US training.

RESPONSE:

Providing the evolution of US supervised training for each and every person who may have ever received such training within the Atlacatl is not within the capability of the USMILGP. The USMILGP does not maintain an accountability for the thousands of soldiers who come in contact with US sponsored or advised unit training within EL Salvador. FMS and IMET funded individual training provided in the US is accounted for within the USMILGP by name, course and course dates. The Salvadoran military does not provide unit information and there has not been a need to have that information.

Additionally, there has been no formal training relation with the Atlacatl. There are no US Military trainers assigned to the Atlacatl nor have there ever been US trainers assigned to the Atlacatl. A US trainer is assigned to the CEBRI Training Center which is located near the Atlacatl. This trainer is not assigned to nor does he work with the Atlacatl.

Subsequent to our response on 9 February, we identified that US trainers trained 1,383 soldiers of the BIRI Atlacatl in 1981 in El Salvador. This information was provided to USSOUTHCOM on 22FEB90. The training included Basic Infantry training for individual soldiers and progressed to Company Level Operations. In 1983 only 250 soldiers of the 1,383 trained in 1981 remained on active duty. The Atlacatl's current personnel turn over rate is 64%. It is doubtful that many enlisted soldiers trained in 1981 are still on active duty today. Officers remain in service for much longer periods and are subject to rotation on an almost annual basis. It is possible that there are officers assigned to the Atlacatl that received training in 1981. It is unlikely that they have been at the Atlacatl since 1981 without a break in service. In any event, USMILGP does not have any records indicating the specific training given in 1981, the names of the personnel who gave the training, the unit of the personnel who gave the training, nor the names of the personnel who received the training.

USMILGP has no records of any Mobile Training Team that may have provided training to the Atlacatl. It is possible such training may have occurred. If so, the information would be available from the US Army Security Assistance Agency for Latin America, Quarry Heights, Panama.

The summary of the courses given in the February response was intended to answer paragraph three of Congressman Moakley's request for information, which requests a description of

All graduates from the Salvadoran Military Academy since approximately 1983 attended the Commando (Ranger) Operations Course at the US Army School of the Americas (USARSA). Specific course descriptions are not available at USMILGP; this information can be obtained from USARSA, Fort Benning, GA. The following individual implicated in the Jesuit case attended the Commando Course:

1LT MENDOZA Vallecillos, Yushy Rene. LT Mendoza is not a member of the Atlacatl.

Training was conducted at USARSA, Fort Benning, Ga. from 28APR - 15JUN88. This course develops leadership skills by requiring students to perform effectively as small unit leaders. Training is in light infantry tactics, airborne, airmobile, and amphibious operations.

All graduates from the Salvadoran Military Academy from 1970 to 1977 and 1980 to present have attended the The Salvador Cadet Preparation Course at USARSA or the United States Infantry School (USAIS) in one of its five forms which occurred as part of the course evolution during this time periods. These courses are generally to provide military academy cadets with practical knowledge of concepts and fundamentals of military subjects, without regard to their future branch specialization. The five forms are: The Cadet Orientation Course, Combat Arms and Support Service Basic, Officer Preparation Course, Spanish OCS Course, and the El Salvador Cadet Course. Specific data concerning each of these courses is not available at USMILGP. Information may be obtained from USARSA or USAIS, Fort Benning, GA. All Atlacatl officers who are military academy graduates and the majority of those who received commissions after serving as non-commissioned officers received this training.

Three of the four officers implicated in this case attended the Cadet Course.

1LT MENDOZA Vallecillos, Yushy Rene
1LT ESPINOZA Guerra, Jose Ricardo

Attended the Spanish OCS Course JAN - APR82, conducted at United States Army Infantry School, Fort Benning, Ga.

2LT GUEVARA Cerritos, Gonzalo

Attended the El Salvador Cadet Course (ESCC) 13JUN - 30SEP88, conducted at USARSA, Fort Benning, Ga.

Selected Company Grade Officers and NCOs attend the Small Unit Training Management Course also conducted at USARSA, Fort Benning, Ga. Course descriptions are available from that

The course is designed to prepare individuals to plan,

persons implicated in this case attended this training:

SGT AVALOS Vargas, Antonio Ramiro
23OCT - 14DEC88

CPL PEREZ Vasquez, Angel
30SEP - 20NOV87

The Special Forces Officer's Course (SFOC) is the same course US Officers attend. It is given at the Special Warfare Center (SWC), Fort Bragg, NC. The specific course description is not available at USMILGP but can be obtained from SWC, Fort Bragg, NC. Generally the course prepares students to conduct unconventional warfare, Special Forces Operations, and Foreign Internal Defense (FID). Individuals are trained to serve as an Operational Detachment - Alpha (ODA) Commander. The following officer implicated in this case attended this training from 11NOV88 - 21JAN89:

1LT ESPINOZA Guerra, Jose Ricardo

In addition to the training conducted at US Army installations, USMILGP has knowledge of the following additional training activities that involved the BIRI Atlacatl.

The first of these is a Designated Marksman Course supervised by the 1st Brigade Operations, Planning and Assistance, and Training Team (OPATT). The 1st Brigade OPATTs supervised a Designated Marksman Course of three weeks duration given to Atlacatl soldiers, CEBRI Training Center instructors, and to members of the 4 other BIRIs. The purpose of the course was to provide a cadre of instructors to train marksmen capable of obtaining a first round hit with their assigned weapons at 500m. There were approximately 20 students, all enlisted, of which 10 were from the Atlacatl. The course was taught at the Atlacatl Garrison from 06FEB - 25FEB89.

The US Trainers (OPATTs) involved were:

MAJ William Council, a Special Forces Officer with approximately 15 years service.
SFC Robert Jarman, a Special Forces Communications Specialist, length of service unknown.
SFC Melchor Becena, a Special Forces Weapons Specialist, with approximately 12 years of service.

It should be noted that although these soldiers are all Special Forces qualified they were assigned as trainers to USMILGP and were not there as part of a Special Forces Unit.

The same instructors supervised a Sniper Course from 24APR89 - 20MAY89. This course was given at the Atlacatl Garrison to train personnel for employment as snipers in combat operations. Atlacatl's sniper weapon system was used. There were 36

The names of the Atlacatl soldiers who received this training are:

ADVANCED MARKSMAN COURSE
06-25FEB89

- SGT EDWIN ERNESTO RODAS TRUJILLO
- HECTOR EDUARDO ESCAMILLA BARRERA
- VALENTIN SERGIO MARTINEZ CRUZ
- AGUSTIN AGUILAR HERNANDEZ
- ANTONIO ARISTIDES GOMEZ CORNELIO
- LUIS FRANCISCO VELASQUEZ HERNANDEZ
- PEDRO ANTONIO MARTINEZ CORDERO
- MIGUEL ANGEL MOLINA RENDEROS
- CPT MIGUEL ANGEL MARTINEZ GARCIA
- FRANCISCO ARRIAZA ZAMORA

SNIPER COURSE
24APR-22MAY89

- PVT ISMAEL DOLORES MELGAR
- JOSE ORLANDO VENTURA VELASQUEZ
- RAUL RAFAEL VALLE
- ROLANDO DE JESUS ABARCA
- JUAN FRANCISCO BARRIENTOS CHACON
- JOSE LUIS TOBAR ZELADA
- BENJAMIN ALCIDES FUNES CHICAS
- HERBERT WALTER GUADRON FUENTES
- FERNANDO LOPEZ ALFARO
- JOSE EMILIO CARTAGENA DUENAS
- JOSE VITELIO MALDONADO MEJIA
- NICOLAS GARCIA LIU
- DANIEL FUENTES BANOS
- DANIEL MARTINEZ JACOBO
- EDGARD OSWALDO PALACIOS
- ALBERTO QUIJANO CALLES
- JOSE LUIS CHAVEZ ARDON
- ELIAS PAYES GUZMAN
- JUAN ANTONIO GALVEZ ARIAS
- MOISES ROSALES CASTELLANO
- ELISEO FLORES MANCIA
- JOSE ADAN LIEVANO SIGUENZA
- MIGUEL ANGEL MARROQUIN
- OSCAR ARMANDO TRIGUEROS
- MIGUEL ANGEL ESCALANTE
- JOSE NOE NUNEZ AVELAR
- FERMIN ALFREDO PINEDA
- FRANCISCO ARMANDO HERRERA
- MARIO RENE AQUINO CATATA
- SONIA PERDOMO LIMA
- SANTOS PEREZ FLORES
- MANUEL DE JESUS DIAZ LOPEZ
- MARIO DE JESUS CARBAJAL
- JOSE ISRAEL BAUTISTA GUZMAN
- OSCAR ARMANDO HERNANDEZ

The personnel that conducted the training were:

CPT David C. Akins, Special Forces Officer, Detachment Commander
MSG Elton D. Read, Special Forces Operations Sergeant,
Detachment Operations Sergeant
SFC Marcus L. Woodward, Special Forces Engineer Specialist,
Detachment Engineer Sergeant
SFC Miguel L. Jaramillo, Special Forces Weapons Specialist
Detachment Heavy Weapons Sergeant
SFC Elmer Bas-Gay, Special Forces Intelligence Specialist,
Detachment Intelligence Sergeant
SSG James L. Marcus, Special Forces Medical Specialist,
Detachment Medical Sergeant
SSG Mario Rodriguez, Special Forces Weapons Specialist,
Detachment Light Weapons Sergeant
SSG Mark L. Alexander, Special Forces Communications Specialist,
Detachment Communications Chief
SSG Daniel S. Briley, Special Forces Medical Specialist,
Detachment Medical Specialist
SSG Reyes Lopez, Special Forces Weapons Specialist, Detachment
Light Weapons Sergeant.
SSG Randal Whitely, Special Forces Communications Specialist,
Detachment Communications Sergeant.
SSG Laurence J. Cardass, Special Forces Medical Specialist,
Detachment Medical Specialist
MSG Richard J. McGuinness, Special Forces Operations Sergeant,
Exercise Evaluator.

No other records of US sponsored training is on record at
USMILGP El Salvador.

The length of service of these individuals is not available at
USMILGP.

It is important to note that this was not training for the
Atlacatl but the annual evaluation of the Detachment in its
ability to conduct Foreign Internal Defense training missions.

ISSUE 3: A detailed description of human rights training given; identification of which and how many persons received human rights training.

RESPONSE:

Human rights issues have been and continue to be a central issue in the US military effort in El Salvador. The very presence of US Military Advisors is a reminder to the Salvadoran Armed Forces of the US Government's commitment and insistence on human rights.

Specifically in El Salvador, all officers and NCO's at the CEMFA Basic Training Center for the last three years have received human rights training by instructors from the International Human Rights Commission, and troops since May 88. The material is taught to the approximately 4000 basic trainees trained at CEMFA annually. The USMILGP does not have a lesson plan for the course of instruction with which to provide a detailed description of the course content.

No US trainer is assigned to the Atlacatl; therefore, it is not known what human rights training is given at the Atlacatl. In the past, each BIRI has been responsible for training their own basic trainees. The CEBRI Training Center, which has been operational for approximately a year, teaches Law of Land Warfare. The course of instruction is still undergoing revisions to standardize the training with that given at the CEMFA Training Center. As quickly as the International Human Rights Commission is capable of producing a standardized lesson plan, the exact training given will be available.

Human rights training is an integral part of many training courses conducted at USARSA as well as other US training centers. A detailed description of the human rights training received by Salvadoran students as a result of US training is not available at USMILGP. This information is available from the School of the Americas (USARSA), Fort Benning, GA; the US Army Infantry Center (USAIC), Fort Benning, GA; the US Army Security Assistance Agency for Latin America (USASAALA), Quarry Heights, PN; and other US Training Centers. Additionally, information about human rights training given by Mobile Training Teams to El Salvador may be available from the US Army Security Assistance Agency for Latin America (USASAALA).

An example of training received at US training center is the Cadet Course (8 courses, one per year) at USARSA which has included a block of instruction in human rights since 1982. All cadets from the Escuela Militar, the Salvadoran military academy, receive this training. Therefore, in effect, almost all Salvadoran officers have received human rights training.

Ines Orlando Garcia Menjivar
 Israel S. Alvarado
 Jose A. Joaquin Garcia
 Jose Francisco Monterrosa Cortez
 Jorge Alberto Sierra Ascencio ✓
 Jose Armando Martinez Ramirez
 Jose Edgardo Quetzada Mendez
 Jose Luis Martinez Carpio
 Jose Hernand Tadeo Santos
 Juan Narciso Sosa Delgado
 Jorge Amiloar Reyes Perez
 Jose Roberto Hernandez Rochez
 Juan Francisco Chicas Aviles
 Juan Antonio Gonzalez Torres
 Jose Leonel Guzman Rosa
 Miguel Angel Martinez Soriano
 Miguel Angel Soriano Cornejo
 Manuel Oscar Garay Linares
 Neftaly Ruiz Ramirez
 Noe de Jesus Palma Chamul
 Orlando Martinez Dubon
 Oscar Nariano Amaya Grimaldi ✓
 Oswaldo de Jesus Arqueta Alvarez
 Oscar Armando Arqueta Villatoro
 Odume Oswaldo Ramirez Deleon
 Raul Perez Juarez
 Rodolfo Armando Escobar Mejia
 Rene Zelada Godinez
 Rufino Barrientos Ramos
 Salvador Alonso Torres Bachez
 Victor Antonio Delgado Perez
 Ormidez Lopez Diaz
 Luis Ernesto Salguero Mendoza

After 14NOV89, the Detachment trained Atlacatl personnel that remained behind to secure the base, in various subjects. USMILGP does not have a detailed list of the training conducted by the after 13NOV89 nor of what personnel were trained. This information may be available from the 7th Special Forces Group (Airborne), Fort Bragg, NC. Listed below is the information available at USMILGP:

<u>DATE</u>	<u>SUBJECT TAUGHT</u>	<u>NO OF PERSONS TRAINED</u>
15NOV89	Communications Training	6
	Weapons Tng (M16; G-3.FN)	80
	Mortar Tng (81MM and 60MM)	12
	Map Reading	10
	Medical Tng	10
16NOV89	Mortar Tng	30
	Map Reading	10
	Weapons Tng	20
17NOV89	Mortar Tng	40
17NOV89	Mortar Tng	40
19NOV89	Mortar Tng	20

None of these soldiers are assigned to the Reconnaissance Platoon nor do their names appear among those currently implicated.

The final activity of which USMILGP has records is the 7th Special Forces Group (Airborne) Deployment for Training (DFT) exercise conducted from 10 - 20NOV89. The purpose of this DFT was to test a Special Forces Detachment in their ability to execute their primary special forces mission of training foreign armies. As part of the detachment's evaluation, training was given to approximately 150 soldiers from the Atlacatl in order to evaluate the language and teaching skills of the Detachment. The training was stopped because of the 11NOV89 Communist offensive in which the Atlacatl was committed to combat on 13NOV89. The training conducted from 11 - 13NOV89 was in dismounted Infantry Patrol Techniques, Weapons Training, and day and night practical exercises of these subjects.

The training provided as part of the DFT included:

- Organization of Combat Patrols
- Duties and Responsibilities of Patrol Members
- Military Troop Leading Procedures
- Combat Orders
- Patrol Base Activities
- Immediate Action Drills
- Techniques of Fire and Maneuver
- Rapid Fire Techniques (Firing without looking through sights)
- Preparation of Arms and Equipment for a Patrol
- M16 Zero Fire (Procedure to align sight of the M16 to the soldier's view of the target)
- Practical Exercise in Combat Orders

The personnel who received the training were:

COMMANDO SECTION

- 1LT Jose Ricardo Espinoza Guerra, Co. Commander ✓
- 2LT Gonzalo Guevara Cerritos, Section Commander ✓
- SGT Oscar Armando Solorzano Esquivel
- Oscar Rafael Molina Aguilar
- Jose Napoleon Argumedo Gutierrez
- Antonio Ramiro Avalos Vargas ✓
- Rigoberto Antonio Loarca Penate
- Tomas Zarpate Castillo ✓
- CPL Angel Perez Vasquez ✓
- Marcos Gonzalez Rodriguez
- Santos Cesar Cota Hernandez
- Angel Cerafin Melendez Ramos
- PVT Angel Rafael Machuca Mendoza
- Angel Chavez Moran
- Baltazar Antonio Sanchez Pineda
- Edwin Leonel Alberca

ISSUE 4: Specific training provided since the beginning of 1988 to Atlacatl personnel assigned to the unit involved in the massacre.

RESPONSE:

The 9 February response stated that since 1988 the only training given to the Atlacatl was a three week Designated Marksman Course and a Sniper Course. Both of these courses were taught at the Atlacatl garrison. The response also stated that 10 Atlacatl soldiers attended the Designated Marksman Course and that approximately 30 attended the Sniper Course. We have since been able to determine the actual number of students for the Sniper Course was 36. The names of these students are:

ADVANCED MARKSMAN COURSE
06-25FEB89

SGT EDWIN ERNESTO RODAS TRUJILLO
HECTOR EDUARDO ESCAMILLA BARRERA
VALENTIN SERGIO MARTINEZ CRUZ
AGUSTIN AGUILAR HERNANDEZ
ANTONIO ARISTIDES GOMEZ CORNELIO
LUIS FRANCISCO VELASQUEZ HERNANDEZ
PEDRO ANTONIO MARTINEZ CORDERO
MIGUEL ANGEL MOLINA RENDEROS
CPT MIGUEL ANGEL MARTINEZ GARCIA
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SNIPER COURSE
24APR-22MAY89

PVT ISMAEL DOLORES MELGAR
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RAUL RAFAEL VALLE
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JUAN FRANCISCO BARRIENTOS CHACON
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FERNANDO LOPEZ ALFARO
JOSE EMILIO CARTAGENA DUENAS
JOSE VITELIO MALDONADO MEJIA
NICOLAS GARCIA LIU
DANIEL FUENTES BANOS
DANIEL MARTINEZ JACOBO
EDGARD OSWALDO PALACIOS
ALBERTO QUIJANO CALLES
JOSE LUIS CHAVEZ ARDON
ELIAS PAYES GUZMAN
JUAN ANTONIO GALVEZ ARIAS
MOISES ROSALES CASTELLANO
ELISEO FLORES MANCIA
JOSE ADAM LIEVANO SIGUENZA

This training is reinforced each time an officer goes to a US School.

Detachment Medical Specialist
SSG Reyes Lopez, Special Forces Weapons Specialist, Detachment
Light Weapons Sergeant.
SSG Randal Whitely, Special Forces Communications Specialist,
Detachment Communications Sergeant.
SSG Laurence J. Cardass, Special Forces Medical Specialist.
Detachment Medical Specialist
MSG Richard J. McGuinness, Special Forces Operations Sergeant.
Exercise Evaluator.

USMILGP has no other record of US training being received by
individuals implicated in the Jesuit killings.

Ines Orlando Garcia Menjivar
Israel S. Alvarado
Jose A. Joaquin Garcia
Jose Francisco Monterrosa Cortez
Jorge Alberto Sierra Ascencio
Jose Armando Martinez Ramirez
Jose Edgardo Quezada Mendez
Jose Luis Martinez Carpio
Jose Hernand Tadeo Santos
Juan Narciso Sosa Delgado
Jorge Amiloar Reyes Perez
Jose Roberto Hernandez Rochaz
Juan Francisco Chicas Aviles
Juan Antonio Gonzalez Torres
Jose Leonel Guzman Rosa
Miguel Angel Martinez Soriano
Miguel Angel Soriano Cornejo
Manuel Oscar Garay Linares
Neftaly Ruiz Ramirez
Noe de Jesus Palma Chamul
Orlando Martinez Dubon
Oscar Nariano Amaya Grimaldi
Oswaldo de Jesus Argueta Alvarez
Oscar Armando Argueta Villatoro
Odume Oswaldo Ramirez Deleon
Raul Perez Juarez
Rodolfo Armando Escobar Mejia
Rene Zelada Godinez
Rufino Barrientos Ramos
Salvador Alonso Torres Bachez
Victor Antonio Delgado Perez
Ormidex Lopez Diaz
Luis Ernesto Salguero Mendoza

The following is a list of the personnel who conducted the training:

CPT David C. Akins, Special Forces Officer, Detachment Commander
MSG Elton D. Read, Special Forces Operations Sergeant,
Detachment Operations Sergeant
SFC Marcus L. Woodward, Special Forces Engineer Specialist,
Detachment Engineer Sergeant
SFC Miguel L. Jaramillo, Special Forces Weapons Specialist
Detachment Heavy Weapons Sergeant
SFC Elmer Bas-Gay, Special Forces Intelligence Specialist,
Detachment Intelligence Sergeant
SSG James L. Marcus, Special Forces Medical Specialist,
Detachment Medical Sergeant
SSG Mario Rodriguez, Special Forces Weapons Specialist,
Detachment Light Weapons Sergeant
SSG Mark L. Alexander, Special Forces Communications Specialist,
Detachment Communications Chief
SSG Daviel S. Briley, Special Forces Medical Specialist.

COMMANDO SECTION

1LT Jose Ricardo Espinoza Guerra. Co. Commander
2LT Gonzalo Guevara Cerritos. Section Commander
SGT Oscar Armando Solorzano Esquivel
Oscar Rafael Molina Aguilar
Jose Napoleon Argumedo Gutierrez
Antonio Ramiro Avalos Vargas
Rigoberto Antonio Loarca Penate
Tomas Zarpate Castillo
CPL Angel Perez Vasquez
Marcos Gonzalez Rodriguez
Santos Cesar Cota Hernandez
Angel Cerafin Melendez Ramos
PVT Angel Rafael Machuca Mendoza
Angel Chavez Moran
Baltazar Antonio Sanchez Pineda
Edwin Leonel Alberto Menjivar
Hector Antonio Guerrero Maravilla
Ines Orlando Garcia Menjivar
Israel S. Alvarado
Jose A. Joaquin Garcia
Jose Francisco Monterrosa Cortez
Jorge Alberto Sierra Ascencio
Jose Armando Martinez Ramirez
Jose Edgardo Quezada Mendez
Jose Luis Martinez Carpio
Jose Hernand Tadeo Santos
Juan Narciso Sosa Delgado
Jorge Amilcar Reyes Perez
Jose Roberto Hernandez Rochez
Juan Francisco Chicas Aviles
Juan Antonio Gonzalez Torres
Jose Leonel Guzman Rosa
Miguel Angel Martinez Soriano
Miguel Angel Soriano Cornejo
Manuel Oscar Garay Linares
Neftaly Ruiz Ramirez
Noe de Jesus Palma Chamul
Orlando Martinez Dubon
Oscar Nariano Amaya Grimaldi
Oswaldo de Jesus Arqueta Alvarez
Oscar Armando Arqueta Villatoro
Odume Oswaldo Ramirez Deleon
Raul Perez Juarez
Rodolfo Armando Escobar Mejia
Rena Zelada Godinez
Rufino Barrientos Ramos
Salvador Alonso Torres Bachez
Victor Antonio Delgado Perez
Ormidex Lopez Diaz

MIGUEL ANGEL ESCALANTE
 JOSE NOE NUNEZ AVELAR
 FERMIN ALFREDO PINEDA
 FRANCISCO ARMANDO HERRERA
 MARIO RENE AQUINO CATATA
 SONIA PERDOMO LIMA
 SANTOS PEREZ FLORES
 MANUEL DE JESUS DIAZ LOPEZ
 MARIO DE JESUS CARBAJAL
 JOSE ISRAEL BAUTISTA GUZMAN
 OSCAR ARMANDO HERNANDEZ
 FRANCISCO MEDRANO SERRANO

None of the students are assigned to the unit involved in the Jesuit killings and none of their names appear on the list of the soldiers implicated in this incident.

The US Trainers involved were:

MAJ William Council, a Special Forces Officer with approximately 15 years service.
 SFC Robert Jarman, a Special Forces Communications Specialist, length of service unknown.
 SFC Melchor Becena, a Special Forces Weapons Specialist, with approximately 12 years of service.

As previously stated, USMILGP has no record of any other training given to the Atlacatl by USMILGP sponsored trainers. The Atlacatl did participate in the 7th Special Forces Group (Airborne) Deployment for Training (DFT) exercise beginning on 11NOV89, which was an exercise evaluating the Special Forces Detachment's ability to perform its primary mission of training foreign armies. As part of the evaluation of the Detachment, members of the Atlacatl, to include those implicated in this case, received two days of training in dismounted infantry patrolling techniques before the Atlacatl was sent into combat during the communist offensive. Listed below are the general topics covered prior to the Atlacatl's departure to combat operations on 13NOV89:

Organization of Combat Patrols
 Duties and Responsibilities of Patrol Members
 Military Troop Leading Procedures
 Combat Orders
 Patrol Base Activities
 Immediate Action Drills
 Techniques of Fire and Maneuver
 Rapid Fire Techniques (Firing without looking through sights)
 Preparation of Arms and Equipment for a Patrol
 M16 Zero Fire (Procedure to align sight of the M16 to soldier view of target)
 Practical Exercise in Combat Orders

The following is a list of the personnel who conducted the training:

CPT David C. Akins, Special Forces Officer, Detachment Commander
 MSG Elton D. Read, Special Forces Operations Sergeant,
 Detachment Operations Sergeant
 SFC Marcus L. Woodward, Special Forces Engineer Specialist,
 Detachment Engineer Sergeant
 SFC Miguel L. Jaramillo, Special Forces Weapons Specialist,
 Detachment Heavy Weapons Sergeant
 SFC Elmer Bas-Gay, Special Forces Intelligence Specialist,
 Detachment Intelligence Sergeant
 SSG James L. Marcus, Special Forces Medical Specialist,
 Detachment Medical Sergeant
 SSG Mario Rodriguez, Special Forces Weapons Specialist,
 Detachment Light Weapons Sergeant
 SSG Mark L. Alexander, Special Forces Communications Specialist,
 Detachment Communications Chief
 SSG Daviel S. Briley, Special Forces Medical Specialist,
 Detachment Medical Specialist
 SSG Reyes Lopez, Special Forces Weapons Specialist, Detachment-
 Light Weapons Sergeant.
 SSG Randal Whitely, Special Forces Communications Specialist,
 Detachment Communications Sergeant.
 SSG Laurence J. Cardass, Special Forces Medical Specialist,
 Detachment Medical Specialist
 MSG Richard J. McGuinness, Special Forces Operations Sergeant,
 Exercise Evaluator.

Personnel trained with IMET and FMS funds are identified at USMILGP by name only. The names of all personnel implicated in this case have been cross referenced with all available USMILGP training records. The following has been determined.

All graduates from the Salvadoran Military Academy since approximately 1983 attended the Commando (Ranger) Operations Course. This course is taught as a single course of instruction and is also an integral part of the Salvadoran Cadet Course. Specific course descriptions are not available at USMILGP. This information can be obtained from the United States Army School of the Americas (USARSA). Though not a member of the Atlacatl, the following individual implicated in this case attended the Commando Course:

1LT MENDOZA Vallecillos, Yushy Rene

Training was conducted at USARSA, Fort Benning, Ga. from 28APR -15JUN88. As stated earlier this course develops leadership skills by requiring students to perform effectively as small unit leaders. Training is in light infantry tactics, airborne, operations.

Preparation Course in one of its five forms which occurred as part of the course evaluation during this time period. These courses are generally to provide military academy cadets with practical knowledge of concepts and fundamentals of military subjects, without regard to their future branch specialization. The names of the Cadet Course have been:

Cadet Orientation Course, Combat Arms and Support Service Basic, Basic Officer Preparation Course Specific, Spanish OCS Course, and the El Salvador Cadet Course. Specific data concerning each of these courses is not available at USMILGP. Information may be obtained from USARSA, Fort Benning, Ga.

Three of the four officers implicated in this case attended the Cadet Course.

1LT MENDOZA Vallecillos, Yussy Rene
1LT ESPINOZA Guerra, Jose Ricardo

Attended the Spanish OCS Course JAN - APR82, conducted at the US Army Infantry School, Fort Benning, Ga.

2LT GUEVARA Carritos, Gonzalo

Attended the El Salvador Cadet Course (ESCC) 13JUN - 30SEP88, conducted at USARSA, Fort Benning, Ga.

Selected company grade officers and NCO's attend the Small Unit Training Management Course, also conducted at USARSA, Fort Benning, Ga. A course description is available from that source. Generally, the course is to prepare individuals to plan, conduct, and manage small unit training. It teaches US Army training doctrine, principles, and techniques. The following persons implicated in this case attended this training:

SGT AVALOS Vargas, Antonio Ramiro
23OCT - 14DEC88

CPT PEREZ Vasquez, Angel
30SEP - 20NOV87

The Special Forces Officer's Course (SFOC) is the same course US Officers attend. It is given at the Special Warfare Center (SWC), Fort Bragg, NC. Specific course descriptions are not available at USMILGP but can be obtained from SWC, Fort Bragg, NC. Generally the course prepares students to conduct unconventional warfare, Special Forces Operations, and Foreign Internal Defense (FID). Individuals are trained to serve as an Operational Detachment - Alpha (ODA) Commander. The individual implicated in this case who attended this training is:

1LT ESPINOZA Guerra, Jose Ricardo
11NOV88 - 21JAN89

Since 29APR88 we have located only two individuals from the

Preparation Course in one of its five forms which occurred as part of the course evaluation during this time period. These courses are generally to provide military academy cadets with practical knowledge of concepts and fundamentals of military subjects, without regard to their future branch specialization. The names of the Cadet Course have been: Cadet Orientation Course, Combat Arms and Support Service Basis, Basic Officer Preparation Course Specific, Spanish OCS Course, and the El Salvador Cadet Course. Specific data concerning each of these courses is not available at USMILGP. Information may be obtained from USARSA, Fort Benning, Ga.

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1LT ESPINOZA Guerra, Jose Ricardo
11NOV88 - 21JAN89

Since 29APR88 we have located only two individuals from the
US Advisor

Aug 1990 "High Command"

Congress of the United States
House of Representatives
Washington, DC 20515

For Immediate Release
Wednesday, August 15, 1990
Contact: Jim McGovern
202-225-8273

**Statement by Congressman Joe Moakley on the Jesuits' Case
and the Salvadoran Negotiations**

WASHINGTON, D.C. -- U.S. Congressman Joe Moakley (D-Mass.), chairman of the House Rules Committee and chairman of the Speaker's Special Task Force on El Salvador, issued the following statement today based on the findings of a recent task force staff trip to El Salvador and other information gleaned from the task force's continuing investigation into the Jesuit murders:

"I believe that the High Command of the Salvadoran armed forces is engaged in a conspiracy to obstruct justice in the Jesuits' case. Salvadoran military officers have withheld evidence, destroyed evidence, falsified evidence and repeatedly perjured themselves in testimony before the judge. I do not believe this could be done without at least the tacit consent of the High Command.

Even more important, I believe that the High Command's goal, from the beginning, has been to control the investigation and to limit the number and rank of the officers who will be held responsible for the crimes. As a result, some individuals who may have direct knowledge of the murders have been shielded from serious investigation.

Because of this, progress in the case remains slow. This is true despite the courage and initiative of the man in charge of the investigation, Judge Ricardo Zamora, and despite the urgings of Salvadoran President, Alfredo Cristiani, and U.S. Ambassador to El Salvador, William Walker.

I am encouraged, however, that many members of the armed forces who were not involved in the crimes are angered at the possibility that U.S. military aid will be reduced because of the actions of the High Command. As a result, the armed forces are increasingly divided, and pressure is growing for an end to the conspiracy of silence and lies that -- from day one -- has characterized the military's attitude towards this case.

turn to next page...

page 2/ Moakley press release

The issues raised by the Jesuits' case are extremely important, but they should not detract from the need to make continuing progress in the Salvadoran peace negotiations scheduled to resume next week in San Jose, Costa Rica. Last month, the government presented its proposal on the key issue, which is military reform. In San Jose, the burden will be on the opposition FMLN to respond constructively to that proposal and to work with United Nations mediator Alvaro de Soto to narrow the differences between the two sides. Both the government and the FMLN have an obligation to negotiate seriously and, in my judgement, to refrain from additional acts or threats of increased violence as long as those negotiations continue."

-30-

see attached addendum....

ADDENDUM

THE ARMED FORCES AND THE JESUITS' CASE

1. Cooperation

- * The Minister of Defense and Members of the High Command of the Armed Forces have made numerous statements expressing support for a full investigation of the Jesuits' case.
- * The Minister of Defense has responded, often promptly, to direct requests by the Judge and other investigators for information, documents and other evidence in the case.
- * Nine members of the armed forces, including a Colonel, have been charged with the crime.
- * Judge Zamora credits Minister of Defense Humberto Larios with a high degree of cooperation in the case.

2. Problems

- * Not a single member of the armed forces has come forward openly and voluntarily with information in the case. This is true despite the fact that literally hundreds of military personnel were deployed in the area around the University of Central America on the night of the crime.
- * Logbooks showing, among other things, the comings and goings of vehicles from the Military school on the night of the murders were burned, apparently on the orders of a senior military officer.
- * The officer who allegedly destroyed the logbooks, Lt. Col. Camilo Hernandez, was not among those originally detained for questioning in the case. This was true despite his position as second in command at the Military School, from which the murder operation was allegedly launched.
- * Many members of the armed forces, including Lt. Col. Hernandez, have adopted a Watergate-style approach to testifying in the case, saying essentially that they do not recall seeing, hearing or knowing anything that happened on the night of the crimes.

* When the judge requested the presence of four cadets on duty at the Military School on the night of the crimes, the wrong four cadets were produced. When the right cadets were produced, they claim not to have seen anything.

* Last January, extra-judicial confessions were made by seven soldiers whose ranks were lieutenant or below. According to the Salvadoran High Command, these statements resulted from an exhortation by senior officers that they tell the truth. It is curious, therefore, that no confession or detailed statement of any kind was made at the time by Colonel Benavides. Since the arrests, all of those detained have proclaimed their innocence, but the lack of an extra-judicial confession from Col. Benavides makes the case against him far weaker than that against the junior officers.

* The Military Honor Board, which recommended the individuals to be arrested, initially -- and falsely -- denied it had written even the skimpy report it did prepare on the case, and has provided no other information about how confessions were obtained. This lack of an official record makes it impossible to discern whether discrepancies in the statements of various soldiers were adequately explored, whether potential leads were dismissed, and whether all the persons implicated in the crimes were charged.

* Two days before the murders, a search of the University was made by the military unit that allegedly carried out the murders. Several months into the investigation, it was learned that an officer from the Salvadoran military intelligence service accompanied the soldiers on that search. Initially, the officer said that he simply stumbled upon the soldiers and decided, on his own, to join them. Later, he said that he had been ordered to participate in the search by Captain Herrera Carranza. This past week, Captain Herrera testified that the order had originated with none other than the then-director of military intelligence, Col. Guzman Aguilar -- who has since been transferred to the post of military attache in Costa Rica.

* It appears that President Cristiani's permission to conduct the search of the University on November 13th was sought and obtained after, not before, the search took place.

* On the morning after the murders, Captain Herrera Carranza informed a meeting of fellow intelligence officers that the Jesuits had been killed. When asked by investigators how he knew of the murders, he replied that he had heard a report of the killings on commercial radio. This is not true, because Captain Herrera's announcement occurred before any commercial radio station had begun broadcasting the news.

Moakley addendum/ page 3

* Col. Carlos Aviles, who reportedly told an American official last December that Col. Benavides had admitted his guilt in the case, recently testified that he barely knows the American. In fact, he worked side by side with that American for months and specifically requested his assignment to El Salvador.

* A duty logbook from the Military School that was recently turned over by the armed forces to the judge is a suspected forgery.

Sept. 1990 TF Update

CONFIDENTIAL: NOT FOR CIRCULATION OR RELEASE

September 14, 1990

To: Hon. Joe Moakley

From: Staff, Special Task Force on El Salvador

Re: Report on staff trip to El Salvador.

From August 7th to August 12th, a delegation of staff from the Moakley Task Force was in El Salvador to review progress in the Jesuits' case and to discuss related issues. Participants from the Task Force were Mike O'Neil (Speaker's Office); Nancy Agris (Foreign Affairs Committee); Jim McGovern (Moakley); John Plashal (Murtha); and Bill Woodward (Studds). Also on the trip, but whose views are not reflected in this report, were Louis Dupart (minority, House Intelligence) and Randy Scheunemann (minority, Foreign Affairs).

The staff met in El Salvador with a number of prominent Salvadorans including Mr. Ernesto Altschul, Deputy Minister of the Presidency; Gen. Humberto Larios, then Minister of Defense; Attorney General Roberto Mendoza; Col. Emilio Ponce, then armed forces Chief of Staff (since named Minister of Defense); Lt. Col. Manuel Antonio Rivas, head of the Special Investigations Unit (SIU); Dr. Ricardo Zamora, the judge in the Jesuits' case; Col. Alfredo Benavides; Fr. Francisco Estrada, rector of the University of Central America (UCA); and Fr. Jose Maria Tojeira, the Jesuit Provincial.

The delegation also met with the members of the negotiating commission of the Salvadoran government regarding peace talks with the opposition FMLN, and with members of the Inter-parliamentary commission, a group from the various political parties working to develop proposals on electoral reform and other issues.

Finally, the delegation was briefed by members of the U.S. mission in El Salvador, including Ambassador William Walker. It remains our view that the Embassy is working hard to encourage the Salvadoran government to conduct a thorough investigation in the Jesuits' case, and to encourage the armed forces to cooperate in that investigation.

1. The Jesuits' case.

A. Summary

Since the Task Force report was issued last April, slow but steady progress has been made in the case. This is due to the efforts of Judge Zamora to broaden the scope of his investigation and to call numerous military witnesses. The judge is confident that the case will go to trial. Obstacles to further progress include a lack of military cooperation; a defense motion for a change of venue; and various peculiarities of Salvadoran law.

We believe that a concerted effort has been made by the armed forces, including the High Command, to contain the investigation; to avoid implicating any individual except those charged; and, almost certainly, to prevent the conviction of Col. Benavides.

We also find increasing evidence that some members of the armed forces believe that the High Command is responsible for the murders, for obstructing the investigation into them, and--as a result--for endangering future U.S. military aid.

A. Armed Forces

The Ministry of Defense and the armed forces have demonstrated a willingness to comply with specific requests from the judge for information and evidence in the case. Particularly high marks were given to then, now former, Minister of Defense, Gen. Larios. Unfortunately, there have also been examples (listed below) of destruction, falsification and withholding of evidence, and apparent perjury:

o Not a single member of the armed forces has come forward openly and voluntarily with information in the case. This is true despite the fact that literally hundreds of military personnel were deployed in the area around the University of Central America on the night of the crime.

o Logbooks showing, among other things, the comings and goings of vehicles from the Military school on the night of the murders were burned, apparently on the orders of a senior military officer.

o The officer who allegedly destroyed the logbooks, Lt. Col. Camilo Hernandez, was not among those originally detained for questioning in the case. This was true despite his position as second in command at the Military School, from which the murder operation was allegedly launched.

o Many members of the armed forces, including Lt. Col. Hernandez, have stonewalled while testifying in the case, saying essentially that they do not recall seeing, hearing or knowing anything that happened on the night of the crimes.

o When the judge requested the presence of four cadets on duty at the Military School on the night of the crimes, the wrong four cadets were produced. When the right cadets were produced, they claimed not to have seen anything.

o Last January, extra-judicial confessions were made by seven soldiers whose ranks were lieutenant or below. According to the Salvadoran High Command, these statements resulted from an exhortation by senior officers that they tell the truth. It is curious, therefore, that no confession or detailed statement of any kind was made at the time by Col. Benavides. Since the arrests, all of those detained have proclaimed their innocence, but the lack of an extra-judicial confession from Col. Benavides makes the case against him far weaker than that against the junior officers.

o The Military Honor Board, which recommended the individuals to be arrested, initially--and falsely--denied it had written even the skimpy report it did prepare on the case, and has provided no other information about how confessions were obtained. This lack of an official record makes it impossible to discern whether discrepancies in the statements of various soldiers were adequately explored, whether potential leads were dismissed, and whether all the persons implicated in the crimes were charged.

o Two days before the murders, a search of the University was made by the military unit that allegedly carried out the murders. Several months into the investigation, it was learned that an officer from the Salvadoran military intelligence service accompanied the soldiers on that search. Initially, the officer said that he simply stumbled upon the soldiers and decided, on his own, to join them. Later, he said that he had been ordered to participate in the search by Captain Herrera Carranza. This past week, Captain Herrera testified that the order had originated with none other than the then-director of military intelligence, Col. Guzman Aguilar.

o It appears that President Cristiani's permission to conduct the search of the University was sought and obtained after, not before, the search took place.

o On the morning after the murders, Captain Herrera Carranza informed a meeting of fellow intelligence officers that the Jesuits had been killed. When asked by investigators how he knew of the murders, he replied that he had heard a report of the killings on commercial radio. This is not true, because Captain Herrera's announcement occurred before any commercial radio station had begun broadcasting the news.

o Col. Carlos Aviles, who reportedly told an American official last December that Col. Benavides had admitted his guilt in the case, recently testified that he barely knows the American. In fact, he worked side by side with that American for

months and specifically requested his assignment to El Salvador.

o A duty logbook from the Military school that was recently turned over by the armed forces to the judge is a suspected forgery.

o Nelson Arnolo Lazo, the employee of the Military School who was in charge of checking weapons in and out on the night of November 15th, has twice ignored a subpoena from Judge Zamora to testify.

When asked about these problems, Col. Ponce, then chief of staff of the armed forces, replied that all members of the armed forces have been instructed to cooperate fully with the Court, but that the High Command has no control over a soldier when he testifies before the judge. Similarly, Defense Minister Larios said that, although irregularities had occurred all through the process, these were due to the actions of individuals and should not be considered to reflect badly on the armed forces as an institution. (Note: On September 1, Col. Ponce replaced Gen. Larios as Minister of Defense)

(Following our trip, and Chairman Moakley's statement expressing dissatisfaction with the military's cooperation in the case, President Cristiani convened a meeting between the Judge and the High Command. Judge Zamora was reportedly pleased with the meeting, during which President Cristiani pledged 'total personal collaboration' with the investigation and plans were discussed for facilitating the flow of information requested by the Judge from the military. President Cristiani has since taken the extraordinary step of testifying himself in the case. Cristiani testified that the Jesuits were not discussed during his meeting with the high command on the night of the murders.

B. The Investigators.

o Since the Task Force report was issued in April, Judge Zamora has begun conducting a broader investigation into the case

and has solicited testimony from many senior military officers. As a result, he has identified the officer (Lt. Col. Camilo Hernandez) apparently responsible for destroying the logbooks that indicated the comings and goings of vehicles from the Military school (where the crime was planned) on the night of the murders. The Judge is emphatic in his belief that he now has sufficient evidence to bring Col. Benavides to trial. Consequently, he rejects the idea that it will be necessary to drop charges against one of the lieutenants who has been arrested in return for the lieutenant's testimony against Benavides. Instead, he argues that Benavides' position as commander of the unit that allegedly carried out the murders is sufficient, along with a limited amount of other evidence against him, to bring the case to trial.

o The new Attorney General, Roberto Mendoza, is publicly supporting an active investigation in the case although it remains to be seen how effective the efforts of his office will be. The Attorney General claims responsibility for suggesting that the U.S. Military Group Commander and an American Major who came forward with information in the case be asked to testify before the judge. (The US Embassy expects to be able to respond favorably to this request, but the request had not been formally received at the time of our visit).

o The SIU is in the final stages of reporting to Judge Zamora on his request for information concerning the radio communications setup at the Military School on the night of the murders. Dozens of cadets have been interviewed to determine whether they monitored any conversations relevant to the case. Lt. Col. Rivas, the head of the SIU, did not appear optimistic that this part of the investigation would bear fruit.

C. New Developments/Issues

1. Venue. The defense lawyers have again made a motion to change venue in the case from San Salvador to Santa Tecla. The motion has been ruled out of order by Judge Zamora, but that ruling is

subject to appeal. If the Judge is forced by the Appeals Court to rule on the merits of the motion, he will certainly deny it, but that ruling would also be subject to immediate and automatic appeal. At that point, Judge Zamora would be required to turn over a copy of the entire file to the Appellate Court and would be prohibited from making any further investigations himself until the Appeals Court rules. It is possible, therefore, that the investigation could come to a halt for several months. President Cristiani's office has indicated, however, that if this happens, it will encourage the Appeals Court to rule as promptly as possible.

2. The Colonels and the Law. Under Salvadoran law, a Colonel may not be compelled to testify in person before a judge. Instead, Colonels are only required to answer written interrogatories. Thus, the opportunity for immediate followup to inconsistent or vague answers is lost. During their meeting with the High Command following our trip, the Judge and the head of the Supreme Court encouraged senior members of the armed forces to consider waiving this right.

3. From 47 to 9. It remains unclear exactly how Salvadoran authorities determined who to arrest in this case. On January 5, 47 soldiers were detained; eleven days later, 9 of those soldiers were arrested. How did the authorities separate the 9 alleged to be guilty from the rest?

Lt. Col. Rivas flat out denies that any soldier admitted guilt to the SIU prior to the extra-judicial confessions given to the National Police on January 14. He also denies that the SIU took any declarations of any kind from the soldiers after the Military Honor Board was established on January 5. In our judgment, there is no way either of these statements could be true.

o Col. Benavides and the others were detained on January 5 after ballistics and other evidence pointed to the involvement of the

4. The Search of the UCA.

A number of questions have arisen with respect to the search of the UCA on November 13th.

The original story was that a unit from the Atlacatl was ordered to search the UCA in order to verify information that guerrillas were firing from inside the university grounds. The story was that the search had been specifically authorized by the High Command and by President Cristiani. Nothing was found during the search, which took place some time between 5:30 and 8:30 p.m. on the 13th. No mention was made of any involvement in the search by members of Salvadoran military intelligence (DNI).

Based on the information we now have, we can construct the following chronology:

- o afternoon of Nov. 13th, Fr. Ellacuria returns to the UCA following a visit to Spain. He is questioned by soldiers.
- o Also on the 13th, the High Command orders the reassignment of a commando unit from the Atlacatl brigade to the Military School, under the command of Col. Benavides (Benavides says the unit did not come under his command until after the search of the UCA--and that he did not even know the unit searched the UCA until after the murders had occurred).
- o Late afternoon of the 13th, the High Command orders Lt. Espinosa, the leader of the commando unit, to search the UCA. The order was apparently transmitted by Col. Cerna Flores, then-chief of operations for the High Command.
- o Col. Guzman Aguilar, chief of DNI, orders a DNI officer to accompany the Atlacatl unit on the search.
- o The search begins sometime after 5:30 and ends before 8:30.
- o Sometime after 8:30, the High Command seeks and receives verbal

Atlacatl commando unit in the killings. That same day, a Military Honor Board was established to review evidence gathered by the SIU in the case. An SIU briefing to the Honor Board was given that afternoon.

o Col. Benavides says that he appeared before the SIU on Jan. 6 to testify about the letter received by Col. Ponce from the American major. That letter refers to an alleged conversation between Lt. Col. Rivas and Col. Benavides in which Benavides is said to have admitted his responsibility for the killings (this is the first we have heard of any testimony from Benavides or before the SIU on the subject of the American Major's letter).

o Col. Benavides says that he was ordered on January 8th to remain at National Guard headquarters, because members of the Atlacatl unit had made extra-judicial statements implicating him in the murders. (presumably, these statements were made, despite Lt. Col. Rivas' denial, to the SIU).

o On January 13, President Cristiani announces the findings of the Military Honor Board, and identifies the 9 soldiers, including Col. Benavides, who are to be charged with the crimes. The Honor Board report indicates that the role of the Honor Board was to exhort soldiers to tell the truth when questioned by the SIU, and that statements were made to the SIU during this period.

o On January 13-14, formal extra-judicial statements were given by all the accused at the headquarters of the National Police.

o On January 16, statements were given to the judge.

The truth appears to be that the SIU investigation continued throughout the period during which the Honor Board was in operation, that statements were taken, and confessions received. If Col. Benavides is correct, the questioning in his case included the subject of the American major's letter. We do not understand why Lt. Col. Rivas and the members of the Honor Board have chosen to be so vague about this process.

authorization from President Cristiani to search the UCA and certain other religious and educational facilities.

5. Colonel Benavides

The staff delegation was granted permission by the Judge and the Defense Ministry to interview Col. Benavides.

Col. Benavides met with the delegation alone, without counsel and without any other Salvadoran military officials or guards present.

For what it may be worth, the Colonel's account of events is as follows:

- o a security command was established at the military school on the afternoon of the 13th;
- o the Atlacatl unit came under his command on the evening of the 13th, after the search of the UCA;
- o on Nov. 14th, a log book was opened to record the comings and goings of the units now under his command;
- o assignments were made to various units to protect potential targets in the sector; the Atlacatl was to be a reserve force.
- o no reports of a military operation involving the UCA were received on the night of the murders.
- o The Atlacatl unit was not authorized to leave the military school on the night of the crimes, and Col. Benavides believes that, in fact, it did not do so.
- o He learned of the murders on the morning of the 16th.
- o In early January, Col. Ponce informed Benavides that a letter

had been received from an American major assigned to the U.S. Military Group alleging that Benavides had admitted responsibility for the murders. The letter was based on a conversation that the American major had had with Salvadoran Col. Carlos Avilez. Col. Ponce left Col. Aviles alone with Col. Benavides to discuss the letter. Col. Aviles denied everything in the letter, and Col. Benavides says he told Aviles that he believed him.

o The chain of the command at the time of the killings was as follows:

- Major Miguel Castillo (operations command at the school);
- Lt. Col. Camilo Hernandez, head of general staff of the school;
- Col. Benavides;
- Col. Cerna Flores (chief of operations at the High Command);
- Col. Ponce (chief of staff).

Operations from the school could only be authorized by Col. Benavides or, in his absence, by Lt. Col. Hernandez. During the offensive, the two alternated shifts during the night. Col. Benavides does not recall, nor is there a record, of exactly who was on duty and when during the night of the murders.

o Benavides returned to the military school on the 15th following the meeting with the high command at about 10:00 p.m. He says he had no other high level meetings that day. He did not meet with any other senior officers at the military school. His primary contact with the DNI was with a security officer with whom he conferred about security at the DNI headquarters.

o The decision to re-assign the Atlacatl on the morning of the 16th was part of a prior agreement to return the unit to its main battalion. The Military school was to be reinforced by units from the countryside. A unit from the Beloso battalion was also reassigned that morning. In both cases, the order came from Col. Cerna Flores, the chief of operations.

II. NEGOTIATIONS

During our visit, the government was preparing for the most recent round of negotiations, which took place between August 20 and 22nd in San Jose, Costa Rica. The perception at that time was that the issue of military reform holds the key to a successful peace settlement. Nothing happened in San Jose to alter that perception.

Attached to this memo are: 1) a 33 point proposal made by the government on military reform in July; and 2) an 18 point proposal submitted by the FMLN immediately prior to the August negotiation.

We will not attempt, in this memo, to analyze the negotiating position of the two parties. Other organizations have produced, and will be producing, regular updates on this subject. Instead, we will limit ourselves to a couple of basic impressions.

In our view, the government proposal reflects some movement in the direction of those who have argued for greater civilian control over the military, although clearly not enough to form a basis for an agreement. The FMLN position, however, reflects virtually no movement toward the government's position and seems, in fact, a step backward from earlier guerrilla proposals. In addition, it appears that the government has been more willing than the FMLN to encourage United Nations mediator Alvaro de Soto to develop a compromise proposal of his own. All of this raises a very real question in our minds about whether the FMLN is seriously interested in negotiating for peace.

During our trip, we discussed the issue of negotiations with officials from our Embassy, with members of the civilian political opposition, and with those representing the government in the negotiations. We believe that the government is approaching the negotiation in a serious and coordinated manner and without any apparent division between the civilian leadership and the leadership of the armed forces. The government's task has

been made far easier by the divisions apparent within the FMLN, and by that organization's failure--at least during the most recent round--to put forward a serious proposal on military reform.

The civilian political opposition has an opportunity, through the inter-party commission, to put forward its own ideas in the areas of military, judicial and electoral reform. Although its work has been hampered by a lack of cooperation from the governing ARENA party, the commission could play an important role--along with the UN mediator--in bridging the differences between the two sides.

The next round of negotiations is currently underway in San Jose. Failure to make substantial progress during this round will complicate gravely the prospects for peaceful and meaningful municipal elections scheduled for next March.

PROPOSAL OF THE GOVERNMENT OF EL SALVADOR ON AGREEMENTS RELATED TO THE ARMED FORCES IN ORDER TO ARRANGE A HALT TO THE ARMED CONFRONTATION AND ANY ACT THAT INFRINGES UPON THE RIGHTS OF THE CIVILIAN POPULATION.

A. Role of the armed forces in the democratic system.

- 1.- To establish the function of the Armed Forces within the democratic society, as well as to analyze their mission within the balanced development of society.
- 2.- To develop a plan for the education of and awareness within the Armed Forces of its role as an institution within a democratic society.
- 3.- To promote seminars on a permanent basis in various official and private sectors to improve the understanding of the new concept of a civic-military relationship in order to strengthen democracy.
- 4.- To jointly ratify the full validity of Esquipulas and subsequent agreements, making a formal commitment to comply with them in order to consolidate the progress already achieved.
- 5.- To jointly support and adhere to negotiations on matters related to security, unification and arms control and limits for the Central American region.

B. IMPUNITY.

- 6.- To support the following judicial processes now pending in order to carry out exemplary trials in the cases of:
 - a.- Monsignor Romero.
 - b.- The Jesuit priests.
 - c.- FENASTRAS
 - d.- Dr. Oquell Colindras.
 - e.- Assassinated mayors.
 - f.- Dr. Rodriguez Porth.
 - g.- Dr. Peccorini.
 - h.- Zona Rosa.

This issue, according to the Government's position, is of a general nature and should not be included in the item of the Armed Forces, but in the one related to Administration of Justice. It is included in the present document solely to respond to what the FMLN characterizes as "exemplary trials".

- 7.- To submit to the Honor Tribunal those members of the Armed Forces who commit actions that, without constituting a crime, obstruct the effectiveness and impartiality of the administration of justice.

- 8.- To promote the enactment of a law for the control and regulation of groups providing security services for individuals, autonomous institutions, private businesses etc.
- 9.- To collect by legal means those arms designated for the exclusive use of the Armed Forces.
- 10.- To enact an Executive Decree suspending permits allowing individuals to carry arms designated for the exclusive use of the Armed Forces.
11. To eradicate all forms of "private justice"
- 12.- To draft a general amnesty law and promote its enactment, excluding the aforementioned cases named in numeral 6.
- 13.- To sanction the violators of the agreements reached in this negotiation.

C. CLEANSING.

14. To pursue legal reforms that punishes illicit monetary gain, so that the law has jurisdiction over the Commanders of High-level Military Units and over those who have administrative functions at those same levels.
15. To promote the development of effective mechanisms for the use by the Committee on Defense and Public Security in overseeing the activities of the Armed Forces in the areas designated for its supervision, and within the powers contemplated in the Constitution of the Republic and the Internal Regulations of the National Assembly.
- 16.- To promote the enactment of an Armed Forces Procurement Law, in accordance with the National Budget general regulations.
- 17.- To establish rules of operation for the Armed Forces to be used by its Inspector General.
18. To create a Permanent Honor Tribunal within the Armed Forces.
19. To create a Commission for the Review of Armed Forces Legislation. (CORELEFA)
- 20.- To create the Directorate of Armed Forces Doctrine and Education. (The academic curriculum for the education of the military will include humanistic subjects.)
- 21.- To establish the Military University of El Salvador.

22.- To create a Human Rights Office within the Armed Forces, with specialized civilian personnel.

23.- To put the State Intelligence System (presently the DNI), under direct control of the President of the Republic.

24.- To put the five (5) Immediate Reaction Infantry Battalions under control of the Brigade Commands on a permanent basis, for their command, control and administrative and operational supervision.

25.- Following to the study and analysis of the Constitution, secondary legislation and rules and regulations regarding the matter, to transfer:

- a.- the National Police to the Ministry of the Interior.
- b.- the National Guard to the Ministry of Defense.

26.- To transfer the Treasury Police to the Ministry of the Treasury.

27.- To transfer the Infantry Battalions that presently operate out of the Security Forces (Pantera, Libertadores, 15 de Septiembre, CEAT) to the Army's command.

28.- To ask for the advice of countries with experience in the administration of civilian police forces (Venezuela, Spain, USA, UN). Any function not relevant to the mission which should be accomplished by this administrative structure within its organic context should be eliminated.

D. PARAMILITARY FORCES OR CIVIL DEFENSE.

29.- To establish procedures for collecting the arms of the Civil Defense forces upon reaching the phase of the end of the armed confrontation signed by the FMLN.

30.- To dismantle the Civil Defense following the demobilization and disarmament of the FMLN.

E. RECRUITMENT.

31.- To present a Bill on Military Service and Reserves which regulates the mechanisms for implementing recruitment.

32.- To redefine the objective of the military service, complementing it with civic duties and craftsmanship skills.

33.- Once the end to the armed confrontation is signed by the FMLN, the GOES will suspend the recruitment until the enactment of the aforementioned law.



Frente Farabundo Martí para la Liberación Nacional El Salvador, Centro América

POSITION OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) ON ENDING MILITARISM, REACHING A CEASE-FIRE AND ADVANCING TO AN UNARMED DEMOCRACY.

On April 30, the FMLN brought to Caracas, Venezuela, a comprehensive proposal for negotiation which contains three fundamental areas: Demilitarization, Democratization and the Socioeconomic Pact.

In this proposal, the FMLN establishes the need for demilitarization on the basis of: the end of the impunity with which the military commits crimes, the cleansing of the Armed Forces, the dissolution of the Security Forces, reducing the size of the Armed Forces, their subordination to civilian authority, the professionalization and change of mentality of the Armed Forces, the dismantling of the Paramilitary Forces, and total demilitarization through phasing the two armies out of existence.

Eighteen points on the subject of the Armed Forces that must precede a cease-fire:

1. Commitment to the total demilitarization of society through a process of phasing the two armies out of existence.
2. Suspension of any obligatory or forced recruitment. Recruitment by both armies must be on a voluntary basis.
3. Disarmament and total dissolution of the civil defense forces and the paramilitary patrols of the Territorial Service.
4. Dismissal of all generals and colonels currently on active duty and of the commanders and officers involved in violations of Human Rights or corruption.
5. Dissolution of the Atlacatl Battalion and dismissal of all officers and troops that have formed part of this battalion from the time it was founded to the present.
6. Closure and public destruction of the clandestine prisons and all instruments of torture belonging to the Armed Forces.
7. Dissolution of the death squads, based on the dismantling of personal security services and security services that operate in private enterprises, autonomous institutions or state-run entities, especially those which are under the responsibility of Major Roberto D'Aubuisson and Mr. Orlando de Sola.
8. Dissolution of the death squads on the basis of dismantling the National Intelligence Department (DNI) and all organisms and units that function under it, as well as the intelligence units of the Military Detachments and Brigades of the Armed Forces.
9. Dissolution of the infantry battalions belonging to the security forces, and dismissal of all their members.
10. Total dissolution of the National Guard and the Treasury Police, and dismissal of all who have been members of these security corps between 1979 and today.
11. Establishment of a joint commission of the Armed Forces and FMLN to agree upon and implement the terms and composition of a new civilian police force.
12. In the transition period during the formation of the new police force, the current National Police would continue to function as a provisional force under the following conditions:

- Dissolution of its secret structures and special services.
 - Dismissal of officers and troops involved in Human Rights violations and corruption.
 - Establishment of Human Rights verification offices in all of its stations.
13. Before a cease-fire is agreed upon, bring to trial and punish, in an exemplary manner, the intellectual and material authors of the following crimes and massacres:
- The assassination of Monsignor Romero, Archbishop of San Salvador.
 - The massacre of the FENASTRAS union members.
 - The assassination of Hector Oquell Colindres and Gilda Flores (committed in Guatemala).
 - The massacre of the six Jesuit priests and their two employees.
 - The massacre of 900 peasants in the villages of Mozote, Guacamaya, Los Toriles and others in the Department of Morazán in the eastern part of the country.
 - The massacre of 600 peasants on the banks of the Sumpul River in the Department of Chalatenango, in the central area of the country.
 - In addition to these six cases, any murders, massacres and bombings of civilians which take place in the course of the negotiations.
14. Open a process of investigation and bring to trial the intellectual and material authors of all crimes, massacres and forced disappearances committed since 1979. Include those acts committed by prominent members of the private sector and the paramilitary groups linked to them. A list of some of these cases follows.
- Seven thousand disappearances and all the thousands of murders committed by the death squads since 1979.
 - The murders of priests Rutilio Grande, Alfonso Navarro Oviedo, Alirio Napoleón Macías and Octavio Ortiz.
 - The murder of the four North American churchwomen.
 - The murder of Enrique Alvarez Córdova, President of the Democratic Revolutionary Front (FDR), and the rest of the FDR leadership with him.
 - The murder of the 2 North American civilian advisers from the AFL-CIO and of Rodolfo Viera, of the Salvadoran Institute for Agrarian Reform.
 - The murder of opposition leaders Mario Zamora Rivas and Melvin Orellana.
 - The murder of the REUTERS reporter and the sound operator for Channel 12 TV by soldiers of the Arce Battalion and the Air Force. (Rescind previous acquittals.)
 - The murder of four Dutch journalists.
 - The murder of Marianella García Villas and Herbert Anaya Sarabriu, president and coordinator, respectively, of the Non-Governmental Human Rights Commission.
 - The murder of the European Parliament official Jurgen Weiss, of Swiss nationality, in Nanastepeque, Department of Cuscatlán.
 - The murder of doctors of Salvadoran and other nationalities, of paramedical personnel and war wounded in attacks on hospitals of the FMLN.
 - The murder of Félix Ulloa, Rector of the National University of El Salvador, and of all the University professors and students killed since 1975.
 - The murder of more than 300 school teachers.
 - The murder of Colonel Benjamín Mejía and Captain Amilcar Molina Panameño.
 - The massacre of 200 peasants in Copapayo, Department of Cuscatlán.
 - The murder of 300 peasants in Calabozo, Department of San Vicente.

- The massacre of 10 peasants in San Francisco, San Sebastián, Department of San Vicente. (Rescind previous acquittals.)
 - The massacre of 40 peasants in Las Hojas, Department of Sonsonate.
 - All massacres carried out during military operations in the countryside and during the repression of demonstrations, strikes, and peaceful take-overs of factories, land or workplaces from 1979 to the present.
 - All the deaths and wounded caused by aerial bombing and artillery attacks against the civilian population since 1979, including the cases that occurred during the offensive of November 1989 in San Salvador, San Miguel and other cities.
15. Formation of a special tribunal for trial and punishment of all cases which have gone unpunished and war crimes committed by the Armed Forces and paramilitary groups. Said tribunal, in order to overcome the inability and the absence of moral standing of the current judicial system and legal order, must have exceptional powers to establish proceedings and penalties. Its composition would be decided upon by consensus among the political forces, the Government and the FMLN.
 16. Abolition of the current Vice Ministry of Public Security.
 17. Selection of a civilian Minister and Vice Minister of Defense, to be accepted by consensus among all the political forces, the Government and the FMLN.
 18. The adoption of a special socioeconomic plan which serves as a guarantee for all those affected by the process of demilitarization and phasing out of the two armies.

The above cases are part of the genocide that has claimed more than 50,000 victims, killed individually or *en masse*, in ways that range from the most simple to the most abominable and abhorrent, which include citizens in general, men and women of all ages, newborns and the elderly, peasants, workers, teachers, students, doctors, war-wounded, foreign citizens of diverse occupations including several North Americans, members of human rights organizations, journalists, priests, nuns, army officers, prominent businessmen and even an Archbishop. Without investigation and trial of those responsible for all these cases, the negotiations cannot be considered conclusive.

Oct 1992 Statement on
BUCCLANAD

STATEMENT OF REP. JOE MOAKLEY

CHAIRMAN--SPEAKER'S SPECIAL TASK FORCE ON EL SALVADOR

OCTOBER 18, 1990

As Chairman of the Speaker's Special Task Force on El Salvador, I am today making a statement concerning a very troubling matter that has arisen in connection with the investigation into the murder of six Jesuit priests and two women in El Salvador last November.

As the report issued by our Task Force last April indicated, an American military officer assigned to the U.S. Embassy in San Salvador came forward on January 2, 1990, with important information that linked Col. Guillermo Benavides, commander of the military school in El Salvador, with the murders. Within two weeks, Col. Benavides was arrested and charged with ordering the crimes.

Members of our Task Force interviewed the American military officer last spring. We have also seen a copy of the statement he submitted to the Salvadoran government last January. That statement was made available to us by Salvadoran authorities after our own Government refused to provide it. We have also received a verbal summary of the results of lie detector tests given to the American officer by the FBI, also last January. In each case, the testimony of the officer is confined to events that occurred subsequent to the murders.

Based on this, I concluded that the testimony of the American officer was limited to information that he obtained after the murders took place.

Therefore, I was disturbed to learn very recently that the American officer disclosed information to the FBI last January that concerns an event prior to the murders which, if true, casts a disturbing new light on the entire investigation into the Jesuits case. The information pertains to an alleged incident that occurred approximately ten days prior to the murders involving Col. Benavides and the Jesuits. If the information is accurate, Salvadoran military authorities should have considered Col. Benavides the prime suspect immediately after the murders took place.

I want to make it clear that I do not know if the information originally provided by the American officer is accurate. It is my understanding that the officer has since recanted a signed affidavit that he provided to the FBI on this subject.

My primary concern, however, is not whether the account is true or false. My concern is the substance of the account was not provided to Salvadoran law enforcement and judicial authorities until this week, and that it was done only at my urgent request.

The fact is that American officials withheld from Salvadoran authorities for more than ten months a statement that I believe is of obvious relevance to the investigation into the Jesuit murders. At

best, I consider this to be an unbelievable and inexcusable error in judgement, and I have made my views known in this subject to the Department of State, the Department of Defense and the FBI. I have been assured by officials from all three agencies that they will cooperate in determining why this occurred. I have also been assured that the American officer will be made available for unrestricted further questioning by the appropriate judicial authorities in El Salvador, should such testimony be requested by the judge in the Jesuits case.

However, today, I've also been told that the affidavit signed by the American military officer will not be made available to the Speaker's Task Force. I find this lack of cooperation on the part of the Administration to be particularly disturbing.

In closing, I want to emphasize what I believe to be the central issue with respect to this incident. The American officer made a statement that was extremely important, but which may or may not be true. It may be that American officials took it upon themselves to dismiss the validity of the statement. I do not believe, however, that this responsibility rested properly with American officials alone. The statement should have been turned over to the appropriate authorities in El Salvador for further investigation and questioning of the American officer and the others involved. The failure to do so cannot be excused.



MINISTERIO DE DEFENSA
Y DE SEGURIDAD PUBLICA
REPUBLICA DE EL SALVADOR. C. A.

San Salvador, October 24th, 1990

The Honorable John Joseph Moakley
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Moakley,

I read with great interest your statement of 18 October regarding Major Buckland's second affidavit on the Jesuit Case. I also believe that in indeed Major Buckland made another statement, no matter how credible the information might be, it is important that it be given to the Salvadoran Judicial Authorities.

On the one hand, if the information were true, it might be have provided new elements to the investigation. On the other hand, if the information were false, it might help in the assessment of the crebility that Major Buckland deserves as a witness in this case.

I would like to explain you that really that information is faulse for the following:

Col. Carlos Aviles, according to the information, came to see Col. Benavides 10 days before of the assesination of the Jesuit Priests, which would be around the 6th of November. However, Col. Aviles was in New Orleans from Oct. 31st to Nov.14th, returning to El Salvador just two days before the tragic murders at the UCA. Col. Aviles will send you a photocopy of his passport.

The above will be sufficient to demonstrate, in fact, the falsness of the affidavit of Major. Buckland, because Col. Aviles cannot be in two different places at the same time. But there exist other reasons that put in doubt the affidavit's credibility, such as the following:

- a) If I had prior knoweledge of what Col. Benavides is said to have planned, I would have gone personally to speak with him or I would have called him to my office -his office is less than two hundred meters from mine. It is not logical that in such a serious matter I would have sent any intermediary.
- b) In any case it would have been logical to have sent either a superior or a person who had the condifence of Col. Benavides. Col. Aviles was a subordinate in years of service to Col. Benavides, and the two were never friends.



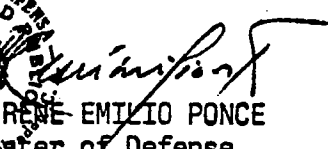


MINISTERIO DE DEFENSA
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REPUBLICA DE EL SALVADOR. C. A.

- c) If I sent someone, I would have sent someone from Operations and not from Psychological War, as in the case of Col. Aviles.
- d) The Chief of the Special Unit of the Investigative Commission of Delinquent Acts, Lt. Col. Manuel Antonio Rivas, has not seen the video nor the declarations that were mentioned.
- e) Obviously, if I had any suspicions that Col. Benavides had become unbalanced to the point of thinking of such an atrocious crime as the assesination the Jesuit Priests, I never would made him on November 13th, Chief of Security of the Army Complex, that comprises of the Ministry of Defense, the National Direction of Intelligence, the Military School, the High Command and the UCA.

Mister Moakley, we all want to see justice done in the Jesuit Case. Any information that helps clarified this matter is welcome. As you know, we have been and will continue assisting judge Zamora in his investigations.

Sincerely,


 GENERAL. RENE EMILIO PONCE
 Minister of Defense
 and Public Security

c.c. Ambassador William Walker
Ambassador Miguel A. Salaverria
Congressman Bernard J. Dryer
Mr. Bernard Aronson Office
Agredefensa Washington

nl.



Statements:
Helicopter
Aid Release

JOHN JOSEPH MOAKLEY
9TH DISTRICT, MASSACHUSETTS

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For Immediate Release
January 3, 1991
Contact: Jim McGovern
202-225-8273

**Statement by Congressman Joe Moakley on the Downing of
U.S. Helicopter in El Salvador**

The following is a statement by Congressman Joe Moakley (D-Mass.), Chairman of the Speaker's Task Force on El Salvador:

I am deeply troubled by the events of yesterday and by the speculation that the American servicemen may have been killed after they had crash landed.

It would be a terrible tragedy if, as the FMLN claims, the shooting down of the American helicopter was a mistake. But it would be more than a tragedy -- it would be an outrage -- if the American crewmen were murdered in cold blood.

If the evidence indicates that the Americans landed safely and then were killed -- in clear violation of the international laws governing war -- we would expect and we would demand that the FMLN turn over to the judicial authorities those responsible. If not, this lack of action will have serious consequences.

It is my understanding that both the FMLN and the Salvadoran government are once again meeting to discuss the prospects for ending the war. I hope and pray that both sides will negotiate seriously and refrain from additional acts or threats of increased violence as long as these talks continue.

NEWS RELEASE

from Congressman Joe Moakley, 9th District, Massachusetts

Jan 1991 UPDATE

STATEMENT OF REP. JOE MOAKLEY

CHAIRMAN OF THE SPEAKER'S TASK FORCE ON EL SALVADOR

JANUARY 16, 1991

The Bush Administration is today issuing a report on the current situation in El Salvador that includes a decision to remove any legal restrictions on the release of the full amount of U.S. military aid to that country. The decision is based on evidence that the FMLN has violated conditions in federal law that previously required the withholding of 50% of military aid.

I do not fault the Administration for its criticism of the FMLN. I do fault it for rationalizing abuses committed by the armed forces. The law requires balance; the Administration's action is unbalanced, poorly-reasoned, ill-timed and based on a highly selective use of facts.

There is no question that the FMLN has violated conditions in law by continuing to acquire arms from outside El Salvador. But the armed forces are also violating conditions in the law by continuing to obstruct justice in the Jesuits' case. The Administration's double standard can only reduce pressure on the Salvadoran armed forces to reform and negotiate seriously for peace.

Americans should understand, as well, that the Administration's continued call for the FMLN to accept an unconditional ceasefire is propaganda, not policy. Last May, the FMLN and the Salvadoran government agreed that a series of political reforms would be required before -- not after -- a ceasefire.

For two years, this Administration has talked about the importance of a bipartisan policy towards El Salvador. But bipartisanship requires balance. And once again, sadly, the Administration has gone off the tracks.

-30-

January 7, 1991

To: Hon. Joe Moakley
From: Jim McGovern, Bill Woodward

Re: Staff trip to El Salvador

We arrived in El Salvador on Saturday, December 8, and departed on Thursday, December 13. We met, among others, with Ambassador William Walker and other embassy personnel; Ernesto Altschul, acting chief of staff to President Cristiani; Mauricio Gutierrez Castro, the President of the Supreme Court; senior officials in the office of Dr. Ricardo Mendoza, the Fiscal (Attorney) General; Judge Ricardo Zamora, the judge in the Jesuits' case; Fr. Pedro Armada, of the University of Central America (UCA); and Lt. Col. Manuel Rivas, the director of the Salvadoran Special Investigations Unit (SIU).

Although we discussed a range of issues during our trip, this report is limited to the status of the investigation into the murders at the UCA (the Jesuits' case) on November 16, 1989.

SUMMARY.

Perhaps the best summary of the current status of the case was provided by one Salvadoran government official who told us that "the armed forces wrote the first act of the Jesuits' case by murdering the priests; now, they are writing the final act by controlling the investigation."

Although we have more confidence now than after previous trips that Col. Benavides and others charged with the murders may be convicted, we also believe more strongly than ever that the high command of the armed forces has successfully limited the scope of the investigation, and protected certain officers from possible prosecution. And we continue to take seriously the possibility that the murders were ordered by senior military officers not

currently charged.

The Salvadoran military has proven so uncooperative in the case that the Bush Administration secretly ordered a slowdown in the delivery of U.S. military aid this past August. The slowdown continued until November, when a resurgence in FMLN military activity prompted renewed aid.

Although Judge Zamora has acted courageously and responsibly in conducting his investigation, President Cristiani has proven either unwilling or unable to change the military's attitude, and the Fiscal General has failed to press the investigation against senior military officers. As a result, the boundaries of serious inquiry have been tightly controlled, and every effort to expand the circle of suspects has been contained by perjury, amnesia, obstructionism or silence on the part of the armed forces.

One of those with whom we spoke compared a competition between the Salvadoran armed forces and the Salvadoran judicial system to a basketball game between the NCAA champions and a high school junior varsity--the winner isn't in doubt, only the point spread. For this reason, both Salvadoran and U.S. officials familiar with the investigation stress the need for continued external pressure in the Jesuits' case: pressure to guarantee the integrity of the trial; and pressure to develop more information about who ordered the murders, who planned them, and who sought to limit the investigation concerning them.

Accordingly, we recommend a continued effort to find answers to the questions that have not yet been satisfactorily answered in the case. We believe there are individuals in El Salvador--especially in the military--who have information important to the case, but who have not come forward for reasons of fear, misplaced loyalty or a lack of confidence that the truth will be acted upon. We believe that only President Cristiani has the position, power and respect sufficient to persuade these individuals to come forward, and to enable them to come forward safely. We hope that the United States will work with the

President to this end.

A. STATUS OF THE CASE.

On December 7, Judge Zamora announced his decision to go to trial. All nine of the defendants originally charged, including Col. Benavides, were accused of murder; eight of the nine were accused of terrorism; and Col. Benavides and three lieutenants were charged with planning the crimes. In addition, Lt. Col. Camilo Hernandez and Lt. Yussy Mendoza were charged with destruction of evidence (i.e., the burning of logbooks indicating the arrival and departure of vehicles from the military school).

We were assured repeatedly that the decision to go to trial does not mean the end of the investigation. New evidence may be developed against the defendants and entered into the record during an eight day period following defense appeals of the decision to go to trial. Evidence against other persons may also be developed and used to initiate separate investigations against those persons.

An estimated three to four months will be required to consider the expected defense appeal. The appeal will be considered by a two judge appeals court, which will concern itself with the procedural aspects of Judge Zamora's investigation.

After the appeal, there will be an eight day period during which either the prosecution or the defense may submit new evidence. After that, it will take an estimated two months for the judge to prepare his case, followed by jury selection. The trial itself will only take a day or two. The murder and terrorism charges will be heard by the jury. The judge alone decides on the destruction of evidence charge. We heard conflicting views on whether the planning charge would be decided by the jury or by the judge.

B. THE CASE AGAINST COL. BENAVIDES.

The judge and the Fiscal General's office both stressed their belief that a strong case has been built against the defendants, including Col. Benavides. Col. Benavides was the commander of the military sector within which the murders took place. He was reportedly the only one authorized to release weapons from the school's supply room; and weapons traced to the military school were used in the murders.

Although Salvadoran law does not generally permit the use of co-defendant testimony, we were informed by the Fiscal General's office that the extra-judicial statements made by those who allegedly carried out the murders may be entered in the record of the trial and read before the jury. Some of these statements directly implicate Col. Benavides in ordering the murders.

The judge also told us that the ban on co-defendant testimony does not apply to the charges lodged against Col. Benavides and the three lieutenants for planning the crimes. Thus, the statements made by the lieutenants could be used to convict Col. Benavides on that charge, even if they are not otherwise technically admissible.

C. MILITARY COOPERATION.

Chairman Moakley's statement in August alleging obstructionism on the part of the military remains current. Asked to testify by the judge, military officers have repeatedly either failed to testify, failed to remember, failed to make sense or failed to tell the truth. Although three have been charged with perjury and two with destroying key evidence, most have simply come in, said virtually nothing, and gone home. Under the circumstances, we believe the judge has done an excellent job of constructing a case out of the scraps of information provided.

One symptom of the attitude of the high command of the armed forces surfaced in late August and September, following Rep. Moakley's criticism of the military's attitudes and the U.S. decision to slow deliveries of military aid.

President Cristiani convened a meeting of senior officers, the President of the Supreme Court, and the judge. During that meeting, a firm pledge of support and cooperation in the case was solicited--and received--from the high command. In a dramatic gesture, President Cristiani then testified in person before the judge after waiving his legal right not to do so. Feverish efforts were then made to persuade the newly-named Minister of Defense, Col. Emilio Ponce, to do the same. Despite the pressure, Col. Ponce refused to do anything more than submit a written statement, as did several other senior officers.

It is disturbing that President Cristiani proved either unwilling or unable to exercise his authority as Commander in Chief to require Col. Ponce and the other officers to testify in person. Because of this failure, neither the judge nor the prosecutors have had a chance to question these officers in a sustained way.

D. UNANSWERED QUESTIONS.

After a year of investigation, there remain a host of unanswered questions about details in the case. Many of these were discussed in the April Task Force report, or in the August statement by Chairman Moakley. Without forgetting those questions, we would--at this point--place special emphasis on two basic unresolved issues:

1. Who is pulling the strings?

The most puzzling aspect of the investigation is why some officers and soldiers were seriously investigated while others were not.

According to information developed by Judge Zamora, a special operational command was established at the Military School during the days immediately preceding the murders. The command was headed by Col. Benavides with the assistance of Lt. Col. Camilo Hernandez. Chief staff responsibilities were assigned to Major

Oswaldo Vides Lucha, Major Miguel Gonzalez Castillo, Captain Jose Fuentes and another officer whose name we do not have. A unit of the Atlacatl battalion, commanded by two lieutenants, was one of many outside units temporarily assigned to this command.

We are told that, by early January, 1990, investigators believed that the Atlacatl unit had been involved in the killings, but they did not have specific evidence against particular soldiers, nor did they know who had ordered the crimes.

Last January 6th, President Cristiani ordered the detention of Col. Benavides, Lt. Yushy Mendoza from the military school, and 45 members of the Atlacatl battalion, including two lieutenants. For reasons no one seems to understand, Lt. Col. Camilo Hernandez and the captains and majors who were between Col. Benavides and the lieutenants in the chain of command were not among those detained.

Lt. Col. Hernandez, the second in command, is an experienced combat officer with close ties to Defense Minister Ponce. He was at the military school on the night the murders took place. But he was not questioned by the SIU; he was not detained on January 6th; and he was not charged until it became evident six months later that he had destroyed evidence in the case.

The captains and majors listed above were also at the military school on the night of the crimes. It was their job to know what was going on. But none of them were questioned by the SIU; none were detained; and when they were ultimately questioned by the judge, they all claimed either to have been asleep, or to have seen nothing, heard nothing and known nothing about the actions of the Atlacatl.

Why, at a point in the investigation when the specific identities of those involved in the crimes were--by all accounts--unknown, were the Colonel and the lieutenants detained and subsequently charged, but not those between them in the chain of command? And at whose direction was this done?

During this and previous trips, we have asked this question of Col. Ponce, the Fiscal General's office, the President of the Supreme Court, the SIU, the judge and the U.S. Embassy. None of the Salvadoran officials have a coherent answer. The Fiscal General's office, the judge and the U.S. Embassy all agree it is perhaps the key unanswered question in the case.

The failure of the investigators to be clear on this point leads inevitably to speculation that the military hierarchy--not the investigating authorities--controlled who was questioned, who was detained and who was charged. It leads to speculation that a deal may have been cut wherein a senior officer--Col. Benavides--was required to take responsibility, while mid-level officers were shielded from prosecution. It leads to speculation that the protection provided to these mid-level officers may have been given in return for their silence during the subsequent investigation. It leads to speculation that the entire investigation may have been a charade calibrated to meet the minimum--and only the minimum--demands of meddlers from Congress and elsewhere.

And it leads to the conviction on our part that officers within the high command knew that Col. Benavides and the Atlacatl unit were involved in the crimes well before the investigators produced ballistics and other concrete physical evidence to this effect. We believe that the reason the military honor board selected on January 6 did not ask any questions is because it already knew the answers. The issue we have not resolved fully is how they came by this knowledge. And why President Cristiani, among others, has not demanded an answer to that question.

2. The role of Salvadoran Military Intelligence.

According to the official record of the investigation, no one from Salvadoran military intelligence knew anything before or after the fact about the planning or execution of the murders at the UCA. For a variety of reasons, we don't find this credible.

First, Salvadoran military intelligence has historically played a key role in identifying, surveilling, questioning and otherwise taking action against those suspected of subversive activity. Given the military's historic suspicion of the Jesuits, coupled with the tensions caused by the guerrilla offensive, intelligence units would have logically kept a very close eye on the UCA.

Second, some military intelligence officers were, in fact, deeply involved in events leading up to, and immediately following, the murders:

--On November 11, a military intelligence officer, Captain Herrera Carranza, reported that troops were being fired upon by guerrillas inside the UCA. This firing was never confirmed.

--On November 13, an intelligence officer accompanied a military unit in a search of the UCA, including the living quarters of the Jesuit priests. The unit that conducted the search is the same unit that allegedly murdered the Jesuits two days later. The intelligence officer was instructed to join the search by Captain Herrera and by the recently-appointed Director of Intelligence, Col. Guzman Aguilar.

--Early on November 16, Captain Herrera entered a meeting of intelligence officers and informed them that the Jesuits had been killed. Although the captain testified that he learned the information from commercial radio, no commercial radios were broadcasting the information by that time.

Third, the presence of the intelligence officer during the search of the UCA on November 13th was originally concealed from investigators.

Fourth, the intelligence officer who joined in the search lied about it afterwards.

Fifth, the headquarters of military intelligence are located less than half a mile from the entrance to the UCA and intelligence

units were deployed along the highway adjacent to the UCA on the night of the murders. Intelligence officers would had to have been deaf, blind or heavily sedated to have been unaware of the events at the UCA during the half hour they were going on.

Finally, not long after the murders, Col. Guzman Aguilar was transferred to the post of military attache in Costa Rica, a country with no Army. He had served as head of intelligence for less than three months. Captain Herrera was assigned to a unit in a conflictive zone and was soon killed.

The only serious effort to unravel the possible involvement of military intelligence officers in the Jesuit murders has been made by Judge Zamora, and he has not been able to get very far. It remains unclear why an intelligence officer was ordered to help search the UCA; what, if anything, intelligence officers were telling the high command about the UCA's relationship to the guerrilla offensive; whether Col. Guzman Aguilar, a classmate of Col. Benavides, was informed that a plan to murder the Jesuits would be carried out; how Captain Herrera learned that the Jesuits were dead; and why Col. Guzman Aguilar was so quickly transferred out of the country.

These questions may not be answerable. But they should continue to be asked.

THE AMERICAN OFFICER AND 'PRIOR KNOWLEDGE'

A controversy has arisen in recent weeks about the possibility that an American military officer, attached to the U.S. Embassy in San Salvador, had prior knowledge of a plan to kill the Jesuits. On January 12, 1990, in a sworn, videotaped statement to the FBI, the officer made a very detailed statement during which he claimed to have been told by a senior Salvadoran military officer on the day of the murders that an operation would be carried out at the UCA that night. The officer formally recanted this statement six days later. Neither the statement, nor the withdrawal of the statement, were transmitted by the U.S.

Government to Salvadoran judicial authorities until this past October.

After discussions with the FBI, the U.S. Embassy and the Salvadoran government, we have developed the following rough chronology of events surrounding the Executive Branch's handling of the statements made by the American officer:

1) Dec. 20, 1989--date of a conversation the American officer claims to have had with Salvadoran Col. Carlos Aviles, during which Col. Aviles told the officer of another conversation in which Col. Benavides allegedly admitted his involvement in the murders to Lt. Col. Manuel Rivas, the director of the SIU.

2) Dec. 25, 1989--the officer writes a letter to his sister describing the conversation with Col. Aviles. The letter does not mention prior knowledge.

3) Jan. 2, 1990--the officer informs his superiors at the embassy of the conversation with Col. Aviles. Again, there is no mention of prior knowledge. Embassy officers inform Salvadoran Chief of Staff Col. Ponce. Col. Aviles denies that the conversation took place.

4) Jan. 3-6--both the officer and Col. Aviles take lie detector tests. In both cases, the results either indicate deception or are inconclusive.

5) Jan. 6--the officer departs for the United States.

Jan. 12--During a videotaped interrogation by the FBI in Washington, D.C., the officer adds several new elements to his story:

--he claims that Col. Aviles visited the military school in late October, at the direction of Col. Ponce, to persuade Col. Benavides not to proceed with plans to kill the Jesuits at the UCA;

--he claims to have been told by Col. Aviles on November 15th, the day of the murders, that the military was planning to carry out an operation against the UCA that night; and

--he claims that Col. Aviles visited his room early on the morning of the 16th, at roughly the time the murders were taking place.

Jan. 13--the FBI provides the U.S. Embassy and Assistant Secretary of State Aronson with a summary of the officer's statement. Signed statements and a videotape are later provided to the Embassy.

Jan. 14--the officer calls the FBI to say that the elements of his story indicating prior knowledge of the crimes are not true.

Jan. 18--the officer formally recants his statements concerning prior knowledge.

Sept. 28--an Embassy official comes across the officer's statement concerning prior knowledge in preparation for the officer's formal testimony in El Salvador.

Sept. 29--the officer testifies before the judge in San Salvador and includes in his opening statement a denial of any prior knowledge.

early October--Executive branch officials discuss whether or not to make the officer's statement concerning prior knowledge available to the judicial authorities in El Salvador.

mid October--Rep. Moakley learns of prior knowledge statement and asks that it be transmitted immediately to the judge in San Salvador.

October 22--Judge Zamora's records indicate informal receipt of the officer's statements. The Government of El Salvador subsequently makes a formal request to the United States for the

videotape and related documents.

The obvious question is why U.S. authorities did not make the officer's statement concerning prior knowledge available to Salvadoran judicial authorities early last year.

The reason, according to U.S. Embassy officials in San Salvador, is that the FBI had pronounced the officer's testimony concerning prior knowledge as 'not credible', and instructed them, in any case, not to share the statements or videotape with anybody. The FBI, however, denies characterizing the officer's statement in that manner and says it had assumed that the material would be shared with the Government of El Salvador. The FBI also claims to have sent a cable to the Embassy, dated January 24, suggesting that a further investigation of the officer's statements be conducted. The Embassy says that it never received such a cable.

In the middle of this confusion, in late January or early February, the Embassy decided to show portions of the videotape to President Cristiani. Surprisingly, the President did not suggest that the videotape, or accompanying statements, be made available to the judge.

During our visit, the President's deputy chief of staff, the Fiscal General's Office and Judge Zamora all agreed that the statements made by the American officer should have been turned over to Salvadoran judicial authorities for further investigation, despite the fact that the officer had recanted part of his story.

It is our own judgment that the officer's story is sufficiently important and sufficiently detailed to have warranted immediate and thorough investigation. The Executive branch should not have taken upon itself the responsibility of dismissing that part of the officer's January 12 statement that dealt with prior knowledge, despite the officer's decision shortly thereafter to recant. The result of this decision was to delay an investigation of those statements for almost ten months.

Despite this criticism, we also discount the theory put forward in a recent edition of Newsweek magazine that the Administration made a conscious effort to suppress the officer's statement in order to protect Col. Ponce, Col. Aviles or someone else in the Salvadoran military. The officer's statement only became known to the Task Force after the issue of its possible release to the Salvadoran government had been resurrected by Embassy officials in late September. If a decision had been made to suppress it, it would presumably have stayed suppressed.

Our conclusion is that the American officer's statements were not turned over to the Salvadoran government (aside from the screening for President Cristiani) for three principal reasons:

- 1) a gross and to-date unreconciled failure of communications between the FBI and the Department of State;
- 2) the emotional, confused and inconsistent nature of the officer's statements; and
- 3) a lack of confidence by the U.S. Government in the capacity of Salvadoran authorities to investigate this kind of information in a productive and professional manner.

We repeat that, given the potential significance of the officer's statements, the importance of this case, and the need to strengthen the Salvadoran justice system in every respect, it is unfortunate that the information was not turned over and that investigations were not conducted immediately to test the veracity both of the officer's statements of January 12 and his subsequent refutation of some of those statements.

We recommend that the Executive be urged to cooperate with any efforts on the part of the judge or other appropriate Salvadoran authorities to investigate this matter further.

Congress of the United States

House of Representatives

Washington, D.C. 20515

June 5, 1991

The President
The White House
Washington, D.C.

Dear Mr. President:

We are writing to let you know of our plans with respect to assistance for El Salvador for the coming fiscal year.

At the request of the administration, we agreed to withhold action on El Salvador until May 30. We agreed that action by the Congress during the delicate negotiations between the government of El Salvador and the FMLN might inadvertently prejudice the talks.

At the time that we entered into this agreement, it was hoped that the talks would have produced a cease-fire by May 30. Obviously that did not occur, and it does not appear that the talks will be concluded in the near future.

Out of a desire to give the talks every possible chance to succeed, we have determined that we will continue to refrain from legislative action on El Salvador until after Labor Day. In September it is our intention to bring to the House floor a bill dealing with assistance for El Salvador which, if passed, we would seek to have included in the Conference Reports on the foreign aid authorization and appropriations bills.

We undertake this commitment to give the talks more time because we believe it is the best way for the United States government to maintain leverage on both parties to the conflict. In the same spirit, we strongly urge you not to release the second half of the fiscal year 1991 military assistance for El Salvador. Release of these funds would take the pressure off the government with respect to the negotiations, the Jesuits case, and human rights generally. On the other hand, not expending these funds for military purposes would leave open the option of providing them for the Demobilization and Transition Fund if a settlement is achieved.

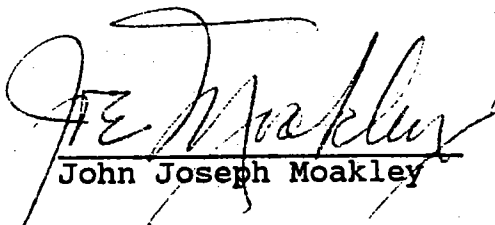
The President
June 5, 1991
Page Two

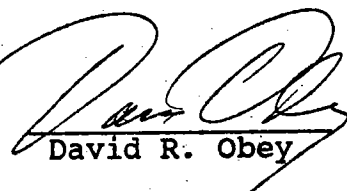
More than \$90,000,000 remains available to the government of El Salvador in undelivered military assistance from funds currently available. Surely you would agree that it would be a most unfortunate signal to release further military assistance at this time. We urge you to join us in not rocking the boat at this delicate stage in the peace process.

We note that the fiscal year 1992 foreign operations appropriations bill, as reported out of subcommittee, would withhold \$10 million in military aid for El Salvador pending satisfactory progress on the Jesuits case and other human rights cases. It is our intention to retain that provision. We would leave open until September any decision about increasing the amount withheld. Our action in September will depend on our assessment of progress in these cases and in the negotiations, as well as the military needs of the government of El Salvador.

We know you share our hope that a settlement will be achieved by Labor Day, so that our action can be to authorize not further means of destruction, but reconstruction and development assistance for El Salvador's people. We believe that the approach we have outlined will further that goal, and we urge you to join us in applying pressure to both sides to achieve a quick end to this terrible war.

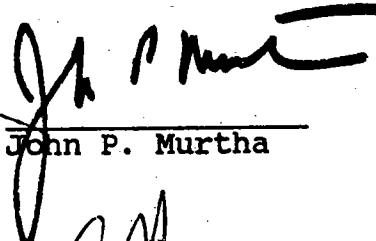
Sincerely,

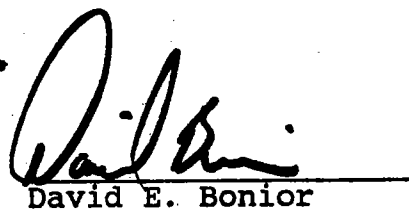

John Joseph Moakley

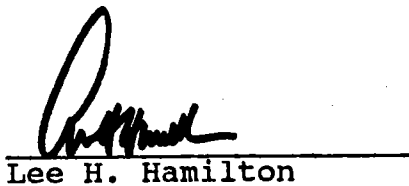

David R. Obey

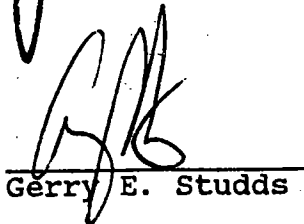

Robert G. Torricelli



Dante B. Fascell


John P. Murtha


David E. Bonior


Lee H. Hamilton


Gerry E. Studds


Stephen J. Solarz

NEWS RELEASE

From Congressman Joe Moakley, 9th District, Massachusetts

For Immediate Release
June 6, 1991 -- 12:30pm
Contact: Jim McGovern
(202) 225-8273

Statement by Congressman Joe Moakley (D-Mass.)
before the House Committee on Rules
on U.S. Military Aid to El Salvador

(The House Committee on Rules, in consultation with the House Foreign Affairs and Appropriations Committees, today provided a rule for the consideration of the FY 1992 Foreign Aid Authorization Bill which would allow the House to delay formal action on military aid to El Salvador. House leaders anticipate such a vote in September. The following are the remarks of Rules Committee Chairman Joe Moakley.)

For the record, let me make clear exactly what we are doing here today by moving a vote on El Salvador to September.

We are keeping the pressure on both sides in the conflict. In the coming months we will monitor the negotiations, the level of violence and the progress on the Jesuits' case and then determine what is the appropriate course in terms of United States military assistance to El Salvador.

Both the FMLN and the Salvadoran Armed Forces should be put on notice.

If the FMLN deliberately stalls the negotiations; if the FMLN is assassinating civilians; if the FMLN fails to meet its international legal obligations in the helicopter case; or if the FMLN continues to get significant shipments of arms from outside El Salvador -- then that misbehavior will be reflected in the level of military assistance this Congress provides to the Salvadoran Armed Forces.

If, on the other hand, the Salvadoran Government stalls the negotiations; if the Salvadoran Army assassinates civilians and unless there is a breakthrough in the Jesuits' case -- then these facts will be reflected in the level of military assistance -- or

lack of military assistance --this Congress provides the Salvadoran Armed Forces.

And let me emphasize my belief, at this point in time, that the cooperation of the Salvadoran Armed Forces on the Jesuits' case has not been at all satisfactory. The lies, the obstruction of justice and the general level of non-cooperation by the Salvadoran Armed Forces cannot be tolerated and I believe -- unless there is a change in that attitude -- will not be tolerated by this Congress in September.

It should also be made clear that our silence on the foreign aid bills at this time should not -- in any way -- be interpreted as a lessening in our unequivocal support for the efforts of the United Nations Secretary General in mediating the negotiations between the Government and the FMLN. And we are pleased to note that over 100 U.N. personnel will soon arrive in El Salvador to monitor human rights.

I believe temporarily withholding Congressional action on this matter will keep the pressure on both the FMLN and the Salvadoran Government to negotiate seriously an end to the war. And I would hope that the Bush Administration will follow our lead and refrain from doing anything that might jeopardize this delicate process. Specifically, I would urge that they continue to withhold \$42.5 million in FY 1991 U.S. military assistance that has not yet been obligated. I also hope that the Administration will give unequivocal and unambiguous support to the U.N. Secretary General's efforts in the negotiations.

The Administration's response in these two areas will also weigh heavily in our future deliberations on military aid to El Salvador.

MASTOE BUCKLAND

EWS
11
January ~~28~~ 1990

Washington, D.C.

I, Eric Warren Buckland, Major, United States Army,
due hereby provide the following free and voluntary statement to
Special Agents ~~Martin V. Hale~~ ^{Paul H. Cully EWS} and ~~David W. Schimpf~~ ^{William K. Tiggen EWS}, Federal
Bureau of Investigation. EIGW

I am permanently assigned to the U.S. Military Group,
El Salvador, where I work in the area of Civil-Military
Operations. In that capacity, I am assigned as a National Staff
Advisor to the El Salvadoran Armed Forces. I have served in
that capacity since October of 1989. I served a temporary
assignment in El Salvador during June and July of 1989.

I was assigned advisor responsibilities to Colonel
Carlos Armando Aviles, who is the head of the C-5 (Civil-Military
Operations) for the El Salvadoran Armed Forces. I developed an
extremely close professional and personal rapport with Colonel
Aviles and held him in the highest regards.

On November 11, 1989, the Salvadoran guerrilla movement
began an offensive in the city of San Salvador. On or about
November 16, 1989, six Jesuit priests were killed on the
University of Central America campus. ^{after abduction - EWS} Both Colonel Aviles and
myself spoke of these killings with a mutual feeling that they
were senseless and brutal. Both of us were well aware of the

serious political implications these killings would have on El Salvador if the military and/or government were involved. We also had discussions regarding the status of the investigation into these killings.

On or about December 20, 1989, I was visiting with Colonel Aviles in his office when the topic of the killings once again was brought up. This discussion, I believe, took place on December 20, 1989; however, it may have occurred up to a week prior to that date. During that discussion, Colonel Aviles told me he was about to relay information to me not as an El Salvadoran military officer to an American military officer but from "Carlos to Eric." He said this information, to use an American expression, is "Break in Case of Emergency." In the ensuing discussion, he indicated to me that the information he was about to provide had serious consequences and, in response to my questions, told me that it should only be divulged in extreme circumstances. In the event the Jesuit investigation did not unfold properly or if he (Aviles) should be killed, then it was his desire that this information be made available to the appropriate authorities.

Colonel Aviles told me that Colonel Guillermo Benavides Moreno had visited Lieutenant Colonel Rivas, who is the current commander of the Special Investigative Unit (SIU) charged with the responsibility of investigating the Jesuit murders. Colonel

Aviles said Benavides told Rivas words to the effect: "I did it. What can you do to help me?" Colonel Aviles did not tell me what response, if any, or what action, if any, Colonel Rivas made as a result of that conversation. ~~Colonel Aviles~~ *EvB*

However, Colonel Aviles further told me that at a later date, a Colonel Lopez y Lopez, who I believe was a former commander of SIU, visited with Colonel Rivas. Colonel Rivas told Colonel Lopez y Lopez of his conversation with Colonel Benavides. Colonel Lopez y Lopez then told Colonel Aviles of this sequence of events, possibly because I later learned that Colonel Aviles was one of the first commanders of SIU and possibly because of their very close professional association of many years, having graduated in the same class from the Escuela Militar.

Colonel Aviles told me he believed Colonel Lopez y Lopez went to Colonel Rivas to inquire about the status of the investigation because there was a perception that the investigative process had stagnated. According to Colonel Aviles, Colonel Rivas took that opportunity to "unload on Lopez y Lopez," or at least that was Colonel Aviles' perception. Colonel Aviles said that it was clear that Colonel Rivas was very concerned and may have been unsure of how he should treat the incriminating information obtained from Colonel Benavides due to cultural, political, and military considerations in El Salvador.

I questioned Colonel Aviles as to the veracity of the information. I did not understand how Colonel Benavides could have done this himself--how he could have shot the priests by himself. Colonel Aviles told me that the killings had been carried out under the direction of Colonel Benavides; however, the act(s) themselves had been done by members of ~~the~~ ^{the Atlacatl} "Grupo de Operaciones Especiales" (GOE), ~~that GOE platoon belongs to the~~ ^{the Atlacatl} Atlacatl, ~~which~~ ^{is} is an indian name assigned to an immediate infantry reaction battalion, known by the Spanish acronym BIRI, comprised of 1,200 to 1,400 soldiers. The killings were actually supervised by a lieutenant from that unit, whose name I was not provided. I was not provided the identity of any other soldiers who allegedly participated in this attack. RNB

~~During that and subsequent days,~~ ^{RNB} The topic was discussed further. I asked Colonel Aviles who else knew. I asked him if the El Salvadoran Armed Forces Chief of Staff, Colonel Emilio Ponce, knew, and he told me he did not know. ^{Ponce knew} He did not feel it was his place to tell Colonel Ponce, but assumed that Colonel Rigas or Colonel Lopez y Lopez would have informed Colonel Ponce. We both agreed over and over again that the killings were stupid, senseless, and the ramifications disastrous. I asked Colonel Aviles, "Why don't they arrest Benavides right now?" He told me that under El Salvadoran law the investigation must be fully completed before arrests are

made. I felt confident with his answers because of the trust I had in him and felt justice would be served.

As the days progressed, we discussed the killings and the investigation. He told me that several enlisted soldiers had been questioned and that their stories were "flaky." He subsequently told me that a lieutenant from the Atlacatl had been questioned and given at least two polygraph examinations. Although the lieutenant "blew it" during the examinations, he successfully attributed his lack of success to heavy smoking, recent battle experience, and illness.

On or about December 28, 1989, I had lunch with Colonel Aviles at which time the Jesuit killings were again discussed. While driving to lunch, Colonel Aviles, out of the blue, remarked to the effect, "Do you remember that case we were talking about? Well, I saw him over at the Escuela Militar. He looked as though he's losing weight, like he's not eating, and looks like something's on his mind or bothering him." I said, "preocupado" (the Spanish word for concerned or worried), and he told me, "Yes, that's the word." I took this conversation to indicate that Colonel Benavides was the party who Colonel Aviles was referring to and that Benavides knew the SIU was aware of his involvement and was closing in on him.

On another occasion in his office, I asked Colonel Aviles who else knew this information or was involved. He told

8

me he did not know who had been told or who was involved. It became clear that Colonel Aviles did not know if the Chief of Staff, Colonel Ponce, knew of this information. When I asked him, "Does Colonel Ponce know yet?" He told me, "I don't know. I don't know who knows. What if a higher-up ordered this thing?"

I continued my close relationship with Colonel Aviles through January 2, 1990. I spent New Year's Eve at his house. However, by January 2, 1990, it was apparent to me that the investigation was not progressing and that despite my feeling that I would be betraying my trust and friendship with Colonel Aviles, I had a responsibility to inform my superiors of this information. On Tuesday, January 2, 1990, I verbally informed Lieutenant Colonel William Hunter, the U.S. Army Senior Advisor to the National Staff of the El Salvadoran Armed Forces, who was my immediate superior. According to him, he thereafter informed Colonel Milton Menjivar, Commander, U.S. Military Group, El Salvador. I was told Colonel Menjivar then spoke with the El Salvadoran Chief of Staff, Colonel Ponce, regarding this information. Colonel Ponce denied knowledge of this information.

At 7:00 p.m. that night, I was called at home and ordered to report to Colonel Ponce's office where a meeting was held. Attending the meeting were myself, Colonel Aviles, Colonel Ponce, Lieutenant Colonel Hunter, and Janice Elmore (phonetic), a political officer in the U.S. Embassy,

9

San Salvador. During this meeting, the El Salvadoran military officers were again asked if they had knowledge of this information, which they denied. Colonel Aviles was specifically asked several times if he had discussed the Jesuit killings with me and if he had furnished me with the information related in this statement. Colonel Aviles said that he had in fact discussed the killings in general conversation, but he categorically denied furnishing any information the Armed Forces of El Salvador and Colonel Benavides were involved in these homicides.

I have had no further contact or discussions with Colonel Aviles since this meeting.

I fully realize in hindsight that some people may question why I furnished this information to the U.S. Government so many days after I received it. I can only say that I felt a strong sense of loyalty, not only to my mission in El Salvador, but to my friend and associate Colonel Carlos Aviles. I felt that the investigation would take its own proper course and that I and the U.S. military would be able to successfully maintain our relationship with Colonel Aviles and the El Salvadoran Armed Forces. I did not pass this information for any devious reasons "to get" Colonel Aviles. I did not feel heroic in doing it. I, in fact, now question whether or not Colonel Aviles is due my

loyalty and respect. I also have grave concern about the future of El Salvador now, and I only hope, rather than sincerely believe, that I have done the right thing. See attachment 2

¹⁰ I have reviewed this statement consisting of this page and ~~seven~~ other pages and find them to be accurate and true to the best of my knowledge.

Eric W. Buckland
Major Eric Warren Buckland

SWORN AND SUBSCRIBED TO
BEFORE ME AT WASHINGTON, D.C.
ON THIS 11 DAY OF JAN, 1990

Paul H. Cully SSA 1-11-90
~~Martin V. Hale~~ FBI
PAUL H. Cully 7:41 PM

William K. Tegen 1-11-90 7:41 P
~~David W. S. [unclear]~~
William K. Tegen
TEGEN

On a day approximately 10 days prior to the killings (c... Nov. 6, 1989) I rode with Col. Aviles to the Military School on the Southwest side of San Salvador, approx. 800 yards from the UCA (University of Central America). Col. Aviles stated the Chief of Staff Ponce, of the El Salvadoran Armed forces, sent him there to solve a problem with Col. Benavidez. Aviles met with Col. Benavidez for approximately 15 min. Aviles appeared very uncomfortable about talking to Benavidez. Upon returning to the vehicle Aviles called me back to the vehicle (I was standing approx. 75 yards away watching the t....) and told me that he had to work something out, Col. Benavidez is from the old school, he liked to handle things in his own way in the old style. Benavidez stated to Aviles that he wanted to do something about the priests things coming out of the UCA. Benavidez told Aviles that Ella Coria was a problem. Aviles told me they wanted to handle it the old way by killing some of the priests. I asked what happened when you (Aviles) talked to him. ^{EWB} ~~Aviles said that he talked him out of it.~~ ^{EWB} Aviles told me that Benavidez was old school and was still the "rammer".

And Aviles added that there was some talk about

~~XXXXXX~~ ^{EWB} ~~the~~ death squads which were run out of the military at some time.

addendum

EWS

also

I ~~now~~ remember and I'm now

~~I'm now~~ aware that I had knoweledge of the killings and was told that they were planned by Benavidez however at the tim it was told to me by Aviles I felt unconcerned that it would happen because other people were talking along those lines and I didn't feel that the El Salvadoran Armed forces would do something about it. Also because Chief of Staff Ponce assigned a senior Col. (Aviles) to address the problem I felt that if there was any validity to this talk it would not happen.

EWS

3

I didn't think they would do something that foolish.

BEGIN SUMMARY/NON PAPER

-- ON JANUARY 14, BUCKLAND CALLED THE FBI AND SAID THAT HE WAS "UNCOMFORTABLE" WITH HIS STATEMENT OF JANUARY 11. HE SAID THAT HIS MEMORY HAD BEEN TRIGGERED AFTER SEEING A PHOTO OF COL. BENEVIDES, AND HE DECIDED THAT HE HAD NEVER SEEN THAT INDIVIDUAL ON THE STEPS OF THE ESCUELA MILITAR.

-- ON THE QUESTION OF ADVANCE KNOWLEDGE, BUCKLAND INDICATED THAT HE FELT UNDER PRESSURE FROM HIS FBI QUESTIONERS THAT HE MUST HAVE KNOWN SOMETHING ABOUT THE PLAN.

-- BUCKLAND DENIED THAT HE HAD LIED TO THE FBI, AND NOTE THAT HE FELT PRESSURED BY THE INTERVIEWER. AT THE TIME HE HAD MADE THOSE STATEMENTS, BUCKLAND SAID, HE WAS IN A POOR MENTAL STATE.

-- BUCKLAND WAS AWARE OF THE CONFLICT BETWEEN THESE STATEMENTS AND THE INFORMATION HE HAD EARLIER PROVIDED, AND SAID THAT HE WAS EAGER TO RESOLVE THIS CONFLICT.

-- FOLLOWING THIS TELEPHONE CONVERSATION, THE FBI RE-INTERVIEWED BUCKLAND, RESULTING IN THE JANUARY 18 STATEMENT.

END SUMMARY

POLYGRAPH REPORT

DATE OF REPORT 1/24/90	DATE OF EXAMINATION 1/11/90 & 1/12/90	BUREAU FILE NUMBER 161 61206	FIELD FILE NUMBER
FIELD OFFICE OR AGENCY REQUESTING EXAMINATION FBIHQ			
AUTHORIZING OFFICIAL ADIC, Criminal Division			DATE AUTHORIZED 1/10/90
EXAMINEE NAME (LAST, FIRST, MIDDLE) BUCKLAND, ERIC WARREN			

CASE TITLE UNSUBS;
SHOOTING OF SIX JESUIT PRIESTS
IN SAN SALVADOR, EL SALVADOR;
FPS - MURDER

REFERENCES OO: FBIHQ

Polygraph Exam - January 5, 1990, El Salvador

CASE SYNOPSIS/EXAMINER CONCLUSION

Captioned subject, ERIC WARREN BUCKLAND, is a U.S. Army Major (Special Forces/Psychological Operations) who was permanently assigned in El Salvador as a military advisor to the El Salvadoran Army from October, 1989, through January, 1990.

During subject's period of assignment, specifically on November 16, 1989, six Jesuit priests were murdered at the University of Central America (UCA). Major BUCKLAND advised that in approximately mid-December, 1989, Colonel Carlos Armando Aviles, who is the head of C-5 (Civil-Military Operations), stated that he knew who was responsible for the killings of the Jesuits. Major BUCKLAND stated that he withheld this information and did not advise U.S. military officials until January 2, 1990 when he verbally informed Lt. Colonel William Hunter, his immediate supervisor. Prior to this; however, Major BUCKLAND did send a letter to his sister, who is a reporter for CNN news, on December 25, 1989 and advised her of his knowledge surrounding the Jesuit murders.

Major BUCKLAND denied any further knowledge of the killings during debriefings in January, 1990. He was afforded a polygraph examination at FBIHQ on January 11, 1990 to verify his statements. During this examination the following relevant questions were asked:

SERIES I

- A. Did you send a letter to your sister telling her about the killings? Answer: Yes.

EXAMINER NAME: SGA Paul H. Coffy

- B. Have you deliberately provided us with false information regarding the Jesuit killings? Answer: No.
- C. Did Colonel Aviles provide us with information about the Jesuit killings? Answer: Yes.

It is the opinion of the examiner that questions A and C did not indicate deception and question B did indicate deception. A second series was administered as follows:

SERIES II

- D. Did you make up the story about sending a letter to your sister? Answer: No.
- E. Are you making up the fact that Colonel Aviles told you about the Jesuit killings? Answer: No.
- F. Did you make up the information you provided about the Jesuit killings? Answer: No.

It is the opinion of the examiner that questions D and E did not indicate deception and that question F did indicate deception. A third series was administered as follows:

SERIES III

- G. Did you deliberately provide us with false information regarding the Jesuit killings? Answer: No.

It is the opinion of the examiner that there were indications of deception to question G. During a fourth series, the following relevant questions were asked:

SERIES IV

- H. Did you have prior knowledge that the Jesuit would be killed? Answer: No.
- I. Did you participate in the killing of the Jesuits? Answer: No.

It is the examiner's opinion that there were indications of deception to question H and that results of question I were inconclusive.

During post test discussion on January 11 and 12, 1990, Major BUCKLAND admitted that he obtained prior knowledge that the priests in the UCA were going to be killed, specifically ELIA TORIA, through conversations with Colonel Aviles. According to Major BUCKLAND, Colonel Aviles told him of the intent of certain officers of the El Salvadoran Army to conduct a military operation against the University.

Continuation of FD-490:

of Central America. Major BUCKLAND became aware of this information several weeks before the Jesuits were murdered. He was also advised on the afternoon of November 16 that the operation would take place.

Major BUCKLAND denied being involved in these murders in any way. He stated that the reason it took him so long to come forward was because of his affection and loyalty to the people of El Salvador. He stated that he did not advise U.S. military officials of his knowledge prior to the murders because he felt the U.S. would mishandle the situation.

An additional polygraph examination was conducted on 1/12/90 during which the following relevant questions were asked:

- A. Is what you told me about your talks with Colonel Aviles the truth? Answer: Yes.
- B. Did you discuss the operation at the UCA with Colonel Aviles prior to November 16, 1989? Answer: Yes.
- C. To the best of your knowledge did you tell the truth about the Jesuits? Answer: Yes.

It is the opinion of the examiner that the results of this examination were inconclusive.

Major BUCKLAND provided specific information regarding his knowledge of the Jesuit killings during a lengthy interview on 1/12/90 which was recorded on video tape. This video tape has been entered into evidence at FBIHQ (#00116093 P01 X0) and will be maintained at the Polygraph Unit, FBIHQ, GRB, Suite 2.

Fort Bragg, North Carolina

January 18, 1990

END
"I, Eric Warren Buckland, Major, United States Army, hereby provide the following free and voluntary statement to Special Agents Martin V. Hale and Thomas B. McNally whom I know to be Special Agents of the FBI.

"Special Agent Hale has explained to me that I am being interviewed upon this occasion regarding any and all information known to me regarding the killings of the six Jesuit priests, their housekeeper and her daughter on November 16, 1989, at San Salvador, El Salvador, specifically any and all information known to me prior to November 16, 1989.

"I previously provided a signed, sworn statement to FBI Agents at FBI Headquarters, Washington, D. C. on January 10-11, 1990. I am currently on a temporary duty assignment basis at Fort Bragg, North Carolina.

"Regarding statements and comments made by me to FBI personnel at Washington, D. C., during January 10-12, 1990, I wish to state and explain the following:

"I do not recall and am not aware of any specific information regarding any proposed threat to or attack on the University of Central America, including any of the Jesuit priests prior to the incident on November 16, 1989.

"I wish to specifically retract information or comments or statements made to FBI Agents last week to that effect.

"Regarding my several comments about the killings of the Jesuits on November 16, 1989, my statement made to the FBI on January 10, 1990, was

END

EVB

left it, I did notice a total of four or five officers, to include Colonel Aviles, on the steps of the building he was entering. Colonel Aviles also seemed to be uncomfortable before he entered the building.

"On January 12, 1990, I stated the group of officers besides Colonel Aviles that I saw included Colonel Benavides and Lieutenant Colonel Leon. I do not believe that identification of Colonel Benavides to be correct at this time. I believe that because this past weekend (January 13-14, 1990), I saw a photograph of someone identified as Colonel Benavides on television and it was not the same officer I remember on the steps. I also do not specifically remember that Lieutenant Colonel Leon was present.

"Approximately fifteen minutes after Colonel Aviles entered the building at the military school, he left the building and began walking back to the vehicle. He motioned to me to come back down to the vehicle from where I was standing. After we both got into the vehicle, I asked him words to the effect of what was going on and I do not remember his reply or specifically what we talked about. I do not recall any specific discussion about Colonel Benavides planning to do anything or any discussion by anyone, including Colonel Aviles on any proposed or possible attack or threat to the University of Central America or any persons associated with that university.

"During that same visit or possibly another one, Colonel Aviles and I got out of his vehicle after it was parked in front of the main military school building. If all of these events occurred in one visit to the school, Colonel Aviles would have driven from the first parking area to a second location on the school grounds. We entered the main lobby of the building and Colonel Aviles asked me to wait for him there while he went off to see someone. I don't remember who he went to see, or if he told me who he was

EVB

^{ENB} positive memory or I have firm beliefs that they are all correct. All statements regarding events beginning on or about December 20, 1989, when Colonel Aviles told me the knowledge he had about the Jesuit killings ^{are ENB} correct.

"The statements I made on January 11-12, 1990, specifically regarding prior knowledge of the killings are not correct. During the course of the interview with Mr. Paul Cully on January 11-12, 1990, I felt compelled only to give the truth. I was convinced beginning on January 11, 1990, and completely on January 12, 1990, that I had had prior knowledge of some sort of activity directed against the Jesuits. I was also convinced by Mr. Cully that this knowledge had been suppressed by me. As the interview continued, I began to doubt myself and the things that I knew to be true. I broke down and cried and sobbed on several occasions, and for most of the interview felt completely helpless and confused. The statements I made all seemed real to me at the time and I was convinced I had not thought of them earlier because I had suppressed them. Upon reflection of those statements, I know that they are not true.

"Regarding the account of my first visit to the military school with Colonel Carlos A. Aviles, on at least one occasion we did visit the military school and Colonel Aviles told me he had been sent by Colonel Ponce to smooth a problem (not further identified) with Colonel Benavides, the Commandant of the military school. Upon arrival at the school, Colonel Aviles asked me if I would mind waiting outside for him. I thought nothing special of that and said 'Yes Sir'. Colonel Aviles entered a building on the military school grounds and I spent the next fifteen minutes or so looking at the military school pool and track. Either when Colonel Aviles entered the building or

FVB

going to see. While alone, I met Colonel Aviles' cousin, a language teacher at the military school and we spoke about people we might know in common and he told me about the fine quality of the bread baked at the school. When Colonel Aviles returned to the main lobby, he gave me a tour of the main building and he spoke nostalgically of his days as a cadet in that building. I do recall specifically an old wooden desk he showed me that had his signature as well as Colonel Ponce's signature in the middle drawer. At that time, I began to wonder how I might be able to get the desk from the military school and have it refinished and give it to Colonel Aviles as a present.

"During that tour, I also visited the small range that is within the military school complex. I do not recall during that tour any specific discussions about the University of Central America, the Jesuits or Father Ellacuria. The first visit to the military school probably occurred in late October and the tour of the military school, if not conducted during the same visit, occurred within a few days after the first visit.

"During the first two weeks of November, I do not remember the specific dates, Colonel Aviles had gone on vacation with his family to New Orleans. I believe he returned on the night of November 14, 1989, or November 15, 1989, and I saw him the first time upon his return the morning of November 15, 1989, or November 16, 1989. Contrary to my statement on January 12, 1990, I do not remember him ever specifically telling me about a military operation conducted at the University of Central America. However, during November 16, 1989, as the day progressed, or beginning early on November 17, 1989, rumors and then actual information began to circulate about the killings at the University of Central America.

"Between November 15 and November 20, 1989, my roommate, Captain

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Carlos Puentes, an American, and I spent two or three nights at our work site, the Mangito. The Mangito is the Estado Mayor Annex and contains a print plant, a radio station, a film library, a recording studio, various offices and a separate counterintelligence building. I do not specifically recall which nights between those dates we spent in the Mangito. However, I believe on the night of November 16, 1989, after Captain Puentes and myself had laid down to go to sleep or were in fact sleeping, Colonel Aviles awoke us as he was making his rounds to visit his personnel. He was accompanied by at least two of his soldiers. That is the only time I remember Colonel Aviles visiting us late at night in the Mangito. Also, when he did visit us, there was a fairly intense firelight fairly close to the Mangito, which I now realize was occurring in the vicinity of the University of Central America. I only realized on January 12, 1990, where that firelight was. I do not specifically remember Colonel Aviles making any reference to a specific attack on the University of Central America. It is possible he mentioned the firelight was occurring in the vicinity of the University. I would also like to add that sometime between the killings of the Jesuits and when Colonel Aviles informed me about what he knew about the killings on or about December 20, 1989, he did mention that he had visited the scene of the crime and the Special Investigation Unit, and he felt there was a fifty-fifty possibility the military had conducted the atrocity.

"Within the first week of December 1989, I visited Washington, D. C. with Colonel Aviles and Mr. Valdibiaso while transporting a captured weapon which was to be exhibited at the UN and OAS. During the course of that three or four day visit, I do not recall any specific discussion about prior knowledge of the Jesuit killings or about who was responsible other than the

EVB

FMLN. I believe this visit occurred between November 29, 1989 and December 2, 1989. While in Washington, we stayed in the Highland Hotel on Connecticut Avenue.

On December 28, 1989, I informed my roommate, Captain Puentes, what Colonel Aviles had told me about the Jesuit killings on or about December 20, 1989. Also on the day I was informed by Colonel Aviles about the killings or a day or two later, I telephonically informed my sister, Carol E. Buckland, Atlanta, Georgia, about the information Colonel Aviles had told me. I told her I would send more specific information via a letter. I gave her this information for two reasons: one, if I was killed because of it, I wanted the truth known; and two, I just had to tell somebody and I trusted my sister that she would not say anything.

"On December 25, 1989, I did in fact write a letter to my sister with the specifics and mailed that letter on December 27, 1989.

"In summary, I had no specific prior knowledge about the murders of the Jesuit priests or any specific plans or threats against them.

"I have reviewed this statement consisting of this page and five other pages and find them to be accurate and true to the best of my knowledge.

Eric Warren Buckland MAT SF

Sworn and subscribed to
before me at Fort Bragg, North Carolina,
on this 19th day of January, 1990.

William V. Holcomb, Agent, FBI Headquarters
Ramos S. McNally, Slt-FBI-Fayetteville, N.C.

BUGELLAND TRANSCRIPT #1

Are you ready?
~~As you are ready?~~

B: Yeah

C: Okay, now I want to go over some things with you for clarifications, okay. Your real name is

B: Eric Warren Buckland.

C: Speak a little louder.

B: Eric Warren Buckland.

C: Okay. today is Friday, January 12, 1990, and it's approximately 1 p.m. in the afternoon. This investigation concerns the death of Jesuit priests in El Salvador, November 16, 1989.

B: Right.

C: Okay. And you are making these statements voluntarily at this time?

B: Yes.

C: You and I have had discussions for the last two days/

B: Yes.

C: And you voluntarily have been very cooperative here in