

United States Department of Justice



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

to whom these presents shall come, Greeting:

I certify That Deborah A. Robinson whose name is signed

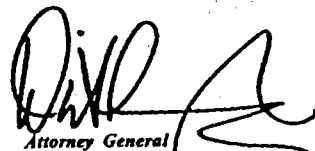
the accompanying paper, is now, and was at the time of signing the same,

Associate Judge, United States District Court for the District of Columbia

duly commissioned and qualified.

In witness whereof, I, Dick Thornburgh

Attorney General of the United States, have hereunto caused the Seal of the Department of Justice to be affixed and my name to be attested by the Deputy Assistant Attorney General for Administration, of the said Department on the day and year first above written.


Attorney General

By Michael J. Roper
Deputy Assistant Attorney General for Administration

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

IN RE LETTERS ROGATORY)
FROM THE FOURTH CRIMINAL)
COURT JUDGE OF SAN SALVADOR,)
EL SALVADOR)

Washington) SS
District of Columbia)

AFFIDAVIT

I, Milton Menjivar, being duly sworn, depose and say that:

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

2. On August 7, 1991, I testified under oath in response to a request dated June 6, 1991, from the Fourth Criminal Court Judge of San Salvador, Republic of El Salvador. A complete and accurate transcript of my testimony is attached to this affidavit.

3. I attest that the attached testimony is true and correct to the best of my knowledge and belief.

Milton R. Menjivar

Sworn to and subscribed before me
this 8th day of August, 1991

Deborah A. Robinson
Judge, United States District Court
for the District of Columbia

Deborah A. Robinson
U.S. Magistrate Judge

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE LETTERS ROGATORY)
FROM THE FOURTH CRIMINAL)
COURT JUDGE OF SAN SALVADOR,) SS
EL SALVADOR)
WASHINGTON)
DISTRICT OF COLUMBIA)

Washington, D.C.

Wednesday, August 7, 1991

Deposition of:

COL MILTON R. MENJIVAR

a witness of lawful age, taken on behalf of the Department of Justice in the above-entitled action, before Harlyne S. Blum, a Notary Public in and for the District of Columbia, at the Office of International Affairs, 1400 New York Avenue, N.W., Fifth Floor, Washington, D.C. 20530, commencing at 11:55 a.m.

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APPEARANCES:

On Behalf of the Department of Justice:

JOHN E. HARRIS, ESQ.
Deputy Director
Office of International Affairs
Criminal Division
U.S. Department of Justice
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Washington, D.C. 20530

On Behalf of the State Department:

JULIE OETTINGER, ESQ.
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Office of the Legal Adviser
U.S. Department of State
Washington, D.C. 20520

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

BETH A. WILKINSON, ESQ.
Assistant to the General Counsel
Office of the General Counsel
Department of the Army
The Pentagon, Room 2E725
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C O N T E N T S

EXAMINATION BY:	Page
Counsel for the Department of Justice	4

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P R O C E E D I N G S

1
2 MR. HARRIS: It is 11:55, August 7, 1991. We're in
3 the conference room of the Office of International Affairs in
4 Washington, D.C. I'm John Harris, Deputy Director of the
5 Office of International Affairs in the Criminal Division of
6 the United States Department of Justice.

7 Present with me today is the witness, COL Milton
8 Menjivar; also present is Ms. Julie Oettinger, Attorney
9 Adviser in the Office of the Legal Adviser of the United
10 States Department of State; and Ms. Beth Wilkinson, Assistant
11 General Counsel, Department of the Army.

12 We're here to record testimony requested in a
13 Comision Rogatoria issued by the judge of the Fourth Criminal
14 Court of San Salvador in the Republic of El Salvador for use
15 in the criminal prosecution pending in that court of a
16 Guillermo Alfredo Benavides Moreno and others for the crime of
17 murder.

18 I will now ask the court reporter to swear in the
19 witness.

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1 Whereupon,

2

COL MILTON R. MENJIVAR

3

was called as a witness and, having been first duly sworn, was

4

examined and testified as follows:

5

EXAMINATION BY COUNSEL FOR THE DEPARTMENT OF JUSTICE

6

BY MR. HARRIS:

7

Q COL Menjivar, would you please state your occupation?

8

A I'm a colonel in the United States Army.

9

Q COL Menjivar, you are here today to voluntarily
10 provide truthful answers, under oath, to the questions posed
11 by the Fourth Criminal Court in San Salvador, is that correct?

12

A That is correct.

13

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

15

(Witness examined the document.)

16

THE WITNESS: Okay.

17

BY MR. HARRIS:

18

Q Have you now read the questions contained in the
19 request from Judge Ricardo Alberto Zamora Perez in San
20 Salvador?

21

A I have.

22

Q Are you prepared to voluntarily answer these

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1 questions?

2 A Yes, I am.

3 Q Very well. COL Menjivar, when were you in El
4 Salvador?

5 A My tour of duty in El Salvador was from approximately
6 November 1988 to September 1990. I had in the past been there
7 on official visits and also living there as a child, but the
8 period we're talking about is from November '88 to September
9 1990.

10 Q What position did you hold and what were your
11 responsibilities?

12 A I was the Commander of the United States Military
13 Group, and I was responsible for administering the Security
14 Assistance Program and also providing military assistance to
15 either the embassy or the Government of El Salvador as
16 requested.

17 Q How many people were under your command?

18 A It varied, but it went up to about 150 people,
19 including civilians and military of all services.

20 Q What specific training did you have for this
21 position?

22 A Before I took this job I attended a Security

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1 Assistance management course at Wright-Patterson Air Force
2 Base in Ohio. It was a three-week course that trains you and
3 acquaints you with the mechanics of administering the Security
4 Assistance Program.

5 Q COL Menjivar, can you explain how the armed forces of
6 El Salvador is organized operationally and administratively in
7 relation to the chain of command?

8 A The president is, of course, the commander-in-chief.
9 He administers the armed forces through a Minister of Defense
10 and two Vice Ministers, one for Defense and one for Public
11 Security.

12 Operationally, he controls the armed forces through
13 the Chief of Staff of the Joint General Staff.

14 Basically, that's it.

15 Q During the November 1989 FMLN offensive, did the
16 formal chain of command break down?

17 A I don't know that it did.

18 Q How did the chain of command function during the
19 offensive?

20 A In the capital region five ad hoc commands were
21 established under five separate commanders. They referred to
22 them as "unified commands." One of them was headed by the

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1 Commander of the First Infantry Brigade, the other one by the
2 Commander of the National Guard, a third one by the Commander
3 of the Air Force, the fourth by the Commander of the Signal
4 School, and the fifth by the Commander of the Military
5 Academy.

6 These five unified commands were under the
7 operational control of the Chief of the Joint General Staff,
8 but generally received operational orders through the head of
9 the Operations Section of the General Staff, commonly referred
10 to as the C3.

11 Q COL Menjivar, during the months of November and
12 December of 1989 there were military advisors to the high
13 command in General Staff Sections 2 and 3, in the National
14 Director of Intelligence, in the Military Academy and the
15 Atlacata Battalion.

16 Did these advisors understand or speak Spanish?

17 A During the period you're referring to we had advisors
18 -- we had three advisors at the Intelligence Section C2 of the
19 Joint General Staff, and we had two advisors at the Military
20 Academy.

21 The United States Military Group did not have
22 advisors at the National Intelligence Directorate, and at that

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1 time the position of advisor to the C3 was vacant.

2 The three advisors to the C2, they had been in El
3 Salvador an average of about two years, and they were fluent
4 in Spanish. The two advisors to the Military Academy had been
5 in country roughly a year, and they were proficient in
6 Spanish.

7 Q COL Menjivar, what is the procedure for selecting
8 military officers for assignment to El Salvador?

9 A Normally an officer is selected for assignment to El
10 Salvador based on a vacancy that exists that requires his
11 specific expertise, and also it is based on the officer
12 meeting all the requirements for that specialty, whether it be
13 both the military specialty as well as the language
14 requirements.

15 Q What type of training do officers who are assigned to
16 the Military Group in El Salvador receive?

17 A The officers assigned to the Military Group basically
18 fall into two categories. The ones that work at the embassy
19 and basically work administering the Military Assistance
20 Program generally attend the Security Assistance management
21 course, like I did, that three-week course at Wright-Patterson
22 Air Force Base.

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1 Generally all of the personnel assigned there receive
2 some sort of antiterrorist orientation and awareness--
3 security awareness program, and it's required personnel also
4 receive language training or refresher, if they're not fully
5 proficient.

6 Q How and why was MAJ Eric Buckland chosen?

7 A He was selected because a vacancy existed at the time
8 for his qualifications and for his specialty. He first came
9 to El Salvador on a mobil training team on a temporary duty,
10 and while he was there, he liked the assignment, the
11 Salvadoran officers which he worked with liked the way he
12 worked, and everybody concurred on his assignment there. And
13 shortly thereafter he returned to the United States and then
14 was assigned on a permanent basis.

15 Q COL Menjivar, did Military Group officers have
16 instructions to submit reports on their contact with their
17 Salvadoran counterparts?

18 A No, they do not. Normally that requirement exists
19 with some of the attaches and so forth, but not with the
20 Military Group. And this would have been almost an
21 unmanageable situation, with the number of people I had, and
22 when you figure that some of them spent almost all their time

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1 with their counterparts, where others had a rather limited
2 contact with them.

3 Q Did MAJ Buckland submit such reports?

4 A He submitted reports on his area of responsibility on
5 a routine basis through his supervisor, but it was just on
6 routine matters that took place in relation to his work.

7 Q Do you remember having heard conversations in 1989
8 about the Jesuits or the Jose Simeon Canas University of
9 Central America, known as the UCA? If so, what did these
10 conversations consist of?

11 A Usually you saw articles in the press about the UCA,
12 or you heard casual conversations, but -- I have heard about
13 it, of course, I had heard of it, but nothing substantial that
14 I can recall.

15 Q Do you recall that the UCA's printing house was
16 attacked twice, in April and July of 1989?

17 A I recall reading and hearing about the incident when
18 it was reported in the local media.

19 Q Were you aware of any investigation or the results of
20 that investigation?

21 A I was not aware of the investigation, but I do know
22 that the embassy staff -- at meetings there was a lot of

1 concern expressed about this type of incident, and, of course,
2 the Ambassador was always making sure that we relayed the
3 embassy's interest in solving any investigations regarding
4 those incidents, that we relayed his interest to the armed
5 forces, and we did so.

6 Q Are you aware of any comments made about the attacks
7 by members of the Salvadoran armed forces or by U.S. Embassy
8 offices?

9 A Not by the armed forces. Again, from the embassy
10 side, I do know that there was a lot of interest in any type
11 of terrorism, whether it came from the right or the left, that
12 it be resolved.

13 Q COL Menjivar, did you know about the national radio
14 network broadcast about the Jesuits by means of the Cuscatlan
15 radio pilot station during the first few days of the
16 offensive?

17 A No, I do not know what they broadcast.

18 Q Did the U.S. Military Group make any suggestions or
19 recommendations to the managers of the national radio network
20 or the pilot station?

21 A Normally the national radio network would have been
22 under the supervision of the Ministry of Information, which is

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1 a civilian agency, and we would not have had direct input into
2 what his actions were.

3 Q Where were you and what did you during the November
4 1989 guerrilla offensive in San Salvador?

5 A During the November offensive, I was in San Salvador
6 and spent most of the time performing my routine duties at the
7 embassy, visiting various field locations throughout the city
8 as well as selected units, which included, of course, the
9 General Staff Headquarters and the Ministry of Defense.

10 Q What instructions did the members of the U.S.
11 Military Group receive during the offensive?

12 A During the offensive my instructions to them was,
13 initially, if they were at their place of duty, to stay there;
14 if they were at their place of residence, to stay there.

15 This changed a couple days into the offensive, and
16 basically which we authorized movement between their place of
17 residence and their place of duty, but only minimum movement
18 and only as required by their official duties.

19 Q Can you explain the use of the Immediate Reaction
20 Battallions, their change of command and communication links
21 during the FMLN offensive?

22 A The Immediate Reaction Battallions are not normally

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1 assigned to a geographic area of responsibility. They come
2 under the direct control of the Joint General Staff and
3 normally are assigned specific missions under the control of
4 another headquarters, normally a brigade headquarters. They
5 don't have geographical responsibilities, except for local
6 security around their own headquarters areas.

7 During the period of the FMLN offensive in 1989, the
8 BIRI's were assigned as follows: The BIRI Bracamonte and the
9 Atlacata were both assigned to the First Infantry Brigade; the
10 BIRI Belloso was assigned to Air Force Headquarters; the BIRI
11 Atonal was assigned to the Sixth Infantry Brigade; and the
12 BIRI Arce to the Third Infantry Brigade.

13 A subordinate element of the Atlacata was under the
14 operational control of the Military Academy for a period
15 around the 15th of November, before it rejoined its ^{PARENT} ~~unit~~ mlm.
16 unit.

17 Q COL Menjivar, were the 13 U.S. Special Forces
18 officers based in Fort Bragg, North Carolina, who were giving
19 a training course to the Atlacata Battalion at the beginning
20 of the offensive under your command?

21 A Yes, they were under my operational control.

22 Q When was the decision made to bring them to El

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1 Salvador to give a course?

2 A We obtained approval from both Salvadoran and United
3 States authorities on or about June of 1989 to bring them
4 down.

5 Q And when did you realize the offensive was going to
6 begin?

7 A About 3 o'clock on the afternoon of November 11,
8 based on a number of reports and some indicators, that's when
9 I came to the conclusion that the offensive was going to
10 start. Up to that period of time we had had a number of false
11 reports that went on for days.

12 To give you an example, the day before the embassy
13 held the Marine Ball, with over 500 people participating in
14 it, and the regional security officer felt that the threat was
15 not high enough to warrant cancelling it.

16 Q Why did you continue giving the course in the middle
17 of the offensive?

18 A The place where the course was being given was away
19 from the city, and there were no hostilities up there, no
20 activities at all. The troops were available. And, yet, if I
21 would have had to cancel the course and evacuate the team,
22 they would have to come to the city where the majority of the

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1 fighting was going on. The airport they would have had to use
2 to evacuate was also closed due to enemy activity.

3 So, basically, the place where they were was the
4 safest, and they continued performing business.

5 Q Why was the course later suspended?

6 A On or about the 13th of November the Joint General
7 Staff recalled the unit and brought them into the capital to
8 use for operational purposes. Therefore, the training was
9 suspended because there was no unit left to train.

10 Q Now, what was the objective of this training?

11 A The objective of the training was to evaluate the
12 United States Special Forces Team's ability to conduct small
13 unit training, which is a requirement that they have under the
14 formal Army training and evaluation program. They are
15 required to perform their wartime mission and are evaluated on
16 how well they do it.

17 So what we did was bring the unit down there so they
18 could train the way they would on a real world mission and be
19 evaluated under realistic conditions.

20 Q Where have the U.S. officers who gave the training
21 course gone?

22 A The team returned to Fort Bragg, North Carolina, on

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1 or about the 23rd of November, 1989. I don't know where they
2 are now, but that's when they returned.

3 Q COL Menjivar, during the offensive did U.S. Mil Group
4 officers attend staff meetings at the Salvadoran armed forces
5 headquarters?

6 A Normally the members of the Military Group do not
7 attend the Joint General Staff meetings. They do attend
8 briefings when they're open to the general public -- not
9 general public, but general audience of the General Staff.

10 During the offensive, small, informal, ad hoc
11 meetings were normally held periodically in the open area of
12 the Operations Center, and anybody who was present, whether it
13 be advisors or not, would listen to what was going on and was
14 free to contribute if there was any relevant contribution to
15 be made.

16 Q On what dates?

17 A All throughout this period there were ongoing
18 meetings, with small groups of people being -- but the formal
19 meetings that the General Staff has, normally the military
20 representatives are not invited to sit in those meetings.

21 Q Did U.S. Mil Group officers attend meetings at the
22 Military School?

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1 A Normally, the two advisors that we had at the
2 Military Academy attended all the staff meetings that were
3 held. During the period of the offensive, since the academic
4 cycle was suspended, and no staff meetings were held, and the
5 advisors were told to remain at their house because there was
6 no work for them to do there, they did not attend any meetings
7 that I know of.

8 Q If so, who did and on what dates?

9 A Not that I know of, and I don't believe anybody did.

10 Q Did they attend meetings at the National Intelligence
11 Directorate?

12 A The United States Mil Group does not have any
13 advisors at the National Intelligence Directorate, and, to my
14 knowledge, no one from the unit attended any meetings during
15 those dates.

16 Q Well, specifically on November 15th and 16th of 1989,
17 did they attend meetings at the specified places?

18 A Not that I know of. There's one item that I would
19 like to mention up here, since you mentioned meetings.

20 I visited the Military Academy on the afternoon of 15
21 November to coordinate with the then major, Carlos Camilo
22 Hernandez, for the security of the Ambassador's residence, and

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1 also to coordinate a reaction force that would be provided to
2 help the residents in case it was attacked, since there had
3 been some hostilities there the night before.

4 The residence is located in the area that the
5 Military Academy was responsible for, so it was a routine
6 visit to the Military Academy in which I coordinated for the
7 reaction force.

8 Major Camilo Hernandez at that time also advised me
9 that he would be sending a lieutenant, who was the commander
10 of the Atlacata element that he had in the Military Academy,
11 he would be sending this lieutenant to the Ambassador's
12 residence to coordinate this reaction force.

13 Therefore, about ^{5:30} 6 o'clock that evening I met with *man*
14 the lieutenant at the Ambassador's residence, and with the
15 person in charge of the security of the ^{RESIDENCE} ~~embassy~~, a State *man*
16 Department security agent, and we coordinated how this would
17 be performed. And the Ambassador also arrived at the time
18 from the embassy, got a chance to briefly say hi to the
19 officer, and the Ambassador went inside the residence, and the
20 lieutenant left about 6 o'clock that evening.

21 Q COL Menjivar, what did you do on November 15 and 16,
22 1989?

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1 A On November 15 I performed my routine duties around
2 the embassy, the General Staff and the Ministry of Defense.
3 And as I related earlier, I also visited the Military Academy.

4 Q When did you first hear about the murder of the
5 Jesuits?

6 A I heard about the murder of the Jesuits at
7 approximately 8 o'clock in the morning while I was visiting
8 the Combined Operations Center at the Joint General Staff.

9 Q Where did you hear it from?

10 A I heard one of the officers on duty there talking to
11 another one, commenting that the Jesuits had been killed. I
12 asked the Minister of Defense who was there present, I asked
13 him if it was true, and he indicated by nodding his head that
14 it was true, but he did not provide any details.

15 Q What did you do about the murders?

16 A I did not do anything about the murders, but when I
17 returned to the embassy, we had a meeting with the Ambassador
18 in which he condemned the murders and stated that the
19 authorities should make every effort possible to solve the
20 murders and to find who had performed the murders.

21 Q Did you ask all the members of the Mil Group if they
22 had any information about the murder of the Jesuits?

1 A No. Of course, it would have been almost impossible
2 for me to ask all 150 of them, and at that time the situation
3 was very tense.

4 What I did do, though, was make sure that every one
5 of the personnel that worked directly for me relayed through
6 the chain of command to all their subordinates that one of the
7 prime interests of the embassy was to ensure that this crime
8 was resolved and the guilty parties identified.

9 Can I go off the record?

10 Q Certainly.

11 (A discussion was held off the record.)

12 THE WITNESS: I'd like to clarify what I said
13 earlier, the situation was tense.

14 During that time we didn't have a feeling of how many
15 casualties we had, but, for example, we had about 500
16 friendlies killed, about 2,000 FMLN killed, and a number of
17 civilian casualties that still had not been determined.

18 At that time also the second largest city in the
19 country was just about ready to fall under control of the
20 FMLN.

21 So what I referred to as being tense, it was because
22 of the military situation, not because of the crime.

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1 BY MR. HARRIS:

2 Q I understand.

3 COL Menjivar, when did you first realize that the
4 armed forces of El Salvador held any responsibility for the
5 murders?

6 A On the 2nd of January I was informed of the
7 information that MAJ Buckland had relayed to LTC Hunter that
8 afternoon. So that was the first time that I had any
9 information about the armed forces of El Salvador being
10 involved.

11 Q When did you realize COL Benavides was implicated in
12 the murders?

13 A At the same time. This was during the same
14 conversation and the same facts that were related to me by COL
15 Hunter.

16 Q Did you attend any meetings with the Salvadoran armed
17 forces or in the U.S. Embassy where the Jesuit murder case or
18 its investigation was discussed?

19 A I attended daily meetings at the embassy where a
20 number of topics were discussed, but also one of the main
21 topics always discussed was the progress of the investigation
22 of the Jesuit murders.

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1 At every opportunity, you know, when I met with the
2 members of the Salvadoran high command, I emphasized that it
3 was critical for us to solve the case of the murders and bring
4 the guilty parties, whoever they may be, to justice.

5 But up until the 2nd of January the question of who
6 had murdered the Jesuits was open. There was a belief that it
7 could have been anybody from the right and the left, military
8 or civilian, the FMLN or the armed forces.

9 Q When did you learn about the information MAJ Eric
10 Buckland received from COL Aviles?

11 A I learned that information on the 2nd of January,
12 when I was contacted by COL William Hunter, who was the
13 immediate supervisor of MAJ Buckland, who informed me that MAJ
14 Buckland had told him that afternoon that he had information
15 about the killing of the Jesuit priests at the Central
16 American University on the 16th of November.

17 Q What did you do when you found out?

18 A After having been made aware of the information, and
19 since I was a member of the working group designated by
20 Ambassador Walker to overwatch the investigation of the Jesuit
21 murders, I contacted Miss Janice Elmore, a State Department
22 political military officer and also a member of the working

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1 group, and asked her if she had any knowledge of the
2 investigation, focusing on the personnel mentioned by MAJ
3 Buckland.

4 The other members of the working group, a Mr. Dick
5 Canas, who was a DEA representative based out of Mexico City,
6 had returned to Mexico City and was not available.

7 COL Wayne Wheeler, the Defense Attache, who was also
8 a member of the work group, was on leave in the Dominican
9 Republic.

10 And Mr. Dick Chidester, the Legal Officer, was in
11 country, but you recall this is the 2nd of January, right
12 after the New Year celebration and all the tension that had
13 been there for the last couple three weeks. He was not
14 available at the embassy at that time.

15 I told Miss Elmore what I had learned, and she said
16 that she had no knowledge about any of the incidents that MAJ
17 Buckland had related.

18 Then I went up to the Defense Attache office and
19 contacted MAJ Donahue, and without specifically telling him
20 what I knew from MAJ Buckland, I asked him if he had any
21 additional information, if he had heard anything from the
22 General Staff, since that was normally his area of

1 responsibility, which he stated that he knew nothing about it
2 either.

3 So then I was left with a situation where I had some
4 information and I had to verify it.

5 The Ambassador was not in country at that time. He
6 was in Washington on a vacation or a consultation visit. I
7 can't recall which.

8 So then what I decided to do was, I asked Miss Elmore
9 to accompany me and go to the General Staff and basically
10 confront COL Ponce and ask him if he had any knowledge of
11 this, because all the information we had was that the
12 investigation was being carried out and that they were waiting
13 to get all the evidence. So we went to see COL Ponce and told
14 him about what we had heard.

15 Q Would you describe the meeting you had with COL Ponce
16 on January 2, 1990?

17 A We arrived -- Miss Elmore and I arrived at COL
18 Ponce's outer office about 4:30, 5:00 in the afternoon. He
19 was having a staff meeting. We waited about an hour.

20 When the meeting broke up, Miss Elmore and I went
21 into COL Ponce's private office, and I related to COL Ponce
22 exactly what I had learned about MAJ Buckland's statement..

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1 First of all, COL Ponce seemed surprised, then he was
2 sort of disappointed and then outraged. He didn't believe
3 -- he wanted to know where the information came from.

4 At this time I made a decision that for my
5 allegations to have validity, I would have to tell him where
6 they came from. It wasn't one of those things that, you know,
7 I heard it through the grapevine type rumor.

8 So I told him what had happened, and then COL Ponce
9 stated that he wanted to talk both to MAJ Buckland and to COL
10 Aviles.

11 Miss Elmore and I left COL Ponce's private office,
12 went outside, and I went to look for MAJ Buckland. Miss
13 Elmore stayed in the outer office.

14 Apparently COL Ponce made a phone call or summoned
15 COL Aviles because COL Aviles came in while I was searching
16 for MAJ Buckman. COL Aviles and Miss Elmore went into COL
17 Ponce's office. A little bit later I went in and basically
18 told COL Aviles what we knew.

19 COL Aviles denied everything, said that that was not
20 true, that he had never heard of that, had never talked to MAJ
21 Buckland, had no idea what we were talking about.

22 At that time COL Ponce asked that Buckland and COL

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1 Hunter come in. They came in. We started talking about what
2 had happened. We asked MAJ Buckland to relate the whole
3 story.

4 There was a question initially whether this should be
5 done in Spanish, English and so forth. MAJ Buckman was very
6 nervous. He stated that he'd rather talk in English, and I
7 said, "Fine, I will do the translating."

8 Initially he said he wanted to talk to me privately
9 before he talked to COL Ponce. I told him no, that we're
10 beyond talking in private up here. This -- you know, we have
11 to let -- you know, to tell things like they are.

12 First MAJ Buckland started -- looked at COL Aviles
13 and said that COL Aviles should understand that although he
14 had been told what had been related to him in the strictest
15 privacy, that COL Aviles should understand that his first
16 responsibilities -- that MAJ Buckland's first responsibilities
17 were to the United States Army and that he had an obligation
18 to tell the truth, at which time he related what -- the same
19 thing he had told us, what he had learned.

20 Again, COL Aviles denied having any knowledge of
21 this.

22 COL Ponce then asked that COL Lopez y Lopez be

1 brought to his office. COL Ponce called on the phone and
2 tried to call COL Lopez. He couldn't reach him. COL Aviles
3 said that he knew where he could find him, and he left the
4 office. He was gone probably about an hour.

5 After that, COL Lopez arrived, and he stated that he
6 had been at some function, social function, and COL Ponce then
7 related to him what the allegations were. COL Lopez denied
8 everything. He said, "No, I have no idea what they're talking
9 about. I've never talked to anybody about this. I have no
10 idea where it's coming from." And he also added, he said,
11 "You know as well as I do what the status of the
12 investigations are and what we're finding out. So there's
13 nothing else."

14 Then COL Ponce told me that he would have to inform
15 the Minister of Defense about this. There was curfew going on
16 at that time, and the curfew went on until about 11 o'clock at
17 night. After that, basically, it was off the streets.
18 Anybody seen on the streets is assumed to be hostile.

19 So what I did was, I left the General Staff
20 Headquarters just a few minutes before the curfew and went to
21 my house.

22 Q Do you have any other information indicating that COL

1 Guillermo Alfredo Benavides or other Salvadoran military
2 officers were responsible for the Jesuit murders?

3 A No, I don't.

4 Q COL Menjivar, when did you learn that MAJ Eric
5 Buckland had told the FBI agents on January 11 and 12, 1990,
6 that COL Benavides was planning the Jesuit murders and that
7 COL Ponce, knowing this, sent COL Aviles to try and prevent
8 the multiple crime from being executed?

9 A I'm somewhat familiar with the statements made by MAJ
10 Buckland to the FBI, but I do not know that COL Ponce sent COL
11 Aviles to prevent this crime, whether he had any prior
12 knowledge.

13 I understand there's some confusion about that, but I
14 don't have that information. I do not know that MAJ Buckland
15 made such a statement to the FBI.

16 Q What do you know about the workings of the Salvadoran
17 armed forces?

18 A Well, I have a working knowledge of how the armed
19 forces in El Salvador function based on my tour of duty there.

20 Q What do you know about the role of COL Guillermo
21 Alfredo Benavides or his personality?

22 A Well, I know that when I got there, he was assigned

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1 as the Intelligence Officer in the C2 of the General Staff,
2 and then he was assigned as Director of the Military Academy.

3 I don't -- you know, I couldn't tell you about his
4 personality. That would be speculation on my part.

5 Q What do you know about how the murders took place and
6 specifically how the suspects operated militarily in the
7 execution of the crime?

8 A I do not know how the murders took place and how they
9 operated.

10 Q In view of this, does it seem possible to you that
11 COL Guillermo Alfredo Benavides may have acted on his own?

12 A I cannot speculate about COL Benavides' actions.

13 Q Do you have knowledge of other persons who may have
14 participated in the crime?

15 A I don't know of any other persons who have
16 participated in the crime.

17 Q COL Menjivar, did you know LTC Carlos Camilo
18 Hernandez?

19 A Yes, I met then MAJ Hernandez when he was the
20 Operations Officer of the Third Brigade. I met him November
21 1988.

22 Q Did you ever discuss the murders with him?

1 A No, I've never discussed the murders with him.

2 Q After leaving El Salvador, have you been subjected to
3 interrogations about the Jesuit case, about anything related
4 to the case?

5 A No, I have not.

6 Q Have you had any type of problem with U.S. officials
7 as a result of the way you handled the Jesuit case?

8 A I'd prefer not to answer that question.

9 Q COL Menjivar, do you have anything that you'd like to
10 add, or would you like to clarify any of your responses?

11 A No, I don't think I have anything to add at this
12 time.

13 I'd like to go off the record for a second.

14 (A discussion was held off the record.)

15 THE WITNESS: We're back on the record?

16 BY MR. HARRIS:

17 Q Back on the record. COL Menjivar, is there anything
18 you'd like to add or any clarification you'd like to make to
19 any of your responses?

20 A Not at this time.

21 Q Thank you very much.

22 A Thank you.

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(Whereupon, at 12:40 p.m., the deposition of
COL MILTON R. MENJIVAR was concluded.)

* * * * *

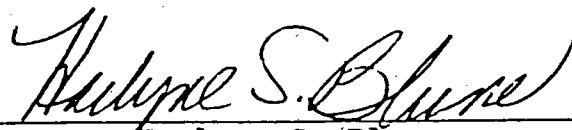
I have read the foregoing, which reflects a correct
transcript of the answers given by me to the questions herein
recorded.

Deponent Milton R. Menjivar
Date 7 AUG 1991

C E R T I F I C A T E

THE UNITED STATES OF AMERICA)
)
 IN THE DISTRICT OF COLUMBIA)

I, Harlyne S. Blum, Notary Public, before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the preceding pages was duly sworn by me; that the testimony of said witness was taken by me by stenotype and thereafter reduced to typewritten form; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative of or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of this action.



Harlyne S. Blum
 Notary Public in and for the
 District of Columbia

My commission expires:

November 15, 1995

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