



# EL RESCATE

A Project of the Southern California Ecumenical Council

## EL RESCATE LEGAL SERVICES

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SPECIAL REPORT  
THE JESUIT INVESTIGATION  
San Salvador, January 18, 1990

"We will not allow this crime to go unpunished  
for ten years like the assassination of Archbishop Romero."  
Jesuit Order

In spite of apparent progress in the investigation it is clear from recent statements by government and military officials and sources close to the military that the prosecution case will present the crime as an isolated, unpremeditated act carried out by individuals, an evaluation not shared by many Salvadorans including Catholic Church hierarchy. On January 14, Auxiliary Bishop Rosa Chavez said, "They insist it was simply a group of members of the Armed Forces who have stained the honor of the institution...It is difficult for us to accept this assertion."

Two months to the day after the massacre of six Jesuit priests, their cook and her daughter, four military officers and four soldiers were brought to court for a preliminary hearing, charged with involvement in the crime. For the first time in history a colonel has been publicly implicated in human rights violations and another colonel is detained for "passing information to the Americans." The assassinations and the investigation have jeopardized the future of the government and the institution of the Armed Forces to a degree thought impossible just two months ago. International pressure, particularly from the United States has forced the Cristiani government to conduct a serious investigation with assistance from the FBI, Scotland Yard, Spanish and Canadian detectives and will obligate Congressmembers to seriously examine the question of U.S. aid for the first time in nine years. The Jesuit killings, the bombing of the FENASTRAS office on October 30, serial bombardment of heavily populated areas of the capital and the recent assassination of Dr. Hector Oqueli Colindres have placed the ARENA government on the defensive as Congress increasingly demands answers and results in exchange for one and one-half million dollars in aid per day.

Although the Church and human rights workers attributed the crime to death squads linked to the military, government officials, the army and the Embassy insisted the FMLN was responsible. As late as January 3rd, U.S. Ambassador Walker reportedly told Congressman Joe Moakley that the killers "could have been guerrillas dressed in military uniforms." On January 7th President Cristiani stated publicly for the first time that members of the Armed Forces were involved; on January 13th he named Colonel Guillermo Alfredo Benavides Morales, Lt. Jose Ricardo Espinos Guerra, Lt. Yushy Rene Mendoza Vallecillos, First Lt. Gonzalo Guevara Ceritos, Sgt. Antonio Ramiro Avalos Vargas, Sgt. Tomas Zapata Castillo, Corporal Angel Perez Vasquez, Pvt. Oscar Mariano Amaya Grimaldi and Pvt. Jorge Alberto Sierra Ascencio (who allegedly deserted in December). Colonel Benavides is Director of the Military School and the rest of the men are believed to be from the elite, U.S.-trained Atlacatl Battalion. Following the announcement several ARENA leaders began to push the theory of a "conspiracy" between the FMLN and some members of the military...Vice-President Merino even saying, "If it wasn't exactly a conspiracy it has had the same effect."

"This was not an isolated action...It is the product of an ideological conception."

Archbishop Rivera Damas, January 16, 1990

The treatment of the witness, Lucia Barrera de Cerna during her interrogation by the FBI and Salvadoran authorities in Miami at the end of November infuriated Catholic and Jesuit officials, could have jeopardized the legal case and demonstrated the length to which interested parties would go to "accuse the accuser". A polemic ensued during the entire month of December between the Attorney General and Bishops Rivera and Rosa Chavez over the role of the Church in society, a debate which went all the way to the Pope.

"The assassins are the same ones who killed Archbishop Romero and 70,000 other Salvadorans."

Archbishop Rivera, November 16, 1989

The full story of the crime, the investigation itself and the ramifications within the military will probably never be known but elements have been revealed during the past week, some reported in the press, which begin to demonstrate the complexity of the case:

On January 13th the Los Angeles Times Wire Services reported the misfortune of Colonel Carlos Armando Aviles Buitrago who has incurred the wrath of the High Command because he allegedly leaked Benavides' name to North American officials. Aviles, who had just been promoted as Military Attaché to Washington on December 31st, was forced to submit to a lie detector test by Colonel Ponce, failed the test, and is currently incommunicado, "grounded." His American "friends" confronted Ponce with the information received from Aviles, making it highly unlikely any other military officers will again confide in the Americans.

A U.S. Major was called back to the U.S. because he allegedly withheld information from North American officials. Representatives of the State Department and Pentagon assured the New York Times there was "no evidence" that the officer had "advance knowledge" of the plan to kill the Jesuits, that he simply "received information...already known by Salvadoran authorities...so he didn't bring it to the attention of U.S. authorities immediately." (NYT 1/14/90)

On January 16 President Cristiani met with U.S. journalists to inform them that the two lieutenants charged as participants have accused Colonel Benavides of ordering the assassinations... "There is no proof that other high level officers were involved." The international community demanded "a colonel" and Cristiani came up with one but few people in El Salvador believe that Colonel Benavides ordered the crime. Cristiani is under extreme pressure from the Armed Forces not to allow the investigation to go further. It remains to be seen whether it will "play" internationally as it stands now, and if the military will hold together under the pressure.

Rumors of a coup d'etat by high-ranking officers furious over the developing investigation have circulated for the past week, to the extent that Cristiani was forced to say to the press, "I don't think there is a possibility of a coup," but he postponed a long-scheduled trip to the U.S. programmed January 16-23, allegedly due to scheduling problems with Javier Perez de Cuellar. And the rumors of divisions, tension, "unusual troop movements" continue.

## IS BENAVIDES A SCAPEGOAT...AND FOR WHOM ?

Colonel Guillermo Alfredo Benavides Morales was 27th of 41 in his military graduating class, the "tandona." He is not a member of the "inner circle" of the military hierarchy and has always been seen as rather weak and incompetent by his peers, perhaps because he is not involved in corruption or repression. An old friend, Colonel Orlando Zepeda, currently Vice-Minister of Defense, has been his "protector" and shepherded his career as Commander of the Belloso Battalion, Military Detachment #3, Military Detachment #5, Head of Intelligence for the High Command (July 1988-June 1989) and finally Director of the Military School. He is a professional soldier who is concerned with the welfare of the institution, not only personal enrichment.

Similarly, Colonel Carlos Aviles has always been outside the power group. He is not from the tandona, (Class of '66) but from the Class of '68. He served as Director of COPREFA in the mid-eighties, was outside the country for a time, was then transferred to the Artillery Brigade where he confided to one reporter that he felt "isolated". Last year he was selected to head Psychological Operations for the High Command, then on December 31st promoted to Military Attaché in Washington. Because of his "close relationship" with some North Americans and the consequent betrayal of his confidence his career is undoubtedly terminated.

### A POSSIBLE RECONSTRUCTION OF EVENTS

Many questions have been raised about the sudden "voluntary retirement" of Air Force General Juan Rafael Bustillo at the end of December. Some sources close to the military believe that his departure is closely related to the Jesuit investigation.

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

Bustillo had hoped to be appointed Minister of Defense on June 1st when ARENA assumed power but apparently the North Americans did not approve, for one thing because of his history with the Iran-Contra scandal; he was accused by the GAO of illegal sales of U.S.-donated fuel to the contras. He had a "military tantrum" in May, first refusing to order Air Force support missions, then flying his jets so low over National Soldier Day ceremonies that he terrified the invited guests. Since that time he had remained holed up inside the Air Force base, refusing to report in to the High Command Headquarters and responding only to requests from Brigade Commanders for Air Force support missions.

When the FMLN launched the biggest offensive of the war on the night of November 11th, Bustillo was ready for "total war". His pilots flew the skies over the capital and other major cities under attack constantly

during that week, launching deadly firepower over the most densely populated areas of the country, the slum areas around San Salvador, San Miguel, Usulután and Zacatecoluca. From the point of view of the Armed Forces he successfully directed the war effort during the first critical days.

On November 13th or 14th Bustillo met with the High Command and offered to relinquish command of the entire counteroffensive to them. It is believed that certain agreements were reached at that meeting which may have included one night of "operational freedom" (the night of November 15-16 when the heaviest bombing of the war occurred over the capital, the assassinations of the Jesuits and attempts to locate leaders of the popular movement) and/or the approval of a joint plan to carry out certain operations. The "transfer of power" from Bustillo to the High Command was in process that night and Bustillo was probably responsible for assigning to Colonel Benavides the area of the UCA as under his jurisdiction.

When General Thurmond arrived in El Salvador on December 1st he ordered the Armed Forces to "go on the offensive" against the FMLN. He also demanded that Bustillo be retired and was apparently told that would not be possible, particularly after his contribution during the early days of the offensive. The following day the Air Force dropped leaflets over the capital calling on "Patriotic Salvadorans" to "kill FMLN terrorists and their international allies." So why did Bustillo resign just four weeks later?

According to one source, a high level official either from the Embassy or the High Command met with Bustillo in December and presented him with the following analysis:

1. The General had "usurped control" of the Armed Forces during the first days of the offensive.
2. Either he ordered or had knowledge of the operation against the Jesuits, or he "created the climate of anarchy" that permitted the crime; as de facto commander-in-chief he was responsible.
3. He was given the option to retire gracefully "for the good of the Institution"...and he took that opportunity.

However, as of January 18, Bustillo has yet to turn over his command to his replacement, General Rafael Villamariona and the military press office has refused to comment on the situation.

### THE PROSECUTION CASE AGAINST COLONEL BENAVIDES

One source close to the case has suggested that a possible scenario for the prosecution case could be developed this way:

The government will charge that Benavides, as responsible for the zone of the UCA that night, ordered or approved of the military operation which was to consist of a second "cateo" or search of the UCA campus and the Jesuit house. (The first search occurred on Monday November 13) The soldiers entered the campus, went into the house and first confronted Father Lopez y Lopez. They argued with the priest and one soldier shot him; the other seven people were killed because they were witnesses. The assassinations, according to this presentation, were not premeditated but carried out in the context of the chaos and confusion of the offensive. The operation was then reported to Colonel Benavides who failed to inform higher authorities. He will be charged, at the very least, with concealing information.

## BENAVIDES-AVILES

At some point later in November or December, Benavides confided in his friend, Colonel Carlos Aviles and expressed his fear that he would be blamed, would be the scapegoat. On December 8th President Cristiani first hinted that military personnel could be involved and offered a \$250,000 reward for information from someone who "unconsciously or unwillingly" participated. International pressure was building and Benavides had reason to be concerned. According to a report in Newsweek the Colonel implicated members of the Atlacatl Battalion when he was interviewed by Salvadoran investigators sometime in December, but that information was not made available to U.S. authorities.

In the meantime, Aviles, perhaps out of concern for his friend, reported the information to his North American contact. The Embassy confronted Col. Ponce and Ponce, furious, accused Aviles of passing the information. Aviles denied the charge, was forced to submit to a lie detector test and failed. Dates are not known but these events must have occurred after the end of the year promotions were announced on December 31st, because Aviles was promoted as Military Attaché to Washington on that date.

"It was suicide on their part."

Joaquin Villalobos, November 20, 1989

According to an analysis by the FMLN, high-ranking military officers believed the elimination of all political opposition was necessary in order to bring the country under control. The Jesuits were considered enemies of the state because "they contributed enormously to the education of our people, to the political debate, to an understanding of the need for political pluralism," said Joaquin Villalobos. "The Army and the oligarchy don't support intellect, reason or debate."

No military officer has ever been prosecuted for a human rights violation. Regardless of how horrific the crimes over the years, the corruption, drugs, scandals, the institution of the Armed Forces has stood together for good reason; if one officer were to be prosecuted all would be vulnerable. The Jesuit investigation may be the "political earthquake" that ends impunity in El Salvador but only if international pressure continues to demand the truth, not only in this case but in the case of FENASTRAS, Hector Oqueli, Herbert Ernesto Anaya Sanabria, Archbishop Romero...all the assassinations and massacres of the past ten years.

"I hope the investigation will not be a coverup to distract attention from the 70,000 other cases that must be investigated, or an excuse to say things are improving in El Salvador...Who has really worked for an investigation of El Mozote or Sumpul or more recently the October assassination of ten union members in broad daylight?"

Father Jon Sobrino, SJ  
November 29, 1989