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The Witness

There has been much controversy surrounding the testimony of Lucia Barrera de Cerna -- the first "witness" to come forward with information on the Jesuit murders -- and her treatment by United States officials.

It is not our intention in this report ^{of her interrogations} to provide a detailed description of Mrs. Cerna's testimony. There are documents that chronicle Mrs. Cerna's ordeal: The Lawyers Committee for Human Rights report "The Jesuit Murders: A Report on the Testimony of a Witness"; the transcript of the Task Force meeting on December 19, 1989 with Lucia, Jorge and Geraldina Cerna; and a memorandum by James X. Dempsey, Assistant Counsel on the House Subcommittee on Civil and Constitutional Rights concerning FBI treatment of the Cernas.

In brief, Mrs. Cerna stated that at approximately 1:00 am on the morning of the murders, November 16, she was awoken by gunfire and witnessed 5 men, some of them dressed in camouflaged uniforms, standing at the main entrance gate which led to the residence of the six Jesuits. She heard more gunfire; the voice of Father Ignacio Martin-Baro shouting the words "injustice"; and then more gunfire. According to her testimony, she did not see the actual murders take place; 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, it is likely that her story is credible.

On November 23, after making a declaration to the Salvadoran Attorney General, Mrs. Cerna and her family accepted an offer from the United States Embassy in San Salvador to go to Miami and stay with Jesuits there in order to be in a safer environment than in El Salvador. There was no mention made to the Cerna family or to the Jesuits that the Cernas would be interrogated in Miami for several days by Salvadoran and United States police investigators.

Once in Miami and under the control of the United States Department of State, Mr. and Mrs. Cerna were housed in a hotel and then interrogated by two agents of the F.B.I. and the head of the Salvadoran Special Investigative Unit, Lt. Colonel Manuel Antonio Rivas Mejia, for a total of about 50 hours between November 27 and December 3. The only other person present was the Legal Officer of the U.S. Embassy in San Salvador. The Cernas were not presented with the opportunity to have either an attorney, member of the Jesuit community, or other trusted persons with them during the lengthy interrogations.

By Lucia Cerna's account, she felt that her interrogators did not believe her original story and, on the third day of interrogation, she changed her story. Lucia told the Task Force, "I felt pressed ...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,

Catholic Church hierarchy's

changed his line of questioning, and said "This Estrada (one of the Jesuits at the University of Central America), is he or isn't he a guerrilla?" Mrs. Cerna answered that he was not. However, she said that after her interrogators continued to ask the same questions over and over, "...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." During the interrogations, both Lucia and Jorge Cerna were subjected to a series of polygraph tests.

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Word of the interrogations quickly spread to El Salvador. Salvadoran President Cristiani chose to publicly announced that Mrs. Cerna had changed her story and that she had failed several polygraph tests. The Salvadoran Attorney General then issued a statement condemning the ~~Jesuits'~~ accusations that the military must have been involved in the murders 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 indicated that they felt betrayed and deceived by the actions of the United States Embassy. On December 12, 1989, 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 on 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 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."

The Task Force asked the F.B.I. to allow Members to question the two agents who interrogated the Cernas. The Bureau refused. Instead, the F.B.I. provided Members with a briefing on the generalities of the case -- refusing to answer specific or detailed questions on the grounds that the investigation is still in progress. Members also requested copies of the taped interviews or any written transcripts of the polygraph tests. The F.B.I. denied these requests also. Members were told that the Bureau would consider answering additional questions from the Task Force in writing. On December 21, 1989, the Task Force sent additional questions to John Collingwood, Inspector in Charge, Congressional Affairs Office of the FBI. Despite a number of phone calls assuring cooperation, the Task Force has not yet received a written response to the questions.

The Task Force also submitted a request on December 19, 1989 for information regarding the Cernas to William S. Sessions, the Director of the Federal Bureau of Investigation. To date, no response to that request has been received.

Chairman Moakley did receive a copy of a letter, dated March 12, from Mr. Sessions to Reverend Patrick J. Burns, S.J., President, Jesuit Conference, which explains the F.B.I.'s view of the interrogation of Lucia and Jorge Cerna.

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."

Based on the information that has been provided and denied to the Task Force, it is impossible to sort out all the discrepancies in the two accounts and definitely conclude what happened surrounding the events in Miami. However, it is reasonable to believe that Lucia Cerna, a cleaning woman with hypertension and no more than a sixth grade education, was scared and nervous during this ordeal. This was the first time either she or her husband had been outside of El Salvador or flown on a plane. Given the fact that she was not a criminal suspect and given the grisly nature of the crime she was testifying about, it is bothersome that she was interrogated for so long without being afforded the right to the presence of an attorney, members of the Jesuit order, or others who would clearly be reassuring to her and clearly be protecting her interests in the interrogation process. Adding to the need to offer her maximum confidence and assurance in the interrogation process was the fact that one of the interrogators was a member of the Salvadoran security forces, which many Salvadorans might rightly fear as the widely-believed perpetrators of many human rights abuses. It is entirely conceivable that Lucia Cerna changed her story for the very reasons she stated in her testimony before the Task Force.

Given the political implications associated with this crime, it would have made good sense for the U.S. Embassy in San Salvador, at the very least, to notify the Jesuits in San Salvador and the United States of the extent to which they planned to interrogate the Cernas in Miami. This was not done. One regrettable result of this affair is that witnesses in this or other human rights cases in El Salvador may refuse to come forward if they fear the treatment they will

receive from U.S. officials when they accept offers of witness protection from the United States.

Another regrettable result of this affair was the creation of suspicion among some in the human rights community that the State Department may have arranged the lengthy and surprise interrogation of Mrs. Cerna to cause her to "crack under pressure" and lose credibility, thus limiting early damage to the Salvadoran security forces.

While the Task Force has found ^{indications} ~~disturbing evidence~~ of insensitivity and poor management of the situation by U.S. officials surrounding the case of Mrs. Cerna, the Task Force has not found evidence to conclude that the Embassy and State Department, in collusion with the F.B.I., intentionally attempted to discredit Mrs. Cerna. We do understand that the circumstances of the situation in El Salvador after the Jesuits murder required that decisions by U.S. officials regarding the treatment of the Cernas be made quickly. Arrangments for the Cernas' trip to the United States also involved many parties, ~~both~~ in the U.S. and El Salvador, thus increasing the difficulty of making the best possible decisions in a short time period. The Task Force believes that this does not excuse the decisions made but does help explain them and ease suspicions that the decisions were made maliciously. The Task Force was pleased to hear from Ambassador Walker that the Embassy should have demonstrated "more sensitivity" in the Cerna case. We would hope that such sensitivity is incorporated in future circumstances, should they unfortunately occur.

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During the Task Force visit to El Salvador in February, the Jesuits and other religious leaders continued to express their deep concerns over this painful incident with the Cernas. The Task Force has since learned that Ambassador Walker has taken important steps to ease tensions between the Jesuits and the U.S. Embassy. We certainly support a continuation of such efforts.