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## *The confessions of Major Buckland (editorial)*

As the first anniversary of the UCA massacre approaches, the investigation has turned into one gigantic and infamous web of complicity; the more it tries to distance itself from the masterminds of the crime, the deeper it becomes entrenched in the desks of the Ministry and Vice-Ministries of Defense and behind the walls of the U.S. Embassy.

For the moment, the most intriguing and shameful aspect of the process has shifted its central focus to the United States, although the spectacle of deceit also continues to unfold in Judge Zamora's chambers. The abrupt and unexpected turn in the investigation was brought about by a forceful and outraged statement made by Rep. Moakley, in which he blamed officials of his country's embassy for having concealed--for over nine months--a series of impressive although questionable statements given by Maj. Eric Buckland to the FBI. These are the statements Buckland gave in Washington last January 10, 11 and 12, in which he reiterated all he had said previously about Col. Benavides' role in the massacre, complementing the information with revelations regarding what he knew weeks and even hours before the priests were killed.

Above and beyond the public controversy over the truth or credibility of these statements, the first aspect which awakens suspicion and clearly reflects an attitude of collusion and criminality lies in the fact that officials of the U.S. Embassy, and undoubtedly also of the State Department, have usurped the right to determine what is and is not relevant to solving a case. This is even more serious when one considers the direct participation of Richard Chidester and other U.S. Embassy officials in the seriously flawed organization and direction of the investigation before and after the statements were given

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by Buckland.

These long-concealed statements of Buckland's are indeed questionable and controversial because Buckland, frightened by his own testimony, and acting under hard advice, has recanted part of what he said. But they are even more doubtful than controversial because they have been revealed and colored by the atmosphere of mistrust and skepticism arising from ten months of deceit, lies and forgetfulness on the part of the investigators and the investigated. If these statements had been made known at the beginning of the judicial process, they might well have been capable of determining its fate and results, instead of allowing the flaws in the process to dictate the fate and the value of Buckland's statements.

A second aspect in the way U.S. officials proceeded in the matter, as inexplicable and unjustifiable as the first, is that at this stage it is still not fully known which parts of the revelations are the most important, because the benign hand of the FBI or the State Department has deemed it fitting to withhold the statement made on January 12, the principal object of Buckland's retraction, and of which reference is made only to a videocassette.

It is still not clear why the North Americans consider it appropriate to furnish Salvadoran justice with a videocassette of tear-drenched images of Buckland, which Judge Zamora has already requested, especially when it would have been sufficient to follow standard operating procedure and turn over a transcript. Has not the FBI (or the State Department) obstinately refused to turn over a videocassette of the cruel interrogation of Lucía de Cerna?

Setting aside for the moment U.S. institutional procedures, more suitable for delinquents and adorned with stupidity, and despite the fact that a seemingly key piece is still missing from the puzzle, the set of Buckland's statements and retractions made in the United States are not only quite solid and coherent in and of themselves, but also clear up the necessary and logical connection between what was revealed in Washington and what was testified in San Salvador, as well as the reasons behind their discrepancies. On January 12, Buckland told the FBI that around the end of October 1989, he had accompanied Col. Aviles to the Salvadoran Military Academy, where he had been sent by Col. Ponce, then head of the Joint General Staff, to calm down the ranting and death threats heard by the Academy's director, Col. Benavides, against the Jesuits of the UCA. The delicate mission, which in Buckland's opinion seemed to make Aviles uncomfortable, took no more than 15 minutes. Buckland noted that in order to carry out his assignment, Aviles met not only with Benavides but also with three other officers, among which he identified at least Lt. Col. Oscar León Linares, then head of the Atlacatl Battalion, whose men were later entrusted with preparing and executing the UCA massacre.

Upon leaving the Military Academy, Aviles allegedly mentioned some of the details of his experience to Buckland, including Benavides' wrath against the UCA's work, and in particular against Fr. Ellacuría, who had been the favorite target of the army's virulent fanaticism, as evidenced by Col. Zepeda at the conference of armies of the Americas held in Buenos Aires in 1987.

On the 18th, Buckland retracted parts of the statement he made on the 12th. Using weak arguments and unacceptable excuses, he denied having any specific knowledge of the character of the mission Ponce gave Aviles, denied having identified one of the implicated officers and another with clear ties to the case, and denied having learned in this way

about the military's mortal hatred of Fr. Ellacuría--although with less than a month's time in the country, and without the least knowledge of Spanish, it is hard to explain how he could have picked up this detail from a source other than his friend Aviles. Even so, Buckland continues to portray the general context of the visit to the Military Academy as a job ordered by Ponce which made Aviles uncomfortable and whose aim was to "smooth" a problem with Benavides.

But the important part is not what Buckland retracts, but rather what he adds to his statement while retracting it. He says that even before telling his superiors about the first confidential remarks about Benavides' confession of guilt before the head of the Special Investigative Unit (SIU), Lt. Col. Rivas Mejía, he had already confided it to his sister by telephone and in a letter; this fact strengthens the credibility of Buckland's first testimony. But he also explains that he did so out of fear that if he were killed for it, the information would never be known. In this he coincides and identifies with the fears to which he attributes Col. Aviles' confiding in him regarding what he had heard about Benavides and Rivas Mejía through Col. López y López.

However, neither Aviles nor Buckland had any more reason to fear being killed than Rivas or López, unless they were being threatened by the group of officers visited by Aviles in the Military Academy, some of whom Buckland identified and who surely also identified him. These are officers given to crime, who would not feel safe knowing that Ponce's emissaries were at large and carrying information about the most direct antecedent to the Jesuit massacre. Thus Buckland's testimony in Salvador included that he was in a position to say here, and with this he once again betrayed his close friend Aviles, an insurance policy that has kept him alive.

Thanks to the fact that the U.S. authorities continue to play games with Buckland's revelations, we still do not know the details he knew hours before the massacre was carried out; but he is the first to admit having heard, from inside the main military complex, powerful explosions coming from the UCA campus at the time of the murders--a fact that Zepeda, together with all the other officers who were there in the operational command center at the time, have tried to play down and even disclaim.

In related developments, the judge heard testimony from SIU chief Rivas Mejía, the content of which is still unknown, as well as from one of his assistants in the investigation, Lt. Preza Rivas, whose brazen attitude is not unworthy of that of his superiors. In truth, Preza Rivas' statement provides the best picture of the SIU's intentions and guidelines in the case. For instance, he acknowledges that the SIU did not investigate anyone in the security commando under Benavides' orders, since the latter was the one "involved in the killings," although he does not say how they determined such *a priori* guilt and innocence. Using the same reasoning, he explains that they did not investigate the members of the Tactical Operations Center (COT) who were in charge of Armed Forces operations "because the fact was" that they bore no relationship with the killings. With the same brazenness (and reflecting the same *a priori* judgments), he acknowledges that they did not investigate the source and authorship of the false report sent by C-II (Intelligence) of the Joint General Staff to Col. Ponce, in which it claimed that the guerrillas had assassinated the Jesuits at 12:30 a.m. on November 16, adducing, "The Atlacatl commando unit was already under investigation," and, "The report was irrelevant"--an irrelevance that certainly made it easier to identify with the "leads" left in the UCA by the assassins with the aim of unloading the massacre on the FMLN.

Despite his deep convictions with regard to the identity of the guilty parties, which unavoidably excluded the examination of credible evidence and hypotheses, Preza confesses that at the time of the arrests the SIU was unable to give the military Honor Commission names of guilty parties, just of suspects, and that contrary to what the Honor Commission members have declared, it was this body that named the nine who were subsequently arrested. Preza added that the SIU neither requested nor received from the FBI the conclusions of the ballistic tests carried out on the murder weapons belonging to the Military Academy; he added that the SIU received the weapons from the Honor Commission. With this he completely contradicts all the information given to the Moakley Task Force by Rivas Mejía and members of the Armed Forces High Command.

Meanwhile, Cols. Ponce and Carrillo Schlenker gave statements to the court, without taking any pains whatsoever to follow the example set by their commander-in-chief, President Cristiani, who waived his privilege and appeared in person before the judge. Minister of Defense Ponce sent his third written declaration, and Carrillo his second, after having jumped the gun by sending the judge a written statement even before being called to testify. Ponce's latest statement continues to evidence old and new intrigues and discrepancies. On the one hand, he denies the existence of the COT, of which Col. Canjura spoke (*Proceso 446*) and where President Cristiani claimed to have been during the period of time when the Jesuits were massacred; although he does not name it, he confirms the existence of a body called the Joint Operations Center (COC), with the same functions and attributes of the COT mentioned by Canjura, in which High Command members had "identical hierarchical powers to give orders and make operational decisions," something Col. Zepeda has denied with desperate vehemence. And although Ponce says that during the offensive there was no one person responsible for operations in the metropolitan area, he does so knowing full well that at the same time the curfew was announced, (then Defense Minister) Gen. Larios named Col. Carrillo Schlenker local military chief.

Ponce furthermore refutes the secretarial role of "simple transmitter of orders" assigned to former C-III (Operations) head Col. Cerna Flores, asserting instead that of all the six Joint General Staff departments, this was the only one "empowered to give orders of an operational nature to the different military units, including to the security commando" under Benavides' command. He acknowledges that the evening before the massacre, León Linares asked him to give back the Atlacatl units lent to Benavides, who was asking for more reinforcements to cover the entire area under his purview, and that for this reason the troops were not sent back to León until the following day when reinforcements arrived from other units. In spite of the lack of resources to provide security for the nerve center of the Armed Forces adduced by Benavides--and even used as an excuse for his ignorance about the details of the massacre on the morning of the 16th--the cadets on watch at the Military Academy that night, along with other accomplices and collaborators in the coverup, all claim that around one hundred of the Atlacatl murderers allegedly spent the night of the massacre sound asleep in the Military Academy.

Ponce also implicitly acknowledges having been deceived by his subordinates with regard to the search of the UCA on November 13, when he confirmed having authorized it after the fact. Even the SIU admitted having detected the first indications of guilt on the part of Atlacatl soldiers when it discovered that the murderers mixed up aspects of the search (carried out at sundown) with those of the massacre (committed in the dark of night). The most pathetic part of this, however, is that the Minister of Defense has been

forced to admit publicly that, even though he knows the names of the officers who at the time were in charge of C-II, he does not know, nor is he in a position to find out, who in that body provided and recorded the false information contained in the report which he requested and presented to the SIU.

So the conspiracy of silence and coverup, of which Rep. Moakley justly accused the Armed Forces High Command last August, has now landed on the doorstep of the State Department. Although the Jesuit case is undoubtedly a true test for Salvadoran justice, the key to solving it is kept--and quietly slips away--in Washington.

### *U.S. aid and the war*

Last October 19, the United States Senate passed the foreign aid bill containing the military aid to El Salvador for fiscal year 1991, incorporating the Dodd-Leahy amendment which governs the way the aid is disbursed. The vote was aimed at bringing about at least the de-escalation of the war in El Salvador. Nevertheless, there are a series of factors which impede this in the short and medium run. Above all, it should not be forgotten that the Bush Administration can manipulate and even violate at his discretion the conditions contained in the Dodd-Leahy amendment and/or continue to use his vast resources to keep providing military support to the Salvadoran government. Furthermore, the terms of the conditioning-withholding of military aid laid out in the amendment are still insufficient from the insurgent point of view for the FMLN to modify its current plans to step up military pressure as a way to force the government to soften its position at the negotiating table.

The Senate vote--which is consonant with the amendment passed in the House of Representatives last June 28--undoubtedly has the potential to impact positively on the consolidation and progress of the efforts to reach a political settlement in the Salvadoran conflict. For the moment, it is a sign of recognition that ten years of U.S. war policy in El Salvador have been a total failure. President Bush reluctantly admitted that he would sign the foreign aid package which contains the Dodd-Leahy amendment, although he stressed that the effects of the cutback in military aid to the Salvadoran government "has us very worried." The measure has also provoked understandable reactions of discomfort and fear among the top echelons of the Salvadoran army, since it jeopardizes their logistical and material advantage over the FMLN in the arena of armed confrontation. "Our friend is pulling back and wishes to leave us after we have walked a long and difficult road together, with beneficial results," commented Defense Minister Col. René Emilio Ponce. However, both military spokespersons and President Cristiani himself asserted unequivocally that the vote would not produce any immediate "changes in military operations." Apparently, the government and the Armed Forces have well-founded reasons for hoping that the Senate measure will not translate into a weakened army. Besides the steps the government will undoubtedly take to make up the lost funds from other areas, the Bush Administration will make its own efforts to shore up the logistical capacity of the Armed Forces. According to a cable from IPS, the Bush Administration has sent over \$100 million in military aid to El Salvador over the past ten months in unspent funds appropriated during previous years. In the past two months alone, according to the cable, some \$30 million has been sent, and another \$20 million is slated to be sent during the next few weeks.

While the government and the FMLN are preparing for a new round of peace talks in Mexico, military activity has shown a notable increase in terms of insurgent offensive actions, frontal combat, deployment of government military forces in patrols and roadblocks, and confiscation of rebel war materiel. FMLN spokespersons have said explicitly that regardless of the congressional vote and the proximity of a new round of talks, the rebels will continue their routine armed actions and could even escalate them depending upon how they evaluate events in the immediate future.

The resurgence of FMLN offensive activity in rural areas, along with the new activities carried out in San Salvador, seem to corroborate the belief that the FMLN intends to launch new efforts to win back the strategic initiative in military terms. An Associated Press cable, based on statements made by FMLN military strategists, asserted that the FMLN's current *modus operandi* will have two levels of intensity. On the one hand, these actions will be "carried out at the national level against military objectives, not simultaneously but rather sporadically, during an undetermined period... Subsequently, they will escalate, but fixed positions will not be held, the combatants will not dig in as in last year's offensive." Nonetheless, the true viability of this new operational configuration will only be seen on the battlefield.

### ***IDHUCA Report: The FENASTRAS case one year later***

One year ago, on October 31, 1989, a powerful bomb destroyed the offices of the labor federation FENASTRAS, killing nine union members and wounding dozens more. Today, this terrorist attack has yet to be thoroughly investigated. Despite the seriousness of the incident and the indications of military involvement, the judicial proceedings have not progressed.

On November 8, 1989, Second Justice of the Peace Nelson Ulises Umana Bojórquez, along with members of the Special Investigative Unit (SIU) and the FBI, inspected the scene of the crime. The case is now under the jurisdiction of Second Penal Judge Daniel González. In statements published in the daily newspaper *El Diario de Hoy* (11/1), the court official asserted that several witnesses had testified without contributing any information of use to the case, while others no longer lived at the addresses to which the subpoenas were sent. Investigation to the court, arguing that it has not yet finished its report. On May 30, 1990, SIU chief Lt. Col. Manuel Antonio Rivas explained that the investigation had not produced any conclusive results because FENASTRAS had not allowed the investigators to enter the premises for eight days following the attack, after which time it was impossible to determine the type of explosive used. FENASTRAS denies having refused them permission to enter the offices. Rivas also said at the time that he could offer no information about his investigation because seven months after the attack, the SIU report was still unfinished. On October 19, almost a year after the incident, the SIU asked the court for copies of the forensic reports. In recent statements, the presiding judge said that he was at this time asking the SIU for the results of its work, adding that he had not received any conclusive report despite having requested one twice."

Last week we discussed two serious cases in which civilians were killed as a result of military actions, actions which were condemnable in every sense but which were not necessarily aimed at the civilian population (*Proceso 449*). The attack on FENASTRAS,

however, was an attack aimed at the civilian population, in this case the union members and their families inside the federation's offices. International humanitarian law is crystal clear on this point: "The civilian population as such, and civilian persons, shall not be the object of attack. Actions or threats of violence whose principal goal is to terrorize the civilian population are prohibited" (Article 13, par. 2, *Protocol II Additional to the Geneva Conventions of 1949*). The Legal Assistance Office of the Archdiocese of San Salvador (Tutela Legal) stressed, "the authors [of the attack] calculated an explosive force capable of causing enormous damage, with the greatest possible number of victims given the time of the incident, and with the indiscriminate aim of killing union leaders in general and without regard for the possible presence of family members."

Since October 1988, FENASTRAS had been the target of four bombing attacks; two of its members were arrested and subsequently disappeared in August 1989; and dozens of its members were arrested and tortured in September 1989. Along with these actions went a strong propaganda campaign identifying FENASTRAS, and especially its leader Febe Elizabeth Velásquez--one of the victims of the October 31 massacre--with FMLN "terrorism."

It is worth noting that the Crusade for Peace and Work, in an open letter to President Cristiani published on July 3, 1989, requested a "summary trial" of Febe Velásquez, as well as of Ignacio Ellacuría, Segundo Montes, and ten other individuals, demanding as well that the death penalty be legalized in El Salvador and that the government "proceed immediately to arrest and bring to justice those well-known abovementioned leaders of the FMLN-FDR who are subverting the public order and are promoting anarchy in the republic." Those three persons are now dead. The home of Ruben Zamora, also named in the Crusade's list, was the target of a powerful dynamite explosion in October 1989, but he and his family were unharmed.

Despite all this, and in keeping with a long tradition, certain sectors of the top civilian and military echelons, including First Infantry Brigade commander Col. Francisco Elena Fuentes and Maj. Roberto D'Aubuisson, have blamed the FMLN for the attack on FENASTRAS. The same charges were aired at first in the UCA case. Nevertheless, thanks to a series of factors, the *modus operandi*, the witnesses, and even the amount of pressure put on the authorities, we have learned much more about the facts in the UCA case than in the FENASTRAS case. The only investigation whose results have been made public so far is that of Tutela Legal, which presented its preliminary conclusions on November 2, 1989--among them, "the direct authors of the crime were sent wearing civilian clothing to avoid any possible identification with the military, carrying out a death squad-type action."

Right after the attack, President Cristiani presented a proposal to set up a blue-ribbon commission, as representative and credible as possible, to investigate the incident. Fr. Ellacuría was one of the individuals invited to join the commission, which never became a reality but did initiate public discussion at the time, several days before the November offensive. The editorial published in *Proceso 408* commented that "if such a commission were to be endowed with the specific powers and attributes referred to by the opposition political parties when called upon to help clear up the incident, it would undoubtedly be taking firm strides toward tightening the circle around the members of the death squads who until now have operated at their fancy. If that commission is allowed to contract the services of international technicians and specialists, interview witnesses, interrogate suspects, gain access to any civilian or military establishment it considers

appropriate, and enjoy full autonomy in its activities and determinations, the death squad gangs will no longer feel safe in El Salvador."

While the UCA case has exposed one of the faces of impunity, the FENASTRAS massacre shows another, one even more obvious and all-encompassing. The seriousness of the incident and the total impunity enjoyed by those who committed it as well as those who ordered it, deserve not only condemnation but also serious thought. The case has a bearing on the process of negotiations, it relates to the objectives of the San José Agreement on Human Rights, and expresses the profound and urgent need to put an end to attacks against the civilian population and to the impunity with which they are carried out.

The obligation to guarantee the free and full exercise of human rights implies that States must prevent, investigate and punish all human rights violations, and must furthermore attempt to redress the right that has been violated, if possible, and thereby repair the damage produced by the human rights violation (Velásquez Rodríguez case, Inter-American Court of Human Rights, cited in *ECA 500-501*, p. 487).

It is obvious that in the FENASTRAS case, the Salvadoran State is not complying whatsoever with its international obligations. Even if Federation members did keep the government investigators from entering the premises at first, identifying them with those responsible for the attack, this could hinder but in no way eliminate the State's responsibility to clear up the incident. The Federation's attitude could be considered just another display of the people's lack of trust in the existing investigative bodies, which form a part of the same military structures which are frequently responsible for human rights violations. In this sense, it shows once again the urgent need to have an investigative body which is truly independent of the military, one which enjoys the people's trust.

The San José Agreement on Human Rights has come to reinforce and enumerate these duties of the Salvadoran State. The Agreement goes so far as to foresee the supervision of future cases similar to that of FENASTRAS by the U.N. Verification Mission. The Mission would play a role not unlike that of the commission described in the abovementioned *Proceso* editorial. But there remains the urgent need to establish a similar and parallel mechanism to handle the most serious cases of the past, like that of FENASTRAS, El Mozote, Las Hojas, and so forth; this mechanism would need to have a broad mandate and the backing of the government and of all the country's social forces in its search for the truth necessary to make justice possible.