

60. 31-01-84: En la Calzada Aguilar Betres y 30 Calle, Zona 12, (s) CLAUDIA reconoció a (s) RENE y (s) VICTOR, en un contacto. Estos inmediatamente reconocieron los vehículos y se dieron a la fuga, por lo que se abrió fuego, cayendo en la 30 Calle y Ira. Avenida, Zona 12, el D. S. SERGIO VINICIO SAMAYOA MORALES (s) - PAUL. Segundo de la ORPA.

VICTOR, Dirección este es her pre neo, fu velt y -cupe: 1r



83. LUZ MAYDEE MENDEZ CALDERON (s) CHAVE

Nombre falso: SOPHIA ESTRADA
Miembro del Secretariado del PGT-CC.
Encargada de asuntos internacionales y
segunda del partido.

JULIAN venia de México, lle
casa de (s) Chave.
SANTIZO VELAS-
el respon
la



z-83-1

73. JULIO CESAR PEREIRA VASQUEZ (s) LUIS

Miembro del PGT-CC.
22-02-84: Puesto al tiro por (s) Claudia y capturado en la Avenida Petapa, entre 8a. y 7a. Calles, Zona 12
26-02-84: Quedó libre para contactos
21-03-84: Se asiló en la Embajada de Francia, con su familia.



z-73



z.83-2

74. Ing. SERGIO SAUL LINARES MORALES (s) OTTO

Miembro del PGT-CC, encargado de la Región Central.
Miembro del Organó Seccional Manuel Andrade Roca -OSMAR-.

23-02-84: CAPTURADO EN LA CONA 9
29-03-84: 300



z-74

Seeking Human Rights Justice in Latin America

Truth, Extra-Territorial Courts, and the Process of Justice

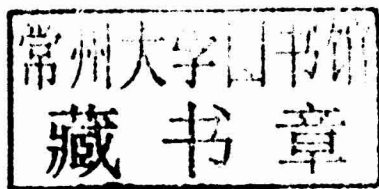
Jeffrey Davis

Seeking Human Rights Justice in Latin America

**TRUTH, EXTRA-TERRITORIAL
COURTS, AND THE PROCESS OF
JUSTICE**

Jeffrey Davis

University of Maryland, Baltimore County



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32 Avenue of the Americas, New York, NY 10013-2473, USA

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It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9780521514361

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First published 2014

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication data

Davis, Jeffrey, 1967–

Seeking human rights justice in Latin America : truth, extra-territorial courts, and the process of justice / Jeffrey Davis, University of Maryland, Baltimore County.

pages cm

Includes bibliographical references and index.

ISBN 978-0-521-51436-1 (hardback)

1. International human rights courts – Latin America. I. Title.

KG574.D38 2013

341.4'8–dc23 2013014272

ISBN 978-0-521-51436-1 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

ACKNOWLEDGMENTS

I am extremely grateful to Kate Doyle at the National Security Archive for sharing her expertise, and to her colleagues for making millions of documents available to researchers, advocates, and the public. I am deeply thankful to Wendy Méndez, Oscar Reyes, Cecilia Moran Santos, and Juan Romagoza, who have shared their experiences seeking justice. I also thank Olger González at the Inter-American Court of Human Rights, Almudena Bernabeu at the Center for Justice and Accountability, Roxanna Altholz at the Berkeley School of Law Human Rights Clinic, Soraya Long at the Center for Justice and International Law, and Adrianna Beltran at the Washington Office for Latin America. Without their knowledge, this research would not have been possible. I very much appreciate the help of my current and former students, Edward H. Warner, Micaela Perez Ferrero, and Morgan Vierling. I am grateful to Professor Daniel Whelan for his insightful critiques of an earlier version of this research. Last but certainly not least, I would like to thank my wife, Katie, for her tireless help and support.

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1

BUILDING JUSTICE FROM TRUTH – THE PROCESS BEGINS

THE CASE OF THE JESUITS

Justice follows a twisted path from the boiling up of criminal intent, to the act of violence, through a thicket of impunity, emerging into a small clearing of truth, and then venturing off again to more obscure destinations of accountability, deterrence, and reconciliation. On a cool November day in 2009, inside the National Court Building in Madrid, Spain, American researcher Kate Doyle explained to Spanish judge Eloy Velasco how declassified U.S. Central Intelligence Agency (CIA) documents linked former Salvadoran President Alfredo Cristiani and fourteen members of his high command to the murders of six Jesuit priests, their housekeeper, and the housekeeper's sixteen-year-old daughter. Ms. Doyle was an expert witness called by the San Francisco-based Center for Justice and Accountability (CJA) to support its effort to convince Judge Velasco to open a criminal case against Cristiani and his officers for murders committed twenty years earlier in El Salvador.

How U.S. lawyers and witnesses found themselves in Madrid thousands of miles and twenty years removed from the murders in El Salvador is the story of legal justice. This justice must be understood for what it is – a process – and not just a result. It does not stop with the denial, amnesty law, or pardon. It is not encompassed in the guilty verdict, prison sentence, or truth commission report. Legal justice is the *process* that can lead to those results, and it is the *process* that follows them. Revealing the truth, increasingly through original documents like the intelligence communiqués upon which the story of the Jesuits

in this chapter is based, catalyzes this process. Justice is the process that can overthrow the cycle of violence and must, if it is to be meaningful, restore at least a measure of human dignity.

"Kill Father Ellacuría and leave no witnesses." Colonel Emilio Ponce gave this order at a secret meeting of military commanders on November 15, 1989.¹ As a prominent Jesuit priest, philosopher, and author and the rector of the Central American University (UCA), Father Ellacuría played a crucial role in El Salvador's peace process. At a peace march just eight months earlier, he had spoken to the crowds, telling them, "We need to work for peace from the perspective of the suffering of the orphans and widows, and the tragedy of the assassinated and disappeared."²

Ellacuría formed a link between members of the Farabundo Martí National Liberation Front (FMLN) rebels and the government. According to a secret cable from the CIA in El Salvador obtained by a U.S. nongovernmental organization (NGO) called the National Security Archive, six weeks before November 15 the FMLN had asked Ellacuría to arrange negotiations between its representatives and members of the El Salvadoran military (see Figure 1.1).³ He had approved of the "five friends" who would represent the FMLN and had contacted military officials seeking representatives. On November 15, the day Colonel Ponce gave the order to have Ellacuría killed, Ellacuría had reported to the FMLN that "arrangements seemed to be going well."⁴ Because they were coming days after the FMLN had launched a major offensive on San Salvador, the negotiations were urgent. One of the FMLN demands noted by the CIA cable was the removal from leadership positions of members of the Salvadoran military who were part of the Tandona class in military college. Colonel Ponce had graduated first in the Tandona class.

¹ UN Security Council, Annex, *From Madness to Hope: The 12-Year War in El Salvador: Report of the Commission on the Truth for El Salvador*, S/25500, 1993, 5-8. IV, B, 1.

² Roger S. Gottlieb, *Liberating Faith: Religious Voices for Justice, Peace, and Ecological Wisdom* (Lanham, MD: Rowman and Littlefield Publishers, Inc.), 229.

³ Central Intelligence Agency, Secret Cable, Murder of Father Ignacio Ellacuría, document obtained by the National Security Archive, *El Salvador: War, Peace, and Human Rights, 1980-1994*.

⁴ Ibid.

Three hours after Colonel Ponce gave the order to kill Father Ellacuría, Colonel Guillermo Alfredo Benavides called his officers together to explain that Ponce had given them special orders to deal with the FMLN offensive. Benavides told them that they were charged with eliminating known subversive elements, including Father Ellacuría. According to a secret cable from the U.S. ambassador in El Salvador, William Walker, to Bernard Aronson at the U.S. State Department, Benavides told his men that Ellacuría “was one of them and he must die” (Figure 1.2).⁵ “It’s either them or us,” Benavides said. He asked his officers if any of them objected to the order.⁶ No one spoke up at that time.⁷

Major Hernández Barahona had quickly organized the operation. Lieutenant José Ricardo Espinoza Guerra was selected to command troops from the U.S.-trained Atlacatl Battalion. According to Walker’s cable, Espinoza “balked at the command,” but Benavides told him, “This is an order and you will do it.”⁸ “It’s either them or us,” he explained again. “They have been bleeding our country and we must break them.”⁹ To make sure, Benavides sent Lieutenant Yushy René Mendoza Vallecillos, who, according to Walker, Benavides trusted to see the order carried out.¹⁰ Both lieutenants were Tandon graduates. Benavides and his officers planned to blame the FMLN for the murders. They decided not to use their regulation firearms and instead armed Private Mariano Amaya Grimaldi with an AK-47 captured from the FMLN. Amaya remembered being told he was going “to kill some delinquent terrorists.” Lieutenant Mendoza told him, “you are the key man.”¹¹

⁵ U.S. Department of State, Secret Cable from Ambassador William G. Walker to Bernard Aronson, January 26, 1990, document obtained by the National Security Archive, *El Salvador: War, Peace, and Human Rights, 1980–1994*. <http://www.gwu.edu/~nsarchiv/nsa/publications/elsalvador2/>.

⁶ Lawyers Committee for Human Rights, “The ‘Jesuit Case,’ The Jury Trial (La Vista Publica),” September 1991, 15.

⁷ *From Madness to Hope*. See also Inter-American Commission for Human Rights, *Ellacuría, S. J. y Otros v. El Salvador*, Case 10.488, Report N° 136/99, OEA/Ser.L/V/II.106 Doc. 3 rev. at 608 (1999).

⁸ Walker to Baronson, January 26, 1990.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Lawyers Committee for Human Rights, “The ‘Jesuit Case,’” 16.

The lieutenants led members of the Atlacatl Battalion to the UCA. After posting a perimeter defense, eight soldiers, including Lieutenants Mendoza and Espinoza, approached the south gate of the university near the Pastoral Centre, the residence of the Jesuit priests. The noise awakened Father Ellacuría and he opened the door and let the soldiers in. They quickly roused four other priests and ordered them into the garden. Father Joaquín López y López hid in one of the adjoining rooms.

Five of the six Jesuit priests at the UCA Pastoral Centre were born in Spain. They were scholars and human rights advocates. Father Segundo Montes founded and directed the UCA Human Rights Institute and he gained international notoriety for his work for refugees in the Americas. For example, he worked closely with Massachusetts congressman Joe Moakley to help Salvadoran refugees in the United States. Father Montes's first teaching job was at a school that served the children of El Salvador's elite classes. One of his students was José Ricardo Espinoza Guerra, who grew up to be Lieutenant Espinoza.¹²

Father Amando López, a philosophy professor, was known for his work with the poor and suffering. In 1975 he was in Managua, Nicaragua, at the Central American University, as President Anastasio Somoza struggled to hold on to power. When President Somoza's forces began bombing civilians, Father López opened the campus to poor families fleeing the violence. In El Salvador he pastored a church in a poor community on the outskirts of San Salvador.¹³

Father Ignacio Martín-Baró was a social psychologist and philosophy professor who became dean of students and chair of the psychology department at UCA. He called his sister, Alicia Martín-Baró, who lived in Spain, the night of November 15. Ms. Martín-Baró asked her brother about the crisis in El Salvador and when it would improve. She remembered her brother telling her, "Oh, many people have to die before that happens."¹⁴

Like his peers, Father Juan Ramon Moreno was an accomplished academic whose work was inspired by liberation theology. An architect

¹² Center for Justice and Accountability, The Jesuits Case, The Victims. <http://cja.org/article.php?list=type&type=116> (last accessed June 1, 2010).

¹³ Ibid.

¹⁴ Ibid.

of liberation theology, Father Ellacuría often talked about bringing the suffering people of Latin America “down from the cross.”¹⁵ The only El Salvadoran-born priest in the Centre that night was Father Joaquín López y López. He founded the Fe y Alegría (Faith and Joy) organization, which opened thirty educational centers in El Salvador. The centers educated marginalized communities across the country, and almost fifty thousand people had received vocational training through Fe y Alegría.

On November 16, Father Ellacuría let the soldiers into the priests’ living quarters, the Pastoral Centre, because he recognized the two lieutenants. They had conducted a search of the Centre three nights before, claiming to be looking for FMLN insurgents. It now seems likely that they were conducting reconnaissance for a later attack on the Jesuits. Ellacuría’s fellow priests were already awake and partially dressed when the soldiers came in. Father Martín-Baró was angry and protested loudly that “this is unjust,” calling the soldiers carrion.¹⁶ Witnesses claimed they heard shouting coming from the Centre. One bystander said she heard voices whispering in unison – as if in prayer.

Once in the garden, the lieutenants ordered the priests to lie face down in the grass. Lieutenant Espinoza ordered his men to shoot and kill the priests, “Apurense. Delen.” (“Finish them off. Give it to them.”)¹⁷ Private Amaya shot and killed Fathers Ellacuría, Martín-Baró, and Montes.¹⁸ Deputy Sergeant Antonio Ramiro Avalos Vargas shot and killed Fathers López and Moreno.¹⁹ Jolted by the shots, Father López y López, still hiding inside, jerked and gave himself away. Corporal Angel Pérez Vásquez and other soldiers tracked him down and killed him.

The soldiers then searched the other rooms in the residence and found Julia Elva Ramos, who worked at the Centre, and her

¹⁵ Jon Sobrino, “Ignacio Ellacuría, The Human Being and the Christian: Taking the Crucified People down from the Cross,” in *Love That Produces Hope: The Thought of Ignacio Ellacuría*, Maria Pilar Aquino, Robert Anthony Lassalle-Klein, eds. (Collegeville, MD: Liturgical Press, 2006), 8.

¹⁶ Walker to Baronson, January 26, 1990.

¹⁷ *From Madness to Hope*; Walker to Baronson, January 26, 1990. The cable quotes Lt. Espinoza as stating “Apurense! Delen.”

¹⁸ *From Madness to Hope*.

¹⁹ *Ibid.*

sixteen-year-old daughter, Celina Mariceth Ramos. Deputy Sergeant Tomás Zarpate Castillo shot them both, then Private José Alberto Sierra Ascencio shot them again.²⁰ Zarpate shot them until he was sure they were dead because “they no longer groaned.”²¹ Julia Elva Ramos’s body was found wrapped around her daughter’s; she had tried to shield her from the bullets.²²

As they left the residence, the troops fired their weapons into the walls, threw grenades, and launched rockets to give the impression of an FMLN attack. Father Ellacuría was believed to be in danger of attack by hard-line FMLN members because of his criticism of its attacks against civilians. A secret cable from Ambassador Walker to the U.S. secretary of state on the day of the murders stated:

It is plausible that extremists on either the right or left may be responsible for the murders. Ellacuría, a leading leftist intellectual who often sympathized with FMLN positions ... would be a target for right wing extremists.... However ... FMLN extremists may have murdered Ellacuría et al. in order to salvage their hoped-for popular uprising.²³

The government troops sought to blame the FMLN for the massacre and thereby turn public opinion against the FMLN during their offensive. On a piece of cardboard left at the Centre they wrote, “FMLN executed those who informed on it. Victory or death, FMLN.”²⁴

The murder of the Jesuit priests, Julia Elva Ramos, and Celina Mariceth Ramos was shocking even in the context of the extreme violence that characterized El Salvador’s civil war. Like the assassination of Archbishop Óscar Romero in 1980, the massacre of the Jesuits attacked the church itself, and, in Father Ellacuría, a prominent voice for the poor and an indispensable player in the peace process. Like

²⁰ Ibid.; Walker to Baronson, January 26, 1990.

²¹ Lawyers Committee for Human Rights, “The Jesuit Case,” 16.

²² Center for Justice and Accountability, The Jesuits Case, The Victims.

²³ U.S. Department of State, Secret Cable from Ambassador William G. Walker to George P. Shultz, November 16, 1989, document obtained by the National Security Archive, *El Salvador: War, Peace, and Human Rights, 1980–1994*.

²⁴ *From Madness to Hope*; Documents obtained by the National Security Archive, *El Salvador: War, Peace, and Human Rights, 1980–1994*.

Figure 1.1. Central Intelligence Agency Secret Cable on the Murder of Father Ignacio Ellacuria.



SECRET

Department of State

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PAGE 04 OF 08 SAN SA 01187 00 OF 03 280619Z 08/25 007805 MOD69
 GUERRILLAS MOUNTED A CONCERTED EFFORT TO TAKE THE
 ILOPANGO AIRBASE AND THERE WAS INTENSE COMBAT IN
 SEVERAL OTHER PARTS OF THE CITY. DURING THE DAY ON
 THE 15TH, THE NATIONAL POLICE HAD RECEIVED
 INFORMATION THAT THE UNIS, THE HEAVILY FMLN
 INFILTRATED LABOR FEDERATION, WAS PLANNING A MEETING
 AT THE UCA THAT EVENING. THIS INTELLIGENCE WAS
 PASSED TO THE MILITARY HIGH COMMAND WHICH IN TURN
 PASSED THE INFORMATION TO COL. GUILLERMO BENAVIDES,
 COMMANDER OF THE MILITARY SCHOOL AND OF THE ZONE
 WHICH INCLUDED THE UCA. BENAVIDES HAD ADDITIONAL
 INTELLIGENCE THAT THE GUERRILLAS MIGHT TAKE SOME OF
 THEIR WOUNDED TO THE UCA THAT NIGHT. BENAVIDES
 ORDERED ELEMENTS OF THE ATACATL TO PATROL THE AREA
 IMMEDIATELY AROUND THE UCA AND CUT OFF ACCESS TO THE
 CAMPUS.

7. SOME TIME AFTER 2000 HRS ON NOVEMBER 15 BENAVIDES
 ORDERED LIEUTENANTS ESPINOZA AND CERRITOS TO RETURN
 TO THE MILITARY SCHOOL FOR FURTHER ORDERS. TWO
 ATACATL PATROLS REMAINED NEAR THE UCA WITH
 APPROXIMATELY SIXTEEN SOLDIERS. LIEUTENANTS ESPINOZA
 AND CERRITOS MET WITH COL. BENAVIDES AROUND 2300
 HRS. LT. MENDOZA FROM THE MILITARY ACADEMY ALSO WAS
 PRESENT. COL. BENAVIDES TOLD THE LIEUTENANTS THAT
 THE TERRORIST LEADERSHIP WAS AT THE UCA. "IT'S EITHER
 THEM OR US. THEY HAVE BEEN BLEEDING OUR COUNTRY AND

WE HAVE TO BREAK THEM. ELLACURIA IS ONE OF THEM AND
 HE MUST DIE. I DON'T WANT ANY WITNESSES." LT.
 ESPINOZA AND CERRITOS WALKED AT THE COMMAND BUT WERE

TOLD "THIS IS AN ORDER AND YOU WILL DO IT."
 BENAVIDES SENT HIS TRUSTED LIEUTENANT MENDOZA ALONG
 TO LEAD THE MISSION. MENDOZA WAS THE SENIOR OF THE
 THREE LIEUTENANTS.

SECRET

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Figure 1.2. Cable from the U.S. Ambassador in El Salvador, William Walker, to Bernard Aronson at the U.S. State Department.



SECRET
Department of State

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PAGE 05 OF 08 SAN SA 01107 00 OF 03 280619Z C04/25 007805 NOD698

B. AT APPROXIMATELY 9100 ON NOVEMBER 16, ABOUT THIRTY MEN FROM THE ATACATL, INCLUDING THE THREE LIEUTENANTS, LEFT THE MILITARY SCHOOL, SOME ON FOOT AND OTHERS IN VEHICLES. THEY MET UP WITH THE TWO PATROLS THAT WERE LEFT NEAR THE UCA AND THE GENERAL ORDER WAS SHARED THAT AN OPERATION WAS GOING DOWN AT THE UCA AND THEY WERE GOING TO KILL THE LEADERSHIP OF THE "TERRORISTS." THE UNIT APPROACHED THE UCA AND POSTED PERIMETER SECURITY IN AND AROUND THE CAMPUS. THEY ENTERED THE UCA GROUNDS BY THE SOUTH GATE AND A SMALL BAND OF EIGHT, INCLUDING TWO LIEUTENANTS, ESPINOZA AND MENDOZA, APPROACHED THE LIVING QUARTERS OF THE PRIESTS. ELLACURIA, AWAKENED BY THE SOUND OF THE TROOPS, WENT TO INVESTIGATE. HE RECOGNIZED THE LIEUTENANTS FROM THE SEARCH THAT WAS CONDUCTED TWO DAYS BEFORE AND OPENED THE GATE LEADING TO THE PRIESTS' QUARTERS. (THE DOOR WAS FOUND OPEN WITH NO SIGNS OF HAVING BEEN FORCED. THE ONLY KEY WAS FOUND ON THE BODY OF ELLACURIA.) THE TROOPS ENTERED THE LIVING AREA, ROUSTED THE PRIESTS WHO WERE AWAKE AND PARTIALLY DRESSED, AND MANEUVERED THEM INTO THE GRASSY AREA IN FRONT OF THEIR DORMITORY. FATHER JOAQUIN LOPEZ Y LOPEZ INITIALLY AVOIDED DETECTION BY HIDING IN AN ADJOINING ROOM. FATHER MARTIN BARO RESISTED THE SOLDIERS ANGRILY TELLING THEM THAT "THIS IS UNJUST," AND CALLING THEM CARRION. THE FIVE PRIESTS WERE TOLD TO LIE DOWN AND ONE OF THE LIEUTENANTS ORDERED THEM SHOT "APURENSE, DELEN."

FATHER LOPEZ Y LOPEZ, FRIGHTENED BY THE SHOOTING GAVE AWAY HIS POSITION BY AN INADVERTENT MOVEMENT. A SOLDIER INVESTIGATED, FOUND THE PRIEST AND SHOT HIM. TWO SOLDIERS SEARCHED OTHER ROOMS, FOUND THE TWO WOMEN AND KILLED THEM ALSO. THE TROOPS, AS THEY DEPARTED, WENT INTO A FRENZY AND STARTED SHOOTING WILDLY INTO PARKED CARS AND THE CHAPEL. ONE SOLDIER, PROVIDING PERIMETER SECURITY AWAY FROM THE SCENE OF

REPRODUCED AT THE NATIONAL ARCHIVES

SECRET

Figure 1.2. (continued)



SECRET

Department of State

 11-5-67
 S/S-6707
 INCOMING

PAGE 06 OF 08 SAN SA 01107 00 OF 03 280619Z C04/25 007605 MOD690
 THE MURDER, FIRED HIS M-60 INTO THE OFFICE BUILDING
 AND OTHERS FIRED LAWS AND M-79S. SOME TROOPS
 RANSACKED THE OFFICES LOCATED BELOW THE LIVING
 QUARTERS AND SET THE ROOMS ABLAZE. AROUND 0200, LT.
 ESPINOZA FOUND LT. CERRITOS, WHO HAD BEEN LEFT IN
 CHARGE OF PERMITTER SECURITY OUTSIDE THE UCA CAMPUS,
 AND ORDERED HIM TO FIRE A FLARE INDICATING THE
 OPERATION WAS OVER AND THE TROOPS SHOULD WITHDRAW
 FROM THE AREA.

9. UPON RETURNING TO THE MILITARY SCHOOL THE THREE
 LIEUTENANTS REPORTED TO COL. BENAVIDES THAT THE
 MISSION HAD BEEN ACCOMPLISHED AND THE PRIESTS WERE
 DEAD. BENAVIDES ASSURED THE OFFICERS THAT HE WOULD
 COVER FOR THEM AND NOT TO WORRY

WHAT KIND OF PEOPLE DID THIS?

10. OUR FIRST QUESTION IS WHAT KIND OF MAN IS COL.
 BENAVIDES. WE HAVE CONFLICTING REPORTS: ONE SOURCE
 HAS CHARACTERIZED HIM AS AN "OLD SCHOOL" OFFICER,
 NICKNAMED THE "HAMMER," WHO MAY HAVE BELIEVED THAT
 THE JESUITS WERE RESPONSIBLE FOR THE INSURGENCY IN EL
 SALVADOR; OTHERS ARE INCREDULOUS THAT A COLONEL WITH
 BENAVIDES' REPUTATION AS A POLITICAL MODERATE, AND
 VARIOUSLY NICKNAMED THE "SMURFETTE" AND THE "PRINCE"
 COULD BE RESPONSIBLE FOR MASTERMINDING THE MURDERS.

11. IT IS INDISPUTABLE THAT BENAVIDES HAS HELD
 VARIOUS FIELD COMMANDS INCLUDING THAT OF THE ELITE
 BELLOSO BIRI. BEFORE BEING ASSIGNED TO THE MILITARY
 ACADEMY, HE WAS THE C-11, IN CHARGE OF INTELLIGENCE.
 HE HAD EXPERIENCED A PERSONAL TRAGEDY ON NOVEMBER 14,
 DISCOVERING THAT HIS SON WAS STRICKEN WITH A VIRUS
 WHICH LEFT HIM PARALYZED FROM THE NECK DOWN. THE
 SMURFETTE MAY HAVE SUCCEEDED TO THE PRESSURES OF HIS

SECRET

Figure 1.2. (continued)