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SUBJECT: UPDATE ON PROGRESS IN JESUIT MURDER CASE

1. ACTION REQUESTED: NONE. FYI ONLY.

2. AS THE JESUIT MURDER CASE ENTERS ITS FOURTH MONTH THERE IS A NOTABLE DECREASE IN THE ATTENTION BEING GIVEN TO THE AFFAIR IN THE PRESS AND IN POLITICAL CIRCLES. CONTINUE TO WORK TO GATHER INFORMATION ON THE INVESTIGATION AND COURT PROGRESS AS WELL AS MAINTAIN PRESSURE ON THE SALVADORAN JUDICIAL SYSTEM TO PROSECUTE THOSE CHARGED WITH THE CRIME.

THE EMBASSY CONTINUES TO CLOSELY MONITOR THE COURT'S PROGRESS IN PROSECUTING THE CASE. UNFORTUNATELY, PROGRESS HAS BEEN SLOW AND THERE IS LITTLE HOPE THAT THE PROCESS WILL BE SPED UP IN THE NEAR FUTURE.

PREDICTABLY HE WAS APPREHENSIVE, BUT FINALLY AGREED TO PROVIDE A WRITTEN STATEMENT OF WHAT HE SAW AND HEARD BEFORE AND DURING THE NIGHT OF 15 NOVEMBER. TO DATE THE YOUNG MAN HAS PROVIDED A CHRONOLOGY OF EVENTS FROM THE BEGINNING OF THE OFFENSIVE UP UNTIL 15 NOVEMBER.

THE YOUNG MAN'S VERBAL ACCOUNT OF WHAT HAPPENED SHOWS PROMISE

THE YOUNG MAN IS THE FIRST NON-MILITARY EYEWITNESS WITH WHAT MAY WELL BE VALUABLE INFORMATION.

4. COMPLETED HIS INVESTIGATION INTO THE POSSIBILITY OF AIR FORCE INVOLVEMENT IN THE KILLINGS AND CONCLUDED THAT THERE IS NO EVIDENCE TO POINT TO ANY AIR FORCE PARTICIPATION IN THE CRIMES.

REPORTED THAT ON THE NIGHT OF THE MURDERS A UNIT OF THE LONG RANGE RECON PATROL (PRAL) LEFT AIRBASE AT APPROXIMATELY 2300 HRS. REPORTED THE SAME INFORMATION AND ADDED THAT THE UNIT WAS LEAD BY MAJOR ((PERDOMO)). CONFIRMED THAT THE PRAL DID INDEED LEAVE AT THAT HOUR, WITH THE SPECIFIC MISSION OF PATROLLING THE AREA. THIS WAS A LEGITIMATE MISSION AND IN NO WAY CONNECTED TO THE MURDERS. TO DATE, NO OTHER INFORMATION HAS SURFACED TO IMPLICATE THE AIR FORCE.

6. EMBASSY OFFICERS CONTINUE TO MEET REGULARLY WITH JUDICIAL OFFICIALS TO OBTAIN UPDATES ON THE PROGRESS IN THE CASE AND TO PRESSURE FOR ADVANCEMENT. SEVERAL OBSTACLES HAVE ARISEN WHICH MAY OR MAY NOT THREATEN THE ULTIMATE OUTCOME

OF THE TRIAL. THE MOST IMPORTANT OBSTACLE CONFRONTING THE COURTS AT THE MOMENT IS FINDING SUFFICIENT EVIDENCE TO BIND COLONEL GUILLERMO ((BENAVIDES)) MORENO OVER FOR TRIAL. JUDGE RICARDO ((ZAMORA)), WHO CURRENTLY HAS JURISDICTION, ADVISED [REDACTED] THE CASE AGAINST BENAVIDES IS VERY WEAK AND SAID IT IS POSSIBLE HE COULD BE FREED FOR LACK OF EVIDENCE. ACCORDING TO SALVADORAN LAW, AN INDICTED CO-CONSPIRATOR CAN NOT TESTIFY AGAINST A FELLOW CO-CONSPIRATOR. THEREFORE, AT THE PRESENT TIME THERE IS NO WITNESS TO IMPLICATE BENAVIDES IN THE CRIME AND BENAVIDES STEADFASTLY DENIES ANY INVOLVEMENT. ATTEMPTS TO SOLVE THIS PROBLEM HAVE BEEN FRUSTRATING. CONFLICTING INFORMATION FROM A VARIETY OF SOURCES DIFFERS AS TO WHETHER IT IS POSSIBLE TO "UNINDICT" ONE OF THE LIEUTENANTS IN THE CASE AND USE HIM AS A WITNESS AGAINST BENAVIDES. JUDGE ZAMORA CLAIMS THIS IS NOT POSSIBLE, WHILE OTHERS ARGUE THAT IT IS ACCEPTABLE UNDER EXISTING LAWS.

7. [REDACTED] JUDGE ZAMORA'S HANDLING OF THIS CASE CAN BE DESCRIBED AS LESS THAN ADEQUATE. PERHAPS THE EXPLANATION FOR JUDGE ZAMORA'S LACK OF ENTHUSIASM CAN BE ATTRIBUTED TO FEAR FOR HIS LIFE SHOULD HE AGGRESSIVELY PURSUE THIS CASE.

[REDACTED] HE FEARS THE ARMED FORCES, SPECIFICALLY THE "TANDONA", WILL SEEK REVENGE AGAINST HIM SHOULD HE PROSECUTE THE CASE TO ITS FULLEST. ZAMORA HAS GONE AS FAR AS TO ASK FOR PROTECTION AND VISAS TO SEND HIS FAMILY TO THE UNITED STATES.

8. WHILE ZAMORA'S PERCEPTION OF A THREAT IS UNDERSTANDABLE GIVEN THE HISTORICAL REALITIES OF EL SALVADOR, THERE IS NO EVIDENCE TO INDICATE THERE IS A THREAT AGAINST HIS LIFE. IN FACT [REDACTED] THE ARMED FORCES AS AN INSTITUTION WANT TO SEE THIS CASE PROSECUTED TO ITS FULL EXTENT, IF FOR NOTHING ELSE THAN TO CLEAR THE NAME OF THE ESAF. ADDITIONALLY, COLONEL PONCE HAS STATED, PUBLICLY

AND PRIVATELY THE GUILTY MUST BE PROSECUTED. ON THE OTHER HAND, PONCE HAS NOT GIVEN ZAMORA ANY SPECIAL ASSURANCES OR GUARANTEES. PONCE IS UNDER TREMENDOUS PRESSURE FROM AT LEAST SOME TANDONA MEMBERS TO PROTECT FELLOW TANDONA MEMBER BENAVIDES. THIS PRESSURE MAY BE ONE OF THE REASONS PONCE HAS ARGUED REPEATEDLY TO USG OFFICIALS AND THE PRESS THAT THE MILITARY HAS DONE ITS PART IN THE INVESTIGATION (THE HONOR TRIBUNAL) AND THAT NOW IT IS UP TO THE COURTS. THE U.S. VICE PRESIDENT RECENTLY WARNED PONCE THAT THE MILITARY MUST ENSURE THAT THE GUILTY ARE PROSECUTED AND PROVIDE THE NECESSARY GUARANTEE SO THAT THE JUDICIAL PROCESS CAN GO FORWARD WITHOUT INTERFERENCE OR THREATS.

[REDACTED]

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9. OTHER ISSUES IN THIS CASE INCLUDE ALLEGATIONS OF A MEETING OF CERTAIN TANDONA MEMBERS PRIOR TO THE KILLINGS IN WHICH THE JESUITS WERE DISCUSSED, AND A MEETING AT DNI THE FOLLOWING MORNING DURING WHICH THE ANNOUNCEMENT OF THE MURDERS WAS MET WITH APPLAUSE. STATION COULD FIND NO PROOF THAT THE ALLEGED MEETING OF THE TANDONA TOOK PLACE. THERE WAS A MEETING OF THE JOINT STAFF (ESTADO MAYOR) ON THE EVENING BEFORE THE JESUIT MURDERS, BUT THERE IS NO INDICATION THERE WAS ANY DISCUSSION OF THE JESUITS OR THAT ANY OF THE DISCUSSIONS HELD AT THAT MEETING LEAD TO THE KILLINGS. CONCERNING THE MEETING AT DNI, THERE IS NO EVIDENCE TO SUPPORT PRESS CONTENTIONS THAT THE NEWS OF THE MURDERS WAS MET BY APPLAUSE. DETAILED INVESTIGATION OF THE MEETING,

WHILE IT IS POSSIBLE A HANDFUL OF THE APPROXIMATELY 30 PERSONS WHO ATTENDED THE MEETING MAY HAVE CLAPPED OR EXPRESSED THEIR SATISFACTION THAT THE JESUITS HAD BEEN KILLED, THERE IS NOTHING TO CONFIRM THE ALLEGATION OF GENERAL APPLAUSE.