

21 November 1989

MEMORANDUM

SUBJECT: Government Investigation of Killings in El Salvador

1. President Alfredo Cristiani--highly sensitive to international criticism of human rights abuses in El Salvador--has promised to punish the killers of the six Jesuits on 16 November even if they turn out to be members of his party or the armed forces. The government has launched an investigation with the help of British, Spanish, and US law enforcement agencies. Nevertheless, the eventual prosecution of those deemed culpable--especially if they are powerful politicians or high-ranking military officials--could be hindered by the cumbersome judicial process, idiosyncrasies of Salvadoran rules of evidence, and the vulnerability of judges to bribery or intimidation.

2. There is currently only circumstantial evidence implicating Roberto D'Aubuisson in the murder of the Jesuits, but we believe at a minimum that his exhortation concerning the priests could have spurred rightwing extremists to commit the crime. We believe that Cristiani would be willing to move against D'Aubuisson only if irrefutable evidence is developed against him. Were a solid, compelling case to be built, Cristiani might support a swift prosecution if he had the backing of key ARENA moderates. Likewise, the military leadership--which recently has investigated officers for abuses--may back quick action against D'Aubuisson or armed forces members if the investigation definitively points to their guilt. The President, his party, and the military, however, almost certainly would resist any calls from opposition leaders or from abroad to take any extra-judicial action--such as by putting D'Aubuisson under house arrest or ousting him from his seat in the Legislative Assembly.

3. Cristiani would face serious repercussions in the ARENA party or the military especially if he moved against D'Aubuisson or others in the absence of a strong legal case. Although hardliners represent an increasingly isolated faction of ARENA, we believe D'Aubuisson remains the most popular figure in the party and ARENA members would probably try to protect him. Given the strong nationalist streak in ARENA, in the military, and among Salvadorans in general, some of whom are critical of what they view as US meddling in their affairs, there could be a strong backlash against Cristiani if he is perceived to be sacrificing D'Aubuisson to US pressure-- A precipitous action by Cristiani--especially if backed by moderate Chief of Staff Rene Ponce--also could strengthen the hand of hardliners and lead them to renew their efforts to block Ponce's expected promotion to Defense Minister next month in favor of their preferred candidate, General Rafael Bustillo.