

B

7 February 1990

MEMORANDUM

SUBJECT: El Salvador: Update on Jesuit Killings #2

1. The suspects in the Jesuit case, including six officers and two enlisted men, remain in custody, while a third enlisted man who deserted in December is still at large. The judge in the case, Ricardo Zamora, on 29 January denied a defense motion to release the suspects for lack of evidence. [REDACTED]

[REDACTED] no new evidence has come to light in the case. [REDACTED]

2. [REDACTED] that Judge Zamora believes he will need all the allotted time--120 days--to build a strong evidential base and move the case to the trial stage. This would delay the start of the trial until late May. In a probable attempt to clear up much of the conflicting testimony given thus far by alleged witnesses, the judge has ordered that other potential witnesses be brought before the court to testify. The military-civilian Honor Commission appointed by President Cristiani has yet to turn its findings over to the Special Investigations Unit (SIU) or to Judge Zamora. [REDACTED]

3. Prospects are problematic for bringing to trial Colonel Benavides--the senior ranking officer in custody who [REDACTED] issued the order to kill the Jesuits. Salvadoran law prohibits testimony by accomplices [REDACTED] and thus far only the officers under arrest have implicated Benavides. The US Embassy reports that the Attorney General is exploring options to overcome this legal hurdle. One option [REDACTED] under consideration is to drop charges against one of the least culpable suspects in order to allow his testimony against Benavides in court. Unless some solution is found, this complication eventually could lead to the release of Benavides. [REDACTED]

4. In a related development, Benavides was removed from his post as Commander of the Military School as part of general command changes announced on 1 February. He has not, however, been discharged from the military, a move which must occur before he or the other soldiers can be tried in a civilian court. US

Approved for Release
Date MAY 1994

253

[REDACTED]

[REDACTED]

[REDACTED]

SUBJECT: El Salvador: Update on Jesuit Killings #2

Embassy reporting indicates that the Army High Command almost certainly will cashier the soldiers, but probably will wait until the trial is ready to begin. [REDACTED]

5. Judge Zamora appears to be qualified to oversee the proceedings, but his various associations with Jesuits could provoke charges by the defense and others that he is biased. [REDACTED] Zamora was trained at a Jesuit university in Spain and is an instructor at the University of Central America (UCA)--where the Jesuits were slain. Although these credentials could boost the judge's credibility, Zamora's relationship with the Jesuits also could impugn his impartiality in the eyes of some Salvadorans, especially those in the military who believe the government is looking for scapegoats to resolve the killings. [REDACTED]

6. Judge Zamora apparently is concerned about withstanding pressures that often come to the fore in politically sensitive cases. Although Zamora has not cited any specific threats, he has inquired about security provisions for him and his family in meetings with [REDACTED] that he was particularly interested in US residency. [REDACTED]

Military Reaction

7. [REDACTED] indicate that the military still generally supports the ongoing investigation and the arrests, in contrast to [REDACTED] that the case has sharply divided the military. Many officers, while they believe Benavides is guilty, have expressed doubt that there is sufficient evidence to convict him. Some senior officers are likely to be unhappy--and may blame pressure from Washington--if Salvadoran rules of justice are circumvented to put Benavides on trial. Junior officers, however, will be particularly resentful if only lieutenants are held responsible. [REDACTED]