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December 19, 1989

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Honorable Joe Moakley, Chairman
Committee on Rules
H-312 The Capitol
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Dear Joe:

In response to your letter of December 15, 1989, attached is a list of recommended questions that can be used in letters to the Administration and the Government of El Salvador regarding the investigation into the murders of the six Jesuit priests. If you have any questions, please let me know or contact Gary Bombardier at 225-6335.

With best regards.

Sincerely,



Matthew F. McHugh

MFM:sc
Enclosure

SUGGESTED QUESTIONS FOR
EL SALVADOR TASK FORCE

1. We understand that on April 19 the former commander of the First Brigade and now the Vice-Minister of Defense publicly accused the Central American University of planning FMLN strategies, of being a haven for terrorists, and of complicity in the assassination of the (previous) attorney general (reported in the local press on April 20). We have also heard that the Crusade for Peace, associated with ARENA, wrote President Cristiani on July 3rd, to arrest and punish through application of summary justice the "terrorist hordes" commanded by Rev. Ignacio Ellacuria and Rev. Segundo Montes.

- * Is this true?
- * Were there other public threats made against the priests prior to their murders? Who made them and when?
- * Have these and other outspoken critics of the Jesuits been questioned?

2. It has been reported that on Saturday, November 11, 1989, at 11 p.m. most Salvadoran radio stations were forced onto a nationwide hookup, which was later revealed to be Radio Cuscatlan (the radio station of the armed forces of El Salvador). It has also been reported that the station broadcast calls from Salvadoran citizens and that those calls included threats against the lives of various individuals, including the Jesuits in general and Father Ellacuria in particular.

- * Is this true?
- * If so, why were such threats broadcast? Has anyone been reprimanded or punished for allowing this to happen? If not, why not?
- * Were recordings made of these broadcasts? If so, will you make transcripts of those broadcasts available to the Committee?

3. It has been reported that Father Ellacuria returned to El Salvador from Spain on November 13, 1989, and that he was questioned by soldiers before being allowed back on to the UCA campus.

- * Is this true?
- * Has any effort been made to determine which soldiers interrogated Father Ellacuria and their reasons for doing so?
- * If so, what has been learned? If not, why not?

4. It has been reported that uniformed members of the Salvadoran armed forces conducted a thorough search of the premises where the priests had been living beginning at approximately 7 p.m. on November 13, 1989.

- * Is this true?
- * Has any effort been made to determine which soldiers conducted this search and their reasons for doing so?
- * If so, what has been learned? If not, why not?

5. It has been reported that members of the U.S.-trained Atlacatl battalion were seen patrolling the area surrounding the university on the evening of November 15, 1989.

- * Is this true?
- * Has any effort been made to determine which soldiers were patrolling the area and what they saw?
- * If so, what has been learned? If not, why not?

Cerna
6. It has been reported that the area around the university was under a curfew that extended from 6 a.m. to 6 p.m. on the night the murders took place.

- * Is this true?

7. It has been reported that uniformed men entered the UCA campus at approximately 1 a.m. on November 16, 1989, and that the last of these men left the campus at 5.45 a.m.

- * Is this true?

8. It has been stated that there were Government forces in the area at the time of the assassinations.

- * Is that true?
- * At what point did the Salvadoran military have the area under control?
- * Which Salvadoran military units were stationed in the area?
- * How could the assassins get past the guards in the area?
- * Who were these guards - by name? What did they see? Who questioned them?

Cerna
9. The witness to the slaying, Lucia de Cerna, has reported that she could see two men wearing camouflage uniforms in the moonlight.

- * Was the moon visible in San Salvador that evening? To what extent?

10. Is there any evidence that the FMLN could have had access to the area?

- * If so, what is the evidence?

11. Why was the area not secured for investigation for hours after the assassinations?

- * Who were the first people on the scene, official or unofficial, by name?
- * What were the first military units on the scene? Why were they the first? Were records kept by these units?
- * What would be a normal response to gunfire in this neighborhood, i.e., would they wait until daylight?
- * When did the top echelons of the military and government learn of the murders?
and how

12. Tutela Legal has concluded that since the attackers *apparently* wore army uniforms, moved about in the middle of curfew with impunity, and carried out their acts near the Army Headquarters, the assassins had to be from the Salvadoran military.

* How could the military not know what was going on?

13. The judge in charge of the investigation, Ricardo A. Zamora, had recorded only two testimonies by November 30 because of his caseload.

- * How much time is he devoting to the investigation?
- * What assistance is he receiving from the Salvadoran Government or our own?
- * Is he willing to carry out an intensive and far-reaching investigation without fear?

14. Can the Attorney General of El Salvador, Mauricio Eduardo Colorado, be truly objective and sincere in pursuing the case given, inter alia, his stated opposition to the "church of the poor" promoted by the Jesuits and his "discovery of an FMLN plot" to assassinate Jesuits?

15. What is the role of the Special Investigative Unit in this case?

- * How does it relate to Judge Zamora's investigation?
- * How is it progressing?
- * What is the Attorney General's view of SIU and its investigation?

16. Is the military conducting its own investigation?

- * If not, why not? If so, who is responsible for it?
- * Who in the military has been questioned thus far?

17. It has been reported that Ambassador Walker has said that the testimony of the witness (Cerna) now in the United States is of no value and that the Tutela Legal instigated her to fabricate her testimony.

- * Are either of these assertions correct?
- * Has Ambassador Walker been meeting with the Attorney General on the investigation to assure that a proper and timely investigation is taking place?
- * ~~Whom does he suspect actually carried out the murders?~~
- * What is Ambassador Walker's role in the investigation?

18. President Cristiani has said that if members of the armed forces are involved, "the weight of the law must fall on them." Cristiani has also offered a \$250,000 reward and immunity from prosecution to anyone who steps forward with information on the November 16 murders.

- * Has anyone provided any evidence yet?
- * Is this the extent of Cristiani's commitment?

19. Salvadoran practice is to arrest and detain without trial. According to La Prensa Grafica, El Salvador has the third largest number of prisoners in Latin America held without trial, over 2300 in Mariona prison alone - 85 percent of its inmates. One would think that someone would be held for something by now.

- * Why have there been no arrests or suspects identified yet?
- * Has anyone been interrogated? Who?

20. What about the witness, Lucia Barrera de Cerna?

- * Is she credible?
- * Has anyone put any pressure on her to make her story come out differently than it was in the beginning?
- * While questioned in the United States, was she treated fairly; i.e., was she able to tell her story without undue pressure?
- * Was she threatened with deportation?
- * Was she denied access to a priest or lawyer?

21. Both Lucia de Cerna and her husband, Jorge, have indicated their belief that their conversations with FBI agents and others in Miami were tape recorded.

- * Were their conversations tape recorded?
- * If so, will you allow the Committee access to those tapes?

22. Both Lucia de Cerna and her husband, Jorge, were subjected to a series of polygraphs.

- * Will you allow the Committee access to those polygraphs?
- * Has the husband of the slain cook been interrogated as to what he saw and heard on the evening of November 16, 1989?
- * If so, what does he say? If not, why not?

23. Were other civilian witnesses questioned, especially residents of the neighborhood?

- * If so, what do they know?
- * What material evidence has been found and secured, including shell casings, footprints, fingerprints, etc?
- * Who is in charge of this evidence?

24. USAID has spent considerable time, money, and effort on its Administration of Justice program in attempting to reform El Salvador's judicial process, yet the system seems no more capable of bringing assassins to justice or of protecting civil rights than ever.

- * What, if anything, can be done to improve the Salvadoran justice system?
- * What is the point of continuing taxpayer support for this effort if it is so ineffective?