



U.S. Department of Justice

Criminal Division

182-4142

FILE

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

AUG 12 1991

Michael Posner
Executive Director
Lawyers Committee for Human Rights
330 Seventh Avenue
10th Floor North
New York, N.Y. 10001

Dear Mr. Posner:

In response to your letter to the Attorney General of June 28, 1991, and further to our meeting in Washington on July 25, the Department has decided to proceed to execute the letters rogatory we discussed (from the El Salvadoran court investigating the November 16, 1989 murder of six Jesuits and their two employees) on a voluntary basis pursuant to 28 U.S.C. Section 1782(b). Consistent with normal legal procedures, the proceedings will take place without the presence or participation of representatives of your organization.

LCA/DMO
8/17/91

In addition to the need to comply with normal legal procedures this decision has been taken in an effort to expedite the delivery to El Salvador of the responses to the letters rogatory, which are due there by August 23. Several of the witnesses have indicated they would not be willing to proceed voluntarily if non governmental personnel, other than their private counsel are present at their depositions.

As Mr. Arena indicated to Mr. Eldridge in their telephone conversation of July 29, the Department is willing to receive and consider any submissions from your organization which might assist the Department attorney who will execute the letters rogatory by way of providing contextual background.

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However, the Department is of the opinion that the Lawyers Committee has no "right" to participate in the depositions; that to allow such participation would set an adverse precedent in the execution of other letters rogatory. In addition, we believe that the chances for obtaining the fullest and most timely possible cooperation from the deponents are improved if non governmental parties are not present.

Records ✓
Chron
Section
Attorney

Moreover, it is our understanding that the questions in the letters rogatory were formulated by your co-counsel in El Salvador, and hence you have already had an opportunity to have input in the process. To the extent you have additional questions, you are, of course, free to present them to the court in El Salvador and request that additional letters rogatory be issued.

Sincerely,



Mark M Richard
Deputy Assistant Attorney General
Criminal Division