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	NSCE-00	OIC-02	OMB-01	OPIC-01	PA-00	PC-01	PM-00
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O 091115Z JUN 98
 FM AMEMBASSY SANTO DOMINGO
 TO SECSTATE WASHDC IMMEDIATE 0426
 INFO AMEMBASSY PORT AU PRINCE
 AMEMBASSY SAN JOSE
 DIRFBI WASHDC
 FBI SAN JUAN PR
 DIA WASHINGTON DC//NMJIC-J2//
 USCINCSO MIAMI FL//POLAD/SCCC/SCJ3/SCJ2/JOIC/HSE//
 AMEMBASSY PORT AU PRINCE
 COGARD INTELCOORDCEN WASHINGTON DC
 DOJ WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 SANTO DOMINGO 002768

E.O. 12958: DECL: AUGUST 16, 2002
 TAGS: PHUM, PGOV, PINR, DR
 SUBJECT: PROGRESS IN NARCISO INVESTIGATION?

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 CLASSIFIED BY E CUBBISON, CHARGE. REASON 1.5(D).

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SUMMARY

1. (C) SINCE MID-APRIL, THE ADMINISTRATION OF DOMINICAN PRESIDENT LEONEL FERNANDEZ REYNA HAS PURSUED ITS INVESTIGATION OF THE 1994 DISAPPEARANCE OF NARCISO GONZALEZ WITH RENEWED VIGOR. WE DO NOT YET KNOW IF THE HIGH-PROFILE ACTIVITIES OF INVESTIGATORS REPRESENT A COMMITMENT TO RESOLVE THE CASE, OR RATHER A DAMAGE CONTROL EXERCISE, SIGNIFYING LITTLE OR NOTHING. MILITARY AUTHORITIES HAVE BRIEFLY DETAINED NUMEROUS FORMER AND PRESENT ARMED FORCES OFFICIALS AND RESTRICTED THEIR ABILITY TO TRAVEL OUT OF THE COUNTRY. END SUMMARY.

BACKGROUND OF THE NARCISO DISAPPEARANCE

2. (U) NARCISO GONZALEZ, A PROMINENT DOMINICAN JOURNALIST AND ACADEMIC, DISAPPEARED ON THE MORNING OF MAY 26, 1994, WHILE ON HIS WAY TO THE AUTONOMOUS UNIVERSITY OF SANTO DOMINGO (UASD). THIS WAS TEN DAYS AFTER THE CLOSELY CONTESTED AND FRAUD-RIDDEN 1994 DOMINICAN ELECTIONS. IN A NEWSPAPER ARTICLE PUBLISHED SHORTLY BEFORE HIS DISAPPEARANCE, GONZALEZ CALLED JOAQUIN BALAGUER, THEN SERVING AS DOMINICAN PRESIDENT, ONE OF LATIN AMERICA'S MOST CORRUPT LEADERS AND ACCUSED BALAGUER OF STEALING THE ELECTIONS. HE HAD ALSO RECENTLY ACCUSED BALAGUER INSIDERS AND SENIOR MILITARY OFFICERS OF DEFRAUDING THE STATE IN A MAJOR HIGHWAY CONSTRUCTION
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PROJECT. THE BALAGUER ADMINISTRATION PROMISED TO
INVESTIGATE THE DISAPPEARANCE, BUT THE CASE LANGUISHED.

3. (U) WHEN FERNANDEZ SUCCEEDED BALAGUER IN AUGUST 1996, THE NEW PRESIDENT INSISTED HIS ADMINISTRATION WOULD CONDUCT ITS OWN INVESTIGATION INTO THIS LIKELY POLITICAL MURDER. FERNANDEZ APPOINTED AN INVESTIGATIVE JUDGE WHO BEGAN TO CALL WITNESSES AND RUN DOWN LEADS, BUT THE ADMINISTRATION DID NOT INSIST THAT MEMBERS OF THE MILITARY HIERARCHY OR BALAGUER ADMINISTRATION OFFICIALS

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COOPERATE WITH THE INVESTIGATION. LACKING HIGH-LEVEL SUPPORT, THE INQUIRY CAME TO A STANDSTILL IN LATE 1997.

4. (C) FRUSTRATED BY THE FERNANDEZ ADMINISTRATION'S HALF-HEARTED SUPPORT FOR THE INVESTIGATION, THE TRUTH COMMISSION -- A NON-GOVERNMENTAL ORGANIZATION FORMED IN 1994 BY GONZALEZ FAMILY MEMBERS AND OTHER CONCERNED DOMINICANS TO LOBBY FOR A FULL ACCOUNTING OF THE DISAPPEARANCE -- TOOK ITS CASE TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR). IN A NOVEMBER 1997 HEARING, THE IACHR URGED DOMINICAN AUTHORITIES AND THE TRUTH COMMISSION TO FORM A JOINT COMMITTEE, INVESTIGATE THE INCIDENT TOGETHER, AND REPORT ON PROGRESS IN FEBRUARY 1998.

5. (C) ON FEBRUARY 25, 1998, TRUTH COMMISSION MEMBERS TESTIFIED BEFORE THE IACHR IN WASHINGTON. DOMINICAN AUTHORITIES STILL REFUSED TO COOPERATE WITH THEM, THEY SAID, AND WOULD NOT GRANT THE JOINT COMMITTEE SUFFICIENT POWERS TO CALL WITNESSES OR ISSUE DIRECTIVES TO THE INVESTIGATIVE JUDGE. TRUTH COMMISSION REPRESENTATIVES

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 HAVE TOLD US THE IACHR THREATENED TO TURN THE CASE OVER TO THE INTER-AMERICAN COURT OF JUSTICE IN SAN JOSE, COSTA RICA, IF DOMINICAN AUTHORITIES DID NOT FINALLY COOPERATE WITH THE TRUTH COMMISSION.

 THE GOVERNMENT STEPS UP THE INVESTIGATION

6. (C) AFTER FEBRUARY 25, THE DOMINICAN GOVERNMENT CHANGED COURSE AND BEGAN TO WORK MORE CLOSELY WITH THE TRUTH COMMISSION, TRUTH COMMISSION AND IACHR CONTACTS TELL US. THE JOINT COMMITTEE HAS BEEN INTEGRATED INTO MILITARY AND CIVILIAN INVESTIGATIONS.

7. (C) ACCORDING TO TRUTH COMMISSION MEMBER TOMAS CASTRO, COOPERATION BETWEEN THE GOVERNMENT AND THE TRUTH COMMISSION IMPROVED AFTER THESE HEARINGS, BUT THE TURNING POINT CAME AT A MEETING WITH PRESIDENT FERNANDEZ ON APRIL 16. IN FRONT OF THE TRUTH COMMISSION, FERNANDEZ EXHORTED

ATTORNEY GENERAL ABEL RODRIGUEZ DEL ORBE AND ARMED FORCES
 CHIEF ADMIRAL RUBIN PAULINO ALVAREZ TO COOPERATE WITH THE
 TRUTH COMMISSION AND SOLVE THE CASE WITHIN THIRTY DAYS.
 THIS WAS EXACTLY THIRTY DAYS BEFORE THE COUNTRY'S MAY 16
 CONGRESSIONAL AND MUNICIPAL ELECTIONS. FERNANDEZ HAD SET

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C O N F I D E N T I A L SECTION 02 OF 03 SANTO DOMINGO 002768

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AN UNREALISTIC DEADLINE, BUT IN DOING SO HE GARNERED
PUBLIC ATTENTION AND SPURRED MILITARY INVESTIGATORS TO
ACTION.

8. (U) IN MID-MAY, AUTHORITIES BARRED A NUMBER OF
CURRENT AND FORMER OFFICIALS FROM LEAVING THE COUNTRY:
FORMER NATIONAL POLICE CHIEF MAJOR GENERAL RAFAEL
GUERRERO PERALTA, FORMER ARMED FORCES SECRETARY
CONSTANTINO MATOS VILLANUEVA, AIR FORCE BRIGADIER GENERAL
RAFAEL REYES BENCOSME, AIR FORCE COLONEL FRANCISCO
ESTEVEZ RAMIREZ, AND RETIRED REAR ADMIRAL RAFAEL
BIENVENIDO ROMERO CINTRON. AUTHORITIES HELD MATOS
VILLANUEVA FOR EIGHT DAYS BEFORE RELEASING HIM MAY 29.
THE POLICE STILL HAVE IN CUSTODY TWO POLICE COLONELS, AN
AIR FORCE CAPTAIN, AND A RETIRED POLICE SERGEANT.
NEITHER MILITARY NOR CIVILIAN INVESTIGATORS HAVE YET
ARGUED PUBLICLY THAT FORMER PRESIDENT BALAGUER SHOULD BE
COMPELLED TO TESTIFY.

9. (SBU) TRUTH COMMISSION MEMBERS ARE CONVINCED THE
EVIDENCE WILL EVENTUALLY LEAD TO FORMER AIR FORCE CHIEF
JUAN BAUTISTA ROJAS TABAR, WHO RAN UNSUCCESSFULLY FOR
SENATOR ON BALAGUER'S SOCIAL CHRISTIAN REFORM PARTY
(PRSC) TICKET IN THE PROVINCE OF SALCEDO ON MAY 16. THE
U.S. GOVERNMENT HAS PLAYED A SMALL SUPPORTING ROLE IN
EFFORTS TO MOVE THE INVESTIGATION FORWARD. AFTER
DOMINICAN ATTORNEY GENERAL RODRIGUEZ DEL ORBE RECENTLY
ASKED CHARGE FOR U.S. TECHNICAL ASSISTANCE IN CONDUCTING
POLYGRAPH EXAMINATIONS OF TWO WITNESSES, FBI SAN JUAN
BROUGHT OVER A TECHNICIAN WHO ASSISTED THE DOMINICANS

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TENDED TO SHOW THAT THE TWO SUBJECTS HAD LITTLE OR NO
KNOWLEDGE RELEVANT TO THE CASE.

JUSTICE?

10. (C) ATTORNEY GENERAL RODRIGUEZ DEL ORBE HAS TOLD US HE STILL DOES NOT BELIEVE MILITARY AUTHORITIES ARE AGGRESSIVELY PURSUING THEIR INVESTIGATION. MILITARY INVESTIGATORS SAY THEY STILL HAVE MANY MORE LEADS TO TRACK DOWN. WE TEND TO AGREE WITH RODRIGUEZ DEL ORBE, BUT ALSO WONDER IF CIVILIAN AUTHORITIES, ESPECIALLY AT THE NATIONAL PALACE, REALLY WANT TO PRESS THIS MATTER TO ITS LOGICAL CONCLUSION. EVEN IF THEY DO, WE DO NOT EXPECT A RAPID RESOLUTION OF THE CASE. EACH SERVICE IS RUNNING ITS OWN INVESTIGATION AND NONE OF THE INVESTIGATIONS ARE EFFECTIVELY COORDINATED. ALL THESE FACTORS, PLUS PROCEDURAL MANEUVERING BY DEFENSE COUNSEL AND THE NEED TO DETERMINE WHETHER MILITARY OR CIVILIAN COURTS WILL ULTIMATELY HAVE JURISDICTION OVER THE CASE, WILL SURELY KEEP THE MATTER UNRESOLVED FOR SOME TIME TO COME. NONETHELESS, IT APPEARS INCREASINGLY POSSIBLE AUTHORITIES WILL FILE CHARGES -- EITHER IN MILITARY OR CIVILIAN COURT -- AGAINST SOME DOMINICANS SOME TIME LATER THIS YEAR. SANTO DOMINGO DISTRICT ATTORNEY FRANCISCO DOMINGUEZ BRITO FORESEES TWO SETS OF CHARGES: THOSE AGAINST NARCISO'S KIDNAPPERS AND MURDERS, AND THOSE AGAINST PERSONS WHO COVERED UP THE CRIME.

11. (C) TRUTH COMMISSION AND OTHER HUMAN RIGHTS CONTACTS TELL US THERE COULD BE AS MANY AS ONE HUNDRED

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PERSONS INVOLVED IN THE CRIME AND COVER-UP. IN THE FOUR
YEARS SINCE THE DISAPPEARANCE, THESE CONTACTS SAY THEY
HAVE RECEIVED TIPS FROM DOZENS OF ANONYMOUS SOURCES.
THEY ARE CONVINCED THE INVESTIGATION WILL IMPLICATE
MEMBERS OF BOTH THE AIR FORCE AND NATIONAL POLICE.

12. (C) TRUTH COMMISSION MEMBERS AND HUMAN RIGHTS
ACTIVISTS HAVE WARNED INVESTIGATORS TO GUARD THEIR OWN
SAFETY AND THAT OF KEY WITNESSES. CASTRO CLAIMS THREE
MEMBERS OF THE ARMED FORCES HAVE BEEN KILLED TO PREVENT
THEM FROM SPEAKING UP, THE MOST RECENT IN FEBRUARY 1998.
THE EMBASSY HAS BEEN UNABLE TO VERIFY THESE CHARGES.

COMMENT

13. (C) WE SEE SEVERAL POSSIBLE EXPLANATIONS FOR THE
FERNANDEZ ADMINISTRATION'S RECENT CHANGE OF HEART.
FIRST, FERNANDEZ SEEMS TO HAVE REACTED TO TRUTH
COMMISSION THREATS TO ESCALATE THEIR PROTESTS PRIOR TO
MAY'S CONGRESSIONAL AND MUNICIPAL ELECTIONS. THE
COMMISSION THREATENED TO STAGE A HUNGER STRIKE BY MEMBERS
OF NARCISO'S FAMILY, ORGANIZE PROTESTS BY STUDENTS AT
UASD, AND HOLD A NON-STOP VIGIL IN FRONT OF THE

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PRESIDENTIAL PALACE OR PRESIDENT FERNANDEZ'S RESIDENCE.
SECOND, THE GOVERNMENT MAY HAVE WANTED TO PREVENT THE
CASE FROM TARNISHING ITS REFORM IMAGE ABROAD AND SO
DECIDED TO HEAD OFF ANY MOVE TO REFER IT TO THE INTER-
AMERICAN COURT OF JUSTICE IN SAN JOSE. FINALLY, IF THE
FERNANDEZ ADMINISTRATION HAD NOT PURSUED THE CASE BECAUSE
IT FELT IT OWED A POLITICAL DEBT TO FORMER PRESIDENT
BALAGUER FOR HIS SUPPORT IN THE 1996 PRESIDENTIAL
CAMPAIGN, THE RECENT ELECTORAL COLLAPSE OF BALAGUER'S

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14. (C) FERNANDEZ STANDS TO ANTAGONIZE MANY INFLUENTIAL PEOPLE IN THE BALAGUER OLD GUARD AND IN THE MILITARY IF HIS ADMINISTRATION BRINGS THIS CASE TO TRIAL. HE COULD ALSO WIN BIG IN THE COURT OF PUBLIC OPINION BY DOING SO. NATIONAL POLICE CHIEF JOSE ANIBAL SANZ JIMINIAN TOLD US THIS WEEK THE POLICE HAVE SOLVED THE NARCISO CASE AND ALL OTHER SIMILAR "UNSOLVED MYSTERIES," ALL THAT IS LACKING IS THE POLITICAL WILL TO PROSECUTE. CONTACTS IN THE PRESIDENT'S OWN DOMINICAN LIBERATION PARTY HAVE TOLD US THE SAME THING. FERNANDEZ HAS ALREADY TAKEN ON ENTRENCHED INTERESTS IN THE ARMED FORCES BY JAILING PENDING TRIAL THOSE ACCUSED IN THE MURDER OF ORLANDO MARTINEZ, A LEFT-LEANING JOURNALIST WHOSE CASE HAS REMAINED UNRESOLVED SINCE HIS DEATH IN 1975. THEY HAVE NOT TAKEN THE LAST STEP, BRINGING THE CASE TO TRIAL.

15. (C) FERNANDEZ CAN FURTHER BOLSTER HIS HUMAN RIGHTS RECORD BY BRINGING TO JUSTICE THE KILLERS OF NARCISO GONZALEZ, PROBABLY THE LAST POLITICAL MURDER VICTIM OF THE BALAGUER YEARS. DESPITE ALL THE RECENT ACTIVITY IN
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THE CASE, FERNANDEZ HAS NOT CLEARLY DEMONSTRATED THE WILL TO DO SO. UNTIL THE DOMINICAN AUTHORITIES TAKE DECISIVE STEPS TOWARDS BRINGING THE CASE TO TRIAL, WE WILL NOT KNOW IF THIS FLURRY OF ACTIVITY HAS OCCURRED TO "MANAGE" PUBLIC PERCEPTIONS, OR TO END THE IMPUNITY CURRENTLY ENJOYED BY GONZALEZ'S KILLERS. SADLY, FERNANDEZ HAS RARELY DEMONSTRATED GREAT FIRMNESS OF PURPOSE IN THE FACE OF ENTRENCHED INTERESTS DURING HIS FIRST TWENTY-ONE MONTHS IN OFFICE.

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