

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	
)	CRIMINAL NO. 12-10044-DPW
)	
INOCENTE ORLANDO MONTANO,)	
)	
Defendant)	
_____)	

**GOVERNMENT’S NOTICE OF FILING
OF DOCUMENTS CITED IN KARL REPORT**

The government submits herewith the documents listed below, each cited in the report prepared by Professor Terry Karl (Docket Entry 53, Exhibit 1). This is a small sub-set of documents cited in the Karl Report, selected because they address key factual issues in dispute. All documents cited by Professor Karl are available to the public record; most are available on the internet.

Attachments

1. From Madness to Hope: The 12-Year War in El Salvador: Report of the Commission on the Truth for El Salvador.
2. Barriers to Reform: A Profile of El Salvador's Military Leaders
3. El Salvador’s Army: A Force Unto Itself (New York Times, 12/10/89)
4. El Salvador: Officer Corps Dynamics (Tanda System)(U.S. Department of Defense, November 1988)
5. Declassified Report Re: Tandona Inner Circle (U.S. Department of Defense)

6. Department of State Cable Re: ESAF Special Investigative Unit (December 1991)

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

By:

/s/ John A. Capin
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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed through the ECF system and will be filed electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

By:

/s/ John A. Capin
JOHN A. CAPIN
Assistant U.S. Attorney

Attachment 1

Truth Commission Report



UNITED STATES INSTITUTE OF PEACE
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From Madness to Hope: the 12-year war in El Salvador: Report of the Commission on the Truth for El Salvador¹

The Commission on the Truth for El Salvador

Belisario Betancur
Chairman

Reinaldo Figueredo Planchart
Thomas Buergenthal

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¹ Posted by USIP Library on: January 26, 2001

Source: UN Security Council, Annex, From Madness to Hope: the 12-year war in El Salvador: Report of the Commission on the Truth for El Salvador, S/25500, 1993, 5-8.

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"... all these things happened among us ..." MAYAN POEM

I. Introduction

Between 1980 and 1991, the Republic of El Salvador in Central America was engulfed in a war which plunged Salvadorian society into violence, left it with thousands and thousands of people dead and exposed it to appalling crimes, until the day - 16 January 1992 - when the parties, reconciled, signed the Peace Agreement in the Castle of Chapultepec, Mexico, and brought back the light and the chance to re-emerge from madness to hope.

A. Institutions and Names

Violence was a fire which swept over the fields of El Salvador; it burst into villages, cut off roads and destroyed highways and bridges, energy sources and transmission lines; it reached the cities and entered families, sacred areas and educational centres; it struck at justice and filled the public administration with victims; and it singled out as an enemy anyone who was not on the list of friends. Violence turned everything to death and destruction, for such is the senselessness of that breach of the calm plenitude which accompanies the rule of law, the essential nature of violence being suddenly or gradually to alter the certainty which the law nurtures in human beings when this change does not take place through the normal mechanisms of the rule of law. The victims were Salvadorians and foreigners of all backgrounds and all social and economic classes, for in its blind cruelty violence leaves everyone equally defenceless.

When there came pause for thought, Salvadorians put their hands to their hearts and felt them pound with joy. No one was winning the war, everyone was losing it. Governments of friendly countries and organizations the world over that had looked on in anguish at the tragic events in that Central American country which, although small, was made great by the creativity of its people - all contributed their ideas to the process of reflection. A visionary, Javier Pérez de Cuéllar, then Secretary-General of the United Nations, heeded the unanimous outcry and answered it. The Presidents of Colombia, Mexico, Spain and Venezuela supported him. The Chapultepec Agreement expressed the support of the new Secretary-General, Mr. Boutros Boutros-Ghali, for the search for reconciliation.

B. The Creative Consequences

On the long road of the peace negotiations, the need to reach agreement on a Commission on the Truth arose from the Parties' recognition that the communism which had encouraged one side had collapsed, and perhaps also from the disillusionment of the Power which had encouraged the other. It emerged as a link in the chain of reflection and agreement and was motivated, ultimately, by the impact of events on Salvadorian society, which now faced the urgent task of confronting the issue of the widespread, institutionalized impunity which had struck at its very heart: under the protection of State bodies but outside the law, repeated human rights violations had been committed by members of the armed forces; these same rights had also been violated by members of the guerrilla forces.

In response to this situation, the negotiators agreed that such repugnant acts should be referred to a Commission on the Truth, which was the name they agreed to give it from the outset. Unlike the Ad Hoc Commission, so named because there was no agreement on what to call the body created to purify the armed forces, the Commission on the Truth was so named because its very purpose and function were to seek, find and publicize the truth about the acts of violence committed by both sides during the war.

The truth, the whole truth and nothing but the truth, as the oath goes. The overall truth and the specific truth, the radiant but quiet truth. The whole and its parts, in other words, the bright light shone onto a surface to illuminate it and the parts of this same surface lit up case by case, regardless of the identity of the perpetrators, always in the search for lessons that would contribute to reconciliation and to abolishing such patterns of behaviour in the new society.

Learning the truth and strengthening and tempering the determination to find it out; putting an end to impunity and cover-up; settling political and social differences by means of agreement instead of violent action: these are the creative consequences of an analytical search for the truth.

C. The Mandate

Furthermore, by virtue of the scope which the negotiators gave to the agreements, it was understood that the Commission on the Truth would have to examine systematic atrocities both individually and collectively, since the flagrant human rights violations which had shocked Salvadorian society and the international community had been carried out not only by members of the armed forces but also by members of the insurgent forces.

The peace agreements were unambiguous when, in article 2, they defined the mandate and scope of the Commission as follows: "The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth". Article 5 of the Chapultepec Peace Agreement gives the Commission the task of clarifying and putting an end to any indication of impunity on the part of officers of the armed forces and gives this explanation: "acts of this nature, regardless of the sector to which their perpetrators belong, must be the object of exemplary action by the law

courts so that the punishment prescribed by law is meted out to those found responsible".

It is clear that the peace negotiators wanted this new peace to be founded, raised and built on the transparency of a knowledge which speaks its name. It is also clear that this truth must be made public as a matter of urgency if it is to be not the servant of impunity but an instrument of the justice that is essential for the synchronized implementation of the agreements which the Commission is meant to facilitate.

D. "Open-Door" Policy

From the outset of their work, which began on 13 July 1992 when they were entrusted with their task by the Secretary-General of the United Nations, the Commissioners could perceive the skill of those who had negotiated the agreements in the breadth of the mandate and authority given to the Commission. They realized that the Secretary-General, upon learning from competent Salvadorian judges of the numerous acts of violence and atrocities of 12 years of war, had not been wrong in seeking to preserve the Commission's credibility by looking beyond considerations of sovereignty and entrusting this task to three scholars from other countries, in contrast to what had been done in Argentina and Chile after the military dictatorships there had ended. The Commissioners also saw a glimmer of hope dawn in the hearts of the Salvadorian people when it became clear that the truth would soon be revealed, not through bias or pressure but in its entirety and with complete impartiality, a fact which helped to restore the faith of people at all levels that justice would be effective and fitting. Accordingly, in their first meeting with the media upon arriving in El Salvador, the Commissioners stated that they would not let themselves be pressured or impressed: they were after the objective truth and the hard facts.

The Commissioners and the group of professionals who collaborated with them in the investigations succeeded in overcoming obstacles and limitations that made it difficult to establish what had really happened, starting with the brief period of time - six months - afforded them under the Chapultepec Agreement. Given the magnitude of their task, this time frame, which seemed to stretch into Kafkaesque infinity when they embarked upon their task, ultimately seemed meagre and barely sufficient to allow them to complete their work satisfactorily.

Throughout its mandate and while drafting its report, the Commission consistently sought to distance itself from events that had not been verified before it reached any conclusions. The whole of Salvadorian society, institutions and individuals familiar with acts of violence were invited to make them known to the Commission, under the guarantee of confidentiality and discretion provided for in the agreements. Paid announcements were placed in the press and on the radio and television to this end, and written and oral invitations were extended to the Parties to testify without restriction. Offices of the Commission were opened in various departmental capitals, including Chalatenango, Santa Ana and San Miguel. Written statements were taken, witnesses were heard, information from the sites of various incidents (e.g. El Calabozo, El Mozote, Sumpul river and Guancorita) was obtained. The Commission itself went to various departments with members of the professional team, occasionally travelling overland but more often in helicopters provided promptly and

efficiently by ONUSAL. As the investigation moved forward, it continued to yield new pieces of evidence: anyone who might have been involved was summonsed to testify without restriction as to time or place, usually in the Commission's offices or in secret locations, often outside El Salvador in order to afford witnesses greater protection.

The Commission maintained an "open-door" policy for hearing testimony and a "closed-door" policy for preserving confidentiality. Its findings illustrate the horrors of a war in which madness prevailed, and confirm beyond the shadow of a doubt that the incidents denounced, recorded and substantiated in this report actually took place. Whenever the Commission decided that its investigation of a specific case had yielded sufficient evidence, the matter was recorded in detail, with mention of the guilty parties. When it was determined that no further progress could be made for the time being, the corresponding documentation that was not subject to secrecy was delivered to the courts or else kept confidential until new information enabled it to be reactivated.

One fact must be squarely denounced: owing to the destruction or concealment of documents, or the failure to divulge the locations where numerous persons were imprisoned or bodies were buried, the burden of proof occasionally reverted to the Commission, the judiciary and citizens, who found themselves forced to reconstruct events. It will be up to those who administer the new system of justice to pursue these investigations and take whatever final decisions they consider appropriate at this moment in history.

Inevitably, the list of victims is incomplete: it was compiled on the basis of the complaints and testimony received and confirmed by the Commission.

E. A Convulsion of Violence

The warped psychology engendered by the conflict led to a convulsion of violence. The civilian population in disputed or guerrilla controlled areas was automatically assumed to be the enemy, as at El Mozote and the Sumpul river. The opposing side behaved likewise, as when mayors were executed, the killings justified as acts of war because the victims had obstructed the delivery of supplies to combatants, or when defenceless pleasure-seekers became military targets, as in the case of the United States marines in the Zona Rosa of San Salvador. Meanwhile, the doctrine of national salvation and the principle of "he who is not for me is against me" were cited to ignore the neutrality, passivity and defencelessness of journalists and church workers, who served the community in various ways.

Such behaviour also led to the clandestine refinement of the death squads: the bullet which struck Monsignor Romero in the chest while he was celebrating mass on 24 March 1980 in a San Salvador church is a brutal symbol of the nightmare the country experienced during the war. And the murder of the six Jesuit priests 10 years later was the final outburst of the delirium that had infected the armed forces and the innermost recesses of certain government circles. The bullet in the portrait of Monsignor Romero, mute witness to this latest crime, repeats the nightmare image of those days.

F. Phenomenology of Violence

It is a universally accepted premise that the individual is the subject of any criminal situation, since humans alone possess will and can therefore take decisions based on will: it is individuals that commit crimes, not the institutions they have created. As a result, it is to individuals and not their institutions that the corresponding penalties established by law must be applied.

However, there could be some situations in which the repetition of acts in time and space would seem to contradict the above premise. A situation of repeated criminal acts may arise in which different individuals act within the same institution in unmistakably similar ways, independently of the political ideology of Governments and decision makers. This gives reason to believe that institutions may indeed commit crimes, if the same behaviour becomes a constant of the institution and, especially, if clear-cut accusations are met with a cover-up by the institution to which the accused belong and the institution is slow to act when investigations reveal who is responsible. In such circumstances, it is easy to succumb to the argument that repeated crimes mean that the institution is to blame.

The Commission on the Truth did not fall into that temptation: at the beginning of its mandate, it received hints from the highest level to the effect that institutions do not commit crimes and therefore that responsibilities must be established by naming names. At the end of its mandate, it again received hints from the highest level, this time to the opposite effect, namely, that it should not name names, perhaps in order to protect certain individuals in recognition of their genuine and commendable eagerness to help create situations which facilitated the peace agreements and national reconciliation.

However, the Commission believes that responsibility for anything that happened during the period of the conflict could not and should not be laid at the door of the institution, but rather of those who ordered the procedures for operating in the way that members of the institution did and also of those who, having been in a position to prevent such procedures, were compromised by the degree of tolerance and permissiveness with which they acted from their positions of authority or leadership or by the fact that they covered up incidents which came to their knowledge or themselves gave the order which led to the action in question. This approach protects institutions and punishes criminals.

G. The Recovery of Faith

As this Commission submits its report, El Salvador is embarked on a positive and irreversible process of consolidation of internal peace and modification of conduct for the maintenance of a genuine, lasting climate of national coexistence. The process of reconciliation is restoring the nation's faith in itself and in its leaders and institutions. This does not mean that all the obstacles and difficulties in implementing the commitments made in the negotiations have been overcome: the particular sensitivity of some of these commitments, such as the commitment to purify the armed forces, is creating resistance to the administrative action which must be taken by President

Alfredo Cristiani, who on many counts deserves widespread recognition as the driving force behind the peace agreements.

One fundamental element of the agreements, and one which is critical for El Salvador's democratic future, is the unreserved, unconditional subordination of the military authorities to civilian authority, not only on paper but in reality: in a democratic system based on respect for the constitutional order and governed by the rule of law, there is room neither for conditions, personal compromises or the possibility of subverting order for personal reasons, nor for acts of intimidation against the President of the Republic who, by virtue of his office, is the Commander-in-Chief of the armed forces.

H. The Risks of Delay

The purification which is to follow the reports of the Ad Hoc Commission and the Commission on the Truth may seem inadvisable in cases where a person guilty of a serious crime in the past rectified his behaviour and contributed to the negotiated peace. This, however, is the small price that those who engage in punishable acts must pay, regardless of their position: they must accept it for the good of the country and the democratic future of the new Salvadorian society. Moreover, it is not up to the Commission to act on complaints, requests for pardon or pleas of attenuating circumstances from persons dismissed from the armed forces, because it has no binding judicial powers. It is not by resignation but by its creative attitude towards its new commitments and the new order of democratic coexistence that Salvadorian society as a whole will ultimately strike a balance in dealing with those who must take the blame for what they did during the conflict but deserve praise for what they did in the peace process.

El Salvador needs new souls. By its response to the murder of the Jesuits, 10 years after the assassination of Monsignor Romero by that nightmarish creation the "death squads", the military leadership showed just how far its position had hardened in daring to eliminate those it viewed as opponents, either because they were opponents or because they voiced concern, including church workers and journalists. In the uproar that followed, the most perverse sentiments came to the fore and the most absurd obfuscation was used in an attempt to cover up the truth as to who had given the orders.

What is more, it would tarnish the image of the armed forces if they were to retain sufficient power to block the process of purification or impose conditions on it: if the guilty were not singled out and punished, the institution itself would be incriminated; no other interpretation is possible. Those who would have the armed forces choose this course must weigh the price of such an attitude in the eyes of history.

I. Foundation for the Truth

The mass of reports, testimony, newspaper and magazine articles and books published in Spanish and other languages that was accumulated prompted the establishment within the Commission on the Truth itself of a centre for documentation on the different forms of violence in El Salvador. The public information relating to the

war (books, pamphlets, research carried out by Salvadorian and international bodies); testimony from 2,000 primary sources referring to more than 7,000 victims; information from secondary sources relating to more than 20,000 victims; information from official bodies in the United States and other countries; information provided by government bodies and FMLN; an abundant photographic and videotape record of the conflict and even of the Commission's own activities; all of this material constitutes an invaluable resource - a part of El Salvador's heritage because (despite the painful reality it records) a part of the country's contemporary history - for historians and analysts of this most distressing period and for those who wish to study this painful reality in order to reinforce the effort to spread the message "never again".

What is to be done with this wealth of material in order to make it available to those around the world who are seeking peace, to bring these personal experiences to the attention of those who defend human rights? What is to be done when one is bound by the requirement of confidentiality for documents and testimony? What use is to be made of this example of the creativity of the United Nations at a time in contemporary history which is fraught with conflict and turmoil and for which the parallels and the answers found in the Salvadorian conflict may be of some relevance?

To guarantee the confidentiality of testimony and of the many documents supplied by institutions and even by Governments and, at the same time, to provide for the possibility of consultation by academic researchers while preserving such confidentiality, the Commission obtained the agreement of the Parties and the consent and support of the International Rule of Law Center of George Washington University in Washington, D.C., which, since 1992, has been administering and maintaining the collection of documents relating to the transition to peace in countries under the rule of oppression and countries emerging from armed conflicts. In addition, the Commission has already sought the cooperation of Governments, academic institutions and international foundations, always on the clear understanding that it holds itself personally responsible for guaranteeing confidentiality before finally handing the archives over to their lawful owners.

The Foundation for the Truth would be a not-for-profit academic body governed by statutes conforming to United States law. It would be managed by an international Board of Directors, with Salvadorian participation; a representative of the Secretary-General of the United Nations and the members of the Commission would also be members of the Board. The Foundation would be operated under the direction of Professor Thomas Buergenthal and would maintain close contacts with leaders and researchers in El Salvador, with the group of European, United States and Latin American professionals who worked with the Commission, and with scientists from around the world. For those documents which were not subject to secrecy, duplicate copies and computer terminals for accessing the collection would be available in Salvadorian institutions requesting them.

The Foundation would be inaugurated in June 1993, in Washington, with a multidisciplinary encounter to discuss the report of the Commission on the Truth.

J. Expressions of Gratitude

The Commission places on record its admiration for and gratitude to the Salvadorian people, without exception, for the courage they have shown throughout the terrible ordeal of the conflict and for the outstanding spirit which they have generously demonstrated in the peace process. It also expresses its gratitude to President Cristiani and the members of his Government, and to the Commanders and members of the Frente Farabundo Martí para la Liberación Nacional (FMLN), for cooperating with it in the performance of its tasks.

The Commission further expresses its gratitude to the Secretaries General of the United Nations, Mr. Javier Pérez de Cuéllar and Mr. Boutros Boutros-Ghali, and to Assistant Secretary-General Mr. Alvaro de Soto and his staff for their efficient cooperation. It also thanks ONUSAL, in particular, its Director, Mr. Iqbal Riza, for their diligence and expeditiousness in providing logistical and security support, and legal expert Mr. Pedro Nikken, whose knowledge of Central America is extensive.

We owe a debt of gratitude to the President of Colombia, Mr. César Gaviria Trujillo; the President of Mexico, Mr. Carlos Salinas de Gortari; the Prime Minister of Spain, Mr. Felipe González; and the President of Venezuela, Mr. Carlos Andrés Pérez known as "the four friends of the Secretary-General", and their ambassadors to the United Nations and El Salvador, for their constant and full support.

We also express our gratitude to Salvadorian political parties and their leaders; Salvadorian and international non-governmental organizations; the Catholic Church and its hierarchy and all religious faiths; the Directors and staff of the information media; and important public figures in El Salvador and outstanding international figures who have followed the conflict closely: without the cooperation of all these people it would have been impossible to penetrate the maze in which the truth often lay hidden.

This report would not have been possible without the collaboration of the interdisciplinary group of professionals from around the world who, under the direction of Ms. Patricia Valdez, for eight months devoted themselves with professionalism, objectivity and dedication to the task of seeking, unravelling and, on more than a few occasions, unearthing the truth.

K. The Dominant Idea

The members of the Commission are convinced from what they observed during six months of close association with Salvadorian society, that there is no place among the sorely tried Salvadorian people for bitterness or vengeance. There is likewise no intention to cause humiliation; nor does anyone today seek to harm the dignity of any human being by any action. Peace is always made by those who have fought the war, and all the former combatants have established forums for reconciliation in the new society. All are called upon to make a contribution, each according to the pain he has suffered and the love he has for his country. It falls to President Cristiani - the peace President - and his Government and the former insurgents, especially the former Commanders of FMLN, once again to play the leading role by setting a new course for El Salvador.

Salvadorian society - a society of sacrifice and hope - is watching them from the vantage point of history. The future of the nation summons them, a nation which is moving forward under the influence of one dominant idea: to lift itself out of the ruins in order to hold high like a banner the vision of its future. The nations of the international community are watching them in gladness. A new people is rising from the ashes of a war in which all were unjust. Those who perished are watching them from the great beyond. Those who hope are watching them from the heights of hope.

II. THE MANDATE

A. The Mandate

The Commission on the Truth owes its existence and authority to the El Salvador peace agreements, a set of agreements negotiated over a period of more than three years (1989-1992) between the Government of El Salvador and FMLN. The negotiating process, which took place under United Nations auspices with the special cooperation of Colombia, Mexico, Spain and Venezuela (the so-called "friends of the Secretary-General"), culminated in the Peace Agreement signed at Chapultepec, Mexico, on 16 January 1992.¹

The decision to set up the Commission on the Truth was taken by the Parties in the Mexico Agreements, signed at Mexico City on 27 April 1991.² These Agreements define the functions and powers of the Commission, while its authority is expanded by article 5 of the Chapultepec Peace Agreement, entitled "End to Impunity".³ Together, these provisions constitute the Commission's "mandate".

The mandate defines the Commission's functions as follows:

"The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth."

It then states that the Commission shall take the following into account:

- "(a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and
- (b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation."

The specific functions assigned to the Commission as regards impunity are defined, in part, in the Chapultepec Agreement, which provides as follows:

"The Parties recognize the need to clarify and put an end to any indication of impunity on the part of officers of the armed forces, particularly in cases where respect for human rights is jeopardized. To that end, the Parties refer this issue to the Commission on the Truth for consideration and resolution."

In addition to granting the Commission powers with respect to impunity and the investigation of serious acts of violence, the peace agreements entrust the Commission with making "legal, political or administrative" recommendations. Such recommendations may relate to specific cases or may be more general. In the latter case, they "may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation".

The Commission was thus given two specific powers: the power to make investigations and the power to make recommendations. The latter power is particularly important since, under the mandate, "the Parties undertake to carry out the Commission's recommendations". The Parties thus agree to be bound by the Commission's recommendations.

As regards the Commission's other task, the mandate entrusted it with investigating "serious acts of violence ... whose impact on society urgently demands that the public should know the truth". In other words, in deciding which acts to focus on, the Commission would have to take into account the particular importance of each act, its repercussions and the social unrest to which it gave rise. However, the mandate did not list or identify any specific cases for investigation; nor did it distinguish between large-scale acts of violence and acts involving only a handful of people. Instead, the mandate emphasized **serious acts of violence** and their impact or repercussions. On the basis of these criteria, the Commission investigated two types of cases:

- (a) Individual cases or acts which, by their nature, outraged Salvadorian society and/or international opinion;
- (b) A series of individual cases with similar characteristics revealing a systematic pattern of violence or ill-treatment which, taken together, equally outraged Salvadorian society, especially since their aim was to intimidate certain sectors of that society.

The Commission attaches equal importance to uncovering the truth in both kinds of cases. Moreover, these two types of cases are not mutually exclusive. Many of the so-called individual acts of violence which had the greatest impact on public opinion also had characteristics revealing systematic patterns of violence.

In investigating these acts, the Commission took into account three additional factors which have a bearing on the fulfilment of its mandate. The first was that it must investigate serious or flagrant acts committed by both sides in the Salvadorian conflict and not just by one of the Parties. Secondly, in referring the issue of the impunity "of officers of the armed forces, particularly in cases where respect for human rights is jeopardized" to the Commission, the Chapultepec Agreement urged the Commission to pay particular attention to this area and to acts of violence committed by officers of the armed forces which were never investigated or punished. Thirdly, the Commission was given six months in which to perform its task.

If we consider that the Salvadorian conflict lasted 12 years and resulted in a huge number of deaths and other serious acts of violence, it was clearly impossible for the Commission to deal with every act that could have been included within its sphere of competence. In deciding to investigate one case rather than another, it had to weigh such considerations as the representative nature of the case, the availability of

sufficient evidence, the investigatory resources available to the Commission, the time needed to conduct an exhaustive investigation and the issue of impunity as defined in the mandate.

B. Applicable Law

The Commission's mandate entrusts it with investigating **serious acts of violence**, but does not specify the principles of law that must be applied in order to define such acts and to determine responsibility for them. Nevertheless, the concept of serious acts of violence used in the peace agreements obviously does not exist in a normative vacuum and must therefore be analysed on the basis of certain relevant principles of law.

In defining the legal norms applicable to this task, it should be pointed out that, during the Salvadorian conflict, both Parties were under an obligation to observe a number of rules of international law, including those stipulated in international human rights law or in international humanitarian law, or in both. Furthermore, throughout the period in question, the State of El Salvador was under an obligation to adjust its domestic law to its obligations under international law.

These rules of international law must be considered as providing the basis for the criteria applicable to the functions which the peace agreements entrust to the Commission.⁴ Throughout the Salvadorian conflict, these two sets of rules were only rarely mutually exclusive.

It is true that, in theory, international human rights law is applicable only to Governments, while in some armed conflicts international humanitarian law is binding on both sides: in other words, binding on both insurgents and Government forces. However, it must be recognized that when insurgents assume government powers in territories under their control, they too can be required to observe certain human rights obligations that are binding on the State under international law. This would make them responsible for breaches of those obligations.

The official position of FMLN was that certain parts of the national territory were under its control, and it did in fact exercise that control.⁵

1. International human rights law

The international human rights law applicable to the present situation comprises a number of international instruments adopted within the framework of the United Nations and the Organization of American States (OAS). These instruments, which are binding on the State of El Salvador, include, in addition to the Charters of the United Nations and OAS, the following human rights treaties: the International Covenant on Civil and Political Rights and the American Convention on Human Rights. El Salvador ratified the Covenant on 30 November 1979 and the American Convention on 23 June 1978. Both instruments entered into force for El Salvador before 1980 and were thus in force throughout the conflict to which the Commission's mandate refers.

Clearly, not every violation of a right guaranteed in those instruments can be characterized as a "serious act of violence". Those instruments themselves recognize that some violations are more serious than others. This position is reflected in a provision which appears in both instruments and which distinguishes between rights from which no derogation is possible, even in time of war or other state of national emergency, and those from which derogations can be made in such circumstances. It is appropriate, therefore, that the Commission should classify the seriousness of each "act of violence" on the basis of the rights which the two instruments list as not being subject to derogation, in particular, rights related directly to the right to life and to physical integrity.

Accordingly, the following rights listed in article 4 of the Covenant as not being subject to derogation would come within the Commission's sphere of competence: the right to life ("No one shall be arbitrarily deprived of his life"); the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment; and the right not to be held in slavery or any form of servitude. Article 27 of the American Convention on Human Rights provides that these same rights cannot be suspended even "in time of war, public danger, or other emergency that threatens the independence or security of a State Party".

Under international law, it is illegal for a State, or for persons acting on its behalf, to violate any of the above rights for whatever reason. Violation of these rights may even constitute an international crime in situations where acts are of a consistent type or reflect a systematic practice whose purpose is the large-scale violation of these fundamental rights of the human person.

2. International humanitarian law

The principles of international humanitarian law applicable to the Salvadorian conflict are contained in article 3 common to the four Geneva Conventions of 1949 and in Additional Protocol II thereto. El Salvador ratified these instruments before 1980.

Although the armed conflict in El Salvador was not an international conflict as defined by the Conventions, it did meet the requirements for the application of article 3 common to the four Conventions. That article defines some fundamental humanitarian rules applicable to non international armed conflicts. The same is true of Protocol II Additional to the Geneva Conventions, relating to the protection of victims of non international armed conflicts. The provisions of common article 3 and of Additional Protocol II are legally binding on both the Government and the insurgent forces.

Without going into those provisions in detail, it is clear that violations - by either of the two parties to the conflict - of common article 3⁶ and of the fundamental guarantees contained in Additional Protocol II,⁷ especially if committed systematically, could be characterized as serious acts of violence for the purposes of the interpretation and application of the Commission's mandate. Such violations would include arbitrary deprivation of life; torture; cruel, inhuman or degrading treatment; taking of hostages; and denial of certain indispensable guarantees of due process before serious criminal penalties are imposed and carried out.

3. Conclusions

With few exceptions, serious acts of violence prohibited by the rules of humanitarian law applicable to the Salvadorian conflict are also violations of the non-repealable provisions of the International Covenant on Civil and Political Rights and the American Convention on Human Rights, the two human rights treaties ratified by the State of El Salvador. The two instruments also prohibit derogation from any rights guaranteed in any humanitarian law treaty to which the State is a party.

As a result, neither the Salvadorian State nor persons acting on its behalf or in its place can claim that the existence of an armed conflict justified the commission of serious acts of violence in contravention of one or other of the human rights treaties mentioned above or of the applicable instruments of humanitarian law binding on the State.

C. Methodology

In determining the methodology that would govern the conduct of the investigations essential to the preparation of this report, the Commission took a number of factors into account.

The text of its mandate was a binding condition and a starting-point for the Commission, in that it stated the Parties' intentions in this connection. The preamble to the mandate indicates that the Commission was established because the Parties recognized "the need to clear up without delay those exceptionally important acts of violence whose characteristics and impact ... urgently require that the complete truth be made known ...".

In establishing the procedure that the Commission was to follow in performing its functions, paragraph 7 of the mandate provided that the Commission would conduct its activities "on a confidential basis". Paragraph 5 established that "The Commission shall not function in the manner of a judicial body". Paragraph 8 (a) stipulated that "The Commission shall be completely free to use whatever sources of information it deems useful and reliable", while paragraph 8 (b) gave the Commission the power to "Interview, freely and in private, any individuals, groups or members of organizations or institutions". Lastly, in the fourth preambular paragraph of the mandate, the Parties agreed that the task entrusted to the Commission should be fulfilled "through a procedure which is both reliable and expeditious and may yield results in the short term, without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate penalties on the culprits".

In analysing these provisions of the mandate, the Commission thought it important that the Parties had emphasized that "the Commission shall not function in the manner of a judicial body". In other words, not only did the Parties not establish a court or tribunal, but they made it very clear that the Commission should not function as if it were a judicial body. They wanted to make sure that the Commission was able to act on a confidential basis and receive information from any sources, public or private, that it deemed useful and reliable. It was given these powers so that it could conduct an investigation procedure that was both expeditious and, in its view, reliable

in order to "clear up without delay those exceptionally important acts of violence whose characteristics and impact ... urgently require that the complete truth be made known ...".

So it is clear that the Parties opted for an investigation procedure that, within the short period of time allotted, would be best fitted to establishing the truth about acts of violence falling within the Commission's sphere of competence, without requiring the Commission to observe the procedures and rules that normally govern the activities of any judicial or quasi-judicial body. Any judicial function that had to be performed would be reserved expressly for the courts of El Salvador. For the Parties, the paramount concern was to find out the truth without delay.

Another important overall consideration which influenced the Commission's methodology was the reality of the situation in El Salvador today. Not only was this reflected in the Commission's mandate, but it also had a profound impact on the Commission's investigation process and modus operandi. It forced the Commission to gather its most valuable information in exchange for assurances of confidentiality.

It was not just that the Parties authorized the Commission, in the peace agreements, to act on a confidential basis and to receive information in private; the reality of the situation in El Salvador forced it to do so for two reasons: first, to protect the lives of witnesses and, secondly, to obtain information from witnesses who, because of the climate of terror in which they continue to live, would not have provided such information if the Commission had not guaranteed them absolute confidentiality.

The situation in El Salvador is such that the population at large continues to believe that many military and police officers in active service or in retirement, Government officials, judges, members of FMLN and people who at one time or another were connected with the death squads are in a position to cause serious physical and material injury to any person or institution that shows a readiness to testify about acts of violence committed between 1980 and 1991. The Commission believes that this suspicion is not unreasonable, given El Salvador's recent history and the power still wielded or, in many cases, wielded until recently by people whose direct involvement in serious acts of violence or in covering up such acts is well known but who have not been required to account for their actions or omissions.

Even though the fears expressed by some potential witnesses may have been exaggerated, the fact is that in their minds the danger is real. As a result, they were not prepared to testify unless they were guaranteed absolute secrecy. It should be pointed out that many witnesses refused to give information to other investigatory bodies in the past precisely because they were afraid that their identity would be divulged.

The Commission can itself testify to the extreme fear of reprisals frequently expressed, both verbally and through their behaviour, by many of the witnesses it interviewed. It is also important to emphasize that the Commission was not in a position to offer any significant protection to witnesses apart from this guarantee of confidentiality. Unlike the national courts, for instance, the Commission did not have the authority to order precautionary measures; neither, of course, did it have police

powers. Besides, it is the perception of the public at large that the Salvadorian judicial system is unable to offer the necessary guarantees.

The Commission also received reports from some Governments and international bodies, on condition that the source was not revealed. This information was subjected to the same test of reliability as the other information received and was used principally to confirm or verify personal testimony and to guide the Commission in its search for other areas of investigation.

From the outset, the Commission was aware that accusations made and evidence received in secret run a far greater risk of being considered less trustworthy than those which are subjected to the normal judicial tests for determining the truth and to other related requirements of due process of law, including the right of the accused to confront and examine witnesses brought against him. Accordingly, the Commission felt that it had a special obligation to take all possible steps to ensure the reliability of the evidence used to arrive at a finding. In cases where it had to identify specific individuals as having committed, ordered or tolerated specific acts of violence, it applied a stricter test of reliability.

The Commission decided that, in each of the cases described in this report, it would specify the degree of certainty on which its ultimate finding was based. The different degrees of certainty were as follows:

1. Overwhelming evidence - conclusive or highly convincing evidence to support the Commission's finding;
2. Substantial evidence - very solid evidence to support the Commission's finding;
3. Sufficient evidence - more evidence to support the Commission's finding than to contradict it.

The Commission decided not to arrive at any specific finding on cases or situations, or any aspect thereof, in which there was less than "sufficient" evidence to support such a finding.

In order to guarantee the reliability of the evidence it gathered, the Commission insisted on verifying, substantiating and reviewing all statements as to facts, checking them against a large number of sources whose veracity had already been established. It was decided that no single source or witness would be considered sufficiently reliable to establish the truth on any issue of fact needed for the Commission to arrive at a finding. It was also decided that secondary sources, for instance, reports from national or international governmental or private bodies and assertions by people without first-hand knowledge of the facts they reported, did not on their own constitute a sufficient basis for arriving at findings. However, these secondary sources were used, along with circumstantial evidence, to verify findings based on primary sources.

It could be argued that, since the Commission's investigation methodology does not meet the normal requirements of due process, the report should not name the people

whom the Commission considers to be implicated in specific acts of violence. The Commission believes that it had no alternative but to do so.

In the peace agreements, the Parties made it quite clear that it was necessary that the "complete truth be made known", and that was why the Commission was established. Now, the whole truth cannot be told without naming names. After all, the Commission was not asked to write an academic report on El Salvador, it was asked to investigate and describe exceptionally important acts of violence and to recommend measures to prevent the repetition of such acts. This task cannot be performed in the abstract, suppressing information (for instance, the names of persons responsible for such acts) where there is reliable testimony available, especially when the persons identified occupy senior positions and perform official functions directly related to violations or the cover-up of violations. Not to name names would be to reinforce the very impunity to which the Parties instructed the Commission to put an end.

In weighing aspects related to the need to protect the lives of witnesses against the interests of people who might be adversely affected in some way by the publication of their names in the report, the Commission also took into consideration the fact that the report is not a judicial or quasijudicial determination as to the rights or obligations of certain individuals under the law. As a result, the Commission is not, in theory, subject to the requirements of due process which normally apply, in proceedings which produce these consequences.

Furthermore, the Commission's application of strict criteria to determine the degree of reliability of the evidence in situations where people have been identified by name, and the fact that it named names only when it was absolutely convinced by the evidence, were additional factors which influenced the Commission when it came to take a decision on this analysis. As a result, the Commission is satisfied that the criteria of impartiality and reliability which it applied throughout the process were fully compatible with the functions entrusted to it and with the interests it had to balance.

The considerations which prompted the Commission to receive confidential information without revealing the source also forced it to omit references from both the body and the footnotes of the reports on individual cases, with the exception of references to certain public, official sources. As a result, reference is made to official trial proceedings and other similar sources, but not to testimony or other information gathered by the Commission. The Commission took this approach in order to reduce the likelihood that those responsible for the acts of violence described herein, or their defenders, would be able to identify the confidential sources of information used by the Commission. In some of the reports on individual cases, the Commission also omitted details that might reveal the identity of certain witnesses.

III. Chronology of Violence

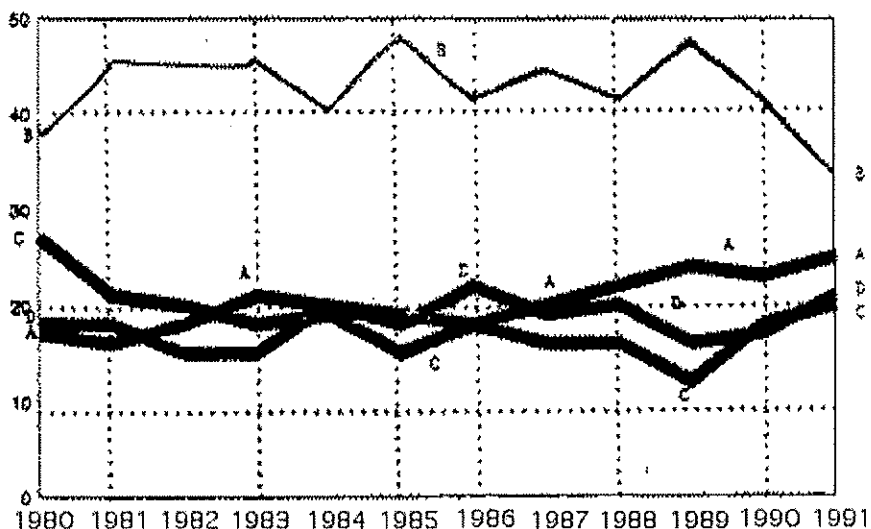
Introduction

The Commission on the Truth had the task of investigating and analysing serious acts of violence that had occurred in El Salvador between January 1980 and July 1991.

In taking into account "the exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise",⁸ the Commission, for methodological reasons, divided the years 1980-1991 into four periods, namely: 1980-1983, 1983-1987, 1987-1989 and 1989-1991. Each of these periods corresponds to political changes in the country, developments in the war and the systematic nature or frequency of certain practices that violated human rights and international humanitarian law.

Frequency of reports in the Salvadorian press concerning acts of violence

(For more information, see annex 3)



A Peasant massacres* B Murder of individuals* C Disappearances* D Abductions*

* Average percentage of reports.

I. 1980-1983: The Institutionalization of Violence

The main characteristics of this period were that violence became systematic and terror and distrust reigned among the civilian population. The fragmentation of any opposition or dissident movement by means of arbitrary arrests, murders and selective and indiscriminate disappearances of leaders became common practice. Repression in the cities targeted political organizations, trade unions and organized sectors of Salvadorian society, as exemplified by the persecution of organizations such as the Asociación Nacional de Educadores Salvadoreños (ANDES),⁹ murders of political leaders¹⁰ and attacks on human rights bodies.¹¹

The Frente Farabundo Martí para la Liberación Nacional (FMLN) was formed in late 1980 and in January 1981, the first large-scale military offensive left hundreds of people dead. Starting in 1980, there was a succession of indiscriminate attacks on the non-combatant civilian population and also collective summary executions, particularly against the rural population.¹² There were appalling massacres, such as those at the Sumpul river (14-15 May 1980), the Lempa river (20-29 October 1981) and El Mozote (December 1981). Organized terrorism, in the form of the so-called "death squads", became the most aberrant manifestation of the escalation of violence. Civilian and military groups engaged in a systematic murder campaign with total impunity, while State institutions turned a blind eye.¹³ The murder of Monsignor Romero exemplified the limitless, devastating power of these groups. This period saw the greatest number of deaths and human rights violations.

1980

The Government of General Carlos Humberto Romero (July 1977 October 1979) was overthrown on 15 October 1979. The Revolutionary Government Junta (JRG) composed of Colonel Jaime Abdul Gutiérrez and Colonel Adolfo Majano announced its main goals: an end to violence and corruption, guarantees for the exercise of human rights, adoption of measures to ensure the fair distribution of national wealth and a positive approach to external relations.¹⁴

On 18 October 1979, elections were announced for February 1982. Measures were enacted restricting landholdings to a maximum of 100 hectares (Decree No. 43 of 6 December 1979). The organization ORDEN¹⁵ was dissolved on 6 November 1979 and the Salvadorian national security agency (ANSESAL) was dismantled.¹⁶

The political struggle between civilians and conservative military sectors intensified, against a backdrop of social upheaval and mobilization. Left-wing organizations such as the Bloque Popular Revolucionario (BPR), the Ligas Populares 28 de Febrero (LP-28) and the Frente de Acción Popular Unificada (FAPU), among others, held public demonstrations, occupied ministries and organized strikes demanding the release of political prisoners. Economic measures and land tenure reforms were adopted. The organizations BPR, FAPU, LP-28 and the Unión Democrática Nacionalista (UDN) came together to form the Coordinadora Revolucionaria de Masas (CRM).¹⁷ On 22 January, the National Guard attacked a massive CRM demonstration, described by Monsignor Romero as peaceful, killing somewhere between 22 and 50 people and wounding hundreds more.

Anti-Government violence erupted in the form of occupations of radio stations, bombings of newspapers (La Prensa Gráfica and El Diario de Hoy), abductions, executions and attacks on military targets, particularly by the Fuerzas Populares de Liberación (FPL) and the Ejército Revolucionario del Pueblo (ERP).

On 3 January 1980, the three civilian members of the Junta resigned, along with 10 of the 11 cabinet ministers.¹⁸ The Junta was again in crisis. The Agrarian Reform Act¹⁹ and the nationalization of banks were announced. On 9 March, José Napoleón Duarte became a member of the Junta when the Christian Democratic Party expelled Dada

Hizeri, Rubén Zamora and other leaders from its ranks. The process of political polarization triggered an unprecedented increase in death squad activities.

On 6 February, United States Ambassador Frank Devine informed the State Department that mutilated bodies were appearing on roadsides as they had done in the worst days of the Romero regime and that the extreme right was arming itself and preparing for a confrontation in which it clearly expected to ally itself with the military.²⁰

On 22 February, PDC leader and Chief State Counsel Mario Zamora was murdered at his home, only days after the Frente Amplio Nacional (FAN), headed by former National Guard Major Roberto D'Aubuisson, had accused him publicly of being a member of subversive groups (see the case in chap. IV).

On 24 March, Monsignor Oscar Arnulfo Romero was shot dead by a sniper as he celebrated mass in the Chapel of the Hospital de la Divina Providencia²¹ (see the case in chap. IV). This crime further polarized Salvadorian society and became a milestone, symbolizing the point at which human rights violations reached their peak and presaging the all out war between the Government and the guerrillas that was to come. During the funeral, a bomb went off outside San Salvador Cathedral. The panic-stricken crowd, estimated at 50,000 people, was machine-gunned, leaving an estimated 27 to 40 people dead and more than 200 wounded.²²

On 7 May 1980, Major Roberto D'Aubuisson²³ was arrested on a farm, along with a group of civilians and soldiers. In the raid, a significant quantity of weapons and documents were found implicating the group in the organization and financing of death squads allegedly involved in Archbishop Romero's murder. The arrests triggered a wave of terrorist threats and institutional pressures which culminated in D'Aubuisson's release. This strengthened the most conservative sector in the Government²⁴ and was a clear example of the passivity and inertia of the judiciary during this period.²⁵

Government measures²⁶ and illegal repressive measures were taken to dismantle the country's legal structure and neutralize the opposition.²⁷

Between 12 and 15 August, a general strike called by FDR, a coalition of centre-left parties, was violently suppressed, leaving 129 people dead.²⁸ On 27 November, Alvarez Córdoba and six FDR leaders were abducted. Their bodies were found later, bearing signs of torture (see the case in chap. IV). A few days later, the Brigada Anticomunista General Maximiliano Hernández Martínez issued a communiqué claiming responsibility for the killings.

Between October and November 1980, the five armed opposition groups - Fuerzas Populares de Liberación (FPL), Ejército Revolucionario del Pueblo (ERP), Fuerzas Armadas de Liberación (FAL), Fuerzas Armadas de Resistencia Nacional (FARN) and Partido Revolucionario de los Trabajadores de Centroamérica (PRTC) - formed the Frente Farabundo Martí para la Liberación Nacional (FMLN).

In late 1980, as a change of Administration was taking place in the United States, the violence in El Salvador reached United States citizens. On 2 December, four

churchwomen were arrested, raped and murdered by members of the National Guard (see the case in chap. IV). At the end of the year, Colonel Majano was removed from the Junta and Napoleón Duarte became President.²⁹

The Commission on the Truth received direct complaints concerning 2,597 victims of serious acts of violence occurring in 1980.³⁰

1981

Individual extrajudicial executions continued and mass executions in rural areas increased. On 3 January, the President of the Salvadorian Institute for Agrarian Reform and two United States advisers were murdered in the Sheraton Hotel³¹ (see the case in chap. IV). This incident was part of a campaign of murders of cooperative leaders and beneficiaries of the agrarian reform.

On 10 January, FMLN launched the "final offensive" announced in late 1980.³² Attacks were launched on military targets throughout the country, leaving hundreds of people dead. Government sources reported that "at least 500 extremists" had died in the final offensive. Because of FMLN actions, the state of siege decreed by the Junta was maintained until October 1981.

The violence in El Salvador began to attract international attention and to have international repercussions. External political forces began to claim that the Salvadorian conflict was part of the East-West confrontation. Other forces worked for a negotiated settlement of the conflict.³³ Many sectors began to envisage the possibility of a negotiated settlement, provided that the necessary resources were available. On 14 January, the United States Administration restored military aid, which had been suspended after the murder of the United States churchwomen.³⁴ The United States Government also significantly increased its military and economic assistance. The increasing flow of resources was intended to train, modernize and expand the structure of a number of elements of the armed forces. The Rapid Deployment Infantry Battalions (BIRI), specialized in anti-guerrilla warfare, also began to be created (Atlatl: March 1981, Atonal: January 1982, Beloso: May 1982, etc.).

Counter-insurgency military operations affected the non-combatant civilian population, causing a high death toll and the emergence of a new phenomenon - displaced persons.

On 17 March, as they tried to cross the Lempa river to Honduras, a group of thousands of peasants was attacked from the air and from land. Between 20 and 30 people were reported killed and a further 189 reported missing as a result of the attack. Something similar happened in October on the banks of the same river, on which occasion 147 peasants were killed, including 44 minors. In November, in Cabañas Department, a counter-insurgency operation surrounded and kept under attack for 13 days a group of 1,000 people who were trying to escape to Honduras. This time, between 50 and 100 people were reported killed.³⁵ In late December, the Atlatl Battalion carried out one of the worst massacres of the war, in various hamlets in and around El Mozote (see the case in chap. IV).

According to the Fundación Salvadoreña para el Desarrollo (FUSADES), by 1981 there were 164,000 displaced persons. The number of displaced persons leaving the country in search of refuge also increased, according to the report of the Office of the United Nations High Commissioner for Refugees (UNHCR).³⁶ Furthermore, Christian Legal Aid reported 12,501 deaths in 1981.³⁷

The Commission on the Truth received direct testimony concerning 1,633 victims of serious acts of violence occurring in 1981.

1982

The 60-member Constituent Assembly³⁸ adopted a new Constitution and elected an interim Government. Although PDC won the most votes (40.3 per cent), ARENA (29.3 per cent), in alliance with the Partido de Conciliación Nacional (PCN) (19 per cent) and other minority parties, won control of the Assembly. Roberto D'Aubuisson was elected President of the Constituent Assembly and two PCN members were elected Vice-Presidents. The Assembly ratified the 1962 Political Constitution.³⁹ It also elected Alvaro Magaña Provisional President of the Republic and Raúl Molina Martínez (PDC), Gabriel Mauricio Gutiérrez Castro (ARENA) and Pablo Mauricio Alvergue (PCN), Vice-Presidents

Decree No. 6 of the National Assembly suspended phase III⁴⁰ of the implementation of the agrarian reform, and was itself later amended. The Apaneca Pact was signed on 3 August 1982, establishing a Government of National Unity, whose objectives were peace, democratization, human rights, economic recovery, security and a strengthened international position. An attempt was made to form a transitional Government which would establish a democratic system. Lack of agreement among the forces that made up the Government and the pressures of the armed conflict prevented any substantive changes from being made during Magaña's Presidency.

FMLN attacked the Ilopango Air Force Base, destroying six of the Air Force's 14 UH-1H helicopters, five Ouragan aircraft and three C-47s.⁴¹ The guerrillas stepped up their activities against economic targets. Between February and April, a total of 439 acts of sabotage were reported⁴² and the number of acts of sabotage involving explosives or arson rose to 782 between January and September.⁴³ The United States Embassy estimated the damage to the economic infrastructure at US\$ 98 million.⁴⁴ FMLN also carried out large-scale operations in the capital city and temporarily occupied urban centres in the country's interior. According to some reports, the number of rebels ranged between 4,000 and 5,000; other sources put the number at between 6,000 and 9,000.⁴⁵

Combined land-air military operations by the armed forces sought to regain control of populated areas controlled by the rebels. In one of these operations (31 January), 150 civilians were reported killed by military forces in Nueva Trinidad and Chalatenango. On 10 March, some 5,000 peasants were fired at from helicopters and shelled as they fled the combat zone in San Esteban Catarina. In August, a military campaign of "pacification" in San Vicente reported 300 to 400 peasants killed.⁴⁶ In late November, 5,000 soldiers took part in a 10-day counter-offensive in northern San Salvador. The Ministry of Defence reported at the end of the operation that four districts had been recovered, with 20 soldiers and 232 guerrilla fighters killed.⁴⁷

On 31 August, the Comisión Nacional de Asistencia a la Población Desplazada (CONADES) reported that there were 226,744 internally displaced persons. By June of that year, the number of Salvadorian refugees in Latin American countries totalled between 175,000 and 295,000.⁴⁸

The United States Embassy reported a total of 5,639 people killed, of whom 2,330 were civilians, 762 were members of the armed forces and 2,547 were members of the guerrilla forces. Christian Legal Aid reported that during the first eight months of 1982, there were a total of 3,059 political murders, "nearly all of them the result of action by Government agents against civilians not involved in military combat".⁴⁹ The same source reported that the total number of civilian deaths in 1982 was 5,962.⁵⁰

The death squads⁵¹ continued to operate with impunity in 1982. On 10 March, the Alianza Anticomunista de El Salvador published a list of 34 people who had been condemned to death for "discrediting the armed forces". Most of them were journalists. The Inter-American Commission on Human Rights, referring to the discovery of clandestine graves of death squad victims, reported that on 24 May the bodies of more than 150 people had been dumped at Puerta del Diablo, Panchimalco.⁵² On 27 May, the bodies of six members of the Christian Democratic Party were found at El Playón, another clandestine mass grave used by the death squads.⁵³ President Duarte publicly denounced the extreme right wing, holding it responsible for the murder of hundreds of PDC members and mayors. Four Dutch journalists were killed on 17 March 1982 (see the case in chap. IV).

The Commission on the Truth received direct testimony concerning 1,145 victims of serious acts of violence occurring in 1982.

II. 1983-1987: Violations Within the Context of the Armed Conflict

Violations of life, physical integrity and security continued to occur in urban centres. The number of violations fell but was accompanied by greater selectivity. In 1982, 5,962 people died at the hands of government forces; by 1985 the number had fallen to 1,655.⁵⁴

There began to be a marked decrease in the activities of the death squads. During a visit to El Salvador, in December 1983, Vice-President Bush publicly condemned the death squads. He demanded the removal of certain armed forces and security officers who were associated with human rights violations. The visit demonstrated that United States diplomatic pressure could bring about a reduction in the number of violations.

FMLN strengthened its structure and demonstrated strength in the military sphere. It carried out large-scale operations and exercised territorial control, albeit temporarily, in various parts of the country. In 1985, it began to use mines indiscriminately, causing many deaths among the civilian population. An intensive campaign for the destruction of economic targets unfolded, resulting in major property damage. Hostage taking and murder, particularly of town mayors and government officials in areas of, or close to, the conflict became commonplace. The guerrillas sought thus to

demonstrate, both within and outside the country, the existence of a "duality of power" in El Salvador.

During this phase, the military development of the war caused the armed forces to view the civilian population in the areas of conflict as "legitimate targets for attack". Indiscriminate aerial bombings, massive artillery attacks and infantry advances were carried out, all of which resulted in massacres and the destruction of communities in an effort to deprive the guerrillas of all means of survival. Because of the systematic use of this tactic by the armed forces, in violation of human rights, this phase was characterized by vast numbers of displaced persons and refugees. By 1984, there were reported to be 500,000 displaced persons within the country⁵⁵ and 245,500 Salvadorian refugees abroad, bringing the total number of displaced persons to approximately one and a half million. Following much international criticism, the armed forces cut back on the use of air attacks against the civilian population.

1983

On 4 May, the Constituent Assembly passed an Amnesty Law for civilians involved in political offences.⁵⁶ In November, it was agreed that the presidential elections, originally scheduled for December 1983, would be held on 25 March 1984. On 15 December, following 20 months of debate, the new Constitution was approved.⁵⁷

Talks began between the Government and FDR-FMLN, although no positive results were achieved. Delegations from both sides met on 29 and 30 August in San José, Costa Rica, and on 29 September in Bogotá, under the auspices of the Presidents of the Contadora Group.⁵⁸ On 7 October, President Magaña announced that the next round of talks had been cancelled, citing the refusal by FMLN to participate in elections. That same day, Víctor Manuel Quintanilla, the senior FDR representative residing in El Salvador, was found dead, together with three other persons. The Brigada Anticomunista Maximiliano Hernández Martínez claimed responsibility.⁵⁹

FMLN continued its campaign of economic sabotage and its escalation of large-scale military actions. Between 15 and 18 January, the guerrillas launched an offensive and temporarily occupied towns in Morazán. On 29 January, in a similar action, FMLN occupied Berlín, a city of 35,000 inhabitants, for a period of three days, destroying the Police and the National Guard headquarters. For its part, the Government responded with a large-scale counter-offensive. Some days later, Monsignor Rivera y Damas accused the armed forces of being responsible for the high number of civilians killed - estimated at between 50 and 170 - and the property damage caused. On 22 February, uniformed soldiers kidnapped and summarily executed a group of peasants from a cooperative at Las Hojas, Sonsonate; the number of dead was estimated at 70 (see this case in chap. IV). On 16 March, Marianela García Villas, President of the Human Rights Commission of El Salvador (non-governmental) was executed by security forces.⁶⁰

Between January and June, there were 37 large-scale military operations by government forces. On 25-26 September, FMLN attacked army positions in Tenancingo, and A-37 aircraft responded with aerial bombings; some 100 civilians were killed in this operation.⁶¹ In November, troops from Atlacatl Battalion invaded an

area close to Lake Suchitlán under rebel control, and 118 people were reported killed as a result of the action.⁶² Towards the end of the year, FMLN embarked on its biggest military action against El Paraíso military base in Chalatenango; it is estimated that more than 100 soldiers were killed in the attack. On 25 May, the Clara Elizabeth Ramírez urban unit of FPL executed Marine Colonel Albert Schaufelberger, the second-ranking officer among the 55 United States military advisers in El Salvador.⁶³

On 6 April, Mélida Amaya Montes (Commander Ana María), the second in command of FPL, was murdered in Managua. A few days later, on learning that a close collaborator of his had committed the crime, Salvador Cayetano Carpio, founder and leader of the majority faction of FMLN, committed suicide.

In 1983, the death squads continued operating; a high proportion of those murdered were leaders of the political opposition, trade union leaders, educators and church officials. According to a State Department briefing, death squad activities picked up again in May, and they became very active in October and November, primarily as a result of the continuing, though limited, dialogue between the Peace Commission and the left.⁶⁴

On 1 November, the Brigada Anticomunista Maximiliano Hernández Martínez issued a death threat to Bishops Rivera y Damas and Rosas Chávez, warning them "to desist immediately from their disruptive sermons". In his farewell message, Ambassador Hinton referred to this event saying that he had never been able to understand the private sector's silence with regard to the activities of the death squads.⁶⁵

On 4 November, the new Ambassador, Thomas Pickering, referred to the pressure being put on the Government of El Salvador to take action against the leaders of the death squads, mentioning, *inter alia*, Héctor Regalado, Chief of Security of the Constituent Assembly; Major José Ricardo Pozo, Chief of Intelligence of the Treasury Police; Lieutenant Colonel Aristides Alfonso Márquez, Chief of Intelligence of the National Police and Colonels Denis Morán, Elmer Araujo González and Miguel Alfredo Vasconcelos.⁶⁶

The most important event in this respect was the visit by the Vice President of the United States, George Bush, to San Salvador on 9 December. Bush took the opportunity to state publicly that the death squads must disappear because they constituted a threat to the political stability of the Government. Later on he handed the Government a list of civilian and military personnel suspected of belonging to those clandestine organizations.⁶⁷ From that time on there was a significant decrease in the activities of the squads and several government bodies announced that they planned to conduct investigations into the matter.⁶⁸

On 25 December, Monsignor Gregorio Rosas Chávez reported that 6,096 Salvadorians had died in 1983 as a result of political violence. The number of people killed by the army and the death squads was 4,700; the number of army and security forces personnel killed was 1,300.⁶⁹

In the interior of the country, the number of displaced persons climbed to 400,000; this, added to the approximately 500,000 Salvadorians which UNHCR estimated to be

in the United States and the 200,000 in Mexico and Central America, represented 20 per cent of the country's total population.⁷⁰

In his annual report, the Special Representative of the United Nations Commission on Human Rights, José Antonio Pastor Ridruejo, said:

"... the number of civilians murdered for political reasons in El Salvador continues to be very high. This is, unfortunately, the feature of the human rights situation ... which causes the greatest concern."⁷¹

The Commission on the Truth received direct testimony concerning 513 victims of serious acts of violence occurring in 1983.

1984

PDC placed first in the March 1984 elections, with 43.41 per cent of the vote, followed by ARENA, with 29.76 per cent, and PCN, with 20 per cent. Since no party had obtained an absolute majority, a second round of balloting was held on 6 May between the two parties that placed highest. José Napoleón Duarte won 53.6 per cent and the ARENA candidate, Roberto D'Aubuisson, won 46.4 per cent. Duarte took office on 1 June and became the first civilian to be elected President in 50 years.

The trial of the members of the National Guard accused of murdering the American churchwomen in December 1980 was held during the interval between the elections and the time Duarte took office. The Government and institutions of the United States brought strong pressure to bear on the proceedings, for the United States Congress was considering emergency assistance to El Salvador. On 23 May, after finding them guilty, Judge Bernardo Rauda Murcia sentenced the five members of the National Guard to 30 years in prison.⁷²

In October, President Duarte invited FMLN to talks. The meeting took place in La Palma, Chalatenango, on 15 October and was followed by a further meeting on 30 November in Ayaguayo, La Libertad. Neither meeting was a success because of the positions taken regarding the conditions of a possible incorporation of FMLN into political life.⁷³

As the war proceeded there was a decrease in the number of political murders but, at the same time, acts of war increased, as manifested by countless confrontations, acts of economic sabotage⁷⁴ and massive counter-insurgency operations by the military in conflict zones.⁷⁵

On 23 October, the Ejército Revolucionario del Pueblo (ERP) tricked Colonel Domingo Monterosa, Commander of the Third Infantry Brigade, into locating and seizing what was thought to be the Radio Venceremos transmission centre. An explosive device which had been planted in the transmitter exploded while the unit was being transported by helicopter. The Colonel and those accompanying him were killed.

Despite indiscriminate and disproportionate attacks on the civilian population, the number of air attacks on the population dropped. At the same time, there was a

marked decrease in the activities of death squads during the first months of the year.⁷⁶ In April, however, Legal Protection reported that murders by death squads were on the increase again, following a two-month lull.⁷⁷

In a document issued in September, Legal Aid reported that, during the first eight months of 1984, the number of civilian deaths attributed to the army, security forces and death squads came to 1,965. In his annual report, the Special Representative of the United Nations Commission on Human Rights stated that "... the persistence of civilian deaths in or as a result of combat weakens the favourable impression created by a decline in the number of political murders in non-combat situations."⁷⁸

The Commission on the Truth received direct testimony concerning 290 victims of serious acts of violence occurring in 1984.

1985

Elections for the Legislative Assembly and the municipalities were held on 31 March and the Christian Democrats won. The loss of relative political control by ARENA led to a process of internal realignments which culminated, on 29 September, in the election of Alfredo Cristiani as President of the National Executive Committee of that party.

In the course of the year, the dialogue process remained at a standstill, because of the non-acceptance of the proposal that talks should continue without publicity so that the peacemaking effort might progress.

There was a marked stepping up of violence in military confrontations and operations in the areas where guerrillas were active. At the same time, FMLN had been carrying out a series of abductions and summary executions.⁷⁹ The action having the greatest consequences was the attack carried out on 19 June, on a restaurant in the Zona Rosa in San Salvador, by the Partido Revolucionario de Trabajadores Centroamericanos (PRTC). Four United States Marines from the United States Embassy were killed in the attack, together with nine civilians (see this case in chap. IV).

During 1985, FMLN carried out a series of abductions of mayors and municipal officials and, by September, 20 mayors had been abducted. The army captured Nidia Díaz, Commander of PRTC, in combat and Commander Miguel Castellanos deserted (see the case in chap. IV).

FMLN abducted President Duarte's daughter.⁸⁰ Following several weeks of negotiation with the mediation of the church and foreign Governments, FMLN exchanged Inés Guadalupe Duarte and 22 mayors for Nidia Díaz and a group of 21 leaders; 101 war-wounded FMLN combatants left the country.

FMLN began to make widespread tactical use of mines in areas under its influence. As a result of this practice, a great many civilians were killed or maimed. Legal Protection put the number of persons killed by mines in 1985 at 31 and the Human

Rights Commission of El Salvador (governmental) reported 46 people killed and 100 injured as a result of contact mines.⁸¹

No large-scale collective executions were carried out during the numerous military counter-insurgency operations. However, there were intensive aerial bombings and mass displacement of the peasant population in rural areas.⁸² Christian Legal Aid put the number of civilian non-combatant deaths attributable to government forces at 1,655.⁸³ Legal Protection put the number of dead at 371.⁸⁴

Death squad activity continued in 1985. Legal Protection cited 136 murders by death squads, as against 39 during the latter half of 1984. At the same time the Ejército Secreto Anticomunista (ESA) issued death threats to 11 members of the University of El Salvador and 9 of those threatened went into exile. Major D'Aubuisson, commenting on the squads, pointed out that they "had been operating in El Salvador since 1969, when the terrorist groups of the Communist Party were formed".⁸⁵

Different sources cited different figures for the number of persons injured and killed as a result of the fighting. The actual number was probably around 2,000.⁸⁶

The Commission on the Truth received testimony concerning 141 victims of acts of serious violence occurring in 1985.

1986

The process of political dialogue on resolving the conflict remained deadlocked because of the radicalization of the parties. The war had a negative impact on production, and the process of recovery was slow. President Duarte adopted a programme of stabilization and reactivation of the economy; at the same time protests increased and the crisis deepened.

The Unión Nacional de los Trabajadores Salvadoreños (UNTS) and the Unión Nacional Obrero-Campesina (UNOC) began to act, organizing protests and popular demonstrations. They put forward economic demands and called for a dialogue between the Government and FMLN-FDR. UNTS and the Federación de Estudiantes Universitarios (FEUS), as well as other organizations, held three major protest demonstrations. In January, so called "Operation Phoenix" began with the objective of regaining the Guazapa area from FMLN control. This operation continued throughout the year.

Vast numbers of people were displaced from their places of origin when they fled the counter-insurgency operations. Those affected established the Coordinadora Nacional de la Repoblación (CNR), which sought to regain the right of the civilian population to live in the areas from which they had come. These resettlement movements had the backing of the Church.

President Napoleón Duarte proposed a new peace plan which FMLN rejected because the Salvadorian guerrilla movement refused to be compared to the Nicaraguan rebels.⁸⁷ Throughout the year, President Duarte pressed for the convening of talks and the international community did likewise, in an effort to bring peace to the

region. In June, after a second attempt to sign the Central American peace agreement failed, 13 Latin American nations made one final attempt to save the Contadora peace process.⁸⁸ In September, President Duarte again proposed talks with FMLN-FDR in Sesori, San Miguel, but the guerrillas did not attend.

The violence continued. The counter-insurgency operations and repressive measures of the State security forces produced casualties as did abductions, summary executions, attacks on mayors' offices and the laying of mines by FMLN. The activity of the death squads continued and the Ejército Salvadoreño de Salvación was born. In October, an earthquake in San Salvador caused hundreds of casualties and considerable property damage. A state of emergency was declared.

The Commission on the Truth received testimony concerning a total of 155 victims of serious acts of violence occurring in 1986.

III. 1987-1989: The Military Conflict as an Obstacle to Peace

The Esquipulas II Agreement⁸⁹ signed by President Duarte provided a political opportunity for leaders of FDR to come back at the end of 1987. They participated as a coalition in the 1989 presidential elections.

Although progress was made in what the international community termed "the humanization of the conflict",⁹⁰ there was a resurgence of violence, with a definite increase in attacks on the labour movement, human rights groups and social organizations. FMLN carried out a campaign of abductions, summary executions and murders against civilians affiliated with or sympathetic to the Government and the armed forces. The dialogue among the parties came to a standstill and it became clear that human rights violations were being fostered by institutional shortcomings, complicity or negligence and that they were the main obstacles to the peace process.

1987

Protests against tax measures and electoral reforms became more widespread, as did workers' demonstrations and violence against leaders of the cooperative movement.⁹¹ In August 1987, the five Central American Presidents meeting in Guatemala signed the Esquipulas II Agreement, which called for the establishment of national reconciliation commissions in each country, an International Verification Commission and amnesty legislation. The Papal Nuncio, for his part, offered to host meetings between the Government and FMLN-FDR, with Archbishop Rivera y Damas acting as moderator. The parties publicly endorsed the Esquipulas II Agreement and announced the establishment of commissions to deal with the cease-fire and other areas covered by the Agreement.

The Legislative Assembly adopted Legislative Decree No. 805, entitled "Amnesty Act aimed at achieving National Reconciliation".⁹² The Special Representative for El Salvador of the United Nations Commission on Human Rights⁹³ and such human rights organizations as Americas Watch criticized the scope of the amnesty.⁹⁴ In fact, Christian Legal Aid went so far as to bring an action challenging the constitutionality of the article which extended the benefit of amnesty to all kinds of offences.⁹⁵

Moreover, the coordinator of the Salvadorian Human Rights Commission (non-governmental), Herbert Anaya Sanabria, was murdered. The incident caused great outrage in the country.⁹⁶ The United Nations Special Representative, José Antonio Pastor Ridruejo, reported more humanitarian patterns of conduct in the armed forces compared with the previous year. He also noted that he had not received any reports of mass murders attributed to the armed forces or of the use of torture.⁹⁷ The Special Representative concluded by assigning responsibility to the guerrillas for most of the civilian deaths or injuries caused by the explosion of contact mines. He also referred to the forcible recruitment of minors by the guerrilla forces.⁹⁸ Overall, however, there was a decline in the number of victims compared with 1986.

General Adolfo Blandón, Chief of the Armed Forces Joint Staff, presented his annual balance sheet, which stated that 75 per cent of the armed forces, estimated at over 50,000 men, had taken part in a total of 132 military operations. Government forces had suffered 3,285 casualties: 470 dead and 2,815 wounded, 90 per cent of whom had returned to active duty. Rebel casualties totalled 2,586: 1,004 dead, 670 wounded, 847 taken prisoner and 65 deserters.⁹⁹

The Commission on the Truth received testimony concerning a total of 136 victims of serious acts of violence occurring in 1987.

1988

The elections for the National Assembly and municipal councils resulted in a majority for ARENA. FMLN attempted to boycott the elections with transport stoppages, kidnappings and murders, and by car bombings. The Supreme Court, in application of the Amnesty Act, exonerated the officers and alleged perpetrators of the Las Hojas massacre, as well as those implicated in the murder of the American agrarian reform advisers and the Director of ISTA.¹⁰⁰

The army reverted to the practice of mass executions, the most serious having occurred in the district of San Sebastián, San Vicente, where 10 peasants were killed (see reference to the case in chap. IV). Furthermore, the number of those killed by the death squads was three times higher than in 1987, averaging eight victims a month.¹⁰¹

FMLN began to target as military objectives municipal officials and suspected army informers. Thus, the guerrillas killed eight mayors (see reference to the case in chap. IV) and threatened to execute a similar number of informers.¹⁰² More than 150 people are estimated to have been killed by mines in 1988.

The Commission on the Truth received testimony concerning 138 victims of serious acts of violence occurring in 1988.

IV. 1989-1991: From the "Final Offensive" To the Signing of the Peace Agreements

At 8 p.m. on Saturday, 11 November 1989, FMLN launched the biggest offensive of the war just a few days after the bombing of FENASTRAS headquarters. The impact of the offensive on the capital and other cities led the Government to decree a state of

emergency. Beginning on 13 November, a 6 p.m. to 6 a.m. curfew went into effect.¹⁰³ The fighting that raged up to 12 December cost the lives of over 2,000 from both sides and caused material damage amounting to approximately 6 billion colones.¹⁰⁴

The 1989 offensive was one of the most violent episodes of the war. The guerrilla forces took cover in densely populated areas during the skirmishes and urban areas were the targets of indiscriminate aerial bombardment. The critical situation in the country bred such violations as the arrest, torture, murder and disappearance of hundreds of noncombatant civilians. It was against this backdrop that the Jesuit priests and two women were murdered.

The parties realized that a decisive military victory was not within their grasp and resumed in greater earnest the negotiating process which led to the signing of the peace agreements.

Security Council resolution 637 (27 July 1989) endorsed the use of the good offices of the United Nations Secretary-General. The United Nations became a direct participant, mediating between the parties, until the ultimate signing of the agreements. The United Nations Secretary General and his representatives intervened at crucial moments to keep one or the other of the parties from leaving the negotiating table.

The Geneva Agreement (April 1990), witnessed by the Secretary General, marked the beginning of an irreversible embracing process drawing up an agenda and timetable (Caracas Agenda, 21 May 1990); human rights (San José Agreement, 26 July 1990); reforms in the army and the judicial and electoral systems and the establishment of the Commission on the Truth (Mexico Agreements, 27 April 1991), and finally the Chapultepec Agreement, the starting-point for the cessation of hostilities, disarmament and the implementation of the agreed institutional reforms.

1989

Two contradictory trends characterized Salvadorian society in 1989. On the one hand, acts of violence became more common, as did complaints of human rights violations, while on the other, talks between representatives of the Government of El Salvador and members of the FMLN leadership went forward with a view to achieving a negotiated and political settlement of the conflict.¹⁰⁵

In the presidential elections, Alfredo Cristiani,¹⁰⁶ the ARENA candidate, was elected while FMLN called for a boycott of the elections and a transport stoppage during election week. A number of incidents occurred in university centres.¹⁰⁷ Systematic intimidation and threats against pastoral workers of various churches and social workers of different church institutions continued.¹⁰⁸

FMLN continued its policy of "ajusticiamientos" (summary executions) and threats against mayors, forcing them to leave office; one third of the territory of El Salvador was affected.¹⁰⁹ In addition, the number of politically motivated murders increased, most of them attributed to the rebels. The cases which caused the most outrage were the murder of former guerrilla commander Miguel Castellanos (17 February) (see

chap. IV); the execution of Mr. Francisco Peccorini Letona; the murder of the Attorney General of the Republic, Roberto García Alvarado; the murder of José Antonio Rodríguez Porth, who only days before had assumed the post of the President's Chief of Staff, together with his chauffeur and another person with him. Mr. Rodríguez Porth, who was 74 years of age, was wounded by several gun shots in front of his house and died a few days later in the hospital. In addition there was the murder of conservative ideologue Edgard Chacón; the execution of Gabriel Eugenio Payes Interiano¹¹⁰ and the death of prominent politician Francisco José Guerrero, former President of the Supreme Court, on 24 November in an operation which the Government claimed was carried out by the urban commandos of FMLN (see chap. IV).

Progress was made in the dialogue between FMLN and the Salvadorian Government.¹¹¹ The talks continued in Mexico City from 13 to 15 September, in San José, Costa Rica, beginning on 16 October and in Caracas a month later. Observers from the Catholic Church of El Salvador, the United Nations and the Organization of American States were present.

Following the bombing of the offices of the Federación Nacional Sindical de Trabajadores Salvadoeños (FENASTRAS)¹¹² (see chap. IV), FMLN suspended talks with the Government.

On 16 November 1989 army units murdered the Jesuit priests of the Central American University (UCA): Ignacio Ellacuría, Rector of the University, Segundo Montes, Ignacio Martín-Baró, Armando López, Juan Ramón Moreno and Joaquín López, together with housekeeper Elba Ramos and her 15-year-old daughter, Celina Ramos (see chap. IV).

Colonel René Emilio Ponce, Chief of the Armed Forces Joint Staff, reported that the body count was 446 soldiers dead and 1,228 wounded, and 1,902 guerrillas killed and 1,109 wounded.¹¹³

The Commission on the Truth received direct testimony concerning 292 victims of serious acts of violence occurring in 1989.

1990

In 1990, negotiations proceeded and made real progress, while at the same time the war continued. Héctor Oquelí Colindres (see chap. IV.), leader of the Movimiento Nacional Revolucionario (MNR)¹¹⁴ was abducted and killed in Guatemala. Former President José Napoleón Duarte died and FMLN marked the occasion by proclaiming a unilateral cease-fire on the 24th and 25th.

According to the Annual Report of the Inter-American Commission on Human Rights 1990-1991, 119 people, 53 of whom were executed by death squads and 42 by the army, died as a result of political murders attributable to military or paramilitary groups. FMLN executed 21 persons, 14 of those executions being considered political murders.¹¹⁵

There were fewer civilian deaths than in 1989. The numbers dropped sharply after the signing of the San José Agreement on Human Rights on 26 July 1990. The army's military operations accounted for 852 victims, but it is not known how many were FMLN combatants and how many were civilians.¹¹⁶

In his report on the human rights situation for 1990, the Special Representative of the United Nations shared the concern of the Commission on Human Rights about the alarming frequency with which members of civil defence units had been involved in serious acts of murder, robbery, assault, rape and abuse of authority, keeping the population in a permanent state of fear and insecurity.¹¹⁷

The delegations of the Government and the Frente Farabundo Martí para la Liberación Nacional met in Geneva and agreed to resume talks. On 20 May 1990, the parties signed an agreement in Caracas which contained the agenda for the negotiations aimed at ending the conflict and established a definite timetable.¹¹⁸ The parties continued to meet on 19 June in Oaxtepec, Mexico, to discuss demilitarization and military impunity. The round of talks concluded without producing any agreement. As part of the process, what was regarded as the first substantive agreement, dealing with respect for human rights, was signed on 26 July, which has come to be known as the San José Agreement. Both parties undertook to respect the most fundamental rights of the human person and to institute a procedure for international verification by a United Nations mission.

In August, there was another round of talks to discuss the armed forces that ended once again without agreement. The deadlock in the talks led the United Nations Secretary-General to announce on 31 October that henceforth the negotiations would be held in secret.

Towards the middle of November, FMLN stepped up its military operations in various areas as a means of exerting military pressure to get the stalled negotiating process moving again. The international community responded with appeals to FMLN to desist from those operations.¹¹⁹

The Commission on the Truth received direct testimony concerning 107 victims of serious acts of violence occurring in 1990.

1991

The negotiating process between the Government of El Salvador and FMLN went forward during 1991. At the same time, the parties were faulted for serious acts of violence. On 2 January, in San Miguel, FMLN forces shot down a helicopter manned by three American advisers and executed the two survivors (see chap. IV). On 21 January, persons in uniform in El Zapote executed 15 members of a family.¹²⁰ On 28 February, Mr. Guillermo Manuel Ungo died after a long illness. The same day, FMLN announced that it would not, as it had in the past, boycott the March elections. On 10 March, 53 per cent of registered voters took part in the general legislative and municipal elections held in El Salvador.¹²¹

The process of dialogue advanced with two rounds of negotiations: one in Mexico from 3 to 6 January and the other in San José from 19 to 21 February, yielding no concrete results. Meanwhile, the level of violence of the war intensified throughout the country.¹²²

On 4 April, Mexico City played host to the representatives of the Government and FMLN for the eighth round of negotiations, which went on until 27 April. Significant agreements were reached involving constitutional reforms affecting such aspects as the armed forces and the judicial and electoral systems, which were adopted by the Legislative Assembly on 29 April. It was in these Agreements that the parties decided to establish the Commission on the Truth.¹²³

On 26 July, with the prior and full support of the United Nations Security Council resolution 693 (1991) and of the Legislative Assembly of El Salvador, the United Nations Observer Mission in El Salvador (ONUSAL) was launched and its Human Rights Division immediately became operational. The United Nations Secretary-General invited the parties to meet with him in New York. On 25 September they concluded the agreement known as the New York Act, which established the National Commission for the Consolidation of Peace (COPAZ). A process of purification and reduction of the armed forces was set in motion, the parties undertook to redefine the doctrine for the armed forces and confirmed the applicability of the Mexico Agreements of 27 April 1991. Furthermore, several economic and social agreements were concluded and an agenda was drawn up for negotiations on all outstanding issues.

The signing of the El Salvador Peace Agreement at Chapultepec, Mexico, on 16 January 1992, marked the culmination of the negotiating process and the beginning of the implementation phase of the agreements. It was also specifically agreed at Chapultepec to link the work of the Commission on the Truth with the clarification and ending of impunity.¹²⁴

For the first six months of 1991, the Commission on the Truth received testimony concerning 28 victims of serious acts of violence.

The signing of the Peace Agreement in Chapultepec put an end to 12 years of armed conflict in El Salvador and the events mentioned in this brief chronology are only part of the tragic events of El Salvador's recent history. The Chapultepec Peace Agreement should also be the beginning of a new period that augurs a promising future for this Central American nation through national reconciliation.

IV. Cases and Patterns of Violence¹²⁵

A. General Overview of Cases and Patterns of Violence

The Commission on the Truth registered more than 22,000 complaints of serious acts of violence that occurred in El Salvador between January 1980 and July 1991.¹²⁶ Over 7,000 were received directly at the Commission's offices in various locations. The remainder were received through governmental and non-governmental institutions.¹²⁷

Over 60 per cent of all complaints concerned extrajudicial executions, over 25 per cent concerned enforced disappearances, and over 20 per cent included complaints of torture.

Those giving testimony attributed almost 85 per cent of cases to agents of the State, paramilitary groups allied to them, and the death squads.

Armed forces personnel were accused in almost 60 per cent of complaints, members of the security forces in approximately 25 per cent, members of military escorts and civil defence units in approximately 20 per cent, and members of the death squads in more than 10 per cent of cases. The complaints registered accused FMLN in approximately 5 per cent of cases.

Despite their large number, these complaints do not cover every act of violence. The Commission was able to receive only a significant sample in its three months of gathering testimony.

This also does not mean that each act occurred as described in the testimony. The Commission investigated certain specific cases in particular circumstances, as well as overall patterns of violence. Some 30 of the cases dealt with in the report are illustrative of patterns of violence, in other words, involve systematic practices attested to by thousands of complainants.

Both the specific cases and the patterns of violence show that, during the 1980s, the country experienced an unusually high level of political violence. All Salvadorians without exception, albeit to differing degrees, suffered from this violence.

The introduction to the report and the section on methodology contain an explanation of this phenomenon.

Patterns of violence by agents of the State and their collaborators

All the complaints indicate that this violence originated in a political mind-set that viewed political opponents as subversives and enemies. Anyone who expressed views that differed from the Government line ran the risk of being eliminated as if they were armed enemies on the field of battle. This situation is epitomized by the extrajudicial executions, enforced disappearances and murders of political opponents described in this chapter.

Any organization in a position to promote opposing ideas that questioned official policy was automatically labelled as working for the guerrillas. To belong to such an organization meant being branded a subversive.

Counter-insurgency policy found its most extreme expression in a general practice of "cutting the guerrillas' lifeline". The inhabitants of areas where the guerrillas were active were automatically suspected of belonging to the guerrilla movement or collaborating with it and thus ran the risk of being eliminated. El Mozote is a deplorable example of this practice, which persisted for some years.

In the early years of the decade, the violence in rural areas was indiscriminate in the extreme.

Roughly 50 per cent of all the complaints analysed concern incidents which took place during the first two years, 1980 and 1981; more than 20 per cent took place in the following two years, 1982 and 1983. In other words, over 75 per cent of the serious acts of violence reported to the Commission on the Truth took place during first four years of the decade.

The violence was less indiscriminate in urban areas, and also in rural areas after 1983 (95 per cent of complaints concerned incidents in rural areas and 5 per cent concerned incidents in more urban areas).

Patterns of FMLN violence

The Commission registered more than 800 complaints of serious acts of violence attributed to FMLN. This violence occurred mainly in conflict zones, over which FMLN at times maintained firm military control.

Nearly half the complaints against FMLN concern deaths, mostly extrajudicial executions. The rest concern enforced disappearances and forcible recruitment.

The patterns show that this violence began with the armed conflict. It was considered legitimate to physically eliminate people who were labelled military targets, traitors or "orejas" (informers), and even political opponents. The murders of mayors, right-wing intellectuals, public officials and judges are examples of this mentality.

Members of a given guerrilla organization would investigate the activities of the person who might be designated a military target, a spy or a traitor; they would then make an evaluation and take a collective decision to execute that person; special groups or commandoes would plan the action and the execution would then be carried out. After the extrajudicial execution, the corresponding organization would publicly claim responsibility for propaganda purposes. FMLN called such executions "ajusticiamientos".

These executions were carried out without due process. The case of Romero García, alias Miguel Castellanos, in 1989 is typical of extrajudicial executions ordered by FMLN because the victims were considered traitors. He was not given a trial. After a time, FMLN claimed responsibility for having ordered the killing. It never revealed which organization had carried out the execution.

The killings of mayors and the murder of United States military personnel in the Zona Rosa were carried out in response to orders or general directives issued by the FMLN Command to its organizations.

In the Zona Rosa case in 1985, the execution of Mr. Peccorini in 1989, and the execution of Mr. García Alvarado that same year, different member organizations of FMLN interpreted general policy directives restrictively and applied them sporadically, thereby triggering an upsurge in the violence.

In the case of executions of mayors, on the other hand, instructions from the FMLN General Command were interpreted broadly and applied extensively. During the period 1985-1989, the Ejército Revolucionario del Pueblo repeatedly carried out extrajudicial executions of non-combatant civilians. There is no concept under international humanitarian law whereby such people could have been considered military targets.

The Commission was not able to verify the existence of general directives from the FMLN leadership to its constituent organizations authorizing enforced disappearances. It did receive complaints of some 300 cases of disappearance, which occurred mainly in areas where FMLN exercised greater military control. It was not possible to establish the existence of any pattern from an analysis of these complaints. Nevertheless, links were observed between disappearances, forcible recruitment by FMLN and cases of extrajudicial execution by FMLN members of individuals labelled spies or traitors.

The extrajudicial execution of the United States military personnel who survived the attack on their helicopter in San Miguel in 1991 cannot be viewed as the norm. FMLN admitted that some of its members had been responsible, and stated publicly that it had been a mistake. However, there is no record that those who carried out the execution were actually punished.

Lastly, although the number of complaints of the alleged use of land mines by guerrilla forces was small, the Commission considered accusations made by various organizations against FMLN to that effect. Members of FMLN admitted to the Commission that they had laid mines with little or no supervision, so much so that civilians and their own members who were not sufficiently familiar with the location of minefields had been affected. The Commission did not find any other evidence on this subject.

B. Violence against Opponents by Agents of the State

1. Illustrative Case: The Murders of the Jesuit Priest

Summary of the Case

In the early hours on 16 November 1989, six Jesuit priests, a cook and her 16-year-old daughter were shot and killed at the Pastoral Centre of José Simeón Cañas Central American University (UCA) in San Salvador. The victims were Fathers Ignacio Ellacuría, Rector of the University; Ignacio Martín-Baró, Vice-Rector; Segundo Montes, Director of the Human Rights Institute; Amando López, Joaquín López y López and Juan Ramón Moreno, all teachers at UCA; and Julia Elba Ramos and her daughter, Celina Mariceth Ramos.

Criminal proceedings were subsequently brought against members of the armed forces for the murders; they included Colonel Guillermo Alfredo Benavides Moreno, Director of the Military College, accused of having given the order to murder the priests; Lieutenant Yushy René Mendoza Vallecillos, an officer of the Military College, and Lieutenants José Ricardo Espinoza Guerra and Gonzalo Guevara Cerritos,

officers of the Atlacatl Battalion, all of them accused of commanding the operation; and five soldiers of the Atlacatl Battalion, accused of committing the murders.

In 1991, a jury found Colonel Benavides guilty of all the murders and Lieutenant Mendoza Vallecillos guilty of the murder of the young girl, Celina Mariceth Ramos. The judge imposed the maximum sentence, 30 years in prison, which they are currently serving. The judge also found Colonel Benavides and Lieutenant Mendoza guilty of instigation and conspiracy to commit acts of terrorism. Lieutenants Espinoza and Guevara Cerritos were sentenced to three years for instigation and conspiracy to commit acts of terrorism. Lieutenant Colonel Hernández was convicted by the judge of being an accessory, as was Mendoza Vallecillos. All, except for Colonel Benavides and Lieutenant Mendoza, were released on bail and remained in the armed forces.

The Commission on the Truth makes the following findings and recommendations:

1. On the night of 15 November 1989, then Colonel René Emilio Ponce, in the presence of an in collusion with General Juan Rafael Bustillo, then Colonel Juan Orlando Zepeda, Colonel Inocente Orlando Montano and Colonel Francisco Elena Fuentes, gave Colonel Guillermo Alfredo Benavides the order to kill Father Ignacio Ellacuría and to leave no witnesses. For that purpose, Colonel Benavides was given the use of a unit from the Atlacatl Battalion, which had been sent to search the priests' residence two days previously.
2. Subsequently, all these officers and others, including General Gilberto Rubio Rubio, knowing what had happened, took steps to conceal the truth.
3. That same night, Colonel Guillermo Alfredo Benavides informed the officers at the Military College of the order for the murder. When he asked whether anyone had any objection, they all remained silent.
4. The operation was organized by then Major Carlos Camilo Hernández Barahona and carried out by a group of soldiers from the Atlacatl Battalion under the command of Lieutenant José Ricardo Espinoza Guerra and Second Lieutenant Gonzalo Guevara Cerritos, accompanied by Lieutenant Yushy René Mendoza Vallecillos.
5. Colonel Oscar Alberto León Linares, Commander of the Atlacatl Battalion, knew of the murder and concealed incriminating evidence.
6. Colonel Manuel Antonio Rivas Mejía, Head of the Commission for the Investigation of Criminal Acts (CIHD), learnt the facts and concealed the truth; he also recommended to Colonel Benavides measures for the destruction of incriminating evidence.
7. Colonel Nelson Iván López y López, who was assigned to assist in the CIHD investigation, learnt what had happened and concealed the truth.

8. Rodolfo Antonio Parker Soto, a lawyer and member of the Special Honour Commission, altered statements in order to conceal the responsibility of senior officers for the murder.

9. The Commission believes that it is unfair that Colonel Guillermo Alfredo Benavides Moreno and Lieutenant Yushy René Mendoza Vallecillos should still be in prison when the people responsible for planning the murders and the person who gave the order remain at liberty. In the Commission's view, the request by the Society of Jesus that Colonel Guillermo Alfredo Benavides Moreno and Lieutenant Yushy René Mendoza Vallecillos be pardoned should be granted by the relevant authorities.

Description of the Facts ¹²⁸

In the early hours of 16 November 1989, a group of soldiers from the Atlacatl Battalion entered the campus of José Simeón Cañas Central American University (UCA) in San Salvador. They made their way to the Pastoral Centre, which was the residence of Jesuit priests Ignacio Ellacuría, Rector of the University; Ignacio Martín-Baró, Vice-Rector; Segundo Montes, Director of the Human Rights Institute; and Amando López, Joaquín López y López and Juan Ramón Moreno, all teachers at UCA.

The soldiers tried to force their way into the Pastoral Centre. When the priests realized what was happening, they let the soldiers in voluntarily. The soldiers searched the building and ordered the priests to go out into the back garden and lie face down on the ground.

The lieutenant in command, José Ricardo Espinoza Guerra, gave the order to kill the priests. Fathers Ellacuría, Martín-Baró and Montes were shot and killed by Private Oscar Mariano Amaya Grimaldi, Fathers López and Moreno by Deputy Sergeant Antonio Ramiro Avalos Vargas. Shortly afterwards, the soldiers, including Corporal Angel Pérez Vásquez, found Father Joaquín López y López inside the residence and killed him. Deputy Sergeant Tomás Zarpate Castillo shot Julia Elva Ramos, who was working in the residence, and her 16-year-old daughter, Celina Mariceth Ramos. Private José Alberto Sierra Ascencio shot them again, finishing them off.

The soldiers took a small suitcase belonging to the priests, with photographs, documents and \$5,000.

They fired a machine gun at the façade of the residence and launched rockets and grenades. Before leaving, they wrote on a piece of cardboard: "FMLN executed those who informed on it. Victory or death, FMLN."

Preceding events

A few hours earlier, on 15 November between 10 p.m. and 11 p.m., Colonel Guillermo Alfredo Benavides Moreno, Director of the Military College, met with the officers under his command. The officers present included Major Carlos Camilo Hernández Barahona, Captain José Fuentes Rodas, Lieutenants Mario Arévalo Meléndez, Nelson Alberto Barra Zamora, Francisco Mónico Gallardo Mata, José Vicente

Hernández Ayala, Ramón Eduardo López Larios, René Roberto López Morales, Yushy René Mendoza Vallecillos, Edgar Santiago Martínez Marroquín and Second Lieutenant Juan de Jesús Guzmán Morales.

Colonel Benavides told them that he had just come from a meeting at the General Staff at which special measures had been adopted to combat FMLN offensive, which had begun on 11 November. Those present at the meeting had been informed that the situation was critical and it had been decided that artillery and armoured vehicles should be used.

Those present at the meeting had also been informed that all known subversive elements must be eliminated. Colonel Benavides said that he had received orders to eliminate Father Ignacio Ellacuría and to leave no witnesses.

Colonel Benavides asked any officers who objected to the order to raise their hands. No one did.

Major Hernández Barahona organized the operation. Troops from the Atlacatl Battalion were used, under the command of Lieutenant José Ricardo Espinoza Guerra. In order to overcome any reluctance on his part, it was arranged that Lieutenant Yushy René Mendoza Vallecillos, who had graduated from officer training school in the same class ("tanda") as him, would also participate.

After the meeting, Major Hernández Barahona met with Lieutenant Mendoza Vallecillos, Lieutenant Espinoza Guerra and Second Lieutenant Gonzalo Guevara Cerritos of the Atlacatl Battalion. In order to pin responsibility for the deaths on FMLN, they decided not to use regulation firearms and to leave no witnesses. After the murders, they would simulate an attack and leave a sign mentioning FMLN.

It was decided to use an AK-47 rifle belonging to Major Hernández Barahona, because the weapon had been captured from FMLN and was identifiable. The rifle was entrusted to Private Mariano Amaya Grimaldi, who knew how to use it.

In order to reach UCA, it was necessary to pass through the defence cordons of the military complex. Lieutenant Martínez Marroquín arranged for the Atlacatl soldiers to pass.

Lieutenants Espinoza Guerra and Mendoza Vallecillos and Second Lieutenant Guevara Cerritos left the Military College in two pick-up trucks with the soldiers from the Atlacatl Battalion. They went to some empty buildings which are close to the UCA campus, where other soldiers of the Atlacatl Battalion were waiting. There, Lieutenant Espinoza indicated who would keep watch and who would enter the Jesuits' residence.

Background

Members of the armed forces used to call UCA a "refuge of subversives". Colonel Juan Orlando Zepeda, Vice-Minister for Defence, publicly accused UCA of being the centre of operations where FMLN terrorist strategy was planned. Colonel Inocente

Montano, Vice-Minister for Public Security, stated publicly that the Jesuits were fully identified with subversive movements.

Father Ellacuría had played an important role in the search for a negotiated, peaceful solution to the armed conflict. Sectors of the armed forces identified the Jesuit priests with FMLN because of the priests' special concern for those sectors of Salvadorian society who were poorest and most affected by the war.

On two earlier occasions that same year, 1989, bombs had gone off at the University printing house.

The offensive

The offensive launched by FMLN on 11 November reached proportions that the armed forces had not expected and which alarmed them. The guerrillas gained control of various areas in and around San Salvador. They attacked the official and private residences of the President of the Republic and the residence of the President of the Legislative Assembly. They also attacked the barracks of the First, Third and Sixth Infantry Brigades and those of the National Police. On 12 November, the Government declared a state of emergency and imposed a 6 p.m. to 6 a.m. curfew.

At a meeting of the General Staff on 13 November, security commands were created to deal with the offensive. Each command was headed by an officer under the operational control of Colonel René Emilio Ponce, Chief of the Armed Forces Joint Staff. Colonel Benavides Moreno was designated to head the military complex security command, a zone which included the Military College, the Ministry of Defence, the Joint Staff, the National Intelligence Department (DNI), the Arce and Palermo districts (most of whose residents were members of the armed forces), the residence of the United States Ambassador and the UCA campus.

A national radio channel was also established, the pilot station being Radio Cuscatlán of the armed forces. Telephone calls to the station were broadcast in a "phone-in" in which callers levelled accusations at Father Ellacuría and went so far as to call for his death.

On 11 November, guerrillas blew up one of the main gates of the University and crossed the University campus. The next day, a military detachment was stationed to watch who went in and out of the University. From 13 November onwards no one was permitted onto the campus.

On 13 November, Colonel Ponce ordered Colonel Joaquín Arnaldo Cerna Flores, head of unit III of the General Staff, to arrange for a search of UCA premises. According to Colonel Ponce, he ordered the search because he had been informed that there were over 200 guerrillas inside the University.

Colonel Cerna Flores entrusted the search to Lieutenant José Ricardo Espinoza Guerra, who took some 100 men from the Atlacatl Battalion. Lieutenant Héctor Ulises Cuenca Ocampo of the National Intelligence Department (DNI) joined the troops at the entrance to UCA to assist with the search. Lieutenant Espinoza Guerra personally

directed the search of the Jesuits' residence. They found no signs of any guerrilla presence, war matériel or propaganda.

On completing the search, Lieutenant Espinoza Guerra reported to Major Hernández Barahona. He then went to the General Staff where he reported to Colonel Cerna Flores.

At 6.30 p.m. on 15 November there was a meeting of the General Staff with military heads and commanders to adopt new measures to deal with the offensive. Colonel Ponce authorized the elimination of ringleaders, trade unionists and known leaders of FMLN and a decision was taken to step up bombing by the Air Force and to use artillery and armoured vehicles to dislodge FMLN from the areas it controlled.

The Minister of Defence, General Rafael Humberto Larios López, asked whether anyone objected. No hand was raised. It was agreed that President Cristiani would be consulted about the measures.

After the meeting, the officers stayed in the room talking in groups. One of these groups consisted of Colonel Réne Emilio Ponce, General Juan Rafael Bustillo, Colonel Francisco Elena Fuentes, Colonel Juan Orlando Zepeda and Colonel Inocente Orlando Montano. Colonel Ponce called over Colonel Guillermo Alfredo Benavides and, in front of the four other officers, ordered him to eliminate Father Ellacuría and to leave no witnesses. He also ordered him to use the unit from the Atlacatl Battalion which had carried out the search two days earlier.

From 12 to 1.30 a.m. the next day, 16 November, President Cristiani met with the High Command. According to his statement, the President approved a new arrangement for using armoured units of the cavalry regiment and artillery pieces; at no time during this meeting was anything said about UCA.

The cover-up

During the early hours of the morning of 16 November, Major Carlos Camilo Hernández Barahona and Lieutenant José Vicente Hernández Ayala went in person to Colonel Ponce's office to report on everything that had happened at UCA. They reported that they had a small suitcase with photographs, documents and money which the soldiers had stolen from the Jesuits a few hours earlier. Colonel Ponce ordered it destroyed because it was evidence of the armed forces' responsibility. They destroyed the suitcase at the Military College.

On returning to his unit, Lieutenant Espinoza Guerra informed the Commander of the Atlacatl Battalion, Lieutenant Colonel Oscar Alberto León Linares, of what had happened.

President Cristiani entrusted the investigation of the crime to the Commission for the Investigation of Criminal Acts (CIHD).

Colonel Benavides told Lieutenant Colonel Manuel Antonio Rivas Mejía, Head of CIHD, what had happened and asked him for help. Mejía recommended that the

barrels of the weapons which had been used be destroyed and replaced with others in order to prevent them from being identified during ballistic tests. This was later done with the assistance of Lieutenant Colonel Oscar Alberto León Linares.

Lieutenant Colonel Rivas Mejía also advised Colonel Benavides to make sure that no record remained of those entering and leaving the Military College that would make it possible to identify the culprits. Subsequently, Colonel Benavides and Major Hernández Barahona ordered that all Military College arrival and departure logs for that year and the previous year be burned.

Shortly after the investigation began, Colonel René Emilio Ponce arranged for Colonel Nelson Iván López y López, head of unit I of the General Staff, who had also been in charge of the General Staff Tactical Operations Centre during the entire night of 15 to 16 November, to join CIHD in order to assist in the investigation of the case.

In November, CIHD heard two witnesses, Deputy Sergeant Germán Orellana Vázquez and police officer Victor Manuel Orellana Hernández, who testified that they had seen soldiers of the Atlacatl Battalion near UCA that night; they later changed their statements.

Another witness also retracted her initial statement. Lucía Barrera de Cerna, an employee at the University, said that she had seen, from a building adjacent to the Jesuits' residence, soldiers in camouflage and berets. In the United States, where she went for protection, she was questioned by the Federal Bureau of Investigation (FBI) and retracted her earlier statement. Lieutenant Colonel Rivas Mejía, Head of CIHD, was present when she was questioned. Subsequently, she confirmed her original statement.

CIHD did not take a statement from Colonel Benavides, even though the incident had occurred within his command zone. According to the court dossier, the first statement Benavides made was on 11 January 1990 to the Special Honour Commission.

On 2 January 1990, a month and a half after the murders, Major Eric Warren Buckland, an officer of the United States Army and an adviser to the armed forces of El Salvador, reported to his superior, Lieutenant Colonel William Hunter, a conversation he had some days previously with Colonel Carlos Armando Avilés Buitrago. During that conversation, Avilés Buitrago had told him that he had learnt, through Colonel López y López, that Benavides had arranged the murders and that a unit from the Atlacatl Battalion had carried them out. He also said that Benavides had asked Lieutenant Colonel Rivas Mejía for help.

Lieutenant Colonel William Hunter informed the Chief of the United States Military Mission, Colonel Milton Menjívar, who arranged a meeting in Colonel Ponce's office where Buckland and Avilés were brought face to face. Avilés denied having given Buckland such information.

A few days after Buckland's statements were reported, the Minister of Defence established a Special Honour Commission, consisting of five officers and two civilians, to investigate the murders.

On learning what CIHD had found out, the Honour Commission questioned some 30 members of the Atlacatl Battalion, including Lieutenant Espinoza Guerra and Second Lieutenant Guevara Cerritos, and a number of officers of the Military College, including Colonel Benavides and Lieutenant Mendoza Vallecillos.

Lieutenants Espinoza and Mendoza and Second Lieutenant Guevara, as well as the soldiers who had participated in the murders, confessed their crime in extrajudicial statements to the Honour Commission.

A civilian member of the Commission, Rodolfo Antonio Parker Soto, legal adviser to the General Staff, altered their statements in order to delete any reference to the existence of orders from above. He also deleted the references to some officers, including the one to Major Carlos Camilo Hernández Barahona.

On 12 January, the Commission submitted its report to President Cristiani. The report identified nine people as being responsible for the murders, four officers and five soldiers; they were arrested and later brought to trial. Subsequently, newly promoted Lieutenant Colonel Carlos Camilo Hernández Barahona was included in the trial.

The pre-trial proceedings took nearly two years. During this time, Colonel (now General) René Emilio Ponce, Colonel (now General) Juan Orlando Zepeda, Colonel Inocente Orlando Montano and Colonel (now General) Gilberto Rubio Rubio pressured lower-ranking officers not to mention orders from above in their testimony to the court.

Finally, the trial by jury took place on 26, 27 and 28 September 1991 in the building of the Supreme Court of Justice. The identity of the five members of the jury was kept secret. The accused and the charges were as follows:

- Colonel Guillermo Alfredo Benavides Moreno, Lieutenant José Ricardo Espinoza Guerra and Second Lieutenant Gonzalo Guevara Cerritos: accused of murder, acts of terrorism, acts preparatory to terrorism and instigation and conspiracy to commit acts of terrorism.
- Lieutenant Yussy René Mendoza Vallecillos: accused of murder, acts of terrorism, acts preparatory to terrorism, instigation and conspiracy to commit acts of terrorism and of being an accessory.
- Deputy Sergeant Antonio Ramiro Avalos Vargas, Deputy Sergeant Tomás Zarpate Castillo, Corporal Angel Pérez Vásquez and Private Oscar Mariano Amaya Grimaldi: accused of murder, acts of terrorism and acts preparatory to terrorism.
- Private Jorge Alberto Sierra Ascencio: tried in absentia for murder. Lieutenant Colonel Carlos Camilo Hernández Barahona: accused of being an accessory.

The jury had to decide only with respect to the charges of murder and acts of terrorism. The other charges were left to the judge to decide.

Only Colonel Guillermo Alfredo Benavides Moreno and Lieutenant Yushy René Mendoza Vallecillos were found guilty of murder. The judge gave them the maximum sentence, 30 years in prison, which they are currently serving. The judge also found Colonel Benavides and Lieutenant Mendoza guilty of instigation and conspiracy to commit acts of terrorism. Lieutenants Espinoza and Guevara Cerritos were sentenced to three years for instigation and conspiracy to commit acts of terrorism. Lieutenant Colonel Hernández was also sentenced by the judge to three years for being an accessory and Mendoza Vallecillos was also convicted on that charge. Espinoza, Guevara and Hernández were released and continued in active service in the armed forces.

Findings

The Commission on the Truth makes the following findings and recommendations:

1. There is substantial evidence that on the night of 15 November 1989, then Colonel René Emilio Ponce, in the presence of and in collusion with General Juan Rafael Bustillo, then Colonel Juan Orlando Zepeda, Colonel Inocente Orlando Montano and Colonel Francisco Elena Fuentes, gave Colonel Guillermo Alfredo Benavides the order to kill Father Ignacio Ellacuría and to leave no witnesses. For that purpose, Colonel Benavides was given the use of a unit from the Atlacatl Battalion, which two days previously had been sent to search the priest's residence.

2. There is evidence that, subsequently, all these officers and others, knowing what had happened, took steps to conceal the truth. There is sufficient evidence that General Gilberto Rubio Rubio, knowing what had happened, took steps to conceal the truth.

3. There is full evidence that:

(a) That same night of 15 November, Colonel Guillermo Alfredo Benavides informed the officers at the Military College of the order he had been given for the murder. When he asked whether anyone had any objection, they all remained silent.

(b) The operation was organized by then Major Carlos Camilo Hernández Barahona and carried out by a group of soldiers from the Atlacatl Battalion under the command of Lieutenant José Ricardo Espinoza Guerra and Second Lieutenant Gonzalo Guevara Cerritos, accompanied by Lieutenant Yushy René Mendoza Vallecillos.

4. There is substantial evidence that:

(a) Colonel Oscar Alberto León Linares, Commander of the Atlacatl Battalion, knew of the murder and concealed incriminating evidence.

(b) Colonel Manuel Antonio Rivas Mejía of the Commission for the Investigation of Criminal Acts (CIHD) learnt the facts and concealed the

truth and also recommended to Colonel Benavides measures for the destruction of incriminating evidence.

(c) Colonel Nelson Iván López y López, who was assigned to assist in the CIHD investigation, learnt what had happened and concealed the truth.

5. There is full evidence that Rodolfo Antonio Parker Soto, a member of the Special Honour Commission, altered statements in order to conceal the responsibility of senior officers for the murder.

6. The Commission believes that it is unfair that Colonel Guillermo Alfredo Benavides Moreno and Lieutenant Yushy René Mendoza Vallecillos should still be in prison when the people responsible for planning the murders and the person who gave the order for the murder remain at liberty. In the Commission's view, the request by the Society of Jesus that Colonel Guillermo Alfredo Benavides Moreno and Lieutenant Yushy René Mendoza Vallecillos be pardoned should be granted by the relevant authorities.

2. Extrajudicial Executions

(a) San Francisco Guajoyo

Summary of the Case

In the early hours of 29 May 1980, 58 members of the security forces and the Second Infantry Brigade arrived at San Francisco Guajoyo cooperative in Belén Güijat canton, Metapán district, Department of Santa Ana, dragged members of the cooperative from their homes in the adjoining houses and took them to the central area of the farm.

That same morning, the bodies of 12 victims were found, covered with a blanket on which were written the words "killed as traitors". Shortly afterwards, the justice of the peace carried out the requisite procedures.

The Commission finds the following:

1. On 29 May 1980, two employees of the Salvadorian Institute for Agrarian Reform (ISTA) and 10 members of the San Francisco Guajoyo cooperative were executed with large-calibre firearms in the central area of the cooperative, after having been dragged from their homes.
2. The deaths did not occur during an armed confrontation.
3. Members of the Second Infantry Brigade and of the security forces having jurisdiction in the Department of Santa Ana were responsible for the incident.
4. The Salvadorian State bears full responsibility for the execution of the cooperative members, which was a violation of international humanitarian law

Attachment 2

Barriers to Reform

HUMAN RIGHTS RECORD OF THE SALVADORAN MILITARY (Senate - May 21, 1990)

[Page: S6683]

- [Begin insert]

Mr. HATFIELD. Mr. President, today I am joining my House colleagues **Howard Berman** and **George Miller** in releasing a report which profiles the top leadership of the Salvadoran military. This analysis entitled 'Barriers to Reform: A Profile of El Salvador's Military Leaders,' prepared by the staff of the Arms Control and Foreign Policy Caucus, comes at a pivotal moment when Congress has a very real opportunity to assist the efforts to bring peace to El Salvador.

Those of us who have studied El Salvador recognize that the situation is desperate --at least 70,000 lives have been lost in this tiny country's civil war. Yet renewed hope for reconciliation exists as the government and the representatives of the FMLN open U.N.-sponsored negotiations. Reports from the talks indicate that both sides seem to be serious about these discussions and about finding a peaceful settlement.

The United States can help El Salvador, but not by continuing its blind policy of throwing money into a black hole of death squads, corrupt military officers, a nonfunctioning judiciary and a rebellion which ignores the value of human life. We have spent \$4 billion in El Salvador over the past 10 years but have ignored the results--most of them negative--of our investment.

This report is the third on El Salvador commissioned by me and other officers of the Arms Control and Foreign Policy Caucus. It was requested because we felt that Congress was not receiving the kind of information necessary to accurately assess our policy in El Salvador. Past reports have analyzed governmental, social and humanitarian situations in that country; this report studies the Salvadoran military, which receives one-quarter of our total assistance and is suspected of very serious human rights abuses, including the murder of the six Jesuits and two women who were slain at the University of Central America last fall.

I believe that the findings included in this report will provoke renewed debate over our policy in El Salvador. For the information contained therein clearly shows that, despite our best efforts to reform and sensitize the Salvadoran Armed Forces, the military still remains in the hands of an elite group of tightly knit officers who have done nothing to curb human rights abuses of the most horrifying nature: 14 out of the 15 officers have had documented abuses of human rights occur under their command.

Certainly, the FMLN has committed contemplate and cynical violations of its own, but we bear a special burden to hold accountable those we assist through our foreign assistance programs. Some will say that it is unreasonable for an officer in a civil war, a war which their families and other civilians have been targeted by

the FMLN, to be held to the same standard as that of a peacetime military. But certain military values are absolute: you can not grade the responsibility of the troops on a curve. Protection of non-combatants and prisoners in custody is an absolute fundamental duty as it is to report any violations. In demanding respect for human rights we must be even more vigilant when we are the ones putting up the money.

The information contained in this study is from highly reputable sources. Some of the human rights case studied were prepared at great personal risk by distinguished organizations including Amnesty International, Americas Watch and Tutela Legal, the Salvadoran Catholic Church's human rights investigation group. I encourage my colleagues to give careful consideration to the information revealed in this report.

I ask unanimous consent the report be printed in the **Record**.

There being no objection, the material was ordered to be printed in the **Record**, as follows:

Barriers to Reform: a Profile of El Salvador's Military Leaders

(A REPORT TO THE ARMS CONTRTOL AND FOREIGN POLICY CAUCUS, SPONSORED BY REPUBLICAN HOWARD L. BERMAN, CHAIRMAN; SENATOR MARK O. HATFIELD, CHAIRMAN, 100TH CONGRESS; REPUBLICAN GEORGE MILLER, CHAIRMAN, CENTRAL AMERICA TASK FORCE)

INTRODUCTION AND SUMMARY OF FINDINGS

As Congress addresses the role of senior Salvadoran military officers in the November, 1989, murders of six leading Jesuits and prepares to address the level of military aid to El Salvador, the leadership of the Salvadoran military has become the focus of much attention.

This report reviews the career records of the 15 officers who now hold the primary commands in the Salvadoran military, and tracks documented human rights abuses by troops under their command in the last decade.

By matching for the first time information on officers' previous assignments (provided by the Government of El Salvador and the U.S. Department of Defense) with reports of abuses of human rights by units they commanded (provided by reputable and experienced human rights groups operating in El Salvador), the report concludes that nearly all of El Salvador's commanding officers have presided over brutal human rights abuses committed by troops under their command. Serious questions are therefore raised as to whether the officer corps has either been above the law in allowing repeated abuses of human rights to

occur on their watch, or, at a minimum, has shown serious problems of competence in failing to halt them.

Specifically, the report finds:

Fourteen of the 15 officers in El Salvador's primary commands have risen to their positions despite having had documented abuses of human rights carried out by troops under their command, including Chief of Staff Rene Emilio Ponce, the Minister and two Vice Ministers of Defense, the heads of the three security forces and five of the six major brigades;

In none of the over 50 cases listed have even junior officers been brought to trail, even though nearly every case would seem to point to officers either ordering the abuse, concealing it, or failing to investigate it; and

The cases listed describe brutal incidents that violate fundamental military ethics: under 13 officers, killings of non-combatants were documented--often of persons in custody; under 12, prisoners were reportedly tortured or abused; under four, wounded victims were denied medical treatment for extended periods; and under three, 'disappearances' were documented. Finally, ten of the 15 commanders either themselves appear to have engaged in falsification of the facts by incorrectly absolving the military of abuses, or they commanded troops who did so.

The intent of this report is not to charge the primary commanders themselves with ordering each abuse or participating in each attempt to protect the perpetrators and their superiors from justice: in most cases, no evidence exists that would merit such charges. Rather, its intent is to examine the Salvadoran officer corps' accountability for abuses of human rights by their troops. The promotion to senior positions of so many officers whose troops committed repeated abuses of human rights, and the absence of prosecutions of even junior officers for these abuses, suggest that at a basic level, there is little accountability.

Other findings, based on extensive interviews with Salvadoran and U.S. personnel and others close to the Salvadoran military as well as on the materials provided by the Government of El Salvador and the Department of Defense, include:

Of the 14 commanders whose troops reportedly committed abuses, 11 received U.S. training--some for many years. This raises doubts about the Salvadoran military's ability to absorb U.S. training in human rights principles regarding treatment of non-combatants, or possibly about the relevance of the U.S. training;

Of the 15 primary commanders, 12 are members of the Tandonia, the 'big class' that graduated from the Salvadoran military academy in 1966 and that is resisting pressures to reform. This unprecedented concentration of power permits the Tandonia to protect its members from removal for corruption, abuses or

incompetence. The Tandonas at times shows more loyalty to its members than to the rule of law or even to the President;

The commanders make key decisions by consensus rather than through a formal command structure. A group of eight to ten top officers in the Tandonas known as the Compadres (which means, literally, men who act as godfathers to each others' children) mediates difficult disputes; and

Widespread corruption appears to be a significant barrier to efforts to hold top officers accountable to the law for abuses of human rights. Many officers have detailed knowledge of each others' questionable business practices, and could use this information to discourage the cooperation with authorities that would be needed to bring officers to justice for abuses of human rights. A U.S. official interviewed in El Salvador estimates that 'ghost soldiers,' whose pay goes instead to commanders, account for five to fifteen percent of the entire Armed Forces.

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[Page: S6684]

PRIMARY COMMANDS OF THE SALVADORAN ARMED FORCES

(T: member of the 'Tandonas,' class of 1966).

(H: reported human rights abuses by troops under his command).

Chief of Staff: Col. Rene Emilio Ponce Torres T H.

Vice Chief of Staff: Col. Gilberto Rubio Rubio T H.

Minister of Defense: Gen. Rafael Humberto Larios Lopez H.

V. Minister, Defense: Col. Juan Orlando Zepeda T H.

V. Minister, Public Security: Col. Inocente Orlando Montano T H.

National Guard Director: Col. Juan Carlos Carrillo Schlenker T H.

National Police Director: Col. Dionisio Ismael Machuca T H.

Treasury Police Director: Col. Ciro Lopez Roque T H.

Commander, Air Force: Gen. Rafael Antonio Villamariona H.

Commander, 1st Brigade: Col. Francisco Elena Fuentes T H.

Commander, 2nd Brigade: Col. Jose Humberto Gomez T H.

Commander, 3rd Brigade: Col. Mauricio Ernesto Vargas T H.

Commander, 4th Brigade: Col. Roberto Pineda Guerra.

Commander, 5th Brigade: Col. Jose Emilio Chavez Caceres T H.

Commander, 6th Brigade: Col. H. Heriberto Hernandez Martinez T H.

SECONDARY COMMANDS OF THE SALVADORAN ARMED FORCES

(T: member of the 'Tandona,' class of 1966).

(Note: No assessment has been made of reported human rights abuses by troops under his command).

Military Detachments

Military Detachment 1: Col. Jorge Antonio Medrano.

Military Detachment 2: Col. Rene Arnoldo Majano Araujo.

Military Detachment 3: Col. Julio Cesar Grijalva.

Military Detachment 4: Col. Humberto Corado Figueroa.

Military Detachment 5: Col. Orlando Carranza.

Military Detachment 6: Col. Juan Armando Rodriguez Mendoza T.

Military Detachment 7: vacant.

Immediate Reaction ('Elite') Battalions

Arce Battalion: Col. Jose Robverto Gonzalez Aguilar.

Atlatcatl Battalion: Col. Oscar Alberto Leon Linares.

Atonal Battalion: Lt. Col. Luis Mariano Turcios.

Belloso Battalion: Lt. Col. Jose Domingo Flores Portillo.

Bracamonte Battalion: Lt. Col. Juan Emilio Velasco Alfaro.

Other Commands

Artillery Brigade: Col. Carlos Rolando Herrarte.

Cavalry Regiment: Col. Roberto Tejada Murcia.

Engineering Brigade: Col. Nelson Ivan Lopez y Lopez.

Transmissions Center: Col. Benjamin Eladio Canjura Alvayero T.

Dir., Nat. Intelligence: Col. Francisco Jose Martinez Calderon.

Commander, Navy: Col. Fernando Menjivar Campos.

Vice Commander, Air Force: Col. Hector Leonel Lobo Perez.

Military Academy: Col. Ricardo Alfonso Casanova Sandoval T.

Joint General Staff

Personnel (C-1): Col. Ricardo Antonio Martinez Cuellar.

Intelligence (C-2): Col. Ivan Reynaldo Diaz.

Operations (C-3): Col. Roman Alfonso Barrera.

Logistics (C-4): Col. Jose Alexander Mendez.

Psychological Ops. (C-5): Col. Carlos Armando Aviles Buitrago.

Transmissions (C-6): vacant.

THE SALVADORAN ARMED FORCES: DESCRIPTION

Official Command Structure

The formal structure of the Salvadoran military is quite different from the system with which Americans are familiar. This section based in large part on interviews with Salvadoran military officials, describes the forces and their formal chain of command.

The 55,000-soldier Armed Forces of El Salvador operates under the jurisdiction of the Minister of Defense and Public Security. The President, who is the Commander-in-Chief, may appoint any active-duty military officer to this position. (In nearly all Latin American nations, the Minister of Defense has traditionally been a military rather than a civilian post.) The Minister has two Vice Ministers (also active-duty military officers), one for Public Security and one for Defense.

The Chief of Staff, who reports to the Minister of Defense, commands both the 44,000-soldier Army and the 11,000-soldier security forces (the National Guard, the Treasury Police and the National Police). He is assisted by a highly-ranked Vice Chief of Staff and a Joint General Staff comprised of six usually junior colonels who each coordinate one aspect of national command: personnel, intelligence, operations, logistics, psychological operations and communications.

The three directors of the security forces (also active-duty military officers) report to both the Chief of Staff and the Vice Minister for Public Security. The security forces are deployed in small units in cities and rural communities throughout the country, with the National and Treasury Police being based in cities more

frequently than the National Guard, which has traditionally been the rural security force. Officers in the security forces are regular Army officers who usually rotate back to assignments in the Army.

The duties of the security forces are quite different from those Americans traditionally associate with police. While the security forces are responsible for investigating crimes, they also operate as local combat and intelligence units that coordinate operations with the Army.

The Army itself consists of regional combat forces that divide the country's 14 geographic areas, known as 'departments,' into 16 regional commands, specialized commands such as the Air Force, the Navy and the Engineering and Artillery brigades, and elite combat forces that can be sent anywhere in the country. Three of the specialized commands also have regional combat responsibilities.

The regional commands comprise:

Six brigades (numbered one through six) of 2,500 to 3,500 troops each. The six brigade commanders are the top combat commanders, and between them they have responsibility for the entire country. Each is responsible for the department in which he is based, and often for adjoining areas as well, since all other regional commanders must report to one of the six brigades. For example, the commander of the 3rd Brigade in San Miguel Department also directs the commanders of Military Detachments 4 and 5 in the neighboring departments of Morazan and La Union. The 1st Brigade is viewed as the top brigade command, since it covers San Salvador, but the 3rd Brigade (San Miguel) and the 4th Brigade (Chalatenango) cover the areas of the most combat, and are also seen as key commands.

Seven military detachments (numbered one through seven) of 1,000 to 2,000 troops each. The commander of a military detachment generally has responsibility for a single department. Although he reports to a nearby brigade commander, he usually has a great deal of authority as the direct commander of the department, and at times reports directly to the Chief of Staff.

Three specialized commands (Artillery and Engineering Brigades and Cavalry Regiment) of up to 2,000 troops each. The Artillery and Cavalry split one department and the Engineers control another, but they all also provide support to combat operations throughout the country. Their commanders report to a nearby brigade commander and the Chief of Staff.

Other specialized commands include the 1,000-soldier Air Force, the 1,000-soldier Transmissions Instruction Center (which is next to the presidential palace and so also functions as a palace guard), the 500-soldier Navy, the National Intelligence unit, and the separate military schools for officers, troops and intelligence.

The five elite 'immediate reaction' battalions (named Arce, Atlacatl, Atonal, Belloso and Bracamonte) of 1,000 troops are each based in a different department

but do not have specific regional responsibilities. They are moved around under the orders of the Chief of Staff, although they report to a brigade commander when operating in his zone.

The second most important officer in each military unit is the executive officer (who is called the deputy director or subdirector in the security forces and the vice commander in the Air Force). The executive officer is directly below the commander in the chain of command, and translates the commander's orders into action.

This report defines 15 officers as primary commanders: the Chief of Staff and his Vice Chief of Staff, the Minister of Defense and his two Vice Ministers, the Directors of the three security forces, the Commander of the Air Force and the Commanders of the six regional brigades. The Commanders of the military detachments, elite battalions and specialized brigades or regiments are defined as among the 26 secondary commanders, since all report to one or more of the regional brigade commanders. Also defined as among the secondary commanders are officers with less direct responsibility for important combat decisions, such as the Directors of the Military Academy and National Intelligence, the Commanders of the Navy and the Transmissions Instruction Center, the Vice Commander of the Air Force and the six members of Col. Ponce's general staff.

Nearly all primary and secondary commanders are colonels. As in most Latin American militaries, the rank of general is extremely rare, and is awarded more as a recognition of exceptionally long service than as an indication of chain of command.

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The Command Structure in Practice: The 'Tandona' and the 'Compadres'

This section, based on extensive interviews with over 15 Salvadoran and U.S. personnel and others close to the Salvadoran military, describes the actual command structure in effect today in El Salvador. That structure is not only quite different from the system with which Americans are familiar, but from the official Salvadoran structure as well.

The Salvadoran military does not operate through a clear chain of command, but rather through a complex system of consensus within the Tandona (the 'big class' graduating from the military academy in 1966, which is also referred to as the Sinfonica, or 'the class as large as a symphony'), and between tandas (this and other graduating classes). The Tandona had 47 graduates, more than twice the average size of 18 for both the four preceding tandas and the four that followed. 1

It is noteworthy also for having among its members many sons of former high-ranking officers as well as many sons-in-law to powerful families. Roughly 20 members of the class remain in senior positions, excluding military attaches.

1. Footnotes at end of article.

The system of consensus is managed at present more by Chief of Staff Col. Rene Emilio Ponce and Vice Chief of Staff Col. Gilberto Rubio than by Minister of Defense Gen. Rafael Humberto Larios. This is in part because Col. Ponce has been the traditional leader of the Tandona since graduating first in the class in 1966, and in part because Gen. Larios was chosen as a compromise between competing tandas and does not wield the power usually associated with his position.

Chief of Staff Ponce consults with most other primary commanders before making and implementing key decisions. When the decisions involve assignments of officers, some Salvadoran sources state that Col. Ponce convenes a group of eight to ten officers from the Tandona that works out the agreement with him and the affected officers. This group is referred to by others in the Tandona as the Compadres (which means, literally, men who act as godfathers to each others' children). The reference is not just symbolic: members of this group are often asked to be godfathers to each other's children and to children of other officers, and so establish deep bonds of loyalty and reciprocity.

The Tandona first assumed control of leading positions in November, 1988, when Col. Ponce became Chief of Staff. The Tandona hoped that Col. Ponce would be made Minister of Defense in 1989, but President Alfredo Cristiani had reportedly made an initial offer of the post to a member of an earlier tanda, Air Force Gen. Juan Rafael Bustillo. After much negotiation, Cristiani retracted his offer to Bustillo, and Gen. Larios was accepted as a compromise candidate. In the wake of this deferral of Col. Ponce's promotion, more members of the Tandona took up positions as primary commanders, until it achieved today's unprecedented concentration of the members of one class in the primary commands: 12 out of 15.

The tanda system creates separate power bases in the military. Every officer is identified with his tanda, and each tanda has an association whose leaders negotiate with the leaders of other tandas for their class' assignments. For the graduating classes of the 1980's, which have become much larger and include officers commissioned through other means than graduating from the military academy, the role of the tanda system has become less important. Barring some dramatic change in command structure, though, the small tandas of the 1970's will control the military well past the year 2000.

According to U.S. officials, while all graduating classes of officers, or tandas, protect their classmates to some extent from accountability for corruption, incompetence or abuses of human rights, this sense of loyalty to classmates has become extreme in the Tandona, and in some instances exceeds not only loyalty to the law and the President, but to the Armed Forces as a whole.

For example, when asked whether top-ranking officers knew of military involvement in the killing of the Jesuits soon after it occurred, one official in the

U.S. Embassy told Caucus staff that 'a lot of officers knew something was up and didn't come forward. . . . They are a tight group.' Another U.S. official identified a member of the Tandonas who the official believed 'knew early' about military involvement in the killing, but had shown 'loyalty to the Tandonas rather than to his Commander-in-Chief' by failing to respond to President Alfredo Cristiani's request that all information be provided to him.

According to numerous non-governmental sources in El Salvador, the Tandonas have successfully resisted intense efforts by the U.S. Embassy to force the retirement of officers the Embassy believes are corrupt, incompetent or responsible for abuses of human rights. According to them, the Embassy was deeply disappointed at the results of a much-anticipated shifting of commands in December, 1989. Air Force Gen. Juan Rafael Bustillo and Director of National Intelligence (and Tandonas member) Col. Carlos Marucio Guzman-Aguilar, whose transfers had reportedly been encouraged by the Embassy, were assigned as military attaches. However, an expected broader set of changes were not forthcoming, and the Tandonas emerged with control of all three security forces and five of the six brigades.

In May, 1990, 7th Military Detachment Commander Col. Roberto Mauricio Staben and Navy Commander Col. Humberto Pineda Villalta, both members of the Tandonas although not among the primary commanders, were also assigned as attaches. The State Department says that Staben, a close acquaintance of ex-Major Roberto D'Aubuisson who was arrested with him once for reportedly planning a coup, was 'implicated' in running a kidnapping ring. 2 Villalta had been the subject of reporting in the United States about alleged corruption and possible conflict of interest as owner of a fishing company. 3 However, non-governmental sources report that the U.S. Embassy has told Col. Ponce of another 15 members of the Tandonas it wants transferred out of command positions.

El Salvador's rejection of Embassy demands to remove top commanders stands in sharp contrast to the results of U.S. efforts in December, 1983, led by then-Vice President George Bush, to have junior officers the U.S. Government considered notorious abusers of human rights sent abroad as attaches. Virtually all the officers on 'the Bush list' presented to President Alvaro Magaña in 1983 were sent out of the country. 4

If the Tandonas continue to resist efforts to remove its members from command posts, it will dominate the Salvadoran military until 1997, since officers do not have to retire until they have served 35 years, including time at military academy. (The cabinet post of Minister of Defense and diplomatic posts such as military attache are exempted from this requirement.)

Widespread corruption among officers in the Salvadoran military appears to be a significant barrier to efforts to hold top officers accountable to the law for abuses of human rights. Many officers have detailed knowledge of each others' questionable business practices, and could use this information to discourage the

cooperation with authorities that would be needed to bring officers to justice for abuses of human rights.

Military command have traditionally been seen as sources of income, since official salaries are minimal (only \$500 per month for a full colonel). Many sources in El Salvador provided specific examples to corroborate the detailed Research of Joel Millman--summarized in a December, 1989 article in the New York Times Magazine--who concluded that many officers exploit their positions by selling goods at inflated prices to their soldiers, or by forming businesses with clear advantages over civilian competitors. 5

Some U.S. Embassy officials discount the significance of these practices, arguing that in the Salvadoran context these are not seen as corrupt practices. However, Embassy officials do see the practice of 'ghost soldiers'--whose pay goes instead to commanders--as an unacceptable form of corruption. An Embassy official told Caucus staff that the 'ghost soldiers' account for five to fifteen percent of the entire Armed Forces.

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PRIMARY COMMANDERS: BIOGRAPHIES AND RECORDS ON HUMAN RIGHTS

For each of the officers holding primary command, this section:

- (1) lists all known major assignments in the 1980's and foreign training, as reported by the Government of El Salvador and the U.S. Department of Defense, with some details added from Salvadoran press reports and other U.S. and Salvadoran Government sources;
- (2) provides a profile of the commander, based on extensive interviews with U.S. and Salvadoran officials (both civilian and military), former Salvadoran military personnel, and with journalists and other analysts knowledgeable about the Salvadoran military; and
- (3) summarizes incidents of human rights abuses in which the officer was either the commander or, in a few cases, the executive officer of the forces allegedly responsible, as reported by reputable human rights monitors. It also reports cases in which the officer provided information on the incident that absolved the perpetrators of responsibility, but later proved to be incorrect. For each incident, the summary provides the date and the location, the details as reported and (in a foot-note) the source and date of the report.

The summaries of alleged abuses are based almost exclusively on on-site investigations, primarily by distinguished human rights organizations such as the Salvadoran Catholic Church's Tutela Legal (Legal Guardian), Americas Watch and

Amnesty International, but in some cases also by the State Department and Members of Congress. While the Caucus does not have independent confirmation of these cases, the organizations and offices cited are reputable and highly knowledgeable about El Salvador.

The cases cited are the result of rigorous culling by Caucus staff. In most of the tens of thousands of abuses in El Salvador that have been attributed to government forces over the past 11 years of civil war, victims and their families or other witnesses have been unwilling or unable to say which unit committed the abuse. The cases cited are special in that they are both well-documented and have been attributed by reputable organizations to specific commands of the Armed Forces.

The role of Tutela Legal merits special mention, both because of the number of cases in this report for which its files in El Salvador are the primary source.

Founded by Salvadoran Archbishop Arturo Rivera Damas, since 1982 Tutela Legal has carried out on-site investigations of reported abuses of human rights throughout El Salvador. Funding for the effort has come from the Archdiocese of the Catholic Church of San Salvador and the Ford Foundation,

Tutela Legal has been called the 'documenter of record' in El Salvador's civil war and the 'conscience of the country,' because it investigates and maintains records of abuses by both the FMLN and the security forces. Tutela has a relatively small staff of five to ten investigators who nonetheless travel throughout the country to gather testimony from as many witnesses and family members as possible. Recently, Director Maria Julia Hernandez received the Archbishop Oscar Romero Award for human rights.

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The Principle of Accountability

As noted in the introduction, it is not the intent of this report to charge the primary commanders themselves with ordering abuses by their troops or participating in attempts to protect the perpetrators and their superiors from justice. Rather, the intent of this section is to determine the general level of accountability demanded of Salvadoran officers for abuses by their troops.

Military accountability means that officers are ultimately responsible for the actions of the soldiers serving under them. It is a standard far higher than that of a court of law trying to determine personal responsibility, but it is one to which military forces around the world hold officers, in order to ensure that officers have an abiding self-interest in the performance of their troops. This principle does not mean that one isolated incidence of poor performance by one soldier should invariably derail an officer's career, but rather that officers whose troops continually perform poorly in battle, or run ships aground, or abuse human rights, generally should not get promoted.

Just as it is a violation of fundamental military ethics for a soldier to harm a non-combatant or prisoner, even if ordered to do so, it is violation of a fundamental military duty for an officer not to investigate fully and punish all officers and soldiers implicated in such violations, and then take strong action to ensure that they are not repeated.

In any military force, the promotion of an officer whose troops have harmed non-combatants risks sending an unmistakable message to soldiers that misbehavior is tolerated. If the officer also fails to bring to justice junior officers who actually order or acquiesce in abuses, the negative message is made even clearer. In El Salvador, where tens of thousands of civilians have died at the hands of armed combatants in the past

décade, the concept of accountability and its implementation is especially relevant.

The Primary Commanders

CHIEF OF STAFF: COL. RENE EMILIO PONCE TORRES

Key assignments

1970: Student, U.S. Army School of the Americas, Engineering Course.

1979: Promoted to Major; Chief of Personnel (S-1), General Staff of the Treasury Police.

1981: Deputy Director (Executive Officer) of the Treasury Police while also holding S-1 position.

1982: Chief of Transit Authority, National Police.

1983: Promoted to lieutenant colonel; Commander, Belloso Immediate Reaction Battalion (11/83-11/84).

1984: Chief of Operations (C-3), Joint General Staff (11/84-6/87).

1986: Promoted to colonel (12/86).

1987: Commander, 3rd brigade (6/87-10/88).

1988: Chief of Staff (11/88 to the present).

Profile

Col. Ponce graduated first in his class in the 47-member Tandona in 1966, and has always functioned as its leader. He commands intense loyalty as head of the Compadres, the elite core of the Tandona. One person interviewed recounts how Col. Roberto Mauricio Staben--who has long been a target of U.S. reform efforts--said very emotionally of Ponce, 'If my chief has to sacrifice me for the good of the

Army, I'll accept.' In May, 1990, Staben was true to his word and accepted a transfer from a combat command to the position of military attache to Honduras.

Ponce has a reputation as a middle-of-the-roader who leads by consensus. A number of people interviewed recall that when ex-Maj. Roberto D'Aubuisson's call for attacks on civilian opponents of the military represented the 'mainstream' thinking of the Salvadoran military in the early 1980's, Ponce was known as a hard-line officer and a close D'Aubuisson associate who would meet with him at his National Assembly office. When the mainstream moved away from D'Aubuisson and toward 'civic action' in the late 1980's, Ponce dropped both his association with him and his hard-line image, and focused his efforts on civic action campaigns. As one person put it, 'Now the stream has shifted, and so has he.'

One reason for the trust placed in Ponce by his peers and officers in the other tandas is what many refer to as his reputation as an 'honest broker.' He consults fully with all interested parties before suggesting an arrangement that all can live with rather than conspiring with a small group and issuing surprise announcements. As leader of the Tandonas, though, he has acknowledged that he is ultimately dependent on its support, either as Chief of Staff or, in the future, as Minister of Defense. This makes it difficult for him to respond to U.S. demands that he remove some 15 of his roughly 20 class-mates who remain in command positions.

Reported human rights abuses by troops under his command

While Ponce was Deputy Director of the Treasury Police and essentially commanding it under an inactive director on the night of April 7, 1981, the State Department reported that 'thirty civilians were killed by the Treasury Police' in a sweep of the Soyapango district of San Salvador. Most of these civilians were reportedly taken from their homes and summarily executed, or killed in their homes. The police claimed that the deaths had occurred in a shoot-out, but a number of bodies reportedly were found with their hands bound behind their backs. After an investigation, the State Department called the Treasury Police's version 'not credible' and 'inane,' and labelled the case 'violence by Government elements against non-guerrilla elements.' According to Amnesty International, there was no investigation or disciplinary action.⁶

Also while Ponce was Deputy Director of the Treasury Police throughout 1981, there were numerous reports of Treasury Police abducting people in San Salvador who were never seen again. Amnesty International has documented five specific examples for 1981 that it attributes to the Treasury Police.⁷

While Ponce was Commander of the Belloso elite battalion in March, 1984, Belloso troops reportedly took an unarmed merchant, 48, off a bus along a highway in Ahuachapan and shot him to death in front of a number of other passengers.⁸

While Ponce was Commander of the 3rd Brigade on February 25, 1988, Army troops from Military Detachment 4, which reports to the 3rd Brigade, reportedly seized a cooperative leader, 25, in his home during the night and also picked up a man, 18, and a boy, 16, in Tepemechin, Morazan. According to witnesses, in the morning the troops tortured the three and forced them to run through a burning field with no shoes. The witnesses later heard gunfire and saw helicopters called in to simulate a skirmish, even though no contact had been made with rebel troops. Two of the men were found dead with their ears, nose and thumbs cut off. The third was never found. After an autopsy had been performed on the bodies by a foreign pathologist a few months later, reporters asked Ponce what he intended to do to investigate the incident. He replied that the two dead men were 'subversives' who had died in a firefight, and that: 'We cannot investigate every combat report. In these cases, I must believe what my colonels report.'⁹

While Ponce was Commander of the 3rd Brigade in April, 1988, in separate incidents a boy, 17; and a man, 20, were reportedly taken away from their farms in San Miguel and Morazan, respectively, by 3rd Brigade troops. Their bodies were found a few days later, with one hacked to death and showing signs of torture. The cause of the other's death could not be determined because animals had destroyed parts of the body. ¹⁰

*While Ponce was Chief of Staff in January, 1989, he told Rep. Gerry Studds that the head-wounds found on 10 villagers killed in San Sebastian in September, 1988, must have been the result of the FMLN digging up the bodies and shooting them to fabricate a massacre that would be attributed to the Army. According to Rep. Studds, this explanation was dismissed as ridiculous by a U.S. Embassy official working on the case. ¹¹ A few weeks later, following intense pressure from the U.S. Embassy, the Army acknowledged that the massacre had in fact been committed by its troops.

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VICE CHIEF OF STAFF: COL. GILBERTO RUBIO RUBIO

Key Assignments

- 1983: Chief of Intelligence (C-2), Joint General Staff
- 1985: Commander, Military Detachment 3 (3/85-2/86)
- 1986: Commander, 4th Brigade (2/86-7/87)
- 1987: Director, National Intelligence Directorate (7/87-10/88)
- 1988: Vice Chief of Staff (11/88 to the present)

Profile

Col. Rubio graduated in the middle of the Tandoná in 1966. He is seen as a major force in the Tandoná, and is probably one of the Compadres. He has a reputation for financial honesty that has helped him in his career, and in his current position as Vice Chief of Staff he is responsible for managing the military budget.

One of the reasons he is thought to be a candidate for promotion to Vice Minister of Defense is that he would then take on an even more sensitive financial position, that of managing the military's \$120 million pension fund. The fund, created in the 1980's with mandatory deductions from both soldiers and officers' salaries, has become the largest single source of investment capital in El Salvador and is relied on by officers for their future security.

Rubio's reputation on military grounds is mixed. He commanded the 4th Brigade when its El Paraiso base was overrun by FMLN forces in 1987, and 69 Salvadoran soldiers and a U.S. adviser died. However, the base is acknowledged to be difficult to defend, and a number of U.S. officials interviewed consider him competent as a commander.

Reported human rights abuses by troops under his command

While Rubio was Commander of the 4th Brigade in April, 1986, troops from the brigade reportedly opened fire on a group of young people near a swimming hole in Chalatenango, killing two boys, 12 and 13, and a man, 21. Shortly thereafter, troops reportedly emerged from helicopters and cut off the right ear from each victim. During burial the next day, troops reportedly came to the scene and displayed the ears of the victims. 1 2

While Rubio was Commander of the 4th Brigade on February 13, 1987, a 22-year old man had been badly injured by a grenade during a battle in El Comun, Chalatenango, between the brigade and the FMLN was reportedly interrogated without medical treatment for four days. The man was reportedly subjected to beatings, electric shocks and injections of drugs before being taken to a hospital. 1 3

While Rubio was Commander of the 4th Brigade on April 2, 1987--shortly after the main base at El Paraiso, Chalatenango, had been attacked by the FMLN--troops there reportedly tortured a 17-year old boy who was being interrogated about the attack. The boy was reportedly seized after getting off a bus in front of the base, beaten and kicked severely and tortured with electric shocks. 1 4

While Rubio was Commander of the 4th Brigade on May 30, 1987, a 34-year old herdsman was killed in Las Cañitas, Chalatenango. Villagers nearby heard gunfire, and Tutela Legal attributed responsibility to soldiers of the 4th Brigade. The brigade claimed that the herdsman had died from stepping on an FMLN mine, but Tutela Legal examined the body and determined that gunshots caused the death. 1 5

While Rubio was Commander of the 4th Brigade on June, 13, 1987, soldiers from that Brigade and the Beloso Battalion reportedly stabbed in the throat and left for dead four unarmed men they had seized for questioning in Plan Verde, Chalatenango. The soldiers had taken the men from their homes or while walking on the road and interrogated them prior to the attempted murders. The men survived to tell of their treatment, but the Army denied any involvement. Two of the men's wives reported being raped. 1 6

MINISTER OF DEFENSE: GEN. RAFAEL HUMBERTO LARIOS LOPEZ

Key Assignments

1962: Student, U.S. Army School of the Americas, Communications Officers Course.

1964: Student, U.S. Army School of the Americas, Command General Staff Course.

1975: Executive Officer, battalion of the Artillery Brigade.

1980: Director of the Military Academy.

1982: Promoted to Colonel.

1983: Military Attache to the United States (to 1985); student at U.S.-run Inter-American Defense College.

1985: Commander, Artillery Brigade (6/85-7/87).

1986: Promoted to Brigadier General.

1987: Director, National Guard (6/87-6/88).

1988: Vice Minister of Defense (7/88-5/89).

1989: Minister of Defense (6/89 to the present).

Profile

Gen. Larios was a compromise choice for the position of Minister of Defense, appointed after a power struggle in June, 1989, in which President Cristiani reported abandoned his preference for Air Force Commander Gen. Juan Rafael Bustillo and members of the Tandoni abandoned their preferred choice of Col. Ponce. Larios is expected to step down in favor of Ponce at some point in 1990. He graduated from the Military Academy in 1961, fifth in a class of 13.

While some people interviewed refer to Larios as a 'strawman,' or a caretaker who is not a factor in military decisions, others say he has participated in military

deliberations during his tenure, although not as actively or with as much importance as Col. Ponce.

As part of the compromise making Larios Minister of Defense, his classmate Col. Castro was given the important financial post of head of the pension fund, and Larios works closely with him in managing the fund. Traditionally, this post has gone to the Vice-Minister of Defense or Armed Forces, but with Col. Zepeda being a classmate of Chief of Staff Ponce, it was agreed that the Tandon should not be given the financial post as well.

Reported human rights abuses by troops under his command

While Larios was Commander of the Artillery Brigade in the fall of 1986 and the spring of 1987, a pattern of abuse of people being interrogated appeared to emerge. In at least four separate incidents seven men reportedly were taken from their homes and held at brigade headquarters in La Libertad, where they were subjected to such abuses as beatings, hanging from the ceiling, being drugged and being denied food and sleep. 17

While Larios was Director of the National Guard, on July 8, 1987, the 36-year old leader of a cooperative affiliated with the National Union of Campesinos was reportedly taken from his house in Palacios, Cuscatlan, by five soldiers in the National Guard. The soldiers were accompanied by a man in civilian dress who had been in the town earlier in the day pointing out townspeople to the Guard for questioning. The cooperative leader was found dead the next morning with seven bullet-wounds in his face. 18

While Larios was Director General of the National Guard, on June 11, 1988, a 23-year old man was reportedly taken from a hospital in Nueva San Salvador, La Libertad, by soldiers in the National Guard. Guard troops reportedly searched his house and told his family that if they did not turn over his weapons, he would die. The family denied that he had weapons. Three days later, the family was informed by the National Guard that he had committed suicide with a pistol that a sergeant had left on a desk. Tutela Legal, however, attributed the death to the National Guard. 19

VICE MINISTER OF DEFENSE: COL. JUAN ORLANDO ZEPEDA

Key Assignments

1969: Student, U.S. Army School of the Americas, Counter-Insurgency Course.

1982: Executive Officer, 1st Brigade.

1984: Acting Director, Military Academy (1/84-3/85).

1985: Chief of Intelligence (C-2), Joint General Staff (3/85-5/88).

1986: Promoted to Colonel (12/86).

1988: Commander, 1st Brigade (6/88-5/89).

1989: Vice Minister of Defense (6/89 to the present.)

Profile

Col. Zepeda is regarded by many as the 'ideological master of the Tandonas' and some describe him as ARENA's point man in the military: in the early 1980's, Zepeda was close to ARENA founder Roberto D'Aubuisson, and he was one of the few officers to show publicly his preference for ARENA's Alfredo Cristiani during the 189 presidential campaign. He is a very powerful member of the Tandonas, and almost certainly one of the Compadres. He graduated 13th out of 47 in the class.

As commander of military intelligence from 1985 to 1988, he is credited with creating a system of information-gathering in urban areas that allowed the monitoring of both suspected rebels and civilian opposition groups as the war moved into the cities.

According to many people interviewed, Zepeda has received extensive training from Taiwan in psychological operations and intelligence, although the training does not appear on the list of assignments and foreign training provided by the Government of El Salvador and the Department of Defense.

In April, 1989, Zepeda accused the University of Central America (the Jesuit-run university which housed the 6 priests killed in November, 1989) of 'planning strategies of the FMLN, being a refuge and haven for terrorist leaders and being accomplices in the April 19, assassination of the Attorney General.' 20 Earlier that year, he and rightist civilians authored a plan for armed private Patriotic Civil Defense units that would function as adjuncts to the armed forces in their neighborhoods. After the Salvadoran press reported Zepeda's swearing in of the first unit, former President Jose Napoleon Duarte compared the units to death squads, and the plan was officially dropped. 21

When Zepeda came to the United States in December, 1989, to present his perspective on the killing of the Jesuits, he argued to U.S. Members of Congress that the FMLN could have been responsible for the murder.

Col. Ponce reportedly favored Cols. Vargas or Barrera for this position. It is unusual for Zepeda not to have the directorship of the Armed Forces' pension fund while serving as vice minister. It is reported that he will be given the position and remain as vice minister if and when Col. Ponce does become Minister of Defense.

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Reported human rights abuses by troops under his command

While Zepeda was Commander of the 1st Brigade on June 2, 1988, a 24-year old man was reportedly taken from his home in the Apopa section of San Salvador by 25 troops of the 1st Brigade. His family appealed to soldiers at the base where the troops were stationed, and was directed to other bases. While they were going to the other bases, the man was found dead in a nearby river with gun-shot wounds in the face and neck. Another man, who had reportedly been seized and released by the same group of troops, said that he had seen the man in custody prior to his death. 22

While Zepeda was Commander of the 1st Brigade on June 4, 1988, a 19-year old man was reportedly seized and killed by troops of the brigade outside his relative's home in Las Animas, Cuscatlan. A witness testified that the soldiers blindfolded and beat him before shooting him and taking his identification card. The soldiers had reportedly been waiting for him near the relative's house earlier in the day. 23

While Zepeda was Commander of the 1st Brigade on August 10, 1988, two brothers, 26 and 22, were reportedly taken from their family's home in San Nicolas, San Salvador, by members of the brigade who asked for them by name. According to court documents, the brothers were found shot to death near a river, with one's thumbs tied together with shoelaces. 24

VICE MINISTER OF PUBLIC SECURITY: COL. INOCENTE ORLANDO MONTANO

Key Assignments

1981: Commander, Military Detachment 6.

1982: Executive Officer, Belloso Battalion.

1983: Commander, Arce Battalion; Director, National Police School; Executive Officer, 4th Brigade.

1984: Commander, Transmissions School and Palace Guard (CITFA).

1985: Commander, Military Engineering Brigade.

1987: Commander, 6th Brigade (7/87-6/89).

1990: Vice Minister of Public Security (6/89 to the present).

Profile

Montano acquired his nickname, 'Sleeping Beauty,' for a mysterious incident in 1967, when he was captured inside Honduras leading an Army convoy loaded with weapons, and claimed that he had gone to sleep and the convoy had taken a wrong turn and crossed the border. Many observers believe that the convoy was arming dissident Honduran officers for a coup.

Some people interviewed questioned his intellectual abilities, but he graduated third out of 47 in the Tandona. He is seen as a power in the Tandona, and perhaps as one of the *Compadres*. He has an engineering degree from the University of Central America, but five months prior to the murders of the Jesuits there in November, 1989, publicly accused the University of being a 'front group' that published 'lies' to discredit the Army. 25

Reported human rights abused by troops under his command

While Montano was Commander of the Engineering Brigade on August 6, 1986, three brothers (42, 30 and 28) were reportedly taken from their home in San Pedro Nonualco, La Paz, by soldiers of the Engineering Brigade and taken to a military installation. The next day their bodies were reportedly found in the street with their throats cut and one's tongue cut out. According to their family, the local military commander said that the brothers has been killed as an example, because they had been accused of collaborating with the FMLN. 26

While Montano was Commander of the 6th Brigade on July 5, 1987, soldiers from the brigade on a sweep reportedly threw a grenade into a house in Jiquilisco, Usulután, wounding all 9 people inside. One of them, a 48-year old man, died later at a hospital, while his wife and their four children and a 30-year old woman and her two children survived their wounds. At the hospital, after the wife refused to agree to an Armed Forces' press officer's statement that the FMLN has thrown the grenade, one of the children was reportedly denied treatment. 27

While Montano was commander of the 6th Brigade on July 6, 1987, soldiers from the brigade and the Atonal Battalion (which operates in the area under the brigade's command) reportedly threatened a man during sweep in Berlin, Usulután, when he refused to sell them bread. Five days later, soldiers reportedly entered his house at night and riddled him with bullets in his hammock, while simulating a firefight outside his house. The Armed Forces' press office reported that Atonal soldiers had encountered a rebel and killed him. 28

While Montano was Commander of the 6th Brigade on January 30, 1989, soldiers from the brigade's Oromontique Battalion reportedly seized two men, 40 and 32 years old, who were members of the FENACOA agricultural cooperative in San Francisco Javier, Usulután. Later that day, residents heard explosions and gunfire nearby, although no rebels had been seen in the area. The two men's bodies were found three days later with arms and ears cut off. The Armed Forces' press office reported that the two were rebels who had been killed in a firefight with the Army. 29

NATIONAL GUARD DIRECTOR: COL. JUAN CARLOS CARRILLO SCHLENKER

Key Assignments

1968: Tactical Officer, U.S. Army School of the Americas.

1980: Chief of Intelligence (S-2), General Staff of the Treasury Police (12/80-1982).

1982: Executive Officer, Military Detachment 5.

1983: Deputy Director, Treasury Police (6/83-1/84).

1984: Executive Officer, Military Detachment 1 (2/84-9/84); Commander, Atlacatl Battalion (10/84-6/87).

1986: Promoted to Colonel (12/86).

1987: Commander, Military Detachment 4 (6/87-7/88).

1988: Commander, Cavalry Regiment (7/88-6/89).

1989: Director General, National Guard (6/89 to the present).

Profile

Carrillo is widely acknowledged to be a powerful force in the *Tandona*, and is almost certainly one of the *Compadres*. He is seen as a tough and active field commander. However, repeated allegations of abusive behavior by his troops, particularly when he commanded one of the toughest combat zones (Military Detachment 4), has reportedly become an issue in discussions between the U.S. Embassy and the *Tandona*, diminishing his chances for service after this assignment.

He was Deputy Director of the Treasury Police under Col. Nicolas Carranza, who was reportedly linked to former Maj. Roberto D'Aubuisson in death squad operations. One person interviewed recalls Carrillo himself as close to D'Aubuisson at the time. According to two others, other officers overheard him angrily upbraiding Col. Benavides after he had been arrested in the Jesuits case, to which Benavides responded: 'I thought those were my orders.' 3 0

Reported human rights abuses by troops under his command

While Carrillo was Commander of the Atlacatl Battalion in March, 1985, a wounded FMLN combatant, 32, was reportedly captured by Atlacatl soldiers in Chalatenango, tortured in the field and marched on foot to the 4th Brigade barracks, although he had lost a great deal of blood and was obviously in need of medical care. He was then reportedly held in the barracks without food or water for three days, denied medicine and medical treatment, interrogated extensively and tortured with electric shocks. 31

While Carillo was Commander of Military Detachment 4 on July 2, 1987, a large number of troops of the detachment reportedly seized a 17-year old boy at his house in San Francisco Gotera Jurisdiction, Morazan, who had deserted from the detachment seven months before. The unit reportedly killed him by shooting him in the back and dragged his body to the doorway of a local hospital. According to his sister, the unit then returned to his house to say that his body had been found at the hospital, and asked who had killed him. 32

While Carillo was Commander of Military Detachment 4 on February 25, 1988, troops from the detachment reportedly seized a 25-year old leader of a cooperative in his home during the night and also picked up a man, 18, and a boy, 16, in Tepemechin, Morazan. According to witnesses, in the morning the troops tortured the three and forced them to run through a burning field with no shoes. The witnesses later heard gunfire and saw helicopters called in to simulate a skirmish, even though no contact had been made with rebel troops. Two of the captives were found dead with their ears, nose and thumbs cut off. The third was never found. 33

While Carrillo was Commander of Military Detachment 4 on June 9, 1988, troops from the detachment reportedly sought a man, 40, at his house in Meanguera, Morazan, and then continued on to his workplace, and found him there. Family members who had come to find him at his workplace after the search of his house heard a burst of gunfire, followed by the detonation of a grenade. His body was found in pieces scattered throughout the area. 34

While Carillo was Director General of the National Guard on November 16, 1989, Guard troops reportedly arrested an American English Teacher, 36, at his home in San Salvador, and beat him at National Guard headquarters. When his head began to bleed after he was reportedly slammed against a wall during interrogation, the troops claimed he had been wounded in combat. He was released the next day. 35

NATIONAL POLICE DIRECTOR: DIONISIO ISMAEL MACHUCA

Key Assignments

1981: Manager, State Telephone Company.

1983: Assistant Chief of Operations (D-III), Joint General Staff.

1984: Student, U.S. Army School of the Americas, Joint Operations Course.

1988: Student, U.S.-run Inter-American Defense College (June); Director, Treasury Police (7/88-11/88); Director, National Intelligence (11/88-9/89).

1989: Director, National Police (10/89 to the present).

Profile

Machuca graduated second in the Tandonia out of 47, behind Col. Ponce. He has a reputation for financial honesty, and the U.S. Embassy reportedly once identified him as a suitable treasurer for the military. It appears that he has had few combat assignments, although this cannot be confirmed from the listing of assignments provided by the Government of El Salvador and the Departments provided by the Government of El Salvador and the Department of Defense, since unlike other listings, it provides no information on assignments between 1984 and 1988.

While Machuca's stature in the Tandonia is indicated by his presence on the Honor Board that reviewed culpability for the Jesuits case, he is not considered one of its leading members. A number of sources describe him as a deeply religious man who led a group prayer at San Salvador's military headquarters during the November, 1989, offensive.

Reported human rights abuses by troops under his command

While Machuca was Director of the Treasury Police, on July 12, 1988, the former head of the social Security workers' union and two acquaintances walking with him reportedly were forced into his car near San Salvador by three armed men in civilian clothes. Treasury Police in civilian clothes returned to the scene a few hours later and told relatives of one of the other men that he would reappear, since they had been after the former secretary only. The other men were released along a highway that night. After the former union chief was reportedly seen alive inside Treasury Police headquarters, the union, which has a history of confrontation with security forces, staged a march on the headquarters to demand his release. He has never been seen again. 36

While Machuca was Director of the National Police on November 8, 1989, a 23-year old student disappeared in San Salvador. On November 19, National Police reportedly took him as a prisoner to a hospital, where he was diagnosed as having severe head and stomach injuries about three days old. He died on November 25. 37

While Machuca was Director of the National Police on November 15, 1989, uniformed soldiers of the National Police reportedly raided the San Salvador office of the Committee of Mothers of the Disappeared, Murdered and Political Prisoners, and seized and beat two U.S. citizens and seven Salvadorans. The police reportedly forced them to pose for photographs in front of an FMLN flag and forced two, including one of the Americans, to put on rebel camouflage uniforms for the photographs. The group was then taken to Treasury Police headquarters, where one of the Americans, a 41-year old woman, was reportedly beaten and sexually molested while blindfolded and handcuffed, and finally released two days later on the condition that she leave the country. 38

TREASURY POLICE DIRECTOR: COL. CIRO LOPEZ ROQUE

Key Assignments

- 1971: Student, U.S. Army School of the Americas, Joint Operations Course.
- 1979: Major at National Guard Headquarters.
- 1980: Unit Commander, National Guard.
- 1981: Executive Officer, Transmissions School and Palace Guard (CITFA).
- 1982: Commander, 1st National Guard District.
- 1983: Student, U.S. Army School of the Americas, Communications Officer Course; Executive Officer, Cavalary Regiment.
- 1984: Commander, Transmissions School and Palace Guard (CITFA) (6/84-8/86).
- 1986: Commander, Military Detachment 3 (9/86-7/88).
- 1988: Commander, 4th Brigade (7/88-2/90).
- 1990: Director General, Treasury Police (2/90 to the present).

Profile

Lopez graduated 33rd out of 47 in the Tandon, and is not regarded as a top combat commander. Like Col. Rubio, he commanded the 4th Brigade headquarters at El Paraiso when it was badly damaged during an attack by the FMLN. Unlike most of the primary commanders from the Tandon, he had combat commands as a junior officer not in the Army but in the less-respected National Guard. However, since leaving the command of the transmissions instruction center (also a low-status position) in 1986, he has had important combat postings.

Reported human rights abuses by troops under his command

While Lopez was Commander of the 1st National Guard District (which covers San Salvador) on April 7, 1982, a man, 36, was reportedly captured by the National Guard in San Salvador, and hanged. 39

While Lopez was Commander of Military Detachment 3 on May 21, 1987, soldiers from the detachment reportedly captured a man, 23, and during the next 12 days made him put on the detachment's uniform and walk in front of a combat unit on patrol. On June 2, he returned to his home, but was reportedly taken away again in the evening by soldiers from the detachment. His body was found the next day with a bullet through the neck. The Armed Forces' press office said he had been assassinated by the FMLN. 40

While Lopez was Commander of the 4th Brigade on August 3, 1988, soldiers from the brigade in search of a fleeing guerrilla reportedly entered a house of a foreign religious worker in San Francisco Morazan, Chalatenango. According to witnesses, the soldiers began shooting at random, killing a 99-year old man and his 50-year old mentally handicapped daughter. No rebel was found in the house.

COMMANDER, AIR FORCE: GEN. RAFAEL ANTONIO VILLAMARIONA

Key Assignments

- 1963: Student, U.S. Army Counterinsurgency Course, San Salvador.
- 1971: Student, U.S. Air Force Base, Maxwell, Alabama (to 1972).
- 1977: Student, U.S.-run Inter-American Defense College (to 1978).
- 1979: Commanding officer, fighter squadron.
- 1979: Student, three-month political warfare course, Taiwan.
- 1983: Student, U.S. Army School of the Americas, Joint Operations Course: promoted to Colonel.
- 1984 Vice Commander of the Air Force (12/84-12/89).
- 1988 Promoted to Brigadier General (12/88).
- 1990 Commander of the Air Force (1/90 to the present).

Profile

Gen. Villamariona is characterized by many sources as a weak player in the Salvadoran military, and certainly not on a par with his predecessor Gen. Bustillo, who ran the Air Force almost as a personal fiefdom for a decade before accepting the largely honorary position of military attache to Israel and Europe. However, most sources also agree that Villamariona is seen as a 'Bustillo guy' who continues to report informally to Bustillo (who has chosen to stay in El Salvador, despite his new assignment) and so enjoys the benefit of the considerable power Bustillo still wields.

Due to his rank, Villamariona was made the nominal head of the Honor Board of the Armed Forces that met in January, 1990, after President Cristiani announced that military personnel were the prime suspects in the case of the Jesuits. The board's workings remain a mystery, as no documents have been provided to the judicial system explaining how it named nine officers and soldiers for charging in the case out of some 50 suspects. 42

As Vice Commander, Villamariona was Bustillo's top operations assistant during a period of numerous allegations of bombing of civilian areas and the operation of a contra supply operation at the Air Force base, using fuel provided by U.S. military aid. He is a classmate of Minister of Defense Larios and so is much older than other commanders. In general, it takes longer to rise to top command in the Air Force than in the Army.

As it appears to be widely assumed that Villamariona will not serve long as commander, officers who have been mentioned as possible replacements for him are listed here: Commander of Comalapa Airbase Col. Galileo Conde Vasquez, Air Force School Commander Manfredo E. Koeningsberg Cubias, Vice Commander Col. Hector Leonel Lobo Perez and Comalapa Airbase Vice Commander Lt. Col. Martinez Varela. None of these officers are members of the Tandonia; its only Air Force officer, Freddy Roberto Ascensio, died in a plane crash.

Points of interest about three of these possible replacements include: Koeningsberg directed security forces for the Air Force in the early 1980's that some allege to have been death squads, and has been the subject of allegations of drug-smuggling; when he served as Air Force attache in Washington, Lobo reportedly assisted Oliver North with contra supply operations being run out of El Salvador's main air base and travelled with North to the region; and Varela is credited with orchestrating an Air Force 'work stoppage' to protest President Cristiani's failure to appoint Gen. Bustillo Minister of Defense.

Reported human rights abuses by troops under his command

While Villamariona was Vice Commander of the Air Force on August 6, 1985, the village of El Ocotal, Chalatenango, was reportedly bombed by Air Force jets, and three people were killed. The Air Force eventually acknowledged that it had made a mistake, with Commander Gen. Juan Rafael Bustillo saying: 'We're all human.'
43

While Villamariona was Vice Commander of the Air Force on January 22, 1987, seven civilians reportedly died in aerial bombardment of the town of San Diego, San Miguel. 44

While Villamariona was Vice Commander of the Air Force on March 7 and 8, 1989, indiscriminate air attacks were reported in a number of communities and farms in the departments of San Miguel and Morazan. On March 8, five people were reported killed, including four children, in the Torola Jurisdiction of Morazan. 45

While Villamariona was Vice Commander of the Air Force on April 15, 1989, Air Force soldiers reportedly captured, tortured and then killed a french nurse, an Argentinian doctor, a paramedic, a teacher and a wounded combatant at an FMLN field hospital in San Ildefonso, San Vincente. A French doctor who performed an autopsy concluded that the nurse probably had also been raped. The Armed Forces' press office included the five on a list of nine armed rebels who died in combat that day. 46

During Villamariona's current tenure as Commander of the Air Force, five villagers (including four children) reportedly were killed and 16 wounded when a house was rocketed on February 11, 1990, in the village of Corral de Piedra, Chalatenango, after rebels retreated through the village. The Armed Forces initially barred reporters and human rights monitors from the scene and claimed in the press that rebel 'catapults' had destroyed the house. After contrary accounts appeared in the press, the Air Force eventually acknowledged that government aircraft had rocketed the house, but took no steps to discipline the pilot, even though the attack would appear to violate the Air Force's own guidelines. 47

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COMMANDER, 1ST BRIGADE: COL. FRANCISCO ELENA FUENTES

Key Assignments

1969: Student, U.S. Army School of the Americas, Unconventional Warfare School.

1983: Executive Officer, 4th Brigade; Executive Officer, 6th Brigade.

1984: Executive Officer, Cavalry Brigade.

1985: Student, U.S. Army School of the Americas (through 7/86).

1986: Chief of Psychological Operations (C-5), General Staff of the High Command (8/86-7/88)..

1988: Commander, Military Detachment 3 (7/88-6/89).

1989: Commander, 1st Brigade (6/89 to the present).

Profile

Elena Fuentes is recognized as a top leader of the Tandonas, and is almost certainly one of the Compadres. The 1st Brigade is the most important combat post in the country, because it has responsibility for the capital. No officer is likely to be given the command unless he is trusted by his fellow officers, both for political judgment and military skill. He is considered an aggressive commander with hard-line views about civilians thought to be sympathetic to the rebels, and is seen by many as a protege of the man he replaced as commander of the 1st Brigade, Col. Zepeda.

Elena Fuentes' power in the Tandonas does not mean that he will continue to be promoted automatically. Non-governmental sources report that recent abuses of human rights at the 1st Brigade, and in particular his initial attempt to deny the killings at Tres Ceibas, have become an issue with the U.S. Embassy and may preclude him from becoming Chief of Staff or a Vice Minister of Defense. However,

given his reported popularity with both his troops and the Tandonas, he will be difficult to deny.

Reported human rights abuses by troops under his command

While Elena Fuentes was Commander of the 1st Brigade in July, 1989, he reportedly provided inaccurate information on the murder by soldiers of the brigade of two men from the village of Tres Ceibas on the outskirts of San Salvador, claiming that they had died falling out of a truck. It was later confirmed that one

had been beaten to death in the field and one had been beaten in brigade headquarters for over a week in which he was denied transfer to a hospital and humanitarian agencies where denied access to him despite repeated requests. A deserter from the brigade has now been charged with both killings, although he apparently did not participate in the beatings in the headquarters or the decision to hold the man past the 72-hour legal limit and deny him medical care. 48

While Elena Fuentes was Commander of the 1st Brigade in November 1989, during the FMLN offensive in San Salvador, a 17-year-old boy who had been digging trenches for the FMLN and a health worker in a church were seized by soldiers from the brigade in separate incidents. At present, the brigade is denying it has either one, although witnesses say they either were in custody with them or visited them in custody shortly after their capture. 49

COMMANDER, 2ND BRIGADE: COL. JOSE HUMBERTO GOMEZ

Key Assignments

1979: Executive Officer, 5th Infantry, National Guard, San Miguel (1979-80).

1982: Promoted to Lieutenant Colonel (12/82).

1983: Sub-Director, National Guard (1983-85).

1986: Commander, Belloso Elite Battalion (2/86-6/87).

1987: Commander, 4th Brigade.

1988: Director General, National Guard (7/88-6/89).

1989: Commander, 2nd Brigade (6/89 to the present).

Profile

Gomez graduated 42nd out of 47 in the Tandonas. His brigade assignment is in an area of limited combat. He is not seen as much of a power in the class, and has spent much of his command career in the National Guard, a force which is held in lower regard than the regular armed forces, such as brigades.

Reported human rights abuses by troops under his command

While Gomez was Sub-Director of the National Guard in April 1985, a doctor who the military accused of treating rebels was reportedly seized at his house by the National Guard and held for 17 days. He reported that he was stripped naked, blindfolded and interrogated without sleep throughout this period, and that he was subjected to mock executions, beatings and hanging from the ceiling by his thumbs. He was hidden from representatives of the International Committee of the Red Cross--in violation of an agreement between the ICRC and the Salvadoran Government--when they asked to examine him on two occasions during his captivity. 50

While Gomez was Commander of the Belloso Elite Battalion on June 8, 1987, soldiers of the Belloso Battalion reportedly killed four wounded FMLN combatants in San Fernando, Chalatenango. Two FMLN health workers who witnessed the executions had been carrying the wounded to safety when the soldiers encountered them. Although the victims reportedly identified themselves as wounded and unarmed, the soldiers shot them anyway. According to the witnesses, when one soldier kicked a victim to see if he was dead and noticed that he was not, the soldier shot them all again. 51

While Gomez was Commander of the Belloso Elite Battalion on June 13, 1987, soldiers of that battalion and the 4th Brigade reportedly stabbed in the throat and left for dead four unarmed men they had seized for questioning in Plan Verde, Chalatenango. The soldiers reportedly had taken the men from their homes or while walking on the road and interrogated them prior to the attempted murders. The men survived to tell of their treatment, but the Army denied any involvement. Two of the men's wives reported being raped. 52

While Gomez was Commander of the 2nd Brigade in July and August, 1989, four persons connected with the Santa Ana campus of the National University disappeared, including two students a professor and a union activist. Most were reportedly held for periods of over a month by the 2nd Brigade, and reappeared in late August after an international campaign was mounted on their behalf. Two claimed that they had been tortured and threatened with death. Gomez denied responsibility for the disappearances. 53

While Gomez was Commander of the 2nd Brigade during the FMLN Offensive in November 1989, soldiers from the brigade reportedly summarily executed at least five and possibly as many as nine people after they were captured in La Union, Santa Ana. Witnesses reported that some of the victims were wounded or captured guerrillas, and that others were civilians who were assisting the guerrillas in non-combat roles. Investigations showed that several of the victims were shot at close range. One witness testified that she heard a corporal say, 'Why should we let these people live? If we let them live, they'll be put in prison and the human rights (groups) will let them out.' 54

COMMANDER, 3RD BRIGADE: COL. MAURICIO ERNESTO VARGAS

Key Assignments

- 1970: Student, U.S. Army School of the Americas, Operations Basic Course.
- 1980: Assistant Chief of Psychological Operations (D-5), Joint General Staff.
- 1981: Commander, 1st Infantry Battalion, 2nd Brigade.
- 1982: Student, U.S. Army School of the Americas, Joint Operations Course.
- 1983: Instructor, U.S. Army School of the Americas (1983-84).
- 1984: Commander, Atonal Elite Battalion (7/84-9/85).
- 1985: Commander, Military Detachment 4 (9/85-6/87); promoted to Colonel (12/86).
- 1987: Chief of Operations (C-3), Joint General Staff (6/87-10/88).
- 1988: Commander, 3rd Brigade (11/8 to the present).

Profile

Vargas holds one of the most important combat commands, and has served an unusually long time in it, indicating that he is trusted as a commander by his fellow Tandodna members. Another indication of their confidence in him is that he held the key coordinating position of chief of operations (C-3) on the general staff.

There have been tensions between him and other commanders and government officials, though, because of his membership in the centrist Christian Democratic party, of which his father was a founder. Most top commanders are either identified with the ruling rightist ARENA party or with no political party.

Perhaps as a result of his affiliation, Vargas has been criticized by other officers for being too eager to promote a settlement with the FMLN. He countered these criticisms somewhat by taking a public 'Hard line'; on the issue of dialogue in 1989, and he has represented the military in the government's dialogue with the FMLN.

Vargas appears to have been the choice of Col. Ponce for the position of Vice Minister of Defense, but that post went to ARENA supporter Col. Zepeda. His current position as a brigade commander for the eastern provinces is seen by some as a 'golden exile' that ARENA supports because it removes him somewhat from Tandona politics. He could be considered again for a higher position if Ponce becomes Minister of Defense.

Vargas has a reputation as a charismatic leader with good rapport with his soldiers, and as a tough commander with a hot temper. His troops in Military Detachment 3 reportedly carried out a 'scorched earth' policy in Morazan in 1986, burning fields and relocating civilians in order to weaken the FMLN. He told reporters that burnings were not the Army's policy, and were in fact accidental: 'There are hot, self-combustible minerals in the earth. The fires start themselves.' 5 5

He also blocked shipments of food into the region during that period, permitting residents to carry in only subsistence levels. One resident told Tutela Legal: 'Colonel Mauricio Vargas told us that we definitely cannot bring more than a pound of sugar because that was sufficient for a family, and that if we wanted to bring more, it is because we want it for the guerrillas.' 56

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Reported human rights abuses by troops under his command

While Vargas was Commander of Military Detachment 4 in May, 1986, troops of the detachment's Morazan battalion reportedly captured and executed a farmer, 29, on his way home in Cacaopera, Morazan, after an accidental firefight between two of the battalion's units that each thought the other was a group of guerrillas. His body was found later with a bullet wound in the back of the head and his identification card missing. 57

While Vargas was Commander of Military Detachment 4 on December 15, 1986, a teacher, 50, was reportedly shot to death by soldiers from the detachment in San Francisco Gotera, Morazan while they were questioning him in the street. The victim was seen arguing with the soldiers just prior to the shooting. 58

While Vargas was Commander of Military Detachment 4 in May, 1987, soldiers of the detachment's Morazan battalion reportedly shot to death a woman, 35, who had gone down to a well to bathe. According to her mother, the soldiers said they had made a 'mistake' and ordered her to bury the woman immediately. The body showed several bullet wounds. 59

While Vargas was Commander of the 3rd Brigade on September 15, 1989, an officer of an employee association was reportedly handed over to the 3rd Brigade after his capture by the Cavalry Regiment. The victim testified that during his six-day interrogation he was beaten, tortured by having a plastic hood placed over his head to induce suffocation, burned with matches and threatened with death. A death threat against the victim had been issued over the radio by the death squad 'ARDE' a week earlier. 60

COMMANDER, 4TH BRIGADE: COL. ROBERTO PINEDA GUERRA

Key Assignments

1967: Student, U.S. Army School of the Americas, Cadet and Basic Combat Army courses.

1982: Assigned to Military Detachment 5.

1989: Director, National Intelligence School; Executive Officer, Military Detachment 4.

1990: Commander, Military Detachment 5 (12/89-2/90).

1990: Commander, 4th Brigade (3/90 to the present).

Profile

Pineda is the only one of the six brigade commanders not to be a member of the *Tandona*, and seems to have had less command experience than the rest of the officers in primary commands. Having graduated from the Military Academy one year after the

Tandona class, he is rumored to be one of the leaders of the group of younger colonels who have been frustrated by the *Tandona's* control of the top positions in the military, which has stalled the rise of these younger colonels into important commands.

Reported human rights abuses by troops under his command

No reports were found of abuses by forces under his command.

COMMANDER, 5TH BRIGADE: COL. JOSE EMILIO CHAVEZ CACERES

Key Assignments

1974: Student, U.S. Army School of the Americas, Courses in Urban Warfare, Counterinsurgency and Military Intelligence.

1980: Assigned to Department IV (logistics), National Police; assigned to Department I (Personnel), National Police.

1981: Chief of Police, National Police, Santa Ana Department.

1982: Chief of Police, National Police, San Miguel Department; promoted to lieutenant colonel (12/82).

1984: Executive Officer, 6th Brigade (2/84-8/84).

1985: Commander, Bracamonte Elite Battalion (8/84-12/85).

1986: Commander, Military Detachment 7.

1988: Commander, 5th Brigade (7/88 to the present).

Profile

Chavez Caceres is a member of the *Tandona*, but is not seen as a major power in the class. Several people interviewed said that his role in what appeared to be an attempt to cover up the San Sebastian massacre had enraged the U.S. Embassy, and may have hurt his chances for new assignments. Chavez Caceres is seen as a commander who acts harshly toward civilians suspected of sympathizing with the FMLN, and one former Salvadoran officer warned upon hearing his name: 'May God guard you from him.'

Reported human rights abuses by troops under his command

While Chavez Caceres was Commander of the Fifth Brigade on September 21, 1988, soldiers of the Jiboa Battalion of the 5th Brigade reportedly assassinated ten civilians in San Sebastian, San Vicente. Villagers were rounded up and individuals were selected from a list and led away. According to testimony of soldiers participating in the operation, a firefight was faked to hide the cause of death. Exhumation of the bodies revealed that several had bullet holes in the head, as if they had been executed. Chavez Caceres told the press that the ten victims died in a guerrilla ambush, and that the guerrillas returned to the scene later that night and mutilated the bodies to make them appear as if they had been shot at close range. Following intense pressure from the U.S. Embassy, the Army acknowledged that the massacre had in fact been committed by its troops, and 11 were arrested. In February 1990, the charges against all of the arrested except a major and a corporal were dropped. 61

While Chavez Caceres was Commander of the Fifth Brigade on June 20, 1989, troops from the brigade reportedly captured a farmer, 19, as he was walking to work in San Sebastian, San Vicente, and took him to headquarters. He testified later that during virtually his entire six-day detention he was blindfolded and handcuffed, and that he was subjected to beatings, having his head held under water to simulate drowning, having a plastic hood placed over his head to induce suffocation, and electric shocks. 62

COMMANDER, 6TH BRIGADE: COL. HECTOR HERIBERTO HERNANDEZ MARTINEZ

Key Assignments

1979: Chief, Department I (Personnel), National Police.

1982: Promoted to Lieutenant Colonel (12/82).

1983: Chief of Logistics (S-4), Joint Task Force for Operations in San Vicente (6/3-11/83); graduated from the Command and General Staff Course (11/83).

1984: Assigned to Military Detachment 2, Caban̄as Department.

1985: Executive Officer, 1st Brigade.

~~1986: Commander, Bracamonte Elite Battalion (1/86-6/87).~~

1987: Commander, Military Detachment 2 (6/87-10/88).

1988: Director, Treasury Police (11/88-2/90).

1990: Commander, 6th Brigade (3/90 to the present).

Profile

According to non-governmental sources, repeated reports of abuse at the Trasury Police while Hernandez was Director, including a number involving Americans, resulted in demands by the U.S. Embassy that he be removed from active duty. His transfer to a brigade command therefore 'a real disapointment to the Embassy.'

Hernandez graduated 36th of 47 in the Tandon, and is not seen a key player in the class. He has reportedly received Taiwanese training, as many Salvadoran officers have, but this does not appear on the list of assignments and foreign training provided by the Department of Defense.

According to a number of people interviewed, a possible example of the use of 'ghost soliders' by Hernandez was revealed during the November 1989, offensive: former Col. Sigifredo Ochoa had reportedly paid the Treasury Police to prepare a unit to protect the state power facilities he was managing, but when he called for the unit during the offensive he was told that it was not available, leading to speculation that it did not actually exist.

Reported human rights abuses by troops under his command

While Hernandez was Director of the Treasury Police in May, 1989, a woman was reportedly captured by four armed men on her way to work in San Salvador and taken to Treasury Police headquarters. According to her testimony, she was handcuffed and blindfolded for three days and hung up by her handcuffs, with her hands in back, 'like a pin̄ata,' beaten, drugged and tortured with a plastic hood that induces suffocation. 6 3

While Hernandez was Director of the Treasury Police on August 5, 1989, a former union leader was reportedly seized by police in Planes de Renderos, just outside of San Salvador, and taken to Treasury Police headquaraters. According to his testimony, during his four-day detention he was stripped naked, beaten and tortured with a plastic hood that induces suffocation. He said that the police threatened to cut his fingers off unless he confessed to their accusations. 6 4
Nearly identical treatment was reportedly accorded to a union official arrested on September 8 in San Salvador. 6 5

While Hernandez was Director of the Treasury Police on November 15 and 16, 1989, two U.S. citizens and seven Salvadorans were reportedly transferred to the Treasury Police after their arrest at the San Salvador office of the Committee of Mothers of the Disappeared, Murdered and Political Prisoners. Both Americans reported being beaten during their detention at Treasury Police headquarters, and one claimed she was sexually molested while handcuffed and blindfolded. Also, in a separate incident in the same period, another American citizen reported being handcuffed, blindfolded and beaten while in the custody of the Treasury Police. 6 6

While Hernandez was Director of the Treasury Police on November 16, 1989, Treasury Police reportedly detained a French citizen and tortured him after a paraffin test came back positive, indicating contact with gunpowder. Other detainees in custody at the time claimed that they heard him screaming in response to being beaten and tortured. 6 7

While Hernandez was Director of the Treasury Police on November 20, 1989, seven foreigners, including one U.S. citizen, were reportedly transferred to Treasury Police headquarters after their arrest by the National Guard. They were reportedly beaten, and the American said she was hit in the head and threatened by having a knife pulled across her throat. 6 8

[This report was prepared by the staff of the Arms Control and Foreign Policy Caucus. It does not seek to reflect the views of the members of the Caucus.]

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FOOTNOTES

1. The figures are taken from a promotion list of the Salvadoran military academy and from information provided by the Government of El Salvador and the Department of Defense.
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The New York Times

Magazine

El Salvador's Army: A Force Unto Itself

By Joel Millman. Joel Millman is a freelance writer living in New York City. He spent the last 14 months studying the Salvadoran military as a fellow of the Institute of Current World Affairs in Hanover, N.H. Published: December 10, 1989

IT WAS A SCENE SALVADORANS HAD HOPED THEY WOULD NEVER SEE again. On Nov. 16, while a full-scale battle raged between the Salvadoran Army and leftist rebels in the streets of the capital, the bodies of six Jesuit priests murdered in the night lay strewn across a university campus. A witness said the killers had been soldiers in uniform.

Overnight, El Salvador had been pulled back to its awful past. For a decade, American military advisers, diplomats and reporters had been proclaiming that the Army had improved, that it was growing better able by the day to fight a difficult war. The Salvadoran armed forces, which during the early 1980's had been blamed for the murders of four American churchwomen and scores of Salvadoran civilians, were now described as mature, democratic and reformed.

After 10 days of fierce fighting in the capital, the Army managed to turn back the guerrilla offensive - but at a tremendous cost in resources and its own prestige. Once again, it had misjudged the strength of the rebel Farabundo Marti National Liberation Front and ignored its own intelligence reports suggesting the guerrillas were moving their forces into the city. Despite the \$1 billion in military aid the United States had given during the last decade, Washington could no longer claim that the Salvadoran military would be able to end the war soon.

But though the Army's reputation as a "mature" military force had been shattered, its political power remained undiminished. Throughout the offensive, the civilian President, Alfredo Cristiani, promised his people repeatedly that the soldiers would respect the lives of noncombatants - promises that were belied by the Army's tactics.

The Army bombed and strafed the neighborhoods of the capital, killing and wounding hundreds of civilians. These casualties, together with Cristiani's reluctance to even acknowledge the possibility of Army involvement in the Jesuits' murders - he suggested, against all evidence, that the rebels were responsible - convinced many Salvadorans of what they had suspected all along: Despite claims of "reform" and "progress," in El Salvador no civilian government controls the military.

"I love that word, 'progress,'" said Col. Robert M. Herrick, until 1987 the head of an American Army think tank monitoring the war. "We've had 'progress' every year since the war began. The war should have been over a long time ago." One billion dollars in American military aid seems to have bought an army big enough to survive its own mistakes, and powerful enough to resist any effort to reform it - to end pervasive corruption or weed out corrupt officers. Instead of fostering reform, the American money has been absorbed into a network of corruption and patronage that has grown up over half a century, and has made the Salvadoran military an empire unto itself.

Officially, the Salvadoran military denies charges of systemic corruption. After more than a year spent studying the empire, however, including interviews with many senior Salvadoran officers - most of whom would speak only on condition that they not be named - a picture emerges of an already powerful institution grown virtually untouchable on the spoils of a lucrative war.

AT FIRST GLANCE, EL SALVADOR's military academy, the Escuela Militar Capitan General Gerardo Barrios, could be the athletic complex of a large Midwestern university. Instead of trophies, there are polished brass shells and the seals of Army units. Along one wall, the framed face of each academy comandante stares implacably from behind his pane of glass: Prussian and Chilean officers dominated during the early years, then came Americans, and finally Salvadorans.

A plaque recalls the 50th anniversary of the school's 1936 class - the men who fought with Maximiliano Hernandez Martinez to suppress a peasant revolt, leaving 20,000 campesinos dead and General Hernandez in power for more than a decade. In 1944, rival officers overthrew him, and so began the 35-year coup-begets-coup cycle that until this decade defined Salvadoran politics, and gave Escuela Militar its nickname: "School of the Presidents."

It is a tough school. Many more cadets are accepted than can ever rise to positions of power, so attrition begins the first day. There are forced marches, beatings, all-night calisthenics - ordeals designed to reduce each class to a hardened core of officers. The soft boys from the good families go first, followed by the scholars - those most equipped for success outside the military. The survivors are cloistered in the academy, isolated from a civilian world they are taught to view as decadent, amoral and corrupt.

Absolute obedience to authority and loyalty to one's own tanda - or academy class - are the foundations of the cadets' training. By graduation, the entering class has been reduced to perhaps one-fourth its size, and unbreakable alliances have formed among the survivors.

In a country of great scarcity, a military career is a poor boy's only sure path to the middle class. "Their goals are largely materialistic," Armando Interiano, a retired officer, says of the recruits. "It comes from growing up poor." Immediately after graduation, the cadet receives his first payoff: the right to import a car duty-free, a privilege he often sells to civilians. To insure their futures, cadets try to attach themselves to prosperous mentors, military or civilian.

Throughout the 1970's, military officers not only controlled the Presidency, but exercised, through the military's own political party -the Party of National Conciliation - a virtual monopoly on the country's political discourse. Officers fighting for promotions saw command positions as the equivalents of elected office.

An officer taking command of one of the three regional brigades had at his disposal a vast system of patronage and graft, with countless opportunities for enrichment. Colonels leased troops as guards or laborers to local businessmen, or even, in some cases, as hired killers to insure labor peace. And there was always money to be siphoned off from the base's payroll and food budgets.

The top commanders distributed the take among their allies. A captain or major waited patiently for his share. With coups almost always determining succession, every *tanda* pushed its most capable officers toward brigade commands, where they generated wealth to spread among the allied *tandas*, and guaranteed each *clique* enough firepower to survive changes at the top. "When I left in 1977," says one senior American diplomat now serving a second tour in El Salvador, "corruption was so prevalent, it was just about inconceivable that an officer would rise to a senior level without being corrupt."

During the early 1980's, as El Salvador's rebel insurgency grew and the American aid program expanded, American advisers arrived, bent on reform. The Americans encouraged rapid expansion of the officer corps, hoping to dilute institutional corruption by weakening the power of individual *cliques*. During the 1970's, 600 Salvadoran officers had ruled 15,000 troops. To these were now added more than 1,000 new officers drawn from the ranks of enlisted men and trained by Americans in the United States and Panama. Graduates of these "quickie officer candidate schools," it was hoped, would flood the Salvadoran Army with new leaders and begin eliminating the corrupt standards of the past.

It didn't work out that way. As the officer corps grew, so did the number of commands and the pool of enlisted men. The Army is now 57,000 strong. Instead of three brigades for the *tandas* to jockey for, there are now seven, and seven provincial commands, called detachments, with some 2,000 men in each. Each of the brigade and detachment commanders of El Salvador's 14 regional departments - the "Fourteen Warlords" - now commands as many men as the top three brigade commanders did during the 1970's.

"You're seeing second lieutenants with BMWs," says Capt. Joaquin Ventura, now retired from the Army. "Once you had to be a colonel to get rich, now even the lower ranks steal." The patronage system remains intact; indeed, the Tammany Hall-style rituals have become even more refined.

A VISIT WITH A PATROL in the eastern garrison of San Miguel reveals the system at work. Of 12 soldiers interviewed, 11 were local *campesinos* who had been picked up by Army controls and forced into uniform. Only one was a veteran, a man who had re-enlisted voluntarily. Though many soldiers would might choose to re-enlist - jobs are scarce in Salvador, and the salary of a re-enlistee is nearly double that of conscript - few commanders seem to care about retaining experienced soldiers.

In fact, many commanders do fill these re-enlistment slots - with *plazas ficticias*, or "ghost soldiers." These are nonexistent soldiers, names added to the brigade's roster that draw salaries divertable into the brigade slush fund. Since the Salvadoran Army has no central roster, every year the 14 commanders divide 20,000 pay slots among them, to be assigned at the commander's discretion.

"Just about every brigade lists at least one 50-man company that isn't there," says one major. "Each of those 50 pay slots brings 500 colones" - equivalent to about \$100 - "each month. Times 12 months that's \$60,000." It's more cost-effective to create imaginary re-enlistees than poorly paid recruits. Thus, the Army does little to encourage re-enlistment, and some commanders actively discourage it; battlefield experience is sacrificed for graft.

Meanwhile, every time a soldier deserts, or dies in action, the commander can add to his list of ghost soldiers, earning himself yet another salary.

The rapid growth of the officer corps, far from eliminating such abuses, has actually worsened them. With more and more eager young officers pushing for promotion, commands are changed more frequently. Senior brigade officers seldom command for more than 12 months, a fact that encourages them to enrich themselves quickly. The large cash flow from the ghost soldiers allows a top commander to amass a "retirement fund" quickly, as well.

After being forced into uniform, a recruit is often further abused by *descuentos obligatorios* - mandatory deductions - that are siphoned from his salary. A soldier in San Miguel, for example, pays \$20 a month for food, and another \$5 for boot polish, toothpaste and oil to clean his rifle. Several times a year, he has to buy uniform accessories - a \$10 black beret, for example.

In other commands, soldiers are made to pay for sneakers, soccer uniforms, blue jeans - even the barracks television, which remains the property of the brigade. "These are like a commission for the lower officers," explains one officer. "Like on Independence Day, a captain or major will decide everyone must wear a brigade T-shirt in the parade. You can say, 'Sir, I only want one T-shirt,' but they sell you three. And that's an order. In a brigade of 3,000 men, someone is making real money." Commander Miguel Antonio Mendez's deduction of \$1 from each of his troops to build a wall around his Third Brigade base is one of the legends of the 1980's. "Seeing that, the way the men had to pay for their own defense," says one American colonel based in El Salvador. "It caused our stomachs to churn."

Colonels still rent out soldiers - so-called *supernumerarios* - to guard coffee plantations, factories and bus lines, charging from \$200 to \$300 per man per month. Eventually, the various schemes merge into a seamless web, as a Salvadoran lieutenant colonel now serving abroad explained. "You go to headquarters and say you need a money order for food for a two-week operation. The supply officer signs for the order, but you only put your men out for one week. Or maybe only half the men guard a coffee farm, where the owner is already paying, and providing food for the troops. What they don't eat you sell to the men on base." The money flows into the brigade slush fund; cash raised for legitimate expenses like food commingle with funds pocketed, or passed on to other officers to forge a reform-proof unit. Some commanders even tap the fund to "buy" officers from other brigades, building their personal following while furthering their *clique's* rise to a more lucrative command.

THE AMERICANS' GOAL was to eliminate all this, of course, but the effort has been undermined by the command structure, and the fierce loyalty within the *tandas*. "Peer pressure is too great," says one American Army officer, who was based in the eastern war zone during the mid-

1980's. "When they try to execute good leadership principles they get slam-dunked unmercifully." Powerful tandas shove the American-trained upstarts aside, and reform, meant to rise from below, is suppressed.

In August, two teams of junior Salvadoran officers began researching the problem of mismanagement. They produced a report, "Considering the Conduct of the War," that detailed many of these abuses. When asked about the report, Army Chief of Staff Col. Rene Emilio Ponce, appearing more interested in who had leaked it than in its contents, said that the researchers overemphasized "isolated" abuses, particularly the padded rosters. Colonel Ponce's powerful tanda, called the Tandona (or "Big Class"), is considered among the most corrupt of the military cliques.

American officials in El Salvador and Washington acknowledge the endemic corruption, but argue that improving battlefield performance has necessarily been a higher priority. Some American diplomats and military advisers even speak hopefully of following the "Argentine Model": first defeat the insurgency, then concentrate on building democracy.

But in Argentina - or Panama, a better comparison - the armed forces have also resisted change, responding to each crisis with a grab for even greater power. In El Salvador, the military's power is abetted by civilian politicians who match the corruption of the old military regimes. Even before the guerillas' recent offensive, the failure of civilian leadership and the rebels' propensity to attack civilian as well as military targets, had produced a climate of insecurity for the Army to exploit, making businessmen eager to hire the Army's troops.

"As soon as I got a brigade command," says retired Col. Sigfredo Ochoa, now a top man in the ruling ARENA party, "businessmen would approach me, offering to put me on their board of directors, or sell me shares in their company. I would say, 'But I have no money.' They would say, 'Don't worry about that.'"

Ochoa - who many say was not really immune to corruption while in uniform - points to El Salvador's fishing industry as an example of the officer-businessman alliance. Shrimpers on the Pacific coast always enjoyed friendly relations with the armed forces; they routinely gave Navy officers a "tax," a few hundred pounds from each catch. Occasionally, fleet owners would pay an additional fee to the port captain for guarding the coastline.

That was when shrimping was a \$100-million-a-year industry. Now, battered by capital flight and labor strife, and hurt by the fact that two of the country's important ports - El Triunfo and La Union - lie in the eastern war zone, the fishing industry has dwindled to a fraction of its former size. And the Navy has become the industry's silent partner.

According to dock workers, fishermen and local politicians, active and retired officers hold controlling shares in many of the big export firms. In El Triunfo, where a three-year strike has idled 40 boats of one large consortium, a rival company, Atarraya, is thriving, reportedly under military protection.

Up the coast, the port of Acajutla has been purged of unions, and revitalized by the influx of new, military-controlled fleets. Navy chief Col. Humberto Villalta berths four of his own shrimpers in Acajutla, under the banner of the Promarisa fishing company. According to port officials, the military fishing companies - "the pirates," the locals call them - don't pay municipal taxes, or Social Security taxes for their sailors. In both Acajutla and El Triunfo, according to local fishermen, Colonel Villalta's control of navigation licenses gives him final say over who can fish.

Colonel Villalta refuses to discuss his fishing business; when I asked him about it, he hung up the telephone. But the company itself is not so shy. "The military man is the true Salvadoran," Mauro Granados, Promarisa's business manager, told me. "Why should I invest with a doctor, or an engineer, someone who is going to leave El Salvador? The military man cares about the development of the country."

Other businessmen are not so sanguine. Many have complained for years about competition from the Cooperativa de la Fuerza Armada in San Salvador, the Salvadoran Army's post exchange. In 10 years, it has grown from a small shop to a shopping mall, complete with a supermarket and a three-story department store, and, according to veteran officers, it acts as a conduit for contraband goods brought into the country duty free.

All this is small change when set against the Army's main cash reserve, a Social Security fund called the Social Provision Institute of the Armed Forces (IPSA). With the war business booming in El Salvador, the fund has become one of Latin America's financial success stories. It deducts a percentage from every subscriber's salary; every soldier who finishes his two-year hitch pays \$150 into an IPSA account, but only the disabled, or families of the dead, receive any payments. Enriched by the 20,000 new recruits that pass into the brigades each year, the fund has become a money tree, growing from less than \$2 million in reserves in 1980, to more than \$100 million by the end of 1988.

"They're the biggest source of liquid capital in the country," says one Salvadoran businessman. "They've got so much money they don't know where to put it."

So the military has been buying property: estates once belonging to the Duenas and de Sola families, pillars of the old oligarchy; prime real estate in San Salvador's suburbs. Here, the question of corruption is practically irrelevant. With credit tight and long-range financial planning almost impossible, only the Army has the cash to develop such properties, or convert the oligarchy's land wealth into liquid assets.

This year the military paid \$2 million for an oceanside resort, the Pacific Paradise, and is developing a 500-lot housing development in the suburbs. A second parcel will become its new corporate headquarters, and, at one famous old estate, it is building a combination veterans community and rehabilitation center.

Projects like this let the Army build new alliances with construction firms, suppliers and builders' unions. It is already invading the financial markets; IPSA makes mortgage and car loans to members and their families and now co-signs small-business loans issued by two civilian banks. There is also a military funeral home, and military farms that market produce at low prices for members.

For the past two years, IPSFA has been negotiating with the government for permission to allow it to invest in joint ventures with multinational corporations. There are plans for an IPSFA insurance company and land bank. IPSFA has even purchased - for \$5 million - a 13-story office tower for the new Bank of the Armed Forces, which it expects to open next year.

IF THE ARMED FORCES do open their new bank, the profits from fishing and duty-free television sets will be pocket change, and the balance of power between soldiers and civilians will be permanently altered. "The day an officer can go to his own bank for a loan," says Luigi Einaudi, El Salvador's Ambassador to the Organization of American States, "he escapes the landowner. Instead of being a tool of one class, he becomes his own master. And, potentially, the master of the state."

In El Salvador, the 14 warlords have replaced the "Fourteen Families." The country's President may no longer be an officer, but more power than ever rests with the military. One of Alfredo Cristiani's first acts after becoming President was to order that all institutional funds, including IPSFA's, be deposited in the country's central bank. When the military balked, he backed down.

Despite his appeal to right-wingers and his ARENA party's recruitment of many former officers, President Cristiani is discovering that he is a fringe player when it comes to Army affairs. "He's like our George Bush," says one officer. "Army officers like to be ordered. He consults."

Cristiani may well find that the pattern set in the early years of the war - civilian control of the government together with American-sponsored autonomy for the military - marginalizes his efforts, especially now that the war is heating up again.

Under Jose Napoleon Duarte, President until June of this year, "the military and the government were like a married couple," says another former President, Alvaro Magana. "They didn't love each other, and they rarely talked. Sometimes they would sit and watch the same television show, but they mainly went separate ways. I'm afraid the Army has learned it likes that relationship, and doesn't want to change."

Indeed, Cristiani's difficulties with the military began even before he took office, almost provoking a coup in May. Air Force officers, hoping their commander would be chosen as Defense Minister, grounded aircraft at Ilopango Air Force Base for two days, threatening to boycott the war. A few days later, during Soldier's Day celebrations, Air Force jets buzzed the reviewing stand of the outgoing Defense Minister, Gen. Vides Casanova, drowning out his speech and embarrassing officers and diplomats alike.

President Cristiani vacillated publicly over the nomination of a successor, settling finally on a compromise choice - Gen. Rafael Larios - who, because of his lack of support within the institution, was virtually a lame duck the moment he assumed office.

Determined not to permit November's "Battle of San Salvador" to become this war's Tet Offensive, the United States will no doubt move swiftly to shore up the military. In the showdown over the Defense Minister appointment, the United States encouraged Cristiani to bow to Army pressure, avoiding a challenge to powerful officers and thus reaffirming the military's role as an untouchable institution.

But a militarized El Salvador will not yield easily to civilian initiatives. "It's the same mistake we made in Vietnam," says Colonel Herrick. "Military aid is easy; all you have to do is give the bucks, and all they have to do is take them. But we got ourselves into a position where we have no leverage, so we have been acquiescing for years in corruption and methods of operations we don't believe in, all because of the Realpolitik of winning the war."

"The U.S. equated a professional armed forces with democracy," says opposition political leader Ruben Zamora. "They're not synonymous. What the U.S. has done is teach the Army it's better to be owner of the country than a landlord of a building. Instead of their own party, they control the whole political system."

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Attachment 4

DoD Report Re - Tanda System

Country ListingEl Salvador Table of Contents**El Salvador****Officer Corps Dynamics**

*Salvadoran Army officer and soldier
Courtesy United States Department of Defense*

In the Salvadoran officer corps, personal ties and political orientation have traditionally been more important than military competence. The 1948 revolution institutionalized a caste-like "old-boy network" within the army by bringing to power a *tanda*, or military academy graduating class, for the first time. Henceforth, the members of each *tanda* traditionally were bound to lifelong loyalty to one another. A *tanda* formed a tight clique, with its members taking their first commands in the expectation that they would one day be running the country. A *tanda* was important throughout an officer's career, which by law could last thirty years. *Tanda* loyalty counted more than political or personal differences. The importance of a *tanda* increased with seniority, as its leaders moved up into positions of power and wealth. Members of one *tanda* often formed alliances with those of another, although, as Richard L. Millett has observed, not with the class one year ahead that had mistreated them during their first year, nor with the class one year behind that they had themselves harassed.

The 1963 *tanda* of D'Aubuisson, a former army and GN intelligence officer and an ultraconservative politician, dominated the army in the early 1980s. His *tanda* held eleven of the top twenty field commands, controlling four of the country's six infantry brigades, four of its seven regional garrisons, the artillery brigade, and the mechanized cavalry battalion. D'Aubuisson carefully cultivated this network. Merely having classmates in so many key positions did not mean, however, that he had their automatic support. Many of his classmates were opposed to his extreme political viewpoint. The importance of D'Aubuisson's *tanda* connections lay in the entree they gave him into the *cuarteles* (barracks), where he also had the support of a number of junior officers.

Some observers believed that the *tanda* system was declining in importance by the mid-1980s because the much larger class sizes and the smaller amount of time that classmates were together were not conducive to developing strong bonds. The emergence in the late 1980s of the forty-six member *tandona* of 1966 appeared to contradict that view, however. The so-called reformist members of the *tandona* who played significant roles in the political system in the late 1970s and early 1980s included Defense Minister Garcia, his deputy Carranza, and the PN head, Colonel Lopez Nuila. These officers advocated a hard line against the opposition.

The promotion, transfer, or retirement of at least thirty senior officers in early July 1988 marked the start of the ascension of the *tandona* to command posts. As a result of the changes--in which younger, more conservative officers replaced those more closely identified with President Duarte--the *tandona* held five of the six prestigious infantry brigade commands; controlled five of the seven military detachments, the three security forces, and the intelligence, operations, and personnel posts in the High Command; and occupied numerous other key slots. The leading member of the *tandona*, Colonel Ponce, was promoted

to the position of chief of the Joint General Staff in November 1988 and thus assumed the counterinsurgency command. Although most of the top hierarchy was expected to be replaced by March 1989, *tandona* members were moving into the top posts slowly because the traditional seniority rule did not allow them to displace officers who had graduated before them. The sweeping command changes, however, angered many younger officers, who viewed the colonels' unusual consolidation of control as a power grab that blocked others' chances for promotion. Officers above and below the *tandona* bitterly resented it because of its size and influence.

Data as of November 1988

Country Listing

El Salvador Table of Contents

Attachment 5
DoD Report Re -
Tandana Inner Circle

[REDACTED]

PAGE:0002

DEPARTMENT OF DEFENSE

DOI: (U) 900200.

[REDACTED]

SUMMARY: [REDACTED] WITH HARD DECISIONS AHEAD, COL ((PONCE)) IS BEING REMINDED THAT THE TANDONA MADE ITS WAY TO THE TOP OF THE HEAP BASED ON ITS SIZE AND UNITY. AS HE BEGINS TO BE PRESSURED TO CUT SOME OF HIS CLASSMATES, DISSENT IN THE CLASS IS COMING TO THE SURFACE.

OVERVIEW

TEXT: 1. [REDACTED] THE 1966 GRADUATING CLASS (TANDONA), LED BY CHIEF OF STAFF COL RENE EMILIO ((PONCE)), HAS BEEN INCREASINGLY CRITICIZED FOR ALLOWING INEFFECTIVE AND CORRUPT CLASSMATES TO HOLD KEY POSITIONS IN THE ARMED FORCES. CRITICISM HAS COME FROM THE PRESS, [REDACTED] AND OFFICERS SENIOR AND JUNIOR (DOWN TO THE LIEUTENANT LEVEL). ADDITIONALLY, THE INDICTMENT OF CLASSMATE COL GUILLERMO ALFREDO ((BENAVIDES)) MORENO HAS PLACED A STRAIN ON INNER CLASS POLITICS. AS A RESULT, COL PONCE IS BEING FORCED TO CONSIDER CHANGES THAT MOVE HIS CLASSMATES OUT OF POWER. GIVEN THE STRAIN ON THE CLASS UNITY, FISSURES OF DISSENT ARE BEGINNING TO SURFACE.

THE INNER CIRCLE

2. [REDACTED] THE INNER CIRCLE OF LEADERSHIP WITHIN THE TANDONA CONSISTS OF COL PONCE, VICE CHIEF OF STAFF COL GILBERTO ((RUBIO)) RUBIO AND VICE MINISTER OF DEFENSE (VMOD) COL JUAN ORLANDO ((ZEPEDA)). ADVISORS TO THE INNER CIRCLE INCLUDE DIRECTOR GENERAL OF THE NATIONAL POLICE (PN), COL DIONISIO ISMAEL ((MACHUCA)), AND MINISTER OF HEALTH, COL (DR:) LISANDRO ((VASQUEZ)) SOSA. COLONELS PONCE, RUBIO AND ZEPEDA COLLECTIVELY MAKE MOST MAJOR DECISIONS THAT AFFECT THE ARMY. COL'S MACHUCA AND VASQUEZ SOSA ARE CALLED UPON FOR ADVICE BUT ARE NOT DECISIONMAKERS IN THE GROUP. COL JOSE INOCENTE ((MONTANO)) HAS BEEN A MEMBER OF THE INNER CIRCLE, [REDACTED]

[REDACTED]

[REDACTED]

STATES OF

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PAGE 01 SAN SA 15366 01 OF 06 122305Z
ACTION ARA-01

INFO LOG-00 AID-01 AMAD-01 HA-09 INRE-00 INR-01 L-
ADS-00 FMP-01 /017W
-----B6A57E 122305Z /38

R 122245Z DEC 91
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2753
INFO AMEMBASSY BELIZE
AMEMBASSY BOGOTA
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
DEPT OF JUSTICE WASHDC//DAG//ICITAP

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FOR ARA/CEN & ARA/PPC -- FAY ARMSTRONG
PASS TO AID/LAC -- GAIL LECCE
DOJ - PLEASE PASS TO ICITAP -- KRISKOVITCH

E.O. 12356: DECL: OADR
TAGS: KPRP, KJUS, PGOV, PHUM, ES
SUBJECT: THE SPECIAL INVESTIGATIVE UNIT; WRESTLING
WITH CIVILIANIZATION

1. CONFIDENTIAL -- ENTIRE TEXT

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2. THIS CABLE REPORTS ON THE STATUS OF THE SALVADORAN
SPECIAL INVESTIGATIVE UNIT. SEPARATE CABLES WILL
COVER THE PUBLIC MINISTRY (ATTORNEY GENERAL AND PUBLIC
DEFENDER) AND THE PUBLIC SECURITY FORCES. THIS CABLE
SATISFIES POST REPORTING REQUIREMENTS.

3. SUMMARY: FOUNDED WITH USAID SUPPORT IN 1985 TO

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INVESTIGATE MAJOR HUMAN RIGHTS CRIMES, THE SALVADORAN SPECIAL INVESTIGATIVE UNIT (SIU) IS SUFFERING GROWING PAINS. CIVILIANIZATION OF THE UNIT, BOTH REQUIRED BY THE SALVADORAN CONSTITUTION AND A CONDITION OF CONTINUED U.S. FUNDING, HAS PROVEN MORE DIFFICULT THAN EXPECTED. INSECURITY ABOUT THE FUTURE OF THE UNIT AMONG MILITARY OFFICERS RESULTED IN THE UNINSPIRED APPOINTMENT OF CURRENT DIRECTOR LTC. LUIS AGUILAR ALFARO. AFTER MONTHS OF HINTING, THE EMBASSY HAS NOW CALLED FOR HIS REMOVAL AND RECOMMENDED THAT HE BE REPLACED WITH A CIVILIAN. PERHAPS THE MOST TECHNICALLY PROFICIENT INVESTIGATIVE POLICE IN THE REGION, THE UNIT STILL STRUGGLES WITH THE PUBLIC PERCEPTION -- PERHAPS DESERVED -- THAT IT WILL NOT PURSUE HIGH-RANKING ESAF OFFICERS. IN A SOCIETY WHICH PROTECTS MILITARY AND ECONOMIC ELITES, SIU INVESTIGATIONS HAVE DE FACTO POLITICAL CONSTRAINTS. SIU INVESTIGATORS PROBABLY PUSH -- HARD AS CAN BE EXPECTED. CIVILIANIZING THE SIU, ALTHOUGH AN IMPORTANT STEP, IS ONLY A PARTIAL SOLUTION. END SUMMARY.

 I. SIU VITAL STATISTICS
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4. A BRANCHCHILD OF THE DUARTE ADMINISTRATION, THE SIU WAS FOUNDED IN 1985 TO INVESTIGATE MAJOR HUMAN RIGHTS CASES, SPECIFICALLY THE ARCHBISHOP ROMERO MURDER WHICH THE DUARTE GOVERNMENT WOULD HAVE LOVED TO BE ABLE TO HANG ON ARCHRIVAL ROBERTO D'AUBUISSON. A COMPONENT OF USAID'S PROGRAM FOR JUDICIAL REFORM, THE IDEA WAS TO CREATE AN ELITE UNIT OF SPECIALLY-TRAINED, HIGHLY MOTIVATED INVESTIGATORS DIRECTLY ANSWERABLE TO THE PRESIDENT OF THE REPUBLIC. SINCE THEN THE SIU HAS INVESTIGATED EVERY MAJOR SALVADORAN CRIMINAL CASE, INCLUDING THE JESUIT, SAN SEBASTIAN AND SHERATON MURDERS. WITH THE VOLUME OF HUMAN RIGHTS MURDERS DECREASING THE SIU IS NOW SHIFTING ITS FOCUS TO MAJOR ECONOMIC CRIMES AND KIDNAPPINGS. CURRENT CASES INCLUDE THE ABDUCTION OF AMCIT BILLY SOL BANG AND THE SEPTEMBER 1991 CENTRAL BANK TRUCK HEIST ON THE COMALAPA HIGHWAY. ONLY THE MINISTER OF JUSTICE AND

UNCLASSIFIED

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THE PRESIDENT CAN FORMALLY ASSIGN CASES TO THE SIU. IN PRACTICAL TERMS, THE MINISTER OF DEFENSE CAN ALSO ORDER INVESTIGATIONS.

5. THE SIU MODELS ITSELF AFTER THE FBI. IN ADDITION TO A CORPS OF POLICE INVESTIGATORS, THE UNIT OPERATES EL SALVADOR'S PREMIER FORENSIC LABORATORY. NOW LOCATED IN CRAMPED QUARTERS IN THE ESTADO MAYOR, THE LAB WILL MOVE TO A MORE SPACIOUS FACILITY OUTSIDE OF THE MILITARY COMPLEX IN THE FIRST HALF OF CY 1992. IN ADDITION TO SUPPORTING THE INVESTIGATIVE UNIT, THE LAB ROUTINELY RESPONDS TO REQUESTS FOR PHYSICAL EVIDENCE

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ANALYSIS FROM INVESTIGATIVE JUDGES IN CRIMINAL CASES. THE VOLUME OF THESE REQUESTS HAS INCREASED MARKEDLY IN THE PAST YEAR, AS JUDGES BECOME MORE AWARE OF THE VALUE OF PHYSICAL EVIDENCE IN CRIMINAL INVESTIGATIONS AND THE LAB'S SERVICES.

PERSONNEL:

6. OVERSEEN BY THE MINISTER OF JUSTICE, SIU WAS ORIGINALLY CONCEIVED AS A CIVILIAN POLICE UNIT. THIS

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ACTION ARA-01

INFO LOG-00 AID-01 AMAD-01 DOTE-00 EB-01 FARE-00 HA-09
INRE-00 INR-01 L-03 ADS-00 FMP-01 /0184
.....B6A58F 122306Z /38

122245Z DEC 91
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2754
INFO AMEMBASSY BELIZE
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AMEMBASSY GUATEMALA
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AMEMBASSY PANAMA
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DEPT OF JUSTICE WASHDC//DAG//ICITAP

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E.O. 12356: DECL: OADR
TAGS: KPRP, KJUS, PGOV, PHUM, ES
SUBJECT: THE SPECIAL INVESTIGATIVE UNIT: WRESTLING

GOAL HAS NOT BEEN REALIZED; TWO-THIRDS OF THE
PERSONNEL ARE ACTIVE-DUTY MILITARY. UNDER THE
CONFIDENTIAL

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DIRECTION OF ESAF LT. COL. LUIS AGUILAR ALFARO AND
ASST. DIRECTOR ESAF CAPT. JORGE BONILLA; THE UNIT IS
STAFFED WITH 47 DETECTIVES -- ALL SECONDED FROM THE
VICE-MINISTRY OF PUBLIC SECURITY -- THIRTY-FIVE
FORENSIC LABORATORY TECHNICIANS AND ASSORTED SUPPORT
STAFF. LABORATORY PERSONNEL ARE CIVILIAN, ON LOAN TO
THE SIU FROM THE ESAF, WHICH PAYS THEIR BASE SALARY.
ALL SIU PERSONNEL DECISIONS MUST BE CLEARED BY
VICE-MINISTER OF PUBLIC SECURITY COL. INOCENTE MONTANO.

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