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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ORLANDO, FLORIDA**

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In the Matter of

VIDES CASANOVA, Carlos Eugenio

In Removal Proceedings

(b) (6)

Immigration Judge James K. Grim

Next Hearing: November 30, 2010

DEPARTMENT OF HOMELAND SECURITY'S SECOND NOTICE OF FILING

EXHIBIT # 3

AFR 18 2011

James Grim
Immigration Judge

003188

DEPARTMENT OF HOMELAND SECURITY'S SECOND NOTICE OF FILING

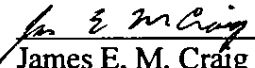
COMES NOW the Department of Homeland Security, by and through James E. M. Craig and Kevin E. Stanley, Assistant Chief Counsels, and hereby submits the following exhibits for the Court's consideration:

TAB		Pages
D.	3/19/1980 Dept. of State Cable – Preliminary Assessment of Situation in El Salvador	389-416
E.	5/2/1980 Dept. of State Cable – Conversation with UCS leaders	417-419
F.	5/21/1980 Dept. of State Cable – Call on Minister of Defense	420
G.	8/23/1980 Dept. of State Cable – Ambassador's presentation of helicopter proposal to JRG and high command August 21, 1980	421-431
H.	11/14/1980 Dept. of State Cable – Meeting with Apostolic administrator on mediation offer	432-435
I.	11/28/1980 Dept. of State Cable – Assassination of FDR leaders: consequences and Recommendations	436-438
J.	12/03/1980 Dept. of State Cable – Assassination of FDR Leaders: consequences and Recommendations	439-443
K.	12/04/1980 Dept. of State Cable – The Continuing Crises in El Salvador	444-552
L.	12/4/1980 Dept. of State Memorandum – U.S. Response to Assassination of FDR Leadership	553-556
M.	12/17/1980 CIA Cable – Military Attitude Toward Compromise	557
N.	12/20/1980 Dept. of State Cable – Alleged Atrocities in San Salvador Army Barracks	558-559
O.	4/11/1981 Dept. of State Cable – The Soyapango Massacre	560-561
P.	4/21/1981 Dept. of State Cable – Charge gives President Duarte name of suspected murder of churchwomen	562-566
Q.	9/19/1981 Dept. of State Talking Points – Secretary of State's Luncheon with Duarte and Vides Casanova	567-573
R.	6/10/1982 Dept. of State Cable – San Salvador	574-582
S.	3/17/1983 Dept. of State Briefing Paper – Human rights	583-584
T.	4/29/1983 Dept. of State Cable – Das Burke visit to El Salvador	585-588
U.	5/6/1983 Dept. of State Cable – San Salvador	589
V.	5/19/1983 CIA Cable – Travel to El Salvador by Captain Avila Avila	590-591
W.	5/25/1983 Dept. of State Cable – Defense Minister Issues Human Rights for Armed forces	592-593
X.	6/9/1983 Dept. of State Cable – Col. Carranza on his plans for the Treasury Police	594-595
Y.	6/9/1983 Dept. of State Memorandum – Your meeting with ambassador to El Salvador	596-597

Z.	7/5/1983 CIA Cable – Belief Among Christian Democratic Party (PDC) Leaders That the Salvadoran Right is Increasing its Influence in the Armed Forces.....	598-600
AA.	7/5/1983 Dept. of State Memorandum – General Eugenio Vides Casanova Sheraton Hotel Murder Inquiry.....	501-603
BB.	7/27/1983 Dept. of State Cable – Churchwomen, Sheraton, and Las Hojas Murder Cases	604-605
CC.	7/28/1983 Dept. of State Cable – Las Hojas Massacre.....	606-607
DD.	10/24/1983 Dept. of State Talking Points – Talking points for Sec. of State’s Meeting with Vides Casanova	608-616
EE.	11/15/1983 Dept. of State Memorandum – Arrest and Torture of Pedro Daniel Alvarado Rivera	617-619
FF.	12/7/1983 Dept. of State Cable – Minister of Defense Talks Tough on Death Squads: Hints at Action	620-621
GG.	12/13/1983 Dept. of State Cable – Early Assessment: Vice President Bush’s Visit.....	622-624
HH.	6/21/1984 Dept. of State Cable – Torture Update	625-627
II.	7/6/1984 Dept. of State Cable – Prevalence of torture	628-629
JJ.	7/28/1984 Dept. of State Cable – Las Hojas Massacre.....	630-631
KK.	9/27/1984 Dept. of State Cable – General Vides on Winning the War Quickly and Dialogue.	632-636
LL.	9/29/1984 Dept. of State Memorandum – Discussion with Minister of Defense: September 28, 1984	637-640
MM.	1/1986 Lawyer’s Committee for Human Rights Paper – The Reagan Administration’s record on Human Rights in 1985.....	641-645
NN.	6/29/1987 Dept. of State Cable – Elliot Abram’s meeting with Salvadoran chief of Staff, Gen. Adolfo Blandon.....	646-648
OO.	9/21/1987 Dept. of State Cable – MOD Vides voices commander’s concerns to Duarte.....	649-652
PP.	2/10/1988 Dept. of State Cable – Heads up on Human Rights.....	653-654
QQ.	2/15/1988 Dept. of State Cable – Heads up on Human Rights.....	655-656
RR.	3/25/1988 Dept. of State Memorandum – Reporting from Embassy San Salvador	657-658
SS.	5/12/1988 Dept. of State Cable – Human Rights Concerns.....	659-660
TT.	6/29/1988 Dept. of State Cable – Human Rights in El Salvador.....	661-681
UU.	6/29/1988 Dept. of State Cable – Post Reporting Plan – Military’s Response to Human Rights Accusations.....	682-702
VV.	7/16/1988 Dept. of State Cable – 1987 Violence Statistics: A Relook	703-717
WW.	7/18/1988 Dept. of State Cable – El Salvador: Human Rights Abuses.....	718-719
XX.	9/24/1988 Dept. of State Cable – Alleged Killings of 10 peasants by Army in San Francisco	720-725
YY.	11/28/1988 Dept. of State Cable – La Cebadilla Killings: Attorney General’s Views	726-727
ZZ.	12/20/1988 Dept. of State Cable – La Cebadilla Killings: Talking Points.....	728-730
AAA.	2/6/1989 Dept. of State Cable – The Vice President’s Meetings in San Salvador – Memoranda of Conversations.....	731-747

BBB.	2/08/1989 Dept. of State Cable – VP Quayle Visit to El Salvador: Impact on Military and Human Rights	748-750
CCC.	3/13/1989 Dept. of State Cable – ESAF Declares Two Officers, Soldiers Guilty of Cover Up and Killings in San Sebastian	751-753

Respectfully submitted this 25 day of October, 2010:



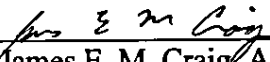
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following person, via UPS ground delivery:

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PAGE 01

SAN SA 02038 01 OF 08 192238Z

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TO SECSTATE WASHDC NIAC IMMEDIATE 7599

SECTION 1 OF 6 SAN SALVADOR 2038

NODIS (SPECIAL ENCRYPTION)

E.O. 12865: R03-4 3/19/88 (WHITE, ROBERT E.) OR-M

TAGS: MASS PINS PINT ES

SUBJ: PRELIMINARY ASSESSMENT OF SITUATION IN EL SALVADOR

REF: BROWN-DION SECURE TELCON 3-15-80

1.

2. SUMMARY: THE ANALYSIS AND RECOMMENDATIONS WHICH FOLLOW DO NOT PRETEND TO BE FINAL OR DEFINITIVE. BUT THEY ARE THE ONLY POLICIES WHICH MAKE SENSE TO ME RIGHT NOW. I AM CONVINCED THAT EL SALVADOR IS NOT IN IMMINENT DANGER OF BEING LOST. IF WE USE OUR POWER CORRECTLY I BELIEVE THE CHANCES OF SUCCESS ARE VERY GOOD.

3. IN EL SALVADOR THE RICH AND POWERFUL HAVE SYSTEMATICALLY DEFRAUDED THE POOR AND DENIED EIGHTY PERCENT OF THE PEOPLE ANY VOICE IN THE AFFAIRS OF THEIR COUNTRY. A REVOLUTION IS NOW UNDERWAY AND WE ARE ONE OF THE PRINCIPAL ACTORS. THERE IS NO STOPPING THIS REVOLUTION; NO GOING BACK. WE CAN INFLUENCE THE COURSE OF EVENTS, HOWEVER, AND TRY TO GUIDE IT INTO CHANNELS WHICH WILL BENEFIT THE SALVADORAN PEOPLE, PROVIDE AN ALTERNATIVE TO THE NICHAGUAN MODEL FOR

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Date: 05/17/84
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PAGE 02 SAN 94 82838 01 OF 04 192238Z

GUATEMALA AND HONDURAS AND SAFEGUARD OUR SECURITY INTERESTS IN CENTRAL AMERICA AND THE CARIBBEAN.

4. THE MAIN PLAYERS IN THIS REVOLUTION ARE

--THE EXTREME OR ULTRA-RIGHT, MADE UP LARGELY OF RICH LANDOWNERS, THEIR PRIVATE ARMIES AND CERTAIN HIGH MILITARY OFFICERS;

--THE REGULAR ARMY AND THE SECURITY FORCES, NATIONAL GUARD, NATIONAL POLICE AND TREASURY POLICE;

--THE CHRISTIAN DEMOCRATIC PARTY, THE ONLY PARTY REPRESENTED IN THE GOVERNMENT;

--THE UNITED STATES GOVERNMENT AND ITS VISIBLE SYMBOL, THE AMERICAN EMBASSY;

--THE CHURCH, ARCHBISHOP ROMERO AND THE JESUITS; CONSERVATIVE FORCES IN THE CHURCH EXIST BUT WIELD NO MEASURABLE INFLUENCE;

--THE POPULAR ORGANIZATIONS, THE THREE ACTION-ORIENTED PRESSURE GROUPS RANGING FROM THE LEFTIST BUT RESPONSIBLE FAPU TO THE WILD-EYED, LUNGING LP-26 WHICH OCCUPIES EMBASSIES AND PUBLIC BUILDINGS;

--THE THREE FAR LEFT GUERRILLA GROUPS, UNDERGROUND MIRRORS OF THE POPULAR FRONTS, RANGING FROM THE RELATIVELY DISCIPLINED FARN TO THE MURDEROUS ERP.

5. THERE ARE TWO POTENTIAL PLAYERS WHICH ARE NOT NOW

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PAGE 03

SAN SA 02036 01 OF 06 192238Z

TAKING AN ACTIVE ROLE:

--OTHER PARTIES OF THE CENTER-LEFT; WITHOUT MUCH POPULAR SUPPORT BUT WITH SOME COMPETENT LEADERS;

--BUSINESSMEN'S ORGANIZATIONS SUCH AS ANEP (ENTREPRENEURS BUT BIG LANDLORDS AS WELL) AND ASI (INDUSTRIALISTS AND EXPORTERS) WHICH COULD INFLUENCE THE MODERATE, SENSIBLE ELEMENTS OF THE PRIVATE SECTOR TO COOPERATE WITH THE GOVERNMENT, ESPECIALLY BY ENCOURAGING INVESTMENT, REOPENING FACTORIES, ETC.

6. THE GOVERNMENT IS BELEAGUERED, ATTACKED BY EXTREMISTS AND MODERATES ON BOTH THE LEFT AND THE RIGHT. WITHOUT OUR CONSTANT AND VISIBLE SUPPORT THE GOVERNMENT WOULD FALL IN A MATTER OF DAYS.

7. THE MAJOR, IMMEDIATE THREAT TO THE EXISTENCE OF THIS GOVERNMENT IS THE RIGHT-WING VIOLENCE. IN THE CITY OF SAN SALVADOR, THE HIRED THUGS OF THE EXTREME RIGHT, SOME OF THEM WELL-TRAINED CUBAN AND NICARAGUAN TERRORISTS, KILL MODERATE LEFT LEADERS AND BLOW UP GOVERNMENT BUILDINGS. IN THE COUNTRYSIDE, ELEMENTS OF THE SECURITY FORCES TORTURE AND KILL THE CAMPESINOS, SHOOT UP THEIR HOUSES AND BURN THEIR CROPS. AT LEAST TWO HUNDRED REFUGEES FROM THE COUNTRYSIDE ARRIVE DAILY IN THE CAPITAL CITY. THIS CAMPAIGN OF TERROR IS RADICALIZING THE RURAL AREAS JUST AS SURELY AS SOMOZA'S NATIONAL GUARD DID IN NICARAGUA.

8. UNFORTUNATELY, THE COMMAND STRUCTURE OF THE ARMY AND THE SECURITY FORCES EITHER TOLERATES OR ENCOURAGES THIS ACTIVITY. THESE SENIOR OFFICERS BELIEVE OR PRETEND TO BELIEVE THAT THEY ARE ELIMINATING THE GUERRILLAS.

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TELEGRAM

PAGE 04

SAN SA 02035 01 OF 05 192238Z

9. BUT THE YOUNGER OFFICERS OF THE ARMY, REPRESENTED BY JUNTA MEMBER COLONEL MAJANO, ARE UNHAPPY WITH THE WAY THINGS HAVE GONE SINCE THEY OVERTHREW THE FORMER DICTATORSHIP. THEY ARE DETERMINED TO FINISH THE REVOLUTION THEY STARTED BY REASSERTING THEIR POWER. IN MY JUDGMENT THIS IS THE SECTOR THAT WILL DECIDE WHETHER WE WILL WIN OR LOSE THE WAR, AND THIS IS POLITICAL WARFARE, NOTHING SHORT, AND THE ONLY WAY TO AVERT CIVIL WAR. IF OLD GUARD OFFICERS IN CRUCIAL POSITIONS CAN BE EASED OUT AND THE YOUNGER OFFICERS CAN REASSERT THEIR POWER, THEN THE SALVADORAN MILITARY CAN SURVIVE AS AN INSTITUTION AND THIS GOVERNMENT WILL SUCCEED.

10. IF THIS DOES NOT HAPPEN AND IF THE SYSTEMATIC VIOLATION OF HUMAN RIGHTS IN THE COUNTRYSIDE DOES NOT CEASE, ALL THE AGRARIAN AND BANKING REFORMS IN THE WORLD WILL NOT HELP. SOMETIME OVER THE COURSE OF THE NEXT SIX MONTHS, THE CIVILIAN MEMBERS OF THE JUNTA AND COLONEL MAJANO WILL HAVE TO INSIST ON THE OUSTER OF THOSE IN THE ARMY AND SECURITY FORCES WHO PERMIT AND ENCOURAGE TORTURING AND KILLING INNOCENT CIVILIANS IN A BRUTAL EFFORT TO END POLITICAL ACTION. THE EXTREME RIGHT WILL KEEP ON TRYING TO CONVINCE THE CONSERVATIVE OFFICERS TO RETURN TO THEIR NATURAL ALLIANCE WITH THE RICH AND, IF THEY CAN ENGINEER A COUP TO OUST MAJANO AND THE PDC, WE WILL HAVE A NEW MILITARY GOVERNMENT OF THE RIGHT. AT THIS POINT THE WHOLE CIVILIAN LEADERSHIP, INCLUDING THE CHRISTIAN DEMOCRATS AND THE CHURCH, WILL LINK UP WITH THE POPULAR FORCES. MANY OF THE YOUNGER ARMY OFFICERS WILL EITHER BE PURGED OR WILL VOLUNTARILY JOIN THE GUERRILLAS OF THE FAR LEFT. THEN WE WILL BE ONLY A FEW STEPS AWAY FROM THE PEOPLES

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INCOMING
TELEGRAM

PAGE 05

SAN SA 02038 01 OF 05 1922387

REPUBLIC OF EL SALVADOR.

11. WHAT CAN WE DO TO AVOID THIS CALAMITY AND BRING
OUR RESOURCES TO BEAR IN SUCH A WAY THAT THIS GOVERNMENT
CAN SUCCEED? FIRST, IT IS VITAL TO UNDERSTAND THAT NO
MODERATE GOVERNMENT CAN SUCCEED WITHOUT THE SUPPORT OF
ARCHBISHOP ROMERO AND THE CHURCH.

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PAGE 01 SAN SA 02030 02 OF 06 192230Z
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SECTION 2 OF 8 SAN SALVADOR 2030

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BRINGING IN THE MODERATE ELEMENTS WITHIN THE POPULAR ORGANIZATIONS IS ALSO IMPORTANT. THEREFORE WE MUST AVOID ANY ACTION THAT WILL ALIENATE THEM IRRETRIEVABLY OR DRIVE THEM FURTHER TO THE LEFT. IT IS IN THIS CONTEXT THAT MILITARY ASSISTANCE BECOMES SUCH A PROBLEM. THE MTTs WILL BE INTERPRETED BY ALL SECTORS AS SUPPORT FOR THE ARMED FORCES AS CURRENTLY CONSTITUTED AND AS APPROVAL FOR THE CAMPAIGN OF REPRESSION. IF IT IS TRUE, AS I HAVE POSTULATED, THAT AN END TO OFFICIALLY-SPONSORED AND TOLERATED VIOLENCE IS CRUCIAL TO THE SUCCESS OF THE GOVERNMENT THEN WE SHOULD USE ALL OUR INFLUENCE TO BRING THIS TO AN END INCLUDING WITHHOLDING MILITARY ASSISTANCE, PARTICULARLY THE MTTs, TO GAIN OUR OBJECTIVE. I HAVE ALREADY TOLD COLONEL GARCIA HOW DIFFICULT IT WOULD BE TO BRING IN THE MTTs UNDER CURRENT CONDITIONS AND HE UNDERSTOOD AND ACCEPTED THE POINT. DR MORALES EHRlich, THE KEY CIVILIAN MEMBER OF THE JUNTA, EXPLICITLY ASKED ME YESTERDAY NOT TO SEND MTTs AT THIS JUNCTURE, ARGUING THAT THIS WOULD STRENGTHEN THE BALEFUL INFLUENCE OF COLONELS GARCIA AND CARRANZA, THE MINISTER AND VICE-MINISTER OF DEFENSE. REGARDING THE ARGUMENT THAT MTTs WILL ASSIST THE ARMY AND NOT THE REPRESSIVE SECURITY FORCES, THIS IS A DISTINCTION MADE BY VERY FEW PEOPLE. IT IS TRUE THAT THERE ARE VARIOUS BRANCHES OF THE

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PAGE 02 SAN SA 92038 02 OF 06 1922397

ARMED FORCES BUT ALL ARE LED BY ARMY OFFICERS. THERE IS ONLY ONE OFFICER CORPS AND ITS MEMBERS ARE ROUTINELY ASSIGNED TO ANY OF THE VARIOUS BRANCHES.

12. GIVEN THE HIGH VISIBILITY OF HELICOPTERS, THE NEED FOR AN ACCOMPANYING MTT AND THEIR OBVIOUS UTILITY IN CARRYING OUT MISSIONS, I AM FORCED BY THE LOGIC OF MY OWN POSITION TO URGE THAT THESE TOO BE HELD UP UNTIL THE WORST OF THE RIGHT-WING VIOLENCE IS BROUGHT TO AN END.

13. WHAT CAN WE DO:

--MAKE CLEAR THAT A MOVE TO THE RIGHT IS UNACCEPTABLE TO US;

--PRESSURE THE LEADERSHIP OF THE ARMY AND THE SECURITY FORCES TO CRACK DOWN ON RIGHT-WING VIOLENCE;

--ENCOURAGE THE SECURITY FORCES TO GO AFTER THE LEFT WING GUERRILLAS AND STOP TORTURING AND KILLING ANY YOUTH BETWEEN 14 AND 25 BECAUSE HE MAY BE INVOLVED WITH LABOR UNIONS, CHURCH ORGANIZATIONS, ETC.;

--ENCOURAGE THE YOUNGER OFFICERS TO BUILD AND CONSOLIDATE THEIR SUPPORT TO THE POINT THAT THEY CAN TAKE OVER COMMAND OF THE ARMED FORCES;

--DO NOTHING THAT WOULD STRENGTHEN THE HAND OF THE OLDER OFFICERS AGAINST THE REFORM ELEMENTS WITHIN THE MILITARY (AGAIN THIS BRINGS UP THE PROBLEM OF OUR MILITARY ASSISTANCE). IT IS VITAL

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PAGE 03 JAN SA 02038 02 OF 06 192239Z

NOT TO SEND MIXED SIGNALS;

--ENCOURAGE THE CHRISTIAN DEMOCRATS TO HANG ON AND GRADUALLY EXPLORE POSSIBILITIES OF BRINGING OTHER CENTER-LEFT LEADERS INTO THE GOVERNMENT?

**--CONVINCE THE ARCHBISHOP AND CATHOLIC ACTIVISTS
OF OUR GOOD FAITH IN WANTING TO END THE VIOLENCE;**

WORK TO GET THE SENSIBLE PEOPLE IN THE PRIVATE SECTOR TO ACCEPT THE GOVERNMENT, SUPPORT THE REFORMS AND GET BACK TO WORK;

--BEGIN SOON TO SPLIT OFF CERTAIN ELEMENTS OF THE
POPULAR BLOCS FROM THE EXTREME LEFT;

AS SOON AS WE HAVE SOME SEMBLANCE OF A UNITED AND STRONG GOVERNMENT, BEGIN SERIOUSLY TO ELIMINATE THE TERRORISTS OF THE LEFT.

14. ABOVE ALL WE MUST RID OURSELVES OF THE NOTION THAT THE CUBANS ARE PLAYING AN IMPORTANT ROLE HERE. I DO NOT DOUBT THE REALITY OF CUBAN TRAINING FOR GUERRILLAS PLUS WEAPONS AND OTHER MATERIEL VIA HONDURAS AND COSTA RICA. IT EXISTS. BUT IT IS MARGINAL. EL SALVADOR WILL BE WON OR LOST BY THE INTERPLAY OF FORCES AND ACTORS PREVIOUSLY DESCRIBED.

19. THUS A MAJOR U.S. EFFORT WILL BE NEEDED IF THIS GOVERNMENT OR A MUTANT THEREOF IS TO SURVIVE AND SUCCEED. UNLESS WE MOVE FAST AND EFFECTIVELY WITH PEOPLE AND RESOURCES, THE AGRARIAN REFORM WILL SOG DOWN AND THE RIGHT WILL STEP UP ITS ATTACKS AIMED AT RADICALIZING THE LEFT, DISHEARTENING THE JRG AND UNDERMINING ITS REFORMS. THE FAR LEFT WILL DO THE SAME,

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NOV-15-1981



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INCOMING
TELEGRAM

PAGE 04 SAN SA 02038 02 OF 06 192230Z

INSISTING THAT REFORMS WERE NEVER ANYTHING BUT A COVER FOR REPRESSION DESIGNED TO RESTORE FULL POWER TO THE OLIGARCHY. ULTIMATELY HE WILL FACE A LEFTIST TAKEOVER, PROBABLY USHERED IN BY CIVIL WAR.

16. REMEMBER, WE HAVE TO BE REALISTIC ABOUT THIS GOVERNMENT. THE PDC IS A TRUNCATED VERSION OF THE EUROPEAN SPECIES WHOSE LEADERS HAVE BEEN OUT OF TOUCH WITH THE PEOPLE FOR MANY YEARS AND WHO CANNOT MAKE THE PROPER POLITICAL MOVES BECAUSE THEY LACK THE POWER TO END OFFICIALLY SPONSORED, ENCOURAGED OR TOLERATED VIOLENCE.

17. THE MILITARY IS THE KEY HERE BUT IT IS AN OPEN QUESTION WHETHER THE YOUNGER OFFICERS CAN MUSTER SUFFICIENT LEADERSHIP, CONVICTION AND FORCE TO REFORM THE MILITARY, RID IT OF REACTIONARY ELEMENTS TIED TO THE ULTRA-RIGHT AND ELIMINATE THE TORTURE AND KILLING OF YOUNG PEOPLE SYMPATHETIC TO THE LEFT WHICH IS RADICALIZING THE SALVADORAN CAMPESINOS TOWARDS INSURRECTION.

18. THE ONLY WAY I SEE THIS WHOLE CRISIS COMING OUT IN AN ACCEPTABLE FASHION OVER THE MONTHS AHEAD IS AS FOLLOWS: COL. MAJAND SUCCEEDS IN BUILDING UP A CORPS OF PROGRESSIVE OFFICERS WHO GRADUALLY ACQUIRE ENOUGH POWER TO FORCE OUT THE COMMANDERS OF THE SECURITY FORCES, EITHER INTO POWERLESS RETIREMENT OR PRESTIGIOUS POSTS ABROAD. AT THAT POINT, THE GOVERNMENT WOULD BECOME ACCEPTABLE NOT ONLY TO THE LEFT-LEANING CHRISTIAN DEMOCRATS (WHO QUIT LAST WEEK) BUT TO OTHERS OF THE MODERATE AND NON-VIOLENT LEFT. MEANWHILE, THIS JUNTA OF PROGRESSIVE OFFICERS AND BROAD-BASED CIVILIANS MIGHT SUCCEED IN BRINGING HOME TO THE PRIVATE

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PAGE 06 SAN SA 02038 02 OF 06 102239Z

SECTOR THAT THE GOOD OLD DAYS OF PLANTATION LIFE ARE GONE FOREVER AND THEIR FUTURE LIES IN COOPERATING WITH THE NEW LEADERS TO BUILD A JUST SOCIETY.

19. IF SOMETHING LIKE THE FOREGOING DOES NOT HAPPEN, I CAN SEE THE SECURITY FORCES, IMPELLED BY THE LOGIC OF THEIR BRUTALITY AGAINST THE POOR, JOINING FORCES AGAIN WITH THE REACTIONARY RIGHT, THEIR TRADITIONAL HOME, THE ARMY, WHICH PRIZES UNITY, WOULD IN ALL PROBABILITY BE DRAGGED ALONG BY THE NATIONAL GUARD AND POLICE, A GREAT DEAL OF UNSELECTIVE PHOENIX-TYPE KILLING WOULD FOLLOW OVER THE NEXT FOUR TO SIX MONTHS, PROVIDING THE UNTRA-LEFT A FIELD-DAY FOR STIRRING UP

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SECTION 3 OF 6 SAN SALVADOR 2038

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POPULAR INDIGNATION AND SECURING FOREIGN (READ NICARAGUAN/CUBAN) TRAINING AND ARMS. THEN THE FIGHT WOULD BE ON. I HONESTLY DO NOT BELIEVE THERE IS ANY DOUBT ABOUT THE OUTCOME OF THAT SCENARIO. THE LEFT WOULD WIN AND CARRY OUT SAVAGE REPRISALS AGAINST THE RIGHT. IT MIGHT TAKE TIME TO PLAY OUT TO ITS MACABRE CONCLUSION AND WOULD REQUIRE HEAVY CUBAN AND OTHER ASSISTANCE BUT, AS IN NICARAGUA, THERE IS NO WAY THAT A FEW THOUSAND SOLDIERS SIDING WITH THE EXTREME RIGHT COULD HOLD OFF THE COMBINED FORCES OF THE LEFT, FUELED BY A POPULAR INSURRECTION WITH NEW RECRUITS FROM THE ARMY, THE SECURITY FORCES, THE MODERATE POLITICIANS AND THE OPPRESSED PEASANTRY.

22. THIS TELEGRAM ONLY BEGINS THE WORK OF HOW WE MUST BRING OUR RESOURCES TO BEAR IF WE ARE TO SUCCEED. BUT IT IS A BEGINNING, AND IT IS NECESSARY FOR ME TO UNDERSTAND THE SITUATION BEFORE I BEGIN TO PRESCRIBE REMEDIES THAT WILL, IF FOLLOWED, REQUIRE THE ALLOCATION OF IMPORTANT RESOURCES. MEANWHILE, I CANNOT STRESS TOO MUCH THE IMPORTANCE OF WASHINGTON DECIDING WHERE EL SALVADOR FITS ON OUR WORLDWIDE LIST OF PRIORITIES SO THAT ALL OF US CAN HAVE SOME IDEA OF THE SHAKE OF THE RESOURCE PIE AVAILABLE TO THIS MISSION. WE MUST APPLY THE RESOURCES THAT WILL WORK AND NOT PUT IN THE

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PAGE 02

SAN SA 02038 03 OF 05 192256Z

WRONG KIND OF RESOURCES SIMPLY BECAUSE THEY ARE AVAILABLE. END SUMMARY.

21. DEPT HAS REQUESTED A GENERAL ASSESSMENT OF THE SITUATION IN EL SALVADOR AT THE END OF MY FIRST WEEK ON THE JOB. THIS WILL BE OF NECESSITY A PRELIMINARY AND PERHAPS INCONCLUSIVE EFFORT BUT I WILL OFFER MY BEST GUESS ABOUT WHERE THINGS STAND, WHERE THEY CAN GO, AND WHAT WE HAVE TO DO TO AFFECT THE OUTCOME. IN ORDER TO ARRANGE THESE VIEWS IN SOME COHERENT FASHION, I HAVE IMPOSED A SOMEWHAT ARBITRARY OUTLINE, AS FOLLOWS.

WHY DOES EL SALVADOR FACE A MARXIST REVOLUTION?

22. THAT IT DOES IS THE MAIN REASON FOR OUR INTENSE CONCERN; WHY IT DOES MUST UNDERLIE ANY PLAN OF ACTION WE DEVELOP. AN EXTREMIST COMMUNIST TAKEOVER HERE, AND BY THAT I MEAN SOMETHING JUST THIS SIDE OF THE POL POT EPISODE, IS UNFORTUNATELY A REAL POSSIBILITY DUE MAINLY TO THE INTENSE HATRED THAT HAS BEEN CREATED IN THIS COUNTRY AMONG THE MASSES BY THE INSENSITIVITY, BLINDNESS AND BRUTALITY OF THE RULING ELITE, USUALLY DESIGNATED "THE OLIGARCHY." IT IS HARD TO DESCRIBE THE INJUSTICE THAT PERMEATES THIS SOCIETY. LET ME OFFER A FEW EXAMPLE. MAGNIFICENT SUBURBS FULL OF VILLAS RIGHT OUT OF BEVERLY HILLS ARE FLANKED BY MISERABLE SLUMS RIGHT OUT OF JAKARTA WHERE FAMILIES HAVE TO WALK TWO BLOCKS TO THE ONLY WATER SPIGOT. THE TRADITIONALLY STARK CONTRAST BETWEEN RICH AND POOR HAS BEEN INTENSIFIED DRAMATICALLY IN RECENT YEARS BY THE IMMENSE RICHES THAT HAVE ACCRUED TO THE LAND-OWNING CLASS AS A RESULT OF HIGH PRICES FOR EXPORT

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Department of State

INCOMING
TELEGRAM

PAGE 03

SAN SA 82038 03 OF 06 192256Z

CROPS -- COFFEE, SUGAR, AND COTTON -- PRODUCED ON THEIR VAST PLANTATIONS STAFFED BY IMPOVERISHED AND LARGELY ILLITERATE DAY LABORERS. MEANWHILE, THE CITIES HAVE BEEN FLOODED WITH THE POOREST AND MOST DEPRESSED CAMPESINOS WHO ARE FLEEING OVERPOPULATION AND RURAL POVERTY IN SEARCH OF WORK. A NEW ELEMENT IN THIS EXPLOSIVE EQUATION IS THE GROWTH OF FOREIGN-FINANCED LIGHT INDUSTRY, CONCENTRATED IN MARGINAL ASSEMBLY OPERATIONS WHERE MINIMUM WAGES ARE PAID TO YOUNG AND OTHERWISE UNEMPLOYABLE SLUM DWELLERS AND WHERE UNIONS ARE RIGOROUSLY PROHIBITED. ANOTHER GROWTH SECTOR HAS BEEN BANKING IN WHICH ENORMOUS SUMS OF MONEY WERE CONCENTRATED IN THE HANDS OF CADET BRANCHES OF THE "14 FAMILIES" AND THEREAFTER FUNNELED INTO OLIGARCHY OPERATIONS IN AGRICULTURE, INDUSTRY AND CONSTRUCTION. ONE OF THE PRINCIPAL BANKROLLERS OF THE ULTRA-RIGHT AT THE MOMENT IS ROBERTO HILL, WHO BOASTS THAT MOST OF HIS BANKING FORTUNE CAME NOT FROM HIS FAMILY'S COFFEE PLANTATIONS BUT FROM USAID LOW-COST HOUSING LOANS IN THE ERA OF THE ALLIANCE FOR PROGRESS. MUCH OF THE SUMPTUOUS HOUSING IN THE EXCLUSIVE SUBURBS HAS BEEN BUILT WITH THREE PERCENT MORTGAGES FROM THE OLIGARCHY-CONTROLLED BANKS. ALL IN ALL, THIS COUNTRY IS A SOCIAL BOMB THAT HAS BEEN TICKING AWAY FOR A NUMBER OF YEARS AND IS ONLY NOW AT THE POINT OF EXPLOSION.

WHY HAS CHANGE FAILED TO OCCUR?

23. VERY SIMPLY, BECAUSE THE OLIGARCHY AND ITS LIEUTENANTS HAVE STIFLED ALL FORMS OF POLITICAL EXPRESSION FOR DECADES AND RELIED ON MILITARY FORCE AND ULTIMATELY TORTURE AND SUMMARY EXECUTIONS TO MAINTAIN AN OPPRESSIVE SYSTEM AGAINST ALL CHALLENGERS. THE CONDUCT OF THE WEALTHY UPPER CLASSES AND THE ACTIONS OF THE ARMED FORCES HAVE CREATED A DEEP RESERVOIR OF HATRED AND FRUSTRATION AMONG LARGE SECTORS OF THE RURAL AND URBAN

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Department of State

INCOMING
TELEGRAM

PAGE 04 SAN SA 02038 03 OF 06 192206Z

POOR. FEAR OF WHAT THE MASSES MIGHT DO TO THEM HAS IN TURN INDUCED A HIGH DEGREE OF PARANOIA IN THE UPPER CLASSES. ONE OF THE MADDEST INCIDENTS IN RECENT MONTHS WAS A GENERALIZED SHOOTOUT IN THE WEALTHY SUBURBS ON JANUARY 19 WHEN ALL THE HOUSEHOLDERS WERE INVITED TO GO OUT IN THEIR FRONT YARDS AND FIRE OFF SIMULTANEOUSLY ALL THE GUNS THEY HAD ON HAND; THE RESULT WAS SAID TO RESEMBLE WORLD WAR II AND WAS INTENDED TO TERRIFY AND INTIMIDATE THE NEARBY SLUM DWELLERS AND ULTRA-LEFTISTS WHO ARE WORKING TO ORGANIZE THEM FOR REVOLUTION.

24. IT SHOULD BE WELL UNDERSTOOD IN WASHINGTON, GIVEN THIS BACKGROUND, THAT PRESSURE FOR CHANGE IN EL SALVADOR IS IRRESISTIBLE. NOR IS IT CUBAN INFILTRATORS OR RUSSIAN ARMS SHIPMENTS THAT HAVE CREATED THIS THREAT OF VIOLENT REVOLUTION BUT RATHER DECADES OF OPPRESSION AND A STUDED REFUSAL ON THE PART OF THE ELITE TO MAKE ANY CONCESSIONS TO THE MASSES. ARCHBISHOP ROMERO, WHO IS OPENLY SYMPATHETIC TO THE LEFT, MAKES THE POINT THAT CHANGE CAN ONLY COME ABOUT HERE THROUGH PRESSURE FROM BELOW AND WHILE HE DEPLORES VIOLENCE HE RECOGNIZES AT LEAST TACITLY THAT THERE WOULD BE NO HOPE FOR REFORM NOR ANY POSSIBILITY OF U.S. BACKING FOR SOCIAL CHANGE WITHOUT THE CONSTANT THREAT OF MARXIST REVOLUTION. HE AND OTHER MODERATES WHO BELIEVE PROFOUND STRUCTURAL CHANGE MUST COME TO EL SALVADOR KNOW THAT OUR ROLE HERE WILL BE CENTRAL, THAT FAR FROM BEING A POWERLESS OBSERVER THE UNITED STATES HAS TRADITIONALLY CALLED THE TUNE IN EL SALVADOR AND WILL CONTINUE TO DO SO UNLESS THE MOST VIOLENT LEFTIST GROUPS TAKE POWER.

25. WHETHER ARCHBISHOP ROMERO LIKES IT OR NOT, THE

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INCOMING
TELEGRAM

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PAGE 05 SAN SA 02038 03 OF 06 192256Z

OTHER MOST POWERFUL ACTOR IN EL SALVADOR IS THE ARMED FORCES, MADE UP OF THE 8,000 MAN ARMY, THE 3,000 MAN NATIONAL GUARD, THE 4,000 MAN NATIONAL POLICE, THE 2,000 MAN TREASURY POLICE, AND THE TINY AIR FORCE AND NAVY.

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INCOMING
TELEGRAM

PAGE 01

ACTION NO08-80

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SECTION 4 OF 6 SAN SALVADOR 2038

NODIS (SPECIAL ENCRYPTION)

THE SECURITY FORCES, THE NATIONAL GUARD AND POLICE, HAVE BEEN CLOSELY IDENTIFIED WITH THE OLIGARCHY FOR GENERATIONS. THE NATIONAL GUARD IN PARTICULAR HAS BEEN A KIND OF LANDLORDS' MILITIA IN THE COUNTRYSIDE. ALL THREE SECURITY SERVICES HAVE A VERY BAD HUMAN RIGHTS RECORD, MOST OF IT WELL DESERVED. THE WATERSHED DATE IN EL SALVADOR'S RECENT HISTORY WAS OCTOBER 15, 1979, WHEN ELEMENTS OF THE ARMED FORCES ACTED ALONE AND ESSENTIALLY WITHOUT CIVILIAN ALLIES TO THROW OUT PRESIDENT ROMERO AND THE MOST CORRUPT COLONELS AND GENERALS IN HIS ENTOURAGE. YOUNGER OFFICERS AMONG THE MILITARY WERE MAINLY RESPONSIBLE FOR THE COUP AND INSPIRED ITS REVOLUTIONARY MESSAGE THAT PROMISED SWEEPING SOCIAL REFORM, RESPECT FOR HUMAN RIGHTS AND ESTABLISHMENT OF A DEMOCRATIC FORM OF GOVERNMENT. IMPORTANT SECTORS OF THE ARMED FORCES, ESPECIALLY THE HIGH COMMAND AND THE LEADERS OF THE NATIONAL GUARD AND NATIONAL POLICE, HAVE GONE ALONG WITH THE YOUNGER OFFICERS WITH CONSIDERABLE RELUCTANCE AND HAVE GRUDGINGLY ACCEPTED THE NEED FOR SOCIAL REFORM. IT WAS THESE MILITARY SECTORS WHO PLANNED A RIGHT-WING COUP IN MID-FEBRUARY WHEN PROSPECTS FOR IMPLEMENTATION BEGAN TO BECOME A REALITY. THE THREAT OF A SPLIT IN THE ARMED FORCES BETWEEN THE TRADITIONAL OPPRESSIVE ELEMENTS AND THE YOUNGER MORE PROGRESSIVE OFFICERS IS REAL. MAINTAINING THE COHERENCE OF THE

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**INCOMING
TELEGRAM**

PAGE 02

SAN SA 02038 04 OF 06 200011Z

MILITARY WILL BE DIFFICULT BECAUSE OF THE DICHOTOMY IN PHILOSOPHY BETWEEN THE TWO MAIN TENDENCIES IN THE OFFICE CORPS. IT IS A FACT, NEVERTHELESS, THAT THE SALVADORAN ARMED FORCES ARE THE MOST IMPORTANT INGREDIENT IN THE SEARCH FOR A MODERATE SOLUTION. IF THE ARMED FORCES DISINTEGRATE, THE ONLY OTHER ARMY IN THE COUNTRY BELONGS TO THE MOST MILITANT AND RADICAL MARXIST REVOLUTIONARIES. THUS, MILITARY UNITY IS AN IMPORTANT DESIDERATA BUT CANNOT BE PURSUED AT ALL COSTS IF A POLITICAL SOLUTION, WHICH IS THE ONLY ONE POSSIBLE, IS TO BE FOUND FOR EL SALVADOR'S POLITICAL CRISIS.

26. THE FAR LEFT IS THE SECOND MOST POWERFUL MILITARY FORCE IN THE COUNTRY. DEBATE RAGES ABOUT HOW BIG ITS GUERRILLA FORCE IS BUT SOMETHING LIKE THREE TO FIVE THOUSAND ARMED AND RUDIMENTARILY TRAINED LEFTISTS ARE DISTRIBUTED AMONG THE THREE MAJOR TERRORIST ARMIES, THE ERP, FPL AND FARN. AMONG THEM ARE DISCIPLINED, ARMED AND FOREIGN-INFLUENCED ELEMENTS WHO ARE PROBABLY CONSIDERABLY TO THE LEFT OF ANY OF THE SANDINISTA UNITS. THEY ARE ADEPT AT EXPLOITING MASS HATRED IN THIS HATE-FILLED SOCIETY BUT THEY HAVE LOST STRENGTH IN THE LAST FEW MONTHS AND ESPECIALLY IN THE LAST FEW WEEKS AS THE JRG HAS BEGUN TO IMPLEMENT A SERIOUS REFORM PROGRAM THAT THREATENS IN THE LONG RUN TO DRY UP THE RESERVOIRS OF TERRORIST RECRUITMENT IN THE COUNTRY-SIDE. ONE OF THEIR MAJOR SOURCES OF THEIR FUNDS, RANSOMS FOR KIDNAPPED OLIGARCHS, HAS EVAPORATED IN RECENT MONTHS WITH THE FLIGHT OF THE BIG RICH TO GUATEMALA AND MIAMI.

WHAT ARE THE CHANCES FOR A MODERATE SOLUTION?
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Department of State

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INCOMING
TELEGRAM

PAGE 03

SAN SA 02038 04 OF 06 2000117

27. THE ROLE OF THE UNITED STATES IS CENTRAL BUT CANNOT BE PLAYED WITHOUT DOMESTIC ALLIES, CIVILIAN AS WELL AS MILITARY. IF WE ARE TRULY RESOLVED THAT AN ULTRA-LEFT VICTORY IS UNACCEPTABLE TO THE UNITED STATES, THEN WE MUST PURSUE A POLITICAL SOLUTION THAT WILL BRING ABOUT A SHARP DROP IN THE COUNTRY'S SOCIAL TENSIONS. WE SHOULD BE CLEAR THAT AN ULTRA-RIGHT VICTORY IS NOT A POSSIBILITY BECAUSE IT IS CERTAIN TO BRING CIVIL WAR AND, AS IN NICARAGUA, END IN THE VICTORY OF THE ULTRA-LEFT BY ACCLAMATION. HERE THERE IS NO DOUBT THAT THE STRUCTURES OF A WESTERN NON-COMMUNIST SOCIETY WOULD BE QUICKLY SWEEPED AWAY WITH NO SIGNIFICANT DOMESTIC OPPOSITION, ONCE THE ARMY AND OWNING CLASSES HAD BEEN DESTROYED IN A CIVIL WAR AGAINST THE MASS OF THE POPULATION. I CAN HARDLY OVEREMPHASIZE THIS POINT: THERE IS NO SOLUTION ON THE RIGHT. THE CONSTANT BLANDISHMENTS TO THE USG FROM THE OLIGARCHY AND ITS ALLIES AMONG THE CASHIRED OFFICERS OF GENERAL ROMERO'S REGIME MUST BE RESISTED WITH UTMOST VIGOR OR WE WILL FIND OURSELVES IN A CATAclysmic CIVIL WAR THAT WILL USHER IN THE ULTRA-LEFT.

WHAT CAN WE DO TO STRENGTHEN THE JRG AND WIDEN ITS POLITICAL BASE?

28. AGAIN, A POLITICAL SOLUTION DEPENDS IN GREAT MEASURE ON OUR ALLIES AMONG THE CIVILIANS AND MILITARY IN THE PRESENT JUNTA. THE REFORM PROGRAM HAS NOW BEGUN. AGRARIAN REFORM HAS BEEN A GREAT SUCCESS IN ITS FIRST TWO WEEKS AND CAN ULTIMATELY PROVIDE LAND TO 75 PERCENT OF THE FORMERLY LANDLESS PEASANTS OF THE INTERIOR. BANKING REFORM HAS BROKEN THE STRANGLEHOLD OF THE OLIGARCHY ON NATIONAL FINANCE. LABOR REFORM WILL RESULT IN THE ENFORCEMENT OF SALVADOR'S LONG IGNORED LABOR CODES AND BRING IT AN END SWEATSHOP

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NOV-68 NOV-68 NOV-68



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Department of State

INCOMING
TELEGRAM

PAGE 04 SAN SA 02038 04 OF 06 2000112

CONDITIONS IN THE INDUSTRIAL SECTOR. THE SCREAMS OF INDIGNATION FROM THE LANDOWNERS AND BANKERS WILL SOON BE JOINED BY THE OWNERS OF ASSEMBLY PLANTS WHERE 30 PERCENT RETURN ON CAPITAL IS STANDARD AND THREE DOLLARS A DAY WAS CONSIDERED AN AMPLE WAGE. ECANY OF THE LAST GROUP ARE AMERICAN CITIZENS AND WILL BE HEARD FROM IN WASHINGTON.

29. THIS RAISES AN IMPORTANT QUESTION. WHAT DOES THE USG CONSIDER A MODERATE SOLUTION? THE REFORMS PROPOSED BY THE JRG AND ALREADY UNDERWAY WILL RESTRUCTURE SALVADORAN SOCIETY IN FUNDAMENTAL WAYS BUT TOWARD U.S. OR EUROPEAN-STYLE WELFARE CAPITALISM, NOT TOWARD SCANDINAVIAN SOCIALISM AND VERY FAR FROM CUBAN OR EAST EUROPEAN MARXISM, THE DAY OF BARONIAL ESTATES, MILLION DOLLAR VILLAS IN FORTIFIED SUBURBS AND VASTLY PROFITABLE SWEATED LABOR OPERATIONS WILL SOON END IN EL SALVADOR. THAT IS ESSENTIAL IF MARXIST REVOLUTION IS TO BE FORECLOSED, BUT TO BROADEN THE BASE OF THE JRG IT WILL BE NECESSARY TO MOVE BOTH RIGHT AND LEFT FROM THE KNIFE-THIN EDGE WHICH THE GOVERNMENT IS PRESENTLY POISED UPON, THAT MEANS ACCOMMODATING WHAT WE REFER TO AS THE ACCEPTABLE ELEMENTS OF THE RIGHT AND THE ACCESSIBLE ELEMENTS OF THE LEFT. THE JRG'S EFFORT TO OPEN UP A DIALOGUE WITH THE INDUSTRIAL SECTOR AND THE CHASTENED FORMER LANDOWNERS SEEMS TO BE PROCEEDING VERY SUCCESSFULLY. AT LEAST SOME OF THE PRIVATE SECTOR OWNERS PROFESS WILLINGNESS TO ACCEPT THE REFORMS TO DATE AND SAY THEY WILL STOP THEIR BITTER OPPOSITION TO THE JUNTA. THE NON-VIOLENT LEFT IS VERY UNHAPPY WITH WHAT IT SEES AS A DECIDED TURN TOWARD THE RIGHT AND ACCOMMODATION OF THE PRIVATE SECTOR. THEY SEE THE

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**INCOMING
TELEGRAM**

PAGE 05 SAN 3A 02038 04 OF 05 2000117

JRG'S TOLERATION OR AT LEAST INABILITY TO STOP

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Department of State

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INCOMING TELEGRAM

PAGE 181

PAGE 01
ACTION NODS-001

SAN SA 02038 05 OF 08 2000217

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SECTION 5 OF 6 SAN SALVADOR 2838

NOOIS (SPECIAL ENCRYPTION)

RIGHT-WING TERRORISM AND ITS ACCOMMODATION OF THE PRIVATESECTOR AS THE LAST STRAW THAT CAUSED THE LEFT-WING OF THE CHRISTIAN DEMOCRATIC PARTY TO RESIGN IN PROTEST LAST WEEK. THESE RELATIVELY MODERATE LEFTIST ELEMENTS HAVE BEEN VICTIMS OF A WELL-FINANCED AND VICIOUS CAMPAIGN OF POLITICAL ASSASSINATION AND BOMBINGS THAT SEEMS DESIGNED TO RADICALIZE THE LEFT IRRETRIEVABLY AND FORECLOSE ANY MOVEMENT IN THIS DIRECTION ON THE PART OF THE JRG.

30. THE IMMEDIATE THREAT TO THE JUNTAS FROM THE ULTRA-RIGHT, BACKED BY THE GREAT FORTUNES OF AT LEAST SOME MEMBERS OF THE OLIGARCHY, AND ABETTED BY THE ACQUIESCENCE AND PARTICIPATION OF SOME MEMBERS OF THE ARMED FORCES, A WAVE OF VIOLENCE AGAINST MODERATES HAS BEEN UNDERWAY FOR SEVERAL WEEKS AND IS REACHING A DECISIVE STAGE. THE JUNTA MUST END RIGHT-WING TERRORISM IF IT IS TO WIN INTERNATIONAL SUPPORT AND LURE AWAY FROM THE ULTRA-LEFT THOSE MODERATES WHO WANT TO SEE STRUCTURAL CHANGE AND AN END TO OPPRESSION.

31. ARCHBISHOP ROMERO IN PARTICULAR CONTINUES TO
DENOUNCE REPRESSION, THE TERM USED BY EVERYONE ON THE
LEFT TO DESCRIBE THREE DISTINCT BUT INTERRELATED
CATEGORIES: (1) ULTRA-RIGHT TERRORISM, (2) SECURITY

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NOV 1982

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Department of State

INCOMING
TELEGRAM

PAGE 02

SAN SA 02038 05 OF 06 2000217

FORCES: PARTICIPATION IN THESE OPERATIONS AND (3) EXCESSIVE USE OF VIOLENCE BY THE MILITARY IN RESPONDING TO PROVOCATIONS FROM THE LEFT, POSSIBLY ENGINEERED BY THE ULTRA-LEFT TO PRODUCE EVIDENCE OF MASSACRE.

32. THE DAILY TOTAL OF DEAD, MANY AMONG THEM TEENAGERS BEARING MARKS OF BRUTAL TORTURE, RESULT FROM RIGHT-WING TERRORISM BUT THEY ARE EASILY CONFUSED WITH VICTIMS OF UNDISCIPLINED OR PURPOSELY BRUTAL SECURITY OPERATIONS, WHATEVER THE ROLE OF THE HIGH COMMAND IN THIS MEXTURE OF TERRORISM AND INDISCIPLINE, THE REPUTATION OF THE JRG IS BEING BLACKENED AND THE MOST SERIOUS DOUBTS ARE BEING RAISED AS TO ITS BONA FIDES HERE AND ABROAD. FOR THE ULTRA-RIGHT, IT SEEMS CLEAR THAT THESE ACT OF TERROR ARE DESIGNED TO ELIMINATE OR RADICALIZE THE RELATIVELY MODERATE ELEMENTS ON THE LEFT AND PRECLUDE A MODERATE SOLUTION. FOR THE ULTRA-LEFT, THE GOAL IS TO PROVOKE RIGHTIST ASSASSINATIONS OR A WHOLESALE MASSACRE THAT WILL OUTRAGE THE POPULATION AND KICK OFF A NATIONAL INSURECTION. PROBABLY THE MOST SERIOUS THREAT TO A MODERATE SOLUTION WOULD BE THE ASSASSINATION, WHETHER BY THE ULTRA-LEFT OR BY THE ULTRA-RIGHT OF ARCHBISHOP ROMERO, THE MOST IMPORTANT POLITICAL FIGURE IN EL SALVADOR AND A SYMBOL OF A BETTER LIFE TO THE POOR.

33. A RIGHT-WING COUP, FOLLOWED BY AN INTENSIVE CAMPAIGN OF ASSASSINATION, OR EVEN AN ISOLATED INCIDENT OF TERRORISM AGAINST ARCHBISHOP ROMERO, FOR WHICH THE RIGHT WOULD BE BLAMED, IS LIKELY TO PROVOKE A CIVIL WAR THAT WOULD ALMOST CERTAINLY END IN A ROUT OF THE RIGHT AND A RADICALIZED LEFTIST TAKEOVER. HENCE, FOR THE MOMENT, THE PRINCIPAL ENEMY OF A

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NOV-30-1983



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INCOMING
TELEGRAM

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PAGE 03 SAN SA 02038 05 OF 05 2000212

MODERATE SOLUTION IS THE ULTRA-RIGHT AND ITS ALLIES WITHIN THE HIGH COMMAND WHO ARE PERMITTING THE CURRENT CAMPAIGN OF TORTURE AND MURDER TO CONTINUE.

WHAT DO WE HAVE TO DO TO PREVAIL?

34. THE MOST URGENT PRIORITY FOR THE USG AND ITS CIVILIAN/MILITARY ALLIES IN THE JRG IS TO ELIMINATE RIGHTIST ATROCITIES. WE ARE USING EVERY MEASURE OF INFLUENCE AT OUR DISPOSAL TO CONVINCE THE MILITARY AUTHORITIES THAT THESE ACTS MUST END AND THE PERPETRATORS BE PUNISHED. SENIOR MILITARY OFFICERS DO NOT EXCUSE THE RIGHTIST CAMPAIGN BUT THEY DO PROFESS A SUSPECT IGNORANCE OF ITS OPERATIONS THAT IS FAR FROM REASSURING. SEVERAL RECENT BOMBINGS, ESPECIALLY THAT OF THE ARCHBISHOP'S RADIO STATION AND THE ONE SUNDAY NIGHT AGAINST THE MINISTRY OF AGRICULTURE, BEAR ALL THE SARMARKS OF A HIGHLY TRAINED PROFESSIONAL TERRORIST ORGANIZATION. THE MINISTER OF DEFENSE TOLD ME THAT ANTI-CASTRO CUBANS MAY BE OPERATING HERE AS HIRED MERCENARIES OF THE OLIGARCHY. EVERY RESOURCE WE POSSES MUST BE USED TO STOP RIGHTIST TERRORISM BECAUSE IT IS THE MOST PROXIMATE CAUSE OF CIVIL WAR IN EL SALVADOR.

35. OUR NEXT PRIORITY IS TO CONVINCE THE MORE INTELLIGENT AND FAR-SIGHTED AMONG THE PRIVATE SECTOR THAT THERE IS NO HOPE FOR THEM IN BLIND REACTION AND THAT THEY MUST COOPERATE WITH THE JRG IN ITS REFORM PROGRAM IF A NON-COMMUNIST EL SALVADOR IS TO SURVIVE. WE SEE ENCOURAGING SIGNS THAT THIS REALIZATION IS DAWNING ON SOME OF THE ENTREPRENEURS AND EVEN A FEW OF THE FORMER LANDOWNERS AND BANKERS. IT IS AMONG THESE PEOPLE AND THE SMALL MIDDLE-CLASS NOW SIDING WITH THE OLIGARCHY OUT OF FEAR OF COMMUNISM THAT ALL THE EXPERTISE IS LOCATED. TOGETHER THEY WILL BE CRUCIAL TO FUTURE

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Department of State

INCOMING
TELEGRAM

PAGE 04

SAN SA 02038 05 OF 06 280021Z

ECONOMIC DEVELOPMENT HERE. THUS, IT IS IMPORTANT THAT THE JRG BEGIN TO COOPT THESE ENTREPRENEURS AND TECHNICIANS, NOW THAT THE MAIN REFORM MEASURES ARE IN PLACE, AND THE RIGHT HAS BEEN PRESENTED WITH A FAIT ACCOMPLI. IT IS POSSIBLE TO OPEN A DIALOGUE WITH THEM WITHOUT COMPROMISING THE CHANCES FOR PROGRESS OR ALIENATING THE MODERATE LEFT. THE TIME HAS COME, THEREFORE, TO APPROACH THE BUSINESS AND INDUSTRIAL CLASSES TO SEEK THEIR COOPERATION. THE U.S. EMBASSY CAN BE A USEFUL BROKER IN THIS PROCESS BECAUSE OF ITS LONG IDENTIFICATION WITH THEM.

36. OUR ROLE WILL BE CONSIDERABLY MORE DIFFICULT IN THE EFFORT TO OPEN UP A DIALOGUE BETWEEN THE JUNTA AND THE NON-VIOLENT SECTIONS ON THE LEFT. THESE ARE MADE UP LARGELY OF THE LEFT-WING OF THE POC, THE SOCIALIST MNR, THE TRADITIONAL COMMUNIST UON AND THE MASS ORGANIZATION OF THE LOWER MIDDLE CLASSES AND THE INTELLIGENTSIA, FAPU. THE KEY TO A DIALOGUE WITH THIS IMPORTANT GROUPING IS ARCHBISHOP ROMERO, THE POC HAS SOUGHT HIS HELP IN THIS ENDEAVOR BUT THE WITHDRAWAL OF THE LEFT-WING OF THE PARTY WILL SEVERELY COMPLICATE A MOVE TOWARD THE MORE MODERATE LEFT. BEFORE ANYTHING CAN BE ACCOMPLISHED ON THIS SCORE, HOWEVER, AN END TO THE WORST VIOLENCE ON THE RIGHT AND AMONG THE SECURITY FORCES IS ESSENTIAL.

37. WHAT WE ARE TALKING ABOUT IS A COMPLEX AND DELICATE ROLE OF SOCIAL ENGINEERING FOR THE U.S. AND ITS ALLIES IN THE JRG. OUR OBJECTIVE MUST BE TO RESTRUCTURE THIS FEUDAL SOCIETY ALONG WESTERN LINES, THAT IS TO SAY ALONG LINES OF MODERNIZING THIRD WORLD COUNTRIES WHERE A MODERATE SOLUTION HAS BEEN FOUND BY COMPROMISE AND

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INCOMING
TELEGRAM

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PAGE 05 SAN SA 02038 05 OF 06 200021Z

POLITICAL SAGACITY; PORTUGAL, GREECE, MALAYSIA, AND
SINGAPORE ARE POSSIBLE ROLE MODELS. THE ALTERNATIVE
IS NOT, AS THE RIGHT AND ULTRA-RIGHT ARGUE, SOME
MILITARY-DOMINATED CONSERVATIVE DICTATORSHIP LIKE
CHILE, ARGENTINE OR URUGUAY. RADICALIZATION AND

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Department of State

INCOMING TELEGRAM

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PAGE 01

SAN SA 02038 06 OF 06 200032Z

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SECTION 6 OF 6 SAN SALVADOR 2038

NOOIS (SPECIAL ENCRYPTION)

MOBILIZATION OF THE MASSES HAS GONE TOO FAR HERE FOR REPRESSIVE MACHINERY TO SUCCEED IN DOING ANYTHING EXCEPT PROVOKE AN INSURRECTION. THE ONLY REAL ALTERNATIVE TO WESTERNIZED POLITICAL AND ECONOMIC LIFE IN EL SALVADOR IS A MARXIST DICTATORSHIP ALONG CUBAN LINES. WE HAVE SAID REPEATEDLY THAT SUCH AN OUTCOME WOULD BE UNACCEPTABLE TO US. OUR ONLY OPTION, THEREFORE, IS TO WORK FOR A MODERATE SOLUTION AND HAVE THE PATIENCE TO FOLLOW OUR POLICY TO ITS ULTIMATE CONCLUSION, ATTACKS FROM RIGHT AND LEFT NOTWITHSTANDING.

WHAT IS THE RESULT FOR CENTRAL AMERICA IF WE PREVAIL?

38. EL SALVADOR'S EMERGENCE AS A JUST AND RAPIDLY MODERNIZING SOCIETY WILL HAVE A CRUCIAL IMPACT ON THE NEIGHBORING COUNTRIES, NOT LEAST AMONG THEM NICARAGUA. THE DISORDER AND CONFUSION THAT HAS FOLLOWED THE SANDINISTA VICTORY HAS BEEN A SOURCE OF PROFOUND DISCOURAGEMENT TO THE MODERATE LEFT IN THIS COUNTRY AND THE SUCCESS OF A REFORMIST NON-MARXIST GOVERNMENT HERE MIGHT BE DECISIVE TO THE OUTCOME THERE. THE RIGHTIST MILITARY GOVERNMENT OF GUATEMALA IS ALREADY QUITE CONCERNED THAT THE "CONTAGION OF SOCIAL CHANGE" (READ LAND REFORM) IN EL SALVADOR MIGHT SPREAD NORTH, SHAKING ANOTHER RETROGRADE STRUCTURE TO ITS FOUNDATIONS. A

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NOV-83



Department of State

UNCLASSIFIED
INCOMING
TELEGRAM

PAGE 02 SAN SA 02038 06 OF 06 240032Z

SUCCESSFUL OUTCOME IN EL SALVADOR WOULD THUS REVERSE THE TREND TOWARD MARXIST REVOLUTION AND TURN THIS COUNTRY FROM AN EXAMPLE OF SOCIETAL DISSOLUTION INTO A MODEL OF STRUCTURED POLITICAL CHANGE. OUR ROLE IN SUCH AN OUTCOME CAN ONLY BE DECISIVE.

WHAT SUPPORT WILL WASHINGTON GIVE TO THIS STRATEGY?

39. IT SHOULD BE CLEAR FROM THIS DISCUSSION THAT IT IS IMPOSSIBLE TO STOP THE REVOLUTIONARY PROCESS UNDERWAY IN EL SALVADOR. OUR ONLY HOPE FOR PROTECTING OUR INTERESTS IN CENTRAL AMERICA IS TO HARNESS THE MASSIVE PRESSURE FOR CHANGE AND GUIDE IT INTO CHANNELS THAT WILL PRODUCE A JUST, EQUITABLE, RESPONSIBLE AND DEMOCRATIC SYSTEM. THIS CAN ONLY BE DONE BY BROADENING THE MODERATE BASE AND EXCLUDING THE TERRORIST EXTREMES ON BOTH LEFT AND RIGHT. THE ANSWER IS HERE IN EL SALVADOR, NOT IN PANAMA OR CARACAS AND CERTAINLY NOT IN MIAMI OR HAVANA. WHAT MUST BE FOUND IS A POLITICAL ACCOMMODATION THAT WILL END VIOLENCE BY DRYING UP SUPPORT FOR THE PROFESSIONAL REVOLUTIONISTS ON THE LEFT AND ELIMINATING THE PROFESSIONAL TERRORISTS ON THE RIGHT. WE HAVE TO LEARN TO WORK CLOSELY AND FAITHFULLY WITH THE ONLY GOVERNMENT EL SALVADOR HAS HAD IN 50 YEARS THAT HAS TRIED TO BRING SOCIAL JUSTICE TO THE PEOPLE. WE MUST AVOID SUDDEN SHIFTS IN DIRECTION THAT CAN DISILLUSION AND ULTIMATELY DESTROY OUR SALVADORAN ALLIES. AS BILL COLBY HAS SAID, "THERE HAS GOT TO BE SOMETHING BETWEEN A DIPLOMATIC NOTE AND SENDING IN THE MARINES." THERE IS: IT IS A TOUGH-MINDED EMBASSY SPEAKING WITH ONE VOICE AND ENJOYING THE FULL BACKING OF THE GOVERNMENT IN WASHINGTON.

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40. FULL BACKING MEANS SUFFICIENT RESOURCES TO DO THE JOB. IN ORDER TO STRENGTHEN THE JRG AND TO PENETRATE AND NEUTRALIZE THE ULTRA-LEFT AND ULTRA-RIGHT, WE MUST HAVE THE DIPLOMATIC AND DEVELOPMENTAL TOOLS REQUIRED TO DO THE JOB. ABOVE ALL, WE NEED PERSONNEL TO DO THE REPORTING AND ANALYSIS. IT IS ALSO IMPORTANT TO PROVIDE THE JRG WITH HIGHLY VISIBLE BACKING SUCH AS MAJOR ECONOMIC ASSISTANCE PROGRAMS IN SUPPORT OF ARGRAIAN REFORM. A BROAD FOREIGN-FINANCED ASSAULT ON JOBLESSNESS IS REQUIRED ON THE SCALE OF THE DEPRESSION-ERA RPA AND CCC. SMALL-SCALE FOOD AID IS ALSO NEEDED BUT WE MUST BE CAREFUL NOT TO UNDERMINE LOCAL AGRICULTURE AND MARKETING BY CREATING A DEPENDENCY ON OUTSIDE FOOD SHIPMENTS. WE ARE SENDING A CABLE TODAY ON PL-480 AND HOW IT CAN CONTRIBUTE TO A MODERATE SOLUTION.

41. WHAT TO DO ABOUT U.S. MILITARY ASSISTANCE IS THE MOST DELICATE ISSUE WE FACE. I BELIEVE WE SHOULD COOPERATE WITH THE JRG BY SUPPLYING NON-LETHAL FMS AND I MET TO THE ARMED FORCES BUT THAT THE HTTS SHOULD BE WITHHELD AT LEAST UNTIL THE WORST VIOLENCE ON THE RIGHT IS BROUGHT TO AN END. WE MUST WORK CAREFULLY TO STRENGTHEN THE CIVILIANS AND YOUNGER OFFICERS AND DO NOTHING TO STRENGTHEN THE TRADITIONALIST MILITARY IN ITS TOLERANCE FOR, OR EVEN ENCOURAGEMENT OF, RIGHT-WING TERRORISM AND BRUTAL ABUSE OF HUMAN RIGHTS. WE CAN LOSE HERE FAST IF THE RIGHT HAS ITS WAY. THAT MUST BE BLOCKED.
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TEXT OF TELEGRAM 80SAM 0009099

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PAGE 01 SAM SA 00099 080222Z
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R 021700Z MAY 80 VOL TO ALL
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8313
INFO AMEMBASSY BOGOTA
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SAM SALVADOR 3099

E.O. 12065: GDS 4/30/88
TAGS: PINS PINT SHUM EAD ES
SUBJ (C) CONVERSATION WITH UCS LEADERS

2. SUMMARY. ON APRIL 30 SIX LEADERS OF THE SALVADORAN COMMUNAL
UNION (UCS) COMMENTED ON THE LAND TO THE TILLER LAW, REPRESSION,
AND CABINET CHANGES. END SUMMARY.

3. ON APRIL 30 LABOR ATTACHE TALKED WITH FIVE OF THE NINE
MEMBERS OF THE UCS'S BOARD OF DIRECTORS. ABOUT A HALF HOUR
INTO THE CONVERSATION, SEGEN RODOLFO VIERA JOINED THE GROUP.

PAGE 02 SAM SA 00099 080222Z

4. NEW AGRARIAN REFORM LAW. THE ATTITUDE OF THE FIVE UCS
DIRECTORS TOWARD THE LAND TO THE TILLER LAW (ISSUED APRIL 28)
CAN BE SUMMARIZED AS "IT'S A FINE LAW, BUT." THE "BUT"
CONSISTED OF TWO SETS OF PREOCCUPATIONS: THAT THE LAW WILL
LEAD TO MORE VIOLENCE DIRECTED AGAINST CAMPESINOS; AND THAT
CREDIT WILL NOT BE MADE AVAILABLE QUICKLY ENOUGH. ON THE
LATTER TOPIC, ONE OF THE DIRECTORS COMMENTED THAT THE RAINY
SEASON WILL BEGIN IN ABOUT A WEEK, AND IT IS UNLIKELY THAT

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SMALL LANDHOLDERS WILL OBTAIN CREDIT IN TIME TO PLANT.

6. ANOTHER DIRECTOR SAID THIS PHASE OF AGRARIAN REFORM IS LIKELY TO BE MORE VIOLENT THAN THE FIRST. THE LACK OF VIOLENCE IN THE FIRST PHASE, HE REASONED, WAS DUE TO THE FACT THAT FEW LARGE LANDOWNERS ACTUALLY LIVED ON THEIR ESTATES. HOWEVER, THE OWNERS OF THE SMALL HOLDINGS TAKEN BY THE LATEST DECREE GENERALLY RESIDE NEAR THEIR LAND, AND HAVE MORE OPPORTUNITY TO TAKE VENGEANCE ON THE BENEFICIARIES.

6. REPRESSION. ACCORDING TO ONE DIRECTOR, THE UCS'S BIG PROBLEM WITH THE GOES NOW IS THE AMOUNT OF VIOLENCE IN THE COUNTRYSIDE. ALL CONDEMNED THE SECURITY FORCES FOR ACTS OF REPRESSION. THEY HAD MUCH MORE RESPECT FOR THE MILITARY THAN THE SECURITY FORCES, BUT SOME STATED THAT THE ARMY HAS ALSO BEEN INVOLVED IN SEARCH OPERATIONS WHICH RESULTED IN THE KILLING OF PRISONERS.

7. LABOR ATTACHE COMMENTED THAT THE KILLING IN THE COUNTRYSIDE SEEMED TO BE COMING FROM ALL DIRECTIONS AND THAT HE HAD HEARD THAT LOCAL NATIONAL GUARD COMMANDERS BORE MUCH OF THE RESPONSIBILITY FOR THE REPRESSION. THE DIRECTORS AGREED, BUT NAMED THREE OFFICIALS WHO, THEY SAID, COULD STOP THE REPRESSION IF THEY WISHED: MINISTER OF DEFENSE GARCIA,

CONFIDENTIAL

PAGE 03

SAN SA 03099 080222Z

SUBSECRETARY OF DEFENSE CARRANZA, AND DIRECTOR OF THE NATIONAL GUARD VIDES CASANOVA. THESE THREE, THEY ADDED, ARE NOT IN FAVOR OF THE JRG'S REFORMS AND ARE ALLOWING LOWER-RANKING OFFICERS TO OBSTRUCT THEM. THE UCS HAS HAD CONTACTS WITH SOME "PROGRESSIVE" OFFICERS. THEY SINGLED OUT FOR APPROVAL CAPTAIN MENA SAMDO VAL, AND SAID HE WOULD MAKE A GOOD SUBSECRETARY OF DEFENSE. (COMMENT: ACCORDING DAD, THE APPOINTMENT OF THIS INDIVIDUAL WOULD NOT BE ACCEPTABLE TO THE MILITARY AS A WHOLE. END COMMENT.)

8. CABINET CHANGES. AT THIS POINT VIERA JOINED THE GROUP AND ANNOUNCED HE HAD HEARD ON THE RADIO THAT THE MINISTERS OF AGRICULTURE AND PLANNING HAD RESIGNED. (COMMENT. WE HAD HEARD FROM OTHER SOURCES THAT THE TWO WERE TO BE RELIEVED, BUT THIS REPORT WAS PREMATURE. END COMMENT.) THE REACTION AROUND THE TABLE COULD ONLY BE DESCRIBED AS ONE OF GENERAL REJOICING. VIERA, WHO AS HEAD OF ISTA KNOWS THE CABINET MEMBERS, CHARACTERIZED BOTH MEN AS INCOMPETENT. ACCORDING TO VIERA, THE MINISTER OF AGRICULTURE CANNOT OR WILL NOT MAKE DECISIONS, AND THE MINISTER OF PLANNING HAS DONE NOTHING TO SUPPORT AGRARIAN REFORM.

9. THE FUTURE. WHEN ASKED FOR A PREDICTION ABOUT THE STABILITY OF THE PRESENT GOVERNMENT, VIERA REPLIED THAT THE TWO CABINET CHANGES MENTIONED ABOVE WOULD GREATLY IMPROVE THE JRG'S CHANCES. ONE OF THE DIRECTORS ADDED THAT THE THREE

PAGE NO. 3

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OFFICERS NAMED IN PARA 7 SHOULD ALSO BE REPLACED. VIERA COMMENTED THAT THE TIME HAD COME FOR THE GOES TO ANNOUNCE THAT NO MORE REFORMS WOULD BE MADE IN THE IMMEDIATE FUTURE, AND TO CONSOLIDATE ITS GAINS.

10. COMMENT. THE IDEA OF ANNOUNCING AN END TO REFORMS FOR THE TIME BEING IN ORDER TO RESTORE CONFIDENCE AND STABILIZE THE ECONOMY HAS BEEN MENTIONED TO US RECENTLY BY TWO PDC OFFICIALS. VIERA'S COMMENT MAY INDICATE THAT SUCH AN ANNOUNCEMENT IS UNDER CONSIDERATION BY THE JRG.

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U. S. 12061: RBE-1 5/21/79 WHITE, ROBERT E) GR-
TAGS: PINS PINT ES
SING: CALL ON MINISTER OF DEFENSE, MAY 28

2. THE MINISTER OF DEFENSE, COL GUILLERMO GARCIA, MILITARY COMMANDER COL CUPPINES, AND I MET FOR AN HOUR AND A HALF THE MORNING OF MAY 28. MY PURPOSE AT THIS MEETING WAS TO MAKE TWO POINTS: FIRST, THE TORTURING AND KILLING OF UNARMED CIVILIANS BY THE SECURITY FORCES HAD GONE WAY BEYOND ANY CONCEIVABLE JUSTIFICATION AND COULD AFFECT OUR SUPPORT FOR THIS GOVERNMENT; AND SECONDLY, THAT MILITARY ASSISTANCE IN THE FORM OF HELICOPTERS AND MILITARY TRAINING TEAMS COULD ONLY BE CONSIDERED IF WE WERE CONVINCED WE WERE ASSISTING A STABLE GOVERNMENT. I NOTED IN THE LATTER CONNECTION THAT IN THE LAST THREE MONTHS AT LEAST TWO RIGHTWING COUP ATTEMPTS HAD BEEN LED TO EX-MINOR D'AMASSON. THE UNITED STATES COULD NOT UNDERSTAND NOW ATTEMPTS TO OVERTHROW THE GOVERNMENT COULD BE PERMITTED TO GO UNPUNISHED IF THE ARMED FORCES WERE SINCERE IN THEIR PROFFERED DESIRE TO SUPPORT THIS GOVERNMENT.

3. COL GARCIA ADMITTED THAT THE EXCESSES WERE GRAVE AND SAID THAT HE HAD A GOOD IDEA WHO WAS RESPONSIBLE. HE POINTED OUT THAT THE EXTREME LEFT WAS ATTACKING THE MILITARY DAILY IN ALL PARTS OF THE COUNTRY AND WAS EVEN ATTACKING THE FAMILIES OF SOLDIERS. HE ADMITTED THAT GORDON WAS NOT DEAD AND, WHILE HE HAD NO OFFICIAL CONFIRMATION, HE WAS SURE THAT THERE WERE, INDIVIDUAL CASES OF SECURITY FORCES PARTICIPATION IN DEATH SQUADS.

4. I POINTED OUT THAT THE UNITED STATES HAD NEVER URGED ANYTHING OTHER THAN CARRYING THE FIGHT TO THE ARMED GUERRILLAS. IT WAS THE DUTY OF THE ARMED FORCES TO PROTECT THE GOVERNMENT AND TO ELIMINATE LEFTIST TERRORISM BUT IT SHOULD BE ON THE BASIS OF A FAIR FIGHT. REPORTS OF OVER 100 LEFTISTS KILLED WITH NO MENTION OF ANY LOSSES IN THE MILITARY WERE CAUSE FOR REAL CONCERN AND BELONG TO THE PART OF A PATTERN. NOT ONLY WERE VIOLATIONS OF HUMAN RIGHTS SERIOUS IN THEMSELVES BUT AS A PRACTICAL MATTER THEY WOULD-RADICALIZE THE COUNTRYWIDE AS SOMCHA'S NATIONAL GUARD HAD DONE IN NICARAGUA.

3. GARCIA THEN WENT INTO A LONG REHEARSAL OF THE D'AMBROSIO CASE. IN THE COURSE OF HIS EXPLANATION, HE DEFENDED HIS OWN ROLE AT GREAT LENGTH, CRITICIZED JUNTA MEMBER COL MAJANO FREQUENTLY, AND EMPHASIZED THAT D'AMBROSIO HAD CONSIDERABLE SUPPORT AMONG THE CAPTAINS, LIEUTENANTS, AND NON-COMMISSIONED OFFICERS OF THE SECURITY FORCE. HE INSISTED THAT HE HAD NO PRIOR KNOWLEDGE OF MAJOR MENDEZ' DECISION TO RELEASE D'AMBROSIO, STATING THAT THIS WAS THE INVESTIGATING OFFICER'S OWN DECISION TAKEN ONLY IN CONSULTATION WITH THE LAWYERS FOR THE PROSECUTION. GARCIA SAID THAT THE TRIAL WAS CURRENTLY UNDER WAY AND THAT THOSE WHO HAD ARRESTED D'AMBROSIO, THE OFFICERS OF THE FIRST SQUAD, WERE

4. I SAID THAT I HAD SEEN THE VIDEO TAPE MADE BY D'ARNOISSON AND SOME OF THE EVIDENCE TAKEN IN HIS ARREST AND THAT IT WAS INCONCEIVABLE TO ME THAT ANY RATIONAL PERSON COULD HOLD THAT THIS EVIDENCE WAS INSUFFICIENT TO CONVICT MAJOR D'ARNOISSON. GIVEN THE EVIDENCE, I COULD UNDERSTAND THAT A FULL-SCALE TRIAL WITH PUBLICITY MIGHT NOT BE IN THE INTEREST OF THE MILITARY BUT SURELY THERE SHOULD BE SOME OTHER LEGAL MEASURE THAT COULD BE TAKEN TO SHOW THE SUPPORT OF THE MILITARY FOR THE GOVERNMENT AND TO DEMONSTRATE THAT NEITHER WOULD TOLERATE ANY FURTHER COUP PLOTTING. I EMPHASIZED THAT THAT THE WORLD SEES AT THIS MOMENT IS THAT A NIGHTVINE COUP WAS ATTEMPTED, THAT THE COUP PLOTTERS WERE ARRESTED BY COL HAINES'S GROUP OF YOUNG ARMY OFFICERS, THAT COL HAINES WAS PUNISHED BY REMOVING HIM FROM DIRECT COMMAND IN THE MILITARY, AND THAT MAJOR D'ARNOISSON WAS THEN FREED BY THE MILITARY. THIS IS AN UNEXPLICABLE FLOW OF EVENTS AND UNLESS IT IS FINISHED OFF BY D'ARNOISSON'S PUNISHMENT IT WOULD SEEM THAT IN THE SALVADORAN MILITARY THOSE WHO STAND AGAINST COUPS ARE PUNISHED AND THOSE WHO LAUNCH THEM ARE REWARDED.

7. GARCIA TALKED AROUND THIS FOR A LONG TIME AND THEN CAME UP WITH THE SUGGESTION THAT PERHAPS THE BEST THING TO DO WOULD BE TO REINTEGRATE 8 ARMSUSION INTO THE MILITARY RANKS AND SEND HIM TO TAHAAN AS ATTACHE. I REJECTED THIS "SOLUTION" FIRMLY, SAYING THAT THIS WOULD BE A REWARD FOR 8 ARMSUSION AND WOULD BE SEEN AS JUST THAT AND WOULD HAVE GRAVE POLITICAL REPERCUSSIONS. I POINTED OUT THAT THERE WAS NOTHING TO PREVENT 8 ARMSUSION'S BEING TRANSFERRED FROM TAHAAN BACK TO EL SALVADOR BY A SIMPLE ADMINISTRATIVE DECISION OF THE HIGH COMMAND.

2. COL GARCIA RESPONDED THAT THIS WAS JUST ONE OF 40 OR MORE POSSIBILITIES HE HAD IN MIND FOR DEALING WITH THE PROBLEM.

3. COMMENT: THIS IS THE MOST DISCOURAGING AND DISAPPOINTING CONVERSATION I HAVE HAD SINCE MY ARRIVAL IN EL SALVADOR. COL GARCIA MADE NO PROMISE, IMPLICIT OR EXPLICIT, OF PUT AN END TO THE OFFICIAL VIOLENCE. GARCIA'S READINESS TO COVER UP THE REALITY OF THE D'ARBUJISTON CASE INDICATES TO ME THAT HE CONTINUES TO TRY TO BE ALL THINGS TO ALL MEN AND WILL DO NOTHING THAT COULD AFFECT HIS POPULARITY IN THE ARMED FORCES. IT WAS OBVIOUS THAT HE WOULD LIKE NOTHING BETTER THAN TO DRIVE COL MALAND OUT OF THE JUNTA AND REHABILITATE D'ARBUJISTON. THE REALITY IS THAT THE PRINCIPAL THREAT TO THE STABILITY OF THIS GOVERNMENT COMES FROM THE OFFICERS OF THE HIGH COMMAND WHO ARE SECRETLY IN THE RIGHT'S CORNER.

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Review Authority: LANDFAIR, WILLIAM E.
Date: 05/24/94
Case ID: 99400321

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SECTION 1 OF 3 SAN SALVADOR 5810

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E.O. 12065: XDS-2 8/22/90 (WHITE, ROBERT E) OR-M
TAGS: MASS PINT PINS ES
SUBJ: (S) AMBASSADOR AND COMUTILGP PRESENTATION OF HELICOPTER
PROPOSAL TO JRG AND HIGH COMMAND, AUGUST 21

REFS A) STATE 210613 B) SAN SALVADOR 4575 C) COMUSHILGP ES
202100Z MAY (STATE CITE 3723) D) COMUSHILGP ES 001630Z JULY
IP (STATE CITE 4680)

1. ENTIRE TEXT)

2. SUMMARY. IN A MEETING WITH THE JRG AND THE HIGH COMMAND
AUGUST 21 THE AMBASSADOR AND COMUSHILGP PRESENTED THE USG

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Office of FOI, Privacy, & Classification Review
Review Authority: CROWLEY, JOHN
Date: 05/16/94
Case ID: S040032N

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OFFER TO LEASE SIX HELICOPTERS TO THE GOES. THE TERMS OF THE U.S. OFFER PROVOKED SOME MIXED REACTIONS. THE TWO MONTH PERIOD DURING WHICH PROGRESS IN HUMAN RIGHTS WOULD BE MEASURED MAY AN ESPECIALLY DIFFICULT PILL FOR THE GOES. THE GOALS OF THE U.S. PROPOSALS WERE LAUDED; THE APPEARANCE THAT THE GOES WOULD BE SUCCUMBING TO USG DICTATES WAS DEPLORED. NEVERTHELESS, THE MEETING WAS GENERALLY POSITIVE AND WE EXPECT A POSITIVE RESPONSE TO OUR OFFER. END SUMMARY.

3. THE AMBASSADOR, COMUSMILGP, AND POLOFF MET AUGUST 21 WITH THE ENTIRE JRG AND THE MEMBERS OF THE HIGH COMMAND. THE PURPOSE OF THE MEETING WAS TO EXPLAIN TO THE GOES THE USG PROPOSAL FOR THE LEASE OF SIX HELICOPTERS TO EL SALVADOR.

4. JRG MEMBER DUARTE OPENED THE MEETING, INDICATING SIMPLY THAT THE AMBASSADOR HAD REQUESTED IT IN ORDER TO DISCUSS A MILITARY RELATED SUBJECT. HE TURNED IT OVER TO THE U.S. REPRESENTATIVES FOR THEIR PRESENTATION.

5. IN HIS INITIAL REMARKS THE AMBASSADOR SUMMARIZED THE STATE OF US-GOES RELATIONS COMPLEMENTING THE JUNTA AND THE MILITARY FOR THEIR ROLE IN INSURING THAT THE GENERAL STRIKE FAILED AND STATING HIS CONVICTION THAT INTERNATIONAL OPINION WAS CHANGING IN A POSITIVE FASHION BOTH FOR THE GOVERNMENT AND FOR US POLICY. HE INDICATED CONTINUING U.S. SUPPORT FOR THE JRG AND ITS POLICIES OF CARRYING OUT REFORMS AND DEMOCRATIZATION. THE AMBASSADOR ALSO NOTED THE SERIOUS PROBLEMS CREATED IN THAT RELATIONSHIP BY THE CONTINUING VIOLENCE OF THE EXTREMIST RIGHT WHICH IS PERCEIVED INTERNATIONALLY TO BE -- AND OFTEN ACTUALLY IS -- CONDONED BY ELEMENTS WITHIN THE MILITARY. THE

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FAILURE OF THE GOES TO PUT AN END TO THAT VIOLENCE IS THE
PRINCIPAL OBSTACLE TO GREATER COOPERATION BETWEEN THE
TWO GOVERNMENTS.

6. COMUSMILGP FOLLOWED BY READING A STATEMENT WHICH
CONTAINED THE USG OFFER TO PROVIDE THE HELICOPTERS,
TRAINING AND SPARE PARTS. HIS STATEMENT ALSO CONTAINED
THE POINTS MADE IN REF A AND THE FIVE USG
CONDITIONS TO THE LEASE OF THE AIRCRAFT. HE CONTINUED
BY SUGGESTING A SERIES OF MEASURES WHICH THE GOES
COULD UNDERTAKE AND WHICH WOULD SERVE SIMULTANEOUSLY AS
THE MEANS TO LIMIT VIOLENCE AND THE MEANS TO MEASURE
THE SUCCESS OF THE GOES IN MEETING THE FIVE U.S.
CONDITIONS. COMUSMILGP CONCLUDED BY READING THE TIMETABLE
FOR IMPLEMENTATION OF THE LEASE (SEE REF A). A DOCUMENT
CONTAINING COMUSMILGP'S THREE STATEMENTS, HIS SUGGESTED CODE
OF CONDUCT AND HIS ASSESSMENT OF THE MOD AND PUBLIC SECURITY
(SEE REFS C AND D) WAS GIVEN TO EACH OFFICIAL PRESENT.

7. DUARTE RESPONDED TO THE U.S. PROPOSAL. HE INDICATED
THAT IN THE U.S. DOCUMENT THERE ARE SOME GOOD IDEAS ON
HUMAN RIGHTS. HE ALSO SAID THAT HE SAW NO PROBLEM WORKING
WITH THE U.S. TO SOLVE THE HUMAN RIGHTS PROBLEM. HOWEVER,
SOME OF THE PROPOSALS MADE WERE UNACCEPTABLE. THE "TRIAL
PERIOD" OF 60 DAYS DURING WHICH THE U.S. WOULD EVALUATE
PROGRESS MADE WAS PARTICULARLY GALLING. DUARTE CLAIMED
THAT THE U.S. WAS SAYING THAT ONLY "IF YOU ARE GOOD BOYS
WILL THE HELICOPTERS BE PROVIDED."

8. DUARTE CONTINUED BY SAYING THAT "ABUSES OF AUTHORITY"
EXISTED AND WERE DESTROYING SOME OF THE JRG'S WORK.
HE SAID THAT THE JRG AND THE HIGH COMMAND WERE
CURRENTLY WORKING ON IMPROVING THE HUMAN RIGHTS PICTURE
IN EL SALVADOR. U.S. SHOULD NOT DOUBT THAT THE GOES WOULD
COMPLY WITH ITS PART OF THE AGREEMENT. (COMMENT: IN
ESSENCE, DUARTE WAS [REDACTED] NOT SO MUCH ABOUT THE CON-

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DITIONS THEMSELVES AS THE USG INSISTENCE ON MEASURING PERFORMANCE OVER A SIXTY DAY PERIOD. END COMMENT.)

9. THE AMBASSADOR THEN INDICATED THAT HE DID NOT THINK THAT THE TWO POSITIONS WERE THAT FAR APART. HE REPEATED THE FIVE CONDITIONS AND POINTED OUT THAT THOSE WERE THE ONLY REQUIREMENTS THAT CAME FROM WASHINGTON. (DUARTE HAD TAKEN ISSUE WITH ONE OF COMUSMILGP'S RECOMMENDATIONS AS IF IT ALSO HAD BEEN A CONDITION.) THE AMBASSADOR NOTED THE PRIVATE NATURE OF THE ACCORD BETWEEN THE TWO

GOVERNMENTS. HE EMPHASIZED THE NEED FOR PROGRESS IN THE FIVE AREAS CITED AND SAID THAT IN HIS OPINION THE JRG AND MOD WERE ALREADY COMMITTED TO ALL OF POINTS LISTED BUT THAT IN SOME OF THE AREAS PROGRESS WAS IMPERCEPTIBLE.

10. DUARTE RESPONDED BY SAYING THAT HE SAW A POLITICAL PROBLEM WITH THE FOURTH CONDITION, THAT ONE WHICH REQUIRES THAT THE HIGH COMMAND DEAL TOUGHLY WITH EXTREME RIGHT WING ELEMENTS INCLUDING THOSE IN THE MILITARY. HE SAID IT WAS OBVIOUS WHO THIS REFERRED TO -- THE DIAUBUISSON SORT. HE WENT ON TO SAY THAT NO ACT OF EXTREMIST VIOLENCE, WHETHER OF THE RIGHT OR THE LEFT, SHOULD BE TOLERATED. HE SEEMED, THEN, TO AGREE WITH THE BASIS OF THE FOURTH POINT AND, APART FROM THE POLITICAL PROBLEM THAT HE SAW WITH THAT ONE, HE VOICED NO OBJECTIONS. (COMMENT: THIS WAS A DELIBERATE TACTIC ON DUARTE'S PART TO POINT UP THE PROBLEM OF RIGHT WING EXTREMIST IN THE MILITARY. END COMMENT.)

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11. JRG MEMBER MORALES EHRLICH ASKED WHETHER THE FIVE CONDITIONS WOULD BE LABELLED AS CONDITIONS WHEN THE PROPOSAL REACHED CONGRESS, IN RESPONSE THE AMBASSADOR INDICATED THAT THE JRG'S SUCCESSSES IN THE FIVE AREAS WOULD BE EMPHASIZED OVER THE CONDITIONAL ASPECT OF THE AGREEMENT. WHAT HE WANTS, HE SAID, IS TO HAVE A FACTUAL RESPONSE TO CRITICISM WHEN WE AGREE TO PROVIDE THE HELICOPTERS.

12. COL. MAJANO SPOKE UP SAYING THAT HE SAN DUARTE'S PREOCCUPATION AS CENTERING AROUND THE POLITICAL REPERCUSSIONS OF THE AGREEMENT, THAT PROBLEM COULD BE OBIATED IF THIS WERE TO BE A PRIVATE, GENTLEMAN'S AGREEMENT. LIKE MORALES EHRLICH, HOWEVER, HE WAS CONCERNED THAT THE PRESENTATION BEFORE CONGRESS WOULD CITE THE CONDITIONS AND ACKNOWLEDGE THAT THE GOES HAD ACCEDED TO THEM. ON

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THE WHOLE, HOWEVER, MAJANO WAS FAVORABLE TOWARD THE PROPOSAL, SAYING, IN EFFECT, THAT HE WAS IN AGREEMENT WITH THE GOALS AND MEASURES LISTED IN THE DOCUMENT.

13. DEFENSE MINISTER GARCIA HAD A DIFFERENT REACTION. HE CLAIMED THAT WHILE THE HUMAN RIGHTS GOALS IN THE U.S. DOCUMENT WERE GOOD ONES SALVADORAN "IDIOSYNCRACIES" WERE NOT BEING TAKEN INTO ACCOUNT. (BY "IDIOSYNCRACY" GARCIA MEANS THAT ALL ABUSES OF AUTHORITY BY THE MILITARY ARE HANDLED QUIETLY AND "IN HOUSE".) HE AGREED THAT THERE HAVE BEEN ABUSES BUT DIDN'T THINK IT A GOOD IDEA TO "PROCLAIM" THE FACT. HE SEEMED TO THINK THAT THERE WAS NO POINT IN IT. THOSE THAT LOOKED UPON THE JRG AS REPRESSIVE AND THE LEFT AS PROGRESSIVE, WHO CITED AS "CASUALTIES" THE ARMY'S DEAD BUT SAW THE DEAD ON THE LEFT AS "ASSASSINATED" WERE ALREADY CONVINCED AND THE U.S. PROPOSED MEASURES WOULD DO LITTLE TO CHANGE THAT.

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14. GARCIA PERSONALLY VOUCHED FOR THE EFFORTS THAT ARE BEING MADE BY THOSE PRESENT (I.E., THE JRG AND THE HIGH COMMAND) ON BEHALF OF HUMAN RIGHTS. HE CLAIMED THAT THE U.S. RECOMMENDATIONS ARE BEING CARRIED OUT. HOWEVER, IT WAS ONE THING TO CARRY OUT THESE THINGS VOLUNTARILY AND ANOTHER TO HAVE THEM ENFORCED BY ANOTHER COUNTRY. THE COUNTRY'S DIGNITY WAS OFFENDED AND WHILE THEY -- THE JRG AND HIGH COMMAND -- MIGHT BE ABLE TO OVERLOOK THE OFFENSE THE REST OF THE COUNTRY MIGHT NOT.

15. AT THIS POINT THE AMBASSADOR POINTED OUT THAT SOME PROGRESS HAS BEEN MADE IN HUMAN RIGHTS IN EL SALVADOR. HOWEVER, THE REALITY IS THAT MUCH MORE NEEDS TO BE DONE. CONCENTRATING THEIR EFFORTS ON THE FIVE AREAS MENTIONED WOULD DEMONSTRATE TO THE U.S. THAT THE GOVERNMENT

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WAS SERIOUS ABOUT BRINGING VIOLATIONS UNDER CONTROL. HE POINTED OUT THAT WHILE THE MILITARY IS ENTITLED TO ITS SPECIAL IDIOSYNCRASIES, PUTTING THE JRG INTO INTERNATIONAL DISREPUTE BY CONDONING ACTS OF VIOLENCE SEEMED EXTREME.

16. COL. GUTIERREZ CONTINUED THE CONVERSATION BY SAYING THAT THEY UNDERSTOOD THE MOTIVES FOR THE CONDITIONS. ALL OF THE PROPOSALS, HE SAID, "ARE THINGS WHICH WE SHOULD BE DOING". HE ESPECIALLY LIKED THE COMUSMILGP'S CODE OF CONDUCT, BUT GUTIERREZ WENT ON TO SAY THAT HE WOULD LIKE TO CONSULT WITH HIS OFFICER CORPS. THE RISK OF MISINFORMATION AND MISINTERPRETATION IS GREAT, HE SAID, AND SO BEFORE AGREEING TO THE PROPOSAL HE WOULD LIKE TO INFORM THEM AND ASK FOR THEIR REACTIONS.

17. GUTIERREZ ENDED BY SAYING THAT THEY (THE GOES) WOULD HAVE MUCH PREFERRED A "MORE FRANK ASSISTANCE" AND "A VOTE OF CONFIDENCE IN THEM BY THE U.S."

18. COL. VIDES CASANOVA ASKED WHY THE U.S. WAS SO INSISTENT ON DEALING TOUGHLY WITH THE RIGHT EXTREMISTS AND NOT WITH THOSE OF THE LEFT. HE INDICATED THAT SOME PEOPLE OF THE RIGHT HAVE DONE MORE TO RESOLVE THE COUNTRY'S PROBLEMS SINCE THE OCTOBER COUP THAN THOSE ON THE LEFT.

19. THE AMBASSADOR TOLD COL. VIDES THAT THERE WAS A MISUNDERSTANDING. LIBERTY OF EXPRESSION IS NOT AT ISSUE; PEOPLE SHOULD HAVE THE RIGHT TO THINK IN ANY WAY THEY CHOOSE AND TO ACT WITHIN THE LAW. WHAT THEY DO NOT HAVE A RIGHT TO DO IS TO COMMIT ACTS OF TERRORIST VIOLENCE. FOR EXAMPLE, HE ASKED WHEN THE LAST TIME WAS THAT AN ORDEN MILITANT WAS PUNISHED, NO ONE CAME UP WITH AN ANSWER.

20. QUARTE THEN USED THE OCCASION TO DO SOME STRAIGHT TALKING TO THE MILITARY. HE SAID THAT WHAT WAS UNDER

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INCOMING
TELEGRAM

DISCUSSION WERE THOSE INDIVIDUALS WHO ARE PART OF THE
~~MILITARY AND WHO ARE COMMITTING TERRORIST ACTS. HE~~
THOUGHT THAT IT WAS UNDERSTOOD BY THE HIGH COMMAND
THAT THEY SHOULD PUT A STOP TO THESE UNJUST, VIOLENT ACTS.

21. DUARTE WENT ON TO MAKE FOUR POINTS. HE SAID COL.
GUTIERREZ' IDEA OF CONSULTING THE OFFICERS WAS A GOOD
ONE. THAT DISCUSSIONS WERE NECESSARY TO DEVELOP THE
MEANS TO MAKE THE "POINTS" -- THE U.S. CONDITIONS --
REALIZABLE. HE SUGGESTED A PUBLIC ACT IN EL SALVADOR WITH
A U.S. GENERAL PRESENT TO ANNOUNCE THE AGREEMENT. FINALLY,
HE SAID THAT HE STILL SAW A DANGER IN THE INTERPRETATION
OF THE AGREEMENT. HE SAID THAT THIS CONDITIONAL ASSISTANCE,
WITH ITS SUGGESTION OF U.S. INTERFERENCE IN THE INTERNAL AF-
FAIRS OF ANOTHER COUNTRY, COULD BE NEGATIVE FOR BOTH THE U.S.
AND EL SALVADOR.

2. DUARTE SUMMARIZED. TWO THINGS WERE NECESSARY:
MEASURES TO PUT THE PROPOSALS INTO PRACTICE AND MEASURES
TO DEAL WITH THE POLITICAL PROBLEMS FACED BY BOTH GOVERNMENTS.

23. COL. MAJANO POINTED OUT THAT IN OCTOBER 1979 THE
MILITARY HAD PUBLICLY STATED THAT THERE WERE FAULTS IN ITS
OWN INSTITUTION. MAJANO WAS IN EFFECT RESPONDING TO HOD
GARCIA AND TO THE NEED TO REFORM THE MILITARY AS STATED
IN THE OCTOBER 15 REVOLUTION. ANY MEMBER OF THE ARMED
FORCES WHO HAS UNAUTHORIZED DEALINGS WITH EXTREMIST
GROUPS OF EITHER THE RIGHT OR LEFT SHOULD BE DISCIPLINED;
SAID MAJANO, THE PROBLEM IS ONE OF BALANCE ("EQUILIBRIO").

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TO SECSTATE WASHDC IMMEDIATE 046
INFO AMEMBASSY BOGOTA
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY MEXICO
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
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Special Project (1993)

SECTION 3 OF 3 SAN SALVADOR 5810

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24. MAJANO MADE A SECOND POINT. EVERYTHING PRESENTED
HE VIEWED AS "CORRECT" BUT HE NOTED THAT THE PUBLIC
PRESENTATION COULD BE A PROBLEM. HE VIEWED THE CRUCIAL
QUESTION AS HOW TO SOLVE WASHINGTON'S PROBLEMS WHILE AT
THE SAME TIME NOT GIVING THE APPEARANCE THAT EL SALVADOR
SUCCEMDED TO A POLITICAL SET OF CONDITIONS.

25. AIR FORCE COL. BUSTILLOS REFLECTED ON THE OFFER AND
COMPARED IT WITH A PREVIOUS U.S. OFFER OF 5.7 MILLION
DOLLARS OF MILITARY ASSISTANCE. THE INTERNATIONAL
REACTION, HE SAID, WAS VERY BAD. THE REACTION TO THE
HELICOPTER AGREEMENT WOULD BE AS BAD OR WORSE AND WOULD
PROVOKE INCREASED ASSISTANCE TO THE LEFT FROM CUBA OR THE
SOVIET UNION. IMPLICIT IN BUSTILLO STATEMENT WAS THE
VIEW THAT THE U.S. WAS GIVING LITTLE AND DEMANDING A LOT.

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26. DUARTE ENDED THE MEETING BY SAYING THAT GUSTILLOS THESIS WAS VALID BUT THAT IT WAS LESS IMPORTANT NOW THAN IT WAS TWO OR THREE MONTHS AGO. IN THE INTERIM THE JRG AND THE ARMED FORCES HAVE GAINED THE BACKING OF THE PEOPLE. WHATEVER AID THE LEFT RECEIVES WILL BE OF LITTLE USE TO THEM AS THEY HAVE LOST THE PEOPLE'S SUPPORT.

27. DUARTE CONTINUED BY SAYING THAT THE PROBLEM THAT THE U.S. SEES IS THAT THE PROCESS OF DEMOCRATIZATION AND PROGRAM OF REFORMS WILL STOP SHORT OF ITS GOALS. HE SYMPATHIZED WITH THE U.S. CONCERN. HE THOUGHT THAT TO ENSURE THAT THOSE GOALS ARE REALIZED THE MILITARY SHOULD REDEDICATE ITSELF TO THE POLITICAL DEFINITION OF OCTOBER 1979. HE SAID THAT POLITICAL CONSCIENCE MUST BE DEVELOPED THROUGHOUT THE ARMED FORCES. THE HIGH COMMAND MAY SEE THINGS CLEARLY BUT CLEAR SIGNALS MUST BE SENT TO ALL ELEMENTS OF THE MILITARY.

28. COMMENT: WHILE HE DID EVERYTHING HE COULD TO SOFTEN THE PRESENTATION, THERE WAS NO WAY TO DISGUISE THAT THE DEAL CONSISTED OF HELICOPTERS IN EXCHANGE FOR A MEASURABLY IMPROVED PERFORMANCE IN DETERMINED AREAS OVER A FIXED TIME SPAN. DUARTE HAS NO REAL OBJECTION TO THIS AND IN FACT ASSURED HE LATER THAT THE WHOLE PROBLEM WOULD BE WORKED OUT SATISFACTORILY. DUARTE LED OFF AS HE DID IN ORDER TO PRECLUDE A STRONGER REACTION FROM THE CONSERVATIVE MEMBERS OF THE HIGH COMMAND.

29. THE REAL DANGER HERE IS THAT AS THE MILITARY DISCUSS OUR PROPOSAL THE WHOLE MATTER WILL BECOME PUBLIC AND INTERPRETED IN SUCH A WAY THAT IT WILL APPEAR THAT THE UNITED STATES IS IMPOSING CONDITIONS AND AFFRONTING THE SOVEREIGNTY OF EL SALVADOR. ON THE OTHER HAND, AT THIS

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INCOMING
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POINT JUST ABOUT ANY MEETING ON ANY SUBJECT THAT INVOLVES
THE ENTIRE MILITARY WILL PROBABLY BENEFIT OUR OVERALL
POLICY. IT IS PAST TIME THAT PROGRESSIVE AND CONSERVATIVE
OFFICERS MET ON A SUBJECT THAT DOES NOT HAVE DIRECTLY
TO DO WITH CAUSES OF INTERNAL DISSENSION AND WILL PROVIDE
THE OPPORTUNITY FOR A FULL AIRING OF VIEWS. OUR HOPE,
OF COURSE, WOULD BE THAT THIS WOULD RESULT IN SOME RECON-
CILIATION BETWEEN THE VARIOUS FACTIONS.
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TEXT OF TELEGRAM NOSAM SA007874

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1145

SECTION 1 OF 2 SAN SALVADOR 7974

EXDIS

E.O. 12065: RDS-1 11/14/00 (WHITE, ROBERT E) DR-M
TAGS: PINS PINTY SHUM ES
SUBJ: MEETING WITH APOSTOLIC ADMINISTRATOR ON MEDIATION OFFER

2. SUMMARY: AT AN HOUR-LONG MEETING WITH THE ACTING
ARCHBISHOP OF EL SALVADOR AND HIS LEADING COLLABORATOR,
WE DISCUSSED THE CHURCH'S OFFER OF MEDIATION BETWEEN THE
GOVERNMENT AND THE ARMED LEFT. MSGR. RIVERA Y DAMAS
DOES NOT BELIEVE THE LEFT'S REJECTION OF THE OFFER HAS
CLOSED THE DOOR. HE MET A LEADER OF THE ARMED LEFT IN
PANAMA RECENTLY AND HAD THE IMPRESSION THE LEFT MIGHT BE
RECONSIDERING. MSGR. URIOSTE WAS PARTICULARLY DISCOURAG-
ING ABOUT THE PROSPECTS FOR REINING IN RIGHTIST VIOLENCE
(WHICH HE CHARGES SQUARELY TO THE SECURITY FORCES). THEY
LISTENED TO MY ARGUMENTS AS TO WHY THE GOVERNMENT DESERVES
A CHANCE TO INTRODUCE REFORM AND REALIGN THE POLITICAL
LIFE OF THE COUNTRY BUT WERE CLEARLY UNCONVINCED.
THEY ARE TAKING A GREAT DEAL OF ABUSE THESE DAYS FROM
THE FAR LEFT FOR ABANDONING THE ONE-SIDED CHURCH STANCE
OF BLAMING EVERYTHING ON THE GOVERNMENT AND EXCUSING THE
LEFT BUT IN PRIVATE THEY SHOWED NO PARTICULAR
WILLINGNESS TO MAKE THE EVEN-HANDED JUDGMENTS THEY HAVE
VOICED PUBLICLY. END SUMMARY

PAGE 02 SAN SA 07874 01 OF 02 142322Z

3. FRIDAY MORNING, NOVEMBER 14, I MET FOR ONE HOUR WITH
THE APOSTOLIC ADMINISTRATOR OF SAN SALVADOR, MONSIGNOR
RIVERA Y DAMAS, AND MONSIGNOR RICARDO URIOSTE, VICAR
GENERAL. THE FIRST TOPIC OF DISCUSSION WAS THE OFFER BY
THE CHURCH TO MEDIATE BETWEEN THE REVOLUTIONARY GOVERNING
JUNTA (JRG) AND THE FORCES OF THE FAR LEFT REVOLUTIONARY
DEMOCRATIC FRONT (FDR). I DESIGNED A SERIES OF QUESTIONS
IN AN ATTEMPT TO FIND OUT WHAT PLANS THEY HAVE TO CONTINUE

United States Department of State
Office of FOI, Privacy, & Classification Review
Review Authority: CUX, DAVID
Date: 05/23/84
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TEXT OF TELEGRAM 808AN 54007974

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WITH THIS MEDIATION EFFORT NOW THAT THEY GOVERNMENT HAS ACCEPTED AND THE FOR HAS REJECTED THE CHURCH'S INITIATIVE. MSGR. RIVERA Y DAMAS REPLIED THAT HE DID NOT BELIEVE THE REJECTION BY THE LEFT WAS DEFINITIVE. THE PRINCIPAL STUMBLING BLOCK, ACCORDING TO HIM, IS THAT THE FAR LEFT REGARDS THE JUNTA AS A FACADE AND THE MILITARY AS THE REAL GOVERNMENT OF EL SALVADOR. THE WANTON KILLING BY THE SECURITY FORCES, RIVERA Y DAMAS SAID, MAKES IT ALMOST IMPOSSIBLE FOR THE ARMED LEFT TO NEGOTIATE WITHOUT BETRAYING WHAT THEY REGARD AS THEIR COMMITMENT TO DESTROY WHAT THEY REGARD AS THE FORCES THAT OPPRESS THE PEOPLE. RIVERA Y DAMAS TOLD ME THAT IN HIS VISIT TO PANAMA LAST WEEK HE HAD SPOKEN WITH A REPRESENTATIVE OF ONE OF THE ARMED LEFTIST GROUPS. FROM THIS CONVERSATION HE DREW THE CONCLUSION THAT THE ARMED LEFT'S REFUSAL TO ACCEPT THE CHURCH'S OFFER OF MEDIATION WAS ONLY A PRELIMINARY REFUSAL THAT COULD STILL CHANGE.

4. I TOLD MSGRS. RIVERA Y DAMAS AND URIOSTE THAT I HAD ANALYZED THE VIOLENCE FROM THE FAR RIGHT OVER AND OVER AGAIN AND THAT I HAD ALMOST COME TO THE CONCLUSION THAT, WITH THE EXCEPTION OF EX-MAJOR D'AUBUISSON AND THE ULTRA-RIGHTIST BROAD NATIONAL FRONT (FAN), THERE WAS NO EFFECTIVE CENTRALLY DIRECTED EXTREME RIGHT FORCE. BANDS

PAGE 08 SAN SA 07974 01 OF 02 142322Z

OF KILLERS ARE OPERATING WITHOUT CENTRAL DIRECTION, THOUGH SOME MAY BE IN TOUCH WITH OR MADE UP OF OFF-DUTY POLICE AND NATIONAL GUARD PERSONNEL. MSGR. URIOSTE SAID THAT HE HAD NEVER BELIEVED IN A CIVILIAN-MILITARY NETWORK WITH A CENTRAL DIRECTION ON THE FAR RIGHT. HE SAID THAT THE UNITED STATES MUST UNDERSTAND THAT THE SECURITY FORCES OF THIS COUNTRY HAVE LATELY ABUSED AND KILLED THE POOR. IT WAS ONLY LOGICAL THAT IN A CRISIS SUCH AS THE CURRENT ONE THE KILLING WOULD INCREASE. URIOSTE SAID THAT IT WOULD BE FOLLY TO UNDERESTIMATE THE STRENGTH OF FEELING AGAINST THE OLD ORDER AMONG THE POOR IN THE CITIES AND THE

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TEXT OF TELEGRAM BOSAN 84007874

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1148

SECTION 2 OF 2 SAN SALVADOR 7874

EXDIS

COUNTRYSIDE. MOST OF THE ATTACKS ON ISOLATED MILITARY POSTS ARE CARRIED OUT BY CAMPESINOS WHO ARE STRIKING BACK AT THE PEOPLE WHO HAVE OPPRESSED THEM FOR DECADES. THEY ARE NO LONGER WILLING TO PUT UP WITH THIS INDISCRIMINATE KILLING OF THEIR FAMILIES. URIOSTE SAID THAT ONLY LAST WEEK THE NATIONAL GUARD HAD KILLED NSGR. RIVERA Y DAMAS'S FIRST COUSIN. URIOSTE WENT ON FOR SOME TIME IN THE SAME DISCOURAGING VEIN, SAYING HE SAW NO POSSIBILITY FOR IMPROVEMENT IN THE SITUATION AND PREDICTING THAT THE MILITARY WOULD CONTINUE THE MASSACRE. THE TOLL THIS YEAR, HE SAID, IS NEARING 7,000 DEAD. HE MADE NO DISTINCTION BETWEEN PEOPLE KILLED BY THE RIGHT OR SECURITY FORCES AND THOSE KILLED BY ALL THE LEFTIST GROUPS.

B. I RESPONDED TO THEIR DISCOURAGING PREDICTIONS BY SAYING THAT I TOO WAS DISHEARTENED BY THE VIOLENCE BUT THAT I THOUGHT THERE WERE SOME SIGNS OF PROGRESS AND CHANGE. IT WAS AN ERROR, I SAID, FOR THE CHURCH TO CRITICIZE RECENT MILITARY OPERATIONS AGAINST ARMED GUERRILLAS IN MORAZAN AND SAN VICENTE. THESE TWO DEPARTMENTS ARE NOTORIOUS GUERRILLA STRONGHOLDS AND THE ARMY HAS DONE A PROFESSIONAL JOB OF MOVING IN AND CONFRONTING ARMED GUERRILLAS WITH MINIMAL CIVILIAN LOSSES. I ADDED THAT THERE ARE A GREAT NUMBER OF MILITARY PEOPLE WHO HAD CONVINCED ME THAT THE SALVADORAN MILITARY HAD REALIZED

PAGE 02 SAN SA 07874 02 OF 02 180001Z

THEIR MISTAKE IN BECOMING INVOLVED IN POLITICS AND WANTED ONLY TO END THE GUERRILLA INSURGENCY AND, THEREAFTER, PERMIT THE COUNTRY TO MOVE TOWARDS A NEW POLITICAL SYSTEM BASED ON FREE ELECTIONS. IT WOULD BE A CONSIDERABLE UNDERSTATEMENT TO SAY THAT THE CHURCHMEN WERE SKEPTICAL OF THIS ASSERTION. THEY DID AGREE WITH ME THAT IT WAS BETTER TO HAVE THE MILITARY OPERATING AGAINST ARMED GUERRILLAS IN REMOTE AREAS RATHER THAN PARTICIPATING IN DEATH SQUADS.

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6. COMMENT: IT IS DIFFICULT TO REFUTE THE BASIC ARGUMENT OF MSGR. URIOSTE. IN A RECENT CONVERSATION WITH ECONOMIC OFFICER JAMES P. BELL, COLONEL MAURICIO VIDES CASANOVA, HEAD OF THE STATEMENT TELEPHONE COMPANY AND BROTHER OF NATIONAL GUARD COMMANDER COLONEL EUGENIO VIDES CASANOVA, ADMITTED THAT OBVIOUSLY THE SECURITY FORCES AND THE ARMY TOO WERE GUILTY OF A LARGE NUMBER OF THE ABUSES ATTRIBUTED TO THEM. BUT HE SAID THAT UP TO NOW THE MILITARY HIGH COMMAND FELT THAT THE BENEFITS OUTWEIGHED THE DISADVANTAGES. HE BELIEVES THE BALANCE MIGHT BE SHIFTING. HOWEVER, BECAUSE THE AWARENESS WAS DAWNING THAT VIOLENCE AS SUCH WAS DESTROYING THE COUNTRY. RIGHTIST VIOLENCE CONDONED OR ORGANIZED BY THE MILITARY COULD BE STOPPED QUICKLY, HE SAID. BY MAKING EXAMPLES OF THREE OF OUR OFFICERS WHO ARE GUILTY OF MUCH OF THE DEATH SQUAD ACTIVITY. NO ONE HAS BEEN CHARGED, DEMOTED, OR EVEN REPRIMANDED AND, UNTIL SOME STEP AGAINST THIS VIOLENCE IS TAKEN, HE PREDICTED, IT WOULD GO ON AND ON.

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TO SECSTATE WASHDC IMMEDIATE 1338

SECTION 01 OF 03 SAN SALVADOR 9391

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C O R R E C T E D C O P Y (PASSING INST ADDED)

E.O. 12065: GDS 11-20-86 (WHITE, ROBERT E.) ON-H
TAGS: PINS PINT SHUM ES
SUBJECT: ASSASSINATION OF FOR LEADERS: CONSEQUENCES AND
RECOMMENDATIONS

1. ENTIRE TEXT

2. SUMMARY THIS REPORT STATES THAT THE SECURITY FORCES OF
THE GOVERNMENT KIDNAPPED AND KILLED SIX OF THE FOR
LEADERSHIP. IT DISCUSSES VARIOUS POSSIBLE CONSEQUENCES
WHICH COULD FLOW FROM THIS EVENT INCLUDING THE PROBABLE
DEPARTURE OF COLONEL MAJANO FROM THE JUNTA AND A POSSIBLE
CONFRONTATION BETWEEN THE CHRISTIAN DEMOCRATS AND THE
MILITARY. THE ANALYSTS CONCLUDES THAT STRONG UNITED STATES
ACTION WILL BE REQUIRED TO KEEP THE GOVERNMENT INTACT AND
AVOID THE SLIDE OF THE GOVERNMENT INTO A REPRESSIVE MILITARY
DICTATORSHIP WITH AN UNSTATED POLICY OF PERMITTING THE
SECURITY FORCES TO KILL WITH IMPUNITY. THE RECOMMENDATIONS
INCLUDE AN IMMEDIATE SUSPENSION OF MILITARY ASSISTANCE UNTIL
THE GOVERNMENT DEALS WITH THE ASSASSINATION OF THE FOR LEADERS
IN A SATISFACTORY WAY. THE REPORT DISCUSSES OUR POLICY TOWARD

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PAGE 02

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EL SALVADOR OVER THE PAST YEAR AND CONCLUDES THAT THIS IS THE
LAST OPPORTUNITY TO MAKE THAT POLICY WORK. END SUMMARY.

3. WHILE SOME OF THE DETAILS OF THE ASSASSINATION OF THE
FUR LEADERS ARE STILL SUFFICIENTLY CLEAR TO COME TO A NUMBER
OF SOLID CONCLUSIONS, THE EVIDENCE THAT THE SECURITY FORCES
ARE RESPONSIBLE FOR THIS ACTION IS OVERWHELMING.

---THE COMMANDER OF THE NATIONAL GUARD, COLONEL CARLOS
EUGENIO VIDES CASANOVA, TOLD ME THAT THE SECURITY FORCES
MAINTAIN A CONSTANT SURVEILLANCE OF THE OFFICES OF THE
SOCORRO JURIDICO. HE TOLD ME THIS SEVERAL MONTHS AGO
WHEN I QUERIED HIM ABOUT THE NATIONAL POLICE BREAK-IN OF
THE SOCORRO JURIDICO OFFICES.

---PRIOR TO MY CONVERSATION WITH VIDES CASANOVA, THE
JESUITS HAD TOLD ME THAT THEY KNOW FULL WELL THAT THE
SECURITY FORCES MAINTAIN A WATCH OVER THE COMINGS AND GOINGS
OF THE SOCORRO JURIDICO.

---A MEMBER OF THE SOCORRO JURIDICO WHO OBSERVED THE EVENTS
OF YESTERDAY TOLD AN EMBASSY OFFICER THAT SEVERAL OF THOSE
INVOLVED IN THE BREAK-IN WERE DRESSED IN POLICE UNIFORMS AND
THAT THE VEHICLES, SEVERAL OF WHICH HAD NO NUMBER PLATES,
WERE WELL KNOWN AS POLICE VEHICLES. WE HAVE ANOTHER REPORT
THAT MEDICAL DOCTORS WHO HAVE A CLINIC ACROSS THE STREET
RECOGNIZED SOME OF THE PARTICIPANTS AS MEMBERS OF THE SECURITY
FORCES. A REPORTER WHOSE SYMPATHIES LIE WITH THE CONSERVATIVE
SECTION REPORTED THE PRESENCE OF A NUMBER OF OFFICERS OF THE
SECURITY FORCES AT THE BREAK-IN. HE HAS GONE INTO
HIDING.

---WHEN I SPOKE TO THE ACTING FOREIGN MINISTER EARLY LAST
EVENING ABOUT THE ARREST OF THE FUR LEADERS, HE STATED
THAT IT WAS NOT GOING TO BE A BIG PROBLEM BECAUSE THE
MILITARY WOULD HAND THEM OVER TO THE JURIDICAL BRANCH AND
THEY WOULD BE TRIED. IN RESPONSE TO MY QUESTION, HE SAID THAT
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PAGE 03

SAN 84 00321 01 OF 03 290209Z

THE MINISTER OF THE INTERIOR TOLD HIM THAT THIS WOULD BE THE
PROCEDURE. HE ADDED THAT IF THERE WAS NO EVIDENCE AGAINST
SOME OF THE MEN, THEY WOULD BE PROMPTLY RELEASED.

---IT IS COMMONLY ACCEPTED THROUGHOUT THE COUNTRY THAT THE
BRIGADA ANTICOMUNISTA MAXIMILIANO HERNANDEZ MARTINEZ WHICH
HAS CLAIMED RESPONSIBILITY FOR THE ASSASSINATIONS IS ONLY
A PSEUDONYM FOR ELEMENTS OF THE SECURITY FORCES.

---LASTLY, IT IS INCONCEIVABLE THAT A LARGE GROUP OF
HEAVILY ARMED MEN COULD SURROUND THE SOCORRO JURIDICO'S
OFFICES, ACCOMPLISH A ROOM BY ROOM SEARCH OF THE PREMISES AND
TAKE AWAY SIX MEN WITHOUT THE PERMISSION, NOT TO SAY
PARTICIPATION, OF THE SECURITY FORCES. IT WILL BE RECALLED
THAT THIS OPERATION TOOK PLACE IN A BUSY SECTOR OF SAN
SALVADOR.

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DEPT PASS MEXICO CITY FOR SECRETARY AND BOWDIEP
P.O. 12065: GDS 11-28-86 (WHITE, ROBERT E.) OF-M
TAGS: PINS PINT SHUM ES

SUBJECT: ASSASSINATION OF FDR LEADERS: CONSEQUENCES AND
RECOMMENDATIONS

1. ENTIRE TEXT)

2. SUMMARY THIS REPORT STATES THAT THE SECURITY FORCES OF
THE GOVERNMENT KIDNAPPED AND KILLED SIX OF THE FDR
LEADERSHIP. IT DISCUSSES VARIOUS POSSIBLE CONSEQUENCES
WHICH COULD FLOW FROM THIS EVENT INCLUDING THE PROBABLY

PAGE 02 STATE 317648

RECAPTURE OF COICREI MAJANO FROM THE JUNYA AND A POSSIBLE
CONFRONTATION BETWEEN THE CHRISTIAN DEMOCRATS AND THE
MILITARY. THE ANALYSIS CONCLUDES THAT STRONG UNITED STATES
ACTION WILL BE REQUIRED TO KEEP THE GOVERNMENT INTACT AND
AVOID THE SLIDE OF THE GOVERNMENT INTO A REPRESSIVE MILITARY
DICTATORSHIP WITH AN UNSTATED POLICY OF PERMITTING THE
SECURITY FORCES TO KILL WITH IMPUNITY. THE RECOMMENDATIONS
INCLUDE AN IMMEDIATE SUSPENSION OF MILITARY ASSISTANCE UNTIL
THE GOVERNMENT DEALS WITH THE ASSASSINATION OF THE FDR LEADERS
IN A SATISFACTORY WAY. THE REPORT DISCUSSES OUR POLICY TOWARDS
EL SALVADOR OVER THE PAST YEAR AND CONCLUDES THAT THIS IS THE
LAST OPPORTUNITY TO MAKE THAT POLICY WORK. END SUMMARY.
3. WHILE SOME OF THE DETAILS OF THE ASSASSINATION OF THE
FDR LEADERS ARE STILL SUFFICIENTLY CLEAR TO COME TO A NUMBER
OF SOLID CONCLUSIONS. THE EVIDENCE THAT THE SECURITY FORCES
ARE RESPONSIBLE FOR THIS ACTION IS OVERWHELMING.

THE COMMANDER OF THE NATIONAL GUARD, COLONEL CARLOS
EUGENIO VIDES CASANOVA, TOLD ME THAT THE SECURITY FORCES
MAINTAIN A CONSTANT SURVEILLANCE OF THE OFFICES OF THE
SOCORRO JURIDICO. HE TOLD ME THIS SEVERAL MONTHS AGO

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PAGE 1

Department of State 18/FPC/CDR El Salvador SP Date
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THE SOCOPPO JURIDICO OFFICES. THE NATIONAL POLICE BREAK-IN OF
 OFFICES. CONVERSATION WITH VIDES-CASANOVA. THE
 THEY KNOW FULL WELL THAT THE
 MAINTAIN A WATCH OVER THE COMINGS AND GOINGS
 A MEMBER OF THE SOCOPPO JURIDICO WHO OBSERVED THE EVENTS
 OF YESTERDAY TOLD AN EMBASSY OFFICER THAT SEVERAL OF THOSE
 INVOLVED IN THE BREAK-IN WERE DRESSED IN POLICE UNIFORMS AND
 THAT THE VEHICLES, SEVERAL OF WHICH HAD NO NUMBER PLATES,
 WERE WELL KNOWN AS POLICE VEHICLES. WE HAVE ANOTHER REPORT
 THAT MEDICAL DOCTORS WHO HAVE A CLINIC ACROSS THE STREET

RELEASED
 El Salvador: Human Rights
 Special Project (1975)

PAGE 03 STATE 317640
 RECOGNIZED SOME OF THE PARTICIPANTS AS MEMBERS OF THE SECURITY
 FORCES. A REPORTER WHOSE SYMPATHIES LIE WITH THE CONSERVATIVE
 SECTOR REPORTED THE PRESENCE OF A NUMBER OF OFFICERS OF THE
 SECURITY FORCES AT THE BREAK-IN. HE HAS GONE INTO
 HIDING.

WHEN I SPOKE TO THE ACTING FOREIGN MINISTER EARLY LAST
 EVENING ABOUT THE ARREST OF THE FDR LEADERS, HE STATED
 THAT IT WAS NOT GOING TO BE A BIG PROBLEM BECAUSE THE
 MILITARY WOULD HAND THEM OVER TO THE JURIDICAL BRANCH AND
 THEY WOULD BE TRIED. IN RESPONSE TO MY QUESTION, HE SAID THAT
 THE MINISTER OF THE INTERIOR TOLD HIM THAT THIS WOULD BE THE
 PROCEDURES. HE ADDED THAT IF THERE WAS NO EVIDENCE AGAINST
 SOME OF THE MEN, THEY WOULD BE PROMPTLY RELEASED.

IT IS COMMONLY ACCEPTED THROUGHOUT THE COUNTRY THAT THE
 FICADA ANTICOMUNISTA MAXIMILIANO HERNANDEZ MARTINEZ WHICH
 HAS CLAIMED RESPONSIBILITY FOR THE ASSASSINATIONS IS ONLY
 A PSEUDONYM FOR ELEMENTS OF THE SECURITY FORCES.

LASTLY, IT IS INCONCEIVABLE THAT A LARGE GROUP OF
 HEAVILY ARMED MEN COULD SURROUND THE SOCOPPO JURIDICO'S
 OFFICES, ACCOMPLISH A ROOM BY ROOM SEARCH OF THE PREMISES AND
 TAKE AWAY SIX MEN WITHOUT THE PERMISSION, NOT TO SAY
 PARTICIPATION, OF THE SECURITY FORCES. IT WILL BE RECALLED
 THAT THIS OPERATION TOOK PLACE IN A BUSY SECTOR OF SAN
 SALVADOR.

WITH PEOPLE MOVING ALONG THE STREETS PURSUING THE NORMAL
 BUSINESS DAY'S ACTIVITIES.
 A NUMBER OF CONSEQUENCES COULD FLOW FROM THE ASSASSINATION
 OF THE FDR LEADERS.

IT IS PROBABLE THAT COLONEL ADOLFO MAJANO WILL
 RESIGN FROM THE JUNTA UNLESS THE MILITARY MOVE PROMPTLY
 TO FIND AND PUNISH THOSE RESPONSIBLE. THIS IS UNLIKELY
 AS THE MINISTER OF DEFENSE, COLONEL GARCIA, HAS OFFICIALLY
 DENIED ANY SECURITY FORCES PARTICIPATION IN THE AFFAIR.

IT IS ALSO POSSIBLE THAT RODOLFO VIERA, HEAD OF ISTA,
 THE AGRARIAN REFORM INSTITUTE, WILL RESIGN FROM THE

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PAGE 2

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PP STATE 317647

03/26/81 181634

PRINTER: 13

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RELEASED
El Salvador Human Rights
Special Project (1993)

PAGE 04

STATE 317649

GOVERNMENT. VIERA HOLDS THE SECURITY FORCES RESPONSIBLE
FOR A NUMBER OF RECENT KILLINGS OF CAMPESINO LEADERS
AND ISTA EMPLOYEES.

-- A SUBSTANTIAL NUMBER OF INFLUENTIAL CHRISTIAN DEMOCRATS
WILL URGES THE PARTY TO CONFRONT THE MILITARY ON THIS ISSUE.
THEY WILL INSIST THAT UNLESS THE CULPRITS ARE ARRESTED,
TRIED AND PUNISHED, THE CHRISTIAN DEMOCRATS SHOULD LEAVE
THE GOVERNMENT.

-- DEPENDING ON HOW COLONEL MAJANO REACTS AND DEPENDING
ON THE ATTITUDE OF THE CHRISTIAN DEMOCRATS AND, MOST OF
ALL, ON THE ATTITUDE OF THE UNITED STATES, THE PROGRESSIVE
AND CENTRIST MILITARY OFFICERS COULD REACT AGAINST THOSE
RESPONSIBLE FOR THE ASSASSINATION AND THOSE WHO HAVE MOVED
TO COVER IT UP. IT IS TRUE THAT THE PROGRESSIVE FORCES
HAVE LOST COHESIVENESS THROUGH TRANSFERS OVER THE LAST
FIVE MONTHS BUT IT IS IMPORTANT TO REMEMBER THAT MAJANO RECEIVED
OVER 35 PERCENT OF THE VOTE OF THE OFFICERS IN THE CONFRONTA-
TION WITH GUTIERREZ SOME MONTHS AGO. IT IS PROBABLY THAT
A SUBSTANTIAL NUMBER OF OFFICERS REGARD THE ASSASSINATION
OF THE FDP LEADERS AS UNACCEPTABLE CONDUCT AND A CONFRONTA-
TION WITHIN THE MILITARY COULD RESULT.

-- SHOULD THE MILITARY LEADERSHIP PERSUADE JUNTA MEMBER
NAPOLEON DUARTE THAT THIS WAS A REGRETTABLE ABERRATION,
IT IS POSSIBLE THAT THE CHRISTIAN DEMOCRATS MIGHT STAY
IN THE GOVERNMENT WITH SOME PRIVATE AGREEMENT THAT THE
WORST ACTORS IN THE MIDDLE LEVELS OF THE SECURITY FORCES
WOULD BE CASHIERED OR TRANSFERRED. I DO NOT REGARD IT AS
ANYTHING MORE THAN A SCANT POSSIBILITY THAT COLONEL MAJANO
WOULD CONTINUE IN THE JUNTA UNDER THIS ARRANGEMENT. IT
WILL ALSO BE DIFFICULT TO CONVINCE SOME OF THE CHRISTIAN
DEMOCRATS WHO ARE OUTSIDE THE GOVERNMENT THAT THEY ARE
NOT IN GRAVE DANGER FROM RIGHTIST MILITARY OFFICERS.

-- IT IS ALSO POSSIBLE THAT IF CONFRONTED WITH A CHRISTIAN

PAGE 05

STATE 317648

DEMOCRAT ULTIMATIUM TO PUNISH THE GUILTY MEMBERS OF THE
SECURITY FORCES OR FACE A WITHDRAWAL OF THE PDC, THE
MILITARY WOULD YIELD TO THE RIGHTWING BUSINESS COMMUNITY'S
PLEAS AND FORM A NEW RIGHTIST GOVERNMENT WITH CIVILIAN
PARTICIPATION FROM SMALL SPLINTER PARTIES OF THE RIGHT
AND REPRESENTATIVES OF THE PRIVATE SECTOR.

-- THERE ARE A NUMBER OF OTHER VARIATIONS BUT THESE
WILL SERVE TO ILLUSTRATE THE RANGE OF POSSIBILITIES.
IT IS MOST IMPORTANT TO UNDERSTAND, HOWEVER, THAT
IT IS STILL POSSIBLE TO KEEP THE JUNTA INTACT AND THE
MILITARY TOGETHER AS AN INSTITUTION IF THE JUNTA
CAN FORCE THE MILITARY HIGH COMMAND TO ARREST AND PUNISH
THE GUILTY OFFICERS AND MEN OF THE SECURITY FORCES

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PAGE 5

INDEXES THE
STATE 31764

UNCLASSIFIED

06/26/81 181635

PPINT F7: 18

ND DISMISS ONE OF TWO TOP RANKING MILITARY COMMANDERS
WHOSE INVOLVEMENT IN THE WAVE OF KILLINGS IS WELL KNOWN.
RECOMMENDATIONS: I RECOMMEND THAT IN A RECENT TELEGRAM I
STATED THAT THE POLITICAL HISTORY OF EL SALVADOR SINCE
OCT. 15, 1979, HAS BEEN THE STRUGGLE OF THE CIVILIAN-MILITARY
JUNTA TO GAIN CONTROL OVER THE MILITARY ESTABLISHMENT AND
SPECIFICALLY TO PERSUADE THE MILITARY HIGH COMMAND TO END THE
VIOLENT REPRESSION OF THE SECURITY FORCES. OUR POLICY IS
EXPLICITLY TO ASSIST THIS PROCESS AND TO ENCOURAGE THE
DEMOCRATIC ELEMENTS ON THE LEFT, CENTER, AND RIGHT TO SET
ASIDE VIOLENCE AND TO CHOOSE INSTEAD DIALOGUE AND THE POLITICAL
PROCESS. THUS IT WAS SPECIFICALLY WITHIN OUR POLICY FRAME-
WORK THAT WE WELCOMED THE BISHOPS' OFFER OF MEDIATION AND THE
GOVERNMENT'S IMMEDIATE ACCEPTANCE OF THE MEDIATION OFFER.
THIS ACCEPTANCE COMMITTED THE GOVERNMENT TO THREAT WITH THE
FOR AS A POLITICAL FORCE. (THERE IS A REPORT THAT THE KC
SCHEDULED PRESS CONFERENCE WAS TO HAVE ANNOUNCED ITS WILLING-
NESS IN PRINCIPLE TO ACCEPT MEDIATION.) BY KILLING THE
LEADERS OF THE FDR THE MILITARY HAVE EXPLICITLY REJECTED
DIALOGUE AND HERALDED A POLICY OF EXTERMINATION. THOSE WHO
KIDNAPPED THE FDR LEADERSHIP WARNED THE PRIESTS THEY
WAS LEFT IF THEY DID NOT STOP POISONING THE MINDS OF

RELEASED
El Salvador: Human Rights
Special Project (1993)

PAGE 06

STATE 317640

THE YOUNG."

6. THERE IS NO WAY THAT THIS GOVERNMENT CAN BRING THIS
COUNTRY TO ELECTIONS IF THE REPRESSION IS NOT BROUGHT TO
AN END. THE REPRESSION WILL NOT END UNLESS THE DEMOCRATIC
ELEMENTS WITHIN THE GOVERNMENT AND WITHIN THE MILITARY GAIN
CONTROL OVER THE SECURITY FORCES.

7. AT THIS POINT THERE IS NO REAL DOUBT THAT THE SECURITY
FORCES ARE OUT OF CONTROL. THE SAME CIVILIAN ELEMENTS WHICH
APPLAUDED THE ASSASSINATION OF MSGR. ROMERO ARE URGING
THE MIDDLE LEVEL OFFICERS OF THE SECURITY FORCES TO RID THE
COUNTRY OF LEFTIST PRIESTS, LABOR AGITATORS, DISSIDENTS OF ANY
KIND SPECIFICALLY INCLUDING CHRISTIAN DEMOCRATS.

8. IN MY VIEW, THIS IS THE LAST CHANCE TO MAKE OUR POLICY
IN EL SALVADOR WORK. WE MUST SEND STRONG, UNAMBIGUOUS
SIGNALS THAT WILL HEARTEN THE DEMOCRATIC FORCES WITHIN AND
WITHOUT THE GOVERNMENT AND PERSUADE THE MILITARY TO
CITIZEN HOUSE. IF WE DO NOT SEND THESE CLEAR SIGNALS, WITHIN
A FEW MONTHS THE GOVERNMENT OF EL SALVADOR WILL BE JUST ANOTHER
REPRESSIVE MILITARY DICTATORSHIP REVERSING THE REFORMS AND
REJECTING ANY MOVEMENT TOWARDS PLURALISM AND ELECTIONS.
MOREOVER, ABSENT A STRONG REACTION WHICH CONTAINS IMPORTANT
PENALTIES FOR THE MILITARY'S BEHAVIOR, THIS TYPE OF
KIDNAPING WILL CONTINUE AND INCREASE.

SPECIFICALLY, I RECOMMEND:

1. STRONG NOTE TO THE GOVERNMENT STATING THAT WE ARE
SUSPENDING ALL MILITARY ASSISTANCE TO EL SALVADOR UNTIL

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PAGE 4

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80 STATE 317640

03/26/81 181636 PRINTER: TK

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THE ASSASSINATION OF THE FDR LEADERSHIP IS DEALT WITH IN A SATISFACTORY WAY.

THE IMMEDIATE REMOVAL OF THE OPERATIONAL PLANNING ASSISTANCE TEAM (GOLDEN HARVEST) AND THE MILITARY

RELEASED
El Salvador: Human Rights
Special Project (1983)

PAGE 07

STATE 317640

PROFDE. (THIS SHOULD BE DONE NOT ONLY AS A SANCTION BUT ALSO AS A MATTER OF PRUDENCE. STORIES ARE BEGINNING TO COME OUT ABOUT THE PRESENCE OF U.S. MILITARY ADVISORS AND ACCUSATIONS THAT THEY HAVE PARTICIPATED IN VARIOUS MILITARY OPERATIONS INCLUDING ENTRY BY THE SECURITY FORCES INTO THE PREMISES OF THE ARCHBISHOP'S HOUSE IN SEARCH FOR THOSE RESPONSIBLE FOR THE MURDER OF COLONEL CHOYO.)

A JOINT MESSAGE TO THE GOES BY THE OUTGOING AND INCOMING ADMINISTRATIONS REAFFIRMING THE BROAD LINES OF OUR SUPPORT FOR THIS GOVERNMENT WITH SPECIAL MENTION OF ITS RESPONSIBILITY TO AVOID VIOLATIONS OF HUMAN RIGHTS AND RECALLING THE OBJECTIVES OF THE OCTOBER 15 REVOLUTION.

OUR INFLUENCE HERE CAN BE DECISIVE. THE MILITARY LEADERS ARE WORRIED AND OFF BALANCE. THEY KNOW THEY HAVE BEEN CAUGHT OUT AND IT IS MY BEST GUESS THAT THEY WILL RESPOND TO PROPERLY APPLIED PRESSURES. OUR OBJECTIVE IS NOT TO FRACTURE THE MILITARY BUT TO STRENGTHEN THE HAND OF THE CIVILIAN AND MILITARY ELEMENTS WHO BACK REFORM AND A POLITICAL SOLUTION TO THE PROBLEMS OF EL SALVADOR. UNLESS WE DO THIS, THE RESULT WILL BE A SHARP SHIFT TO THE RIGHT BY THIS GOVERNMENT OR ITS MUTATION. THE CAUSE OF THE LEFT WILL THEN QUICKEN AND GAIN STRENGTH AND WITHIN A SHORT TIME WE WOULD HAVE A CIVIL WAR IN EL SALVADOR WITH SOME MEMBERS OF THE PRESENT GOVERNMENT FIGHTING ON THE SIDE OF THE LEFT.

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UNCLASSIFIED

INCOMING
TELEGRAM

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PAGE 21 SAN SA 78421 01 OF 23 632656Z
ACTION NOUS-02 COPY 1 OF 20
INFO: OCT-01 AUS-02 /091 4
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACI IMMEDIATE 1394

SECTION 1 OF 3 SAN SALVADOR 4421

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SUBJECT: THE CONTINGING CRTISTS IN EL SALVADOR

REF: STATE 316182

1. (ENTIRE TEXT)

2. EARLY IN THE MORNING OF DECEMBER 2, FOREIGN MINISTER
FIDEL CHAVEZ MENA CAME TO THE RESIDENCE TO INFORM ME OF
THE LATEST DEVELOPMENTS
WITHIN THE CHRISTIAN DEMOCRATIC
PARTY IN THE AFTERMATH OF THE SLAYING OF THE FOR LEADER-
SHIP. HE SAID THAT AS A RESULT OF NUMEROUS MEETINGS WITH
THE SECOND ECHELON PARTY LEADERSHIP, THE POSITION OF THE
CHRISTIAN DEMOCRATS HAD HARDENED SIGNIFICANTLY TOWARDS
THE MILITARY. CHAVEZ MENA SAID THAT THE CHRISTIAN DEMO-
CRATS WILL DEMAND A THOROUGHGOING INVESTIGATION OF THE
KILLINGS OF FOR LEADERS AND PUNISHMENT OF THOSE GUILTY.
A REVISED COMPACT WITH THE CHRISTIAN DEMOCRATS REITERATING
SPECIFICALLY THE MILITARY'S COMMITMENT TO BRING ABOUT A
NATIONAL DIALOGUE, FOSTER PLURALISM, AND HOLD ELECTIONS.
CRUCIAL TO THE DECISION OF THE CHRISTIAN DEMOCRATS TO
TAKE A HARDER LINE WAS THE INSISTENCE OF THE RANK AND FILE
THAT THEIR LIVES WERE IN DANGER FROM THE SECURITY FORCES.

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Department of State

INCOMING
TELEGRAM

UNCLASSIFIED

PAGE 02

04N 51 48421 01 OF 03 030635Z

CHAVEZ MENA SAID THAT THE CHRISTIAN DEMOCRATIC LEADERSHIP HAD MET WITH COLONELS GUTIERREZ AND GARCIA AND BELIEVED THAT THEY COULD WORK OUT AN ARRANGEMENT THAT WOULD SATISFY BOTH CIVILIAN AND MILITARY PARTIES. CHAVEZ MENA SAID THAT COLONEL GARCIA HAD AGREED TO ISSUE WARRANTS FOR THE ARREST OF CERTAIN RIGHTISTS THAT ALL KNOW WERE INVOLVED IN THE KILLING OF THE FDR LEADERSHIP BUT THAT GARCIA HAD INSISTED THAT WARRANTS GO OUT ALSO FOR THE ARREST OF LEFTIST LEADERS SUCH AS RICHINTE AND OTHERS. THE CHRISTIAN DEMOCRATS READILY ACCEPTED GARCIA'S DEMAND.

3. LATER IN THE MORNING I MET FOR ABOUT TWO AND A HALF HOURS WITH THE FOUR MEMBERS OF THE JUNTA, THE MINISTER AND VICE MINISTER OF DEFENSE, AND COLONEL CASTILLO, MY CHIEF OF STAFF OF THE ARMED FORCES. I MADE MY PRESENTATION BASED ON POINTS IN REFTEL. I STATED THAT THE UNITED STATES WANTED TO BE HELPFUL IN THIS CRISIS AND THAT OUR DEMARCHE SHOULD BE LOOKED UPON AS THE COUNSEL OF A FRIEND AND ALLY. I EMPHASIZED THAT WHILE WE WERE REVIEWING OUR POLICY, WE WERE NOT LAYING DOWN ANY CONDITIONS; WE WERE SIMPLY ALERTING THE GOVERNMENT TO THE SERIOUSNESS OF THE SITUATION AS WE SAW IT.

4. WHEN I FINISHED, THERE WAS A LONG AND TENSE SILENCE. FINALLY, NAPOLEON DUARTE SPOKE UP, REPHRASING THE POSITION OF THE UNITED STATES IN THE MOST POSITIVE AND ENCOURAGING WAY POSSIBLE, STRESSING THE IMPORTANCE OF THE INTERNATIONAL REACTION AND THE ISOLATION EL SALVADOR COULD FACE.

5. COLONEL GUTIERREZ THEN MADE A BRIEF DECLARATION, STATING THAT THE SALVADORAN ARMED FORCES HAD INITIATED THE REVOLUTIONARY CHANGES AND WERE SUFFERING SEVERE CASUALTIES IN ORDER TO SAVE

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Department of State

INCOMING
TELEGRAM

UNCLASSIFIED

PAGE 03

SAN SA 38421 01 OF 03 236655Z

THEIR COUNTRY FROM COMMUNISM AND IT WAS BITTER FOR THEM TO HAVE
TO HEAR THEIR OLDEST FRIEND AND ALLY QUESTIONING THEIR DEDICATION
TO REFORM AND DEMOCRACY.

6. IN WHAT WAS CLEARLY A PREVIOUSLY AGREED
ARRANGEMENT, JUNTA MEMBER DR. AVALOS, WHO IS NEITHER A
CHRISTIAN DEMOCRAT NOR A MILITARY OFFICER, LAUNCHED INTO
A VERY STRONG INDICTMENT OF THE UNITED STATES POSITION.
HE SAID THAT THIS "PREVIEW" AS I HAD DESCRIBED IT WAS REALLY
NOTHING MORE THAN A BIG COUNTRY BLACKMAILING A LITTLE
COUNTRY. HE ASKED IF THE UNITED STATES WANTED TO DELIVER THE
COUNTRY INTO THE HANDS OF THE COMMUNISTS, AND CHARACTERIZED
MY VISIT TO THE SOCOMO JURINICO AS ALLYING MYSELF WITH THE ENEMY.

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Department of State

INCOMING
TELEGRAM

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UNCLASSIFIED

PAGE 41 SAN SA 30421 02 OF 03 030704Z
ACTION NOU894

INFO OCT-81 108-04 1021 A

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC NIACI IMMEDIATE 1395

SECTION 2 OF 3 SAN SALVADOR 30421

NOU894

7. I DID NOT RESPOND IN KIND BUT LIMITED MYSELF TO
RESTATING AND CLARIFYING THE DESIRE OF THE UNITED STATES
TO BE HELPFUL WHILE POINTING OUT THAT THE JRG COULD NOT
STATE THAT IT WAS IN FAVOR OF MEDIATION AND THEN PERMIT
THE POTENTIAL LEFTIST PARTICIPANTS TO BE KILLED WITH
IMPUNITY. I ARGUED IT WAS THE TASK OF THE GOVERNMENT
TO GUARANTEE AS FAR AS HUMANLY POSSIBLE THE SAFETY OF
THE POLITICAL OPPOSITION, OR ELSE WHAT POSSIBLE CHANCE
WAS THERE TO ACHIEVE THE JRG'S STATED GOALS OF PLURALISM
AND DEMOCRACY?

8. VICE MINISTER OF DEFENSE CAPRANZA SPOKE NEXT AND
AT GREAT LENGTH. I HAVE TO SAY THAT HIS PRESENTATION
MADE A GREAT DEAL OF SENSE. HE AGREED THAT AN INVESTIGA-
TION OF THE EVENTS OF THURSDAY WAS REQUIRED; HE SAID
THAT THE MINISTRY OF DEFENSE WAS NOT ATTEMPTING TO
DEVIATE ITS RESPONSIBILITY TO PROTECT THE CIVILIAN POPULANCE
BUT THAT THE JUDICIAL SYSTEM HAD COLLAPSED AND THERE
WAS A WAVE OF CRIME CARRIED ON BY THE POLITICAL EXTREMES
ON THE LEFT AND ALSO OF THE RIGHT. HE WENT ON TO
ANALYZE IN DETAIL THE DANGERS OF COMMUNISM, THE INTEREST
THAT THE UNITED STATES HAD TO HAVE IN PREVENTING ANOTHER
CUBA IN CENTRAL AMERICA, AND THE NEED TO FIND A MUTUALLY
SATISFACTORY SOLUTION FOR BOTH THE U.S. AND EL SALVADOR.

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NOV-15-1963

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Department of State

INCOMING
TELEGRAM

UNCLASSIFIED

PAGE 02 SAN SA 88421 02 OF 03 630704Z

HE STATED CATEGORICALLY THAT HE DID NOT REJECT DIALOGUE WITH ANY POLITICAL GROUP BUT STRESSED THE DIFFERENCE BETWEEN THOSE WHO HELD POLITICAL OPINIONS AND THOSE WHO KILLED OTHERS FOR HOLDING CONTRARY POLITICAL OPINIONS. NEVERTHELESS, COLONEL CARRANZA SAID HE VIEWED MY PRESENTATION OF THE UNITED STATES POSITION AS AN ATTEMPT BY A GREAT POWER TO IMPOSE ITS SOLUTION ON EL SALVADOR.

9. THE MINISTER OF DEFENSE JOV. COLONEL GARCIA, LAUNCHED INTO A 30-MINUTE SPEECH WHICH ALTERNATELY HURD AND OFFENDED HIS COLLEAGUES. HIS BASIC POINT WAS THAT THE UNITED STATES FACED A CHOICE: EITHER SUPPORT THE PRESENT GOVERNMENT OF EL SALVADOR TOTALLY OR SEE THE COUNTRY FALL TO COMMUNISM.

10. I RESPONDED TO COLONEL GARCIA'S REMARKS IN SOME DETAIL. I STRESSED THAT THE UNITED STATES HAD BACKED THIS GOVERNMENT FROM THE ONSET AND WITH MORE ASSISTANCE THAN IT HAD GIVEN TO ANY OTHER REGIME IN THE WESTERN HEMISPHERE BECAUSE HE BELIEVED THAT THE PRINCIPLES IT EMBODIED IN THE 10TH OF OCTOBER PROCLAMATION AND THE SUBSEQUENT REFORMS DESERVED THE ALL-OUT SUPPORT OF OTHER DEMOCRATIC STATES. I SAID THAT IT WAS UNDERSTANDABLE IN THE CONTEXT OF THE CONSTANT VIOLENCE CARRIED ON BY THE LEFT THAT SOME OF THE IDEALS AND PURPOSES OF THE ORIGINAL REVOLUTION MIGHT HAVE BEEN DEFERRED BUT THAT IT WAS IMPORTANT TO RENEW THE JRG'S COMMITMENT TO ITS ORIGINAL PURPOSES. I TOLD GARCIA THAT FOR DECADES EVERY DICTATORSHIP IN LATIN AMERICA HAD INSISTED THAT THE UNITED STATES FACE UP TO THE SAME DILEMMA: SUPPORT US WITH ALL OUR FAULTS OR LET THE COMMUNISTS WIN. I ADDED THAT FOR THE MILITARY TO IDENTIFY ITSELF WITH RIGHT-WING REPRESSION WOULD ENSURE THE FAILURE OF

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Department of State

INCOMING
TELEGRAM

UNCLASSIFIED

PAGE 03

SAN SA 0421 02 OF 03 030742

THE SALVADORAN EXPERIMENT. I EMPHASIZED TO ALL PRESENT THAT UNSPILDED VIOLENCE WAS RESPONSIBLE FOR THE PLUMMETING INTERNATIONAL REPUTATION OF EL SALVADOR AND, UNFORTUNATELY, THE WIDELY HELD OPINION THAT SOME MEMBERS OF THE SECURITY FORCES WERE INVOLVED WAS TOO OFTEN SUBSTANTIATED BY CONVINCING EVIDENCE REPORTED HERE AND ABROAD. I TOLD THE GROUP THAT I REGRETTED HAVING TO STATE THESE HARD TRUTHS BUT THAT IT WAS ESSENTIAL THAT THEY CONTROL THE SECURITY FORCES AND NOT ALLOW SUBORDINATES TO TAKE THE LAW INTO THEIR OWN HANDS. THESE LAWLESS ELEMENTS WERE A CANCER THAT HAD TO BE CUT OUT OR IT WOULD EVENTUALLY DESTROY THE MILITARY. I

CLOSED BY REMINDING GARCIA AND THE REST THAT WHILE I SHARED HIS EVALUATION OF THE CUBAN THREAT, I HAD TO REJECT HIS ASSERTION THAT WE HAD NOT CONCERNED OURSELVES ABOUT VIOLATIONS OF HUMAN RIGHTS IN COMMUNIST COUNTRIES. I POINTED OUT TO HIM THAT WHILE WE BOTH AGREED FULLY THAT THE VIOLENT LEFT IN EL SALVADOR WAS THE ULTIMATE ENEMY, THE UNITED STATES HAD ALWAYS ENCOURAGED THE SALVADORAN

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NOV-15-1983

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-3 DEC 83 07 30

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INCOMING
TELEGRAM



Department of State

UNCLASSIFIED

PAGE 1
ACTION NOUS-V8

SAN SA 08421 03 OF 03 070711Z

INFO OCT-01 AOS-00 1031 -

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC RIACI IMMEDIATE 1396

SECTION 3 OF 3 SAN SALVADOR 0421

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MILITARY TO CONFRONT THE ARMED GUERRILLAS WITH FORCE
BUT TO ELIMINATE THE DISAPPEARANCES, TORTURE, AND
ASSASSINATION CARRIED OUT BY DEATH SQUADS FINANCED
AND RUN BY THE FAR RIGHT. MILITARY OFFENSIVES AGAINST
GUERRILLAS WERE PROPER AND LEGITIMATE BUT, AS THE UNITED
STATES WAS INTIMATELY INVOLVED IN SUPPORTING THE JRG,
IT SEEMED TO US THAT WE HAD THE RIGHT AND THE OBLIGATION TO
EXPECT A STANDARD OF CONDUCT FROM THE SALVADOREAN ARMED FORCES
THAT MET MINIMUM INTERNATIONAL OBLIGATIONS TO WHICH EL
SALVADOR HAD PLEDGED ITSELF ON MANY OCCASIONS.

11. JUDGE MEMOR JOSE ANTONIO MORALES ENRIQUETA THEN
THANKED ME BOTH FOR MY PRESENTATION AND THE LATER
CLARIFICATION AND SAID THAT HE THOUGHT THE CYCLE WAS
BEEN MOST USEFUL AND PRODUCTIVE. HE NOTED THAT ALL OF
THOSE PRESENT WERE ACUTELY AWARE THAT THE JRG FACED A
MOST SERIOUS CRISIS WHICH HAD TO BE SOLVED WITH MODERATION,
GOOD SENSE AND POLITICAL SKILL.

12. AT THIS SESSION, COLONEL CASTILLO, THE ARMED FORCES
CHIEF OF STAFF, MADE NO STATEMENT.

13. COMMENTS: ALL IN ALL, IF FELT THAT THE SESSION WENT
VERY WELL. WE DID NOT WASTE TIME OVER THE PROOF THAT
FACTS OF THE COMPLICITY OF CERTAIN ELEMENTS OF THE

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NOV-15-1963

DECLASSIFIED

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Department of State

INCOMING
TELEGRAM

PAGE 02 JAN 54 70421 03 OF 03 430711Z

SECURITY FORCES IN THE ASSASSINATION OF THE FDR LEADERS. CLEARLY THIS WAS SOMETHING THE MILITARY DID NOT CONSIDER NECESSARY TO INTERFERE INTO THE CONVERSATION AND THEY MADE NO EFFORT TO DEBUT MY STATED ASSUMPTION OF SECURITY FORCES' CONPLICITY. I EVALUATE THEIR PERFORMANCE THROUGHOUT THE LONG SESSION AS A SEARCHING PROBE TO TEST THE FLEXIBILITY, IF ANY, IN THE UNITED STATES' POSITION. WHEN DR. AVALLON DESCRIBED OUR STAND AS BLACK-MAIL, I REJECTED HIS CHARGE CATEGORICALLY. WHAT WE WERE ARGUING, I SAID, WAS THAT THE GOVERNMENT OF EL SALVADOR HAD TO DEAL WITH THIS INCIDENT IN SUCH A WAY AS TO CONVINCE WORLD OPINION THAT IT HAD NO SYMPATHY OR TOLERANCE FOR SUCH BARBARIC ACTS.

14. AT OUR MORNING MEETING, FOR MIN CHAVEZ REAFFIRMED STRONGLY THAT SINCE THE MILITARY HAD TESTED THE UNITED STATES' POSITION, THEY WOULD OPEN UP TIGHT NEGOTIATIONS WITH THE CHRISTIAN DEMOCRATS OVER THE TERMS OF A NEW MILITARY/POC CONTRACT. MY SUCCESS IS, HOWEVER, THAT BEFORE THESE NEGOTIATIONS BEGIN, THE MILITARY LEADERSHIP IS GOING TO HAVE TO COME TO TERMS WITH ITS OWN POWER STRUCTURE, I.E. SQUARE THE CIRCLE OF THE ANTI-LEFT WITH THE SUPPOSEDLY SUBORDINATE COMMANDERS OF ALL MAJOR UNITS. THIS IS WHERE THE CASTLE PEOPLE WILL LIVE BECAUSE IT IS WHERE THE REAL POWER IN THIS COUNTRY LIES. A SUBSTANTIAL NUMBER OF MILITARY OFFICERS STRONGLY APPROVE THE ASSASSINATION OF THE FDR LEADERS AND BELIEVE THAT IT IS A MAJOR STEP TOWARD BRIDGING THE GULF OF THE LEFTIST MENACE. THEY SEEK CREDIT BLAME TO STEP UP THE RESISTANCE AGAINST THE LEFT, PROBABLY BECAUSE IS THEY BELIEVE THE THREAT, TOTAL DISASTER LIES IN THIS DIRECTION. HE BELIEVES THE DISCRIMINATE KILLINGS, AS IN ATLANTHA, WILL UNITE THE PEOPLE AGAINST THE REGIME. IT CAN BE HEARD OFF

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PAGE 03

53 54 08421 03 OF 03 230711Z

STILL NOT TIME IS RUNNING OUT. WE SHOULD RECOGNIZE HOW HARD
IT WILL BE TO KEEP THE MILITARY TOGETHER AND IN PROCESS WITH
THE CHRISTIAN DEMOCRATS GIVEN THE INFLAMED FEELINGS ON BOTH
SIDES. BUT IT IS THE ONLY WAY TO AVOID A CIVIL WAR THE RIGHT
WILL ULTIMATELY LOSE.
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BRIEFING MEMORANDUM

S/S

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El Salvador: Human Rights
Special Project (1993)

December 4, 1980

NODIS

NODIS REVIEW

Class A - Contains information
which is exempt from release
under the provisions of the
Freedom of Information Act
and is not to be released
without prior approval of
the Department of State

TO: The Secretary

THROUGH: The Deputy Secretary

FROM: HA - Patricia Derian

U. S. Response to Assassination of FDR Leadership

1. In the aftermath of the killings of the FDR leadership (San Salvador 8321), Ambassador White was instructed to inform the GOES that as a result of this "most unfortunate incident" the delivery of helicopters will be "difficult if not impossible" unless the GOES takes "...some clear tangible action...to apprehend and punish those responsible for this terrorist action." Pending an assessment of the impact of last week's events upon the future direction of the GOES, we are now "reviewing" programmed allocations of military credits, ESF funds, and PL-480 assistance. I believe as does Ambassador White and Foreign Minister Chavez Mesa that delaying a decision on the helicopters is not a sufficient response to last week's events and that more decisive and forceful action is required if an extreme rightist takeover is to be avoided and the repression by the security forces brought under control.

2. For the better part of a year now we have endeavored to prevent a left-wing takeover of El Salvador by pursuing two irreconcilable goals. On the one hand we have sought to maintain the institutional integrity of the armed forces, irrespective of their conduct. On the other hand we have sought to strengthen the moderates within and without the JRG and to assist the JRG to extend its control over the armed forces. These two goals because they are inconsistent have not worked. The security forces are essentially

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Special Project (1993)

dominated by the right and act in league with rightist terrorist groups. Embassy reports make clear that the security forces and the military are responsible for much of the killings and human rights abuses in the country. The assassination of the FDR leadership reflects an intensification and extension of the repression conducted by the security forces since last March. In our efforts to safeguard the cohesion of the armed forces, we have not adequately addressed this problem. Unless brought under control and subordinated to the moderates within the JRG, these forces, rather than supporting the Junta, will continue to threaten its survival.

Maintaining at all costs the institutional integrity of the armed forces is, therefore, a goal inconsistent with our efforts to strengthen moderates within the JRG and to extend the JRG's control over the armed forces. When these goals in fact came into direct conflict last June during the crisis over Col. Majano's authority within the armed forces, we sacrificed strengthening moderates within the JRG and military to maintain the cohesion of the armed forces. Consequently, we now find ourselves in a situation where moderate military, through transfers, have progressively lost influence, where the JRG exercises no real authority over the security forces, where those security forces themselves now threaten the survival of the JRG, and where, as our Embassy reports, "...the security forces are out of control." (San Salvador 8321)

It seems clear to me that we can no longer continue this failed strategy of concurrently pursuing mutually exclusive goals. We must now make the difficult and deliberate choice of risking the cohesion of the armed forces in an effort to strengthen the democratic and moderate elements within both the JRG and the armed forces or stand aside and with our silent complicity witness over the next several weeks an accelerating drift to the right the result of which can only be the total collapse of the JRG. In that event we and the next administration will confront the Hobsonian choice of supporting either a repressive rightist dictatorship or a Marxist take-over of El Salvador. Support of the former choice will in any event set the stage for a left-wing take-over in the future.

3. There is no doubt that last Thursday's killing of the FDR leadership was done by the security forces. Our Embassy reports that the Maximiliano Martinez Brigade, which took credit for the assassination, is simply a phantom front or "pseudonym" for elements of the security forces. Junta member Napoleon Duarte reluctantly admitted to Ambassador White that the security forces were responsible for the killings as did the Foreign Minister, Chavez Mena. While the killings were almost entirely committed by mid-level

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Special Project (1993)

officers. Perhaps without the advance approval of senior officers in the High Command, the fact remains that the security forces were responsible and that after the event the High Command senior officers have been either unwilling or unable to apprehend or bring all those responsible to an accounting.

4. What distinguishes this latest outrage from previous killings by the security forces is its brazen public character its scale and its timing. It in effect represents a public declaration of defiance by the security forces of the JRG and also of the United States Government which jointly have been seeking to bring about a negotiated settlement between the JRG and FDR to end El Salvador's civil strife. It has publicly exposed the JRG's lack of control over security forces nominally under its command. We are witnessing in effect the first stage of a progressive coup d'etat, and if this act of defiance is not successfully challenged by the JRG and ourselves than all that remains to consolidate a rightist takeover of the country will be the formal dissolution of the JRG as presently constituted. In that event much of the population, which is now uncommitted, undoubtedly will become radicalized and the likelihood of a left-wing takeover considerably advanced.

5. For these reasons I believe as does Ambassador White and Foreign Minister Mena, that prompt and decisive action by the U. S. is required to bring the security forces under control of the JRG. We must promptly act to bolster the democratic and moderate forces both within the JRG and the armed forces and to signal our own intolerance of further human rights abuses by the armed forces, thereby enabling the moderates to challenge with some chance of success those rightist officers now in operational control. This can be done, as Ambassador White recommends, by undertaking the following steps:

- by withdrawing U. S. military TDY personnel now providing planning and support assistance to the armed forces;
- by suspending all military assistance including final signature of the 1981 \$5 million FMS loan agreement;
- by withholding \$21 million in ESF funds.

These measures should remain in effect until such time as the armed forces arrests and punishes all those responsible for the assassination of the FDR leadership and the JRG is able to effectively control the security forces.

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Special Project (1993)

6. The killings last week of the FDR leadership were not an aberration nor were they simply the work of a handful of middle-level officers. Since March the security forces have embarked upon a campaign of quickening repression of which the assassination of the FDR leadership is but the latest and most spectacular incident. The JRG and its reform programs rather than being sustained by the security forces are now threatened by them. Unless we confront the fact that the security forces are out of control, responsible for much of the indiscriminate killings -- now approaching 9,000 -- and themselves threaten the JRG's existence, and take actions based upon those facts we will not have addressed the central problem jeopardizing all our efforts in the past year to arrive at a moderate and democratic resolution of the civil strife now raging in El Salvador.

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EL SALVADOR: Military Attitude Toward Compromise

The recent compromise with the cogoverning Christian Democrats promises little change in the military's autonomy or ultimate control of the government.

The military is more unified and its chain of command more consolidated than at any time since the coup in October 1979. The Defense Ministry retains complete control of all military affairs and has significant veto power over other government policy through junta Vice President Colonel Gutierrez, the official military spokesman in the civil-military alliance.

Moreover, the military's commitments to crack down on human rights abuses by security forces and to eliminate rightwing paramilitary terrorism--even if genuine--will at best only marginally effect the level of officially inspired or condoned violence. [redacted] suggest that the military will even drag its feet on transfers of officers associated with human rights abuses and rightist plotting. For example, the deputy defense minister--a key rightist officer targeted for removal by the Christian Democrats--will remain in office at least temporarily.

The prospects remain poor for lasting civil-military cooperation. By themselves, the Christian Democrats cannot arrange a political solution with leftist groups.

The armed forces are set on eliminating the revolutionaries through indiscriminate warfare and probably would reject moves viewed as hampering that effort. Some military officers still consider replacement of the junta with a single military chief of state as the only viable alternative.

Approved for Release

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Department of State

TELEGRAM

Department of State IP/PPG/CDR El Salvador SP Date 7/23/93

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portions withheld: classified (); deliberative ();
law enforcement (); privacy (X), statutory ();
not relevant to El Salvador ()

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AM: 000600-001

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PAGE 01 SAN SA 08902 2017422
ACTION 55-30

INFO OCT-91 ADE-00 SSO-00 /031 W
P 201600Z DEC 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1467

SAN SALVADOR 8992

EX015

E.O. 12065: GDS 12-19-86 (DICH, JERROLD MARK) ON-A
TAGS: PINS PINT SKUM ES
SUBJ: ALLEGED ATROCITIES IN SAN SALVADOR ARMY BARRACKS

1. ENTIRE TEXT)

2. SUMMARY: THIS MORNING RECOUNTED DETAILS
OF LARGESCALE COMMISSION OF ATROCITIES ALLEGEDLY UNDER WAY AT
EL ZAPOTE BARRACKS NEXT TO THE CASA PRESIDENCIAL IN SAN SALVADOR.
HIS INFORMATION COMES FROM SOMEONE CONFINED THERE FOR 36 HOURS
AND RELEASED YESTERDAY. TORTURE, BEATINGS, AND GANG RAPE ARE
TAKING PLACE AT THIS ARMY INSTALLATION, ACCORDING TO HIS
SOURCE. END SUMMARY

3. ON DECEMBER 18, HANGED OVER IN
CONFIDENCE THE NAME OF A 24-YEAR-OLD YOUNG MAN WHO IS A
FRIEND OF FAMILY AND NEARLY UNOFFICIAL TO
THE YOUNG MAN. THE YOUNG
MAN WAS CONFINED AT A HUNGLOCK IN THE SAN SALVADOR
NEIGHBORHOOD OF LOS PLANES AT APPROXIMATELY 8 A...
THE PRECEDING DAY (DEC 17). EFFORTS BY THE FAMILY AND
HIS MILLIONAIRE EMPLOYER'S STAFF TO LOCATE THE YOUNG MAN
WERE UNAVAILING. ASKED THE CHARGE IF THE
EMBASSY COULD DO ANYTHING ABOUT IT. BEFORE CHARGE HAD A
CHANCE TO SPEAK WITH MILGP COMMANDER OR DAFT. 7/17/93

PAGE 02 SAN SA 08902 2017422

CALLED TO SAY THE YOUNG MAN HAD BEEN RELEASED AND WAS

AT HOME.

THIS MORNING, ACCOUNTING
THE YOUNG MAN'S STORY, WHICH HE HAD HEARD LAST NIGHT.
ACCORDING TO SOMEONE OF YOUNG PEOPLE ARE BEING
HELD AT EL ZAPOTE BARRACKS, THE TELECOMMUNICATIONS SCHOOL
ACROSS THE ROAD FROM CASA PRESIDENCIAL. THERE THEY
ARE SUBJECTED TO BEATINGS, TORTURE WITH ELECTRIC IMPLEMENTS,
AND IN BATHING-LIKE TANKS OF WATER WITH ELECTRIC CURRENT.
WHILE THE YOUNG MAN WAS THERE, SIX SOLDIERS GANG-RAPE
A YOUNG WOMAN WHO HAD BEEN ARRESTED THAT DAY. THE YOUNG
MAN WAS RELEASED LARGELY BECAUSE ONE OF THE GUARDS HAD
BEEN A HIGH SCHOOL CLASSMATE. HE ADMINISTERED ONE BEATING
INSIDE HIS CELL, WARNING HIM TO TELL AS LOUD AS HE COULD
AS IF HE WERE IN FAR GREATER PAIN THAN HE WAS. BETWEEN
THE PRESSURES FROM HIS EMPLOYER AND THE FRIENDLY GUARD'S
EFFORTS, HE WAS RELEASED AT MIDMORNING YESTERDAY. BEFORE
HIS RELEASE, HOWEVER, HE HAD ALREADY BEEN TAKEN TO A
HIDDEN PRISON AT EL CHURRO, A RESORT AREA SOME 14 MILES
FROM SAN SALVADOR. THERE IN UNDERGROUND CELLS MANY
PRISONERS ARE BEING HELD IN TERRIBLE CONDITIONS. THE
YOUNG MAN TOLD THE DRIVER. MOST ARE DYING FROM THE RESULTS
OF TORTURE AND BEATINGS.

4. COMMENT: IS A HIGHLY CONSERVATIVE, CAUTIOUS
PERSON WHO WOULD NOT INVEST SUCH A STORY AND IT SEEMS
UNLIKELY THAT THIS FRIEND OF THE FAMILY, EMPLOYEE
OF A VERY WEALTHY MAN, WOULD INVENT IT EITHER. SUMMARY
EXECUTIONS HAVE BEEN CARRIED OUT HERE FOR MANY MONTHS BUT
THIS IS THE FIRST DETAILED STORY WE HAVE HEARD OF TORTURE
OF PRISONERS. IT IS ALSO THE FIRST SERIOUS ACCUSATION

PAGE 03 SAN SA 08902 2017422

AGAINST THE REGULAR ARMY AS OPPOSED TO THE SECURITY FORCES.
BUYING THE YOUNG MAN, AND SOME OF THE PRISONERS
PROBABLY WERE COMMON CRIMINALS OR SUBVERSIVES BUT THAT
MOST WERE PICKED UP RANDOMLY SIMPLY BECAUSE THEY WERE OF
AN AGE AND CLASS THE MILITARY SUSPECT. WITHOUT REVEALING
IDENTITIES, HE WILL ATTEMPT TO GET TO THE BOTTOM OF THIS
STORY.
DICH

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Department of State IP/PFC/CDR El Salvador SP Date 11/23
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portions withheld: classified (); declass ();
law enforcement (); privacy (X), statutory ();
not relevant to El Salvador ()

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PAGE 01
ACTION 55-30
SAM SA 08902 201742Z

INFO OCT-01 ADE-00 550-00 /031 M
-----129247 201746Z /43
P 241602 DEC 00
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 1667

SAN SALVADOR 08902

EX015

E.O. 120651 GDS 12-10-86 (DIGN, JEROLD MARK) ON-M
TAGS: PIMS PINT SHUM ES
SUBJ: ALLEGED ATROCITIES IN SAN SALVADOR ARMY BARRACKS

1. ENTIRE TEXT)

2. SUMMARY:
THIS MORNING RECOUNTED DETAILS
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HIS INFORMATION COMES FROM SOMEONE CONFINED THERE FOR 36 HOURS
AND RELEASED YESTERDAY. TORTURE, BEATINGS, AND GANG RAPE ARE
TAKING PLACE AT THIS ARMY INSTALLATION, ACCORDING TO HIS
SOURCE. END SUMMARY

3. ON DECEMBER 18,
CONFIDENCE THE NAME OF A 24-YEAR-OLD YOUNG MAN WHO IS A
FRIEND OF
FAMILY AND MILITARY LEADERSHIP TO
HIM WAS MENTIONED AT A MURDERLOCK IN THE SAN SALVADOR
NEIGHBORHOOD OF LOS PLANES AT APPROXIMATELY 8 A.
THE PRECEDING DAY (DEC 17). EFFORTS OF THE FAMILY AND
HIS MILITIAIRE EMPLOYER'S STAFF TO LOCATE THE YOUNG MAN
WERE UNAVAILING.
EMBRASSY COULD DO NOTHING ABOUT IT. BEFORE CHARGE HAD A
CHANCE TO SPEAK WITH MILGP COMMANDER ON DATT. 11/11

PAGE 02
SAM SA 08902 201742Z

CALLED TO SAY THE YOUNG MAN HAD BEEN RELEASED AND WAS

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AT HOME.

THIS MORNING.

THE YOUNG MAN'S STORY, WHICH HE HAD HEARD LAST NIGHT,
ACCORDING TO
CONSPIRERS OF YOUNG PEOPLE ARE BEING
HELD AT EL ZAPOTE BARRACKS, THE TELECOMMUNICATIONS SCHOOL
ACROSS THE ROAD FROM CASA PRESIDENCIAL. THERE THEY
ARE SUBJECTED TO BEATINGS, TORTURE WITH ELECTRIC IMPLEMENTS,
AND IN BATHTUB-LIKE TANKS OF WATER WITH ELECTRIC CURRENT.
WHILE THE YOUNG MAN WAS THERE, SIX SOLDIERS GANG-MADE
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INSIDE HIS CELL, WARNING HIM TO YELL AS LOUD AS HE COULD
AS IF HE WERE IN FAR GREATER PAIN THAN HE WAS. BETWEEN
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PAGE 03
SAM SA 08902 201742Z

AGAINST THE REGULAR ARMY AS OPPOSED TO THE SECURITY FORCES.
... QUOTING THE YOUNG MAN, AID SOME OF THE PRISONERS
PROBABLY WERE COMMON CRIMINALS OR SUBVERSIVES BUT THAT
MOST WERE PICKED UP RANDOMLY SIMPLY BECAUSE THEY WERE OF
AN AGE AND CLASS THE MILITARY SUSPECT. WITHOUT REVEALING
IDENTITIES, HE WILL ATTEMPT TO GET TO THE BOTTOM OF THIS
STORY.
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PAGE 01
ACTION ARA-16

SAN SA 02757 112056Z

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IO-14 NSCE-00 NSAE-00 SSO-00 HA-06 PH-00 PA-01
INRE-00 ICAE-00 SP-02 SPRS-02 /078 M
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 3313
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY MANAGUA IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
AMEMBASSY PANAMA IMMEDIATE
AMEMBASSY SAN JOSE IMMEDIATE
AMEMBASSY TEGUCIGALPA IMMEDIATE
USCINCSO QUARRY HEIGHTS PAN/INTAFF IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE
USMISSION GENEVA IMMEDIATE
USICA WASHDC IMMEDIATE

SAN SALVADOR 277477

E. O. 12065: GDS 4/10/87

TAGS: PINT, PINS, SHUN, ES

SUBJ: (C) CH THE SOYAPANGO MASSACRE

1. ENTIRE TEXT
2. SUMMARY: IN AN APRIL 10 CONVERSATION WITH POLOFF, [REDACTED] AGREED THAT THE SOYAPANGO INCIDENT WAS A "MASSACRE". HE LABELED TREASURY POLICE CHIEF MORAN'S EXPLANATIONS AS BELIEVEABLE ONLY BY AN "IDIOT" AND HE ADVOCATED THE REMOVAL OF MORAN AND THE DISMISSAL OF TWO-THIRDS OF HIS ORGANIZATION. [REDACTED] SAID THAT ACTIONS LIKE THOSE IN SOYAPANGO ARE "LEADING US TO DISASTER." END SUMMARY.

3. POLOFF SPOKE WITH [REDACTED] (STRICTLY PROTECT)

PAGE 02 SAN SA 02757 112056Z

THE MORNING OF APRIL 10.

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Special Project (1993)

4. [REDACTED] SAID THAT THE TREASURY POLICE (PH) ACTION IN SOYAPANGO THE MORNING OF APRIL 7 GAVE HIM "A VERY, VERY BAD FEELING." HE AGREED THAT THE ACTION WAS A "MASSACRE." [REDACTED] RIDICULED THE APRIL 9 EXPLANATIONS, SAID [REDACTED] WOULD BE BELIEVED ONLY BY AN "IDIOT." HE SAID THAT BY GOING PUBLIC WITH SUCH A LAKE TALE MORAN HAD FURTHER DISGRACED NOT ONLY HIS OWN INSTITUTION BUT THE WHOLE OF THE ARMED FORCES.

5. [REDACTED] SAID THAT HE HAD THOUGH MORAN WAS GOING TO BE FORCED OUT IN JANUARY. ASKED IF THAT WOULD HAVE BEEN A GOOD THING, [REDACTED] SAID "OF COURSE." THE PH, HE SAID, IS WITHOUT QUESTION THE WORST OF THE SECURITY FORCES, THE NATIONAL GUARD (GN) HAS, SAID [REDACTED] MODERATED, SOMEWHAT, HE SAID THAT THE NATIONAL POLICE (PN) UNDER COL. LOPEZ NUILA AT LEAST HAS A DECENT HEAD, ALTHOUGH IT CONTINUES TO EMPLOY COMMANDERS SUB-COMMANDERS, INSPECTORS AND SUB-INSPECTORS WHO ENGAGE IN KILLING AT WILL. BUT, SAID [REDACTED] THE PH IS BEYOND REPAIR. TO REMOVE THIRTY OF FORTH OF THEM IS MEANINGLESS, TWO-THIRDS OF THEM MUST GO. IT IS, HE SAID, AN ORGANIZATION THAT REFLECTS THE MAN WHO HADS IT AND THE MAN AND THE ORGANIZATION ARE "LEADING US TO DISASTER." ("NOB LLEVAN A LA RUINA").

6. POLOFF ASKED [REDACTED] WHAT HAD PREVENTED MORAN'S SCHEDULED DEPARTURE IN JANUARY. [REDACTED] ANSWERED THAT HE COULD NOT UNDERSTAND WHAT TIES HE COULD HAVE THAT REMAINED STRONG ENOUGH TO ALLOW HIM TO HANG ON. HE SAID "ONE WORD" FROM THE DEFENSE MINISTER AND MORAN WOULD GO. WHY THAT WORD WASN'T SAID WAS A MYSTERY TO [REDACTED] HE SUPPOSED THAT [REDACTED]

PAGE 03

SAN SA 02757 1120562

THERE MIGHT BE A TIE BETWEEN GARCIA AND MORAN THAT PREVENTED THE FORMER FROM OUSTING THE LATTER. POLOFF ASKED WHAT THE REACTION WOULD BE AMONG THE OFFICER CORPS TO A MORAN FIRING. [REDACTED] DISMISSED THAT PROBLEM. HE SAID DEPRECATINGLY OF MORAN THAT HE WAS A MAN WHO HAD NEVER EVEN BEEN THROUGH THE MILITARY ACADEMY. THE IMPLICATION WAS THAT SUPPORT WITHIN THE MILITARY FOR THE PH CHIEF WAS MINIMAL. CHAPIN

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Department of State IS/ [redacted] Salvador EP Date 9/16/93
Declassified under E.O. 12958 () full; () in part;
portions withheld, classified () deliberative ();
law enforcement () policy () stat. ()
not subject to E.O. 12958

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El Salvador: Human Rights
Special Project (1993)

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AM: 281000Z-0111

PAGE 01 SAN ZA 02998 01 OF 02 212155Z
ACTION R001-48

INFO OCT-01 AOS-00 /091 W
-----127076 212202Z /12
O R 212100Z APR 81
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE J417
INFO AMEMBASSY PANAMA

SECTION 1 OF 2 SAN SALVADOR 2798
X0015

PANAMA FOR LEGATT

E. O. 12958: ROS-1 1/21/91
TAGS: COES, PINS, PINT, ES
SUBJ: CHARGE GIVES PRESIDENT DUARTE NAME OF SUSPECTED MURDERER
OF U.S. CHURCHWOMEN

1. (S-ENTIRE TEXT.)

2. SUMMARY: WE DISCUSSED LATENT LEADS IN THE MURDERS OF THE
AMERICAN CHURCHWOMEN WITH PRESIDENT DUARTE ON APRIL 21. WE
GAVE HIM THE NAME OF THE SERGEANT IN CHARGE OF THE
NATIONAL GUARD DETAIL AT THE NATIONAL AIRPORT THE NIGHT OF
DECEMBER 2 AND OUTLINED ANOMALIES THAT CAST SUSPICION ON THIS
UNIT. HE URGED US TO PUT PRESSURE ON THE MINISTER OF DEFENSE
AND JUNTA VICE PRESIDENT GUTIERREZ TO ACT ON THESE LEADS
PROMPTLY. END SUMMARY.

3. THERE IS NO EVIDENCE THAT THE EMBASSY'S SOURCE OF INFORMA-
TION ON THE NUNS' CASE WILL SOON BE IN TOUCH WITH THE EMBASSY
AGAIN TO PROVIDE THE ADDITIONAL NAMES. DRAWING ON OTHER
INFORMATION, THEREFORE, THE CHARGE, AT A MEETING WITH JUNTA
PRESIDENT DUARTE MORNING OF APRIL 21, GAVE THE PRESIDENT A
SLIP OF PAPER WITH THE NAME OF THE SSG-SERGEANT, COLINDRET

PAGE 02 SAN ZA 02998 01 OF 02 212155Z

ALEMAN, WHO WAS IN CHARGE OF THE GUARDIA NACIONAL DETAIL

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Special Project (1993)

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OUTSIDE THE INTERNATIONAL AIRPORT ON THE NIGHT OF DECEMBER 2. CHARGE POINTED OUT THAT WHILE THIS MAN'S NAME HAD APPEARED ON EARLIER LISTS OF SECURITY FORCE PERSONNEL IN THE AREA, HIS FINGERPRINTS HAD NOT BEEN INCLUDED AMONG THOSE SUBMITTED TO THE FBI FOR COMPARISON WITH THOSE FOUND ON THE BUNS' VEHICLE. A FURTHER ANOMALY IS THAT COLINDRES ALEMAN'S DECLARATION TO THE INVESTIGATING COMMISSION AND THOSE OF OTHER GUARDIA MEMBERS IN HIS DETAIL STATE THAT THEY WERE ON DUTY JUST OUTSIDE THE MAIN TERMINAL FROM 7:00 P.M. ON DECEMBER 2 UNTIL 1:00 A.M. ON DECEMBER 3 BUT OUR INQUIRIES INDICATE THAT THE LAST FLIGHT TO ARRIVE AT THE INTERNATIONAL AIRPORT ON T O NIGHT OF DECEMBER 2 CAME IN AT 6:30 P.M. ALL PASSENGERS FROM BOTH THESE FLIGHTS CLEARED CUSTOMS AND LEFT BY ABOUT 8:00 P.M. IF THIS DETAIL WERE INSPECTING AUTOMOBILES AND FORMING UP CONVOYS TO SAN SALVADOR UNTIL 1:00 A.M., THEY WOULD HAVE HAD NOTHING TO DO FROM 8:00 P.M. ON, YET THEIR DECLARATIONS STATE THAT THEY WERE MANNING THE CHECKPOINT THROUGHOUT THIS PERIOD. CHARGE THEN TOLD PRESIDENT QUARTE THAT LAB TESTS IN THE UNITED STATES INDICATED THAT THE TOYOTA VAN HAD BEEN BURNED WITH AVIATION GASOLINE.

4. QUARTE WAS GREATLY IMPRESSED WITH ALL THIS INFORMATION BUT ASKED PARTICULARLY THAT THE LABORATORY REPORT BE MADE AVAILABLE TO THE JUDGE IN THE CASE SINCE IT REPRESENTED AN IMPORTANT BREAKTHROUGH IN THE INVESTIGATION. QUARTE SAID THAT ON THE BASIS OF INFORMATION PREVIOUSLY PROVIDED HIS SUSPICIONS HAD CENTERED ON THE HACIENDA POLICE POST AT SAN JUAN TALPA AND THAT IN HIS REQUEST TO COLONEL MONTERROSA, HEAD OF THE INVESTIGATING COMMISSION, HE HAD ASKED SPECIFICALLY THAT THE WEAPONS OF THE DETAIL ON DUTY AT SAN JUAN TALPA THE NIGHT OF DECEMBER 2 BE COLLECTED AND BALLISTIC DATA OBTAINED FROM THEM. BCH NOTED THAT IN A CONVERSATION

PAGE 03

SAN SA 02998 01 OF 02 212155Z

LAST WEEK WITH EMBASSY POLITICAL COUNSELOR, COLONEL MONTERROSA HAD SAID THAT THE DIRECTORS OF THE THREE SECURITY FORCES--NATIONAL POLICE, TREASURY POLICE AND THE NATIONAL GUARD--HAD DENIED THAT ANY OF THEIR TROOPS WERE MANNING ANY ROADBLOCK IN THE VICINITY OF SAN JUAN TALPA ON THE NIGHT OF DECEMBER 2 AND THAT THEREFORE IT WOULD NOT BE APPROPRIATE TO COLLECT OR TEST THEIR WEAPONS.

5. AT THIS JUNCTURE, CONVERSATION SHIFTED TO THE SHERATON MURDER CASE (SEPTOL). THEREAFTER, IN A PHILOSOPHICAL

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DISCUSSION OF THE IMPLICATIONS IN BOTH CASES FOR THE JRG AND USG. QUARTE SAID THAT IT WOULD BE ESSENTIAL FOR THE CHARGE TO MAKE THE SAME PRESENTATION TO THE TWO SENIOR MILITARY OFFICIALS OF THE GOVERNMENT, JUNTA VICE PRESIDENT COLONEL GUTIERREZ AND DEFENSE MINISTER COLONEL GARCIA. QUARTE SAID THAT AT OUR LAST JOINT MEETING WITH QUARTE AND GUTIERREZ, GUTIERREZ HAD REACTED VERY EMOTIONALLY TO THE DISCUSSION, EXPLODED IN RAGE AT QUARTE AFTER OUR DEPARTURE, THREATENED TO RESIGN FROM THE GOVERNMENT, AND THEREAFTER HAD GONE INTO SECLUSION FOR 72 HOURS. GUTIERREZ ACCUSED QUARTE OF USING THE U.S. EMBASSY TO PUT PRESSURE ON THE ARMED FORCES IN THE INTEREST OF THE CHRISTIAN DEMOCRATIC PARTY. THIS WAS SIMPLY NOT TRUE BUT IT NEARLY RESULTED IN THE COLLAPSE OF THE JRG. QUARTE ASKED THAT, IN DISCUSSING BOTH THESE MURDER CASES WITH SENIOR MILITARY OFFICERS, WE NOT REFER TO OUR PRIOR MEETING WITH QUARTE IN THE INTEREST OF NOT INFLAMMING THEM AGAINST THE PDC BUT RATHER ASSURING THAT THEY UNDERSTAND THESE ARE CRUCIAL QUESTIONS FOR THE USG VIS-A-VIS THE SALVADORAN ARMED FORCES. QUARTE SAID THAT THROUGHOUT THE PDC'S PARTNERSHIP WITH THE ARMED FORCES IT HAD FOUND NEARLY IMPOSSIBLE ANY EFFORT TO PUNISH OR EVEN TRANSFER ANY SOLDIER OF WHATEVER RANK BECAUSE THE MILITARY INSTITUTION INSISTED ON DISCIPLINING ITS OWN PEOPLE AS AND WHEN IT CHOSE.

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THE GOVERNMENT HAD ALMOST COLLAPSED IN LATE DECEMBER WHEN THE PDC DEMANDED THE REMOVAL OF COLONEL CARRANZA AS VICE MINISTER OF DEFENSE AND THE TRANSFER OF COLONEL MORAN AND A NUMBER OF OTHER RIGHTIST OFFICERS. ULTIMATELY THE ARMED FORCES HAD CONCEDED ON THE REASSIGNMENT OF COLONEL CARRANZA BUT HAD INSISTED ON DEFERRING THE OTHER TRANSFERS TO AVOID GIVING THE IMPRESSION TO THE OFFICER CORPS THAT THE HIGH COMMAND WAS RESPONDING TO PRESSURES FROM THE PDC AND USG. NOW, IN RESPONSE TO A DEVELOPING CRISIS OVER THE CASES OF THE NUNS AND THE AIFLD OFFICIALS, THE ARMED FORCES HAVE TRANSFERRED A NUMBER OF MID-LEVEL OFFICERS WHO HAVE A LONG HISTORY OF RIGHTIST ACTIVITIES. BUT DESPITE THE SOYAPANGO INCIDENT IN WHICH COLONEL MORAN IS WIDELY CONDEMNED FOR CULPABILITY, THE HIGH COMMAND REFUSES TO PART WITH HIM. IN THE CASE OF MILITARY PERSONNEL IMPLICATED IN THE MURDER OF THE AMERICAN CHURCHWOMEN AND POSSIBLY THE AIFLD OFFICIALS, IT WILL BE ESSENTIAL FOR THE USG TO BRING ITS PRESSURE TO BEAR ON THE ARMED FORCES THEMSELVES TO TAKE ACTION. PRESIDENT BUARTE SAID THAT HE WAS GRATIFIED TO BE INFORMED OF PROGRESS ON THESE INVESTIGATIONS AND THAT HE WOULD DO EVERYTHING HE COULD TO ENSURE THAT JUSTICE WAS DONE BUT THAT THE DECISION WOULD HAVE TO BE MADE BY THE

PAGE 02 SAN SA 02998 02 OF 02 212214Z

MILITARY TO DISCIPLINE OR PUNISH THEIR OWN PEOPLE. HE AGREED THAT THE MILITARY HAD TO RECOGNIZE THAT THE TIME HAD COME TO RESOLVE

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Special Project (1993)

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THESE CASES IN THE INTEREST OF US-GOES RELATIONS.

7. COMMENT: WE FELT IT ESSENTIAL TO MOVE AGAINST THE GUARDIA NACIONAL SUB-SERGEANT DESPITE THE FACT THAT WE HAVE NOT BEEN ABLE TO OBTAIN THE NAMES OF THE OTHER TROOPS IN HIS SQUAD. THIS WILL BE SUBJECT OF SEPTEL. WE PROTECTED OUR TRUE SOURCE AND LEFT QUARTE WITH THE GENERAL IMPRESSION THAT THE GUARDIA NACIONAL HAD BEEN FINGERED BY THE RESULTS OF INVESTIGATIONS AND LAB TESTS IN WASHINGTON, IN PARTICULAR THE BALLISTICS TESTS AND THE CHEMICAL TESTS INDICATING AVIATION GASOLINE WAS USED IN THE BURNING OF THE VAN. WE RECOGNIZE THAT NEITHER OF THESE LABORATORY TESTS IS CONCLUSIVE AND THAT NO COMPARISONS CAN BE MADE BY THE BALLISTICS EXPERTS UNTIL THE WEAPONS OF THE SECURITY FORCE PERSONNEL ARE COLLECTED AND SAMPLES FURNISHED TO THE FBI.
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SEP 21 1981

SEP 19 1981

[REDACTED] (entire text)

TO: P - Walter J. Stoessel, Jr.
FROM: ARA - Tom Enders.
SUBJECT: Your Luncheon for President Jose Napoleon Duarte of El Salvador, 12:30 pm, September 21, at the State Department - Scope Paper

SUMMARY

You have agreed to host, as Acting Secretary, a luncheon for President Duarte and members of his delegation following his call on President Reagan. Immediately before the luncheon you will meet privately with Duarte for fifteen minutes. We intend the luncheon to be an opportunity for a frank, informal dialogue. We wish to use the occasion to reassure Duarte of our support for his government and to discuss a few points of mutual interest.

During his four-day stay in Washington, most of Duarte's time will be spent with Congress and the media to build support for his government. A copy of his schedule is attached.

I. OBJECTIVES

1. To reassure Duarte of our firm support for his government and the electoral process he has initiated.
2. To encourage Duarte to broaden support for the civilian-military government, domestically and internationally.
3. To discuss how we can best help the Salvadoran government pursue the war against the Marxist-Leninist guerrillas.
4. To impress upon Duarte the importance of taking firm steps to control acts of violence against non-combatants.

GDS 9/18/87

Department of State IS/FPG/CDR El Salvador SF Date 9/20/93
Declassified under EO 12356 (X) in full; () in part;
portions withheld: classified (); deliberative ();
law enforcement (); privacy (); statutory ();
not relevant to El Salvador ().

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II. PARTICIPANTS

Pre-Luncheon Meeting

US

Acting Secretary Stoessel
ARA Deputy Assistant Secretary
Stephen Bosworth
ARA/CEN Deputy Director
Arthur Giese
P, Ken Brill

EL SALVADOR

President Jose Napoleon Duarte
Foreign Minister Fidel Chavez Mena
Ambassador Ernesto Rivas Gallont

Luncheon

(see attached list)

III. SETTING

This is Duarte's first visit to the US since he became President of El Salvador's Revolutionary Governing Junta in December 1980.

IV. DISCUSSION OF OBJECTIVES

1. To reassure Duarte of our firm support for his government and the electoral process it has initiated.

We strongly support the Duarte government as the best, indeed probably the only hope, for a peaceful moderate solution to El Salvador's political problems. President Duarte has announced plans for election of a Constituent Assembly in March 1982. This is a key step in enhancing the government's legitimacy and undermining support for the guerrillas. Duarte has invited all groups to participate in elections, but will not negotiate with groups engaged in armed struggle. There are many pitfalls ahead. The guerrillas remain committed to derailing the elections by force and intimidation. The economy is in its third straight year of sharp decline.

TALKING POINTS

-- COMPLIMENT DUARTE ON HIS SUPERB HANDLING OF A VERY
DIFFICULT AND PERSONALLY DANGEROUS ROLE.

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-- WE UNDERSTAND YOUR COUNTRY'S ECONOMIC PROBLEMS AND THE ECONOMIC CHALLENGE POSED BY THE GUERRILLAS AND WILL BE AS HELPFUL AS WE CAN WITHIN OUR OWN BUDGETARY CONSTRAINTS.

-- WE STRONGLY SUPPORT YOUR ELECTION INITIATIVE. IT IS WITHOUT DOUBT THE BEST WAY TO ISOLATE THE GUERRILLAS, BOTH IN EL SALVADOR AND INTERNATIONALLY. WE LOOK FORWARD TO COOPERATING WITH YOUR GOVERNMENT TO MAKE THE ELECTIONS A SUCCESS, WITHIN THE CONTEXT OF YOUR RECENT CALL FOR INTERNATIONAL INVOLVEMENT.

2. To encourage Duarte to broaden support for the civilian-military government, domestically and internationally.

The Salvadoran government needs to broaden its base, both at home and abroad. The upcoming elections present the best opportunity for the Salvadorans to isolate the insurgents. Domestically, Duarte's Christian Democratic Party has been engaged in a dialogue with business leaders in bringing the private sector into the government. Internationally, the Salvadoran government receives mixed support. The recent French-Mexican communique recognizing the FMLN-FDR as a legitimate political force is not helpful, although it has been overwhelmingly rejected by the Latin Americans. The FMLN-FDR is now lobbying its international supporters to use the French-Mexican communique as a lever to raise the El Salvador issue in the UN.

TALKING POINTS

-- WE HOPE THE GOVERNMENT AND PRIVATE SECTOR WILL CONTINUE THE PROCESS OF WORKING OUT THEIR DIFFERENCES.

-- LATIN AMERICAN REBUTTAL TO THE FRENCH-MEXICAN COMMUNIQUE WAS ENCOURAGING. WE EXPRESSED OUR DISPLEASURE PRIVATELY TO FRANCE AND MEXICO IN STRONG TERMS.

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-- HOW CAN WE WORK TOGETHER TO HEAD OFF EFFORTS TO RAISE
THIS ISSUE IN THE UN? SHOULD WE PURSUE OAS INITIATIVE TO PREEMPT
UNGA CONSIDERATION?

3. To discuss how we can best help the Salvadoran government pursue the war against the Marxist-Leninist guerrillas.

In the past several weeks, the Salvadoran guerrillas have mounted an intensified offensive, complicating the already precarious situation of the Duarte government. The guerrillas' new strategy has focused on sabotaging vulnerable economic targets and engaging in harassment attacks against carefully selected targets to minimize their own losses. The guerrillas have taxed the government's ability to restore and maintain electrical power, particularly in the eastern third of the country. Ambushes along the main roads have increased government casualties. In addition, the guerrillas succeeded in occupying the Salvadoran town of Perquin near the Honduras border for more than a week before being driven out by government troops. These tactics have enabled the guerrillas to further damage the already crippled Salvadoran economy, weaken military morale, and enhance their international and domestic prestige. While these developments are troublesome, the guerrilla-military balance of strength does not appear to have changed, with neither side having the capacity for military victory.

We responded quickly to the Salvadoran government's request for emergency help by sending four additional helicopters and forty-seven portable generators. We are examining how we can help the Salvadorans repair quickly the 200 electrical towers sabotaged by the guerrillas. We have also sent a military strategy assessment team to San Salvador to examine how we can be more helpful over the longer term.

TALKING POINTS

- ASK DUARTE'S ASSESSMENT OF HOW THE WAR IS GOING.
-- ASK WHAT PRIORITY ASSISTANCE IS NEEDED.
4. To impress upon Duarte the importance of taking firm steps to control acts of violence against non-combatants.

Right wing extremist elements opposed to reforms are conducting a campaign of indiscriminate terrorism to undermine

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the government. Accounts of atrocities committed against non-combatants by right wing "death squads" and elements of the security forces continue to sap the government's domestic and international support. Two cases of particular importance are:

-- the murders in December 1980 of four American churchwomen. Six National Guardsmen suspects have been under detention since May. The evidence against them is compelling.

-- the murders of two American AIFLD advisors and a Salvadoran land reform official in January 1981. Two suspects are under detention. Salvadoran businessman Ricardo Sol Mesa is being held in El Salvador. His alleged accomplice, Hans Christ, is being held in Miami awaiting a hearing on El Salvador's extradition request. A Salvadoran judge has recommended to the Supreme Court that Sol Mesa be freed and the Christ extradition request be dropped for lack of evidence.

The release of the suspects in either of these cases will generate serious concern in the US and erode political support for our El Salvador policy. Duarte is aware of the problem (he himself was once a victim of torture by the military), but thus far has been ineffective in confronting the armed forces or curtailing their excess. The Commander of the National Guard, Colonel Vides Casanova, will be attending the luncheon. Since the National Guard is suspected of perpetrating a number of offenses, it will be useful to raise this issue in his presence.

TALKING POINTS

-- ACCOUNTS OF ATROCITIES GENERATE AN INTENSE REACTION IN THE US PRESS AND CONGRESS. THIS SERIOUSLY THREATENS PUBLIC AND CONGRESSIONAL SUPPORT FOR OUR POLICY OF SUPPORT FOR YOUR GOVERNMENT.

-- THERE ARE PARTICULARLY STRONG EMOTIONS AMONG US CHURCH AND LABOR GROUPS ON THE CHURCHWOMEN AND AIFLD MURDERS.

-- TO PROTECT YOUR OWN INTERESTS YOU MUST CRACK DOWN ON THESE FORMS OF VIOLENCE, BRINGING THOSE RESPONSIBLE TO JUSTICE.

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Attachments:

1. Luncheon Guest List
2. Luncheon Scenario
3. Suggested Luncheon Toast
4. Duarte Schedule
5. Biographies of Salvadoran Officials

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GUEST LIST FOR THE LUNCHEON TO BE GIVEN BY THE ACTING SECRETARY OF STATE IN HONOR OF HIS EXCELLENCY JOSE NAPOLEON DUARTE, PRESIDENT OF THE REVOLUTIONARY GOVERNING JUNTA OF THE REPUBLIC OF EL SALVADOR, IN THE JAMES MADISON ROOM, ON MONDAY, SEPTEMBER 21 1981, AT 12:30 P.M.

RELEASE
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Special Proj.

His Excellency Jose Napoleon Duarte, President of the Revolutionary Governing Junta of the Republic of El Salvador

His Excellency Fidel Chavez Mena, Minister of Foreign Affairs of El Salvador

His Excellency Jorge Morales Guillen, Minister of Public Works of El Salvador

Her Excellency Dina Castro de Callejas, Acting Minister of Justice of El Salvador

Colonel Eugenio Vides-Casanova, Commander of the National Guard

The Honorable Julio Adolfo Rey Prendes, Mayor of San Salvador

His Excellency Ernesto Rivas Gallont, Ambassador of El Salvador

The Honorable Walter J. Stoessel, Jr., Under Secretary of State for Political Affairs

The Honorable Sam Nunn, United States Senate

The Honorable Peter McPherson, AID Director

The Honorable James Buckley, Under Secretary of State for Security Assistance, Science, and Technology

The Honorable Richard Fairbanks, Assistant Secretary of State for Congressional Relations

The Honorable Deane Hinton, American Ambassador to El Salvador

Mr. Stephen Bosworth, Acting Assistant Secretary for Inter-American Affairs

Mr. L. Paul Bremer, III, Executive Secretary

Mr. Ted Briggs, Deputy Assistant Secretary of State for Inter-American Affairs

Mr. Arthur M. Giese, Deputy Director, Central American Affairs, Inter-American Affairs

Mr. Donald Barnes, Language Services Office

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TAGS: PINS, SHUM, ES
SUBJ: (C) TORTURE

REF: SAN SALVADOR 4322

1. S - ENTIRE TEXT

2. SUMMARY: THIS REPORT DESCRIBES THE TORTURE OF A GREEN
CROSS VOLUNTEER AT NATIONAL POLICE HEADQUARTERS IN SAN
SALVADOR, END SUMMARY.

3. THE REPORTING OFFICER HAS KNOWN FRANCISCO CASTRO (NAME
CHANGED FOR HIS PROTECTION) FOR OVER ONE YEAR. HE IS A
FORTY YEAR OLD SCHOOL TEACHER AND ACCOUNTANT WHO DED-
ICATES MOST OF HIS FREE TIME TO RELIEF WORK WITH THE SAL-
VADORAN GREEN CROSS. HE LIVED WITH HIS WIFE AND FOUR
YOUNG CHILDREN IN A SMALL HOUSE IN A LOWER MIDDLE CLASS
DISTRICT OF SAN SALVADOR. WHEN POLOFF MET WITH HIM ON
MAY 28, HE HAD JUST SPENT TEN DAYS IN THE NATIONAL POLICE
JAIL, THREE OF THEN UNDER SEVERE TORTURE.

4. WE HAVE NO REASON TO DOUBT HIS STORY. CASTRO EXHIBITED
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THE FOLLOWING CONDITIONS AS A RESULT OF HIS TORTURE: HE WAS IN EXTREME PAIN, LACKED EMOTIONAL CONTROL, AND SHOOK WITH FEAR AT IRREGULAR INTERVALS. HE COMPLAINED OF NEURALGIA, MUSCLE STRAIN IN THE EXTREMITIES, AND RINGING IN HIS EARS. HIS AIR PASSAGES WERE INFLAMED AND HE HAD DIFFICULTY BREATHING. HIS TESTICLES WERE CRUSHED; HE HAD DIFFICULTY WALKING AND URINATING. WHILE WE ARE NOT PHYSICIANS, HE GAVE EVERY APPEARANCE OF SEVERE PHYSICAL AND MENTAL DISTRESS.

5. THE FOLLOWING IS CASTRO'S ACCOUNT: ON MAY 19 AT MID-DAY ARMED MEN IN CIVILIAN DRESS CAPTURED CASTRO AND TWO FEMALE TEACHERS AS THEY WERE LEAVING THE ELEMENTARY SCHOOL WHERE THEY WORKED. THE MEN TOOK THEM, BLINDFOLDED WITH THEIR THUMBS TIED, BY CAR TO NATIONAL POLICE HEAD-QUARTERS IN DOWNTOWN SAN SALVADOR. POLICE RELEASED ONE OF THE TWO WOMEN THEY CAPTURED WITH HIM BECAUSE SHE WAS EIGHT MONTHS PREGNANT. THE OTHER SPENT A WEEK IN A BASEMENT CELL WHERE CASTRO SAYS POLICE AGENTS COERCED HER INTO HAVING SEX WITH THEM UNDER THREAT OF TORTURE AND DEATH. CASTRO SPENT SIX DAYS IN A BASEMENT CELL WHERE ICRC REPRESENTATIVES VISITED HIM ON TWO OCCASIONS. HE SPENT THREE MORE DAYS IN A CLOSED THIRD FLOOR CELL LOCATED OFF A CONCEALED PASSAGEWAY. A POLICE COMANDANTE TORTURED AND INTERROGATED HIM ON EACH OF THOSE THREE DAYS IN AN ADJACENT SIX-ROOM SOUNDPROOFED SUITE OF TORTURE CHAMBERS. THE ICRC DID NOT VISIT HIM THERE.

6. CASTRO DESCRIBED OTHER PRISONERS HE SAW WHILE DETAINED. A FELLOW SCHOOL TEACHER WHO HAD DISAPPEARED A WEEK EARLIER WAS PRESENT IN ANOTHER CELL. SEVERELY TORTURED, CASTRO DOES NOT BELIEVE THE TEACHER SURVIVED. ALSO PRESENT WAS GREEN CROSS PRESIDENT FRANCISCO ZAMORA, CAPTURED THE SAME

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SAN SA 04826 01 OF 03 101630Z

DAY AS CASTRO. CASTRO OVERHEARD PART OF ZAMORA'S INTERROGATION IN WHICH AN OFFICER TOLD THE INTERROGATING AGENT NOT TO HIT ZAMORA BECAUSE HE WAS "CONNECTED TO THE AMERICAN EMBASSY, AND THAT COULD MEAN TROUBLE." (SEE REF-TEL A.) CASTRO ALSO CLAIMED TO HAVE SEEN SEVERAL CHRISTIAN DEMOCRATS UNDERGOING TORTURE IN THE JAIL, (NOTE: MEMBERS OF THE CIVIL DEFENSE IN QUETZALTEPEQUE CAPTURED SIX PDC MEMBERS BETWEEN MAY 18 AND 21. THEY WERE FOUND DEAD AT EL PLAYON BODY DUMP ON MAY 29. HOWEVER, THERE IS NOTHING TO SPECIFICALLY LINK THOSE CAPTURED IN QUETZALTEPEQUE WITH THOSE SEEN AT POLICE HEADQUARTERS.)

7. CASTRO SAID A NATIONAL POLICE COMANDANTE TORTURED HIM DURING THREE EXTENDED SESSIONS DURING HIS DETENTION IN THE TORTURE CHAMBER. HE SPENT MOST OF THAT TIME BLINDFOLDED WITH THUMBS TIED. HE RECEIVED TWO TORTILLAS AND WATER ONCE A DAY. (A COMANDANTE IS A NON-COMMISSIONED OFFICER RANKED JUST ABOVE A SERGEANT. CASTRO WOULD NOT GIVE THE COMANDANTE'S NAME UNTIL HE WAS READY TO LEAVE THE COUNTRY.)

8. CASTRO DESCRIBED THREE TORTURES HE UNDERWENT, EACH ON A DIFFERENT DAY AND IN A DIFFERENT ROOM. THROUGHOUT HIS TORTURE HE RECEIVED FREQUENT BLOWS TO THE BODY AND SHARP CUFFS TO THE EARS WHICH LEFT HIM DIZZY. THE COMANDANTE CALLED THE FIRST TORTURE "THE RACKER." CASTRO DESCRIBED IT AS A CLASSIC INQUISITION-TYPE WHEEL RACK. HIS BODY WAS STRAPPED HANDS AND FEET IN TRACTION WHILE THE WHEEL ROTATED, CAUSING SEVERE JOINT AND MUSCLE STRAIN AND LOSS OF CIRCULATION. HE SAID THE COMANDANTE CALLED THE SECOND TORTURE "THE CARTER," AFTER EX-PRESIDENT JIMMY CARTER. HIS HANDS AND FEET WERE BOUND TO ROPES ON PULLEYS ATTACHED TO THE WALLS, WHILE HIS TESTICLES WERE TIED TO A WIRE ON A PULLEY ATTACHED TO THE CEILING. BY CONTROLLING THE ROPES AND WIRE, THE TORTURER REGULATED THE AMOUNT OF TENSION AND BODY WEIGHT PLACED ON HIS TESTICLES, UNTIL THEY WERE SEVERELY CRUSHED. THE THIRD TORTURE

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TURE APPARENTLY LACKED A NAME, WITH THUMBS TIED BEHIND HIS
BACK, A SACK CONTAINING LIME WAS SECURED OVER HIS

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HEAD. SEVERAL STRONG BLOWS TO THE STOMACH. CAUSED HIM TO INHALE, SEARING THE AIR PASSAGES AND LUNGS WITH LIME. 9. CASTRO DISCUSSED THE INTIMATE RELATIONSHIP WHICH DEVELOPED BETWEEN HIM AND HIS TORTURER DURING THE THREE DAYS HE WAS IN HIS POWER. HE DESCRIBED THE COMANDANTE AS IN HIS MID-FORTIES AND WITHOUT FAMILY. HE HAD SPENT HIS LIFE CONDUCTING TORTURE, WAS REWARDED FOR HIS EFFICIENCY IN EXTRACTING INFORMATION, AND SEEMED TO DERIVE DEGENERATE PLEASURE FROM IT. HE KEPT CASTRO IN CONSTANT FEAR OF FURTHER PAIN OR DEATH, WHILE CONDUCTING WHAT CASTRO SAID WAS AN "INEFFECTIVE AND STUPID" INTERROGATION. CASTRO SAID THE TORTURE RAPIDLY BROKE HIS PSYCHOLOGICAL RESISTANCE.

10. THE COMANDANTE FIRST ACCUSED HIM OF BEING A GUERRILLA, AND THEN OF RUNNING FOOD AND MEDICINES TO THEM ON TWO OCCASIONS. CASTRO DENIED HE WAS A GUERRILLA, AND SAID ON BOTH OCCASIONS HE WAS DELIVERING SUPPLIES TO DISPLACED PERSONS. THE FIRST ACCUSATION WAS BASED ON A CUSTOMS POLICE REPORT THAT HE HAD RECEIVED MEDICINES FROM THE FRENCH DOCTORS OF THE WORLD ORGANIZATION IN HONDURAS FOR DELIVERY TO GUERRILLAS. THE COMANDANTE SAID THE FRENCH DOCTORS WERE COMMUNISTS, AND THEREFORE CASTRO WAS A SUB-

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PAGE 02 SAN SA 04826 02 OF 03 101016Z

11. CASTRO'S INTERROGATOR ASKED HIM CONSTANTLY ABOUT HIS MEMBERSHIP IN GUERRILLA ORGANIZATIONS AND ABOUT ARMS CACHES, BUT HE INSISTED HE KNEW NOTHING. THE COMANDANTE QUESTIONED HIM ABOUT GREEN CROSS PRESIDENT ZAMORA'S GUERRILLA CONNECTIONS AND ABOUT THE RELATION BETWEEN THE EMBASSY AND THE GREEN CROSS. THE COMANDANTE REPEATEDLY ASKED CASTRO ABOUT THREE AMERICANS: FORMER AMBASSADOR ROBERT WHITE, ERIC PATRICK AND ROBERT CHRISTIAN, (BOTH ALLEGEDLY CONNECTED TO THE EMBASSY) WHO SUPPOSEDLY HELP THE GREEN CROSS EXFILTRATE GUERRILLAS FROM EL SALVADOR BY PROVIDING VISAS FOR FALSIFIED PASSPORTS. THE COMANDANTE WANTED TO KNOW WHY THE EMBASSY GAVE AMBULANCES TO THE GREEN CROSS AND WHY IT WAS COOPERATING WITH SUCH A SUBVERSIVE ORGANIZATION.

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PAGE 03

SAN SA 04826 02 OF 03 101816Z

ONLY KNOWS HOW TO TORTURE AND KILL; HE CAN BARELY READ AND WRITE." CASTRO SAID HE KEPT REPEATING TO THE COMANDANTE THAT HIS ONLY SIN WAS TRYING TO HELP THE POOR WHO HAVE BECOME VICTIMS OF THE WAR. AT ONE POINT CASTRO SAID THE COMANDANTE REPLIED, "YOU ARE A SUBVERSIVE. YOU DON'T BELONG IN OUR DEMOCRACY."

13. WHEN POLICE RELEASED HIM ON MAY 28 HE SIGNED A "CONFESSION" WHICH HE WAS NOT ALLOWED TO READ AND A STATEMENT SAYING HE HAD SUFFERED NO MISTREATMENT. THEY TOLD HIM, "DON'T SHOW YOUR FACE ON THE STREET, BECAUSE NEXT TIME WE WILL TAKE YOU STRAIGHT TO EL PLAYON."

14. CASTRO IS PRESENTLY STAYING IN A CHEAP HOTEL. HE CANNOT RELY ON FRIENDS FOR FEAR HE WILL PREJUDICE THEM. HE SENT WORD TO HIS WIFE TO SELL THEIR HOUSE AND PREPARE TO LEAVE THE COUNTRY. HE RECEIVED A DISMISSAL NOTE FROM THE MINISTRY OF EDUCATION WHICH SAID THEY DO NOT EMPLOY PEOPLE WITH A "RED TINT." POLICE KEPT HIS IDENTIFICATION CARD AND GAVE HIM A XEROX COPY. HE CANNOT OBTAIN ANOTHER JOB WITHOUT THE ORIGINAL. CASTRO PLANS TO REST UNTIL HE IS STRONG ENOUGH TO TRAVEL, THEN LEAVE THE COUNTRY WITH HIS WIFE AND CHILDREN TO AVOID FURTHER PERSECUTION. HE HAS AN ILLEGAL IMMIGRANT BROTHER IN WASHINGTON, D.C. WHO HE HOPES WILL BE ABLE TO HELP HIM FIND WORK THERE.

15. COMMENT; THE CASE OF FRANCISCO CASTRO IS ONE OF SEVERAL DOCUMENTED CASES INVOLVING MEMBERS OF THE VARIOUS SECURITY FORCES. WE CANNOT BRING THIS PARTICULAR INFORMATION TO THE ATTENTION OF SALVADORAN AUTHORITIES WITHOUT ENDANGERING OUR SOURCE WHOSE INTENT IS TO LEAVE THE COUNTRY, NOT SEEK DISCIPLINARY ACTION AGAINST HIS TORTURERS. IN GENERAL, APPROACHES TO THE GOES ON INDIVIDUAL CASES ARE NOT EFFECTIVE BECAUSE OF THE LACK OF WITNESSES WHO ARE WILLING TO TESTIFY AND THE ABSENCE

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PAGE 01 SAN SA 04826 03 OF 03 1017144
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SECRET SECTION 03 OF 03 SAN SALVADOR 4826

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OF A FUNCTIONING CRIMINAL JUSTICE SYSTEM, WHAT HAS BEEN EFFECTIVE ARE EFFORTS TO INFLUENCE DEEPLY ENGRAINED BASIC PRACTICES, FOR EXAMPLE, WHILE THE ICRC WAS NOT ABLE TO PREVENT CASTRO'S TORTURE, IT WAS ABLE TO VISIT HIM, POLICE DID RELEASE HIM RATHER THAN KILL HIM, THE ICRC SAYS THE POLICE ARE NOTIFYING THEM OF DETAINEES WITH MORE REGULARITY, WE SEE THESE AS SIGNS OF CHANGE. A FORCEFUL APPROACH ON INDIVIDUAL CASES OR A PUBLIC DENOUNCEMENT UNACCOMPANIED BY OTHER SYSTEMIC MEASURES, COULD VERY EASILY SET BACK WHAT ARE ADMITTEDLY TENTATIVE IMPROVEMENTS. WE SHOULD AVOID PRECIPITATING A RETRENCHMENT ON THE PART OF THE SECURITY FORCES. THEY ARE NOT LIKELY TO MODERATE THEIR GENERAL PRACTICES ON THE BASIS OF INDIVIDUAL COMPLAINTS; IT IS TOO EASY TO MAKE INDIVIDUALS DISAPPEAR AND TO MOVE INTERROGATION CENTERS TO OTHER CLANDESTINE LOCATIONS.

16. THUS, WE ARE FACED WITH A DILEMMA BECAUSE THE REVELATION OF THE ABOVE INFORMATION COULD RESULT IN RETALIATION AGAINST OUR SOURCE, CUTTING OFF ICRC ACCESS TO OTHER PRISONERS AND RETURN TO THE PRACTICE OF ELIMINATING RATHER THAN FREEDING APPARENTLY INNOCENT VICTIMS. INSTEAD, THE EMBASSY PROPOSES TO: APPROACH SALVADORAN

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PAGE 02

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LEADERS/ MAKE IT CLEAR THAT WE ARE CONVINCED THAT OFFICIALLY SANCTIONED TORTURE IS TAKING PLACE WITHIN THEIR INSTITUTIONS WITHOUT REVEALING WHERE OR HOW WE KNOW/ AND, SYSTEMATICALLY AND REPEATEDLY PRESSING UPON THEM THE ABSOLUTE NECESSITY OF HALTING THE PRACTICE -- NOT MERELY HIDING IT. IN THE ENVIRONMENT OF CHANGE WHICH WE HAVE NOTED ABOVE SOME PROGRESS MAY BE POSSIBLE, BUT WE SHOULD NOTE THAT VIOLENCE OF THIS NATURE IS DEEPLY ENGRAINED IN THE SALVADORAN CULTURE AND WILL NOT EASILY BE ROOTED OUT.
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BRIEFING PAPER

HUMAN RIGHTS

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 El Salvador: Human Rights
 Special Project (1983)

In March 1983 the Government of El Salvador announced that national elections, previously scheduled to be held by March 1984, would be held by the end of 1983. These elections will again give the Salvadoran people the opportunity to participate in a democratic process, and will choose El Salvador's next president.

Another positive human rights development in the past several months was the declaration of an amnesty by the Government of El Salvador on May 16, 1983. In addition to establishing the conditions under which Salvadoran guerrillas could turn themselves in to the Government the amnesty allowed the Salvadoran Government to release several hundred political prisoners, including the eight MNR/FDR political and labor leaders arrested in October, 1982.

Otherwise there has been little significant change in the human rights situation in El Salvador in recent months. The number of civilian deaths attributable to political violence has risen slightly from an average of 160 per month during the last six months of 1982 to 186 per month during the first four months of 1983, but the figures are still significantly below the levels of 1981 and early 1982.

The Human Rights Commission established by the Salvadoran Government began operations in early 1983. According to Commission members they have been successful in locating and obtaining the release from Salvadoran security forces of several individuals. The Commission also investigated the killing of 18 Indians at Las Hojas and presented its findings to President Magana and the Ministry of Defense. Overall, however, the Commission has had a slow beginning. It has not been receiving sufficient cooperation and support from senior officials of the Salvadoran Government and from some elements of the Salvadoran security forces, particularly the Treasury Police, which has a reputation as a serious human rights violator.

In the American citizen murder cases developments have been mixed. A Salvadoran appellate court on April 30 dismissed the Government's effort to reopen the proceedings against two suspected civilian conspirators in the murder of two AIFLD officials in January, 1981. It did, however, confirm the decision to start trial proceedings against the two confessed murderers. Lopez Sibrian, the most prominent conspirator, remains on active duty in the Salvadoran army. The Salvadoran Government has until September, 1983 to request the Court to reopen legal proceedings against him. The Court will be reluctant to do so, however, if there is no new evidence presented. According to a unique provision of Salvadoran law the confessions of the alleged murderers cannot be used as evidence to implicate anyone else in the crime. The case against the killers of the four American churchwomen was remanded back to a lower court on March 11 for technical reasons, but now appears ready to be moved back to the

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higher court for trial. The three Salvadoran soldiers responsible for the shooting of Michael Kline were arrested in March, but legal proceedings against them have not yet started. The remains of John Sullivan, an American journalist killed in January, 1981, have finally been positively identified, but there has been no progress in finding his killers.

There has also been little action to bring to justice those responsible for abuses committed by Salvadoran security forces in recent months. The Army personnel responsible for the deaths of 12 young men in Santa Elena in November, 1982, have not been identified. Five civil defense personnel have been "arrested" for the death of eleven campesinos in La Florida in November, 1982, but the "detention" is very informal. One Army officer was placed under house arrest in April for the killing of 18 ethnic Indians in Las Hojas, but no action has yet begun to prosecute him.

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 03770 01 OF 03 2923172
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TO SECRETARY WASHDC 6182
AMEMBASSY BELIZE
AMEMBASSY TEGUCIGALPA

SECTION 01 OF 03 SAN SALVADOR 03770

E.O. 12356: DECL 4/29/89
TAGS: OTRA, SHUM, PG0V, ES
SUBJECT: DAS BURKE VISIT TO EL SALVADOR

REF: IR 6 020 0173 03
1. C. ENTIRE TEXT.

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2. SUMMARY: DAS W. SCOTT BURKE, HA, VISITED
EL SALVADOR APRIL 20 THROUGH 23. THE TRIP INCLUDED
MEETINGS WITH THE MINISTER AND SUBSECRETARY OF
DEFENSE, THE ARCHBISHOP AND AUXILIARY BISHOP, POC
PRESIDENTIAL CANDIDATE NAPOLEON DUARTE, THE HEAD ICRC
DELEGATE, AIFLD AND CAMPESINO/LAVOR LEADERS, OCA
OFFICIALS, CONAMA OFFICIALS, THE HUMAN RIGHTS COMMISSION,
AND THE ARCHBISHOPRIC COMMISSION OF JUSTICE AND PEACE.
AS BURKE ALSO VISITED DISPLACED PERSON PROJECTS IN
SAN FRANCISCO GOTERA, MORAZAN, AND POLITICAL PRISONERS
I. MARIONA PENITENTIARY. END SUMMARY.
3. MINISTER OF DEFENSE: ON APRIL 22, 1983,
JO-DESIGNATE NGEM CARLOS EUGENIO VIDES CASANOVA AND
SUB-SECRETARY OF DEFENSE COL RAFAEL FLORES LIMA, MET
WITH DAS BURKE, AMBASSADOR, DATT AND POLOFF. THE
FOLLOWING ITEMS WERE DISCUSSED:

PAGE 02 SAN SA 03770 01 OF 03 2923172

INCREASED DIFFICULTY FACING ADMINISTRATION

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CERTIFICATION EFFORTS:

- NEW DIRECTIONS FOR THE ESAF UNDER THE NEW MOD.
- NEED FOR MORE DISCIPLINE IN THE ESAF.
- ESAF ATTITUDES TOWARDS CAPTURED ENEMY AND NON-COMBATANTS.
- THE HUMAN RIGHTS VIOLATION DILEMMA, AND
- ES PERCEPTIONS OF US PRESSURE FOR CHANGE (SEE REF IR).
- 4. ARCHBISHOP ARTURO RIVERA Y DAMAS AND AUXILIARY BISHOP GREGORIO ROSA CHAVEZ: ARCHBISHOP RIVERA Y DAMAS AND AUXILIARY BISHOP ROSA CHAVEZ LUNCHEO WITH DAS BURKE, AMB AND POLOFF ON APRIL 22. RIVERA Y DAMAS DISCUSSED THE PEACE COMMISSION AND PROSPECTS FOR DIALOGUE WITH THE FDR/FRLW. HE SAID THAT THE THREE PEACE COMMISSION MEMBERS WERE ESSENTIALLY CONSERVATIVE, BUT THAT THERE WAS ALWAYS A POSSIBILITY THEY COULD BE NUGGED OUT OF THEIR APPARENT INACTION INTO MAKING INITIAL CONTACTS WITH THE SALVADORAN LEFT. THE AMBASSADOR NOTED THAT THE PEACE COMMISSION HAD TO GET OUT IN FRONT ON BRINGING FOR MEMBERS INTO THE ELECTIONS. HE SUGGESTED THAT THE CHURCH MIGHT USE ITS CONTACTS TO PERSUADE THE LEFT FROM HOLDING TO THE POSITION OF DIALOGUE WITHOUT CONDITION, BECAUSE THAT WOULD ALLOW THEM TO OPEN TALKS TO ANY SUBJECT. RIVERA Y DAMAS REPLIED THAT HE WOULD PASS ON THE MESSAGE SHOULD THE OPPORTUNITY ARISE. RIVERA Y DAMAS AND THE

PAGE 03 SAN SA 03770 01 OF 03 2923172

AMBASSADOR THEN ENTERED INTO AN INTERCHANGE CONCERNING THE ARCHBISHOP'S RECENT ACCUSATION THAT THE NATIONAL POLICE (PN) WAS RESPONSIBLE FOR THE MURDERS OF 100 SALVADORAN CHURCH WORKERS. PN DIRECTOR COL. LOPEZ NUIA HAD RESPONDED TO THE ARCHBISHOP'S CHARGE IN A NEWSPAPER LETTER ASKING HIM TO COME FORWARD WITH PROOF. RIVERA Y DAMAS SAID THAT THE WITNESSES TO THE MURDERS WERE AFRAID TO TESTIFY. HIS PURPOSE IN DENOUNCING THE MURDERS WAS NOT TO BRING THOSE RESPONSIBLE TO JUSTICE, BUT TO USE THEM AS AN EXAMPLE OF THE NEED TO HALT VIOLENCE. THE AMBASSADOR SAID HE REGRETTED

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Special Project (1993)

THE ARCHBISHOP'S POSITION, THAT ONLY BY PURSUING SPECIFIC CASES COULD JUSTICE BE RETIRED IN EL SALVADOR. HE URGED RIVERA Y DAMAS TO RECOGNIZE THE CHANGES THAT WERE TAKING PLACE IN THE COUNTRY. WHEREAS HE AGREED THAT THE ARMED FORCES COULD STILL ACT AS A DETERMINING AND DISTORTING FORCE IN ALL AREAS OF CIVIL AUTHORITY, THEY WERE RETREATING SLOWLY BUT SURELY, THAT WAS WHAT DEMOCRACY WAS ALL ABOUT. REGARDING THIS ASPECT AND THE PROBLEM OF HUMAN RIGHTS, RIVERA Y DAMAS SAID THAT HE WOULD GIVE MORE THOUGHT TO DEVELOPING THE ARMED FORCES CHAPLAIN CORPS AS A MEANS OF PROMOTING HUMAN RIGHTS FROM WITHIN. HE REMINDED THE AMBASSADOR THAT THE US HAD HELPED EL SALVADOR START THE CHAPLAIN CORPS, AND HOPED THE US MIGHT CONSIDER ASSISTING ITS FURTHER DEVELOPMENT.

5. CAMPESENO LABOR LEADERS: LEADERS OF THE POPULAR DEMOCRATIC UNITY (UPD) MET OVER BREAKFAST WITH DAS BURKE AT AIFLD HEADQUARTERS ON APRIL 22. UPD LEADERS INCLUDED SAMUEL MALDONADO OF THE SALVADORAN COMMUNAL UNION, SALVADOR CARATO, SECRETARY GENERAL OF THE FEDERATION

PAGE 01 SAN SA 03770 02 OF 03 2923192
ACTION ANA-16

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SECTION 92 OF 03 SAN SALVADOR 03770

OF UNIONS OF CONSTRUCTION AND TRANSPORTATION WORKERS (FESINCONSTRAMS); DR. GABRIEL PILONA ARAUJO AND ALEJANDRO ESCOBAR CARTAGENA, BOTH MEMBERS OF A FESINCONSTRAMS AFFILIATE; RAMON ARISTIDES MENDOZA OF DCS; AND (FNU) ARGUETA OF THE SALVADORAN CONFEDERATION OF WORKERS (CTS). ALL OF THESE FEDERATIONS AND UNIONS ARE MEMBERS OF THE UPD, AN UMBRELLA ORGANIZATION WHICH LOBBIES FOR THE SOCIAL AND POLITICAL RIGHTS OF WORKERS AND CAMPESEINOS. DURING THE COURSE OF THE BREAKFAST, UPD REPS MADE THE FOLLOWING POINTS:

-- UPD MEMBERS ARE DISILLUSIONED WITH THE ELECTIONS PROCESS BECAUSE WORKERS AND CAMPESEINOS (READ UPD) GOT NO CONCRETE INCREASED POLITICAL LEVERAGE FROM SUPPORTING THE PDC DURING THE LAST ELECTIONS. ACCORDING TO THE UPD, THE SITUATION IS JUST AS BAD AS IN THE OLD DAYS; ELECTIONS ARE MEANINGLESS AND NO POLITICAL PARTY IN EL SALVADOR REPRESENTS THE INTERESTS OF THE WORKERS AND THE CAMPESEINOS.

-- SHOULD THERE APPEAR A HYPOTHETICAL (EVEN UTOPIAN) PARTY WHICH IS WILLING TO INCLUDE LABOR/CAMPESEINO REPS IN THE PARTY POWER STRUCTURE, THE UPD'S KEY DEMANDS

PAGE 02 SAN SA 03770 02 OF 03 2923192

WOULD BE THE FULL CONTROL OF THE LAND REFORM AGENCIES; ESPECIALLY FINATA (PHASE 111) AND ISTA (PHASE 12), AND

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Special Project (1993)

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SOME REPRESENTATION WITHIN THE AGRICULTURAL DEVELOPMENT BANK (BDA), THE FARM CREDIT INSTITUTION.

THE UDO ALSO WANTS A MEASURE OF DIRECT POLITICAL INFLUENCE THROUGH LABOR/CAMPESINO REPRESENTATIVES ON SUCH DOER INSTITUTIONS AS THE MINISTRY OF LABOR AND THE MINISTRY OF AGRICULTURE, AND PERHAPS A FEW DEPUTIES IN THE ASSEMBLY AS WELL. SALVADOR CANAZO OF ESINCONSTRANS SAID THAT THE ECONOMIC SITUATION PROVIDES A GOOD INSIGHT INTO THE POLITICAL STATE OF THINGS: THE CONSTITUENT ASSEMBLY DEPUTIES VOTED THEMSELVES A PAY RAISE AND AT THE SAME TIME THEY EXTENDED A WAGE FREEZE LAW (ARTICLE 11 OF DECREE 544). WORKERS CONTINUE TO BE MURDERED BY DEATH SQUADS AND SOME PUBLIC EMPLOYEES HAVE NOT BEEN PAID SINCE LAST JANUARY, WHEN GOVERNMENT ORDERED A FREEZE ON THE PAYMENT OF SALARIES. THIS STATE OF AFFAIRS LED TO THE CURRENT UKE LED BY THE MINISTRY OF AGRICULTURE WORKERS ON (AMTAG -- A CTS AFFILIATE).

CENTRAL AMERICAN UNIVERSITY (UCA) OFFICIALS:
OFFICIALS: RECTOR FATHER ELLACURIA,

MER MARTIN BARRO, FATHER SORDO MONTES,
MER JOHN J. CORTINA, AND DR. ITALO LOPEZ YALLACILLOS
ED WITH DAS BURKE AND POLOFFS ON APRIL 21. BURKE
ED GROUP IF THE HUMAN RIGHTS SITUATION IN SALVADOR
IMPROVED, NOTING THAT THE NUMBER OF CIVILIANS
LED APPEARED TO BE ON THE DECLINE. ELLACURIA AGREED
T THE NUMBER OF DEATHS HAD GONE DOWN, BUT THAT THIS
NOT MEAN THE HUMAN RIGHTS SITUATION HAD IMPROVED AT

GE 93 SAN SA 83778 92 OF 93 2923197

ELLACURIA ATTRIBUTED THE DECLINE TO THE FOLLOWING:
THERE ARE SIMPLY FEWER POTENTIAL VICTIMS. THIS
S BECAUSE SO MANY HAD BEEN KILLED ALREADY, BECAUSE MANY
HO SUPPORTED THE FMLN HAVE BEEN SO TERRORIZED BY THE
SECURITY FORCES THAT THEY DARE NOT MANIFEST THEIR
SUPPORT, BECAUSE MANY FMLN SUPPORTERS HAVE FLED THE
COUNTRY AND BECAUSE OF US PRESSURE. WELL-KNOWN
FIGURES SUCH AS HIMSELF ARE NO LONGER TARGETED.
ONETHELESS, THE APPARATUS FOR REPRESSION AND ITS
ENDERS, INCLUDING COL. FRANCISCO MORAN OF THE
TREASURY POLICE AND GEN. VIDES CASAMAYA, THE NEW MOD,

ARE STILL IN PLACE. ELLACURIA GAVE HIS VISION OF AN
IDEAL GOVERNMENT OF THE FUTURE EL SALVADOR. IN HIS
OPINION, EL SALVADOR NEEDED AN AUTHORITARIAN
REGIME OF THE LEFT TO ADDRESS THE BASIC HUMAN NEEDS
OF A NATION WHOSE POPULATION WOULD REACH TEN MILLION
IN THE YEAR 2000. A DEMOCRATIC REGIME COULD NOT YIELD
SUFFICIENT POWER TO RESOLVE THESE PROBLEMS AND THE
"TRICKLE DOWN" PROGRAMS OF A RIGHTIST AUTHORITARIAN
GOVERNMENT WOULD NOT SUFFICE. IN THE INTEREST OF
HELPING THE POOR, ELLACURIA WAS PREPARED TO PUT HIS
AND THE NATION'S POLITICAL LIBERTIES ON THE BUCK BURNER
FOR AN INDEFINITE PERIOD. A LEFTIST AUTHORITARIAN
REGIME WOULD WANT GOOD RELATIONS WITH THE UNITED STATES
BECAUSE THE NATION WOULD DEPEND ON TRADE WITH THE US
AND ON FOREIGN INVESTMENT FOR ECONOMIC RECOVERY.
ELLACURIA BELIEVED THAT THE DEATHS OF ANA MELIDA AMAYA
MONTES AND SALVADORAN CAYETANO CARPIO, PARTICULARLY
CAYETANO CARPIO, MIGHT IMPROVE THE CHANCES OF A
NEGOTIATED SOLUTION, BECAUSE THEY MIGHT BE REPLACED

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Special Project (1993)

PAGE 01 SAN SA 93778 03 OF 03 2923212
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L SECTION 03 OF 03 SAN SALVADOR 93778

BY PERSONS LESS FANATIC IN THEIR DEMAND FOR A GOAL OF TOTAL VICTORY BY FORCE. ON THE OTHER HAND, HE SAID THE GUERRILLAS BELIEVE THEY WERE WINNING THE WAR, AND THUS THEIR OPENING DEMANDS IN ANY NEGOTIATIONS WOULD BE TOUGHER. HE EXPECTED NEGOTIATIONS, WERE THEY TO TAKE PLACE, TO CENTER ON THE COMPOSITION OF THE MILITARY. UNTIL 18 MONTHS AGO THE GUERRILLAS HAD BEEN DEMANDING ELIMINATION OF THE ESAF AND REPLACEMENT BY THE REVOLUTIONARY ARMY CONTROLLED BY THE FMLN IN THE SECOND PHASE. AFTER THAT, THE GUERRILLAS MODIFIED THEIR STANCE, DEMANDING ONLY THE PURGE OF CERTAIN UNACCEPTABLE INDIVIDUALS WITHIN THE SALVADORAN ARMED FORCES. MORE RECENTLY, WITH THE INCREASING STRENGTH OF THE GUERRILLAS MILITARY FORCES, HE SAW THEM REVERTING BACK TO THEIR EARLIER DEMAND FOR THE ELIMINATION OF THE ESAF.

7. THE HUMAN RIGHTS COMMISSION. HUMAN RIGHTS COMMISSION MEMBERS COL. REYNALDO LOPEZ MULLA, MARIO J. YELASCO, AND MANUEL LAJNEZ MERDEZ DINED WITH DAS BURKE, DCM, AND POLCOFFS ON APRIL 22. THE GROUP DISCUSSED THE CAUSES OF THE DECLINE IN CIVILIAN DEATHS ATTRIBUTED TO POLITICAL VIOLENCE. WHILE ALL AGREED

PAGE 02 SAN SA 93778 03 OF 03 2923212

THAT SUCH DEATHS HAD DECLINED OVER A YEAR AND A HALF AGO, AND HAD DROPPED EVEN FURTHER DURING THE LAST

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340 MONTHS. NO ONE HAD A CONVINCING ARGUMENT AS TO THE CAUSES. COL. LOPEZ MULLA SAID HE THOUGHT AT LEAST SOME OF THE DECLINE WAS DUE TO GREATER CONTROL OVER MEMBERS OF THE SECURITY FORCES, INCLUDING HIS OWN NATIONAL POLICE. COMMISSION MEMBERS PROMISED TO GIVE THIS INTRIGUING AND IMPORTANT QUESTION FURTHER CONSIDERATION. THEY NOTED THAT THE HUMAN RIGHTS COMMISSION HAD A VERY HARD TASK IN EDUCATING THE SALVADORAN PEOPLE ABOUT RESPECTING HUMAN RIGHTS. THEY SAID THIS WOULD BE A LONG TERM PROBLEM REQUIRING CONSTANT EFFORT.

8. ARCHBISHOPRIC COMMISSION OF JUSTICE AND PEACE. COMMISSION SECRETARY MARIA JULIA HERNANDEZ MET WITH DAS BURKE AND POLCOFFS ON APRIL 22. HERNANDEZ SAID THAT WHILE CIVILIAN DEATHS WERE DOWN BECAUSE FEWER POTENTIAL VICTIMS REMAINED, THE SYSTEM OF REPRESSION WHICH PERPETRATED THE VIOLENCE REMAINS. SHE EXPLAINED THAT THE COMMISSION TRIES TO ACCURATELY REPORT THE HUMAN RIGHTS SITUATION IN EL SALVADOR, BUT MISSES MUCH BECAUSE MANY INCIDENTS GO UNREPORTED. SHE SAID THAT THE COMMISSION'S WORK WAS ENTIRELY HUMANITARIAN AS PART OF THE CHURCH'S MANDATE TO REPRESENT THE WELL-BEING OF ALL PEOPLE.

9. VISITS AND OTHER MEETINGS. EX-JUNTA PRESIDENT AND PDC PRESIDENTIAL CANDIDATE JOSE NAPOLION DUARTE AND ICRC HEAD DELEGATE MICHEL ANIGHET DINED WITH DAS BURKE AND AMBASSADOR HIXTON ON APRIL 20. ON APRIL 21 DAS BURKE HELICOPTERED WITH POLCOFFS AND AID OFFICIALS TO SAN FRANCISCO GOTERA, HORAZAN WHERE THEY MET WITH CIVIL AND MILITARY AUTHORITIES, AND VIEWED DISPLACED

PAGE 03 SAN SA 93778 03 OF 03 2923212

PERSON PROJECTS. NATIONAL COMMISSION FOR THE RECONSTRUCTION OF AREAS (CONARA) DIRECTOR AND OTHER CONARA OFFICIALS BRIEFED DAS BURKE AND POLCOFFS ON THE POLITICAL, ECONOMIC, AND MILITARY ASPECTS OF THE INTEGRATED REGIONAL PLAN. ON APRIL 22 DAS BURKE AND THE AMBASSADOR VISITED POLITICAL PRISONERS AT MARIONA PENITENTIARY. (MESSAGE DRAFTED FOLLOWING DAS BURKE'S DEPARTURE.)

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STATE 124920

E.O. 12356: DECL: OADR
TAGS: PINS, SHUN, ES
SUBJECT: HUMAN RIGHTS SITUATION IN EASTERN EL SALVADOR

REFERENCE: SAN SALVADOR 460

1. ENTIRE TEXT.

2. AS EMBASSY IS AWARE, DEPARTMENT HAS BEEN CRITICIZED FOR ITS INABILITY HERETOFORE TO PROVIDE EVIDENCE THAT SALVADORAN SECURITY FORCE PERSONNEL HAVE BEEN PUNISHED FOR HUMAN RIGHTS VIOLATIONS. THEREFORE, INFORMATION PROVIDED IN REPTEL CONCERNING SECURITY FORCE PERSONNEL WHO HAVE BEEN ARRESTED AND TRIED IN SAN MIGUEL IS OF GREAT INTEREST. DEPARTMENT MAY WISH TO INCORPORATE THIS DATA IN ITS NEXT CERTIFICATION REPORT.

3. DEPARTMENT UNDERSTANDS THAT [REDACTED] WHO COMPILED THE INFORMATION IN SAN MIGUEL, IS DUE TO DEPART EL SALVADOR FOR REASSIGNMENT IN JUNE. IF SECURITY CONDITIONS PERMIT, DEPARTMENT BELIEVES IT WOULD BE USEFUL FOR [REDACTED] TO RETURN TO SAN MIGUEL PRIOR TO

PAGE 02 STATE 124920

HIS DEPARTURE FROM POST TO OBTAIN UPDATED INFORMATION.

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4. DEPARTMENT BELIEVES THAT THE MORE DETAILED THE INFORMATION EMBASSY CAN PROVIDE THE MORE CREDIBLE IT WILL BE TO CONGRESS AND HUMAN RIGHTS ORGANIZATIONS. THEREFORE, FOR EACH CASE DEPARTMENT WOULD APPRECIATE EMBASSY PROVIDING AS MUCH OF FOLLOWING INFORMATION AS POSSIBLE.

- NAME OF PERSON CHARGED.
- DATE OF ALLEGED CRIME.
- SPECIFIC CHARGES.
- IDENTITY OF VICTIM (OTHER MEMBER OF SECURITY FORCES OR CIVILIAN.)
- RESULT OF LEGAL PROCEEDINGS, INCLUDING SPECIFIC SENTENCE IF CONVICTED.
- IF IMPRISONED, LOCATION.
- MOTIVATION FOR CRIME - POLITICAL, ABUSE OF AUTHORITY WHILE INTOXICATED, PERSONAL GAIN, ETC.

5. ENBOFF SHOULD TRACE RECORDS AS FAR BACK AS PRACTICALLY FEASIBLE. OAH

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PAGE 0001
TOR: 192334Z MAY 83

TRAVEL TO EL SALVADOR BY CAPTAIN EDUARDO AVILA AVILA,
ALLEGED CONSPIRATOR IN THE 1980 ASSASSINATIONS OF TWO
U.S. CITIZENS IN THE SAN SALVADOR SHERATON HOTEL.

1. CAPTAIN EDUARDO ((AVILA)) AVILA, A SALVADORAN RIGHTIST
ARMED FORCES OFFICER ALLEGED TO HAVE BEEN A CONSPIRATOR IN THE

Approved for Release

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PAGE 0007

1003340 MAY 77

THE ASSASSINATIONS OF TWO U.S. CITIZENS IN THE SAN SALVADOR SHERATON HOTEL, CURRENTLY SPENDS MOST OF HIS TIME LIVING IN BRUSSELS BUT IS ABLE TO VISIT EL SALVADOR FREQUENTLY. WHILE IN EL SALVADOR, AVILA RESIDES AT A PRIVATE HOME IN SANTA TECLA ADJACENT TO A NATIONAL GUARD HEADQUARTERS. THE PRIVATE HOME IS IN FACT A NATIONAL GUARD SAFEHOUSE WHICH IS PROTECTED BY ARMED GUARDS PROVIDED BY THE NATIONAL GUARD AND CIVIL DEFENSE. WHEN AVILA IS PRESENT IN SANTA TECLA, THE NATIONAL GUARD PROVIDES HIM WITH A SECURITY TEAM OF AT LEAST SIX MEN ARMED WITH AUTOMATIC WEAPONS.

2. AVILA, WHO IS OFFICIALLY SUBJECT TO ARREST IN EL SALVADOR FOR DESERTION, HAS BEEN AIDED IN ENTERING AND DEPARTING EL SALVADOR BY RIGHTIST SYMPATHIZERS IN THE IMMIGRATION SERVICE. WHILE IN EL SALVADOR, AVILA HAS MET WITH THE FOLLOWING INDIVIDUALS IN THE SANTA TECLA SAFEHOUSE: LIEUTENANT COLONEL ROBERTO ((STABEN)), EXECUTIVE OFFICER OF THE CAVALRY REGIMENT; MAJOR ENZO GUILLERMO ((RUBIO)), NATIONAL POLICE CHIEF IN SANTA ANA; LIEUTENANT COLONEL ARISTEDES ((MARQUEZ)), CHIEF OF THE INVESTIGATIONS SECTION OF THE NATIONAL POLICE; CAPTAIN RAFAEL ((LOPEZ)) DAVILA, CHIEF OF THE POLITICAL SECTION OF THE NATIONAL POLICE; CAPTAIN FRANCISCO ((MORAN)) RECINOS, A TREASURY POLICE OFFICER; LIEUTENANT COLONEL JOACQUIN ((ZACAPA)), EXECUTIVE OFFICER OF MILITARY DETACHMENT SIX;

AND LIEUTENANT COLONEL RENE EMILIO ((PONCE)), CHIEF OF THE MOTOR VEHICLES DEPARTMENT OF THE NATIONAL POLICE AND FORMER SUB-DIRECTOR OF THE TREASURY POLICE. ADDITIONALLY, AVILA HAS MET WITH LIEUTENANT RODOLFO ISIFRO ((LOPEZ)) SIBRIAN, ANOTHER ALLEGED CONSPIRATOR IN THE SHERATON KILLINGS; LIEUTENANT COLONEL MARIO DENIS ((MORAN)), SALVADORAN MILITARY ATTACHE TO PANAMA; AND ROBERTO ((D'AUBUISSON)), PRESIDENT OF THE NATIONALIST REPUBLICAN ALLIANCE (ARENA) AND PRESIDENT OF THE CONSTITUENT ASSEMBLY.

3. COMMENT; THERE IS SUBSTANTIAL SUPPORT FOR CAPTAIN AVILA WITHIN THE ARMED FORCES, ESPECIALLY AMONG RIGHTIST OFFICERS. IT IS UNLIKELY THAT AVILA WILL EVER BE ARRESTED IN EL SALVADOR AS LONG AS HE RETAINS THE SUPPORT OF D'AUBUISSON AND THE RIGHTIST MILITARY OFFICERS.)

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El Salvador: Human Rights
Special Project (1993)

AM: 0830298-0854

EMPLOYED BY SOME ELEMENTS OF THE ARMED FORCES.
END SUMMARY.
2. (U) MINISTER OF DEFENSE GEN. VIDES CASANOVA
TRANSMITTED A 31 PAGE GUIDE TO STANDARD OPERATING
PROCEDURES, "GUIA DE PROCEDIMIENTO OPERATIVO NORMAL EN
LAS OPERACIONES QUE REALIZA LA FUERZA ARMADA," WITH A
COVER LETTER DATED MAY 13, 1983 TO ALL UNIT COMMANDERS.
BRIEF OUTLINES OF THE SOP AND LETTER FOLLOW. (OAO
REPORTING IN DETAIL) COPIES POUCHED TO ANA/CEN.)

3. (U) GEN. VIDES' MAY 13 LETTER FORWARDING THE SOP
INSTRUCTS COMMANDERS TO MAKE ITS CONTENTS KNOWN IN AN
"INTENSE MANNER" TO ALL MEMBERS OF THE ARMED FORCES AND
SECURITY FORCES. HE RECALLS HIS MAY 7 ESCUELA MILITAR
SPEECH IN WHICH HE STATED THAT IT IS THE DUTY OF ALL
OFFICERS AND SOLDIERS TO RESPECT HUMAN RIGHTS. "SOLDIERS
ARE NOT JUST TO PROTECT, BUT TO PROMOTE HUMAN RIGHTS."
HE ALSO SAYS THAT IT IS NECESSARY FOR THE ARMED FORCES TO
"ADJUST ITS CONDUCT" ACCORDINGLY, BECAUSE ONLY BY
"CHANGING ATTITUDES" WILL THE ARMED FORCES HELP ITSELF
DO BETTER IN THE "STRUGGLE AGAINST MARXIST-TERRORIST
AGGRESSION." THE LETTER ALSO STATES THAT VIOLATIONS OF
HUMAN RIGHTS ARE TO BE INVESTIGATED USING PRINCIPLES OF
"TRUTH AND HONESTY," AND THAT VIOLATORS ARE TO BE
SUBJECTED TO MILITARY LAW WHEN APPROPRIATE. VIDES SAYS,
"I HOPE TO FIND AS MUCH UNDERSTANDING AS POSSIBLE
CONCERNING THIS MATTER."

4. (U) THE 31 PAGE SOP ITSELF IS AN ELABORATE CODE OF
CONDUCT BASED ON RESPECT FOR HUMAN RIGHTS. IT INCLUDES
SECTIONS ON THE FOLLOWING TOPICS: PRUDENT USE OF FORCE;
DEFENSIVE USE OF FIREARMS; RESPECT FOR CIVILIAN POPULATION

PAGE 03 SAN SA 04606 2513522

AND PROPERTY; CORRECT TREATMENT OF PRISONERS; PROCEDURES
FOR CAPTURE, INTERROGATION, AND RELEASE; RESPECT FOR
AMNESTY RECIPIENTS; INVESTIGATION OF HUMAN RIGHTS
VIOLATIONS; COOPERATION WITH THE ICRC, AND APPLICATION
OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.
5. (C) COMMENT: GEN. VIDES CASANOVA HAS TAKEN A
BIG STEP BY PUTTING HIMSELF ON THE RECORD FAVORING
HUMAN RIGHTS. THE SOP IS A SOPHISTICATED APPLIED
HUMAN RIGHTS MANUAL. THE PRINCIPAL AUTHOR IS
COL. LOPEZ NUILA, DIRECTOR OF THE NATIONAL POLICE.

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FROM AAA-16

TO: OCT-89 COPY-01 ADS-00 AID-02 INR-10 SS-10 C
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013492 MAY 83
AMEMBASSY SAN SALVADOR
SECSTATE WASHDC 6712
TO AMEMBASSY BOGOTA
EMBASSY CARACAS
EMBASSY GUATEMALA
EMBASSY MEXICO
EMBASSY SAN JOSE
EMBASSY TEJUCIGALPA
INCSO QUARRY HTS PM

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SAN SALVADOR 04606

0. 12356: DECL 5/24/89
23: PINS, PGOY, ES, SHUN
SUBJECT: DEFENSE MINISTER ISSUES HUMAN RIGHTS FOR
ARMED FORCES

(C) SUMMARY: MINISTER OF DEFENSE GEN. VIDES
CASANOVA TRANSMITTED A HUMAN RIGHTS STANDARD OPERATING
PROCEDURES WITH A COVER LETTER DATED MAY 13, 1983,
ALL UNIT COMMANDERS. THE LETTER INSTRUCTS
COMMANDERS TO MAKE ITS CONTENTS KNOWN TO ALL MEMBERS
THE ARMED FORCES AND SECURITY FORCES. THE DOCUMENT
A SOPHISTICATED APPLIED HUMAN RIGHTS MANUAL. IT
IS BEEN IN USE AT THE NATIONAL POLICE FOR TWO YEARS.
TH MIXED RESULTS. HOW IT IS RECEIVED AND ACTED
ON REMAINS TO BE SEEN. VIDES' WILLINGNESS TO
SENT HIS AUTHORITY AND CREATE EXAMPLES OF SOME
HUMAN RIGHTS VIOLATIONS COULD MAKE SIGNIFICANT
PROGRESS IN THE SOMETIMES DEPLORABLE AND COUNTER-

GE 02 SAN SA 04606 2513522

OBJECTIVE STANDARD OPERATING PROCEDURES CURRENTLY

Department of State IR/PCO/CDR in Salvador SP Date 7/24/92
Declassified under EO 12356 (X) in full () in part;
portions withheld: () () () () () () () ()
law enforcement () () () () () () () ()
not relevant to IR Salvador () () () () () () () ()

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Special Project (1993)

THE DOCUMENT HAS BEEN A STANDING ORDER THERE FOR TWO YEARS, AND ALL INCOMING AGENTS RECEIVE A CLASS BASED ON IT. RESULTS IN THE NATIONAL POLICE HAVE BEEN MIXED. WITHOUT QUESTION, COL. LOPEZ MULLA HAS MADE A STRONG EFFORT TO CLEAN UP HIS INSTITUTION, BUT AT THE SAME TIME SOME ABUSES CONTINUE. GEN. VIDES CASANOVA MAY HAVE ALLOWED HIS EXPECTATIONS TO BE REFLECTED IN THE GENTLEMANLY LETTER TRANSMITTING THE SOP TO COMMANDERS. ITS LANGUAGE IS NOT THAT OF A DIRECT ORDER, BUT RATHER OF A PLEA FOR UNDERSTANDING AND AN URGING FOR COMPLIANCE. HOW IT IS RECEIVED AND ACTED UPON REMAINS TO BE SEEN. VIDES' WILLINGNESS TO ASSERT HIS AUTHORITY AND CREATE SOME EXAMPLES OF VIOLATORS COULD MAKE A SIGNIFICANT IMPROVEMENT IN THE SOMETIMES DEPLORABLE AND COUNTERPRODUCTIVE STANDARD OPERATING PROCEDURES CURRENTLY EMPLOYED BY SOME ELEMENTS OF THE ARMED FORCES. HINTON

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Department of State IS/FPO/CNR El Salvador SP Date 9/23/93
Declassified under E.O. 12858 () in full; () in part;
portions withheld: classified (); deliberative ();
law enforcement (); privacy (); statutory ();
not relevant to El Salvador ().

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Special Project (1993)
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Department of State

TELEGRAM

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AGE 01 SAN SA 00140 01 OF 02 0910202
SECTION 55-25

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1 AMEMBASSY SAN SALVADOR
2 SECSTATE WASHDC IMMEDIATE 7114
INFO AMEMBASSY LAGOS

SECTION 01

EDIS

1005 FOR AMBASSADOR PICKERING

NO. 123561 DECL: 06/07/93

AGS: ES, PMS

SUBJECT: COL. CARRANZA ON HIS PLANS FOR THE TREASURY
POLICE

C - ENTIRE TEXT.

2. COL. NICOLAS CARRANZA, THE NEWLY APPOINTED DIRECTOR OF THE TREASURY POLICE, AND I ENGAGED IN PRIVATE CONVERSATION FOR OVER AN HOUR ON THE MARGINS OF A RECEPTION AT THE DATT'S RESIDENCE JUNE 7. AMBASSADOR HIXTON HAD TALKED WITH CARRANZA THE PREVIOUS WEEK AT THE SAME LOCATION AND CLEARLY HAD AN IMPACT ON THE COLONEL. CARRANZA SAID THAT THE AMBASSADOR HAD OUTLINED TO HIM IN THE MOST SPECIFIC AND GRAPHIC TERMS THE DAMAGE THAT THE ACTIVITIES AND IMAGE OF THE TREASURY POLICE WERE CAUSING TO EL SALVADOR. CARRANZA SAID HE RECOGNIZED THE URGENT NEED FOR CHANGE. I TOLD CARRANZA HE RECOGNIZED THE URGENCY OF THE TASK AHEAD OF HIM AND THAT OUR RELATIONS WITH THE LEADERSHIP OF THE TREASURY POLICE NECESSARILY HAD BEEN DISTANT IN THE PAST. WE WERE PREPARING TO RESUME A MORE NORMAL RELATIONSHIP SO LONG AS NEW ABUSES OF AUTHORITY AND

EMBARRASSMENT TO OUR MISSION AND OUR GOVERNMENT. COL. CARRANZA WAS KNOWN AS A STRONG LEADER AND MANY CLAIMED THAT THE TREASURY POLICE HAD THE MOST EFFECTIVE INTELLIGENCE NETWORK IN THE COUNTRY. WE WOULD BE LOOKING TO SEE IF THIS COMBINATION COULD NOT HELP TO BRING VIOLENCE FROM ALL SOURCES AGAINST CIVILIANS UNDER CONTROL. NOTHING WOULD BE MORE HELPFUL TO OUR EFFORTS AND SUPPORT OF EL SALVADOR DURING THE DELICATE PERIOD IN WHICH APPROPRIATIONS WERE BEING DISCUSSED AND THE NEXT CERTIFICATION PREPARED THAN A DRAMATIC DOWNTURN IN VIOLENCE AGAINST CIVILIANS AND THE CONDEMNATION OF THOSE RESPONSIBLE FOR THESE CRIMES.

3. COL. CARRANZA WAS CANDID IN ADMITTING THAT THERE WERE ABUSES WITHIN THE TREASURY POLICE THOUGH HE ALLOWED THAT THEY MAY NOT BE MUCH WORSE THAN THOSE EXISTING WITHIN THE OTHER SECURITY FORCES. HE OUTLINED THE CAUSES AND HIS PROPOSED SOLUTIONS AS FOLLOWS:

A) LACK OF OFFICERS, PARTICULARLY REGULAR MILITARY OFFICERS.

-- CARRANZA HOPES TO OBTAIN AT LEAST ONE-HALF DOZEN REGULAR ARMY OFFICERS IMMEDIATELY TO ASSIST IN CONTROLLING HIS FORCES.

B) LACK OF TRAINING.

-- RECOGNIZING THAT U.S. LAW PROHIBITS OUR ASSISTANCE TO THE TREASURY POLICE, CARRANZA IS ATTEMPTING TO OBTAIN INCORPORATION WITHIN ITS RANKS OF ENLISTED MEN WHO HAVE RECEIVED REGULAR MILITARY TRAINING IN THE CAJAGONES

PAGE 02 SAN SA 00140 01 OF 02 0910202

BATTALIONS. HE ALSO SEEKS TO PLACE AS MANY OF HIS PEOPLE AS POSSIBLE IN TRAINING PROGRAMS IN OTHER COUNTRIES.

C) SOLENESS.

-- CARRANZA IS MOVING SOME OF THE TREASURY POLICE INTO CONFLICTIVE AREAS TO ENGAGE IN DIRECT MILITARY ACTIVITIES AGAINST THE SUBVERSIVES BOTH BECAUSE HE BELIEVES THEY CAN BE EFFECTIVE THERE AND BECAUSE IT WILL CUT DOWN ON THE TOTAL AMOUNT OF FREE TIME AVAILABLE TO THE TREASURY

PAGE 02 SAN SA 00140 01 OF 02 0910202

ACTIVITIES OF THE TREASURY POLICE DID NOT BECOME AN

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POLICE TO ENGAGE IN OUTSIDE ILLEGAL ACTIVITIES.

D) LACK OF EQUIPMENT.

-- CARRANZA NOTED THAT THE TREASURY POLICE HAVE NO CRIMINAL LABORATORY, NO LIE DETECTORS, NO FINGERPRINTING CAPABILITY AND NO TRAINING IN INVESTIGATORY TECHNIQUES. THEY HAVE COME TO RELY ON TORTURE TO ACHIEVE THEIR OBJECTIVES. IT WILL BE HIS RESPONSIBILITY TO OBTAIN FOR THEM THE WHATEVER TO DEVELOP THE TECHNIQUES WHICH BOTH RESPECT THE INTEGRITY OF THE PERSON AND ARE ULTIMATELY MORE EFFECTIVE IN GAINING INFORMATION AND COOPERATION.

E) LEADERSHIP.

-- CARRANZA SAYS HE HAS ALREADY LECTURED THE OFFICERS AND MEN OF THE TREASURY POLICE ON THE EFFECT OF THEIR ACTIVITIES ON THE NATIONAL INTEREST OF EL SALVADOR. HE HAS THE LINES THAT AMBASSADOR HINTON EXPRESSED THIS CONCERN TO HIM. HE EXPECTS TO CONTINUE TO MOVE IN THIS DIRECTION.

PAGE 01 SAN SA 03140 02 OF 02 0010202
ACTION 55-25

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AMEMBASSY BRUSSELS
AMEMBASSY CARACAS
AMEMBASSY GUATEMALA
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AMEMBASSY SAN JOSE
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USMISSION GENEVA

SECTION 02 OF 02 SAN SALVADOR 03140

EXDIS
4. COMMENT. WE HAVE SHOWN ACCUSTOMED TO SALVADORAN OFFICIALS TELLING US WHAT WE WANT TO HEAR AND THEN CONTINUING WITH BUSINESS AS USUAL. GIVEN CARRANZA'S BACKGROUND IT IS UNLIKELY HE IS PREPARED TO CHANGE PROFOUNDLY THE WAY THAT THE TREASURY POLICE ACT. NONETHELESS, HE IS AMBITIOUS. HE IS ON NOTICE THAT THE U.S. WILL CONSIDER HIM ACCOUNTABLE FOR THE ACTIVITIES OF THE TREASURY POLICE. HE ADMITS BOTH TO THE BAD REPUTATION OF THE TREASURY POLICE AND TO THE REASONS FOR SUCH A REPUTATION. HE HAS OUTLINED A PROGRAM TO DO SOMETHING ABOUT THEM. SOME IMPROVEMENT MAY BE POSSIBLE. CLEARLEY

NOTE BY OC/T: HEADINGS DIFFER ON SECTIONS ONE AND TWO. CONFIRMATION REQUESTED...

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EXDIS REVIEW

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Reviewed by:	Elijah Kelly Jr.
Date:	7-27-93 19

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El Salvador Human Rights
Special Project (1993)

United States Department of State

Washington, D. C. 20520 317484



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BRIEFING MEMORANDUM

S/S CH 6/6

JUN 6 1983
MR. DAM HAS SEEN

TO: The Deputy Secretary
FROM: ARA - Tom Enders
SUBJECT: Your Meeting with Ambassador to El Salvador,
Deane R. Hinton, 3:00 PM, Wednesday, June 8.

Deane will be sharing with you his impressions of the military situation, internal alignments within the officer corps, the reforms and human rights situations and the outlook for the November elections.

The military situation remains stalemated. However, the guerrillas have made some significant gains in the eastern part of the country where they have almost succeeded in bringing the agriculturally-based economy to a standstill. In response, government forces have shown some improvement in the use of small-unit tactics and are putting the final touches on an ambitious campaign to definitively clear the key agricultural "breadbasket" of the country of guerrillas. The campaign will begin June 10.

General Eugenio Vides Casanova has recently been appointed Minister of Defense. Key personnel dismissals have been slow in coming and when replacements have been made, they have been with less than effective officers. The new MOD has not yet publicly endorsed the reforms, which in a Salvadoran milieu makes further progress somewhat tenuous. In addition, there has been a recent spate of terrorist activity by the ultra-right, including the murders in May of seven ex-political prisoners released in February before the official amnesty began.

During the visit of the Pope to El Salvador in March, President Magana publicly committed the GOES to holding elections in November of this year. The Ambassador will be sharing with you his current impressions of the race and also the status of the government's invitation to the armed left to participate.

Attachment:
Biographic data.

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Department of State IS/PIC/OPS
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portions withheld classified (X) in part (1) in part
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DEPARTMENT OF STATE

BRIEFING PAPER

UNCLASSIFIED

HUMAN RIGHTS

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El Salvador: Human Rights
Special Project (1993)

In March 1983 the Government of El Salvador announced that national elections, previously scheduled to be held by March 1984, would be held by the end of 1983. These elections will again give the Salvadoran people the opportunity to participate in a democratic process, and will choose El Salvador's next president.

Another positive human rights development in the past several months was the declaration of an amnesty by the Government of El Salvador on May 16, 1983. In addition to establishing the conditions under which Salvadoran guerrillas could turn themselves in to the Government the amnesty allowed the Salvadoran Government to release several hundred political prisoners, including the eight MNR/FDR political and labor leaders arrested in October, 1982.

Otherwise there has been little significant change in the human rights situation in El Salvador in recent months. The number of civilian deaths attributable to political violence has declined from an average of 160 per month during the last six months of 1982 to 186 per month during the first four months of 1983, but the figures are still significantly below the levels of 1981 and early 1982.

The Human Rights Commission established by the Salvadoran Government began operations in early 1983. According to Commission members they have been successful in locating and obtaining the release from Salvadoran security forces of several individuals. The Commission also investigated the killing of 18 Indians at Las Hojas and presented its findings to President Magana and the Ministry of Defense. Overall, however, the Commission has had a slow beginning. It has not been receiving sufficient cooperation and support from senior officials of the Salvadoran Government and from some elements of the Salvadoran security forces, particularly the Treasury Police, which has a reputation as a serious human rights violator.

There has also been little action to bring to justice those responsible for abuses committed by Salvadoran security forces in recent months. The Army personnel responsible for the deaths of 12 young men in Santa Elena in November, 1982, have not been identified. Five civil defense personnel have been "arrested" for the deaths of eleven campesinos in La Florida in November, 1982, but their "detention" is very informal. One Army officer was placed under house arrest in April for the killing of 18 ethnic Indians in Las Hojas, but no action has yet begun to prosecute him.

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June 9, 1983

DECL:OADR

Department of State IS/EPC/CDR El Salvador SP Date 7/7/83
Declassified under EO 12386 (X) in full; () in part;
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law enforcement (); privacy (), statutory ();
not relevant to El Salvador ().

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FILE. EL SALVADOR
MURDER CASES

C O N F I D E N T I A L

TO: DCM
FROM: GORDON F. ELLISON
RE: -GENERAL EUGENIO VIDES CASANOVA
SHERATON HOTEL MURDER INQUIRY

July 5, 1983

RELEASE

R

With reference to our conversation on June 30, 1983

I have compiled the following observations relative to the cooperation of General Vides Casanova with our investigative efforts:

1. As Director General of the National Guard, Vides had both jurisdiction and capability to conduct a full investigation into the murder of the church women and the labor leaders. His responsibility became even greater when it was known that officers under his command were apparently responsible for both incidents. He clearly demonstrated his leadership and interest in both cases by waiting for written orders from the Minister of Defense before taking any action in either case. In neither case has he convincingly given his moral or professional support in public.
2. After the elections in March, 1982, both President Magaña and General Garcia reaffirmed the need to pursue the Sheraton and church women cases. Vides was silent - non committal. He did not take any initiative to reconstitute the investigative commission for the Sheraton inquiry. He waited for written orders from the Minister of Defense to proceed.
3. Vides orally advised Major Medrano to form his group and carry out the inquiry but declined to give him any written instructions or authority. Efforts by Medrano to get a written authorization were unsuccessful and he complained to me and to William Brownfield that he felt abandoned and potentially a sacrificial lamb. Medrano felt that without written orders and the total support of his Commanding Officer, work would be difficult, particularly when it came to getting the cooperation of National Guard officers. He again asked Vides for

C O N F I D E N T I A L

C O N F I D E N T I A L

help and was reassured but got nothing in writing. Medrano initiated his inquiry very gingerly. He asked for assistance in getting help from the National Police - particularly Det. Julio Lainez who had worked with him in the church women inquiry. Help was given but again no written orders. Subsequently Medrano wanted help in finding an appropriate place to carry out the investigation. Again he was left to his own devices and had no orders to show the Sheraton Hotel to support his claim that he needed access to staff and a place to work.

4. When the investigative report was finished Vides was reluctant to receive it and refused to forward the report directly to the court. He referred it instead to the Minister ^{of} Defense. His failure to take decisive action created unnecessary judicial error by delaying the appearance of the subjects in court.

5. Vides did not take an aggressive and supportive position when junior officers complained about the investigation in general and the activities of Major Medrano in particular.

6. Vides was not supportive in requiring that Lt. Lopez be kept in custody or even under close house arrest. General Garcia seemed helpful but without the full support of Vides, the Lopez issue got out of hand.

7. During the course of my interview with Captain Avila and witnessed by Special Agent (b) (7)(C) Avila stated that Lt. Lopez had told Vides on or about January 4, 1981 that he was responsible for the Sheraton killings. Vides was apparently sympathetic and assured Lopez he had done the right thing in getting rid of Viera.

8. Avila was not called to testify against Lopez and in fact, disappeared for several months. He was declared a deserter and while we cannot confirm the fact, Ambassador Hinton was told that a world wide Interpol alert had been sent out on Avila. On one occasion, Vides told me that he was aware of Avila's desertion status.

C O N F I D E N T I A L

9. Vides was told that Avila had been seen in San Salvador on March 25, 1983. He apparently took no action to investigate or locate.

10. Avila apparently resided in Santa Tecla for two or more months (April-May, 1983) and circulated freely in the community. His residence was adjacent to National Guard headquarters there and in front of the National Police office. He left this location rather suddenly.

11. If it were possible to prove that Vides knew of Avila's presence in El Salvador and failed to take appropriate action to cause his court marshal and provide to the court his testimony in the Sheraton case, any prudent person could be persuaded of his duplicity.

12. It may not be possible to successfully prosecute the Sheraton case, even with the total cooperation of Vides. Without his cooperation, however, failure is a virtual certainty.

C O N F I D E N T I A L

AA

051940Z JUL 83

COUNTRY: EL SALVADOR

SUBJ: BELIEF AMONG CHRISTIAN DEMOCRATIC PARTY (PDC) LEADERS
THAT THE SALVADORAN RIGHT IS INCREASING ITS INFLUENCE
IN THE ARMED FORCES

DOI: LATE JUNE 1983

SOURCE:

[REDACTED]

1. DURING A 16 JUNE 1983 MEETING OF THE FOURTEEN CHRISTIAN DEMOCRATIC PARTY (PDC) DEPARTMENTAL SECRETARY GENERALS, THE PDC OFFICIALS EXPRESSED UNANIMOUS CONCERN THAT THE SALVADORAN EXTREME RIGHT HAS INCREASED ITS INFLUENCE IN THE ARMED FORCES SINCE THE APPOINTMENT OF GENERAL CARLOS EUGENIO ((VIDES)) CASANOVA AS MINISTER OF DEFENSE. JULIO ((REY)) PRENDES, THE PDC NATIONAL SECRETARY GENERAL, AND ROBERTO ((SERRANO)) ALFARO, PDC SECRETARY GENERAL FOR CHALATENANGO DEPARTMENT, WERE ESPECIALLY OUTSPOKEN AND PESSIMISTIC ABOUT RIGHTIST STRENGTH IN THE ARMED FORCES.

2. THE PDC LEADERS BASED THEIR ASSESSMENT OF INCREASING RIGHTIST INFLUENCE ON A NUMBER OF INCIDENTS WHICH HAVE OCCURED SINCE VIDES TOOK OFFICE. THESE INSTANCES INCLUDE THE RETURN OF LIEUTENANT COLONEL MARIO DENIS ((MORAN)) TO EL SALVADOR FROM PANAMA AND VIDES' FAILURE TO REMOVE COLONEL ELMER ((GONZALEZ)) ARAUJO FROM HIS POSITION AS CDMHMANDER OF SONSONATE DEPARTMENT DESPITE STRONG EVIDENCE IMPLICATING HIM IN ATROCITIES AGAINST PEASANTS IN THE DEPARTMENT. ADDITIONALLY, THE PDC LEADERS NOTED THAT VIDES HAD REMOVED RIGHTIST COLONEL ANTONIO FRANCISCO ((MORAN)) FROM THE DIRECTORSHIP OF THE TREASURY POLICE ONLY TO REPLACE HIM WITH ANOTHER RIGHTIST, COLONEL NICOLAS ((CARRANZA)). DURING THE 16 JUNE MEETING, SERRANO DESCRIBED CARRANZA AS A CLOSE PERSONAL FRIEND OF ROBERTO ((D'AUBUISSON)), PRESIDENT OF THE NATIONALIST REPUBLICAN ALLIANCE (ARENA), AND SUGGESTED THAT

THE TREASURY POLICE WOULD CONTINUE TO BE A STRONGHOLD OF RIGHTIST EXTREMISTS.

3. THE PDC SECRETARY GENERALS ATTENDING THE 16 JUNE MEETING STATED THEIR CONVICTION THAT THE INCREASED RIGHTIST INFLUENCE WITHIN THE ARMED FORCES WILL ADVERSELY AFFECT THE PDC DURING THE NATIONAL ELECTIONS SLATED FOR LATE 1983. REY SUGGESTED THAT MINISTER OF DEFENSE VIDES FAVORED AN ARENA VICTORY AND WOULD USE THE ARMED FORCES TO INTIMIDATE PDC ACTIVISTS. THE FOURTEEN SECRETARY GENERALS AGREED TO ADDRESS THE PROBLEM OF RIGHTIST STRENGTH IN THE ARMED FORCES AGAIN IN AUGUST, AND, IF RIGHTIST STRENGTH APPEARS TO BE GROWING AT THAT TIME, THEY WILL URGE PDC PRESIDENTIAL CANDIDATE JOSE NAPOLEON ((DUARTE)) TO PUBLICLY DECLARE THAT THE ARMED FORCES IS JEOPARDIZING FREE ELECTIONS. THE SECRETARY GENERALS MAY ALSO URGE DUARTE TO WITHDRAW THE PDC FROM THE NATIONAL ELECTIONS IF A CAMPAIGN OF VIOLENCE DEVELOPS AGAINST THE PDC. (REDACTED) COMMENT: IF THE PDC WITHDRAWS FROM THE NATIONAL ELECTIONS, THE ELECTIONS WILL BE WIDELY REGARDED AS INVALID. MOST PDC LEADERS BELIEVE THAT A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CAMPAIGN OF VIOLENCE OR INTIMIDATION AGAINST THE PDC CAN ONLY
TAKE PLCAE WITH THE ACQUIESCENCE OF THE ARMED FORCES).

[REDACTED]

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Department of State IS/TFC/CDR El Salvador SP Data 9/21/93

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 0161

C O N F I D E N T I A L SAN SALVADOR 06697

EXDIS

E. O. 12356: DECL OADR

CLASS: SHUN, PGOY, ES

SUBJECT: CHURCHWOMEN, SHERATON, AND LAS HOJAS MURDER CASES

REF: SAN SALVADOR 6630 (EXDIS)

1. C. ENTIRE TEXT.

2. FOLLOWING UP ON MY JULY 23 CONVERSATION WITH DEFEN
GEN. VIDES CASANOVA, POLICEMEN DELIVERED TO GEN. VIDES THE
FOLLOWING LIST OF CONCRETE ACTIONS HE COULD TAKE TO ADVANCE
THE CHURCHWOMEN, LAS HOJAS, AND SHERATON MURDER CASES.
I AM ALSO PROVIDING A COPY OF THIS LIST TO PRESIDENT
MAGANA.

THE LAS HOJAS CASE:

A. TRANSFER THE MILITARY COMMANDER OF THE DEPARTMENT OF
SONSONATE, COL. ELMER GONZALEZ, AND CAPTAIN CARLOS
ALFONSO FIGUEROA-MORALES.

B. TAKE A PERSONAL INTEREST IN THE PROSECUTION OF THE
LAS HOJAS CASE.
CONFIDENTIAL
CONFIDENTIAL

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EXDIS REVIEW

- Cat. A - Sanction removed;
transferred to O/FADRC
Cat. B - Transferred to O/FADRC
with additional access
controlled by S/S
Cat. C - Caption and custody
retained by S/S

Reviewed by: Elijah Kelly Jr.

Date: 7/9/93 19

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CHARGE OF THE LAS HOJAS CASE.

D. REVIEW THE CIVIL DEFENSE UNITS IN THE AREA OF
LAS HOJAS AND DISCHARGE AND DISARM ANY MEMBERS OF THE
CIVIL DEFENSE THAT WERE INVOLVED IN THE MASSACRE.

SHERATON CASE:

A. ARREST CAPTAIN ROBERTO AYILA AYILA WHO, HE UNDERSTAND,
IS FREQUENTLY SEEN IN THE COUNTRY.

THE AMERICAN CHURCHWOMEN'S CASE:

A. ORDER THE TEMPORARY RETURN TO EL SALVADOR OF COL. PENA
ARBAIZA IN ORDER TO PERMIT JUDGE RAUDA AND THE ATTORNEY
GENERAL'S OFFICE TO INTERROGATE HIM ABOUT THE CASE OF
THE CHURCHWOMEN.

B. AUTHORIZE THE COMPARISON, BY THE NATIONAL POLICE, OF
THE FINGERPRINTS FOUND ON A THREATENING NOTE SENT IN 1989
TO THE CHURCHWOMEN IN CHALATENANGO WITH FINGERPRINTS OF
NATIONAL GUARD OFFICERS AND OTHER PERSONS THAT MIGHT HAVE
ORDERED THE DETENTION OF THE CHURCHWOMEN AT THE AIRPORT.
C. AUTHORIZE AND FACILITATE THE ACCESS OF THE NATIONAL
POLICE TO THE CHURCHWOMEN'S VEHICLE, APPARENTLY NOW UNDER
THE CONTROL OF THE MINISTER OF DEFENSE, IN ORDER TO PERMIT
THEM TO AGAIN TAKE COLINDRES ALENAN'S THUMBPRINT.

D. LOCATE THE FOLLOWING INDIVIDUALS:

-- SUBTENCIENTE RAFAEL ANTONIO CORNEJO
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 SAN SA 06697 2801372

-- TENIENTE DANIEL MAJIA RIVAS
-- CAPTAIN OSCAR ARMANDO CARRANZA
-- CABO MARGARITO PEREZ NIETO
-- ISABEL AGUIRO BIKOR
-- SALVADOR RIVERA FRANCO
-- JULIO CESAR YALLE ESPINOZA

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THEIR RE-INTERROGATION BY THE ATTORNEY GENERAL'S OFFICE
AND JUDGE RAUDA.

E. REQUEST AN INVESTIGATION TO DETERMINE THE NAMES OF THE
NATIONAL GUARDSMEN THAT WERE ON DUTY AT THE GUARD POST
OF ROSARIO DE LA PAZ ON THE AFTERNOON OF DECEMBER 2, 1980,
IN ORDER THAT THESE PERSONS BE INTERROGATED BY JUDGE
RAUDA AND THE ATTORNEY GENERAL'S OFFICE.

F. PROVIDE GUARANTEES SO THAT DAGOBERTO MARTINEZ, A
WITNESS IN THE CHURCHWOMEN CASE WHO NOW LIVES IN THE
UNITED STATES, WILL BE ADMITTED TO EL SALVADOR AND WILL BE
PERMITTED TO LEAVE ON THE SAME DAY WITHOUT HAVING TO
PRESENT A PASSPORT. THIS WITNESS WILL TESTIFY BEFORE
JUDGE RAUDA AND THE ATTORNEY GENERAL'S OFFICE IN THE
INTERNATIONAL AIRPORT AT COMALAPA.

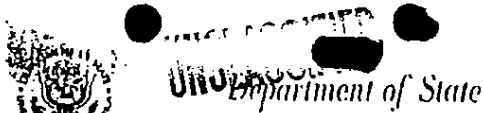
G. PROVIDE ADEQUATE SECURITY MEASURES FOR MARTINEZ
DURING HIS STAY IN EL SALVADOR.
BLEAKLEY

NOTE BY 06/71, UPGRADED TO EX015 PER SAN SALVADOR 6101

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PAGE 02 OF 04 SAN SA 06744 2019232

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AUTHORITY TO CONTINUE TO FOLLOW THROUGH ON THE JUDICIAL ASPECTS OF THE CASE AND THAT AT THE OPPORTUNE MOMENT COL. GONZALEZ ARAUJO WOULD BE TRANSFERRED.

4. THE PRESIDENT AND THE CHARGE EXPLORED THE CASE ONCE AGAIN DURING THE DISCUSSION OF THE CERTIFICATION FOLLOW-UP ON JULY 27 AND AGREED THAT THE CHARGE WOULD USE THE SECRETARY'S LETTER, THE TALKING POINTS, AND THE MISSION'S SPECIFIC ACTION LIST TO PRESS GENERAL VIDES CASANOYA FOR FURTHER ACTION.

5. MINISTER OF DEFENSE VIDES CASANOYA JOINED THE CHARGE FOR BREAKFAST JULY 27 TO REVIEW THE ISSUES RAISED IN THE SECRETARY'S LETTER TO PERCY AND O'NEILL. IN THE MEANTIME REF A HAD BEEN RECEIVED AND THE CHARGE MADE THE POINTS WITH REGARD TO AUTHORITY OF THE MINISTER. VIDES ARGUED THAT FINDINGS OF THE AMERICAN EMBASSY AND THE GOES HUMAN RIGHTS COMMISSION AND EVEN HIS OWN INVESTIGATORS NOTWITHSTANDING ANY GUILT IN THE LAS HOJAS MASSACRE NEEDED TO BE DETERMINED IN A COURT OF LAW. THE SALVADORAN OFFICER CORPS SIMPLY WOULD NOT ACCEPT THAT TRANSFERS AND OTHER DISCIPLINARY ACTION WOULD BE TAKEN WITHOUT A JUDICIAL BASIS FOR DOING SO. VIDES CASANOYA'S PLAN THEREFORE IS TO AWAIT ACTION BY THE JUDGE IN SONSONATE. THE CHARGE ASKED IF VIDES CASANOYA HONESTLY BELIEVED THERE WAS ANY HOPE WHATSOEVER THAT A JUDGE LIVING IN THE MILITARY JURISDICTION OF COL. GONZALEZ ARAUJO WOULD RENDER A DECISION AGAINST THE INTERESTS OF THE MILITARY COMMANDER. GENERAL VIDES CASANOYA REPLIED THAT HE WOULD NOT EXPECT THE JUDGE TO LET HIM DOWN BUT IN ANY EVENT WOULD NOT ACT SO RAPIDLY AS TO APPEAR TO BE PREEMPTING HIS DECISION. HE SAID HE UNDERSTOOD THE IMPORTANCE OF THE CASE AND RECOGNIZED THAT THE TRANS

FER AND/OR CHARGING AND ARREST OF OFFICIALS IN THE CASE COULD NOT BE DEFERRED MUCH LONGER. HE DID AGREE THAT AS

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0105

NOTIS REVIEW

- 1. A - Caption removed; transferred to O/FADRC
- 2. B - Transferred to O/FADRC with additional access controlled by S/S
- 3. C - Caption and custody retained by S/S

Reviewed by: Elijah Kelly Jr.

Date: 7/9/93 19

5 L E R E I SAN SALVADOR 06744

MODIS

E.O. 12356: DECL. OADR
TAGS: PGDT, SHUM, ES
SUBJECT: LAS HOJAS MASSACRE

REF (A) STATE 206193 (B) STATE 205409
(C) SAN SALVADOR 6630

1. C - ENTIRE TEXT.

2. CHARGE RAISED CASE OF LAS HOJAS WITH PRESIDENT MACANA JULY 21 PRIOR TO RECEIPT OF REFS A OR B1 AND JULY 22 SUBSEQUENT TO THE RECEIPT OF REF B. HE MET WITH MINISTER OF DEFENSE VIDES CASANOYA JULY 23 AND DISCUSSED BOTH REFS A AND B.

3. IN THE COURSE OF A THREE AND ONE-HALF HOUR DISCUSSION ON JULY 21 INVOLVING STATE VISITOR LUIGI EINAUDI, PRESIDENT MACANA LISTED IN DEPTH HIS PROBLEMS AND HIS SUCCESSES IN RECENTLY EXERCISING CIVILIAN AUTHORITY OVER THE MILITARY. THE LAS HOJAS CASE FIGURED PROMINENTLY IN THIS DISCUSSION AND HE REVEALED THAT AT ONE POINT HE HAD BEEN ARROUSED BY MILITARY OFFICERS IN THE MIDDLE OF THE NIGHT WHO OBJECTED TO HIS PLAN TO TAKE ACTION AGAINST CPT. FIGUEROA. NOTWITHSTANDING, HE INSISTED THAT MINISTER OF THE PRESIDENCY GUERRERO WOULD USE HIS PERSONAL

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PAGE 04 OF 04 SAN SA 86744 2819237
AN IMMEDIATE INTERIM STEP THE CIVIL DEFENSE PEOPLE
CHARGED IN THE CRIME WOULD BE SUBJECT TO EXTRA VIOLENCE
AND WOULD BE BARRED FROM ALL CIVIL DEFENSE ACTIVITIES
ESPECIALLY THE CARRYING OF WEAPONS.

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6. VIDES CASANOVA SAID HE RECOGNIZED THE CHARGE WOULD
NOT FIND HIS RESPONSE SATISFACTORY. HE HOPED THE CHARGE
UNDERSTOOD THE LIMITATIONS UNDER WHICH HE LABORS AS
DEFENSE MINISTER, AND PROMISED TO PURSUE THE CASE
ICOMMENT. FROB-312/02846-83. 22 JULY 1983 WOULD
INDICATE THAT, AT LEAST PRIOR TO THIS MEETING VIDES
HAD NO INTENTION OF TAKING ACTION ON THE LAS MOJAS
CASE. . PRESIDENT MAGANA, HOWEVER, CONTINUES TO PRESS
IT.)

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El Salvador

SALVADORAN DEFENSE MINISTER
VIDES CASANOVA
October 24, 1983

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Special Project (1993)

KEY OBJECTIVES

1. Express Administration's commitment to securing adequate security assistance for El Salvador.
2. Stress frankly the need for Vides to move against death squads and officers who commit abuses, and to provide protection to judge and jurors in churchwomen's case.
3. Seek views on status of the war.
4. Stress importance of presidential election and U.S. impartiality concerning candidates.

*Clearance
By COB
Please*

BEAR IN MIND

1. Some officers in the army and police forces are members of death squads.
2. Many officers oppose dialogue with left and the reforms.

ADDITIONAL OBJECTIVES

1. Inquire about military cooperation among Central American states.

DECL: OADR

Department of State IS/FPC/CDR El Salvador SP Date 9/17/97
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Special Project (1993)

TO: The Secretary

FROM: ARA - Tony Motley

SUBJECT: Your Meeting with Salvadoran Defense Minister Vides
Casanova, October 24, 1983 at 11:00 a.m.

I. YOUR OBJECTIVES

1. Express Administration's commitment to securing the resources to allow the GOES to conduct the war. (Talking points attached.)
2. Stress the need for Salvadoran assistance in keeping the aid flowing by strong action on human rights, eliminating the death squads, and the prosecution of those responsible for violations. (Talking points attached.)
3. Seek Vides' views on the status of the war. (Talking points attached.)
4. Highlight our support for free presidential elections and U.S. impartiality regarding the competing candidates. (Talking points attached.)
5. Inquire about military cooperation between El Salvador and its neighbors. (Talking points attached.)

II. SETTING

Your visit comes at a time of transition in El Salvador. With the debate over the provisions of the new constitution, the reform process which was initiated in 1979 is very much in the air. For the military, this is a time of continuing stress. The army, which was quite successful over the summer with the implementation of the National Campaign Plan, has been increasingly on the defensive in the east and responding to the guerrilla attacks rather than forestalling them through aggressive patrolling. The Peace Commission's contacts with the FDR/FMLN have created tensions within some elements of the officer corps. In addition there are longer term pressures created for the army by the war itself, the rapid expansion in the army and the officer corps, and threats to the institution of the army by our attempts to make the military hold officers responsible for actions against civilians and to remake the army into a modern counter-insurgency force.

Department of State IS/FPC/CDR El Salvador SP Date 9/17/83

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-3-

The Salvadoran military does not take as credible our threats to cut them off or even to reduce the level of aid as a result of the lack of progress in human rights. Vides returned from Magana's June trip to Washington saying that no one mentioned human rights to him. Their perception is that the Administration speaks with two voices concerning the human rights situation: State Department hectors them about human rights, while DOD and the White House, cognizant that the Salvadorans are fighting our war for us, act forcefully to increase funding levels and to send in the fleet.

It is important that you put an end to this misperception and tell Vides in no uncertain terms that we do not believe that the GOES can win the war unless they have the support of the population, that the U.S. will not support a solution which merely returns El Salvador to the status quo ante, and that we cannot guarantee further funding from Congress unless they take bold measures to place their own house in order.

III. PARTICIPANTS

U.S.

The Secretary

Assistant Secretary Motley

Thomas R. Pickering,
Ambassador to El Salvador
(Notetaker)

El Salvador

Defense Minister Vides
Casanova
(Phonetic: VEE dez)

IV. PRESS ARRANGEMENTS

(To be supplied when we finally get the scenarios from the Embassy.)

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Special Project (1993)

-4-

V. DISCUSSION OF OBJECTIVES

1. Express the Administration's commitment to secure the resources to allow the GOES to conduct the war.

Our military assistance request for El Salvador for FY-84 totals \$86.3. This amount is calculated to maintain the present level of activity by the Salvadoran Armed Forces (ESAF) and to continue to upgrade those forces through training, expansion, and increased mobility and fire power. (FYI: SOUTHCOM thinks that we need to provide \$235 million in military assistance in FY-84 and increase the number of U.S. trainers to 225.) This program is in trouble on the Hill. The first CR provides only \$64.8 million, and efforts are underway to cut this further in the second CR and to add restrictive language concerning the cases of the murdered American citizens and the land reform program.

In the past, the ESAF markedly decreased offensive ^{actions} and husbanded resources when funding from the U.S. was in doubt. This may in part explain the ESAF's defensive posture at present. Vides has stated that he sees his primary mission as preparing the ESAF for the day when the U.S. pulls out.

TALKING POINTS

- o Reassure Vides that the Administration is attempting to obtain the full funding of \$86.3 million for this fiscal year.
- o Explain that Congress has funded El Salvador until November 10 and is currently considering the funding level for the remainder of the year.
- o The Congress is considering measures which withhold 30 percent of the total amount until the GOES tries the defendants in both the churchwomen's and the AIFLD case. Other possible measures would tie funding to progress in agrarian reform.
- o Note that one reason for your trip is to use the occasion to make the case to the media against cuts in economic or military aid and against the provisions linking aid to specific steps taken by the GOES.

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Special Project (1993)

-5-

2. Stress the need for Salvadoran assistance in keeping the aid flowing by strong action on human rights, eliminating the death squads, and the prosecution of those responsible for violations.

There are specific actions which Vides could take which would enhance the Administration's position on the Hill by allowing many moderate Democrats and Republicans to support security assistance for El Salvador:

-- Many in the death squads are on active duty in the various branches of the security forces. In addition the security forces must have knowledge of many of their activities.

-- A captain wanted in the case of the murdered AIFLD labor advisors is in San Salvador and in contact with army officers, despite Vides' promises to take arrest him as a deserter.

-- We have evidence that a major in the Treasury Police tortured the suspect who confessed (wrongly, it turns out) in the Schaufelberger case.

-- No action has been taken, army officers involved in human rights abuses in the field, including at the Las Hojas cooperative where at least 18 innocent men were murdered by an army unit in February; the officer in charge has been given another command.

TALKING POINTS

- o Commend Vides on his personal actions to stress respecting the rights of non-combatants while in the field.
- o Explain that many in the Congress feel that they cannot support the Administration's policies in El Salvador because of human rights abuses. The human rights certification requirement is likely to be extended for another year.
- o Tell him that you personally must sign the certification and describe your hesitation and concerns in signing the July certification when there had been so little progress in controlling the actions of the military and in bringing to justice the murderers of the American citizens.

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-6-

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- o State that in January you do not wish to be confronted with a choice where there is such a fine line between progress and no progress. As a man of honor, you will not sign a fraudulent document.
- o As the ESAP cannot fight without adequate supplies, the battle for votes in the Congress cannot be fought unless the Salvadorans provide ammunition to counter the arguments of those who say we should walk away.
- o Stress that we know that there are specific steps Vides can take to make that battle easier. V
- o First and foremost he must move to break the death squads. Many of the members are in the security forces. With his elaborate intelligence network, he cannot fail to know who is doing what.
- o He can turn around the entire labor movement in the U.S. by arresting Lt. Lopez Sibrian and Captain Avila, who are both suspects in the AIFLD case. Captain Avila is regularly in San Salvador, and we both know it.
- o He can discipline officers involved in human rights violations, and this means more than simply a transfer to another unit as in the Las Hojas case. At Las Hojas there is ample evidence that an army unit killed innocent civilians yet nothing has happened. He must follow up on earlier incidents at La Florida and Santa Elena.
- o He can discipline the Treasury Police major who threatened an American correspondent and tortured a fraudulent confession out of a suspect in the Schaufelberger case.
- o Emphasize strongly that when Salvadoran soldiers are killed because they do not have adequate weapons or enough helicopters they have men like Lopez Sibrian to thank.
- o Ask Vides for his opinions on what can be done in these cases without destroying the military as an institution.
- o Inquire as to what ideas Vides has for providing protection for the jurors and judge in the churchwomen's case.

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-7-

3. Seek Vides' views on the status of the war.

There are many in the Salvadoran military who believe that as a result of the successes of the summer in implementing the National Campaign Plan a military victory can now be envisaged. Our view is that there remains a long, tough road ahead in upgrading the performance and professionalism of the ESAF and that a military victory is not in sight.

One of the successes of the summer was the amnesty program which was allowed to expire in mid-August. In many ways a combatant who surrenders hurts the guerrillas more than a battlefield casualty. We have in the past urged the ESAF to consider reinitiating the amnesty.

TALKING POINTS

- o Inquire how Vides views the current military situation.
- o Seek his assessment of the guerrilla plans for an offensive in San Vicente to reverse the successes of the summer. When will the National Campaign Plan be extended into Usulután Department?
- o What revisions are necessary in the Plan which was drafted almost a year ago?
- o What are the guerrilla capabilities? Are they expanding their forces? What are the main routes for infiltration of supplies to the guerrillas?
- o Ask if the U.S. training has emphasized the right priorities and if he would suggest any modifications.
- o Question Vides regarding plans for reinstituting an amnesty program.

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-8-

4. Highlight our support for free presidential elections and U.S. impartiality regarding the competing candidates.

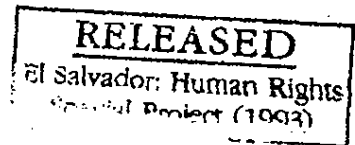
The military is the most powerful actor on the Salvadoran political scene. A military candidacy -- Vides for example -- is unlikely at this point. Most politicians believe that the army will try to influence the campesino vote, if not try to stuff the ballot boxes. The army could well reject elections results it dislikes. In any case the army is an imponderable in calculations concerning the election.

TALKING POINTS

- o Inquire how Vides perceives the upcoming electoral campaign. How does he envisage the role of the army during the election?
- o Stress that it is important that free and honest presidential elections be held as planned in early 1984.
- o Inform Vides that despite speculation to the contrary there is no U.S. candidate in the election. Emphasize that we would clearly have problems conducting business with anti-democratic elements who would not take strong action to end right-wing terror.

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-9-

5. Inquire about military cooperation between El Salvador and its neighbors.

There is increasing military cooperation among El Salvador, Honduras, and Guatemala, which is progressing despite traditional animosities. Honduras is allowing Salvadoran troops to be trained at the Regional Military Training Center (RMT) in Honduras, the Core Four countries recently met in Guatemala to reincarnate the moribund Council for Defense Cooperation (CONDECA), and El Salvador and Honduras are working with technical assistance from the U.S. to solve their long-standing territorial dispute.

TALKING POINTS

- o Congratulate Vides on the recent efforts at regional military cooperation. Does he believe that such efforts will intensify in the future?
- o Inquire if CONDECA, cooperation to resolve the border problem, and joint military operations in the border area have served to reduce the distrust between Honduras and El Salvador. We see the RMT as an unprecedented effort by the Hondurans.
- o Where does Vides see the recent decision to revive CONDECA leading?
- o On the border dispute, what steps can be taken to speed resolution before the matter ends up in the International Court of Justice? Would a meeting of the two presidents be of any assistance?

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9/17/93

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NOTES

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Salvador
Schaufelberger

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El Salvador: Human Rights
Project (1993)

MEMORANDUM

November 15, 1983

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TO: HA - Mr. Abrams

THRU: HA - Mr. Matthews *for - p. 2 notes Oct. 11 date*

FROM: HA/HR - James E. Thyden

SUBJECT: Arrest and Torture of Pedro Daniel Alvarado Rivera
In Connection With the Murder of Lt. Commander
Albert Schaufelberger

Attached are the most important documents that pertain to this case. The highlights are as follows:

May 25, 1983	Schaufelberger murdered.
August 25	Alvarado arrested by Treasury Police.
August 30	Treasury Police director Colonel Carranza shows Embassy Defense Attache a videotape in which Alvarado confesses to killing Schaufelberger.
September 1	Alvarado publicly pleads guilty to killing Schaufelberger.
September 4	Radio Farabundo Marti denies that Alvarado was involved in the Schaufelberger killing.
September 5	Embassy sends a cable with excerpts from the transcript of the GOES videotape and comments that the tape "raises more questions than it answers" and that Alvarado should be interviewed in depth.
September 21	Salvador desk officer Charles Shapiro notes on a cable of this date that SY believes that GOES has the wrong man and that, if Alvarado was involved in the killing, he himself did not shoot Schaufelberger.

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September 26

At request of GOES presiding judge, Colonel Montenegro Vasquez, Embassy asks Department to send examiners to give Alvarado a lie detector test.

October 5

Lie detector test administered.

October 6

In report of this date Embassy security officer states that on Oct. 5, Alvarado, when challenged by US personnel regarding discrepancies in his story, confessed to having lied about killing Schaufelberger. Alvarado said that although he admitted from the beginning that he was an FPL member (FPL literature was found on him at the time of his arrest) he was not involved in any way in the Schaufelberger murder. Alvarado said he confessed to stop the electric shock torture to which he was being subjected. Reporting officer states that burn marks were found on both ankles and wrists, his upper arms, chest, and back. Alvarado said he was also hung upside down by his ankles while he was struck with fists and bricks and subjected to electric shock torture. The polygraph test confirmed the above. Alvarado provided some information on the identity of his torturers, one of whom allegedly said that he forced Alvarado to confess because he wanted the reward money for himself and his subordinates.

This report was then hand-carried to SY.

The results of this lie detector test were conveyed to Judge Montenegro.

October 11

In a draft memo to the Secretary (cleared by EA) regarding a meeting with General Vides, ARA says that "we have evidence that a major in the Treasury Police tortured the suspect who confessed (wrongly, it turns out) in the Schaufelberger case". ARA has told us this sentence was deleted in the final draft of the memo to the Secretary.

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-3-

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There is nothing more up-to-date in the ARA/CEN files on the torture aspects of this case, and SY has told us that they have nothing more in their files. SY does think that there was some telephone communication on this case after October 6 between Salvador desk officer Charles Shapiro and the Embassy. Bob will check this out with Shapiro upon the latter's return to the Department on Thursday.

All of the cable traffic on this subject was "SY Channel", which means we would not know about it unless SY briefed us or ARA thought to tell us. Obviously that did not occur.

Attachments:

Relevant Cable Traffic.

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Department of State IS/FPG/ODR El Salvador SP Date 7/23/93
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TO SECSTATE WASHDC IMMEDIATE 1223
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

SECTION 01 OF

EXDIS

DEPT. PLEASE PASS TO USCINCSO QUARRY HEIGHTS PM

E.O. 12356: DECL: 12/6/89

TAGS: HCAP, PINS, SHUR, ES

SUBJECT: MINISTER OF DEFENSE TALKS TUGH ON DEATH SQUADS
HINTS AT ACTION

1. [REDACTED] ENTIRE TEXT.

2. SUMMARY. MOD VIDES CASANOVA LASHED OUT AGAINST
DEATH SQUADS IN REMARKS DELIVERED DURING AWARDS CEREMONY
FOR TWO DEPARTING U.S. DEFENSE ATTACHE REPRESENTATIVES
DECEMBER 2. IN A CLOSED DOOR MEETING WITH BRIGADE COM-
MANDERS THREE DAYS LATER, VIDES EXHORTED THEM TO BE
PREPARED TO "SACRIFICE" ANY FELLOW OFFICER INVOLVED IN
DEATH SQUAD ACTIVITY. VIDES REPORTEDLY WILL ASK
KISSINGER COMMISSION DECEMBER 9 FOR ASSISTANCE IN SETTING
UP A SPECIAL UNIT TO FIGHT THE SQUADS. END SUMMARY.

3. THE SPEECH: DURING CEREMONY HONORING DEPARTING GATT

PAGE 02

SAN SA 11351 01 OF 02 0723572

COL. JOHN CASH AND NAVAL ATTACHE LTC PHILLIP RAY (BOTH

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Reviewed by: Elijah Kelly Jr
8/2/93

RECEIVED THE GOLD MEDAL FOR DISTINGUISHED SERVICES).
ON DECEMBER 2, MOD VIDES CASANOVA DELIVERED THE TIGHTEST
SPEECH ON DEATH SQUADS MADE BY A GOES OFFICIAL TO DATE.
IN A SPIRITED DISCOURSE, VIDES DECLARED THAT "DEATH
SQUADS MUST DISAPPEAR ONCE AND FOR ALL, AS A SIGN OF
OUR DECISION TO FIGHT THEM AND OF OUR FAITH IN THE
DEMOCRATIC PROCESS." HE CONVEYED THE "FIRM DECISION OF
THE ARMED FORCES TO BRING UNDER THE CONTROL OF THE LAW
THE MEMBERS OF THESE TERRORIST BANDS, WHOEVER THEY ARE
AND WITHOUT REGARD TO THE MOTIVATIONS THEY USE TO
JUSTIFY THEIR ILLEGAL ACTIVITY." THE MOD STATED THAT
THERE CANNOT BE DEMOCRACY BY TERROR; THAT IF SALVADORANS
CHOOSE TO LIVE BY THE "LAW OF THE JUNGLE, WE WILL
POSSIBLY BURY DEMOCRACY AND SUCCEED AS A FREEDOM-LOVING
PEOPLE." VIDES VOWED TO FIGHT IN SUPPORT OF HIS BELIEFS
IN THIS REGARD, REGARDLESS OF THE PERSONAL PRICE HE MAY
HAVE TO PAY.

4. IN A MEETING WITH A MEMBER OF THE SALVADORAN ARMED
FORCES (ESAF) GENERAL STAFF ON DECEMBER 6, ENDOFF ASKED
ABOUT THE SIGNIFICANCE OF THE MOD'S REMARKS AND WHETHER
WE COULD EXPECT CONCRETE ACTIONS TO BE TAKEN BY THE
GOES AGAINST DEATH SQUADS. THE GENERAL STAFF OFFICER
REPLIED THAT THE MOD HAD MEANT WHAT HE HAD SAID AND
HAD ALREADY UNDERTAKEN CERTAIN ACTIONS. THE OFFICER
SAID THAT VIDES HAD CALLED IN BRIGADE COMMANDERS FROM
THE EASTERN AND CENTRAL PARTS OF THE COUNTRY ON DECEMBER 5
TO REINFORCE HIS MESSAGE ON DEATH SQUADS. VIDES
REPORTEDLY SAID THAT THE TIME HAD COME FOR THE ESAF TO
"SACRIFICE" ANY OFFICER CONNECTED WITH DEATH SQUAD
ACTIVITY, MEANING THAT DISCIPLINARY AND JUDICIAL SANCTIONS
WOULD BE TAKEN AGAINST THOSE FOUND TO BE INVOLVED WITH

PAGE 03

SAN SA 11351 01 OF 02 0723572

THESE EXTRALEGAL TERRORIST ACTIONS.

5. THE GENERAL STAFF OFFICER (PROJECT) ALSO STATED IN
CONFIDENCE THAT VIDES, IN HIS UPCOMING MEETING WITH THE
KISSINGER COMMISSION IN WASHINGTON DECEMBER 9, WILL
PROPOSE THAT THE U.S. ASSIST THE GOES IN SETTING UP A
SPECIAL UNIT TO FIGHT DEATH SQUADS. SPECIFICALLY, VIDES
WILL ASK THAT TECHNICAL ASSISTANCE, RESOURCES AND
EQUIPMENT BE MADE AVAILABLE TO ALLOW THIS UNIT TO
INVESTIGATE AND DEVELOP EVIDENCE FOR USE IN TRIALS OF

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PERSONS ASSOCIATED WITH THE SQUADS. THE OFFICER ASKED THAT, GIVEN THE SENSITIVITY OF THIS ISSUE, THE JSS HOLD CLOSELY THE HOD'S PROPOSAL AND REQUEST TO BE MADE BEFORE THE COMMISSION. THE OFFICER, WHO WILL ACCOMPANY VIDES (THEY DEPART DECEMBER 11) SAID THEY WILL RETURN ON DECEMBER 14, ALLOWING THE HOD ONLY A BRIEF TIME TO PREPARE FOR HIS MEETING WITH VICE PRESIDENT BUSH THE FOLLOWING DAY.

6. COMMENT: VIDES' DECEMBER 2ND REMARKS REPRESENT A STEP FORWARD IN THE DEVELOPMENT OF AN ESAF COMMITMENT TO TAKE ON THE DEATH SQUADS. IN THE PAST, THE HOD HAS LAMBASTED RIGHTIST VIOLENCE, BUT HAS CAREFULLY STAYED AWAY FROM SUGGESTING THAT THE ESAF MOVE TO END IT. HE HAD, THEREFORE, THE MAKINGS OF A DECISION TO MOVE FROM RHETORIC TO ACTION. VIDES HAS HIS WORK CUT OUT FOR HIM. HE WILL NEED TO PACKAGE HIS PROPOSED ACTIONS AGAINST DEATH SQUADS IN A WAY ACCEPTABLE TO KEY ESAF COMMANDERS, SUCH AS FAS COMMANDER BUSTILLO AND TREASURY POLICE CHIEF CARRANZA. HE WILL ALSO NEED THE SUPPORT OF NEW CHIEF OF STAFF BLANCON, WITHOUT THEIR BACKING.

NOTE BY OC/T: NOT PASSED USCINCSO.

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ACTION 55-25

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SECTION 12 OF 12 SAN SA 11381 42

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E.O. 12958: DEC. 1 12-6-89
TAGS: MCP, PINS, S.M., ES
SUBJECT: MINISTER OF DEFENSE TAKES TOUGH ON DEATH SQUADS

VIDES WILL BE LEFT WITH FEELINGLY PLANTED IN HIS MIND, HAVING SUCCEEDED ONLY IN STARTING UP A DEADLY "GANG" NEXT IN THE DEATH SQUAD COMMUNITY. WE CAN EXPECT VIDES ALSO TO LOCK OUR WAY IN hopes of getting the APPROVING NCDS HE NEEDS TO PROCEED. THE INVESTIGATIVE "IN" IS AN IDEA WHICH WE HAVE PREVIOUSLY SPOKEN WITH VIDES ABOUT. OUR SUPPORT FOR HIM IN THIS ENDEAVOR WILL BE ESSENTIAL FOR ITS SUCCESS. PICKERING

NOTE BY OC/T: NOT PASSED USCINCSO.

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- () A - Caption removed; transferred to O/FADRC
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Reviewed by: Elijah Kelly Jr.

Date: 9/2/93 19

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PAGE 02 OF 04 SAN SA 11513 01 OF 02 1301532 CDS/14 003185
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PAGE 03 OF 04 SAN SA 11513 01 OF 02 1301532 CDS/14 003185

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EXCISE

SECTION 01 OF 02 SAN SALVADOR

MODIS

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FOR THE SECRETARY AND ASST SECT MOILEY ONLY
FROM PICKERING

E.O. 12356: DECL, OADR
TAGS: PREL, MILI, ES, US

SUBJECT: EARLY ASSESSMENT, VICE PRESIDENT VISIT

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Cat. A - Caption removed:
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Cat. B - Transferred to [REDACTED]
with additional access
controlled by S/S
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Revised: [REDACTED] 8/30/93

1. [REDACTED] ENTIRE TEXT.

2. SUMMARY: BY ANY LIGHTS VICE PRESIDENT'S VISIT
HERE YESTERDAY WAS A SUCCESS. HIS PRESENTATION OF
OUR TOUGH POSITION ON ESSENTIAL CHANGES REQUIRED,
ESPECIALLY TO THE KEY COMANDANTES, COULD NOT HAVE
BEEN BETTER. PRESIDENT MAGANA HAS TOLD US THEIR
REACTION HAS BEEN GOOD AND HE AND VIDES CASANOVA PLAN
AN INTENSIVE SERIES OF FOLLOW-UP MEETINGS NEXT WEEK
TO GET THINGS MOVING. END SUMMARY

3. WHILE EMBASSY WILL BE REPORTING IN FULL DETAIL,
I WANTED YOU TO HAVE AN EARLY INDICATION OF SOME OF
THE KEY DEVELOPMENTS AS I SEE THEM FROM HERE. TO GET
DONE WHAT NEEDS TO BE DONE REQUIRES A COMBINATION OF
MAGANA, VIDES CASANOVA, AND A CONSENSUS WITHIN THE

MILITARY. THAT CONSENSUS IS NOW BEING BUILT AND WE WILL
KEEP OUR EARS TO THE GROUND TO SEE HOW IT DEVELOPS.
MAGANA'S ASSURANCES ON THE CONSENSUS THUS FAR ARE
GOOD, BUT WE WILL NEED TO MAINTAIN A CLOSE WATCH OF
OUR OWN.

4. VIDES CASANOVA, IN HIS DISCUSSIONS WITH THE VICE
PRESIDENT, RAISED ONLY TWO POTENTIAL POINTS OF
DIFFICULTY. ONE WAS GENERAL AND IN MY VIEW DESIGNED
TO ENHANCE HIS CREDIBILITY WITH HIS OWN CROWD--
HE EMPHASIZED THEIR RICHITY AS MILITARY OFFICERS.
VICE PRESIDENT RUSH HANDLED THAT ONE SUPERBLY. THE
OTHER CONCERN WAS MORE SUBTLE. DURING THE
RESTRICTED MEETING WITH THE VICE PRESIDENT HE RAISED
THE POINT THAT WHAT WE WERE ASKING BE DONE IN ASSIGNING
PEOPLE OUT OF THE COUNTRY WAS PROBABLY EXTRA LEGAL,
PARTICULARLY IN REGARD TO THE CIVILIANS. AS YOU KNOW
VIDES IS A STICKLER IN FINDING LEGAL PROBLEMS IN
THINGS HE FINDS DIFFICULT TO DO OR DOES NOT WANT TO
DO, BUT NOT QUITE SO SCRUPULOUS WHEN IT COMES TO
LEGAL REQUIREMENTS TO CARRY OUT ACTIONS SUCH AS
DEALING WITH THE DEATH SQUADS. WE WILL HAVE TO KEEP
OUR EYE ON THIS POINT. THE PRESIDENT TOLD ME THAT
A NUMBER OF MILITARY COMANDANTES APPEARED DELIGHTED
TO SACRIFICE DR. RECTOR REGALADO, D'ARBUSSON'S
SECURITY CHIEF IN THE ASSEMBLY AND A CIVILIAN.

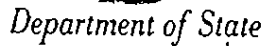
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3. YIBES CASANOVA, IN DISCUSSING THE REACTION OF THE MILITARY COMMANDERS TO THE VICE PRESIDENT'S REMARKS, MENTIONED ONLY FOUR SPECIFIC CONDITIONS WHICH THE

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SECTION 02 OF 02 SAN SALVADOR 11513

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STADIS////////////////////////////////////

FOR THE SECRETARY AND ASST SECY MOTLEY ONLY
FROM PICKERING

E.O. 12356: DECL: OADR
TAGS: PREL, MILI, ES, US
SUBJECT: EARLY ASSESSMENT; VICE PRESIDENT BUSH VISIT

COMMANDERS BELIEVED NECESSARY IN ORDER FOR THEM TO
COMPLY WITH THE POINTS MADE BY THE VICE PRESIDENT:

- (1) MAINTAIN SECRECY ON THE SPECIFIC NAMES OF PERSONS
REQUIRED TO LEAVE EL SALVADOR.
- (2) THE U.S. EMBASSY SHOULD TAKE OUT PAID ADS PUBLISHING
THE VICE PRESIDENT'S TOAST TO ASSURE THAT HIS MESSAGE
GETS THROUGH TO THE SALVADORAN PEOPLE AND SOLDIERS. (WE
HAVE DONE THIS.)
- (3) OBTAIN SUPPORT FROM THE PRESIDENT OF THE SUPREME
COURT (THE VICE PRESIDENT MENTIONED THIS TO THE SUPREME
COURT PRESIDENT AS HE LEFT).
- (4) IN SETTING UP THE INVESTIGATORY UNIT, THE UNITED

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PAGE 03 OF 03 SAN SA 11513 02 OF 02 130153Z C05/14 003086

STATES SHOULD PROVIDE TECHNICAL ASSISTANCE BUT SHOULD
NOT ENGAGE IN ACTUAL INVESTIGATIONS. HE SAID THE
COMMANDERS WERE SPECIFICALLY CONCERNED ABOUT THAT
POINT. (WE BELIEVE THIS MAKES EMINENT GOOD SENSE.)

9. COMMENT: IT WAS A CRITICAL MEETING AND THE FIRST
REACTIONS ARE EXTREMELY GOOD. WE ARE ON TRACK AND
MOVING, BUT NEED TO BE ALERT FOR PROBLEMS AHEAD AND
TO CONFIRM THIS EXCELLENT START.
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████████████████████ SAN SALVADOR 07140

E.O. 12356: DECL: OADR
TAGS: SHUM, ES
SUBJECT: TORTURE UPDATE

REF: STATE 174680

1. CONFIDENTIAL - ENTIRE TEXT.
2. EMBASSY'S INFORMATION ON TORTURE AND MISTREATMENT OF PRISONERS BY THE SALVADORAN SECURITY FORCES IS NECESSARILY LIMITED. NEITHER PERPETRATORS NOR VICTIMS ARE WILLING TO REPORT THESE INCIDENTS TO THE EMBASSY ON ANY REGULAR BASIS. IN ADDITION, ICRC REPRESENTATIVES--THE MOST LIKELY IMPARTIAL OBSERVERS TO KNOW ABOUT THIS PROBLEM IN DEPTH--HAVE CONSISTENTLY REFUSED TO OFFER THEIR VIEWS TO EMBASSY OFFICERS.
3. ALTHOUGH OUR INFORMATION IS NOT AS COMPLETE AS WE WOULD LIKE, WHAT WE DO KNOW LEADS US TO A FIRM CONCLUSION ABUSES OF ALL SORTS, INCLUDING TORTURE AND LESSER FORMS OF MISTREATMENT, HAVE FALLEN CONSISTENTLY OVER THE PAST TWO YEARS AND THAT TREND CONTINUES. EFFORTS BY SALVADORAN MILITARY LEADERS, MOST NOTABLY GENERAL VIDES CASANOVA AND COLONEL LOPEZ NUILA, TO EXERCISE GREATER CONTROL AND MORE EFFECTIVE DIRECTION OF THE ARMY AND SECURITY FORCES HAVE GRADUALLY AND CONSISTENTLY RESULTED IN FAR FEWER CASES OF THE KILLING AND ABUSE WHICH OCCURRED IN
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PAGE 02 SAN SA 07140 212315Z

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THIS COUNTRY IN 1980 AND IN 1981. WE SEE THE PROCESS
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WHICH HAS RESULTED IN THE DRAMATIC DECLINE IN VIOLENT DEATHS HERE AS ALSO RESPONSIBLE FOR A SIMILAR DECLINE IN OTHER SERIOUS ABUSES.

4. THIS IS NOT SIMPLY OUR IMPRESSION. ON JUNE 20 REPRESENTATIVES OF TWO PRIVATE HUMAN RIGHTS MONITORING ORGANIZATIONS WHICH CONSISTENTLY PLACE THE GOES' RECORD IN THE WORST POSSIBLE LIGHT, MARIA JULIA HERNANDEZ OF THE SAN SALVADOR ARCHBISHOPRIC-SPONSORED TUTELA LEGAL AND RICARDO STEIN OF THE JESUIT-RUN CENTRAL AMERICAN UNIVERSITY (UCA) STATED, IN RESPONSE TO EMBASSY INQUIRIES, THAT THEY TOO SEE A DECLINE IN THE USE OF TORTURE. ALTHOUGH THE INTERVIEWS WERE HELD SEPARATELY, THE RESPONSES BY THESE SPOKESMEN WERE REMARKABLY SIMILAR. BOTH INDICATED THAT THE DROP IN CASES WHICH THEY ADMITTED HAS OCCURRED WAS DUE TO GREATER "SELECTIVITY" ON THE PART OF THE SECURITY FORCES IN DETERMINING VICTIMS. THEIR VIEW WAS THAT WHILE TORTURE CONTINUES IT TAKES PLACE LESS OFTEN AND LESS RANDOMLY. THEIR'S WAS A "YES, BUT..." ATTITUDE: YES A DECLINE HAS OCCURRED, BUT THE PRACTICE REMAINS. ONE SPOKESMAN HOSTILE TO THE GOES (RICARDO STEIN OF UCA) PROVIDED EMBASSY WITH HIS ORGANIZATION'S FIGURES FOR CASES OF TORTURE IN 1982 AND 1983, 232 AND 82 (46 IN FIRST HALF OF 1984), RESPECTIVELY, AND POINTED TO THOSE FIGURES TO SUPPORT HIS POINT OF VIEW.

5. EMBASSY'S VIEW IS THAT, WHILE CASES OF ABUSE PROBABLY STILL OCCUR, THEY ARE FEWER AND THAT IT IS THE DECLINE IN THIS PHENOMENA AND NOT ITS PERSISTENCE THAT MOST ACCURATELY REFLECTS SALVADORAN GOVERNMENT POLICY. WE ATTRIBUTE ITS PERSISTENCE TO INTRACTABLE PRACTICES AMONG SOME ELEMENTS OF THE SECURITY FORCES WHO HAVE YET TO

PAGE 03

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UNDERSTAND, OR ACCEPT, OR COMPLY WITH GOES POLICY. WE ALSO SEE THE APPOINTMENT OF COL. LOPEZ NUILA TO THE NEW POSITION OF VICE MINISTER OF PUBLIC SECURITY, OF COL. REVELO TO HEAD THE NATIONAL POLICE AND OF COL. GOLCHER TO HEAD THE HERETOFORE JUSTIFIABLY FEARED TREASURY POLICE AS WELCOME INDICATIONS OF AN EVEN STRONGER EFFORT TO ELIMINATE SECURITY FORCE ABUSES ONCE AND FOR ALL.

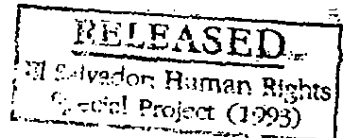
6. PLEASE NOTE THAT THE FIGURES CITED ABOVE CANNOT BE

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CONSIDERED AUTHORITATIVE AND SHOULD NOT BE USED BY THE USG AS A BASE LEVEL FOR THE INCIDENCE OF TORTURE. THE REAL INCIDENCE OF TORTURE IS UNKNOWN AND, UNDER PRESENT CIRCUMSTANCES, UNKNOWABLE. REFTEL HOWEVER, SEEMS TO ACCEPT THE RHETORIC OF THE LEFT IN FORMULATING ITS QUESTION: IT PRESUPPOSES THAT THERE IS A KNOWN AND IMPLICITLY HIGH INCIDENCE OF TORTURE FROM WHICH A KNOWABLE, REDUCED LEVEL MUST BE REACHED. SINCE NO LEVEL HAS EVER BEEN RELIABLY IDENTIFIED, HOWEVER, NO ANSWER TO THE QUESTION CAN, LOGICALLY, BE FULLY SATISFACTORY. IF ASKED "HAS THERE BEEN ANY REDUCTION IN THE USE OF TORTURE THIS YEAR?" DEPARTMENT SHOULD POINT OUT THAT THE QUESTION IS JUST AS LOADED AS THE "ARE YOU STILL BEATING YOUR WIFE" QUERY.

7. EMBASSY'S ASSESSMENT OF THE NEW PROCEDURES FOR ARRESTING, CHARGING AND PROCESSING PRISONERS (REFTEL) FOLLOWS SEPTTEL. BLEAKLEY

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TO AMEMBASSY SAN SALVADOR PRIORITY

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E.O. 12356: DECL: OADR
TAGS: SHUM, ES
SUBJECT: PREVALENCE OF TORTURE

REFERENCES: (A) STATE 174680; (B) SAN SALVADOR 7140

1. ENTIRE TEXT.
2. DEPARTMENT APPRECIATES EMBASSY ASSESSMENT OF PREVALENCE OF USE OF TORTURE IN EL SALVADOR (REFTEL B).
3. DEPARTMENT WAS, HOWEVER, PUZZLED BY STATEMENT IN PARAGRAPH SIX (REFTEL B) THAT THE DEPTTEL "SEEMS TO ACCEPT THE RHETORIC OF THE LEFT.." AND "...PRESUPPOSES THAT THERE IS A KNOWN AND IMPLICITLY HIGH INCIDENCE OF TORTURE" IN EL SALVADOR. DEPARTMENT'S CABLE WAS BASED ON BELIEF THAT WE AND THE EMBASSY SHARED A VIEW, BASED ON EMBASSY REPORTING AND VISITS TO EL SALVADOR BY DEPARTMENT OFFICERS, THAT THE USE OF TORTURE FOR INTERROGATION PURPOSES HAS BEEN A REGULAR, ALBEIT UNQUANTIFIABLE, PRACTICE BY SOME MEMBERS

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OF THE SALVADORAN SECURITY FORCES.

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4. AS THE 1983 HUMAN RIGHTS REPORT STATES, "DURING 1983, ELEMENTS WITHIN THE SECURITY FORCES USED PSYCHOLOGICAL AND PHYSICAL TORTURE AS ARBITRARY PUNISHMENT OR TO EXTRACT

INFORMATION FROM THOSE SUSPECTED OF ASSISTING THE ARMED GUERRILLA MOVEMENT. IT IS BELIEVED THAT TORTURE ALMOST EXCLUSIVELY OCCURRED DURING THE INITIAL STAGES OF DETENTION. ELECTRIC SHOCK, SEVERE BEATINGS, AND DEPRIVATION OF FOOD, WATER AND SLEEP ARE THE MOST FREQUENTLY MENTIONED TYPES OF COERCION. THERE IS EVIDENCE THAT THE USE OF TORTURE OFTEN HAS BEEN PROLONGED AND EXTREME. IT IS NOT POSSIBLE TO ESTABLISH THE PREVALENCE OF TORTURE BECAUSE VALID AND SYSTEMATIC MEANS FOR DOCUMENTING CASES DO NOT EXIST."

5. ONE OF OUR MAJOR HUMAN RIGHTS GOALS IN EL SALVADOR (AS ELSEWHERE) IS TO ELIMINATE THE USE OF TORTURE WHEREVER IT IS PRACTICED. THEREFORE DEPARTMENT HOPES THAT EMBASSY WILL CONTINUE TO MONITOR THIS PROBLEM AREA AND PROVIDE PERIODIC ASSESSMENTS OF PROGRESS BEING MADE BY THE NEW LEADERSHIP OF THE SALVADORAN SECURITY AGENCIES TO ELIMINATE ITS USE.
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E.O. 12356: DECL: OADR
TAGS: PINS, PGOV, ES
SUBJ: LAS HOJAS MASSACRE

1. C - ENTIRE TEXT.

2. DURING DISCUSSION JULY 27, PRESIDENT DUARTE RAISED WITH ME THE LAS HOJAS MASSACRE AND A VERY UNSATISFACTORY STATE OF AFFAIRS WHICH HAS ARISEN IN HIS RELATIONSHIP WITH THE MILITARY OVER THIS ISSUE.

3. IN A MUTSHALL, HE REQUESTED A FULL REPORT FROM THE MILITARY ON THE ISSUE AND PARTICULARLY REGARDING THE ROLE OF THE TWO SENIOR MILITARY FIGURES INVOLVED, LT. COL. GONZALEZ ARAUJO AND CAPTAIN FIGUEROA. THIS REPORT HAS BEEN RECEIVED AND DUARTE LET ME READ IT. IT BEGINS BY STATING THAT THE CASE HAS BEEN AGITATED BY ENEMIES OF THE ARMED FORCES TO MAKE PROBLEMS FOR THEM AND EATER GOES ON IN A BACKHANDED WAY TO ACCUSE THE HUMAN RIGHTS ORGANIZATIONS AND CERTAIN "AMERICAN ORGANIZATIONS" OF AGITATING THE PROBLEM. THE MILITARY REPORT (TWO PAGES LONG) GOES ON IN A BACKHANDED WAY ALSO TO THREATEN ESQUINO LISCO, PRESIDENT OF THE SALVADORAN INDIAN ORGANIZATION (ANIS), AS AN AGITATOR
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PAGE 02 SAN SA 00737 201704Z

AND INDICATES THE MILITARY WILL NOT BE RESPONSIBLE FOR

EXDIS REVIEW

Cat. A - Caption removed; transferred to O/ADMC
Cat. B - Transferred to O/ADMC with additional access controlled by S/S
Cat. C - Caption and custody retained by S/S
Reviewed by: Elijah J. Jr.

Date: 9/24/93

WHAT BEFALLS HIM. IT SAYS ALSO THAT THE DEATHS WERE CARRIED OUT BY THE MILITARY IN A CAREFULLY-PLANNED OPERATION TO DEAL WITH "SUBVERSIVES" IN THE AREA. THE REPORT DOES NOT INTRODUCE ANY EVIDENCE TO JUSTIFY THIS BUT TRIES TO CLAIN THE ACCUSED IN THE CASE ARE NOT RESPONSIBLE AND SEEKS TO HAVE THE WHOLE ISSUE DISMISSED.

4. DUARTE HAS WRITTEN A TONGH SECRET LETTER TO GENERAL VIDES CASANOYA WHICH HE HAS READ TO ME. THE LETTER INDICATES THAT THE MILITARY ADMITTED RESPONSIBILITY FOR THE MASSACRE, SAYS THE THREATS TO ESQUINO LISCO ARE UNACCEPTABLE, NOTES IN TONGH TERMS THE DEFICIENCIES OF THE REPORT. ORDERS THE MINISTER TO USE THE SPECIAL INVESTIGATION UNIT TO CARRY OUT A THOROUGH INVESTIGATION LEADING TO PROSECUTION IF NECESSARY, AND ORDERS ESQUINO LISCO TO BE GIVEN PROTECTION IN THE MEAN-TIME.

5. DUARTE SAYS THAT HE KNOWS THAT THIS IS NOT GOIN TO BE WELL RECEIVED AND THAT COL. ARAUJO IS BEING PROTECTED BY GENERAL VIDES CASANOYA IN PART BECAUSE THEY BOTH COME FROM THE SAME TOWN. HE SAID HE INTENDS TO PERSEVERE IN THIS CASE AS HE WILL ALSO IN THE MURDER OF ARCHBISHOP ROMERO AND THE AMERICAN CASES, PARTICULARLY THE SHERATON CASE. HE ASKED ME AT THE SAME TIME IF I WOULD MAKE CERTAIN THAT VIDES CASANOYA UNDERSTANDS HOW HE, DUARTE, IS PUSHING FOR ADDITIONAL MILITARY ASSISTANCE SO THAT THE MILITARY COME TO UNDERSTAND THAT THERE IS A TWO-WAY STREET BETWEEN HIM AND THE ARMED FORCES.
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PAGE 03 SAN SA 00737 201704Z

6. COMMENT: WE EXPECT THAT THIS WILL SIT HARD WIT VIDES, BUT AMONG THE THREE CASES MENTIONED ABOVE, I IS THE EASIEST AND LEAST DIFFICULT FOR THE ARMED FORCES TO DEAL WITH. I EXPECT TO SEE VIDES SHORTLY AND WILL DO WHAT I CAN TO MAKE CERTAIN HE KNOWS OF DUARTE'S APPROACH.

7. IN AN ADDITION, DUARTE ALSO TOLD ME HE IS CONDUCTING AN OFFICIAL INVESTIGATION OF TUTELA LEGAL, THE ARC

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BISHOP'S OFFICE WHICH PREPARES STATISTICS ON POLITICAL
VIOLENCE AND HUMAN RIGHTS VIOLATIONS. HE LEFT ME
WITH THE IMPRESSION THAT THE ARCHBISHOP IS AWARE OF
THIS AND DOES NOT OBJECT. QUARTE PROMISED IN A RECENT
PRESS CONFERENCE TO INVESTIGATE PERSONALLY ALL CASES
RAISED BY TUTELA LEGAL. HE TELLS ME THAT HE BELIEVES
TUTELA LEGAL IS MORE THAN RESPONSIVE TO GUERRILLA
INTERESTS IN ITS PREPARATION OF STATISTICS. QUARTE
DID NOT RECALL SEEING OUR RECENT REVIEW OF SOME OF
THEIR STATISTICAL METHODS AND I WILL BE SENDING HIM
A COPY OF THAT REPORT.
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TEXT OF TELEGRAM 84SAN 11380

ADPOST

PAGE 01 SAN SA 11380 01 OF 02 271700Z
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INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
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R 271655Z SEP 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8958
INFO AMEMBASSY GUATEMALA
AMEMBASSY TECUGIGALPA
AMEMBASSY SAN JOSE

SECTION 01 OF 02 SAN SALVADOR 11380

E.O. 12356: DECL: OADR
TAGS: ES, PG0Y

SUBJECT: GENERAL VIDES ON WINNING THE WAR QUICKLY AND
DIALOGUE. ABRAHAM RODRIGUEZ ON NEED FOR GOES
WORK WITH PRIVATE SECTOR.

REF: SAN SALVADOR 11148

1. [REDACTED] - ENTIRE TEXT.

2. SUMMARY: IN CONVIVIAL, FREE WHEELING BREAKFAST DIS-
CUSSION SEPT. 22 WITH FIRST PRESIDENTIAL DESIGNATE (I.E.
STAND-IN DURING ABSENCE FROM COUNTRY OF BOTH PRESIDENT
DUARTE AND VICE PRESIDENT CASTILLO CLARAMOUNT) ABRAHAM
RODRIGUEZ, WELL KNOWN AND TRUSTED ATTORNEY RICARDO
CASTANEDA, DEFENSE MINISTER GEN. EUGENIO VIDES CASANOVA,
THE AMBASSADOR AND POLCOMS. GEN. VIDES PUSHED HARD ON
THE THEME THAT GOES MUST WIN THE WAR WITHIN 18 MONTHS TO
AVOID IRREMEDEABLE DESTRUCTION OF ECONOMY AND POSSIBLE
REDUCTION OF US ASSISTANCE. VIDES ALSO SAID THAT DESPITE
PRESIDENT DUARTE'S GAINS WITH THE OFFICER CORPS, HE
NEEDED FURTHER WORK TO CONVINCE THEM THAT "DIALOGUE" WITH

PAGE 02 SAN SA 11380 01 OF 02 271700Z

THE GUERRILLAS WOULD NOT END UP WITH
"POWER SHARING." ABRAHAM RODRIGUEZ EMPHASIZED NEED FOR
PRESIDENT DUARTE TO INCLUDE THE PRIVATE SECTOR IN
FORMULATION OF A PLAN FOR NATIONAL ECONOMIC RECOVERY.
THE DISCUSSION CONCLUDED WITH AN EXCHANGE ON HOW TO DEAL
WITH CHARGES OF ESAF BATTLEFIELD ABUSES. END SUMMARY.

3. WIN THE WAR QUICKLY: GEN. VIDES EXPOUNDED ON A THEME
HE HAS RAISED SEVERAL TIMES IN RECENT DAYS: IT IS NOT

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United States Department of State
Office of POL, Privacy, & Classification Review
Review Authority: COX, DAVID
Date: 05/25/94
Case ID: SP40034H

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TEXT OF TELEGRAM 845AM SAG11980

421

POSSIBLE TO THINK OF FIGHTING THE WAR FOR FIVE MORE YEARS. IT MUST BE WON WITHIN THE NEXT YEAR TO EIGHTEEN MONTHS. TO PERMIT THE WAR TO DRAG ON BEYOND THAT TIME WOULD MEAN THE IRREVOCABLE DESTRUCTION OF THE ECONOMY, AND WOULD RAISE A SERIOUS RISK OF REDUCTION OF US ASSISTANCE.

3. VIDES ADVANCED SEVERAL PROPOSALS TO ENABLE THE ARMY TO WIN WITHIN THIS TIME FRAME. PRIORITY IN THE NATIONAL BUDGET HAD TO BE GIVEN TO THE MILITARY. HE RECOGNIZED THAT OTHER PRESSING NEEDS EXISTED, BUT THE IMPERATIVE OF NATIONAL SURVIVAL WAS PRINCIPAL. MOREOVER, UNTIL THE WAR WAS WON, THE ECONOMY COULD NEVER PRODUCE SUFFICIENTLY TO PERMIT THE GOVERNMENT TO PROVIDE THE SERVICES SO DESPERATELY NEEDED BY THE POPULATION. SECONDLY, THE NATION NEEDED A CONSCRIPTION LAW SO THAT THE BURDEN OF MILITARY SERVICE FELL EQUALLY ON ALL. FINALLY, THE GOVERNMENT SHOULD ESTABLISH A NIGHT CURFEW, AT LEAST IN RURAL AREAS, PERHAPS AFTER A MONTH OF PUBLICITY. HE ARGUED THAT A CURFEW WOULD QUICKLY DENY THE GUERRILLAS THE IMPUNITY TO MOVE AT NIGHT, AND VASTLY SIMPLIFY THE ARMY'S TASK IN DEFEATING THEM. THE AMBASSADOR OBSERVED THAT THE IMPOSITION OF A CURFEW MIGHT BE INTERPRETED AS AN ACT OF DESPERATION DOMESTICALLY AND INTERNATIONALLY.

PAGE 03 SAN SA 11980 01 OF 02 271700Z

MOREOVER, EVEN IF PRECEDED BY A PUBLICITY CAMPAIGN, THE ENFORCEMENT OF A CURFEW MIGHT CAUSE MANY CASUALTIES AMONG THOSE AMONG THE RURAL POPULATION WHO DID NOT UNDERSTAND THE RULE, OR FOR ECONOMIC REASONS MUST BE OUT DURING NIGHTTIME HOURS. THE AMBASSADOR STRESSED GREATER ATTENTION TOWARD TRAINING FOR NIGHT FIGHTING AND SMALL UNIT TACTICS.

4. DIALOGUE AND THE OFFICER CORPS: VIDES SAID PRESIDENT QUARTE HAD MADE GREAT STRIDES IN GAINING THE CONFIDENCE OF THE OFFICER CORPS OVER THE PAST FOUR MONTHS. OF THAT THERE WAS NO DOUBT. BUT ONE TRIP BY THE PRESIDENT TO EACH CUARTEL, EVEN WHEN PRECEDED BY VIDES HIMSELF TO SOFTEN UP THE AUDIENCE, WAS NOT SUFFICIENT. MORE WORK WAS NECESSARY, PERHAPS ANOTHER SIX MONTHS. CONCERN STILL LINGERED AMONG ELEMENTS OF THE OFFICER CORPS THAT PRESIDENT QUARTE WISHED TO "NEGOTIATE POWER" WITH THE FMLN, PERHAPS UNDER THE GUISE OF "DIALOGUE." THE RIGHT WAS CONSTANTLY SPREADING MISINFORMATION AMONG THE OFFICER CORPS ABOUT THE PRESIDENT'S TRUE INTENTIONS. RUMORS STARTED EASILY. THUS WHILE IN 1989 UNDER MAGANA THE ARMY ACCEPTED THE PRINCIPLE OF DIALOGUE WITH THE FOR/FMLN FOR THE PURPOSE OF BRINGING THEM BACK INTO THE ONGOING POLITICAL PROCESS, QUARTE HAD TO PROCEED CAREFULLY TO AVOID THE IMPRESSION THAT HIS REAL INTENTION WHEN HE SPOKE OF DIALOGUE WAS TO SHARE POWER. THERE WAS

PAGE 04
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El Salvador: Human Rights
Special Project (1993)

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421

STILL SOME NERVOUSNESS IN THE ARMY ABOUT THE PROPOSED
OCTOBER 12-13 LOS ANGELES DEBATE BETWEEN MINISTER
OF THE PRESIDENCY "YITO" RAY PRENDER AND GUILLERMO UNDO.
(WE HAVE JUST BEEN TOLD THAT THE DEBATE WILL BE POSTPONED
UNTIL AFTER THE U.S. ELECTIONS.)

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Special Project (1993)

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PAGE 01 SAN SA 11380 02 OF 02 271701Z
ACTION ARA-00

INFO OCT-00 COPY-01 ADS-00 INR-10 SS-00 CIAE-00 DODE-00
H-01 NSC-01 NSAE-00 HA-08 L-03 PM-10 PA-01
DME-01 USIE-00 SP-02 SFP-01 PRS-01 SLPD-01 /041 W
-----322625 280707Z /23

R 271655Z SEP 84
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC #959
INFO AMEMBASSY GUATEMALA
AMEMBASSY TEUCIGALPA
AMEMBASSY SAN JOSE

SECTION 01 OF 02 SAN SALVADOR 11380

E.O. 12256; DECL: OADR
TAGS: ES, P00V
SUBJECT: GENERAL VIDES ON WINNING THE WAR QUICKLY AND

5. PLAN FOR NATIONAL ECONOMIC RECUPERATION: RODRIGUEZ VOICED THE NEED FOR THE GOVERNMENT TO DEVISE A PLAN FOR NATIONAL ECONOMIC RECUPERATION IN CLOSE CONJUNCTION WITH THE PRIVATE SECTOR, INCLUDING THE ARCH-CONSERVATIVE BUSINESSMEN'S ORGANIZATION, ANEP. IT WAS NOT ENOUGH FOR THE DUARTE GOVERNMENT TO SIMPLY HOLD PRIVATE MEETINGS WITH REPRESENTATIVES OF THE PRIVATE SECTOR AS IT WAS CURRENTLY DOING. THE GOVERNMENT SHOULD WORK CLOSELY WITH THE PRIVATE SECTOR ON THE PLAN ITSELF, AND THE PUBLIC MADE AWARE THAT THE PLAN IS A PRODUCT OF A NATIONAL CONSENSUS. WERE THE DUARTE GOVERNMENT TO FAIL TO DO THIS, WHATEVER IT PROPOSED WOULD IMMEDIATELY BE TAGGED AS THE PDC PLAN TO BE SHOT DOWN BY THE PRIVATE SECTOR. THUS, IN A SENSE IT WAS FORTUNATE THAT PRESIDENT DUARTE HAD NOT YET COME OUT WITH AN ECONOMIC PLAN FOR HIS GOVERNMENT.

6. THE MILITARY AND HUMAN RIGHTS VIOLATIONS: DISCUSSION

PAGE 02 SAN SA 11380 02 OF 02 271701Z

TURNED TO THE ISSUE OF GUERRILLA ALLEGATIONS OF HUMAN RIGHTS ABUSES BY THE ATACATL BATTALION AND THE AIR FORCE. GEN. VIDES SAID THE ARMY HAD RECOVERED GUERRILLA DOCUMENTS REVEALING PLANS FOR A CAMPAIGN TO DISCREDIT THE BEST IMMEDIATE REACTION BATTALIONS, THE AIR FORCE AND THE ARTILLERY. THE RECENT FLURRY OF ACCUSATIONS OF ESAF ABUSES WAS THE IMPLEMENTATION OF THAT PLAN. THE AIR FORCE IN FACT HAD BEEN VERY CAREFUL IN ITS ACTIONS EVER SINCE THE WAR BEGAN ALMOST FIVE YEARS AGO.

PAGE NO.
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El Salvador: Human Rights
Special Project (1993)

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TEXT OF TELEGRAM BASAM SA011380

421

DURING THAT TIME, THE FAS HAD CARRIED OUT OVER 3,000 AIR STRIKES; YET THERE HAD BEEN COMPLAINTS ONLY ABOUT 70, BUT ONLY TWO -- TENANCINGO AND MIRAMUNDO -- DEVELOPED INTO BEING SUBSTANTIAL. (COMMENT: HE DID NOT STATE WHOSE COMPLAINTS HE WAS REFERRING TO. END COMMENT.)

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7. THE AMBASSADOR STRESSED THE IMPORTANCE OF THE ESAP INVESTIGATING CHARGES AND TAKING CORRECTIVE ACTION IF ANY WRONGDOING WAS REVEALED. GEN. VIDES OPINED THAT THE SPECIAL INVESTIGATIVE UNIT (SIU) WAS NOT THE APPROPRIATE ORGAN TO INVESTIGATE CHARGES OF ABUSES ON THE BATTLEFIELD (AS OPPOSED TO DEATH SQUAD ACTIONS), BECAUSE SIU INVESTIGATORS WOULD QUICKLY BE CLOSED OUT BY ESAP SOLDIERS UNWILLING TO DENOUNCE THEIR OWN BATTLEFIELD COMRADES IN ARMS. THE AMBASSADOR RESPONDED THAT CHARGES OF ABUSES HAD TO BE INVESTIGATED. IF THE SIU WERE NOT APPROPRIATE, PERHAPS THE INSPECTOR GENERAL'S OFFICE SHOULD BE STRENGTHENED TO PERFORM THAT ROLE.

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Special Project (1993)

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SECRET

UNITED STATES GOVERNMENT

memorandum

DATE: September 29, 1984

REPLY TO
ATTN OF:

The Ambassador

EXCISE

SUBJECT:

Discussion with Minister of Defense: September 28, 1984

TO:

DCM
ARA/CEN - Shaw Smith only

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3. Sheraton Case. Vides raised this issue. He said that Duarte was considering trying to exile Lopez Sibrian. I said it would be a bad idea when the court case was pending. It would look like the Army was trying to get rid of Lopez Sibrian to keep the judicial process ineffective. Vides is looking for a place to transfer Lopez Sibrian so he will get out of the limelight. I suggested he be put on hold in someplace like the Maestranza where he would be out of sight, out of the press and out of places where he could pretend to be heroic. Vides called Flores Lima and ordered that it get done.

Vides told me that Lopez Sibrian is really a good guy. I said that was crazy -- he was a murderer and guilty as hell and nobody like that could be a good guy. He was running around threatening people on the Court and elsewhere. Pressures were being put on the Court by some in the Army and that we did not like this one bit. We would not rest until we saw Lopez Sibrian and the others punished, however long it took and Vides could count on that.

I then told Vides that he could count on some pretty agonizing days ahead with me on the Sheraton case. I

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would be asking him to take some tough decisions. He could not sit on the sidelines. We were counting on him to see justice done and would make things tough if it were not. Vides said he agreed and was ready to do what was necessary despite pressure from the right in the Army. He agreed that Lopez Sibrian is closely connected to D'Aubuisson, LS's wife is a daughter of a very close friend and supporter of the Major.

I briefed Vides on the public aspects (via N.Y. Times leak) of National Security Decision 138 which postulates both preventive action and follow-up action by US forces in the event of terrorism. We considered right wing killing of Americans as terrorism and we would clearly take that into account. The time has long since past when we would see our citizens, contractors and employees murdered by extremists. Vides nodded and said "just like the Israelis" and I said, "yes"!

Vides then mentioned Eduardo Avila and we both agreed that Eddy was unbalanced. I said nevertheless Vides should have no doubts of Avila's guilt. Under the influence of drugs, he had confessed to a source close to us and had implicated himself in the Romero assassination. Lopez Sibrian was also involved. Eddy had told us that he, Vides, had also known this since he said Lopez Sibrian had confessed to Vides right after the Sheraton murder and Vides had then covered it up. Vides said it was the first time he had heard this at all and it was not true. As in the case of the Churchwomen, when he had knowledge of the guilt of a party, he had moved to have the party arrested and tried.

I then told Vides it was time to get moving on the investigation of the Sheraton case. More needed to be done and we were going to need the help of the SIU to do it. Vides waffled a bit, but I believe with a push from Duarte, he can be brought along. I think Vides understands that he will have to play a role in this. I related all of this to the need for justice and to punish the crimes of officers who were involved.

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The Reagan Administration's

Record on

Human Rights in 1985

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El Salvador: Human Rights
Special Project (1993)

January 1986

Lawyers Committee for Human Rights
The Watch Committees
(Americas Watch/Asia Watch/Helsinki Watch)

honor that commitment by keeping apprised of the circumstances of those who are forcibly returned.

Another area in which the Administration's performance was unsatisfactory in 1985 involved negotiations to obtain the release of current political prisoners, an initiative that was begun following a visit to Cuba by several U.S. Bishops in February. The Bishops presented President Castro with a list of 145 political prisoners. President Castro produced his own list of 75, which included a number of those on the Bishops' list. President Castro agreed that those on either list who wished to come to the United States would be permitted to do so. After nine months, very few of these prisoners have been released, and both governments continue to blame each other for the delay in processing these applications.

While responsibility for the delay undoubtedly rests with both governments, the United States government's efforts in this particular matter should be governed first and foremost by humanitarian concerns. Instead, it appears that these political prisoners -- like the former prisoners who applied for visas -- have been made hostage to political tensions between the Cuban and U.S. governments.

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Special Project (1993)

El Salvador

In 1985, as during the past several years, the United States provided funding, military equipment, training and military guidance to the Salvadoran armed forces. In addition, the United States identified itself unreservedly with their cause and with their conduct. The level of United States support, and its significance to the Salvadoran armed forces, requires the United States to bear a heavy burden of responsibility for their performance with respect to human rights. Indeed, there may be no place else where the United States is so directly responsible for the acts of a foreign government.

Regrettably, the performance of the Salvadoran armed forces during 1985 continued to include systematic abuses of internationally recognized human rights. Though the number of "death squad" style killings and disappearances attributable to the Salvadoran armed forces and non-uniformed bands associated with them remained far below the totals during 1980, 1981, 1982 and 1983, the decline that took place during 1984 was not maintained. The lowest number of such killings and disappearances during the past six years was in the second half of 1984; in 1985, the number rose again to about double that rate. Continuing to rely on the Salvadoran press for information about killings and disappearances, as it has in the past, however, the Department of State reported to Congress in June that, "The murderous activities of the death squads of

Right wing vigilantes have been "repressed." Actually, according to the human rights office of the Roman Catholic Archdiocese of San Salvador, the number of targeted killings and disappearances during 1985 averaged about thirty a month -- a very high number by any but the extraordinarily inflated standards by which it became customary to think of El Salvador in the early 1980s and a sufficiently high number, after so much killing, to maintain terror.

A central factor in the continuing death squad assassinations and disappearances has been the total failure of the Salvadoran government to punish criminally those who have engaged in such practices against Salvadorans. Though the United States has focused considerable aid to El Salvador on efforts to strengthen the system of criminal investigations and criminal justice, and proposes additional aid for "counter-terrorism" (see section of this report on U.S. Laws), such aid appears not to have been coupled with the requisite insistence that death squads should be criminally prosecuted and punished. Plainly, what is required is not more technical assistance and training from the United States but a strengthening of the political will to punish those who have committed gross human rights abuses against Salvadorans.

Illustrative may be the \$9.2 million program for reforming the justice system in El Salvador, recently funded by the U.S. Two of the four components of this program, the Special Investiga-

- "Right wing vigilantes" is one of the terms that the State Department has used to try to make it appear that death squad killings and disappearances are not the work of government forces.

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Special Project (1993)

tion Unit (SIU) and the Judicial Protection Unit (JPU) could potentially help bring perpetrators of human rights violations to justice. However, the SIU, instructed by President Duarte to investigate seven well-known human rights cases, only investigated the Iona Rosa case and the kidnapping of President Duarte's daughter; that is, abuses committed by the guerrillas. It did not investigate any abuses by the armed forces. According to leaders of the unit, their current priorities are baby-stealing and car thefts.

A second element of the justice reform program is the "Judicial Protection Unit." In theory, it will protect jurors, judges, and witnesses in controversial human rights cases. In fact, it is doubtful that the unit will meet its goal. The opportunities and targets for intimidation are virtually unlimited in El Salvador: the judge, the jury, the witnesses and their extended families cannot all be protected. In addition, the JPU has until now only been used during one human rights trial, that of the National Guardsman who murdered four U.S. churchwomen. On that occasion the members of the JPU arrived at the courthouse several hours late.

The State Department did not help the human rights situation by claiming yet again, as it has often in the past, that prosecutions were going forward. Yet in an October 3 report to Congress, the Department praised President Duarte for having, "arrested and prosecuted several members of a group suspected of death squad and other criminal activities." A month later, however, on November 5, testifying under oath in a federal court case involving

Salvadoran refugees, Assistant Secretary of State Elliott Abrams acknowledged that, "I know of no prosecution involving death squad activity directed against Salvadorans."

Torture is another form of gross abuse of human rights that continues to be practiced in El Salvador, though more selectively than from 1980 to 1983 when virtually all prisoners detained by the security forces reported torture and when virtually all female prisoners reported rape. Despite credible reports of the continuing use of torture against many detainees, in its effort to obtain Congressional approval of aid to the Salvadoran security forces, the United States repeatedly denied the prevalence of such practices. A particularly embarrassing episode for the United States came to public attention in December when it was reported in the press internationally that a Salvadoran woman who had been employed at the U.S. Embassy for a decade claimed that she had been raped repeatedly by the Treasury Police. She had been turned over to the Treasury Police by Embassy security officials who suspected her of spying for the guerrillas. After two weeks in the custody of the Treasury Police, she was remanded to prison and, shortly thereafter, freed by a Salvadoran military court. The Americas Watch had obtained information in October that tended to support her account of her ordeal. When the story broke publicly in December, the State Department vigorously denied her allegations.

As in previous years, the form of human rights abuse that causes the most widespread suffering in El Salvador is the prac-

tice of attacking civilians living in zones where the guerrillas are active so as to force them to flee. The purpose is to deprive the guerrillas of a civilian population base from which they can obtain food and medical assistance. During 1985, such attacks continued and succeeded in increasingly depopulating guerrilla "controlled zones." The methods used in such attacks violate both the international laws of war and the rules of engagement promulgated in 1984 by President Jose Napoleon Duarte. In essence, the response of the United States has been to deny that such methods are used. Typically, in an appearance on the television program "Nightline," (February 13, 1985), Assistant Secretary of State Elliott Abrams sought to discredit reports of civilian casualties by asserting that, "It is a tactic of the guerrillas every time there is a battle and a significant number of people are killed to say that they're all victims of human rights abuses." On that occasion, Abrams was referring specifically to two episodes in the latter half of 1984 in which accounts of massacres of civilians by the Salvadoran armed forces had been published by several newspapers whose reporters went to the sites. Investigators from the U.S. Embassy had discredited those accounts, Abrams suggested, though the Embassy subsequently denied that it had conducted investigations. The language used by Abrams, however, was characteristic of the way the State Department has dealt with reports of indiscriminate attacks. Another example is contained in the State Department's Country Report on El Salvador for 1984, published in February 1985, in which it asserts that, "the focus [of accusations of human rights abuse]

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El Salvador Human Rights
Special Report 1993

has shifted primarily to the killing of noncombatants by gunfire or aerial bombardment. Most of these accusations, however, originate with the guerrillas themselves or from sources close to and sympathetic to the guerrillas.

The high point of effective effort by the Reagan Administration to curb human rights abuses in El Salvador had been in December 1983 when Vice President George Bush travelled there to warn the country's military leaders that U.S. aid was in jeopardy because of death squad killings, disappearances and torture. A consequence of the Bush visit was a sharp decline in the frequency of such abuses. In our view, one important reason that it took the Reagan Administration so long before it acted effectively is that it had focused much effort in its first three years on denying government responsibility for abuses. Warning the Salvadoran military to stop abuses that it claimed they were not committing would have been contradictory. The Bush visit took place at a moment when the Administration realized that it could no longer persuade Congress that the Salvadoran armed forces were not involved in murders, disappearances and torture, and when the then newly appointed U.S. Ambassador to El Salvador, Thomas Pickering, was publicly acknowledging the responsibility of the armed forces.

Today, the Administration is in a position somewhat similar to the one it was in during most of its first three years. Then, it was denying that some abuses took place (such as the December 1981 massacre of more than 700 civilian noncombatants in the vicinity of El Mozote) and denying government responsibility for

other abuses (such as death squad killings and disappearances). Now, it is again denying that abuses take place (such as the continuing death squad killings and the indiscriminate attacks in zones where the guerrillas are active). Unless and until it acknowledges the ongoing abuses, the Administration will find it difficult to do anything equivalent to what it did in 1983 when the Vice President went to El Salvador to demand that abuses should be curbed.

When the Administration acted in 1983, there was a higher level of public concern and Congressional concern about human rights abuses in El Salvador than there is today. By stonewalling about human rights abuses in El Salvador, and by insisting that all is going well for human rights since President Duarte assumed office on June 1, 1984, the Administration has succeeded in preventing the development of the pressure upon itself that would require it to act. This may be an effective way to secure the funding from Congress for El Salvador that the Administration considers necessary; on the other hand, it has deprived the Administration of the capacity to be effective in improving the human rights situation. Accordingly, the Administration's successful strategy for deflecting reports of human rights abuses has become a means for permitting gross abuses to continue.

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United States Department of State

Washington, D.C. 20520

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El Salvador: Human Rights
Special Project (1993)

June 29, 1987

MEMORANDUM

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TO: ARA - Elliott Abrams

THROUGH: ARA - William G. Walker

FROM: ARA/CEN: Richard E. Melton

SUBJECT: Your Meeting with Salvadoran Chief of Staff, Gen. Adolfo Blanton, Tuesday, June 30 at 2:30 p.m.

General Blanton is here on a mission to brief U.S. officials on the status of the war and ESAP operations. He undoubtedly is eager to counter the perception, following the El Paraiso disaster, that the ESAP is on the defensive and that U.S. military assistance may have been squandered.

The ESAP has acquitted itself well in a number of defensive actions against guerrilla attacks subsequent to El Paraiso and has blunted the FMLN's attempt to regain the initiative. Its current nationwide campaign - Operation Lt. Col. Monterrosa - however, appears to have been undertaken much more for appearances than for potential military gain. It is clear from DAO reporting and from the high command's own contact reports that some units are operating aggressively, while others are holding back. Even the aggressive operations are not motivated by solid intelligence but appear to be simply sweeps. The guerrillas have been taking advantage of this situation by making very heavy and effective use of land mines and harassing tactics. The numbers of guerrillas killed, captured or wounded and the lack of a clear objective do not appear to justify the high expenditure of both human and material resources in this operation. For instance, the Fifth Brigade reported 1,692 patrols and 632 ambushes conducted as of June 23, but only 10 guerrilla casualties. This is in contrast with last year's Operation Fenix which, though costly, succeeded in clearing the guerrillas from a major, highly visible stronghold.

Among some quarters of the ESAP officer corps, and perhaps it is the majority, there appears to be a business as usual attitude. Although the GOES has 56,000 men under arms - including the public security forces, and the guerrillas have 5 - 7,000 combatants, there has been little progress in the past year. There are reliable reports that the FMLN is

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portions withheld: classified () declass ()

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El Salvador Human Rights
Special Project (1983)

reinfiltrating into the Guazapa area and it is known that their presence in Usulután has increased considerably with little or no ESAP opposition. I am not sure that there is an awareness of the inevitable decline in U.S. military assistance which is looming, despite warnings from U.S. officials, including Undersecretary Ikle during his May 6-7 visit. We have seen little interest by the high command in mounting any new operations aimed at clearing the guerrillas from a strategically (or politically) important area such as San Vicente volcano, northern Chalatenango, or northern Morazan, or at targetting and crippling a particular guerrilla force, such as the ERP, and its leadership.

Finally, human rights and corruption remain concerns, as you know. The ESAP has taken no action against the two colonels strongly implicated in the Nordac ammunition fraud case, nor has it done more than slap the hand (involuntary transfer) of an officer (Hernandez) who raped his secretary at the high command. There are also strong suspicions that the infamous Col. Staben's Arce Battalion has committed a number of violations against civilians in its area of operations. These include the murder of the mayor of Nueva Esparta and the probable executions of five (or six) guerrilla collaborators in Northern San Miguel recently.

Staben, who was implicated in the right-wing kidnapping-for-hire ring and whose name appears frequently in intelligence reporting on Roberto D'Aubuisson's post-junta coup plotting and death squad connections, was almost appointed to take over command of the important DM-4 garrison in San Francisco Gotera. Only Ambassador Corr's intervention prevented that politically (in the U.S.) disastrous decision. A recent upsurge in reports of killings, attempted killings, and abductions by the ESAP may be part guerrilla disinformation and part truth. The ESAP is known to be unhappy over the lack of a state of emergency allowing extended interrogation of guerrilla suspects and guaranteed detention of combatants. We are concerned that some units may be meting out summary justice. A slide in human rights performance now will strengthen the hand of those who are stepping up their campaign to cut military aid even further.

Talking Points

The Military Situation

- o We are pleased that the ESAP has bounced back from El Paraíso with several effective defensive actions, such as the failed FMLN attack on San Francisco Gotera, and with

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Special Project (J)

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ongoing operations, but are concerned that the strategic situation seems not to have changed much since Operation Penix. You should keep in mind that, given our budget situation, military assistance levels cannot be maintained indefinitely.

- What is the outlook for major gains against the FMLN in the near term?
- If additional assistance were available in the next year or two, could it be used effectively to make major gains against the guerrillas?
- Do you have any plans for targeted operations, such as the highly successful Operation Penix, against other guerrilla strongholds, or special operations against the FMLN leadership?
- o We understand there is a considerable guerrilla presence in Usulután and that the FMLN is trying to move back into Guazapa. What is your analysis of these situations?
- What is your assessment of FMLN strength, morale, and expansion efforts?

Human Rights and Corruption

- o We believe President Duarte and the ESAP have been exceptionally successful in turning the human rights situation around, although the extent of the improvements have still not been fully recognized by the media and our Congress. However, there are still areas of concern.
 - The failure to bring to trial any officer for past, documented abuses continues to undermine efforts to show the world how the situation has improved. Recent reports about possible executions by the Airce Battalion and several alleged abductions and murders by other units are now raising questions about gains to date. The ESAP should act to investigate fully and to dismiss from the military officers involved in past or current abuses.
 - Congressional interest in the Nordac case, especially by influential members of the House Appropriations Committee, remains high. We believe the ESAP should dismiss from the service Colonels Jorge Rivera and Gonzalez Araujo for their clear participation in this fraud against the GOES, rather than merely wait for the courts to act.

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PAGE 02 OF 03 SAN SA 12311 00 OF 03 210056Z C05/22 000614 MOD555
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PAGE 02 OF 03 SAN SA 12311 00 OF 03 210056Z C05/22 000614

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MODIS

E.O. 12356: DECL. OADR
TAGS: PINS, PGOV, NCAP, PHUM, ES
SUBJECT: MOD VIBES VOICES COMMANDERS' CONCERNS TO
DUARTE

REF: SAN SALVADOR 12213

1. ENTIRE TEXT.
2. SUMMARY

NOON REVIEW
Cat. A - Caption removed:
transferred to INMIG/FPC
Cat. B - Transferred to INMIG/FPC
with additional access
controlled by C/3
Cat. C - Caption and custody
retained by C/3
Reviewed by: *John E. Zain*
Date: 8/26/93

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El Salvador: Human Rights
Special Project (1980s)

I MET SEPTEMBER 18 THE SECOND DAY IN A ROW WITH
MINISTER OF DEFENSE VIBES CASANOVA ON SALVADORAN
OFFICER CORPS' PERCEPTIONS AND COMPLAINTS ABOUT
CHRISTIAN DEMOCRATIC PARTY (PDC) WACINATIONS
UNFAIR TREATMENT UNDER THE LAW UNFAIR AMNESTY
PROPOSALS GOES' PAYMENTS TO WITNESSES CIVILIAN
EFFORTS TO GAIN CONTROL OF THE SECURITY FORCES AND
DISSATISFACTION WITH VICE MINISTER OF PUBLIC
SECURITY LOPEZ NUILA VIBES PLANNED TO RECOMMEND TO
PRESIDENT DUARTE LATER THE SAME DAY THAT HE CONSIDER
MOVING LOPEZ NUILA TO A HIGH RANKING CIVILIAN
POSITION AND THAT PROGRESS ON CREATING A DISTINCT
PUBLIC SECURITY SERVICE CONTINUE INVESTIGATIONS OF

HUMAN RIGHTS CASES OF MILITARY OFFICERS CONTINUE BUT
WITHOUT URGE PUBLICITY AND ACCORDING TO LAW, BUT
CORRUPT CIVILIANS BE PROSECUTED AS WELL. THE MET
OFFICERS, SOME OF WHOM ARE IMPLICATED IN CELEBRATED
HUMAN RIGHTS CASES, ARE SEEKING A SOLUTION TO THEIR
GRIEVANCES WITHIN THE PARAMETERS OF THE
CONSTITUTIONAL SYSTEM AND ARE LIKELY TO GET SOME
SATISFACTION, ALTHOUGH SIGNS OF DISCONTENT WITHIN
THE ARMED FORCES ARE UNLIKELY TO DISAPPEAR. END
SUMMARY.

3. VIBES AND LARIOS MEET WITH AMBASSADOR

I MET AGAIN ON SEPTEMBER 18 WITH GEN. CARLOS EUGENIO
VIBES CASANOVA, THE MINISTER OF DEFENSE, WHO
DISCUSSED HIS PRESENTATION OF HIS OFFICERS'
COMPLAINTS TO THE PRESIDENT ON SEPTEMBER 17. HE
PREVIEWED WITH ME HIS RECOMMENDATIONS TO BE GIVEN TO
DUARTE IN A FOLLOW-UP MEETING LATER ON SEPTEMBER 18
AND I WAS ABLE TO MODERATE HIS RECOMMENDATIONS.
GEN. RAFAEL LARIOS, THE DIRECTOR GENERAL OF THE
NATIONAL GUARD WAS PRESENT AT THE MEETING.

4. PDC IS THE THREAT

VIBES RELATED THAT THE ASSEMBLED OFFICERS ALLEGED
THAT THE RULING CHRISTIAN DEMOCRATIC PARTY (PDC)
WANTS TO WEAKEN THE ARMED FORCES (ESAF). VIBES SAID
SOME OFFICERS FEAR THE PDC MAY CUT A DEAL WITH THE
FMLN FOR HARMFUL TO THE ARMED FORCES ACCORDING TO
THE MINISTER OF DEFENSE MANY OFFICERS VIEW THE

SITUATION IN BLACK AND WHITE TERMS EITHER THE
ARMED FORCE MUST ACT TO PROTECT ITSELF OR THEY FINE

Department of State IS/FPC/GDR El Salvador SP Date 9/17/93
Declassified under EO 12356 () in full; () in part:
portions withheld: classified (); deliberative ();
law enforcement (); privacy (); statutory ();
not relevant to El Salvador ().



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PAGE 04 OF 09 SAN SA 12311 00 OF 03 2100562 C05/22 000614
OFFICERS) WILL FIND THEMSELVES CAUGHT IN A
REPLICATION OF THE ARGENTINE CASE. VIDES NOTED
THREE COMMON COMPLAINT AREAS EMERGING FROM THE GROUP.

- PURCHASE OF WITNESSES: THE GOES IS ALLEGEDLY
- WILLING TO PAY \$80,000 TO A WITNESS IN THE
- ROMERO CASE AND A NEW WITNESS IN THE LAS HOJAS
- CASE CLAIMS COL. CONZALEZ ARAUJO WAS PRESENT AT
- THE MASSACRE CONTRARY TO THE FACTS AND OTHER
- TESTIMONY.

- UNFAIR AMNESTY PROPOSAL: AMNESTY WILL APPLY TO
- THE GUERRILLAS WHO HAVE MURDERED AND SLAUGHTERED
- BUT NOT ESAT MEMBERS IMPLICATED IN HUMAN RIGHTS
- CASES.

- UNEQUAL TREATMENT UNDER THE LAW: MILITARY
- OFFICERS ARE BEING INVESTIGATED AND PROSECUTED
- WHILE CORRUPT CIVILIAN OFFICIALS ARE NOT.

5. A MAJOR POINT THE SECURITY FORCES

VIDES EMPHASIZED AGAIN THAT THE OFFICERS PRESENT AT
THE MEETING WERE DISTURBED ABOUT THE INCREASING
INSTITUTIONAL DIFFERENTIATION OF THE PUBLIC SECURITY
FORCES FROM THE MILITARY FORCES AND WERE PLOUGHED
PERSONALLY ABOUT VICE MINISTER OF PUBLIC SECURITY

COL. CARLOS REYNALDO LOPEZ NUIA. THEY OPINED THAT
PRESIDENT DUARTE CREATED THE SECURITY FORCES AGAINST
THE WISNES OF THE ESAT AND CLAIMED THE INTENT WAS
TO DIVIDE THE UNIFORMED SERVICES AND PUT THE

SECURITY FORCES UNDER THE CONTROL OF A CIVILIAN
MINISTRY. THE OFFICERS VOICED THEIR OPPOSITION TO
THE CONSTRUCTION NOW UNDERWAY OF THE SEPARATE POLICE
COMPLEX AND ACADEMY AND THE LATEST DIVERSION OF \$9.3

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PAGE 05 OF 09 SAN SA 12311 00 OF 03 2100562 C05/22 000614
MILLION IN MAP FUNDS FOR THE POLICE, INCLUDING
PROVISION OF THREE HELICOPTERS TO THE SECURITY
FORCES. RATHER THAN TO THE AIR FORCE WHICH COULD
PROVIDE DIRECT SUPPORT TO THE POLICE WITH THE
HELICOPTERS. THEY CLAIMED THAT THE MINISTRY OF
JUSTICE'S SPECIAL INVESTIGATIONS UNIT (SIU) IS
CONTROLLED BY LOPEZ NUIA AND IS AIMED SOLELY AT
MILITARY OFFICERS. MUCH CRITICISM WAS FOCUSED AT
LOPEZ NUIA, WHO HAS NEVER BEEN POPULAR AMONG THE
OFFICER CORPS.

6. HUMAN RIGHTS CASES AS SOURCE OF DISCONTENT

VIDES SINGLE OUT OFFICERS IMPLICATED IN HIGH
PROFILE HUMAN RIGHTS CASES AS THE MAJOR INVESTIGATORS
OF DISCONTENT AND THE CRITICISMS DETAILED ABOVE. HE
HIGHLIGHTED THAT MANY OF THE IMPLICATED OFFICERS
HAVE A SIGNIFICANT FOLLOWING AMONG THE OFFICER
CORPS. VIDES WENT THROUGH A LIST OF CASES (LAS
HOJAS MASSACRE, ARCHBISHOP ROMERO ASSASSINATION
MIGUEL ANGEL RIVAS DISAPPEARANCE LA LAGUNA
MURDERING AND DISAPPEARANCE OF SANTA ANA LABOR
LEADERS) AND PAIRED UP IMPLICATED OFFICERS AND UNITS
WITH THE CASES. DESCRIBING THE PERSONAL INTER-
RELATIONSHIPS HE WAS ABLE TO DEMONSTRATE THAT
SEVERAL HUNDRED OFFICERS AND KEY UNITS HAVE COME
TOGETHER IN THEIR DISCONTENT ABOUT THESE CASES.
VIDES ADDED THAT ROBERT D'AUBISSON AND FORMER COL.

SIGIFREDO OCHOA-PEREZ ARE FOSTERING DISCONTENT AMONG
THE OFFICERS

7. PERSONNEL CHANGES MAY AUGMENT UNCERTAINTY

VIDES WAS PREOCCUPIED ABOUT THE IMPLICATIONS OF HIGH

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PAGE 86 OF 89 SAN SA 12311 89 OF 83 2180562 C05/22 008614 M
LEVEL CHANGES IN THE MILITARY COMMAND STRUCTURE. HE
MENTIONED THAT GEN. ADOLFO BLANDON, CHIEF OF STAFF,
HAD PERSONAL AND HEALTH PROBLEMS, THAT GEN. RAFAEL
FLORES LIMA, VICE MINISTER OF DEFENSE, BADLY WANTED
TO RETIRE, AND THAT THE OFFICER CORPS WAS DEMANDING
LOPEZ NUIA'S OUSTER. THE DEPARTURE OF ALL THREE OF
THESE OFFICERS WITHIN A SHORT TIME FRAME COULD HAVE
DESTABILIZING CONSEQUENCES. HE ALSO ACKNOWLEDGED
THAT SUCH CHANGES COULD FREE UP PRESSURES BY
ALLOWING OPPORTUNITIES FOR ADVANCEMENTS AND
TRANSFERS.

- PAYMENTS TO WITNESSES (THIS PRIMARILY CONCERNS
- PAYMENTS TO A WITNESS IN THE ROMERO CASE
- CURRENTLY RESIDING IN THE U.S. AND TO THE

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El Salvador: Human Rights
Special Project (1993)
CONTRAZ ARAUJO IN THE LAS NOJAS
CASE.)

- PROSECUTE CIVILIAN OFFENDERS AS WELL AS MILITARY
- ONES, PARTICULARLY IN CASES OF CORRUPTION,

- REMOVE LOPEZ NUIA, BUT GIVE HIM A MINISTRY.
- E.G. JUSTICE, OR AN EMBASSY,

- CONTINUE THE DEVELOPMENT OF THE PUBLIC SECURITY
- FORCES UNDER A NEW VICE MINISTER AND DUARTE
- ASSURE ESAF THAT HE DOES NOT INTEND TO MOVE
- CONTROL TO A CIVILIAN MINISTRY.

9. COMMENT

THIS PROBLEM IS NOT GOING TO GO AWAY EASILY. LOPEZ
NUIA MAY HAVE TO BE REPLACED SO AS TO SAFEGUARD AND

CONTINUE THE EVOLUTION OF A PROFESSIONAL POLICE
FORCE. DUARTE WILL BE RELUCTANT TO REMOVE LOPEZ
NUIA BOTH BECAUSE OF ADMIRATION FOR LOPEZ NUIA
AND NOT WANTING TO YIELD TO PRESSURE. LOPEZ NUIA'S
DEPARTURE WOULD HURT OUR EFFORTS IN HUMAN RIGHTS
UNLESS DUARTE WOULD APPOINT HIM TO ANOTHER IMPORTANT
POST WHERE HE COULD EXERCISE INFLUENCE IN THIS AREA
SUCH AS MINISTER OF JUSTICE OR OF THE PRESIDENCY
VIDES MAY HAVE LARIOS WHO INCIDENTALLY IS LOPEZ
NUIA'S COUSIN IN MIND FOR THE VICE MINISTER OF
PUBLIC SECURITY SINCE ALTHOUGH GENERAL COLCHER MAY
BE THE ARMED FORCES CANDIDATE

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8. RECOMMENDATIONS TO DUARTE:

IMMEDIATELY AFTER HIS SEPTEMBER 17 MEETING WITH THE
OFFICERS, VIDES MET WITH THE PRESIDENT AND RECOUNTED
THEIR COMPLAINTS. A SECOND VIDES-DUARTE MEETING WAS
SCHEDULED FOR THE MORNING OF SEPTEMBER 18. VIDES
PREVIEWED HIS RECOMMENDATIONS TO THE PRESIDENT WITH
ME. I WAS ABLE TO SHAPE HIS RECOMMENDATIONS WITH
RESPECT TO CONTINUING CRIMINAL INVESTIGATIONS OF
MILITARY OFFICERS AND ON THE NECESSITY TO CONTINUE
TO DEVELOP THE POLICE AS A DISTINCT ORGANIZATION.
BUT HE DID NOT FEEL HE COULD BACK OFF FROM A
PROPOSAL TO REMOVE LOPEZ NUIA (WHOM HE LIKES AND
ADMIRES) WITHOUT SIGNIFICANTLY WEAKENING HIS OWN
CONTROL OVER THE ARMED FORCES. HIS PROPOSALS TO
PRESIDENT DUARTE WERE TO BE

- CONTINUE CRIMINAL INVESTIGATIONS AND PROSECUTIONS
- OF MILITARY OFFICERS ACCORDING TO THE LAW

- STOP "PROPAGANDA" ABOUT SPECIFIC CASES INVOLVING
- MILITARY OFFICERS ESPECIALLY BY ATTORNEY GENERAL
- GIRON FLORES UNTIL THE CASES ARE COMPLETE AND
- PRESENTED TO THE COURTS FOR TRIAL AND STOP

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PAGE 09 OF 09 SAN SA 12311 00 OF 03 210056Z 005/22 000614
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PAGE 08 OF 09 SAN SA 12311 00 OF 03 210056Z 005/22 000614 000555

10. THE GUATEMALA PEACE PLAN IS AN IMPORTANT ELEMENT IN THE ARMED FORCES' MALISE. MOST OFFICERS BELIEVE THAT THE SANDINISTAS AND THE FMLN/DR WILL IN THE END BENEFIT MORE FROM THE PLAN THAN WILL SALVADORAN DEMOCRACY AND SECURITY. THE OFFICERS STRESS THEIR WILLINGNESS TO SUPPORT PRESIDENT QUARTE'S COMMITMENT FOR FULL SALVADORAN COMPLIANCE BUT BELIEVE A NEGOTIATED CEASE-FIRE IS NOT CONSTITUTIONALLY POSSIBLE BECAUSE THE SALVADORAN CONSTITUTION DOES NOT PERMIT ANY NON-GOVERNMENTAL FORCE TO OCCUPY TERRITORY NOR TO MAINTAIN ARMS. THE OFFICERS FEAR THE AMNESTY WILL FREE GUERRILLA PRISONERS WHILE MILITARY REMAIN IN JAIL, AND THAT THE RETURN OF REFUGEES WILL FAVOR THE FMLN. OFFICERS SUSPECT THAT THOUGH SUPPORT FOR THE FMLN MAY SUBSIDE FOR AWHILE THAT THE SANDINISTAS WILL RENEW SUPPORT AFTER THE SANDINISTAS HAVE ATTAINED THEIR GOALS OF DISMANTLING THE DEMOCRATIC RESISTANCE AND REMOVING INTERNATIONAL PRESSURES.

11. LOPEZ ABILA TOLD DCN SEPTEMBER 19 THAT THE IMMEDIATE CRISIS AS IT CONCERNS HIM IS BEING PROVIDED BY ARCE BATTALION COMMANDER STABEN WHO IS FEELING THE HEAT ON THE ROMERO CASE. SEVERAL REP SINOMICA LANDMARTIES ARE SUPPORTING STABEN.

12. GIVEN THIS SITUATION GIRON FLORES SHOULD CONTINUE VIGOROUSLY TO INVESTIGATE THE HIGH PROFILE HUMAN RIGHTS CASES BUT WITH LESS PUBLICITY UNTIL THE CASES ARE READY TO GO TO TRIAL.

13. AT PRESENT I BELIEVE THAT THE KEY OFFICERS ARE TURNING TO VIDES CASAROVA AND THE ARMED FORCES AS AN INSTITUTION TO BROKER AN ACCOMMODATION WITH THE CIVILIAN GOVERNMENT RATHER THAN SEEKING TO

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APPROVED BY: ARAIE ABRAMS
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El Salvador: Human Rights
Special Project (1993)

STATE 040492

EXDIS: FOR AMBS BRIGGS AND CORR FROM ABRAMS

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, HO, ES
SUBJECT: HEADS UP ON HUMAN RIGHTS

1. ENTIRE TEXT.

2. I BELIEVE, BASED ON EVENTS SO FAR THIS YEAR, THAT WE
ARE GOING TO EXPERIENCE A RENEWED FOCUS ON HUMAN RIGHTS
OBSERVANCE IN BOTH HONDURAS AND EL SALVADOR FOR AT LEAST
THE REMAINDER OF THE YEAR. IT WILL BE CRITICALLY
IMPORTANT TO OUR EFFORTS ON THEIR BEHALF WITH THE CONGRESS
AND TO THE OWN EFFORTS AROUND THE WORLD THAT THE
POLICE/ARMED FORCES IN BOTH NATIONS TURN IN POSITIVE
PERFORMANCES. EQUALLY IMPORTANT WILL BE THEIR ABILITY AND

WILLINGNESS TO RESPOND IN A TIMELY FASHION TO ALLEGATIONS
OF ABUSES AND TO COUNTER DISINFORMATION.

3. PLEASE TAKE THE NEXT APPROPRIATE OPPORTUNITY TO FLAG

PAGE 02 STATE 040492

OUR CONCERN TO PRESIDENTS AZCONA AND DUARTE AND TO URGE

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Special Project (1993)

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THEM TO GET THE WORD OUT TO THEIR RESPECTIVE FORCES. IT MAY BE USEFUL TO REITERATE OUR STRONG SUPPORT FOR HUMAN RIGHTS TRAINING IN THIS CONTEXT. BOTH COUNTRIES ALSO NEED TO DO MUCH MORE TO RESPOND TO ALLEGATIONS THROUGH THEIR EMBASSIES AND GOVERNMENTAL PRESS OFFICES. WHILE I FULLY UNDERSTAND THE DELICACY OF WHAT I'M REQUESTING, THERE SHOULD BE NO MISTAKE ABOUT THE SERIOUSNESS OF OUR CONCERN.

4. YOU MAY WISH TO REINFORCE THE MESSAGE WITH THE MILITARY LEADERSHIP YOURSELVES, IF YOU BELIEVE SUCH AN APPROACH WOULD BE HELPFUL AND WOULD NOT UNDERMINE THE PRESIDENT. FINALLY, I WOULD ALSO ASK YOU TO PAY PARTICULAR ATTENTION TO POTENTIAL ALLEGATIONS IN YOUR REPORTING.

5. I AM WELL AWARE THAT YOU AND YOUR STAFFS ARE ALREADY WORKING THIS PROBLEM, AS ARE THE GOVERNMENTS -- I APPRECIATE THOSE EFFORTS. HOWEVER, REPORTING FROM THE FIELD AND DEVELOPMENTS HERE LEAD ME TO BELIEVE THAT WE ARE ABOUT TO EXPERIENCE A FULL COURT PRESS AND I WANT US ALL TO BE PREPARED.
SHULTZ

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SAN SALVADOR 02032

EXDIS

FOR ASSISTANT SECRETARY ABRAMS FROM

E.O. 12356: DECL: OADR
TAGS: PREL, PHUM, ES
SUBJECT: HEADS UP ON HUMAN RIGHTS

REF: STATE 040492

1. ENTIRE TEXT.

2. THANK YOU FOR REFTEL. EMBASSY OFFICERS AND I HAVE BEEN WORKING DURING THE LAST FEW MONTHS TO SENSITIZE SALVADORAN GOVERNMENT OFFICIALS AND MILITARY LEADERS TO THE DAMAGE THAT LACK OF CONTINUED PROGRESS ON HUMAN RIGHTS COULD HAVE ON THE U.S. CONGRESS AND ASSISTANCE LEVELS FOR EL SALVADOR.

3. AS PART OF THIS CONTINUED EFFORT, JUST PRIOR TO RECEIPT OF REFTEL, CINCSOUTH COMMANDER GEN WOERNER AND I MADE THIS POINT IN A MEETING WITH THE HIGH COMMAND ON FEBRUARY 8. I DEALT WITH THE MATTER AT LENGTH WITH PRESIDENT DUARTE ON FEBRUARY 11. DURING A MEETING WITH MINISTER OF JUSTICE SAMAYDA ON

PAGE 02 SAN SA 02032 152309Z

FEBRUARY 12 I AGAIN MADE THE POINTS INCLUDED IN YOUR

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law enforcement	category ()
not to be	category ()

EXDIS REVIEW	
Cat. A	- Caption removed; transferred to O/FADRC
Cat. B	- Transferred to O/FADRC with additional access controlled by S/S
Cat. C	- Caption and custody retained by S/S
Reviewed by: <u>Elijah J. By Jr.</u>	
Date: <u>7-23-93</u>	

9/23/93

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Special Project (1993)

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**CABLE. IN EACH MEETING I DISCUSSED SPECIFIC RECENT
CASES OF ABUSE.**

BEST REGARDS, ED.

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United States Department of State

The Inspector General

Washington, D.C. 20520

March 25, 1988 --

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MEMORANDUM

TO: ARA - Assistant Secretary Elliott Abrams

FROM: IG - Sherman M. Funk *SMF*

SUBJECT: Reporting from Embassy San Salvador

Confirming our discussion about this last month, I am disturbed by the reporting problem in Embassy San Salvador highlighted by our recent inspection of that post. We found that mission was not reporting fully and accurately on the Duarte administration, particularly on matters related to corruption.

I appreciate Ed Corr's rationale for not wishing to place negative reports about Duarte on the record. I appreciate, too, your frank explanation of why this bias developed. Nevertheless, for the reasons given below, I am convinced that Embassy San Salvador must set and keep the record straight.

o The ability of our posts to report events as they see them, warts and all, is an essential ingredient in the formulation of U.S. foreign policy. We have seen the results elsewhere when reporting was not candid.

o The argument was made to us that the senior American officials involved, here and in El Salvador, are intimately familiar with the problems in the Duarte administration, and that this familiarity is sustained through private contacts. In the real world (the argument goes), it is therefore unnecessary and, indeed, given the potential for leaks, may even be counterproductive, to cite these problems in cable traffic or other formal reports. This begs the issue. In view of the flux, the inherent volatility, of personnel assignments, individuals who are completely aware of the situation may not be available when urgent policy decisions must be made or recommended. That is what institutional knowledge -- however closely held -- is all about.

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o The information given to our inspection team came from multiple sources both at post and here in Washington. Thus, many persons already are privy to the information, and to the fact that it is not being reported. We cannot preclude the possibility that one or more of these sources will "go public." If so, the Department inevitably will be charged with a cover-up. The game is simply not worth the candle.

o Finally, there is the issue of historical accuracy. This may not be of immediate moment, but it is of great importance over the long term. At some point, whether it be a Ph.D. student working years from now on a dissertation or a journalist researching a think piece, someone will examine the record. If that record is one of obfuscation, or of silence about problems which long since have become public knowledge, the Department will suffer damage to its professionalism and credibility.

I therefore was relieved and reassured by your commitment to correct this problem. I think we have to deal forthrightly with Ed Corr. If we are truly setting the record straight, it should be done before Ed leaves post rather than after his departure. Also, our inspection report of El Salvador has now openly identified the problem, making it even more egregious if we still do nothing about it.

Please let me know soonest what steps you have taken with Ed Corr and what success you have had in remedying the problem.

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DECL: OADR



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El Salvador: Human Rights
Special Project (1003)

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EXDIS

FOR ASSISTANT SECRETARY ABRAMS FROM

E.O. 12356: DECL: OADR
TAGS: PHUN, PINS, PGDV, ES
SUBJECT: HUMAN RIGHTS CONCERNS

REF: STATE 149876

1. [REDACTED] - ENTIRE TEXT.

2. THANK YOU FOR YOUR EXPRESSION OF CONCERN AND THE OFFER OF WASHINGTON ASSISTANCE WITH RESPECT TO THE DETERIORATING HUMAN RIGHTS SITUATION IN EL SALVADOR. PRIOR TO RECEIPT OF THIS MESSAGE, I HAD ALREADY DISCUSSED WITH MY STAFF THE IDEA OF REQUESTING A HIGH LEVEL U.S. GOVERNMENT REPRESENTATIVE VISIT EL SALVADOR TO MEET WITH SENIOR MILITARY OFFICIALS TO STRESS THE NEED FOR ARMED FORCES' RESTRAINT AND SUPPORT FOR HUMAN RIGHTS.

3. THE MESSAGE WOULD DIFFER FROM THAT DELIVERED BY THE VICE PRESIDENT IN 1983, IN THAT HE PROBABLY SHOULD NOT THREATEN SUSPENSION OF ASSISTANCE BUT EMPHASIZE THAT CONTINUED ABUSES COULD INEVITABLY LEAD TO LOSS OF MILITARY AID AND FAILURE OF THE

PAGE 02

SAN SA 06434 130112Z

DEMOCRATIC PROJECT LAUNCHED BY THE ARMED FORCES IN

Department of State IS/EPC/CDR El Salvador SP Date 9/21/91
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[REDACTED] not relevant to El Salvador ().

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El Salvador: Human Rights
Project (1993)

THE COUP OF OCTOBER 1979. A SPECIFIC LIST OF INCIDENTS MIGHT BE PRESENTED AND A REQUEST MADE THAT THE ARMED FORCES CONCLUDE INVESTIGATIONS AND ASSURE PROSECUTIONS OF THE GUILTY.

4. HIGH USG OFFICIALS THAT MIGHT MOST EFFECTIVELY DELIVER A MESSAGE TO THE ARMED FORCES ON HUMAN RIGHTS WOULD BE, IN MY OPINION, THE VICE PRESIDENT, CHAIRMAN OF THE JOINT CHIEFS OF STAFF GROUP, OR SECRETARY OF DEFENSE CARLUCCI. THE MISSION MIGHT BE ATTRACTIVE TO THE VICE PRESIDENT BECAUSE OF HIS CRITICAL INTERVENTION ON HUMAN RIGHTS WITH THE SALVADORAN ARMED FORCES IN 1983, WHICH RESULTED IN MARKED BEHAVIORAL IMPROVEMENT AND CHANGE IN THE SALVADORAN MILITARY. ON THE OTHER HAND, THE VICE PRESIDENT MIGHT CONSIDER THAT HIS SCHEDULE AND OTHER CONCERNS WOULD NOT PERMIT A VISIT AT THIS TIME.

5. ADMIRAL CROWE WOULD BE EXTREMELY IMPRESSIVE TO SENIOR SALVADORAN OFFICERS AND HIS MESSAGE WOULD CARRY GREAT WEIGHT. I WOULD PROPOSE THAT HE BE ACCOMPANIED BY USCINCSO GENERAL NOERNER.

6. A VISIT TO THE AREA BY SECRETARY OF DEFENSE CARLUCCI MIGHT HAVE A NUMBER OF BENEFICIAL SIDE EFFECTS IN SHOWING U.S. RESOLVE TO SUPPORT DEMOCRACY IN THIS REGION. HE, TOO, WOULD BE A VERY PERSUASIVE SPOKESMAN ON THIS SUBJECT.

7. TIMING FOR SUCH A VISIT SHOULD BE EARLIER RATHER THAN LATER, PERHAPS IN EARLY JUNE FOLLOWING THE

PAGE 03

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CENTRAL AMERICAN CHIEFS OF MISSION MEETING AT THE END OF THIS MONTH. I LOOK FORWARD TO DISCUSSING THIS MATTER WITH YOU AT THAT MEETING. WARM REGARDS.

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El Salvador: Human Rights
Special Project (1993)

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EB-00 DODE-00 H-01 IQ-19 NSCE-00 NSAE-00 SSO-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1204
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY SAN JOSE
AMEMBASSY LIMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USMISSION GENEVA
USMISSION USUN NEW YORK
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SECTION 01 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

1. [REDACTED] - ENTIRE TEXT

2. SUMMARY:

AS MEDIA ACCOUNTS, THE HOMILIES, AND OUR RESPONSES TO
SPECIFIC CONGRESSIONAL INQUIRIES HAVE INDICATED, THE

PAGE 02 SAN SA 08711 01 OF 07 291714Z

HUMAN RIGHTS SITUATION IN EL SALVADOR APPEARS TO HAVE

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portions withheld; classified () ; deliberative () ;
law enforcement () ; privacy () ; statutory () ;
not relevant to El Salvador () .

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El Salvador: Human Rights
Special Project (1993)

[REDACTED]
DETERIORATED. AS ALWAYS, HARD DATA IS HARD TO COME BY AND THAT DATA WHICH IS AVAILABLE IS OFTEN MISREPRESENTED BY HUMAN RIGHTS ORGANIZATIONS. WE ARE NOT YET SURE IF THE INCREASE IN POLITICAL DEATHS OUTSIDE OF COMBAT IS STATISTICALLY SIGNIFICANT. IT COULD BE THAT OUR OWN SUCCESS IN BRINGING DOWN THE NUMBERS MEANS THERE IS MORE EMPHASIS ON THOSE INCIDENTS WHICH DO OCCUR. IT IS ALSO POSSIBLE THAT MORE INFORMATION IS SIMPLY REACHING THE CAPITAL. BUT ONE THING IS CLEAR: FOR THE FIRST TIME IN YEARS, BLINDFOLDED BODIES ARE AGAIN BEGINNING TO APPEAR IN SAN SALVADOR WITH THEIR HANDS TIED BEHIND THEIR BACKS.

3. CONTRARY TO REPORTS IN THE U.S. PRESS AND QUESTIONS WHICH WE ARE BEING ASKED BY VISITING U.S. DELEGATIONS, THE INCREASED NUMBER OF DEATHS OUTSIDE OF COMBAT LOOK AS IF THEY MAY BE DUE TO THE SECURITY FOCUS, THE ARMY, OR PERHAPS EVEN PARAMILITARY DEATH SQUADS, DOES NOT APPEAR TO BE RELATED TO THE ARENA VICTORY IN THE MARCH 20, 1988 ASSEMBLY ELECTIONS. WE BELIEVE THAT THE FIRST INDICATIONS OF THE DETERIORATION CAN BE TRACED BACK TO AS LONG AGO AS MAY 1987 AND THINK THAT IT MAY BE RELATED TO THE EXPIRATION OF THE STATE OF EXCEPTION DECREE IN JANUARY 1987.

4. AS FOR THE SOLUTION, THERE IS NO EASY ANSWER. WHILE THE HUMAN RIGHTS COMMISSION (CDH) HAS GONE JUST ABOUT AS FAR AS IT CAN IN EDUCATIONAL PROGRAMS, ONCE A HUMAN RIGHTS VIOLATION IS COMMITTED THERE IS LITTLE THE CDH CAN DO BECAUSE IT CANNOT PRESENT EVIDENCE IN
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PAGE 03 SAN SA 08711 01 OF 07 291714Z

COURT. WE HAD HIGH HOPES FOR THE NEW ATTORNEY GENERAL, BUT WHEN HE RAN INTO PROBLEMS WITH THE MILITARY IN THE FALL OF 1987, HE BACKED OFF AND HIS OFFICE IS NO LONGER MAKING SERIOUS EFFORTS TO PROSECUTE HUMAN RIGHTS ABUSES. THE SPECIAL INVESTIGATIVE UNIT (SIU) HAS IMPROVED PROFESSIONALLY BUT STILL BACKS OFF FROM CASES WHEN THEY LEAD TO MILITARY INVOLVEMENT IN HUMAN RIGHTS ABUSE. THE MILITARY HAS SHOWN ITSELF TO BE UNABLE TO POLICE ITSELF AND CARRY OUT ANY SORT OF INVESTIGATION.

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Special Project (1993)

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5. WE ARE HOPEFUL THAT THE SECRETARY'S MEETING WITH ARMY OFFICERS ON JUNE 30 WILL GIVE US THE MOMENTUM NECESSARY TO MOVE FORWARD IN HUMAN RIGHTS. HOWEVER, THE EFFORT IS NOT DEPENDENT OVERLY ON THE MILITARY AND SECURITY FORCES. THE GOES, THE LEGISLATIVE ASSEMBLY, THE COURTS, THE PROSECUTORS, AND THE POLITICAL PARTIES MUST ALL WORK WITH THE ESAF TO MOVE THE SITUATION FORWARD. END SUMMARY.

6. SITUATION IS DETERIORATING:

POLITICAL ACTIVITY IN EL SALVADOR IS EFFERVESCENT, AND MORE GROUPS ACROSS THE SPECTRUM ARE PARTICIPATING THAN EVER BEFORE. PUBLIC DEBATE IS LOUD, AT TIMES ACRIMONIOUS, AND UNCENSORED. THERE IS NO STATE OF SIEGE. GUERRILLA FRONT GROUPS DEMONSTRATE FREQUENTLY AND VIOLENTLY. BUT OVER THE PAST YEAR, A NUMBER OF CASES OF MURDERS HAVE OCCURRED WITH POSSIBLE POLITICAL OVERTONES.

--- MAY 1, 1987: THREE LEFTIST LABOR ORGANIZERS DISAPPEAR FROM MAY DAY MARCH.

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El Salvador Human Rights
Special Project (1993)

PAGE 01 SAN SA 08711 02 OF 07 291715Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 DIC-02 CIAE-00
EB-00 DODE-00 H-01 ID-19 NSCE-00 NSAE-00 SSO-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
INRE-00 RP-10 USIE-00 SP-02 SR-06 SSE-01 PRS-01
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FM AMEMBASSY SAN SALVADOR
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AMEMBASSY SAN JOSE
AMEMBASSY LIMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

SECTION 02 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

-- MAY 21, 1987: PALITOS WELL. FIVE BODIES,
APPARENTLY MURDERED BY ARCE BATTALION TROOPS, THROWN
INTO WELL IN NORTHERN SAN MIGUEL DEPARTMENT.

-- JUNE 6, 1987: SIX INDIVIDUALS ARE PULLED FROM
THEIR HOUSES, HAVE THEIR NECKS STABBED OR HACKED WITH

PAGE 02 SAN SA 08711 02 OF 07 291715Z

KNIVES AND ARE LEFT FOR DEAD IN LA LAGUNA,
CHALATENANGO DEPARTMENT. TWO DIE, BUT FOUR SURVIVE.

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El Salvador: Human Rights
Special Project (1993)

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-- SEPTEMBER 1, 1987: SALVADOR UBAU, HEAD OF A UNION AT THE NATIONAL UNIVERSITY, IS ABDUCTED.

-- OCTOBER 26, 1987: HERBERT ANAYA SANABRIA, PRESIDENT OF FMLN-FRONT NONGOVERNMENTAL HUMAN RIGHTS COMMISSION, ASSASSINATED. AN ERP MEMBER CONFESSES TO THE MURDER, BUT QUESTIONS REMAIN.

-- DECEMBER 16, 1987: GERARDO HERNANDEZ TORRES DIES IN MARIONA PRISON, APPARENTLY AFTER HAVING BEEN BEATEN BY THE NATIONAL POLICE. Z

-- JANUARY 11, 1988: JOSE ANGEL ALAS GOMEZ DIES OF A "HEART ATTACK" IN A TREASURY POLICE CAR.

-- JANUARY 31, 1988: THREE INDIVIDUALS KILLED IN CANTON MELENDEZ AND BODIES DUMPED AT PUERTA DEL DIABLO.

-- FEBRUARY 19, 1988: THE BODY OF UNIDENTIFIED MAN SHOWING SIGNS OF SEVERE TORTURE AND BROKEN WRISTS IS FOUND IN APOPA, SAN SALVADOR DEPARTMENT.

-- FEBRUARY 26, 1988: THREE INDIVIDUALS KILLED BY DM-4 TROOPS IN EL TABLON, MORAZAN DEPARTMENT. TWO BODIES WERE LATER EXHUMED AND SHOW SIGNS OF TORTURE.

-- APRIL 29, 1988: ADRIAN CHAVARRIA, SECRETARY FOR INTERNATIONAL RELATIONS OF THE GENERAL CONFEDERATION OF WORK (CGT) MURDERED, APPARENTLY BY TREASURY POLICE.
[REDACTED]

PAGE 03 SAN SA 08711 02 OF 07 291715Z

-- MAY 7, 1988: JUDGE JORGE ALBERTO SERRANO ASSASSINATED IN FRONT OF HIS HOME.

-- MAY 26, 1988: JOSE ABRAHAM RIVERA MENJIVAR, BLINDFOLDED, HANDS TIED, IS EXECUTED IN A FIRING SQUAD-TYPE KILLING IN NORTHERN SAN SALVADOR.

-- MAY 26, 1988: THE BODY OF AN UNIDENTIFIED MAN IS FOUND IN A PLASTIC BAG ALONG THE PAN AMERICAN HIGHWAY WEST OF SAN SALVADOR. IT SHOWS SIGNS OF TORTURE, AND

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El Salvador: Human Rights
Special Project (1993)

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IS PARTIALLY BURNED.

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-- JUNE 8, 1988: THE BODY OF AN UNIDENTIFIED MAN, BLINDFOLDED, SHOWING SIGNS OF TORTURE, IS FOUND IN JUAYUA, SONSONATE DEPARTMENT.

-- JUNE 9, 1988: THE BODY OF AN UNIDENTIFIED MAN, FINGERS CUT OFF AT BOTH HANDS, HACKED NUMEROUS TIMES WITH A MACHETE, IS FOUND IN SAN BARTOLOME PERULAPIA, CUSCATLAN DEPARTMENT.

NOTE: THIS MESSAGE FOCUSES ON HUMAN RIGHTS ABUSES WHICH MAY HAVE BEEN COMMITTED BY THE MILITARY AND SECURITY FORCES AND/OR PARAMILITARY DEATH SQUADS. THE VERY FOCUS DISTORTS THE HUMAN RIGHTS PANORAMA BY OMITTING ABUSES BY THE FMLN. SINCE MAY 1987, THE FMLN HAS KIDNAPPED AND ASSASSINATED MAYORS AND CANDIDATES FOR MAYOR, JUDGES, AND JUSTICES OF THE PEACE. THEY ALSO KILLED CITIZENS SUSPECTED OF BEING GOVERNMENT INFORMERS AND, IN ONE CASE, FOR SIMPLY DARING TO RECEIVE THE ELECTORAL CARNET. DEATH AND MAIMING CAUSED BY GUERRILLA LAND MINES ARE AN ALMOST DAILY OCCURRENCE. FURTHERMORE, GUERRILLA SABOTAGE OF

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 SAN SA 08711 03 OF 07 291716Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 SSO-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1206
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY SAN JOSE
AMEMBASSY LIMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USMISSION GENEVA
USMISSION USUN NEW YORK
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SECTION 03 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOU!E
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

THE ELECTRICAL GRID AND OTHER ECONOMIC INFRASTRUC-
TURE, DESTRUCTION OF CATTLE AND CROPS, AND TRANSPORTA-
TION STOPPAGES IMPOVERISH THE NATION AND CLOSE
SOURCES OF EMPLOYMENT.

7. A MIXED BAG CAUSED BY CLOSER SCRUTINY?

PAGE 02 SAN SA 08711 03 OF 07 291716Z

THESE CASES ARE A MIXED BAG. SOME MAY NOT HAVE HAD ANY

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El Salvador: Human Rights
Special Project (1993)

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POLITICAL MOTIVE. OTHERS (EL TABLON, CHAVARRIA) ARE ABUSE OF AUTHORITY BY POLICE AND MILITARY UNITS BUT DO NOT APPEAR TO HAVE BEEN DONE ON THE ORDERS OF A SUPERIOR OFFICER. SOME (SERRANO, ANAYA SANABRIA, UBAU) MAY ACTUALLY HAVE BEEN COMMITTED BY THE LEFT OR BY A RIGHT-WING DEATH SQUAD. OTHERS ARE INEXPLICABLE ON THE BASIS OF THE FACTS AVAILABLE. AT THIS POINT, WE CANNOT EVEN SAY THAT THESE CASES REPRESENT A STATISTICALLY SIGNIFICANT INCREASE IN POLITICAL DEATHS OUTSIDE OF COMBAT (ALTHOUGH GOVERNMENTAL HUMAN RIGHTS COMMISSION EXECUTIVE SECRETARY BENJAMIN CESTONI BELIEVES THEY DO). IT COULD BE THAT OUR VERY SUCCESS IN BRINGING DOWN THE GROSS NUMBERS MEANS THAT THERE IS NOW MORE FOCUS ON INDIVIDUAL CASES. FURTHERMORE, MORE INFORMATION MAY NOW BE REACHING SAN SALVADOR ABOUT WHAT IS OCCURRING IN THE COUNTRYSIDE. IN SOME WAYS IT IS AS IF WE HAVE SWITCHED THE RANGE ON OUR RADAR SCOPE FROM 20 MILES TO 10 MILES. WHAT SEEMED LIKE A SMOOTH LINE, NOW HAS DEFINITE BUMPS AND RIDGES.

8. VERY TROUBLING HOWEVER YOU EXPLAIN IT

BE THAT AS IT MAY, THESE CASES ARE TROUBLING. FOR THE FIRST TIME IN YEARS, BLINDFOLDED BODIES ARE AGAIN BEGINNING TO APPEAR IN SAN SALVADOR WITH THEIR HANDS TIED BEHIND THEIR BACKS. FURTHERMORE, THE MILITARY AND SECURITY FORCES APPEAR TO BE UNWILLING TO INVESTIGATE THOSE CASES (EL TABLON, PALITOS WELL, LA LAGUNA STABBINGS, HERNANDO TORRES, ALAS GOMEZ, PUERTO DEL DIABLO, CHAVARRIA) WHERE THEIR PERSONNEL ARE INVOLVED.
[REDACTED]

PAGE 03

SAN SA 08711 03 OF 07 291716Z

SOME ACADEMICS DISTINGUISH BETWEEN "COMMAND REPRESSION" AND "INSTITUTIONAL REPRESSION." THE FORMER WOULD BE AN OFFICER DRAWING UP A LIST OF SUSPECTED TERRORISTS AND ORDERING HIS MEN TO KILL THEM. THE LATTER WOULD BE A CORPORAL FEELING THAT HE CAN KILL SOMEONE WITH IMPUNITY IN ORDER TO STEAL HIS PROPERTY. WHILE COMMAND REPRESSION MAY BE MORE REPUGNANT MORALLY, BOTH TYPES MUST BE ADDRESSED IN ORDER TO CREATE THE CLIMATE WHERE CITIZENS FEEL PROTECTED BY THE LAW AND HAVE SOME BELIEF IN EQUALITY BEFORE THE LAW.

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El Salvador: Human Rights
Special Project (1993)

[REDACTED]
9. TUTELA LEGAL AND THE CHURCH ON DEATH SQUADS

TUTELA LEGAL DIRECTOR MARIA JULIA HERNANDEZ HAS A LIST OF SOME 40 INDIVIDUALS WHOM SHE CLAIMS WERE KILLED IN DEATH SQUAD STYLE SINCE THE BEGINNING OF 1988. (WE CONTINUE TO HAVE QUESTIONS ABOUT TL'S METHODOLOGY AND FIGURES WHICH ATTRIBUTE ALL SUSPICIOUS DEATHS ON THE ESAF AND "DEATH SQUADS.") ARCHBISHOP RIVERA DAMAS AND AUXILIARY BISHOP ROSA CHAVEZ HAVE REPEATEDLY DENOUNCED "DEATH SQUAD KILLINGS" IN 1988 AS WELL. BOTH BISHOPS PROVIDED NEGATIVE OVERALL ASSESSMENTS OF THE HUMAN RIGHTS SITUATION AT THE CLOSE OF 1987: THE OCTOBER 1987 DIALOGUE HAD YIELDED LITTLE IMPROVEMENT IN THE CONTINUING VIOLENCE; LEADERS OF BOTH THE GOVERNMENTAL AND NON-GOVERNMENTAL HUMAN RIGHTS COMMISSIONS HAD BEEN KILLED IN THE LAST TWO MONTHS OF 1987; AND RIVERA DAMAS HIMSELF HAD RECEIVED A DEATH THREAT ON DEC. 16.

10. IN HIS DEC. 20, 1987 HOMILY, ROSA CHAVEZ ASKED, "ARE WE RETURNING TO THE DARK METHODS OF THE PAST?"
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RELEASED
El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 08711 04 OF 07 291717Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 SSD-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
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DS-01 DSE-00 SCT-02 /090 W
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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1207
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY SAN JOSE
AMEMBASSY LIMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USMISSION GENEVA
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SECTION 04 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YCULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

THE AUXILIARY BISHOP ROSA CHAVEZ BACKED UP HIS
PESSIMISTIC ASSESSMENT ON DEC. 27, 1987 BY QUOTING
TUTELA LEGAL'S YEAR END STATISTIC OF 1,309 CIVILIANS
WHO DIED VIOLENT, POLITICALLY MOTIVATED DEATHS IN
1987. THE ARCHBISHOP TURNED TO THE SUBJECT OF DEATH
SQUAD RESURGENCE DURING HIS FIRST (JAN. 3) HOMILY OF
1988. HE REFERRED TO SEVERAL CASES WHERE DEATH SQUAD

PAGE 02 SAN SA 08711 04 OF 07 291717Z

STYLE METHODS HAD BEEN EMPLOYED. IN THE FOLLOWING
SIX MONTHS, BOTH HE AND ROSA CHAVEZ HAVE DEPLORED THE

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El Salvador: Human Rights
Special Project (1993)

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INCREASED LEVEL OF VIOLENT KILLINGS, QUESTIONED THE ORIGINS OF THESE KILLINGS AND MADE SEVERAL REFERENCES TO "DEATH SQUAD STYLE" KILLINGS IN THEIR HOMILIES. IN HIS REMARKS TO THE PRESS AFTER MASS ON MAY 1, ROSA CHAVEZ SAID THAT "EITHER ULTRA-RIGHT GROUPS BELIEVE THEY HAVE REGAINED THEIR STRENGTH THROUGH THE CHRISTIAN DEMOCRATS' DEFEAT AT THE POLLS OR SMALL GROUPS OF FANATICS BELIEVE THIS IS THE MOMENT TO CARRY OUT EXTREME ACTS."

11. CDH BLAMES DUARTE'S WITHDRAWAL AND ILLNESS

GOVERNMENTAL HUMAN RIGHTS COMMISSION (CDH) EXECUTIVE DIRECTOR BENJAMIN CESTONI SINCE MID-MAY HAS BEEN TELLING EMBASSY OFFICERS THAT HE IS DISMAYED BY WHAT APPEARS TO HIM TO BE THE BEGINNING OF THE RETURN TO THE APPALLING HUMAN RIGHTS SITUATION OF THE EARLY 1980'S. HE NOTED THAT IN AN INCREASING NUMBER OF MURDER CASES WITNESSES ARE REPORTING THAT THE VICTIM WAS TAKEN FROM HIS HOUSE BY ARMED MEN AND THAT MORE BODIES ARE FOUND BEARING SIGNS OF TORTURE. CESTONI, WHO HAS TURNED DOWN A REQUEST BY ARENA LEADERS TO REMAIN CDH EXECUTIVE SECRETARY AFTER THE PRESIDENTIAL ELECTIONS, BLAMES THE HUMAN RIGHTS REVERSES ON A POST-ELECTION DECLINE IN PRESIDENT DUARTE'S LEADERSHIP. CESTONI BELIEVES THAT SINCE THE MARCH 20 ELECTIONS DUARTE HAS ADOPTED A PASSIVE ROLE AND HIS SUBORDINATES PAY LITTLE ATTENTION TO HIS WISHES. THE SITUATION, HE BELIEVES, HAS BEEN FURTHER EXACERBATED BY DUARTE'S ABSENCE SINCE MAY 31. IN CESTONI'S VIEW,
[REDACTED]

PAGE 03

SAN SA 08711 04 OF 07 291717Z

INDIVIDUALS WHO ADVOCATE EXTRA-LEGAL VIOLENCE AS A MEANS OF ENDING THE ON-GOING INSURGENCY ARE ACTING AGAIN WITH IMPUNITY, AFTER HAVING LAIN DORMANT FOR MUCH OF DUARTE'S TERM IN OFFICE.

12. INCREASED VIOLENCE NOT CAUSED BY ARENA

DESPITE CESTONI'S AND THE CHURCH'S SPECULATION, WE DO NOT SEE THAT THE INCREASE IN VIOLENCE IS RELATED TO THE ARENA VICTORY ON MARCH 20. FIRST OF ALL, THE

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El Salvador: Human Rights
Special Project (1993)

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INCREASE IN VIOLENCE BEGAN IN MID-1987. LOGIC
DICTATES THAT THE EFFECTS CANNOT OCCUR BEFORE THE
CAUSE. WE CANNOT DISCOUNT THE ARENA VICTORY AS
HAVING EMBOLDENED SOME EXTREMISTS, BUT WE DO NOT
THINK IT THE MAJOR FACTOR IN THE DETERIORATION OF
HUMAN RIGHTS. WHAT HAS HAPPENED SINCE THE ELECTIONS,
HOWEVER, IS THE REAPPEARANCE OF BODIES IN THE
METROPOLITAN SAN SALVADOR AREA WITH THEIR HANDS TIED
BEHIND THEIR BACKS AND BLINDFOLDED. WHILE FINDING A
BODY LIKE THIS IS NOT IPSO FACTO EVIDENCE OF DEATH
SQUAD ACTIVITY, IT SURE IS A PRETTY STRONG INDICATOR
OF THE SAME.

13. IF NOT ARENA, THEN WHAT?

OUR HUNCH IS THAT THE INCREASE IN EXTRA-LEGAL
VIOLENCE MAY BE RELATED MORE TO THE EXPIRATION OF THE
STATE OF EXCEPTION DECREE IN JANUARY 1987 THAN TO ANY
OTHER SINGLE EVENT. THE MILITARY IS CONVINCED THAT,
WITHOUT THE ABILITY TO DETAIN PEOPLE FOR MORE THAN 72
HOURS, IT IS USELESS TO ARREST PEOPLE AND TURN THEM
OVER TO THE COURTS. (IN FACT, THEY HAVE RARELY TRIED

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 08711 05 OF 07 291718Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 DIC-02 CIAE-00
EB-00 DODE-00 H-01 ID-19 NSCE-00 NSAE-00 SS0-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
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DS-01 DSE-00 SCT-02 /090 W
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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
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AMEMBASSY SAN JOSE
AMEMBASSY LIMA
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AMEMBASSY MANAGUA
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USMISSION USUN NEW YORK
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SECTION 05 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

THIS NOVEL COURSE OF ACTION; THEIR FEARS ARE BASED ON
SPECULATION MORE THAN ANYTHING ELSE.) THE POLICE
FORCES IN SAN SALVADOR HAVE ORDERS TO STAND BY
SILENTLY WHILE DEMONSTRATORS DESTROY PUBLIC AND
PRIVATE PROPERTY, MUCH TO THE DISMAY OF THE ARMY AND
MANY POLICE OFFICERS. THE COURT SYSTEM IS OPEN TO
INTIMIDATION, AS THE SERRANO ASSASSINATION AND THE

PAGE 02 SAN SA 08711 05 OF 07 291718Z

MAY 29 BOMBING OF A JUDGE'S HOUSE IN SAN MIGUEL AND
HIS SUBSEQUENT RESIGNATION MAKE ONLY TOO CLEAR. OUR

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Special Project (1993)

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SUSPICION IS THAT MID-LEVEL ARMY AND POLICE OFFICERS, PROBABLY ACTING WITHOUT ORDERS FROM THEIR SUPERIORS, BUT PERHAPS BASING THEIR ACTIVITIES ON A WINK AND A NOD FROM ABOVE, HAVE BEGUN TO RESORT TO EXTRA-LEGAL MEANS FOR RESOLVING THE PROBLEMS. A FURTHER COMPLICATING FACTOR WAS THE ASSIGNMENT TO THE 1ST BRIGADE (SAN SALVADOR) OF COL. OSCAR CAMPOS ANAYA. HE IMPLEMENTED METHODS WHICH APPARENTLY DID NOT CAUSE AN OUTCRY IN HIS PREVIOUS COMMAND (THE 5TH BRIGADE IN SAN VICENTE) BUT WHICH WERE HARSHER THAN CAPITOL RESIDENTS ARE ACCUSTOMED TO. (NOTE: BASED ON REPRESENTATIONS BY THE AMBASSADOR AND OTHER FACTORS, MOD VIDES IS TRANSFERRING CAMPOS FROM THE 1ST BRIGADE.)

14. WHAT IS THE SOLUTION?

NONE OF THE INSTITUTIONS WHICH SHOULD BE ABLE TO DEAL WITH HUMAN RIGHTS ABUSE AND WHICH HAVE REDUCED THESE VIOLATIONS FROM THE FRIGHTENING LEVELS OF THE EARLY 1980'S IS ABLE TO MAKE THE STRATEGIC LEAP AND GET THE PROCESS BACK ON THE TRACK TO FURTHER REDUCE THE LEVEL OF HUMAN RIGHTS ABUSE.

-- THE GOVERNMENTAL HUMAN RIGHTS COMMISSION. THE CDH IS AN EXCELLENT ORGANIZATION; ITS LECTURES TO THE TROOPS AND MEETINGS WITH OFFICERS ARE INVALUABLE AND SHOULD BE SUPPORTED TO THE EXTENT POSSIBLE. THE CDH IS ALSO WORTH THE FUNDING INVOLVED SINCE IT IN ESSENCE ACTS AS THE "HA BUREAU" WHICH THE SALVADORAN
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PAGE 03 SAN SA 08711 05 OF 07 291718Z

FOREIGN MINISTRY LACKS. BUT ONCE AN ABUSE IS COMMITTED, THERE IS LITTLE THE CDH CAN DO BECAUSE IT DOES NOT HAVE THE LEGAL ABILITY TO GIVE EVIDENCE IN COURT.

-- THE INTERNATIONAL COMMITTEE OF THE RED CROSS. LIKE THE CDH, THE ICRC IS AN EXCELLENT EDUCATIONAL ORGANIZATION, AND IT HAS DONE A FANTASTIC JOB IN MEETING AND TALKING TO PRISONERS. BUT BECAUSE THE ICRC CANNOT MAKE PUBLIC ITS FINDINGS, IT CAN DO LITTLE BEYOND WHAT IT PRESENTLY DOES, THAT IS INFORM

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THE GOES AND TROOP COMMANDERS OF HUMAN RIGHTS ABUSES.

-- THE ATTORNEY GENERAL'S OFFICE. WE HAD HIGH HOPES WHEN ROBERTO GIRON FLORES WAS NAMED ATTORNEY GENERAL IN JUNE 1987. BUT IN THE FALL OF 1987, GIRON RAN UP AGAINST THE SALVADORAN MILITARY OFFICER CORPS, AND HIS DESIRE TO PURSUE HUMAN RIGHTS CASES INVOLVING THE MILITARY HAS BEEN MARKEDLY REDUCED. WHILE HE HAS ESTABLISHED A NEW OFFICE WITH THREE ATTORNEYS WORKING SPECIFICALLY ON HUMAN RIGHTS CASES, TO DATE, THEY HAVE WORKED PRIMARILY ON NON-CONFRONTATIONAL CASES SUCH AS THE ARCHBISHOP ROMERO MURDER.

-- SPECIAL INVESTIGATIVE UNIT (SIU). THE SIU IS BECOMING INCREASINGLY PROFESSIONAL AND CAN CARRY OUT TOP-NOTCH INVESTIGATIONS. THE PROBLEM IS THAT THE UNIT IS COMPOSED OF MILITARY AND POLICE OFFICERS, AND COMMANDED BY MILITARY ACADEMY GRADUATES. THEY, LIKE THE ATTORNEY GENERAL'S OFFICE, BACK OFF FROM CASES INVOLVING THE MILITARY.

-- THE COURT SYSTEM. THE COURT SYSTEM IS SLOWLY CHANGING (ONE HOPES FOR THE BETTER), BUT THIS CHANGE

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El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 08711 06 OF 07 291719Z
ACTION ARA-00

INFO LDG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 SSO-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
INRE-00 RP-10 USIE-00 SP-02 SR-06 SSE-01 PRS-01
DS-01 DSE-00 SCT-02 /090 W
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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1209
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY SAN JOSE
AMEMBASSY LIMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS,PN

SECTION 06 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

IS GENERATIONAL IN NATURE. BY AND LARGE, THE JUDGES
ARE POORLY TRAINED, HAVE NO INTEREST IN CRIMINAL
CASES, AND RESPOND MORE TO BRIBERY AND THREATS THAN
THEY DO TO THE EVIDENCE RELATING TO A PARTICULAR
CASE. THEY ARE ALSO THOROUGHLY INTIMIDATED BY BOTH
THE MILITARY AND THE GUERRILLAS.

PAGE 02 SAN SA 08711 06 OF 07 291719Z

-- THE ESAF, THE HIGH COMMAND AND THE TOP OFFICERS
IN THE ESAF SEEM TO BE INCREASINGLY COMMITTED TO

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El Salvador: Human Rights
Special Project (1993)

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HUMAN RIGHTS. IN THEIR SPEECHES THEY SAY THE RIGHT THINGS AND THEY APPEAR TO BE INTERNALIZING WHAT THEY SAY. THE PROBLEM IS THAT ESAF IS A COLLEGIAL, NOT HIERARCHIAL INSTITUTION. COMMANDERS ISSUE ORDERS, BUT THEY ARE NOT NECESSARILY CARRIED OUT. WHEN THE ESAF SUSPECTS MILITARY PERSONNEL OF A CRIME, THEY EITHER DISMISS THE OFFENDERS FROM ACTIVE DUTY AND TURN THEM OVER TO THE CIVILIAN COURTS, OR THEY COVER UP THE CASE, AT TIMES USING THE FICTION OF AN INVESTIGATION BY A TRIBUNAL OF HONOR. (ANALYSIS OF MILITARY HANDLING OF RIGHTS ABUSES SEPTEL.)

-- THE FOURTH ESTATE. IN THE UNITED STATES, MANY OF THE PROBLEMS SUCH AS HUMAN RIGHTS ABUSES MIGHT WELL BE DEALT WITH BY INVESTIGATIVE REPORTERS BRINGING THEM TO THE LIGHT OF DAY. THE FACT IS THAT WHILE THE SALVADORAN PRESS, AND PARTICULARLY THE ELECTRONIC MEDIA, WILL REPORT ANYTHING THAT ANYBODY ELSE SAYS AT A PRESS CONFERENCE OR IN AN INTERVIEW, THEY DO NO INVESTIGATIVE REPORTING ON THEIR OWN. THERE ARE NO FOLLOW-UP QUESTIONS, THERE ARE NO HARD QUESTIONS FOR MILITARY OFFICERS TO ANSWER.

-- THE POLITICAL PARTIES. AT THIS POINT IN TIME, THE PARTY WHICH HAS THE GREATEST INTEREST IN SEEING THE HUMAN RIGHTS SITUATION CONTINUE TO IMPROVE IS ARENA. ARENA REALIZES THAT, WHETHER JUSTIFIED OR NOT, IT WILL BE BLAMED FOR ANY HUMAN RIGHTS DETERIORATION. IN FACT, THIS IS ALREADY THE CASE. PARTY PRESIDENT AND PRESIDENTIAL CANDIDATE ALFREDO CRISTIANI IS WELL AWARE OF THE ISSUE.

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PAGE 03 SAN SA 08711 06 OF 07 291719Z

15. MORE CONDITIONALITY?

WHEN THE HUMAN RIGHTS SITUATION WAS GROSSLY WORSE AND THE INSTITUTIONAL AND ATTITUDINAL CHANGES TOWARD CONSTITUTIONAL DEMOCRACY WERE BARELY EXISTENT, IT WAS IN MANY WAYS EASIER TO ACHIEVE IMPROVEMENTS. BEFORE WE WERE TALKING ABOUT LARGE NUMBERS; NOW WE ARE TALKING ABOUT INDIVIDUALS. ESAF AND POLITICAL LEADERS THEMSELVES JUDGE THAT THE U.S. NEEDS THEM AS

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El Salvador: Human Rights
Special Project (1993)

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PART OF OUR OVERALL CENTRAL AMERICAN POLICY. THEY BELIEVE THAT MANY IN THE U.S. WOULD BE HESITANT TO WITHDRAW ALL ASSISTANCE, THUS LEADING TO A POSSIBLE MILITARY COUP AND ABORTION OF NINE YEARS OF PROGRESS TOWARD CONSTITUTIONAL DEMOCRACY. THE NATURE OF OUR MILITARY AND ECONOMIC ASSISTANCE IS SUCH THAT IT IS VERY DIFFICULT TO FIND SANCTIONS ONE CAN USE AGAINST INDIVIDUAL UNITS OR ORGANIZATIONS. OUR SUPPLIES GO INTO A LARGE PILE, WHICH ARE THEN DOLED OUT BY THE ESAF. TO CUT-OFF WHOLE BRIGADES OR BATTALIONS IS NOT ONLY HIGH UNTO IMPOSSIBLE, BUT ALSO COULD PROVE COUNTER-PRODUCTIVE IN TERMS OF THE ESAF'S EFFORTS TO BEAT THE GUERRILLAS IN THE FIELD.

16. IF NOT, WHAT THEN?

THERE ARE NO QUICK FIXES. THIS IS NOT 1983 WHEN VICE PRESIDENT BUSH COULD MEET WITH THE MILITARY COMMANDERS AND CAUSE A STRATEGIC LEAP IN OBSERVANCE OF HUMAN RIGHTS STANDARDS. THE SECRETARY'S VISIT ON JUNE 30 AND HIS CONVERSATION WITH THE NEXT GENERATION OF MILITARY LEADERS SHOULD GIVE US A HARD PUSH IN THE

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RELEASED

El Salvador: Human Rights
Special Project (1993)

PAGE 01 SAN SA 08711 07 OF 07 291719Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
EB-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 SSD-00
HA-09 L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01
INRE-00 RP-10 USIE-00 SP-02 SR-06 SSE-01 PRS-01
DS-01 DSE-00 SCT-02 /090 W
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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1210
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY SAN JOSE
AMEMBASSY LIMA
AMEMBASSY TEGUCIGALPA
AMEMBASSY MANAGUA
USMISSION GENEVA
USMISSION USUN NEW YORK
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SECTION 07 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PCOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

RIGHT DIRECTION. BUT UPON THAT FOUNDATION WE WILL
WORK WITH THE SALVADORANS TO ACHIEVE THE FOLLOWING:

-- AN INSPECTOR GENERAL IN THE ESAF. AT PRESENT,
THERE IS NO INSTITUTIONAL WAY FOR THE MILITARY TO
INVESTIGATE ITSELF. AFTER THE STRUCTURE IS CREATED,
WE WILL HAVE A LONG ROW TO HOW IN ORDER TO GIVE IT

PAGE 02 SAN SA 08711 07 OF 07 291719Z

SUBSTANCE. WE HAVE BEGUN DISCUSSIONS WITH THE ESAF
ON THIS ISSUE.

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El Salvador: Human Rights
Special Project (1993)

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-- NEW LEGISLATION OR BROADER INTERPRETATIONS OF EXISTING LEGISLATION IN ORDER TO ALLOW THE POLICE AND MILITARY TO HOLD SUSPECTED TERRORISTS WHILE A CASE AGAINST THEM IS BUILT.

-- A NEW SUPREME COURT IN 1989 WHICH, REGARDLESS OF ITS IDEOLOGICAL ORIENTATION, IS PREPARED TO APPLY THE LAW EQUALLY TO ALL. THIS IN TURN IS ESSENTIAL FOR MOVING FORWARD THE WHOLE COURT SYSTEM FROM JUSTICE OF THE PEACE ON UP.

-- INVIGORATING THE ATTORNEY GENERAL'S OFFICE AND BUILDING A PROFESSIONAL STAFF WITH THE LEGAL ABILITY AND THE POLITICAL BACKING TO BRING CASES AGAINST CRIMINALS REGARDLESS OF THEIR POLITICAL CONNECTIONS.

-- REVISION OF LEGISLATION TO MODERNIZE THE LEGAL CODE AND BREAK RELIANCE ON CONFESSIONS. BILLS ARE PENDING IN THE LEGISLATIVE ASSEMBLY GIVING JUDGES MORE LEeway IN ACCEPTING PHYSICAL AND TECHNICAL EVIDENCE, CREATING A "COUNCIL ON THE JUDICIARY" TO PROVIDE FOR MERIT SELECTION OF JUDGES, AND REVISING THE JURY SYSTEM TO MAKE IT EASIER TO CALL CITIZENS TO JURY DUTY.

-- PROTECTION FOR JUDGES AND PROSECUTORS INVOLVED IN SENSITIVE CASES. THE GOES HAS SIGNED AN AGREEMENT TO ESTABLISH A JUDICIAL PROTECTION UNIT (JPU) UNDER THE AEGIS OF THE SPECIAL INVESTIGATIVE COMMISSION. THE COMMISSION IS DISCUSSING HOW TO GET THE JPU

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PAGE 03

SAN SA 08711 07 OF 07 291719Z

FUNCTIONING AS SOON AS POSSIBLE.

-- POLICE WHO WILL PROTECT PUBLIC AND PRIVATE PROPERTY FROM VIOLENT DEMONSTRATORS WHILE AT THE SAME TIME ABIDING BY THE LAW AND BUILDING CASES AGAINST THOSE ARRESTED.

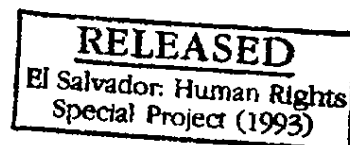
ABOVE ALL THESE CHANGES REQUIRE POLITICAL WILL. POLITICAL PARTIES ACROSS THE SPECTRUM SHOULD BE WILLING TO CONTRIBUTE TO CREATING A SOCIETY WHERE IT IS THE LEGAL POLITICAL PARTIES OPERATING WITHIN THE

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CONSTITUTIONAL FRAMEWORK WHO VIE FOR POLICY CHANGES
THROUGH THE BALLOT BOX AND AT THE ASSEMBLY. AT
PRESENT EACH OF THE PARTIES SEEM TO BE RUSHING ONTO
ITS SOAPBOX TO PROCLAIM ITS FORMULA FOR PEACE. WE
WOULD LIKE TO SEE EACH OF THEM DOING THE SAME WITH
REGARD TO HUMAN RIGHTS.

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PAGE 01 SAN SA 08712 01 OF 07 291800Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DODE-00 H-01
MMO-01 ID-19 NSAE-00 COME-00 SSD-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RP-10 OES-09 SSE-01
OIG-04 /085 W

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O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1211
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
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not relevant to El Salvador ().

S E C R E T SECTION 01 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOUIC

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE
TO HUMAN RIGHTS ACCUSATIONS

1. SECRET - ENTIRE TEXT

2. SUMMARY

CREDIBLE REPORTS OF ESAF HUMAN RIGHTS VIOLATIONS HAVE
SURFACED REGULARLY OVER THE PAST YEAR (SEPTEL), AND

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PAGE 02 SAN SA 08712 01 OF 07 291800Z

ALTHOUGH MILITARY COMMANDERS HAVE REMANDED TO THE

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CIVILIAN COURTS LOW-RANKING SOLDIERS ACCUSED OF SOME OF THE CRIMES, THEY APPEAR TO HAVE OBSTRUCTED JUSTICE IN OTHER CASES, PROBABLY BECAUSE THE VIOLATIONS WERE COMMITTED AS PART OF A CLANDESTINE WAR AGAINST THE FMLN INSURGENCY, EITHER ON ORDERS FROM ABOVE OR BECAUSE LOW-RANKING OFFICERS AND NCO'S TOOK MATTERS INTO THEIR OWN HANDS AND THEIR SUPERIORS FELT IT NECESSARY TO PROTECT THEM. THE REASONS THIS DOUBLE STANDARD PERSISTS REVOLVE AROUND AN UNWILLINGNESS ON THE PART OF THE COMMANDERS TO PERMIT THE LATTER CASES TO BE AIRED IN PUBLIC. IN SOME OF THESE CASES THERE ARE INDICATIONS THE COMMANDERS METED OUT PUNISHMENT INTERNALLY, WHILE IN OTHERS THE MATTER WAS SWEEPED UNDER THE RUG.

3. THE NUMBER OF OFFICERS WHO NOW ADVOCATE METHODS USED BY THE DEATH SQUADS OF THE PAST APPEARS TO BE FEW AND DIMINISHING. THE OFFICER CORPS, HOWEVER, CIRCLES ITS WAGONS WHEN FACED WITH HUMAN RIGHTS SCRUTINY. IN PART FROM A SKELETON-IN-THE-CLOSET SYNDROME THAT KEEPS ONE OFFICER FROM TATTLING ON ANOTHER FOR FEAR THAT EACH ACCUSED WILL BECOME AN ACCUSER UNTIL ALL THE LONG-BURIED SECRETS ARE UNEARTHED. THE SKELETONS NOT ONLY INCLUDE HUMAN RIGHTS ABUSE BUT CORRUPTION. THOSE OFFICERS WHO ARE NOT CONCERNED ABOUT HIDDEN SKELETONS HAVE NEVERTHELESS BEEN INCULCATED WITH A CONCEPT OF CORPORATE MILITARY HONOR THAT DOES NOT PERMIT ANY PUBLIC ADMISSION OF MILITARY WRONGDOING, NO MATTER HOW GRIEVOUS THE CRIME, AND REJECTS ALL SCRUTINY BY CIVILIANS.

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PAGE 03 SAN SA 08712 01 OF 07 291800Z

4. THE CIVILIANS IN THE GOVERNMENT HAVE ACCEDED TO THE MILITARY'S DESIRE FOR NONINTERFERENCE IN THE ESAF'S INTERNAL AFFAIRS BY AVOIDING CONTACT WITH THE MILITARY, GENERALLY OUT OF AN INGRAINED SENSE OF FEAR AND A BELIEF THAT TO GET INVOLVED WOULD BE OF NO USE IN ANY CASE. THEY DO NOT ENACT LAWS THAT PLACE LIMITS OR DUTIES ON THE MILITARY, NOR DO THEY NORMALLY PRESS FOR PROSECUTION OF MILITARY HUMAN RIGHTS OFFENDERS.

5. THE LACK OF COMMUNICATIONS BETWEEN GOVERNMENT

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OFFICIALS AND ESAF COMMANDERS HAS LED TO LEGAL ANOMALIES THAT TEND TO GENERATE A LACK OF RESPECT FOR HUMAN RIGHTS. ONE LAW REQUIRES THAT THE ESAF DISMISS FROM THE SERVICE FOR TRIAL BY A CIVILIAN COURT ANYONE MERELY ACCUSED OF A CRIME. ANOTHER DENIES THE ARMY THE ABILITY TO DETAIN SUSPICIOUS PERSONS EVEN THOUGH IT IS FIGHTING A WAR. THE CIVILIAN COURTS RECEIVING FMLN SUSPECTS ARRESTED BY THE POLICE USE A STANDARD OF PROOF OF GUILT TOO STRINGENT FOR WHAT THE U.S. WOULD CONSIDER PRISONERS OF WAR AND OFTEN FREE PROBABLE FMLN MEMBERS. THE ARMY'S PRACTICE OF DETAINING PERSONS AND BARRING FOREIGNERS FROM CONFLICTIVE ZONES IS NOT SUPPORTED BY LEGISLATION. UNTIL THEY ARE CORRECTED, THESE ANOMALIES WILL GENERATE A DISRESPECT FOR THE LAW THAT HOLDS A PROMISE OF CONTINUED HUMAN RIGHTS VIOLATIONS, SUPPRESSION OF INVESTIGATIONS, AND UNWILLINGNESS TO PUNISH VIOLATORS. END SUMMARY

6. REPORTS OF HUMAN RIGHTS VIOLATIONS MOUNT

THE ESAF (HERE TAKEN TO MEAN NOT ONLY THE ARMY, NAVY,

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PAGE 01 SAN SA 08712 02 OF 07 291801Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DODE-00 H-01
MMO-01 IO-19 NSAE-00 COME-00 SS0-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RP-10 DES-09 SSE-01
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O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1212
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY LIMA
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USMISSION GENEVA
USMISSION USUN NEW YORK
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S E C R E T SECTION 02 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOULE

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE

AND AIR FORCE, BUT ALSO THE NATIONAL POLICE, TREASURY
POLICE, AND NATIONAL GUARD, ALL OF WHICH ARE
SUBORDINATE TO THE DEFENSE MINISTRY AND ARE COMMANDED
BY MILITARY ACADEMY GRADUATES) HAS COME A LONG WAY
FROM THE EARLY 1980S WITH REGARD TO RESPECT FOR HUMAN
RIGHTS. SOLDIERS AND POLICEMEN ARE REGULARLY
REMANDED TO THE CIVILIAN COURTS FOR TRIAL FOR
POSSIBLES. RAPES, AND MURDERS. ONE CHALATENANGO

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PAGE 02 SAN SA 08712 02 OF 07 291801Z

DEPARTMENT JUDGE REMARKED TO POLOFF THAT THE LOCAL
COMMANDER EVEN SENT HER CASES OF ONE SOLDIER INJURING

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ANOTHER SOLDIER, AND SHE HAD AN ARRANGEMENT WITH THE COMMANDER TO LET HIM (ILLEGALLY) KEEP MINOR OFFENDERS ON ACTIVE DUTY WHILE SHE PROCESSED THE CASE. NEVERTHELESS, CREDIBLE REPORTS OF WHAT APPEAR TO BE HUMAN RIGHTS VIOLATIONS BY ESAF UNITS AND MEMBERS INCLUDING MURDERS, DISAPPEARANCES, ILLEGAL DETENTION, AND TORTURE, STILL SURFACE REGULARLY. THE REPORTS SELDOM LEAD TO THE ARREST AND TRIAL OF THE PERPETRATORS, BECAUSE THE COURTS STILL RELY ALMOST ENTIRELY ON CONFESSIONS OR WITNESS TESTIMONY, RATHER THAN FORENSIC EVIDENCE, AND FEW PERSONS ARE WILLING TO RISK THEIR LIVES BY NAMING THE GUILTY PARTIES BEFORE A JUDGE.

7. THE ESAF'S NORMAL REACTION TO A HUMAN RIGHTS ACCUSATION IS TO DENY INVOLVEMENT, AS HAPPENED IN THE NOVEMBER 1986 DISAPPEARANCE OF 17-YEAR-OLD MIGUEL ANGEL RIVAS. WHEN THE EVIDENCE OF ESAF INVOLVEMENT IS STRONGER, AS IN THE JUNE 1987 LA LAGUNA NECK-CUTTING INCIDENT OR THE MAY 1987 PALITOS WELL MURDERS, THE ESAF TRIES TO GENERATE AN ALTERNATIVE EXPLANATION TO THE EFFECT THAT THE FMLN WAS RESPONSIBLE. WHEN BISHOP ROSA CHAVEZ ACCUSED THE FIRST BRIGADE OF THE JANUARY 1988 CANTON MELENDEZ (PUERTA DEL DIABLO) MURDERS, THE ESAF RESPONDED WITH AN EXPRESSION OF OUTRAGE OBVIOUSLY INTENDED TO INTIMIDATE THE BISHOP FROM FURTHER DECLARATIONS OF THIS SORT. IN ALL THESE CASES, AS WELL AS MANY MORE, THE ESAF ALSO RESPONDED BY BLOCKING ANY CIVILIAN ATTEMPTS AT INTERNAL INVESTIGATION OF THE MILITARY. THE ESAF APPEARS TO HAVE CONDUCTED SOME INTERNAL

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PAGE 03 SAN 08712 02 OF 07 291801Z

INVESTIGATIONS, MOST NOTABLY IN THE MELENDEZ MURDERS, BUT NO RESULTING REPORTS HAVE EVER BEEN RELEASED. (A REPORT WAS RELEASED IN THE LAS HOJAS CASE, BUT IT WAS CLEARLY A PIECE OF FICTION THAT DID NOT EXPLAIN THE LEGALLY-RECOGNIZED FACTS OF THE CASE.)

8. THE OFFICER CORPS BLOCKS INVESTIGATIONS
.....

THE FACT THAT THE ESAF SO OFTEN DISMISSES LOWER RANKING -- UP TO LIEUTENANT -- PERSONNEL TO STAND

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TRIAL CALLS INTO QUESTION THE REASONS WHY IN OTHER CASES INVESTIGATIONS ARE BLOCKED. MANY OF THE LATTER APPEAR TO INVOLVE OPERATIONS AGAINST SUSPECTED FMLN MEMBERS BY SQUAD- OR PLATOON-SIZED UNITS, AS IN THE LA LAGUNA NECK CUTTINGS (FOURTH BRIGADE), THE PALITOS WELL MURDERS (ARCE BATTALION), THE OCTOBER 1987 MURDER OF THE UNCLE OF EMBASSY EMPLOYEE RIVERA ARTIGA (FIRST BRIGADE), AND THE MELENDEZ MURDERS (FIRST BRIGADE). OTHERS INVOLVE THE S-2 "INTELLIGENCE" SECTIONS OF MILITARY AND POLICE UNITS, SUCH AS THE MAY 1987 SANTA ANA UNION MEMBER DISAPPEARANCES (SECOND BRIGADE S-2 SECTION) AND THE MIGUEL ANGEL RIVAS DISAPPEARANCE (AIR FORCE AND NATIONAL GUARD S-2 SECTIONS). STILL OTHERS ARE BLOCKED FOR REASONS ENTIRELY BEYOND OUR UNDERSTANDING, SUCH AS THE FEBRUARY 26, 1988, EL TABLON INCIDENT IN WHICH MILITARY DETACHMENT 4 SOLDIERS TORTURED AND MURDERED TWO MEN BECAUSE A CIVILIAN WOMAN FALSELY CLAIMED THE VICTIMS WERE GUERRILLAS, AND THE APRIL 29, 1988, KILLING BY THE TREASURY POLICE OF ADRIAN CHAVARRIA, POSSIBLY FOR MOTIVES OF ROBBERY.

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PAGE 01 SAN SA 08712 03 OF 07 291802Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DODE-00 H-01
MMO-01 IO-19 NSAE-00 COME-00 SSO-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RP-10 OES-09 SSE-01
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-----136235 291819Z /44

O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1213
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AMEMBASSY LIMA
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USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

S E C R E T SECTION 03 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOULE

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE

9. THE PERPETRATORS MAY HAVE BEEN ACTING ON ORDERS FROM ABOVE OR MAY BE OTHERWISE PROTECTED, POSSIBLY BY HAVING INCRIMINATING EVIDENCE AGAINST SUPERIORS OR BY HAVING COMMANDERS WHO FEEL THEY MUST PROTECT THEIR SUBORDINATES WHEN THEY COMMIT ABUSES -- IF THOSE ABUSES APPEAR TO HAVE BEEN COMMITTED IN THE NAME OF DEFEATING THE SUBVERSIVES EVEN WITHOUT ORDERS TO DO SO. WHATEVER THE REASON, THE COMMANDERS INVOLVED
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PAGE 02 SAN SA 08712 03 OF 07 291802Z

HAVE REFUSED TO ASSIST IN CIVILIAN INVESTIGATIONS INTO THE CRIMES. EVEN THE USAID-FUNDED SPECIAL

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INVESTIGATIVE UNIT (SIU), COMMANDED BY A LIEUTENANT COLONEL MILITARY ACADEMY GRADUATE AND STAFFED ENTIRELY BY ACTIVE DUTY POLICEMEN, HAS NOT BEEN GRANTED ACCESS TO WITNESSES, FIREARMS, OR UNIT PERSONNEL LISTS TO TRY TO SOLVE SOME OF THE CRIMES. (NOTE: THE SIU WAS ONE OF THE GRIEVANCES LISTED BY MILITARY COMMANDERS IN THE FALL OF 1987. SINCE THEN POLICE FORCE COOPERATION WITH THE SIU EVEN ON CASES NOT INVOLVING THE MILITARY HAS DECREASED.) IT IS EVIDENT THAT THE COMMANDERS OF THE UNITS ARE RESPONSIBLE FOR THE OBSTRUCTION OF JUSTICE, AND THEY APPARENTLY CAN COUNT ON AT LEAST SILENCE FROM ANYONE OF EQUIVALENT OR HIGHER RANK.

10. THE CODE OF SILENCE

THE SOLIDARITY OF THE OFFICER CORPS IN COVERING UP HUMAN RIGHTS VIOLATIONS DOES NOT IMPLY THAT ALL OFFICERS COMMIT VIOLATIONS OR CONDONE THEM. THE OFFICER CORPS' TOLERANCE OF OFFICERS WHO ORDER HUMAN RIGHTS VIOLATIONS IS ONLY PART OF A SYNDROME OF TOLERANCE OF INCOMPETENCE AND WILLFUL MISCONDUCT BY OTHER OFFICERS. NOT ONLY HAS NO HIGH-RANKING OFFICER EVER BEEN CONVICTED OF A HUMAN RIGHTS VIOLATION, NONE HAS BEEN DISMISSED FOR INEPTITUDE IN COMBAT OR GROSS MISUSE OF GOVERNMENT FUNDS OR OTHER CORRUPT PRACTICES. IN ESSENCE, AN OFFICER WHO GRADUATES FROM THE MILITARY ACADEMY IS PRACTICALLY GUARANTEED TO MAKE COLONEL NO MATTER WHAT HE DOES, SHORT OF RESIGNING OR DYING.

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PAGE 03 SAN SA 08712 03 OF 07 291802Z

11. THE SOLIDARITY OF THE OFFICER CORPS IS, IN PART, A CONSPIRACY TO KEEP CLOSET SKELETONS FROM AWAKENING. IN THE EARLY 1980S, WHEN THE MILITARY WAS FIGHTING A DIRTY WAR WITH LITTLE AID FROM THE OUTSIDE, IT IS LIKELY THAT SOME WHO ARE NOW COLONELS ORDERED ACTS OF VIOLENCE THAT THEY WOULD NOT LIKE RESURFACED, EVEN THOUGH THEY WOULD PROBABLY BE GRANTED AMNESTY FROM PROSECUTION NOW. THE DRASTIC CHANGE IN HUMAN RIGHTS OBSERVANCE IN RECENT YEARS DID NOT OCCUR BECAUSE ALL THE OFFENSES WERE DISMISSED.

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FROM THE SERVICE OR SENT TO FOREIGN LANDS AS ATTACHES. IT CAME ABOUT BECAUSE OFFICERS STILL ON ACTIVE DUTY CHANGED THEIR METHODS AS BETTER TOOLS FOR FIGHTING THE WAR WERE MADE AVAILABLE TO THEM. HAVING MADE THE NECESSARY ADJUSTMENT TO THE NEW REALITY OF THE SOCIETY, THEY WOULD NOT NOW WANT TO HAVE THEIR FORMER ACTIVITIES AIRD IN PUBLIC. OTHER OFFICERS WITH NOTHING TO HIDE ARE NEVERTHELESS UNWILLING TO ACCUSE FELLOW OFFICERS BECAUSE OF A SENSE OF CORPORATE HONOR IN WHICH A STAIN ON ANY OFFICER IS A STAIN ON THE ARMED FORCES. EVEN COL LOPEZ NUILA, WHO IS RESPONSIBLE FOR MANY OF THE HUMAN RIGHTS IMPROVEMENTS IN THE POLICE FORCES, NEVER PRESENTED EVIDENCE OF MISDEEDS OF FELLOW OFFICERS TO THE COMPTS FOR PROSECUTION, AND ANY OFFICER WHO WOULD BREAK THE CODE OF SILENCE WOULD LIKELY BE COMMITTING CAREER AND POSSIBLY PHYSICAL SUICIDE. THE EMBASSY HAS MET MANY GOOD OFFICERS, BUT HAS YET TO MEET THE ONE WHO WILL CAST THE FIRST STONE.

12. NO INVESTIGATIVE MECHANISM

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PAGE 01 SAN SA 08712 04 OF 07 291803Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DODE-00 H-01
MMO-01 IO-19 NSAE-00 COME-00 SSO-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RP-10 OES-09 SSE-01
DIG-04 /085 W

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O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1214
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

S E C R E T SECTION 04 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOULE

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE

IN LINE WITH THIS DESIRE NOT TO LOOK INTO THE FAULTS
OF THEIR FELLOW OFFICERS. THE HIGH COMMANDERS HAVE
NEVER DEVELOPED WITHIN THE ESAF A MEANS FOR ROUTINE
INVESTIGATION OF MILITARY CRIMES. UNLIKE THE U.S.
ARMY, THE SALVADORAN ARMY HAS NO CRIMINAL
INVESTIGATION DIVISION, NO MILITARY POLICE
INVESTIGATORS, NO INSPECTOR GENERAL COMPLAINT SYSTEM,
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PAGE 02 SAN SA 08712 04 OF 07 291803Z

AND NO UNIFORM CODE OF MILITARY JUSTICE ARTICLE 32
INVESTIGATIONS THAT ARE AIMED AT SURFACING CRIMES AND

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BRINGING CRIMINALS TO JUSTICE. IF THE HIGH COMMAND ORDERS AN INVESTIGATION, AN AD HOC APPARATUS IS SET UP TO PERFORM IT, AND THE RESULTS ARE SELDOM MADE PUBLIC.

13. CIVILIANS WILL NOT/CANNOT INTERFERE -----

THE CIVILIAN POPULACE IN GENERAL AVOIDS CONTACT WITH THE MILITARY. RESIDUAL FEAR FROM THE DECADES OF ESAF ABUSES WHILE IN CONTROL OF THE GOVERNMENT HAS NOT WORN OFF, DESPITE THE DUARTE ADMINISTRATION'S RECORD OF HAVING ACHIEVED MAJOR GAINS IN THE FIELD OF HUMAN RIGHTS WITH THE COOPERATION OF ARMED FORCES CHIEFS WHO WERE WILLING TO SUBORDINATE THEIR SERVICES TO THE NEW CONSTITUTION. THE FEAR IS SO INGRAINED THAT VICTIMS OF ESAF CRIMES OFTEN DO NOT REPORT THEM EVEN CONFIDENTIALLY TO HUMAN RIGHTS ORGANIZATIONS.

14. THE DUARTE ADMINISTRATION ACHIEVED A REDUCTION IN ESAF ABUSES BY REQUESTING DISMISSAL OR ASSIGNMENT OVERSEAS OF SOME OF THE WORST OFFENDERS AND BY INSTITUTING A PROGRAM TO EDUCATE THE ARMED FORCES IN ESTABLISHED POLICIES AND INTERNATIONAL PRACTICES REGARDING SAFEGUARDING HUMAN RIGHTS. THE LIMIT, WHILE CONSTANTLY EXPANDING, SEEMS TO HAVE BEEN REACHED AT THIS JUNCTURE IN HOW FAR THE CIVILIANS CAN ENTER INTO THE INTERNAL AFFAIRS OF THE MILITARY. MOST CIVILIANS, INCLUDING HIGH GOVERNMENT OFFICIALS, FIND IT MORE CONVENIENT TO OVERLOOK MILITARY HUMAN RIGHTS VIOLATIONS THAN TRY TO DO SOMETHING ABOUT

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PAGE 03 SAN SA 08712 04 OF 07 291803Z

THEM. ONLY ATTORNEY GENERAL GIRON FLORES ON OCCASION TWEAKS THE LION'S NOSE, BUT HE HAD RUN-INS WITH THE COLONELS SHORTLY AFTER ASSUMING HIS DUTIES THAT LEFT HIM WITH A SENSE OF CAUTION. PRESIDENT DUARTE WITNESSED HOW THE MILITARY FORCED COL LOPEZ NUILA, A MILITARY REFORMER, FROM HIS VICE-MINISTERIAL POSITION AND MUST ALWAYS MEASURE CAREFULLY THE EXTENT TO WHICH HE PUSHES CHANGES TO PREVENT A BUILDUP OF MILITARY GRIEVANCES THAT MIGHT CAUSE MIDRANKING OFFICERS TO FORGET THE CONSTITUTION AND ATTEMPT TO SEIZE POWER. THE NEWS MEDIA SELDOM DARE TO ATTRIBUTE

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ASSASSINATIONS TO THE ESAF UNLESS THEY CAN FIND A STATEMENT BY THE VICTIM'S FAMILY OR A "HUMAN RIGHTS ORGANIZATION" TO QUOTE, AVERTING BLAME FROM THEMSELVES. OVERALL, THE CIVILIANS BY AND LARGE HAVE AVOIDED LOOKING DEEPER INTO SUSPICIOUS EVENTS OR PUSHING PUBLICLY FOR COMPLETION OF STALLED INVESTIGATIONS

15. OPTIMISM: THE CANTON MELENDEZ CASE

THE IMMUNITY OF THE MILITARY FROM UNWANTED INVESTIGATION AND PROSECUTION IS WELL ENTRENCHED AND WILL BE DIFFICULT TO ERADICATE. IT DOES NOT MEAN, HOWEVER, THAT THE MILITARY WILL NOT DO ANYTHING ABOUT HUMAN RIGHTS VIOLATIONS WHEN THEY BREAK INTO PUBLIC VIEW. THE MELENDEZ MURDERS (PUERTA DEL DIABLO MURDERS) CASE IS INSTRUCTIVE. THE REACTIONS OF THE THE HIGH COMMANDERS TO ACCUSATIONS OF MILITARY INVOLVEMENT IN THE MURDERS DEMONSTRATED CLEARLY THAT THEY DID NOT HAVE PRIOR KNOWLEDGE OF THE MILITARY ROLE. NATIONAL GUARD (GN) COMMANDER GEN LARIOS

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PAGE 01 SAN SA 08712 05 OF 07 291804Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DODE-00 H-01
MMO-01 IO-19 NSAE-00 COME-00 SSO-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RP-10 OES-09 SSE-01
OIG-04 /085 W

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O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1215
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

S E C R E T SECTION 05 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOULE

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE

STATED PUBLICALLY ONLY TWO DAYS AFTER THE FEBRUARY 1
DISCOVERY OF THE BODIES THAT THE GN WOULD INVESTIGATE
THE MATTER FULLY, VERY PROBABLY NOT KNOWING THAT AN
EYEWITNESS RECOGNIZED ONE OF THE PERPETRATORS AS A GN
FROM SAN JOSE GUAYABAL. DEFENSE MINISTER VIDES AND
CHIEF OF STAFF BLANDON REACTED ANGRILY TO AUXILIARY
BISHOP ROSA CHAVEZ' ACCUSATIONS OF FIRST INFANTRY
BRIGADE INVOLVEMENT, THEN BEGAN AN INTERNAL

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PAGE 02 SAN SA 08712 05 OF 07 291804Z

INVESTIGATION.

16. THE EYEWITNESSES TO THE ABDUCTION OF THE VICTIMS

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EVENTUALLY GAVE DECLARATIONS IN COURT, BUT FAILED TO MENTION THE SAN JOSE GUAYABAL GN OR IDENTIFY ANY OF THE OTHER ASSAILANTS EXCEPT A FORMER GUERRILLA WHOM THEY KNEW AS "TONY." THE JUDGE THEN ORDERED GEN VIDES TO PROVIDE THE NAMES OF THE FIRST BRIGADE SOLDIERS PATROLLING THE CANTON MELENDEZ AREA ON THE NIGHT OF THE INCIDENT, BUT VIDES RESPONDED WITH A LIST OF 450 NAMES, 50 OF WHICH ARE "ANTONIOS," AND THE COURT MUST NOW SEEK THE COOPERATION OF FIRST BRIGADE COMMANDER COL CAMPOS ANAYA, WHICH IS UNLIKELY TO BE FORTHCOMING.

17. NO INFORMATION HAS SURFACED ON WHAT THE MILITARY INVESTIGATION TURNED UP, BUT MOD VIDES, AFTER DISCUSSIONS WITH THE AMBASSADOR AND OTHER FACTORS, HAS DECIDED TO TRANSFER CAMPOS ANAYA POSSIBLY AS SOON AS JULY 1. IN ADDITION, THE NUMBER OF INCIDENTS IN WHICH THE FIRST BRIGADE WAS IMPLICATED APPEARS TO HAVE DROPPED FOLLOWING THE BEGINNING OF THE MILITARY INVESTIGATION. THIS SUGGESTS THAT WHILE THE HIGH COMMAND WILL NOT MAKE PUBLIC ITS DISCOVERY OF MILITARY MISCONDUCT NOR LOOK FOR MISCONDUCT AS A ROUTINE PRACTICE, IT WILL ATTEMPT TO CORRECT THOSE PROBLEMS THAT SURFACE IN PUBLIC.

18. LEGAL ANOMALIES

GIVEN THE MILITARY'S DISTASTE FOR PERMITTING MILITARY MISCONDUCT TO BE AIRED IN PUBLIC, IT IS DOUBTFUL THAT
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PAGE 03 SAN SA 08712 05 OF 07 291804Z

THE MELENDEZ MURDERERS WILL EVER BE TRIED IN A COURT, BECAUSE BY LONGSTANDING TRADITION ENCODED FOR YEARS IN SALVADORAN LAW ALL SERIOUS CRIMES COMMITTED BY ESAF PERSONNEL MUST BE TRIED IN A CIVILIAN COURT. THE TRADITION OF CIVILIAN TRIALS FOR MILITARY PERSONNEL CAME ABOUT A CENTURY AGO BECAUSE OF A GOVERNMENT MOVE TO ABOLISH THE PRACTICE BY DIFFERENT SECTORS OF THE SOCIETY, SUCH AS THE CHURCH AND THE MILITARY, OF TRYING CASES IN THEIR OWN SPECIAL TRIBUNALS. UNDER THE PRESENT SYSTEM, IF A COMMANDER DISMISSES SUBORDINATES FOR TRIAL, THE PERPETRATORS COULD ACCUSE THEIR SUPERIORS OF HAVING ORDERED THE

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KILLINGS, AND THE OFFICER CORPS COULD FIND ITSELF INVOLVED IN A PUBLIC SPECTACLE. THIS PRACTICE PUTS THE OFFICER CORPS IN CONTENTION WITH THE CIVILIAN COURT SYSTEM AND AT THE SAME TIME REMOVES ANY LEGAL BASIS FOR THE MILITARY TO CONDUCT NON-PUBLIC COURTS MARTIAL TO METE OUT PUNISHMENT OUT OF PUBLIC VIEW. IN ADDITION, THE ACCUSED MUST BE DISMISSED FROM THE SERVICE TO STAND TRIAL, IN EFFECT PUNISHING HIM BEFORE HE IS FOUND GUILTY.

19. THE MILITARY HAS A "TRIBUNAL OF HONOR" THAT DETERMINES IF AN OFFICER WILL BE TURNED OVER TO A CIVILIAN COURT. IN THE NOTORIOUS KIDNAPPING-FOR-PROFIT CASE, A TRIBUNAL OF HONOR FOUND THAT THE EVIDENCE AGAINST ARCE BATTALION COMMANDEP COL STABEN WAS INSUFFICIENT TO WARRANT HIS DISMISSAL FOR TRIAL. ANOTHER KIDNAPPING CASE DEFENDANT, MAJ JIMENEZ, IS STILL ON ACTIVE DUTY WHILE BEING HELD IN PRETRIAL CONFINEMENT. IN ALL, THE CLASH BETWEEN THE LEGAL PEQUIREMENT FOR CIVILIAN TRIALS AND THE MILITARY'S SENSITIVITY ABOUT AIRING ITS DIRTY LAUNDRY

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PAGE 01 SAN SA 08712 06 OF 07 291805Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 E8-00 DODE-00 H-01
MMO-01 IO-19 NSAE-00 COME-00 SSO-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RP-10 OES-09 SSE-01
DIG-04 /085 W

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O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1216
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

S E C R E T SECTION 06 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOULE

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE

IN PUBLIC HAS LEFT THE HIGH COMMAND WITH ALMOST NO
POWER TO ENFORCE PROCEDURES FOR HUMAN RIGHTS
PROTECTION.

20. MOST OF THE PRESENT MILITARY OFFICERS APPEAR TO
BE WILLING TO ADHERE TO MEASURES TO PROTECT HUMAN
RIGHTS, BUT THEY ARE FACED WITH LEGAL ANOMALIES THAT
PLACE AN ALMOST LUDICROUS BURDEN ON AN ARMY INVOLVED

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PAGE 02 SAN SA 08712 06 OF 07 291805Z

IN DAILY COMBAT. THE SALVADORAN CONSTITUTION
PROHIBITS ARREST OF ANYONE BY OTHER THAN THE POLICE

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EXCEPT IF THE PERSON IS CAUGHT IN THE ACT OF COMMITTING A CRIME, SO THE ARMY CANNOT LEGALLY DETAIN SUSPICIOUS PERSONS. THE CONSTITUTION ALSO PROHIBITS THE POLICE FROM DETAINING SUSPECTS FOR MORE THAN 72 HOURS WITHOUT TURNING THEM OVER TO THE COURTS, SO NEITHER THE ARMY NOR THE POLICE HAVE SUFFICIENT TIME TO CONDUCT THE KIND OF HUMANE INTELLIGENCE INTERROGATION ADVOCATED BY THE U.S. ARMY TRAINING MANUALS. ANOTHER CONSTITUTIONAL PROVISION GRANTS FREEDOM OF MOVEMENT THROUGHOUT THE NATIONAL TERRITORY. SO THE MILITARY CANNOT LEGALLY SEAL OFF CONFLICTIVE AREAS, REQUIRE SAFE-CONDUCT PASSES, DECLARE FREE-FIRE ZONES, OR ESTABLISH CURFEWS, ALL OF WHICH ARE MEASURES NORMALLY AVAILABLE TO SECURITY FORCES IN TIMES OF NATIONAL EMERGENCY.

21. THE CONSTITUTION CONTAINS PROVISIONS FOR A STATE OF EXCEPTION THAT WOULD PERMIT SPECIAL LAWS TO COME INTO EFFECT TO OVERCOME THESE LEGAL DIFFICULTIES, BUT THE CIVILIAN LEADERSHIP IS NOT WILLING TO ENACT A STATE OF EXCEPTION, NOR HAS IT WORKED WITH THE MILITARY TO DEVELOP THE SPECIAL LAWS THAT WILL MEET THE MILITARY'S NEEDS. THE CIVILIAN RESISTANCE TO THE STATE OF EXCEPTION RESULTS IN PART FROM PRESSURE FROM THE OTHER CENTRAL AMERICAN DEMOCRACIES TO LEAVE NICARAGUA AS THE ONLY CENTRAL AMERICAN NATION WITH A STATE OF SIEGE, IN PART FROM A DESIRE TO PACIFY HUMAN RIGHTS CRITICS. IN PRACTICE THE LACK OF A STATE OF EXCEPTION MAY HAVE RESULTED IN A WORSENING OF THE HUMAN RIGHTS SITUATION. THE MILITARY IS FACED WITH VIOLATING THE LAW TO FIGHT THE WAR, WITH THE RESULT
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PAGE 03 SAN SA 08712 06 OF 07 291805Z

THAT THE VIOLATIONS ARE HIDDEN AND INHUMANE BUT EXPEDIENT MEASURES THAT LEAVE NO VISIBLE MARKS ARE PRACTICED. IN SOME CASES, THE MILITARY HAS FILLED THE LEGAL VACUUM BY INVENTING ITS OWN PSEUDO-LEGAL PRACTICES, SUCH AS ESTABLISHING A 72-HOUR LIMIT FOR HOLDING DETAINEES BEFORE THEY HAVE TO BE TURNED OVER TO THE POLICE FOR ANOTHER 72 HOURS OF DETENTION. THE FUNDAMENTAL PROBLEMS WILL NOT BE RESOLVED, HOWEVER, UNTIL THE CIVILIAN LEADERSHIP EITHER ESTABLISHES A STATE OF EXCEPTION OR FINDS OTHER WAYS THAT PERMIT THE MILITARY TO FIGHT THE WAR WHILE ACTING WITHIN THE

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BOUNDS OF THE CONSTITUTION. A BILL IS PENDING BEFORE THE LEGISLATURE TO CHANGE THE PENAL CODE TO GIVE A JUDGE MORE LEEWAY TO ACCEPT PHYSICAL AND TECHNICAL EVIDENCE. IN ADDITION EXISTING LEGISLATION, SUCH AS THE TURN-OF-THE CENTURY "POLICE LAW," COULD BE DUSTED OFF AND INTERPRETED MORE BROADLY SO AS TO MAKE IT EASIER TO DETAIN SUSPECTS WHILE THE POLICE COMPLETE FURTHER INVESTIGATIONS AND BUILD THE LEGAL CASE.

22. RESOLUTION OF THESE LEGAL DIFFICULTIES IS HAMPERED BY THE LACK OF COOPERATION BETWEEN THE MILITARY AND THE CIVILIAN BUREAUCRACY. FOR EXAMPLE, DEFENDANTS ORDERED HELD BY THE COURTS FOR PRETRIAL DETENTION ARE NORMALLY PLACED IN THE CUSTODY OF JUSTICE MINISTRY GUARDS, BUT IN CASES OF TERRORISM. A SYSTEM COULD BE ESTABLISHED FOR THE JUDGE TO SEND THE ACCUSED BACK TO THE POLICE FOR INTELLIGENCE INTERROGATION. AT PRESENT, HOWEVER, THE CIVILIAN JUDGES TEND TO BE VERY LEGALISTIC TO THE POINT OF WORKING AGAINST THE POLICE. IN A RECENT CASE, THE POLICE ARRESTED FIVE PERSONS IN WHAT THEY CALLED AN FMLN SAFE HOUSE. THE JUDGE ORDERED TWO TO BE HELD

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SECRET

DECLASSIFIED

PAGE 01 SAN SA 08712 07 OF 07 291805Z
ACTION ARA-00

INFO LOG-00 ADS-00 INR-10 CIAE-00 EB-00 DODE-00 H-01
MMO-01 IO-19 NSAE-00 COME-00 SSO-00 HA-09 L-03
PM-10 SIL-01 INM-07 INRE-00 RR-10 OES-09 SSE-01
DIG-04 /085 W

-----136366 291819Z /44

O 291745Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1217
INFO AMEMBASSY GUATEMALA IMMEDIATE
AMEMBASSY LIMA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

S E C R E T SECTION 07 OF 07 SAN SALVADOR 08712

USCINCSO ALSO FOR POLAD YOULE

LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PCOV, PHUM, KPRP, ES
SUBJECT: POST REPORTING PLAN: MILITARY'S RESPONSE

BECAUSE THEY HAD CONFESSED, BUT LET THE OTHER THREE
GO FREE BECAUSE THEY HAD NOT CONFESSED AND THERE WAS
NO OTHER EVIDENCE AGAINST THEM. LOGIC WOULD SAY
THERE IS EITHER PROBABLE CAUSE TO HOLD ALL FIVE OR
ALL SHOULD BE SET FREE, BUT THE JUDGE, INSTEAD OF
USING GOOD JUDGMENT, APPLIED SALVADORAN LAW IN ITS
NARROWEST SENSE. IN FAIRNESS TO THE JUDGES, MANY
LIVE UNDER THREATS OF FMLN REPRISALS AGAINST

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PAGE 02 SAN SA 08712 07 OF 07 291805Z

THEMSELVES AND THEIR FAMILIES. NEVERTHELESS, SUCH
DECISIONS HAVE UNDOUBTEDLY ENGENDERED A DISRESPECT

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WITHIN THE MILITARY TOWARD THE JUDICIAL SYSTEM AS A WHOLE, GIVING RISE TO THE DANGER OF THE KIND OF DEATH SQUAD VIGILANTEISM OF THE EARLY 1980S.

23. OUTLOOK

THE UNWILLINGNESS OF MILITARY OFFICERS TO SUBMIT FELLOW OFFICERS TO PUBLIC SCRUTINY IS STRONGLY ENTRENCHED IN THE MENTALITY OF THE OFFICER CORPS AND IS NOT LIKELY TO DIMINISH FOR MANY YEARS. ANY EFFORT TO INVESTIGATE AND PUNISH HUMAN RIGHTS (OR OTHER CRIMINAL) ABUSES BY OFFICERS ABOVE THE RANK OF LIEUTENANT WILL HAVE TO CONTEND WITH THIS OBSTACLE. OVER THE LONG TERM, THE TACTIC THAT HOLDS THE BEST PROSPECT OF SUCCESS IS TO TRY TO DEVELOP OFFICERS FOR THE POLICE FORCES ALONG SEPARATE LINES FROM THOSE OF THE COMBAT FORCES AND IMBUE THEM WITH A SPIRIT OF BRINGING CRIMINALS OF ALL RANKS TO JUSTICE. THE FIRST STEP ALONG THIS LONG ROAD WAS TAKEN BY COL LOPEZ NUILA WHEN HE BROKE GROUND FOR THE NEW POLICE ACADEMY. MANY MILITARY OFFICERS ARE LEERY OF THIS THREAT TO THE UNITY OF THE ARMED FORCES, AND REMOVAL OF THE POLICE FROM CONTROL OF THE DEFENSE MINISTRY IS NOT LIKELY TO HAPPEN SOON. NEVERTHELESS, DEVELOPING PROFESSIONAL POLICE OFFICERS NOT BOUND BY OLD SCHOOL TIES OR A DISTORTED SENSE OF CORPORATE LOYALTY APPEARS TO BE A KEY TO RESOLVING THE PROBLEM OF OFFICER IMMUNITY TO PROSECUTION.

24. IN ADDITION, CONTINUOUS PUBLIC SCRUTINY OF COURT

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PAGE 03 SAN SA 08712 07 OF 07 291805Z

PROCEEDINGS AGAINST MILITARY OFFICERS HAS GRADUALLY OVERCOME SOME OF THE OFFICER CORPS' BELIEF IN ITS OWN INFALLIBILITY. SUCCESSFUL PROSECUTION OF ANY OFFICER BY A CIVILIAN COURT WILL HELP SPEED THE PROCESS BY SHOWING THE MILITARY THEY ARE NO LONGER IMMUNE.

25. TWO CHANGES ARE NEEDED: INSTITUTIONAL AND ATTITUDINAL. THE ATTITUDINAL CHANGES ARE OBVIOUS. ACHIEVING THEM WILL BE A DIFFICULT PROCESS THAT MAY REQUIRE A GENERATIONAL CHANGE IN THE OFFICER CORPS TO ATTAIN. ON THE INSTITUTIONAL SIDE, WE HAVE BEGUN TO

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PUSH THE ESAF TO FILL THE LONG VACANT POSITION OF THE INSPECTOR GENERAL. WE DO NOT BELIEVE THAT THE RESURRECTION OF THIS OFFICE IN ITSELF WILL ACHIEVE THE NECESSARY CHANGE, BUT ONCE THE FORM IS THERE, WE WILL HAVE A PLACE TO FOCUS OUR EFFORTS TO GIVE SUBSTANCE TO THE FORM. THE SECRETARY'S VISIT ON JUNE 30 AND HIS MEETING WITH MILITARY OFFICERS SHOULD GIVE US THE MOMENTUM NECESSARY TO START THIS ARDUOUS PROCESS OF CHANGING THE WAY THE MILITARY THINKS ABOUT ITSELF.

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El Salvador Human Rights
Special Project (1993)



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PAGE 01
ACTION ARA-00

SAN SA 09593 01 OF 05 162353Z

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 DIC-02 CIAE-00
ES-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09
L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01 INRE-00
RP-10 USIE-00 SP-02 SR-06 PRS-01 DS-01 DSE-00
SCT-02 /089 W

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R 162341Z JUL 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1717
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO QUARRY HTS PN

SECTION 01 OF 05 SAN SALVADOR 09593

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, ES
SUBJECT: 1987 VIOLENCE STATISTICS: A RELOOK

REF: A) SAN SALVADOR 8711 (NOTAL)
B) SAN SALVADOR 8853 (NOTAL)

1. SUMMARY

PROMPTED BY CLAIMS FROM HUMAN RIGHTS GROUPS AND THE
INTERNATIONAL MEDIA THAT HUMAN RIGHTS VIOLATIONS BY
THE ESAF AND THE ULTRA-RIGHT ARE ON THE RISE (REF A),
THE EMBASSY RECHECKED THE RAW DATA FOR THE 1987

PAGE 02 SAN SA 09593 01 OF 05 162353Z

VIOLENCE REPORTS TO SEE IF THE ALLEGATIONS ARE

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portions withheld: classified ()
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El Salvador Human Rights
Special Project (1993)

[REDACTED] 19
SUPPORTED BY OUR DATA. THE STUDY, WHICH FOCUSED ON REPORTS OF VIOLENT DEATHS FOR WHICH NO MOTIVE, EITHER CRIMINAL OR POLITICAL, COULD BE ADDUCED, REVEALED A DOUBLING OF UNEXPLAINED MURDERS FROM THE FIRST HALF OF 1987 TO THE SECOND HALF, AS WELL AS A QUALITATIVE CHANGE IN THE NATURE OF THE KILLINGS. WITHOUT FURTHER EVIDENCE OR ON-SITE INVESTIGATION OF INDIVIDUAL CASES, IT IS IMPOSSIBLE TO ATTRIBUTE THE DEATHS DEFINITELY, BUT THE INCREASE IN QUANTITY AND IN BRUTALITY ARE TROUBLESOME. WHEN TAKEN IN CONJUNCTION WITH OTHER REPORTING, A REASONABLE CONCLUSION CAN BE DRAWN THAT THERE HAS BEEN AN INCREASE IN ESAP/ULTRA-RIGHT HUMAN RIGHTS VIOLATIONS. END SUMMARY

2. (U) METHODOLOGY

THE EMBASSY HAS SINCE 1980 USED REPORTS OF VIOLENCE IN PUBLICLY AVAILABLE SOURCES, PRIMARILY THE LOCAL PRESS, TO TRY TO QUANTIFY THE LEVEL OF POLITICAL VIOLENCE IN THE SALVADORAN SOCIETY IN ORDER TO HAVE SOME MEASURE OF THE SUCCESS OF PROGRAMS AIMED AT INSTITUTIONALIZING DEMOCRACY AND IMPROVING HUMAN RIGHTS OBSERVANCE. INITIALLY ALL UNEXPLAINED DEATHS WERE CONSIDERED TO BE THE RESULT OF POLITICAL VIOLENCE, BUT AS THE NUMBERS FELL TO THE POINT IT BECAME POSSIBLE TO EVALUATE EACH INCIDENT, ONLY THOSE FOR WHICH A POLITICAL MOTIVE WAS APPARENT WERE RECORDED AS POLITICAL DEATHS. VIOLENT DEATHS FOR WHICH NO MOTIVE COULD BE ADDUCED WERE CATEGORIZED AS CRIMINAL DEATHS. THE EMBASSY STUDY (MADE POSSIBLE BY [REDACTED])

PAGE 03 SAN SA 09593 01 OF 05 162353Z

THE AVAILABILITY OF A SUMMER-HIRE DEPENDENT) INVOLVED EXTRACTING FROM THE RAW DATA THOSE VIOLENT DEATHS FOR WHICH NO MOTIVE COULD BE ADDUCED AND EVALUATING THEM FOR INCLUSION IN THE CATEGORY OF "SUSPICIOUS MURDERS." CASES OF STABBING, MACHETE-SLASHING, AND STRANGULATION, THE "TRADITIONAL" WAYS OF SETTling PERSONAL DIFFERENCES, WERE ELIMINATED UNLESS OTHER CIRCUMSTANCES SUGGESTED THE DEATH INVOLVED A METHOD USED BY THE "DEATH SQUADS" OF THE PAST. THIS SELECTION YIELDED A TOTAL OF 184 CASES.

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3. (U) QUANTITATIVE RESULTS

THE CASES WERE DISTRIBUTED THROUGHOUT THE YEAR AS
FOLLOWS:

JANUARY	9	JULY	17
FEBRUARY	9	AUGUST	20
MARCH	9	SEPTEMBER	18
APRIL	15	OCTOBER	23
MAY	12	NOVEMBER	20
JUNE	11	DECEMBER	21
-	---	-	---
SEMIANNUAL TOTAL:	65		119
MONTHLY AVG:	10.8		19.8

THE EMBASSY HAS NO EVIDENCE TO SUGGEST THIS AVERAGE
INCREASE OF 9 DEATHS PER MONTH DURING THE SECOND HALF
OF 1987 RESULTS FROM CHANGES IN THE REPORTING
POLICIES OF THE LOCAL PRESS NOR A CHANGE IN THE
EMBASSY'S METHOD OF EXTRACTING THE DATA.

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PAGE 01 SAN SA 09593 02 OF 05 162353Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 DIC-02 CIAE-00
ES-00 DODE-00 H-01 IO-19 NSCE-00 NSAZ-00 HA-09
L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01 INRE-00
RF-10 USIE-00 SP-02 SR-06 PRS-01 DS-01 DSE-00
SCT-02 /089 H

-----125751 170042Z /61

R 162341Z JUL 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1718
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO GUARRY HTS PN

SECTION 02 OF 05 SAN SALVADOR 09593

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, ES
SUBJECT: 1987 VIOLENCE STATISTICS: A RELOOK

4. (U) QUALITATIVE CHANGES

THE DESCRIPTIONS IN THE RAW DATA FOR 75 OF THE 184
CASES WERE GENERALLY LIMITED TO THE STATEMENT THAT
THE VICTIM DIED OF GUNSHOT WOUNDS, WHICH COULD HAVE
BEEN SELF-INFLICTED, ACCIDENTAL, OR INCIDENTAL TO
COMBAT OPERATIONS, RATHER THAN THE RESULT OF
PREMEDITATED MURDER. THE DESCRIPTIONS IN THE
REMAINING 109 CASES, HOWEVER, WERE QUALITATIVELY MORE

PAGE 02 SAN SA 09593 02 OF 05 162353Z

COMPLETE IN THAT THEY GIVE EVIDENCE THE VICTIM WAS
ASSASSINATED. IN MANY CASES THE DETAILS SUGGEST THAT

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METHODS PREVIOUSLY USED BY "DEATH SQUADS," SUCH AS TORTURE, BODY DUMPING, AND ASSASSINATION BY GROUPS OF ARMED INDIVIDUALS, WERE EMPLOYED. THESE 109 CASES ARE DISTRIBUTED AS FOLLOWS:

JANUARY	4	JULY	10
FEBRUARY	3	AUGUST	12
MARCH	3	SEPTEMBER	12
APRIL	5	OCTOBER	17
MAY	9	NOVEMBER	12
JUNE	4	DECEMBER	18
---	---	---	---
SEMIANNUAL			
TOTAL:	28		81
MONTHLY AVG:	4.7		13.5

THIS TABLE COULD INDICATE THE PRESS BEGAN TO PROVIDE BETTER DESCRIPTIONS OF VIOLENT DEATHS DURING THE LATTER PART OF THE YEAR, RATHER THAN THAT THERE WAS A QUALITATIVE CHANGE IN THE CIRCUMSTANCES SURROUNDING THE INCIDENT, BUT BOTH THE GOVERNMENTAL HUMAN RIGHTS COMMISSION AND THE CATHOLIC CHURCH'S HUMAN RIGHTS AND LEGAL AID OFFICE (TUTELA LEGAL), WHICH DO ON-SITE INVESTIGATIONS, BELIEVE THAT THERE HAS BEEN A QUALITATIVE CHANGE. TUTELA LEGAL REPORTED 9 "DEATH SQUAD" KILLINGS FOR THE FIRST HALF OF 1987 AND OVER 20 FOR THE SECOND HALF.

5. (U) SAMPLE OF RAW DATA DESCRIPTIONS

PAGE 03 SAN SA 09593 02 OF 05 162353Z

THE FOLLOWING TWO PARAGRAPHS PROVIDE THE RAW DATA DESCRIPTIONS FOR THE MONTHS OF JANUARY AND DECEMBER 1987 FOR COMPARISON PURPOSES. THE DESCRIPTIONS FOR ALL 184 CASES ARE BEING POUCHED TO ARA/CEN. WE PLAN TO CONTINUE TO MONITOR SUSPICIOUS MURDERS AND INCLUDE STATISTICS IN FUTURE MONTHLY VIOLENCE REPORTS.

6. (U) JANUARY SUSPICIOUS DEATHS

AGE/SEX DATE: DEPARTMENT CIRCUMSTANCES

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[REDACTED]

50/M 1/2: SAN SALVADOR

SHOT TO DEATH NEAR HIS
HOME BY TWO MEN DRIVING A
PICKUP. THE CAUSE OF
DEATH WAS THREE BULLETS
IN THE HEAD.

40/M 1/2: SAN SALVADOR

THE CAUSE OF DEATH WAS
BULLET WOUNDS.

22/M 1/3: SAN SALVADOR

THE CAUSE OF DEATH
WAS BULLET WOUNDS.

64/M 1/8: SAN SALVADOR

THE CAUSE OF DEATH WAS
BULLET WOUNDS.

44/M 1/11: SANTA ANA

THE FARMER'S BODY WAS
FOUND IN AN OPEN LOT
WITH A BULLET WOUND IN
THE HEAD AND KNIFE WOUND
IN THE CHEST. HE HAD

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PAGE 01 SAN SA 09593 03 OF 05 162354Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-00
ES-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09
L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01 SVC-00
INRE-00 RP-10 USIE-00 SP-02 SR-06 PRS-01 DS-01
DSE-00 SCT-02 /089 H
-----125764 170042Z /61

R 162341Z JUL 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1719
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEQUIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO GUARRY, HTS PH

SECTION 03 OF 05 SAN SALVADOR 09593

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, ES
SUBJECT: 1987 VIOLENCE STATISTICS: A RELOOK

RECEIVED DEATH THREATS.

25/M 1/18: SAN SALVADOR THE CAUSE OF DEATH
WAS BULLET WOUNDS.

22/F 1/20: USULUTAN A GROUP OF ARMED MEN
CAME TO THE VICTIM'S
HOME AND TRIED TO ABDUCT
HER FATHER--SR. ZEPEDA,
AS THE VICTIM ENTERED THE

PAGE 02 SAN SA 09593 03 OF 05 162354Z

ROOM SHE WAS SHOT IN THE
CHEST. HER HUSBAND HAD

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25/M 1/26: LA LIBERTAD

BEEN ASSASSINATED IN
1987. (A CONNECTION MAY
EXIST BETWEEN THE TWO
MURDERS.)

THE BODY WAS FOUND ON
THE BEACH; ITS HANDS AND
FEET TIED. THE CAUSE OF
DEATH WAS DROWNING.

25/M 1/28: SAN SALVADOR

THE CAUSE OF DEATH WAS
BULLET WOUNDS.

7. (U) DECEMBER SUSPICIOUS KILLINGS

34/M 12/9: SAN MIGUEL

AS THE REGIONAL HUMAN
RIGHTS COMMISSION
DIRECTOR GOT OUT OF HIS
CAR HE WAS GUNNED DOWN
BY MEN WHO HAD FOLLOWED
HIM IN ANOTHER VEHICLE.

41/M 12/12: SAN SALVADOR

THE TEACHER WAS FOUND
SHOT TO DEATH IN HIS
CAR. APPARENTLY THE
GUNMAN TRIED TO DRIVE
THE CAR AWAY BUT WAS
UNABLE TO CROSS THE
HIGH SPEED BUMPS; SO HE

(NN)

[REDACTED]

PAGE 03

SAN SA 09593 03 OF 05 162354Z

--/M 12/13: SAN SALVADOR

THE FARMER WAS DRAGGED
FROM HIS HOME BY GUNMEN
WHO TOOK HIM TO A
SUGARCANE FIELD AND SHOT

(NN)

24/M 12/14: AHUACHAPAN

THE VICTIM WAS STANDING
ON THE CORNER OF THE
PARK WHEN HE WAS SHOT TO
DEATH BY A SINGLE GUNMAN
WHO CASUALLY APPROACHED

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HIM.

47/M 12/16: SANTA ANA

-
-
-
-
-

THE VICTIM WAS FOUND
WITH A BULLET WOUND IN
THE HEAD AND MACHETE
WOUNDS IN HIS
EXTREMITIES. NEIGHBORS
REPORTED HAVING HEARD A
GUNSHOT.

31/M 12/17: USULUTAN

-
-
-
-
-

THE FARMER WAS KIDNAPPED
FROM HIS HOME IN SANTA
CRUZ AND WAS LATER FOUND
SHOT TO DEATH. THE CAUSE
OF DEATH WAS 7 BULLET
WOUNDS.

14/M 12/17: SANTA ANA

-
-
-
-
-

THE VICTIM WAS RIDING A
BICYCLE WHEN ARMED MEN
ATTEMPTED TO KIDNAP HIM.
HE TRIED TO ESCAPE BUT
WAS GUNNED DOWN WITH 9MM
WEAPONS.

30/M 12/18: SAN SALVADOR THE VICTIM, AN ANTEL

[REDACTED]

PAGE 04

SAN SA 09593 03 OF 05 162354Z

NOTE BY OC/T (NN) OMISSION. CORRECTION TO FOLLOW.

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PAGE 01 SAN SA 09593 04 OF 05 162355Z
ACTION IO-19

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 DIC-02 CIAE-00
EB-00 DODE-00 H-01 NSCE-00 ARA-00 NSAE-00 HA-09
L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01 INRE-00
RP-10 USIE-00 SP-02 SR-06 PRS-01 DS-01 DSE-00
SCT-02 /089 H

-----125775 170043Z /61

R 162341Z JUL 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1720
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO GUARRY HTS PH

SECTION 04 OF 05 SAN SALVADOR 09593

USCINCSO ALSO FOR POLAD YOULE

E.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, ES
SUBJECT: 1987 VIOLENCE STATISTICS: A RELOOK

WORKER, HAS KILLED TWO
BLOCKS FROM HIS HOME
WHILE HE WALKED TO WORK.
TWO ARMED MEN SHOT HIM
IN THE HEAD AND CHEST 4
TIMES.

25/H 12/20: SAN SALVADOR FIVE MEN CHASED AND
FINALLY CAUGHT THE
TAXI DRIVER IN

PAGE 02 SAN SA 09593 04 OF 05 162355Z

COL. SAN ANTONIO,
ZACAMIL. HE WAS THEN

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-
40/M 12/21: SANTA ANA

TRANSFERED TO ANOTHER
VEHICLE AND KIDNAPPED.
THE BODY WAS LATER FOUND
WITH TWO BULLET WOUNDS,
ONE IN THE HEAD AND ONE
IN THE CHEST.

THE CAUSE OF DEATH WAS
TWO CRANIAL KNIFE
WOUNDS AND A BULLET
WOUND IN THE CHEST.

-
-
-
-
48/M 12/22: SONSONATE

THE BODY WAS FOUND WITH
MULTIPLE BULLET WOUNDS.
THE FARMER HAD BEEN
KIDNAPPED 10 DAYS
EARLIER WHILE ON HIS WAY
TO GET MILK FROM HIS
FARM. THE VICTIM'S
VEHICLE WAS FOUND A FEW
DAYS AFTER THE
KIDNAPPING.

-
-
-
-
58/M 12/23: SAN SALVADOR

THE VICTIM, A NIGHT
WATCHMAN WAS HEADED TO
WORK IN COL. LAS MERCEDES
WHEN HE WAS APPROACHED
BY A GUNMAN WHO SHOT HIM
IN THE HEAD. THE VICTIM
STRUGGLED ACROSS THE
STREET AND LAY DOWN. THE

[REDACTED]
PAGE 03

SAN SA 09593 04 OF 05 162355Z

-
-
GUNMAN THEN RETURNED AND
SHOT HIM A SECOND TIME.

--/M 12/25: SAN MIGUEL

ASSASSINATED.

36/M 12/25: SAN MIGUEL

THE FARMER WAS DRAGGED
FROM HIS HOME AND
ASSASSINATED IN THE
GARDEN.

54/F 12/26: LA PAZ

ARMED MEN DRAGGED HER

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[REDACTED]
FROM HER HOME AND KILLED
HER WITH MACHETES.

--/M 12/28: SANTA ANA

THE DECOMPOSING CORPSE
WAS FOUND IN AN
ABANDONED WELL. BOTH
HANDS WERE TIED AND THE
VICTIM HAD BEEN SHOT
TWICE IN THE BACK OF THE
HEAD.

--/M 12/29: SAN SALVADOR

THE BODY WAS FOUND IN A
PLASTIC BAG, WITH BOTH
HANDS TIED TOGETHER
WITH A NYLON, AND A RED
HANDKERCHIEF STUFFED
IN ITS MOUTH. THE BODY
EXHIBITED MULTIPLE
SIGNS OF TORTURE. IT
IS THOUGHT THAT THE
VICTIM WAS ASSASSINATED
ELSEWHERE AND THEN
DUMPED WHERE THE CORPSE
WAS FOUND.

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PAGE 04

SAN SA 09593 04 OF 05 162355Z

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PAGE 01 SAN SA 09593 05 OF 05 162356Z
ACTION ARA-00

INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 OIC-02 CIAE-
ES-00 DODE-00 H-01 IO-19 NSCE-00 NSAE-00 HA-09
L-03 LAB-04 TRSE-00 PA-01 STR-17 SIL-01 INRE-00
RP-10 USIE-00 SP-02 SR-06 PRS-01 DS-01 DSE-00
SCT-02 /089 H

-----126004 170043Z /61

R 162341Z JUL 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1721
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USMISSION GENEVA
USMISSION USUN NEW YORK
USCINCSO GUARRY HTS PH

SECTION 05 OF 05 SAN SALVADOR 09593

USCINCSO ALSO FOR POLAD YOULE

Z.O. 12356: DECL: OADR
TAGS: PGOV, PHUM, ES
SUBJECT: 1987 VIOLENCE STATISTICS: A RELOOK

19/H 12/29: SAN SALVADOR THE BODIES OF A STUDENT
- AND AN AGRONOMIST WERE
- FOUND SEATED IN A
- VEHICLE WITH THEIR HEADS
- LEANING BACK. THE
- VICTIMS HAD BEEN SHOT
- TWICE IN THE HEAD WITH A
- 45 CAL. WEAPON AT
- POINTBLANK RANGE.
- NOTHING WAS MISSING FROM

PAGE 02 SAN SA 09593 05 OF 05 162356Z

THE VEHICLE.

23/H 12/29: SAN SALVADOR WHILE ON HIS WAY HOME

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THE VICTIM WAS SHOT IN
THE BACK.

36/M 12/31: SAN SALVADOR THE CAUSE OF DEATH WAS
BULLET WOUNDS.

8. (U) WHO IS RESPONSIBLE?
.....

THE INCREASE IN THE NUMBER OF MURDERS REVEALED BY THE STUDY DOES NOT APPEAR TO BE CAUSED BY A CHANGE IN THE REPORTING CAPABILITIES OR POLICIES OF THE LOCAL NEWSPAPERS, NOR IN THE DATA-GATHERING PROCEDURES OF THE EMBASSY, BUT RATHER REPRESENTS A REAL INCREASE IN THE NUMBER OF VIOLENT DEATHS. ASSUMING THAT THE NORMALLY HIGH LEVEL OF CRIMINAL FIREARM MURDERS REMAINED CONSTANT THROUGHOUT THE YEAR, THE INCREASE IN THE LAST HALF OF 1987 CAN POSSIBLY BE ATTRIBUTED TO POLITICAL MOTIVES. IF THE INCREASE DURING THE SECOND HALF OF 1987 (UP AN AVERAGE OF 9 MURDERS PER MONTH) IS ASSUMED TO BE POLITICALLY MOTIVATED, ANOTHER 72 DEATHS COULD BE ADDED TO THE 14 THE EMBASSY ATTRIBUTED TO UNKNOWN ASSAILANTS DURING 1987 (REF 8), FOR A TOTAL OF 86 POLITICAL MURDERS BY UNKNOWN ASSAILANTS. (THE EMBASSY ATTRIBUTED A TOTAL OF 7 POLITICAL KILLINGS TO THE ESAP AND THE ULTRA-RIGHT AND 205 POLITICAL KILLINGS TO THE FMLN GUERRILLAS IN ITS 1987 VIOLENCE REPORTS.) WITHOUT FURTHER EVIDENCE OR ON-SITE INVESTIGATION OF INDIVIDUAL CASES, WE CANNOT ATTRIBUTE THESE

PAGE 03 SAN SA 09593 05 OF 05 162356Z

ADDITIONAL 72 SUSPICIOUS DEATHS TO THE RIGHT OR THE FMLN OR EVEN BE CERTAIN THAT THEY ARE POLITICAL MURDERS. NONETHELESS, THE INCREASE IN QUANTITY AND BRUTALITY IS TROUBLESOME, AND WE BELIEVE THAT, WHEN TAKEN IN CONJUNCTION WITH OTHER REPORTING, A REASONABLE CONCLUSION CAN BE DRAWN THAT THERE HAS BEEN AN INCREASE IN HUMAN RIGHTS VIOLATIONS AND THAT SOME INDETERMINABLE PART OF IT IS ATTRIBUTABLE TO THE ESAP/ULTRA-RIGHT.

9. A WORD OF CAUTION
.....

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[REDACTED]
THE EMBASSY IS AWARE THAT THE SOURCES OF ITS VIOLENCE DATA DO NOT REPORT EVERY VIOLENT DEATH IN EL SALVADOR AND ARE SUBJECT TO REPORTING BIASES. WE THEREFORE DO NOT ENDORSE OUR FIGURES AS SHOWING THE PRECISE NUMERICAL LEVEL OF VIOLENCE, BUT RATHER AS PROVIDING AN INDICATOR OF THE LEVEL OF VIOLENCE. WITH OUR JANUARY 1988 VIOLENCE REPORT, WE HAVE BEGUN TO REPORT A NEW CATEGORY OF "SUSPICIOUS MURDERS" ENCOMPASSING DEATHS IN WHICH THE CIRCUMSTANCES DO NOT NEGATE A POLITICAL CONNECTION ALTHOUGH NO POLITICAL MOTIVE IS APPARENT.

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El Salvador Human Rights
1987-1988, 1993

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PAGE 01 SAN SA 09636 182006Z
ACTION INR-10

INFO LOG-00 ADS-00 SS-00 CIAE-00 EB-00 DODE-00 H-01
NSCE-00 ARA-00 NSAE-00 HA-09 L-03 LAB-04 PM-10
PA-01 SIL-01 INRE-00 SP-02 C-01 P-02 /044 W
-----272473 192138Z /65

R 182000Z JUL 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 1743

SAN SALVADOR 09636

E.O. 12356: DECL: OADR
TAGS: PHUM, AINR, PGOV, ES
SUBJECT: EL SALVADOR: HUMAN RIGHTS ABUSES
(C-AL8-555849)

REFS: A) STATE 219880; B) SAN SALVADOR 8711;
C) SAN SALVADOR 8712

1. [REDACTED] - ENTIRE TEXT

2. THE FOLLOWING RESPONSES ARE KEYED TO QUESTIONS IN
THE SUBPARAGRAPHS OF PARAGRAPH 3, REF A:

A. A REPORT ON EMBASSY STATISTICS SHOWING AN
INCREASE IN UNEXPLAINED MURDERS IN THE SECOND HALF OF
1987 IS BEING SENT SEPTEL, AND ALTHOUGH STATISTICS
ARE NOT YET AVAILABLE FOR 1988, THE INCREASE APPEARS
TO HAVE CONTINUED THIS YEAR AS WELL. ALSO, BOTH THE
GOVERNMENTAL HUMAN RIGHTS COMMISSION (CDH) AND THE
ARCHBISHOPRIC'S HUMAN RIGHTS AND LEGAL ASSISTANCE
OFFICE (TUTELA LEGAL) HAVE SAID THEIR STATISTICS SHOW
AN INCREASE IN HUMAN RIGHTS VIOLATIONS. THERE IS NO
EVIDENCE AS YET TO SUPPORT THE VIEW THAT THE
SITUATION IS "DETERIORATING," I.E., THAT THE NUMBER
OF VIOLATIONS FOR EACH MONTH IS HIGHER THAN THAT OF

Department of State IS/FPC/CDR, El Salvador SP Date 9/21/93
Declassified under EO 12958 () in full; () in part;
portions withheld: classified (); deliberative ();
law enforcement (); privacy (); statutory ();
not relevant to El Salvador ().

PAGE 02 SAN SA 09636 182006Z

THE PREVIOUS MONTH. IT APPEARS, RATHER, THAT

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[REDACTED]
VIOLATIONS PER MONTH REMAIN ABOUT CONSTANT, ALTHOUGH AT A HIGHER LEVEL THAN DURING THE FIRST HALF OF 1987. REF B ADDRESSES THE EMBASSY'S OPINION OF WHERE RESPONSIBILITY FOR THE INCREASE LIES.

B. THE EMBASSY HAS NO INFORMATION TO CONFIRM THE RESURGENCE OF ULTRA-RIGHT "DEATH SQUADS." THE STATISTICS SHOWING AN INCREASE IN 1987 IN HUMAN RIGHTS VIOLATIONS ARE DRAWN FROM DATA CONCERNING UNEXPLAINED MURDERS. NONE OF THE MURDERS WAS CLAIMED BY ANY ORGANIZATION, LEFT OR RIGHT. SO FAR THIS YEAR, NO ONE HAS REPORTED RECEIVING DEATH THREATS FROM A SPECIFIC ULTRA-RIGHT ORGANIZATION. NO LEAFLETS OR OTHER IDENTIFYING SIGNS HAVE BEEN LEFT IN THE VICINITY OF A VICTIM'S BODY. THE ARENA PARTY IS FORMING ANOTHER 40-MAN ASSEMBLY SECURITY FORCE UNDER THE DIRECTION OF RETIRED COL JORGE ALBERTO JARQUIN SOSA, ANOTHER ULTRA-RIGHTIST. ARENA'S OPPONENTS FEAR THIS FORCE WILL BE USED AS A DEATH SQUAD. NEVERTHELESS, THESE REPORTS DO NOT BY THEMSELVES CONSTITUTE CONFIRMATION OF AN ULTRA-RIGHT RESURGENCE, AND THE INCREASE IN UNEXPLAINED DEATHS BEGAN LONG BEFORE THE MARCH 20 ARENA ELECTION VICTORY SPARKED CLAIMS OF RENEWED ULTRA-RIGHT ACTIVITY.

C. REFS B AND C ADDRESS SLIPPAGE IN THE ARMED FORCES' PERFORMANCE IN HUMAN RIGHTS, THE CAUSES, AND SOME OF THE SOLUTIONS.

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INFO LOG-00 ADS-00 AID-00 INR-10 SS-00 DIC-02 CIRE-00
DODE-00 H-01 ID-19 NSCE-00 NSAE-00 SSO-00 HA-09
L-03 TRSE-00 PM-10 PA-01 OMB-01 INRE-00 SP-02
SNP-01 C-01 PRS-01 DS-01 P-02 T-01 /065 W
-----237410 240423Z /10

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SECTION 01 OF 03 SAN SALVADOR 12807

1. (C) SUMMARY: LOCAL TELEVISION REPORTED ALLEGATIONS LATE SEPTEMBER 22 THAT AN ARMY PATROL EXECUTED 10 PEASANTS IN SAN FRANCISCO. THE ARMY'S INITIAL VERSION IS THAT MOST OF THE VICTIMS HAD BEEN DETAINED BY THE ARMY, AND DIED DURING AN FMLN

PAGE 02 SAN SA 12807 01 OF 03 240414Z
AMBUSH. IT IS NOT CLEAR YET WHAT HAPPENED. BECAUSE

Department of State IB/PPO/CDDR, El Salvador SF Data
Declassified under EO 13526 (✓) in full; () in part;
Excluded from automatic declassification review because:
Portions withheld: classified (); deliberative ();
enforcement (); privacy (), statutory ();
not relevant to El Salvador ().

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[REDACTED]
OF THE SIGNIFICANT DISPARITIES BETWEEN THE TWO VERSIONS. HOWEVER, THE AMBASSADOR CALLED ON MOD VIDE SEPTEMBER 23 TO ENCOURAGE THE ESAF TO CONDUCT AN IMPARTIAL INVESTIGATION. THE MOD APPOINTED A MILITARY COMMISSION; A SEPARATE JUDICIAL COMMISSION WILL ALSO INVESTIGATE. OUR CONCERN IS NOT ONLY WHAT MAY HAVE HAPPENED IN SAN FRANCISCO, BUT THAT THE GOES INVESTIGATE IMPARTIALLY. WE ARE SENDING THREE EMBOFFS TO SAN FRANCISCO SEPTEMBER 24, AND ARE USING OTHER ASSETS TO GET ADDITIONAL INFORMATION. END SUMMARY.

2. (U) SALVADORAN TELEVISION REPORTED LATE SEPTEMBER 22 ALLEGATIONS THAT AN ARMY PATROL SUMMARILY EXECUTED 10 PEASANTS NEAR THE VILLAGE OF SAN FRANCISCO (SAN SEBASTIAN MUNICIPALITY, SAN VICENTE DEPARTMENT). U.S. CORRESPONDENTS WERE ON THE SCENE AT THE SAME TIME AS THE SALVADORAN TELEVISION CREW. AT THIS TIME THERE ARE AT LEAST THREE CONFLICTING VERSIONS OF WHAT HAPPENED.

3. (U) SALVADORAN TELEVISION/AP/TUTELA LEGAL
VERSION:

ON TUESDAY, SEPTEMBER 20 AN ARMY PATROL BEGAN OPERATIONS NEAR SAN FRANCISCO. THE PATROL DETAINED ONE OF THE 10 VICTIMS THAT DAY. ON WEDNESDAY MORNING, THE PATROL ENTERED SAN FRANCISCO, AND PROCEEDED TO DETAIN BETWEEN 30 AND 40 PERSONS, WHOSE NAMES APPARENTLY WERE ON A LIST. THE PERSONS WERE TAKEN TO A SCHOOL BUILDING IN THE TOWN. SOME OF THEM

PAGE 03 SAN SA 12807 01 OF 03 240414Z

WERE BLINDFOLDED AND HAD THEIR HANDS TIED. AT ABOUT 3:30 P.M., THE PATROL FREED ALL BUT 10 OF THE PERSONS (SEVEN MEN AND THREE WOMEN). THE 10 DETAINEES WERE TAKEN TO A PLACE NEAR THE VILLAGE. VILLAGERS HEARD AN EXPLOSION, FOLLOWED BY SHOOTING. ACCORDING TO TUTELA LEGAL DIRECTOR MARIA JULIA HERNANDEZ, THE LOCAL JUSTICE OF THE PEACE WHO CERTIFIED THE DEATHS TOLD HER THAT SOME OF THE BODIES BORE SIGNS OF HAVING BEEN BOUND BEFORE DEATH. THE TV VIDEOTAPES APPEAR TO CONFIRM THAT PERSONS WERE BOUND.

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4. (U) INITIAL SALVADORAN NEWSPAPER VERSION

ACCORDING TO THE CONSERVATIVE DIARIO DE HOY, THE DEATHS WERE THE RESULT OF A SEPTEMBER 21 ARMY AMBUSH NEAR SAN FRANCISCO DE ANCHUTLA. THE PAPER CLAIMS ITS INFORMATION CAME FROM MILITARY SOURCES.

5. (U) THE ARMY VERSION

THE MINISTRY OF DEFENSE'S PUBLIC RELATIONS OFFICE (COPREFA) ISSUED A STATEMENT SEPTEMBER 23 WITH THE FOLLOWING CHAIN OF EVENTS:

ON WEDNESDAY, SEPTEMBER 21, AN ESAF PATROL WITH EIGHT PERSONS RECENTLY DETAINED IN THE SAN FRANCISCO AREA WAS AMBUSHED BY THE FMLN IN LA CEBADILLA (IN THE COUNTRYSIDE NEAR SAN FRANCISCO). THE RESULT OF THE ATTACK WAS THAT ALL EIGHT OF THE DETAINEES DIED, AS WELL AS TWO OF THE ATTACKERS. IN ADDITION, ONE SOLDIER WAS WOUNDED. THE ESAF RECOVERED TWO M-16S, 6

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PAGE 01
ACTION AREA 00

INFO LOG-00 ADS-00 AID-00 LINE-00 CS-00 CDD-00
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TO SECSTATE WASHDC NIACT IMMEDIATE 3454

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INFO AMEMBASSY TEHUACALPA

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SECTION 02 OF 03 SAN SALVADOR 12807

OPS CENTER ALERT AREA/CEN (PETER ROMERO OR PABO
BUTENIS) SEPTEMBER 24 AM

USIA FOR AP

USCINCSO ALSO FOR POLAD YOLE

E.O. 12356: DECL: OADR

TAGS: PHUM; PGOV; PINS; ES

SUBJECT: ALLEGED KILLINGS OF 10 PEASANTS BY ARMY

MAGAZINES, 6 CLAYMORE MINES, 5 HOMEMADE MINES
(QUITAPIES), AND TWO BACKPACKS FROM THE TWO DEAD
ATTACKERS.

6. (C) WHILE WE DO NOT NOW HAVE ALL THE FACTS, WE
ARE CONCERNED ABOUT THE GREAT DISPARITY BETWEEN THE

PAGE 02 SAN SA 12807 02 OF 03 240414Z

TELEVISION AND MILITARY VERSIONS. U.S.
CORRESPONDENTS (PROTECT) WHO INTERVIEWED THE

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VILLAGERS WERE STRUCK BY THE WAY THEY ALL TOLD THE SAME STORY. THEY CONCLUDED THAT EITHER THEY HAD BEEN COACHED EXTREMELY WELL, OR THEY WERE TELLING THE TRUTH.

7. [REDACTED] AMBASSADOR'S MEETING WITH VIDES

BECAUSE OF OUR CONCERN THAT ANY HUMAN RIGHTS VIOLATION BE INVESTIGATED IMMEDIATELY, THE AMBASSADOR CALLED ON DEFENSE MINISTER VIDES AFTERNOON OF SEPTEMBER 23. VIDES SAID HIS UNDERSTANDING OF EVENTS WAS LARGELY THAT CONTAINED IN THE COPREFA STATEMENT (ONE PRINKLE WAS THAT THE FIRST DETAINEE WAS CAPTURED BLOWING UP AN ELECTRIC TOWER; HE THEN LED HIS CAPTORS TO A VILLAGE WHERE HE IDENTIFIED SEVEN COLLEAGUES). THE AMBASSADOR UNDERSCORED OUR INTEREST THAT THE GOES AND ESAF CONDUCT AN IMPARTIAL INVESTIGATION IMMEDIATELY.

VIDES REPLIED THAT HE HAD TAKEN THE FOLLOWING STEPS:

- ORDERED THE COMMANDER OF THE FIFTH MILITARY ZONE TO PROVIDE ADDITIONAL REPORTS ON THE INCIDENT;
- AT THE PRESIDENT'S REQUEST, VIDES ORDERED CHIEF OF STAFF GENERAL BLANDON TO APPOINT A TWO-OFFICER COMMISSION TO CONDUCT A SEPARATE INVESTIGATION. THE TWO OFFICERS ARE COL. CARLOS ARAUJO AGUIRRE (THE C-4), AND MAJ. MIGUEL CASTILLO GONZALEZ (DEPUTY C-2);

PAGE 03

SAN SA 12807 02 OF 03 240414Z

-- VIDES ALSO ORDERED BLANDON TO HOLD A PRESS CONFERENCE AT 1500 SEPTEMBER 23.

8. [REDACTED] ASKED WHY ONLY MILITARY OFFICERS WERE ON THE INVESTIGATIVE COMMISSION. VIDES RESPONDED THAT THE PRESIDENT HAD ALSO ORDERED A SEPARATE INVESTIGATION BY THE FISCALIA (ATTORNEY GENERAL'S OFFICE). VIDES ALSO NOTED THAT THE GOES HUMAN RIGHTS COMMISSION (CDH) WOULD LOOK INTO THE CASE (DR. CESTONI OF THE CDH TOLD US SEPTEMBER 23 THAT THE CDH HAD SENT A TEAM TO SAN FRANCISCO THAT DAY TO COLLECT INFORMATION).

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9. THE AMBASSADOR SUGGESTED TO VIDES THAT HE WOULD NOT DO FOR BLANDON TO JUST REPEAT THE CURRENT STATEMENT DURING HIS PRESS CONFERENCE. RATHER, HE SHOULD ACKNOWLEDGE THE FORMATION OF A SEPARATE INVESTIGATIVE COMMISSION, AND PRESENT THE EMBASSY VERSION AS AN INTERIM REPORT. VIDES AGREED, AND SAID HE WOULD PASS ON THE ADVICE TO BLANDON. BLANDON AT THE PRESS CONFERENCE ANNOUNCED THE FORMATION OF THE TWO COMMISSIONS, ONE JUDICIAL, THE OTHER MILITARY.

10. COMMENT:

OUR CONCERN IS NOT ONLY WHAT MIGHT HAVE OCCURRED AT SAN FRANCISCO, BUT THAT THE GOES AND CSAF PRESS FORWARD WITH AN IMPARTIAL INVESTIGATION. TO THIS END, WE ARE ENCOURAGING THE MILITARY NOT TO LOCK ITSELF INTO ITS INITIAL CONCLUSIONS (COPREP'S STATEMENT).

11. WE ARE SENDING THREE EMBASSY OFFICERS TO SAN

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El Salvador: Human Rights
Special Project (1993)

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PAGE 01 OF 02 SAN SA 35949 00 OF 03 200045Z 7923 ANAL704
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SAN SA 35949 00 OF 03 200045Z 7923 ANAL7

ACTION OFFICE 15-02
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INFO AMEMBASSY GUATEMALA
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SAN SALVADOR 15049

USCINCSO ALSO FOR POLAD TOLU

E.O. 12356: DECL: OADR
TAGS: PHUM, PEOY, ES
SUBJECT: LA CEBADILLA KILLINGS: ATTORNEY GENERAL'S
VIEWS

REFS: A) SAN SALVADOR 15036; B) SAN SALVADOR 15150

1. [REDACTED] - ENTIRE TEXT.
2. SUMMARY

ATTORNEY GENERAL ROBERTO GIRON FLORES ON NOVEMBER 18
TOLD POLOFF THE EVIDENCE AVAILABLE TO HIS OFFICE THAT
FISCALIA SUGGESTS THE FIFTH BRIGADE STAGED THE
SEPTEMBER 21 KILLINGS OF TEN PERSONS NEAR LA
CEBADILLA CREEK, CANTON SAN FRANCISCO, SAN SEBASTIAN
JURISDICTION, SAN VICENTE DEPARTMENT, TO MAKE IT
APPEAR LIKE A GUERRILLA AMBUSH. HE SAID NEVERTHELESS
THAT IT WILL BE NEARLY IMPOSSIBLE TO CONVICT ANYONE
BECAUSE THERE WERE NO KNOWN EYEWITNESSES TO THE
SLAYINGS EXCEPT THE PERPETRATORS. HE PLANS TO
CONTINUE PROSECUTING THE CASE IN HOPES OF AT LEAST A
MORAL VICTORY. HIS STRATEGY IS TO KEEP HIS EVIDENCE
SECRET BEFORE TRYING TO QUESTION THE SOLDIERS
ALLEGEDLY INVOLVED IN THE INCIDENT TO PREVENT THE
FIFTH BRIGADE FROM INVENTING EXPLANATIONS FOR ANY
ANOMALIES. HE SAID THAT LT COL NELSON LOPEZ Y LOPEZ,
WHOSE SPECIAL INVESTIGATIVE UNIT (SIO) HAS NOW TAKEN
OVER THE INVESTIGATION, APPEARS TO FAVOR THE FIFTH
BRIGADE'S "FIRE AMBUSH" VERSION OF THE EVENTS.

3. ON NOVEMBER 21, THREE PROSECUTORS OF THE
FISCALIA'S HUMAN RIGHTS DIVISION DISCUSSED THE
EVIDENCE WITH POLOFF. THEY SAID THE SIO HAS
COMPLETED SOME FORENSIC EXAMINATIONS BUT WOULD NOT
RELEASE THE RESULTS TO THE FISCALIA. THEY NOTED THAT
THE SAN SEBASTIAN JUDGE DEPARTED IN EARLY NOVEMBER
FOR A MONTH'S VACATION IN THE U.S. ONE PROSECUTOR
RECOUNTED WHAT HE BELIEVES WAS AN ATTEMPT ON HIS
LIFE. ALL THREE SAID THEY ARE FRIGHTENED BY THE
PERCEIVED RISKS OF CONTINUED WORK ON THE CASE. END
SUMMARY.

4. GIRON'S VISIT

La Cebadilla

OK

ATTORNEY GENERAL GIRON VISITED THE EMBASSY
NOVEMBER 18 TO SEE THE SEPTEMBER 27 PHOTOS OF THE LA
CEBADILLA VICTIMS GIVEN TO POLOFF BY MARIA JULIA
HERNANDEZ, DIRECTOR OF THE CATHOLIC ARCHDIOCESE'S
HUMAN RIGHTS AND LEGAL AID OFFICE "TUTELA LEGAL"
DET AL. HE SAID HE HAS COPIES OF THE PHOTOCOPIES
HERNANDEZ HAD SENT TO PRESIDENT QUARTE, BUT HAD NEVER
SEEN THE COLOR PHOTOS THEMSELVES. HE SAID THE PHOTOS
ARE INVALUABLE EVIDENCE AND ASKED POLOFF TO INTERVIEW
WITH HERNANDEZ TO TRY TO GET HIM A SET. HE ALSO
ARRANGED FOR HIS PROSECUTORS TO SEE THE PHOTOS ON
NOVEMBER 21. HE SAID HE WAS PLEASED TO FIND THAT THE
EMBASSY WAS TAKING AN IMPARTIAL VIEWPOINT IN THE
INVESTIGATION. HE SAID SIO COMMANDER LT COL LOPEZ IS
LEANING TOWARD THE FIFTH BRIGADE VERSION AND IS
INTENT ON SPENDING TIME INVESTIGATING ANOMALIES IN
THE ORIGINAL "RECOGNITION" OF THE BODIES. (NOTE:
JUSTICE MINISTER AND CHAIRMAN OF THE COMMISSION FOR
INVESTIGATIONS JULIO SARAYOA TOLD POLOFF NOVEMBER 17
THAT THE COMMISSION HAD ORDERED THE SIO TO TAKE OVER
THE INVESTIGATION ON NOVEMBER 16 DET 01. HE SAID
THE SIO IS TO HAVE A FISCALIA PROSECUTOR PRESENT TO
VERIFY EACH INVESTIGATIVE TASK THE SIO COMPLETES.)
GIRON AGREED THE RECOGNITION WAS FLAWED, AS ARE MANY
RECOGNITIONS, BECAUSE FEW MUNICIPALITIES HAVE TRAINED
FORENSIC MEDICAL INVESTIGATORS.

5. MORAL VICTORY

GIRON ADMITTED SALVADORAN RULES OF EVIDENCE WILL
PROBABLY PREVENT THE FISCALIA FROM ACHIEVING A
CONVICTION IN THE CASE. SALVADORAN JUDGES, HE SAID,
GIVE GREATER WEIGHT TO EYEWITNESS TESTIMONY, AND THE
ONLY KNOWN EYEWITNESSES TO THE KILLINGS ARE THE
SOLDIERS THEMSELVES. HE NOTED ALSO THAT THE
TESTIMONY OF ONE PARTICIPANT IN A CRIME CANNOT BE
USED AGAINST OTHER PARTICIPANTS, SO THE CONFESSION OF
ONE OF THE PARTICIPANTS CAN ONLY RESULT IN THE
CONVICTION OF THE ONE THAT CONFESSES. GIRON HOPES
THAT HIS PROSECUTORS CAN SECURE SUFFICIENT EVIDENCE
TO WIN AT LEAST A MORAL VICTORY. HE TOLD POLOFF THAT
OVER 25 CANTON SAN FRANCISCO RESIDENTS HAVE ALREADY
TESTIFIED IN COURT, AND THE DETAILS IN THEIR
STATEMENTS COINCIDE. THESE STATEMENTS PLUS OTHER
AVAILABLE EVIDENCE, HE SAID, ALL POINT TOWARD A
MASSACRE BY THE FIFTH BRIGADE THAT WAS DELIBERATELY
STAGED TO CAST THE BLAME ON THE FMLN.

6. GIRON'S STRATEGY

GIRON SAID THE MILITARY KEEPS CHANGING ITS VERSION OF
THE EVENTS AS NEW EVIDENCE IS TURNED UP. THE LATEST
VERSION, HE SAID, IS THAT THE SOLDIERS KILLED THEIR
EIGHT DETAINEES DURING AN FMLN AMBUSH TO KEEP THEM
FROM ESCAPING. GIRON REASONED THAT THE FISCALIA MUST
EXHAUST ITS INVESTIGATION OF CIVILIAN AND FORENSIC
SOURCES OF INFORMATION AND KEEP ITS FINDS FROM THE
MILITARY UNTIL AFTER IT HAS HAD A CHANCE TO QUESTION
THE ALLEGED MILITARY PARTICIPANTS IN ORDER TO GET
MILITARY STATEMENTS THAT DIVERGE FROM THE PROVEABLE
FACTS OF THE CASE. HE GAVE AS AN EXAMPLE THAT IN THE
COPY OF THE FIFTH BRIGADE'S INVESTIGATION GIVEN TO
PRESIDENT QUARTE THERE IS A DOCUMENT SIGNED BY
BRIGADE 5-2 (INTELLIGENCE) OFFICER MAJ BELTRAN SAYING
THAT BELTRAN HIMSELF ORDERED THE EIGHT DETAINEES TO
BE BOUND AND FOUR TO BE BLINDFOLDED. GIRON NOTED THE
ARMY CLAIMED THE SOLDIERS HAD NOT TAMPERED WITH THE
BODIES AFTER THE INCIDENT, BUT THE BRIGADE 5-3

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portions withheld: classified (); deliberative ();
law enforcement (); privacy (); statute ();
not relevant to El Salvador ().

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El Salvador: Human Rights
Special Project (1993)INCOMIN:
TELEGRAM

PAGE 02 OF 02 SAN SA 19940 09 OF 03 230412Z
SEPTEMBER 21 FILM SHOWS THE VICTIMS' BODIES WITHOUT
HANDS TIED OR BLINDFOLDS. GIRON HOPES TO BE ABLE TO
SHOW A SUFFICIENT NUMBER OF DISCREPANCIES IN THE
SOLDIERS' STORIES TO CONVINCE THE JURY THE FIFTH
BRIGADE'S VERSION IS FICTION.

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7. PROSECUTORS DISCUSS EVIDENCE

THREE PROSECUTORS OF THE FISCALIA'S HUMAN RIGHTS
DIVISION MET WITH POLOFF ON NOVEMBER 21, AS GIRON HAD
ARRANGED, TO REVIEW HERNANDEZ' PHOTOS AND DISCUSS
OTHER EVIDENCE. THEY POINTED IN THE PHOTOS TO THE
BLACK FILM UNIFORM WORN BY VICTIM JOSE MARIA FLORES
AND SAID AN EYEWITNESS HAD SEEN HIM DRESSED IN THE
UNIFORM AT 6:00 AM SEPTEMBER 21 WHILE BEING GUARDED
BY SOLDIERS. THEY NOTED THAT THE BODY OF VICTIM
MARIN DE JESUS SIBRIAN APPEARS IN THE PHOTOS WEARING
THE SHIRT OF AN FILM UNIFORM AND THAT THERE ARE FILM
UNIFORM TROUSERS LYING NEARBY, THOUGH SIBRIAN AND THE
REST OF THE VICTIMS ARE ALREADY CLOTHED BELOW THE
WAIST. THE PROSECUTORS BELIEVE THEY HAVE PROOF THE
UNIFORMS WERE BROUGHT IN BY THE SOLDIERS TO DRESS UP
SOME OF THE VICTIMS AS GUERRILLAS. THEY CONTINUED TO
LIST THE ANOMALIES BETWEEN THE COURT STATEMENTS OF
THE SAN FRANCISCO RESIDENTS AND THE ARMY'S VERSION OF
THE EVENTS. THEY NOTED THAT SOME ARMY OFFICERS CLAIM
THE FILM COACHED THE RESIDENTS ON WHAT TO SAY. IN
THE PROSECUTORS' OPINION IT WAS IMPOSSIBLE FOR THE
SAN FRANCISCO RESIDENTS TO HAVE MEMORIZED SO MANY
DETAILS IN SUCH A SHORT TIME SO THAT ALL COULD REPEAT
THEM INDEPENDENTLY WITHOUT DISCREPANCIES.

8. PROSECUTION HINDERED

THE PROSECUTORS SAID THE SIU HAD COMPLETED THE
FORENSIC TAC'S ORDERED BY THE SAN SEBASTIAN JUDGE,
BUT WHEN THEY WENT TO THE SIU WITH A LEGAL ORDER TO
RELEASE THE FINDINGS, THE SIU CLAIMED IT COULD ONLY
RELEASE THEM TO THE JUDGE. THE SIU KEPT THE
PROSECUTORS' RELEASE ORDER. THE PROSECUTORS SAID THE
JUDGE HAS BEEN IN THE U.S. ON VACATION SINCE EARLY
NOVEMBER AND WILL NOT RETURN UNTIL DECEMBER, SO THEY
CANNOT GET THE FINDINGS. THEY HAD EARLIER TOLD
POLOFF THE JUDGE TOLD THE JUSTICE OF THE PEACE
SUBSTITUTING FOR HIM IN HIS ABSENCE THAT THE JUSTICE
OF THE PEACE WAS TO TAKE NO ACTION WITH RESPECT TO
THE CASE. THE PROSECUTORS THEN SUGGESTED TO POLOFF
THAT THEY WOULD BE ABLE TO CONDUCT A BETTER
INVESTIGATION IF THEY HAD CAMERA EQUIPMENT. POLOFF
SAID IT IS DOUBTFUL THE USS WOULD FUND INVESTIGATIVE
EQUIPMENT FOR THEM BECAUSE HE ARE ALREADY FUNDING THE
SIU, WHICH IS SUPPOSED TO DO THE INVESTIGATIONS FOR
THEM. THEY SUGGESTED THAT THE USS SHOULD FUND AN
INVESTIGATIVE ORGANIZATION DIRECTLY SUBORDINATE TO
THE ATTORNEY GENERAL THAT, UNLIKE THE SIU, DOES NOT
HAVE ANY MILITARY PERSONNEL IN IT.

9. PROSECUTORS REQUEST PROTECTION

THE PROSECUTORS TOLD POLOFF THEY FEEL VERY EXPOSED BY
CONFRONTING THE MILITARY. THEY SAID THAT ALTHOUGH AN
ARREST WARRANT HAS BEEN ISSUED FOR FOUR SOLDIERS,
SEVERAL OF THEM HAVE BEEN SEEN IN THE TOWN OF SAN
SEBASTIAN. ONE PROSECUTOR SAID THAT ONE OTHER
ATTORNEY LIVES ON HIS STREET, AND TWO NIGHTS AGO
SOMEONE THREW A HAND GRENADE INTO THE OTHER
ATTORNEY'S HOUSE. SUBSEQUENTLY, THE PROSECUTOR'S

NEXT-DOOR NEIGHBOR RECEIVED A PHONE CALL FROM THE
PERPETRATORS SAYING THEY REALIZED THEY HAD MADE A
MISTAKE AND THAT THE GRENADE WAS MEANT FOR THE
NEIGHBOR. THE PROSECUTOR BELIEVES THE PERPETRATORS
THREW THE GRENADE INTO THE HOUSE OF THE NEIGHB
ATTORNEY, AND THEN REALIZED THEIR MISTAKE. ALL THREE
PROSECUTORS SAID THEIR FAMILIES WANT THEM TO QUIT
THEIR JOBS. THEY ASKED POLOFF IF THE EMBASSY COULD
PROVIDE THEM PROTECTION.

10. COMMENT

BOTH GIRON AND HIS PROSECUTORS APPEAR GENUINELY
CONCERNED ABOUT BEING THE ONLY PERSONS IN THE GOES
EXPRESSING CONVICTION THAT THE FIFTH BRIGADE'S
VERSION IS FALSE. THE GRENADE INCIDENT, THOUGH
POSSIBLY NOT AIMED AT THE PROSECUTOR, IS BEING TAKEN
AS A WARNING. SHOULD THEY CONTINUE TO PERCEIVE THEY
ARE ALL ALONE OUT IN FRONT, THEY MAY DESIGN RATHER
THAN CONTINUE TO RUN THE PERCEIVED RISK. THIS WOULD
AT LEAST DELAY, IF NOT TERMINATE, PROSECUTION OF THE
CASE.

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PAGE 01 SAN SA 16895 01 OF 03 202259Z
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El Salvador: Human Rights
Special Project (1993)

UNCLAS SECTION 01 OF 03 SAN SALVADOR 16895

USCINCSO ALSO FOR POLAD YOULE

E.D. 12356: N/A

TAGS: PHUM, PGOV, ES

SUBJECT: LA CEBADILLA KILLINGS: TALKING POINTS

1. THE EMBASSY HAS DEVELOPED THE FOLLOWING SUMMARY
AND TALKING POINTS FOR USE WITH OUR HIGH LEVEL
CONTACTS IN EXPLAINING THE STATUS OF THE LA CEBADILLA
CASE AND THE INVESTIGATIVE TASKS TO BE ACCOMPLISHED.

2. BACKGROUND

- TEN PERSONS DIED IN THE SEPTEMBER 21 INCIDENT
BETWEEN CANTON SAN FRANCISCO AND LA CEBADILLA CREEK,
SAN SEBASTIAN MUNICIPALITY. THE MILITARY CLAIMS
EIGHT DETAINEES ESCORTED BY A MILITARY PATROL WERE
KILLED DURING AN FMLN AMBUSH, IN WHICH TWO OF THE
ATTACKERS ALSO DIED. THE ATTORNEY GENERAL'S OFFICE
CLAIMS THE TEN VICTIMS WERE SUMMARILY EXECUTED BY THE
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PAGE 02 SAN SA 16895 01 OF 03 202259Z

SOLDIERS. THE MILITARY CLAIMS POLYGRAPH EXAMS

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ADMINISTERED BY THE MILITARY TO THE SOLDIERS INVOLVED
BACK UP THE MILITARY'S VERSION.

- THERE ARE MANY HOLES IN THE MILITARY'S STORY,
HOWEVER, WHICH LEND CREDENCE TO THE SUMMARY EXECUTION
VERSION. THEY INCLUDE THE ABSENCE OF ANY ESAF DEATHS
IN THE ALLEGED AMBUSH, TESTIMONY THAT THE TWO ALLEGED
AMBUSHERS WERE AMONG THOSE DETAINED BY THE ESAF IN
CANTON SAN FRANCISCO THAT DAY, AND THE PRESENCE OF
POWDER BURNS ON THE CORPSES OF SEVEN OF THE NINE
VICTIMS EXHUMED ON OCTOBER 5.

- THE SAN SEBASTIAN FIRST INSTANCE COURT JUDGE IS
RESPONSIBLE FOR DIRECTING THE INVESTIGATION OF THE
KILLINGS. HE DECLARED THE EVENT TO BE MURDER AND ON
OCTOBER 13 ISSUED ARREST WARRANTS FOR FOUR PERSONS
WHO RESIDENTS OF THE CANTON SAN FRANCISCO SAID WERE
FIFTH BRIGADE SOLDIERS INVOLVED IN THE INCIDENT. THE
JUDGE SENT THE ARREST WARRANTS TO THE SECURITY
SERVICES, AS REQUIRED BY LAW, BUT DID NOT SEND COPIES
TO THE DEFENSE MINISTRY BEFORE GOING ON LEAVE IN
NOVEMBER.

- THE ESAF POLYGRAPHED SOLDIERS WHO THE FIFTH BRIGADE
CLAIMS WERE INVOLVED IN THE INCIDENT AND HAS
CONCLUDED THAT THE FIFTH BRIGADE VERSION OF THE
INCIDENT -- THAT THE TEN VICTIMS DIED DURING AN FMLN
AMBUSH -- IS TRUTHFUL.

- THE FIFTH BRIGADE'S LIST OF 33 SOLDIERS INVOLVED IN
THE INCIDENT DOES NOT INCLUDE THE NAMES OF THREE OF
THE FOUR PERSONS FOR WHOM THE JUDGE ISSUED ARREST
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PAGE 03 SAN SA 16895 01 OF 03 202259Z

WARRANTS. ALTHOUGH ONE NAME REPORTEDLY MATCHED, THE
DEFENSE MINISTRY SAYS IT IS AWAITING A COPY OF THE
ARREST WARRANT BEFORE DISMISSING THE SOLDIER FROM THE
ESAF AND PRESENTING HIM TO THE JUDGE.

- THE SPECIAL INVESTIGATIVE UNIT (SIU), AS AN
AUXILIARY ORGAN OF THE COURT, MAY ALSO INVESTIGATE.
ON NOVEMBER 16, THE COMMISSION FOR INVESTIGATIONS
ORDERED THE SIU TO TAKE UP THE CASE.

- THE SIU ON NOVEMBER 21 RECEIVED COPIES OF REPORTS

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El Salvador: Human Rights
Special Project (1997)

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OF PREVIOUS INVESTIGATIONS AS A STARTING POINT FOR ITS WORK. THE REPORTS WERE PREPARED BY: THE SAN SEBASTIAN COURT, ESAF HEADQUARTERS, THE FIFTH BRIGADE, THE ATTORNEY GENERAL'S OFFICE, TUTELA LEGAL, AND THE GOVERNMENTAL HUMAN RIGHTS COMMISSION. THEY INCLUDE THE REPORT OF THE COURT-ORDERED OCTOBER 5 EXHUMATION, AS WELL AS PHOTOCOPIES OF TUTELA LEGAL'S SEPTEMBER 22 PHOTOS OF THE VICTIMS. OVER 25 CANTON SAN FRANCISCO INHABITANTS HAVE MADE STATEMENTS IN COURT.

- THE SIU COMPLETED SEVERAL FORENSIC TESTS REQUESTED ON ABOUT OCTOBER 16 BY THE JUDGE AND THE ATTORNEY GENERAL'S OFFICE AND RETURNED THE RESULTS TO THE REQUESTING OFFICES.

3. SIU INVESTIGATION AND NECESSARY NEXT STEPS

THIS INCIDENT IS CRITICALLY IMPORTANT AS THE U.S. CONGRESS PREPARES TO EXAMINE THE COMING YEAR'S BUDGET REQUEST FOR EL SALVADOR MILITARY AND ECONOMIC

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SECTION 01 OF 17 SAN SALVADOR 01597

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FOLLOWING SAN SALVADOR 01597 DTG 061502Z FEB 89
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QUOTE

DEPT FOR ARA - DAC ARCS

E.O. 12356: DECL: OADR
TAGS: OVP, IDUAYLE, DAM, IS
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN
SALVADOR - MEMORANDA OF CONVERSATIONS

1. ENTIRE TEXT.
2. FOLLOWING ARE THE MEMORANDA OF CONVERSATIONS OF
THE VICE PRESIDENT'S MEETINGS IN SAN SALVADOR
FEBRUARY 3 FOR YOUR REVIEW, EDITING AND DISTRIBUTION.
3. MEETING WITH ARCHBISHOP RIVERA DAMAS

IN HIS FIRST MEETING UPON ARRIVAL IN EL SALVADOR, THE
VP OPENED THE CONVERSATION WITH ARCHBISHOP OF SAN
SALVADOR ARTURO RIVERA DAMAS EMPHASIZING THE BUSH
ADMINISTRATION'S DEEP COMMITMENT TO DEMOCRACY, HUMAN
RIGHTS AND SOCIAL JUSTICE. THE VP REFERRED TO HIS
JUST CONCLUDED REPRESENTATION OF THE UNITED STATES AT
THE INAUGURATION OF CARLOS ANDRES PEREZ AS AN EXAMPLE
OF THE PEACEFUL TRANSITION OF POWER THAT HE HOPED EL
SALVADOR WOULD SOON ENJOY.

RIVERA DAMAS CHARACTERIZED HIMSELF AS A PASTOR AND
VIEWED EVENTS IN EL SALVADOR FROM THIS OPTIC.
POLITICAL SPACE HAS OPENED IN EL SALVADOR, BUT HAS
BEEN USED IN TWO WAYS, ONE POSITIVE, THE OTHER
NEGATIVE. SOME POLITICAL ELEMENTS HAVE SOUGHT TO USE
THE GROWTH OF THE POLITICAL SPECTRUM IN EL SALVADOR
TO CREATE POLITICAL PROBLEMS FOR THE SYSTEM THAT HAS
GIVEN THEM THE POLITICAL SPACE. IN A CIRCULAR
PROCESS, THEIR ABUSE OF THE SYSTEM THEN ENGENDERS
HUMAN RIGHTS ABUSES.

THE CATHOLIC CHURCH IN EL SALVADOR HAS WORKED OVER
THE PAST YEARS OF THE CONFLICT TO ALLEVIATE ITS
SYMPTOMS AND TO HUMANIZE ITS CONDUCT. SOCIAL WORK
HAS EMPHASIZED WORK WITH ORPHANS AND DISPLACED
PERSONS AND EVACUATION OF WOUNDED FIRM COMBATANTS.
POLICY WORK HAS FOCUSED ON EFFORTS TO LOWER THE
INTENSITY OF FIGHTING BY PERSUADING THE GOVERNMENT TO
DESIST FROM AERIAL BOMBARDMENT AND THE FIRM TO DESIST
FROM INDISCRIMINATE USE OF CONTACT LAND MINES.
OVERALL THE CHURCH HAS SOUGHT TO CREATE AN AUSPICIOUS
CLIMATE FOR DIALOGUE. IT WAS IN THIS LATTER CONTEXT

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Social Project (1993)PAGE 01 SAN SA 01597 01 OF 37 072122Z 2585
THAT HE BROUGHT THE LATEST FIRM PROPOSAL FROM MEXICO.

WITH REGARD TO THE PROPOSAL, THE ARCHBISHOP NOTED
THAT THE POLITICAL PARTIES AND THE GOVERNMENT FIRST
APPEARED TO REJECT IT. HE NOTED NOW A SECOND LOOK BY
THEM, REFLECTING A MORE FLEXIBLE APPROACH AND AN
EFFORT TO FORMULATE A COUNTERPROPOSAL. RIVERA DAMAS
EMPHASIZED THAT SINCE HIS DELIVERY OF THE DOCUMENT HE
HAS CHARACTERIZED IT AS A POLITICAL PROPOSAL FROM
POLITICIANS, DIRECTED TO POLITICIANS AND FOR
POLITICIANS. HE HAS ASKED THAT IT BE STUDIED AND NOT
REJECTED OFF THE CUFF. THE PROPOSAL IS ONLY IN THE
REALM OF IDEAS, BUT IT APPEALS TO THOSE IN EL
SALVADOR WHO DESIRE PEACE. HE UNDERSTANDS THAT THE
PROPOSAL PRESENTS THE MOST POLITICAL DIFFICULTIES TO
THE ARENA AND CHRISTIAN DEMOCRAT (PDC) PARTIES.

THE CHURCH UNDERSTANDS THE NEED TO BALANCE RESPECT
FOR THE CONSTITUTION WITH THE DESIRE FOR PEACE. IT
IS A DIFFICULT EQUATION AND THE CHURCH IS AWAITING
THE DECISIONS OF THE POLITICAL PARTIES.

THE VICE PRESIDENT UNDERSCORED THE BUSH
ADMINISTRATION'S VIEW THAT DEMOCRACY AND PEACE ARE
THE BEST ROUTES TO CREATING JOBS AND ALLEVIATING
POVERTY. THE ADMINISTRATION ADAMANTLY CONDEMNS
VIOLENCE FROM BOTH THE LEFT AND RIGHT. VIOLENCE
LEADS TO VIOLENCE. WE WANT PEACE. IN 1983 THEN VICE
PRESIDENT BUSH MADE A STRONG STATEMENT ON HUMAN
RIGHTS. THE VICE PRESIDENT SAID HIS VISIT TODAY IS
TO EMPHASIZE THAT DEMOCRACY AND HUMAN RIGHTS GO
TOGETHER.

THE VICE PRESIDENT NOTED THAT THE FIRM PROPOSAL HAS
NOT BEEN REJECTED BY THE UNITED STATES. IT IS NOW UP
TO THE FIRM TO RESPOND SERIOUSLY BY IMPLEMENTING AN
IMMEDIATE CEASE-FIRE. UNITED STATES' DESIRES IN EL
SALVADOR SHOULD BE CLEAR. WE SEE THE CONSTITUTION AS
A SACRED DOCUMENT, ONE THAT REFLECTS THE LINKAGE
BETWEEN DEMOCRACY AND HUMAN RIGHTS. WE BELIEVE
PRESIDENT DUARTE HAS DONE A SUPREME JOB OF
CONCILIATING DEMOCRACY IN EL SALVADOR. WE

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PAGE 01 SAN SA 01587 02 OF 17 072117Z 2575 5501228

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TO SECSTATE WASHDC IMMEDIATE 6772

SECTION 02 OF 17 SAN SALVADOR 01597

C O R R E C T E D C O P Y (UPGRADED TO EXD15)

NOTE BY GC/T: UPGRADED PER STATE 036035

EXDIS

DEPT FOR ARA - DAG ARCS

E.O. 12356. DECL: OADR

TAGS: OVIK, QUAYLE, DAN, EC

SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

CONGRATULATE HIM FOR THIS ACCOMPLISHMENT. EL SALVADOR TODAY IS DIFFERENT FROM THE EL SALVADOR VICE PRESIDENT BUSH SAW IN 1982.

RIVERA DAMAS SAID HE FOUND THE VICE PRESIDENT'S VIEWS CONSOLIDATING AND COMFORTING FOR THE PEOPLE OF EL SALVADOR. YOUR VISION IS REALISTIC. IT IS IMPORTANT TODAY FOR YOU TO TALK DIRECTLY TO PEOPLE WHO HAVE AN IMPORTANT ROLE TO PLAY IN ENDING THE VIOLENCE. HE SHAPED FULLY THE VICE PRESIDENT'S ASSESSMENT OF PRESIDENT DUARTE'S GREAT ACCOMPLISHMENT OF CONSOLIDATING DEMOCRACY IN EL SALVADOR.

THE VICE PRESIDENT CLOSED BY ASKING THAT THE AMBASSADOR STAY IN CONTACT WITH THE AMBASSADOR.

4. MEETING WITH PDC PRESIDENTIAL CANDIDATE
FIDEL CHAVEZ MENA

PDC PRESIDENTIAL CANDIDATE MET WITH THE VICE PRESIDENT ACCOMPANIED BY HIS VICE PRESIDENTIAL CANDIDATE FRANCISCO (CHICO) BARRIENTOS, PABLO MAURICIO ALVERGUE (FORMER SALVADORAN AMBASSADOR TO THE UNITED STATES AND NOW MEMBER OF THE PDC POLITICAL COMMITTEE) AND ATILIO VIEYTES (ALSO MEMBER OF THE POLITICAL COMMITTEE).

CHAVEZ MENA RECIPROCATED THE VICE PRESIDENT'S GREETINGS BY WISHING HIM WELL AND ASKING THAT HIS PERSONAL CONGRATULATIONS BE PASSED TO THE PRESIDENT. HE NOTED HIS PERSONAL ACQUAINTANCE WITH THE PRESIDENT AND RECALLED SEVERAL PREVIOUS CONVERSATIONS WITH HIM. HE ASKED THAT THE PRESIDENT BE THANKED FOR THE SUPPORT THE PEOPLE AND GOVERNMENT OF THE UNITED STATES HAVE GIVEN TO EL SALVADOR. HE NOTED THAT THE REPUBLICAN ADMINISTRATION HAS CONSISTENTLY SUPPORTED ECONOMIC AND MILITARY AID AND PROVIDED POLITICAL BACKING TO EL SALVADOR. WE WOULD NEVER HAVE GOTTEN THIS FAR WITHOUT YOU. SALVADORAN DEMOCRACY, THOUGH, IS STILL IN ITS INFANCY. IT IS A FRAGILE ACCOMPLISHMENT.

CHAVEZ MENA SAID HE HAS BEEN A PRINCIPAL WITNESS TO THIS PROGRESS, AS A MEMBER OF THE PDC WHEN THEY MADE A PACT WITH THE MILITARY, AS FOREIGN MINISTER AND THEN AS MINISTER OF PLANNING WHERE FOR FOUR YEARS HE

PAGE 01 SAN SA 01587 02 OF 17 072117Z 2575 5501228

MANAGED THE UNITED STATES' ASSISTANCE PROGRAM. IN THESE ROLES HE HAS SOUGHT TO HARMONIZE AND COORDINATE UNITED STATES AND SALVADORAN NATIONAL INTERESTS AS A GREAT FRIEND OF THE UNITED STATES.

PROGRESS HAS BEEN ACHIEVED DESPITE RECOGNIZED ERRORS AND GREAT DIFFICULTIES. HOWEVER, DESPITE EVERYTHING THAT HAS OCCURRED, BECAUSE OF HELP FROM THE UNITED STATES, THE ECONOMY NEVER COLLAPSED AND THE FMLN IS LOSING GROUND EVERY DAY. THE FMLN, AS A CONSEQUENCE, IS LOSING ITS GLOBAL VISION OF A REVOLUTIONARY TRIUMPH.

CHAVEZ MENA SAID HE HOPED TO SEE THE VICE PRESIDENT AGAIN, BUT NEXT TIME AS PRESIDENT OF EL SALVADOR. HE HAS A MORAL OBLIGATION TO WIN THE PRESIDENCY BECAUSE THE VERY DEMOCRATIC SYSTEM, NOT JUST A POLITICAL CANDIDACY, IS AT STAKE. CHAVEZ MENA NOTED THAT THE VICE PRESIDENT HAD JUST COME FROM VENEZUELA WHERE HE HAD WITNESSED A PEACEFUL TRANSITION OF POWER IN WHICH THE PDC THERE LOST POWER. VENEZUELA, COMPARED TO EL SALVADOR, IS A CONSOLIDATED DEMOCRACY. EL SALVADOR IS NOT. FOR THIS REASON, CHAVEZ MENA REPEATED HE HAD A MORAL OBLIGATION TO WIN THE PRESIDENCY. FOR ALL ITS PROBLEMS, THE PDC IS THE ONLY DEMOCRATIC ALTERNATIVE IN THIS ELECTION.

AN ARENA PRESIDENTIAL VICTORY WOULD POLARIZE THE NATION. THE FMLN WOULD BE DELIGHTED BY AN ARENA VICTORY. THERE WOULD BE A SHIFT TO THE LEFT BY TRADE UNIONS, PEASANT ORGANIZATIONS AND THE MIDDLE CLASS. THE WORST CASE SCENARIO FOR EL SALVADOR WOULD BE A DIMINISHED PDC, A STRENGTHENED LEFT AND ARENA IN POWER.

ARENA AS A PARTY WAS BORN IN ORDER TO BLOCK DEMOCRACY IN EL SALVADOR. THE ISSUE IN THIS ELECTION IS NOT

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PAGE 01 SAN SA 01597 03 OF 17 072124Z 2627 0501226

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TO SECSTATE WASHDC IMMEDIATE 6773

SECTION 03 OF 17 SAN SALVADOR 01597
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EXDIS
DEPT FOR ARA - SAS ARCOG

E.O. 12356: DECL: OADR
TAGS: OVP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ONE OF PERSONALITIES. THE VICE PRESIDENT, HE NOTED,
WOULD SEE FREDY CRISTIANI, A NICE INDIVIDUAL AND GOOD
MAN. THIS IS NOT THE ISSUE. THE ISSUE IS WHICH
PARTY WILL STRENGTHEN THE DEMOCRATIC SYSTEM. THERE
IS ONLY ONE ANSWER. THE PDC.

CHAVEZ MENA THEN OUTLINED FIVE ARGUMENTS TO
UNDERSCORE THIS ASSERTION.

(A) CONSOLIDATION OF DEMOCRACY: THE PDC IS
COMMITTED TO HUMAN RIGHTS, TO IMPROVE THE
ADMINISTRATION OF JUSTICE, AND TO STRENGTHEN
POLITICAL FREEDOMS. THE PARTY HAS A VISION OF
DEMOCRACY.

(B) END THE WAR. THE PRESIDENTIAL CAMPAIGN CARRIES
WITH IT GLOBAL POLITICAL REPERCUSSIONS. CHAVEZ MENA
STATED THAT HE HAD JUST ANNOUNCED THIS MORNING THAT
THE PDC, WITH THE CONSENSUS OF THE OTHER POLITICAL
PARTIES, WOULD SUPPORT CHANGING THE DATE OF THE
PRESIDENTIAL ELECTION. IF THE FMLA DOES NOT AGREE
WITH THE CONSENSUS DATE AND DOES NOT PARTICIPATE,
AFTER HE IS ELECTED PRESIDENT AND TAKES OFFICE JUNE
1, HE WILL CALL IMMEDIATELY FOR A DIALOGUE WITH THE
FMLA LEADING TO A NATIONAL PLEBISCITE ON SEPTEMBER 15
TO GIVE THE FMLA THE CHANCE AT THE BALLOT BOX THAT IT
SAYS IT NOW ACCEPTS. IF ARENA IS IN POWER THIS WOULD
BE MORE DIFFICULT.

(C) IMPROVE THE ECONOMY. IT IS DIFFICULT TO IMPROVE
THE ECONOMY IN THE MIDDLE OF A WAR. HOWEVER, YOUR
OWN ADVISORS WILL APPRECIATE THE ECONOMIC PLATFORM OF
THE CHAVEZ MENA GOVERNMENT. IMPROVING THE ECONOMY
DEPENDS ON FINDING THE RIGHT PEOPLE TO RUN AN
EFFICIENT ADMINISTRATION. THE PARTY HAS AUTHORIZED
HIM TO REACH OUT TO INDEPENDENT SECTORS, BEGINNING
WITH HIS VICE PRESIDENTIAL CANDIDATE. THE CHAVEZ
MENSA ADMINISTRATION WILL BE CHARACTERIZED FOR ITS
BROAD BASE AND AMPLE PARTICIPATION FROM EVERY SECTOR,
INCLUDING THE BUSINESS SECTOR.

ABOVE ALL, HIS WILL BE AN HONEST ADMINISTRATION. THE
CORRUPTION ISSUE LEVELLED AGAINST THE DUARTE
GOVERNMENT WAS PART REAL AND PART FICTITIOUS. THE
PERCEPTION, HOWEVER, HURT THE PARTY SERIOUSLY AND HE
IS LABORING UNDER THIS PROBLEM. HIS COMMITMENT,
THOUGH, IS TO HONEST GOVERNMENT, EFFICIENT

PAGE 01 SAN SA 01597 03 OF 17 072124Z 2627 0501226

GOVERNMENT, AND PARTICIPATION FROM INDEPENDENT
EXPERTS CAPABLE OF HELPING TO END THE WAR,
CONSOLIDATE DEMOCRACY AND BRING ECONOMIC GROWTH.

(D) INTERNATIONAL SUPPORT: CHAVEZ MENA SAID HE
WANTED TO SPEAK FRANKLY TO THE VICE PRESIDENT. ONLY
THE PDC HAS THE INTERNATIONAL REPUTATION AND
CONNECTIONS NEEDED TO CONSOLIDATE DEMOCRACY. ARENA
WOULD BE ISOLATED INTERNATIONALLY. CHAVEZ MENA SAID
HE IS KNOWN BY ALL KEY WORLD LEADERS, INCLUDING THE
POPE, PRIME MINISTER FELIPE GONZALEZ, AND WESTERN
GERMAN CHANCELLOR KOHL. KOHL HAS MADE NO SECRET OF
HIS SUPPORT. IN MEETINGS WITH CHAVEZ MENA HE
PROMISED TO CONVEY HIS SUPPORT FOR HIM TO THE BUSH
ADMINISTRATION. MOST EUROPEAN FOREIGN MINISTERS ARE
PERSONAL FRIENDS.

UNITED STATES NEUTRALITY IN THE SALVADORAN
PRESIDENTIAL ELECTION CANNOT APPLY TO NEUTRALITY
ABOUT THE DEMOCRATIC SYSTEM ITSELF, AND IN THIS
REGARD, THE PDC IS THE ONLY ALTERNATIVE. THE UNITED
STATES CANNOT IGNORE THIS FACT. CHAVEZ MENA SAID
THIS WAS NOT A CAMPAIGN SPEECH; THIS IS A FACT OF THE
SITUATION THAT THE UNITED STATES CONFRONTS IN THIS
ELECTION. NEUTRALITY AS AN ABSTRACT POSITION WAS
UNDERSTANDABLE, BUT THE UNITED STATES MUST UNDERSTAND
THAT NEUTRALITY IN EL SALVADOR MEANS A TILT TO THE
RIGHT. THE SIGNAL THAT WE SEND BY OUR STATEMENTS OF
NEUTRALITY IS THAT WE ARE OPENING THE DOOR TO A
NON-DEMOCRATIC PARTY BY ACCEPTING IT AS AN EQUAL TO
THE DEMOCRATIC PDC. THE EUROPEANS ARE NOT NEUTRAL ON
THIS ISSUE.

THE VICE PRESIDENT THANKED CHAVEZ MENA FOR HIS DIRECT
REMARKS. HE NOTED THAT HE SHARE A MORAL COMMITMENT
TO DEMOCRACY AND HUMAN RIGHTS. THE UNITED STATES IS
COMMITTED TO SEEING DEMOCRACY STABILIZED IN EL

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PAGE 01 SAN SA #1597 DA OF 17 072126Z 2641 3501228
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SECTION 04 OF 17 SAN SALVADOR 01597

C O N N E C T E D C O P Y U P G R A D E D T O E X D I S
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EXDIS
DEPT FOR ARA - DAS AREOS

E.O. 12356: DECL: OADR
TAGS: OYIP QUAYLE, DANIEL, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

SALVADOR; IN THIS CONTEXT WE ARE NEUTRAL IN THE
ELECTION. THE VICE PRESIDENT SAID THAT HE UNDERSTOOD
WHAT CHAVEZ MENA WAS IMPLYING WITH REGARD TO ARENA
WERE IT TO WIN THE ELECTION AND DEMOCRACY AND HUMAN
RIGHTS TAKE A TURN FOR THE WORSE. IF THIS HAPPENS,
THIS WOULD NOT BE DEMOCRACY BECAUSE STATE SPONSORED
VIOLENCE IS INCOMPATIBLE WITH THE DEMOCRATIC
PROCESS. SECURITY FOR THE STATE IS ONE CONCEPT.
STATE SPONSORED VIOLENCE AGAINST CITIZENS IS
SOMETHING ELSE. THE UNITED STATES UNDERSTANDS THE
DIFFERENCE AND WOULD NOT ACCEPT SUCH BEHAVIOR.

THE VICE PRESIDENT ASKED WHETHER THE PRESIDENTIAL
ELECTION SHOULD BE POSTPONED. NOTING THAT PRESIDENT
DUARTE IS COMMITTED TO LEAVING OFFICE ON SCHEDULE
JUNE 1, WHAT DID CHAVEZ MENA HAVE IN MIND WITH REGARD
TO A POSTPONEMENT.

CHAVEZ MENA SAID THAT DUARTE WILL LEAVE OFFICE JUNE 1
AND HE WILL TAKE OFFICE THE SAME DAY. THIS DATE
CANNOT BE POSTPONED. HOWEVER, THERE IS A NEED TO
DEMONSTRATE FLEXIBILITY ON THE FMLN PROPOSAL. SINCE
1982 THE GOVERNMENT'S POSITION HAS BEEN THAT THE FMLN
SHOULD INCORPORATE ITSELF INTO THE PROCESS AND PURSUE
ITS OBJECTIVES AT THE BALLOT BOX. IF THE FMLN IS NOW
SAYING THAT IT WILL DO THAT, THERE IS A NEED TO
RESPOND CAREFULLY AND TO FIND A DATE WITHIN THE
CONSTITUTIONAL FRAMEWORK SO THAT THE FMLN CAN
PARTICIPATE. IF A DATE CANNOT BE FOUND NOW, CHAVEZ
MENSA SAID HE HAS PROPOSED THAT AFTER TAKING OFFICE,
THE GOVERNMENT ENTER INTO A DIALOGUE LEADING TO A
NATIONAL PLEBISCITE ON THE SEPTEMBER 15 DATE CHOSEN
BY THE FMLN FOR AN ELECTION. THE DIALOGUE AND THE
PLEBISCITE WILL END THE WAR.

REFERRING AGAIN TO HIS FIVE POINTS, CHAVEZ MENA
UNDERSCORED THE NEED FOR POLITICAL, AS WELL AS
MILITARY, CONDUCT OF THE WAR. FOR A POLITICIAN,
PEACE AND ELECTIONS CAUSE EMOTIONAL REACTIONS. THE
FMLN HAS BEEN ASTUTE IN CAUSING PROBLEMS FOR THE
SYSTEM, BUT IN AN ELECTORAL CONTEXT. EVERYONE IS NOW
MAKING AN OFFER, EVEN ROBERTO D'ARBUJISSON.
PARENTHEMICALLY, CHAVEZ MENA SAID D'ARBUJISSON SHOULD
BE BEHIND BARS TOGETHER WITH HIS DEATH SQUADS AS THE
FIRST BY-PRODUCTS OF AN EFFICIENT ADMINISTRATION OF
JUSTICE. D'ARBUJISSON'S LEGISLATIVE ASSEMBLY PROPOSAL
FOR A 72-HOUR AMNESTY FOR THE FIVE FMLN LEADERS IS A

PAGE 01 SAN SA #1597 DA OF 17 072126Z 2641 3501228
POLITICAL AND LEGAL TRAVESTY. HE SAID HE COULD NOT
PARTIALLY PARDON SOMEONE WHO HAS COMMITTED A CRIME.
THE ISSUE NEEDS TO BE TAKEN SERIOUSLY AND ONE SHOULD
LEND ONESELF TO PLAYING THE FMLN'S GAME.

THE FMLN CAN PARTICIPATE NOW IN THE SYSTEM BECAUSE
THEY ARE SUPPORTING POLITICALLY THE CONVERGENCIA
DEMOCRATICA WHICH IS ALREADY PARTICIPATING.
POSTPONING THE JUNE 1 DATE FOR TAKING OFFICE BY THE
NEW PRESIDENT IS NOT POSSIBLE BECAUSE IT WOULD CAUSE
CONSTITUTIONAL CHAOS. THE CHOICE IS BETWEEN
CONSTITUTIONAL ORDER AND ANARCHY. THE PROCESS IS TOO
DEAR AND HAS BEEN GAINED AT TOO HIGH A PRICE TO PLAY
GAMES WITH IT. THE MILITARY IS ALSO A FACTOR; IT IS
COMMITTED, FINALLY, TO RESPECT THE CONSTITUTION. THE
PDC IS, THUS, THE ONLY ALTERNATIVE TO ACHIEVE PEACE
THROUGH THE CONSTITUTIONAL FRAMEWORK. WE ARE THE
ONLY ALTERNATIVE; EVERYTHING ELSE FLOWS FROM THIS
FACT.

THE VICE PRESIDENT REITERATED OUR COMMITMENT TO
DEMOCRACY THROUGH THE BALLOT BOX AS THE FUNDAMENTAL
ELEMENT OF OUR COMMITMENT TO THE DEMOCRATIC SYSTEM IN
EL SALVADOR.

CHAVEZ MENA COMMENTED THAT THE UNITED STATES SYSTEM
HAS BEEN CONSOLIDATED OVER 200 YEARS. ELECTIONS DO
NOT PUT THE SYSTEM IN JEOPARDY. THAT IS NOT THE CASE
YET IN EL SALVADOR. ONLY THE PDC CAN ASSURE THE
UNINTERRUPTED CONTINUATION OF THE PROCESS. THIS
ELECTION IS ABOUT THE SYSTEM; IT IS NOT ABOUT THE
CANDIDATES. THERE IS TOO MUCH AT RISK. PEOPLE SAY
WE ARE CRAZY TO TRY TO START A DEMOCRACY IN THE
MIDDLE OF A WAR. ABRUPT CHANGE AT THIS POINT THROUGH
AN ARENA VICTORY WOULD DISRUPT THIS PROCESS. A SHIFT
TO THE EXTREME RIGHT WOULD CAUSE TERRIBLE POLITICAL
TURBULENCE THAT WOULD JEOPARDIZE THE SYSTEM. IN

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PAGE 01 SAN SA 01597 05 OF 17 072127Z 2650 301231
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SECTION 05 OF 17 SAN SALVADOR 01597

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EXD15

DEPT FOR ARA - DAS ARCOG

E.O. 12356: DECL: OADR

TAGS: OVIP ADUAYLE, DAN, ES

SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ADDITION, NO PARTY SHOULD HAVE A MONOPOLY ON POWER SUCH AS ARENA WOULD HAVE THROUGH CONTROL OF THE PRESIDENCY, LEGISLATIVE ASSEMBLY, SUPREME COURT, GENERAL ACCOUNTING OFFICE, INDEPENDENT AGENCIES AND THE MILITARY. THE PEOPLE OF THE UNITED STATES BELIEVE IN CHECKS AND BALANCES; IN THEIR WISDOM THEY GAVE THE CONGRESS TO THE DEMOCRATIC PARTY AND THE PRESIDENCY TO THE REPUBLICAN PARTY. SUCH BALANCE WOULD NOT EXIST IF ARENA WINS THE PRESIDENCY.

CHAVEZ MENA SAID HE HAD CLEANED UP HIS PARTY. THE PROCESS IS NOT COMPLETE, BUT HE IS COMMITTED TO A FULL HOUSECLEANING OF UNSAVORY ELEMENTS. WHY HAS CRISTIANI NOT DONE THE SAME WITH HIS PARTY? WHY HAS CRISTIANI NOT DONE LIKE CHAVEZ MENA AND GOTTEN THE UNSAVORY ELEMENTS OUT OF HIS PARTY? I WANT CRISTIANI TO CLEAN OUT THE DEATH SQUADS FROM HIS PARTY; WHY WON'T HE DO IT, CHAVEZ MENA ASKED. THE UNITED STATES KNOWS EXACTLY WHAT HE IS TALKING ABOUT SINCE WE KNOW EXACTLY WHAT D'AUBUSSON'S ROLE WAS WITH THE DEATH SQUADS. CHAVEZ MENA EXCUSED HIS FRANKNESS, BUT SAID THERE IS SIMPLY TOO MUCH AT STAKE NOT TO SPEAK DIRECTLY ON THIS ISSUE. THE SYSTEM, THE DEMOCRATIC PROCESS ARE AT STAKE. THIS IS THE KEY POINT CHAVEZ MENA SAID HE WANTED TO MAKE.

ARENA WITH TOTAL POWER WILL RADICALIZE EL SALVADOR TO THE POINT THE SYSTEM WILL BE JEOPARDIZED. DEMOCRACY IS A NEWBORN CHILD HERE; IT NEEDS HELP TO WALK. THE PROBLEM IN THIS ELECTION IS NOT PERSONALITIES; THIS IS NOT THE ISSUE. THE ISSUE IS THE SYSTEM AND WHO CAN BEST ASSURE THE PEOPLE OF EL SALVADOR AND THE UNITED STATES GOVERNMENT WHICH HAS BACKED THIS PROCESS, THAT THE SYSTEM WILL ADVANCE AND CONSOLIDATE. CHAVEZ MENA NOTED THAT HE HAS BEEN IN PUBLIC LIFE FOR 38 YEARS. THIS ELECTION IS ABOUT THE PROCESS AND HE SAID HE IS THE ONLY ONE IN THIS ELECTION THAT CAN ASSURE IT WILL GO FORWARD.

ENICO BARRIENTOS EXPLAINED THAT HE WAS NOT A MEMBER OF THE PDC, BUT REPRESENTED THE INDEPENDENT SECTORS WHO WANT TO HELP THE DEMOCRATIC PROCESS AND WHO UNDERSTAND THAT ARENA IS NOT A DEMOCRATIC ALTERNATIVE. HE RECALLED THAT D'AUBUSSON WAS A HIGH SCHOOL CLASSMATE, HE KNEW HIM WELL AND HIS STATEMENT IS BASED ON PERSONAL KNOWLEDGE. BARRIENTOS SAID HIS INDEPENDENT MOVEMENT REPRESENTED THE BROAD MIDDLE

PAGE 01 SAN SA 01597 05 OF 17 072127Z 2650 3501231

CLASS DEMOCRATIC CENTER THAT WANTS TO PRESERVE DEMOCRACY. IN ALLYING ITSELF WITH THE PDC, THE IDEA IS TO DRAW INTO GOVERNMENT NEW PEOPLE AND TO RID THE GOVERNMENT OF CORRUPTION. THE GOVERNMENT THAT FOLLOWS WILL BE NOT ONLY OF THE PDC, BUT OF THE MOST EFFICIENT TECHNICIANS AND EXPERTS THAT THE COUNTRY HAS AVAILABLE.

THE VICE PRESIDENT CONCLUDED THE MEETING EXPRESSING APPRECIATION FOR CHAVEZ MENA'S CLEAR PRESENTATION. HE UNDERSCORED THE IMPORTANCE OF THE PROMISE TO RUN A CLEAN GOVERNMENT AND NOTED THAT ONLY AN HONEST GOVERNMENT WOULD HAVE CREDIBILITY. ON THE ISSUE OF THE PROCESS AND THE DEMOCRATIC SYSTEM, THE UNITED STATES IS FULLY COMMITTED; THE BOND BETWEEN US IS DEMOCRACY, HUMAN RIGHTS AND SOCIAL JUSTICE. WE WILL NOT CHOOSE SIDES, BUT WILL LET THE PEOPLE DECIDE. WE WOULD, THOUGH, NOT LOOK FAVORABLY ON ANY ACTION THAT WOULD DISRUPT THE SYSTEM OF FREE DEMOCRACY AND HUMAN RIGHTS IN EL SALVADOR.

5. MEETING WITH ARENA PRESIDENTIAL CANDIDATE FREDY CRISTIANI

ARENA PRESIDENTIAL CANDIDATE FREDY CRISTIANI WAS ACCOMPANIED TO HIS MEETING WITH THE VICE PRESIDENT BY VICE PRESIDENTIAL CANDIDATE ENICO MERINO, PRESIDENT OF THE LEGISLATIVE ASSEMBLY RICARDO ALVARENGA VALDIVIESO AND BY ACTING SAN SALVADOR MAYOR JUAN JOSE DOMENECH. THE VICE PRESIDENT CONVEYED TO THE CANDIDATE AND THE PARTY THE GREETINGS OF PRESIDENT BUSH, NOTING THE PRESIDENT'S PERSONAL INTEREST IN DEMOCRACY AND HUMAN RIGHTS IN EL SALVADOR. A LOT HAS CHANGED SINCE THE VICE PRESIDENT'S 1983 VISIT TO EL SALVADOR. THE VICE PRESIDENT ASKED THAT HIS VISITORS SPEAK FRANKLY TO HIM ABOUT HOW THEY SEE THE SITUATION.

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PAGE 01 SAN SA 01597 06 OF 17 072138Z 2655 5501235
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D 061902Z FEB 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0776

SECTION 06 OF 17 SAN SALVADOR 01597

C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
NOTE BY 06/7:UPGRADED PER STATE 035035

EXDIS
DEPT FOR ARA - DAS ARCS

E.O. 12336: DECL: OADR
TAGS: OVP, QUAYLE, DAMI, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

CRISTIANI, SPEAKING IN ENGLISH, THANKED THE VICE
PRESIDENT FOR COMING TO LISTEN TO THEM AND NOTED HE
FELT IT A GREAT HONOR TO SHARE WITH HIM ARENA'S VIEWS.

WITH REGARD TO THE PRESIDENTIAL CAMPAIGN, THE FMLN
PROPOSAL HAS INTRODUCED CERTAIN OBSTACLES TO THE
PROCESS SUCH AS THE ATTACKS ON THE ELECTED MAYORS.
NEVERTHELESS, HE FELT OPTIMISTIC BASED ON THE RESULTS
OF POLLING DATA WHICH APPEARED TO FAVOR ARENA. A
DELAY OF THE ELECTION WOULD BE A PROBLEM, HE SAID.

THE FMLN PROPOSAL CONTAINS UNCONSTITUTIONAL
ELEMENTS. HOWEVER, IT SHOULD BE RECOGNIZED THAT THE
FMLN SAYS IT IS ACCEPTING THE ELECTORAL PROCESS FOR
THE FIRST TIME. THE STRATEGY OF ANY RESPONSE SHOULD
BE TO HOLD THEM TO THIS COMMITMENT AND TRY TO PULL
THEM IN, NOT SHUT THE DOOR. THE ARENA OFFICIAL
POSITION WAS PUT FORWARD IN THE LEGISLATIVE ASSEMBLY
LAST WEEK A CALL WAS MADE FOR A NATIONAL PEACE
PROPOSAL TO BE CONSIDERED ALONGSIDE THE FMLN
PROPOSAL. ARENA USED THE LEGISLATIVE ASSEMBLY AS A
FORUM TO BRING THE PARTIES TOGETHER. THE PDC DID NOT
ATTEND THE SESSION, UNFORTUNATELY, WHICH WAS AIMED AT
ANALYZING WHAT POSITIVE ELEMENTS EXIST IN THE
FMLN PROPOSAL THAT DO NOT VIOLATE THE CONSTITUTION.
AT THE SAME TIME, THE EXECUTIVE BRANCH HAS CALLED FOR
DISCUSSIONS ON THE FMLN PROPOSAL TO WHICH ARENA WAS
NOT INVITED. TO GET OVER THIS IMPASSE, ARENA HAS
PROPOSED A THIRD VENUE AT A LOCAL HOTEL TO BRING ALL
SIDES TOGETHER TO CONSIDER A SINGLE RESPONSE.

ARENA HAS PROPOSED IN THE LEGISLATIVE ASSEMBLY A
72-HOUR AMNESTY TO PERMIT THE FMLN COMMANDANTES TO
PRESENT THEIR PROPOSAL DIRECTLY TO THE LEGISLATIVE
ASSEMBLY. CRISTIANI NOTED THAT SEVERAL OBJECTIONS
HAD BEEN RAISED TO THIS PROPOSAL BY OTHER POLITICAL
PARTIES SAYING SUCH AN AMNESTY WAS ILLEGAL. ON
MONDAY, FEBRUARY 6, THE MEETING OF ALL THE POLITICAL
PARTIES WOULD, HOPEFULLY, BE HELD TO ADDRESS ALL
THESE ISSUES. ARENA WOULD ADOPT THE POSITION THAT,
AS A POLITICAL PARTY, IT COULD NOT EXCEED THE
STRICTURES OF THE CONSTITUTION. THERE MAY BE SOME
FLEXIBILITY IN THE SYSTEM, HOWEVER, AND ARENA IS
LOOKING FOR IDEAS. CONSTITUTIONAL LAWYERS MEETING,
BY COINCIDENCE, IN SAN SALVADOR THIS WEEK LOOKED AT
THE ISSUES AND ALL AGREED THAT POSTPONING THE

PAGE 01 SAN SA 01597 06 OF 17 072138Z 2655 5501235

ELECTION BEYOND THE LEGALLY MANDATED PERIOD AND
ORGANIZATION OF A PROVISIONAL GOVERNMENT WAS NOT
POSSIBLE. ARENA WAS NOT ACCUSED TO THE FMLN'S
PROPOSAL FOR A FIVE DAY TRUCE, BUT INSTEAD, BELIEVES
ANY PLAN SHOULD INCLUDE A CEASE-FIRE. HE NOTED THAT
THE COMMUNIST PARTY OF EL SALVADOR IN THE PERSON OF
MARIO AGUINADA CARRANZO WAS ALREADY BACK WORKING IN
THE SYSTEM, THOUGH NOT PARTICIPATING IN THE
PRESIDENTIAL ELECTION.

IN RESPONSE TO THE VICE PRESIDENT'S QUESTION,
CRISTIANI SAID HE DID NOT THINK THAT THE FMLN'S
PROPOSAL WAS A SERIOUS ONE. HE AGREED IT WAS ONLY
POLITICAL, DESCRIBING FOR LACK OF A BETTER TERM AS
PART OF THE FMLN'S DIPLOMATIC OFFENSIVE STRATEGY TO
MAKE PEOPLE SEE THE FMLN AS FLEXIBLE AND ON THE MORAL
HIGH GROUND. THE FMLN, THOUGH, HAS ENJOYED SUCCESS
WITH ITS EFFORTS. EVERYONE IS NOW TALKING ABOUT
THEIR PROPOSAL. CRISTIANI NOTED THE NEED FOR TIME TO
PUT SOMETHING TOGETHER TO THROW BACK AT THEM SO THAT
THEY CANNOT ESCAPE FROM A PEACEFUL SETTLEMENT. JUAN
JOSE DOMINECH AND CRISTIANI REFERRED TO A PHONE CALL
FROM SAN SALVADOR MAYOR ARMANDO CALDERON SD; IN
WASHINGTON TO ATTEND THE PRAYER BREAKFAST SAYING THAT
SOME MEMBERS OF CONGRESS HAVE INTRODUCED LEGISLATION
SUPPORTING THE PROPOSAL. THE VICE PRESIDENT ASKED
WHETHER THIS WAS SENSE OF CONGRESS RESOLUTION AND
WHAT HOUSE IT WAS IN. CRISTIANI WAS NOT SURE.

THE VICE PRESIDENT ASKED CRISTIANI TO DESCRIBE HIS
PLATFORM AND WHAT THE PARTY REPRESENTED. CRISTIANI
SAID THAT MUCH EMPHASIS APPEARED TO BE FOCUSED ON
THE ISSUE OF VIOLENCE AND THE WAR. IN THE RURAL
AREAS IN PARTICULAR, THOUGH, UNEMPLOYMENT AND THE
HIGH COST OF LIVING ARE ISSUES THAT ARE PARAMOUNT.
THE ECONOMIC PROGRAM OF ARENA IS ONE AREA THAT
CLEARLY DISTINGUISHES IT FROM THE PDC, THOUGH HE

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PAGE 01 SAN SA 01507 07 OF 17 072131Z 2066

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PAGE 01 SAN SA 01507 07 OF 17 072131Z 2066

SS01236

INFO SS-01 ARA-01 /002 A4 NOR

HUMAN RIGHTS IS SIMPLY THAT YOU GIVE US A CHANCE TO PROVE OURSELVES IN THE CONTEXT OF THE CONSTITUTIONAL SYSTEM THAT WE SUPPORT. WE HAVE BEEN SUCCESSFUL AS AN INSTITUTION IN MAKING ARENA THE STRONGEST POLITICAL PARTY IN EL SALVADOR. ALL WE WANT FROM YOU IS A FAIR CHANCE TO PROVE THAT WE CAN PERFORM TO YOUR EXPECTATIONS. ARENA CAN DEAL BETTER WITH THE MILITARY AND IT CAN DEAL BETTER WITH THE POLICE. ARENA AGREES WITH THE PRINCIPLES ENUNCIATED BY THE VICE PRESIDENT. ALL IT ASKS IS THAT ARENA NOT BE PRE-JUDGED. GIVE US A CHANCE, WE REPEATED, AND UNDER THESE TERMS THERE WILL BE NO PROBLEMS BETWEEN US.

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC IMMEDIATE 0777

SECTION 07 OF 17 SAN SALVADOR 01507

C O R R E C T E D C O P Y UPGRADED TO EXDIS1
NOTE BY DC/T:UPGRADED PER STATE 030035

EXDIS

DEPT FOR ARA - DAS ARCOS

E.O. 12958: DECL: OADR

TAGS: DVP, MURRAY, DAN, ES

SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

NOTES THAT THE PDC APPEARS TO BE MOVING CLOSER TO ARENA'S ECONOMIC POSITION.

THE VICE PRESIDENT SAID HE WANTED TO MAKE A FEW POINTS WITH REGARD TO UNITED STATES' POLICY. WE ARE NEUTRAL IN THIS ELECTION. WE WANT TO SEE A FREE AND FAIR CONTEST, WITH THE WINNER REAPING THE BENEFITS. AS IN OUR SYSTEM, WE WOULD HOPE THAT THE WINNER WOULD REACH OUT TO THE LOSER AND BUILD A STRONG CONSENSUS AFTER THE ELECTION. DEMOCRACY FUNCTIONS ON THE BASIS OF A STABLE MAJORITY. WHATEVER WINNERS NEEDS TO REACH OUT.

SECOND, THE VICE PRESIDENT STATED THAT MANY IN CONGRESS HAVE DEEP SUSPICIONS ABOUT ARENA'S COMMITMENT TO DEMOCRACY, HUMAN RIGHTS AND FAIR PROCESS. HE NOTED THAT, IF SUCCESSFUL, ARENA WOULD BE CONSIDERED, IN OUR LEGAL TERMINOLOGY, TO BE IN THE SUSPECT CATEGORY. HE IS NOT STATING THAT ARENA IS A SUSPECT, BUT TAKING PARTICULARLY ABOUT PERCEPTION, ESPECIALLY AMONG AN ELEMENT OF CONGRESS WHICH WILL WATCH ARENA CLOSELY. SPECIAL EMPHASIS WILL BE PLACED ON ARENA'S NOMINATIONS TO THE SUPREME COURT AND WHAT IT DOES WITH THE MILITARY. IT IS A FACT THAT DEMOCRACY MEANS JUSTICE AND JUSTICE MEANS HUMAN RIGHTS. HE NOTED HIS INTENT IN A LATER MEETING TO STRESS HUMAN RIGHTS TO THE MILITARY. THE UNITED STATES HAS A STRONG PASSION FOR JUSTICE AND ELIMINATION OF VIOLENCE ON BOTH LEFT AND RIGHT. WHILE PERCEPTION MAY NOT BE REALITY, THIS IS A FACT OF POLITICAL LIFE, AS THE VICE PRESIDENT HIMSELF SAID HE LEARNED IN THE CAMPAIGN.

THE VICE PRESIDENT NOTED THAT ARENA WAS AWARE OF THE PRESIDENT'S VIEWS. IT WOULD BE COUNTERPRODUCTIVE TO SEE VIOLENCE INCREASE OR HUMAN RIGHTS DENIED. THERE WOULD BE PROBLEMS IN CONGRESS, WHICH HAS A LOT TO SAY ABOUT FOREIGN POLICY. THROUGH THEIR CONTROL OF THE BUDGETARY PROCESS THEY CAN DENY FUNDS. IF DEMOCRACY AND HUMAN RIGHTS ARE NOT BEING RESPECTED, CONGRESS COULD DECIDE TO RESTRICT AID. AS A FRIEND, THE VICE PRESIDENT SAID HE WANTED CRISTIANI TO APPRECIATE OUR DEEP COMMITMENT TO HUMAN RIGHTS AND DEMOCRACY.

CRISTIANI EXPRESSED APPRECIATION FOR THE VICE PRESIDENT'S FRANK ASSESSMENT. HE SAID HE RECOGNIZED THE PERCEPTION PROBLEM. OUR MESSAGE ON DEMOCRACY AND

THE VICE PRESIDENT STATED THAT NEITHER HE NOR THE PRESIDENT WOULD PRE-JUDGE ARENA. THERE ARE SPECIFIC AREAS, THOUGH, THAT NEED SOME CLARIFICATION AND THAT WILL SERVE AS INDICATORS OF ARENA'S INTENTIONS. ONE OF THOSE IS NOMINATIONS FOR THE NEW SUPREME COURT TO TAKE OFFICE JUNE 1.

CRISTIANI REPLIED THAT IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE ARE A KEY ELEMENT OF THE ARENA PLATFORM. NAMING OF THE SUPREME COURT JUSTICES SHOULD BE DONE BASED ON MERIT, NOT PARTY AFFILIATION. ARENA BELIEVES THAT THE COUNTRY NEEDS A PERMANENT JUDICIAL CAREER AND THAT THE SYSTEM OF FIVE YEAR TERMS FOR JUSTICES SHOULD BE CONSTITUTIONALLY MODIFIED. THE VICE PRESIDENT ASKED HOW NOMINEES WOULD BE SELECTED. CRISTIANI SAID THAT THE KEY WAS TO DEPOLITICIZE THE PROCESS. ARENA HAS ALREADY RECEIVED SUGGESTED NAMES FROM A LAWYERS GROUP. THE VICE PRESIDENT ASKED IF A GROUP WOULD BE SET UP TO PREPARE A LIST OF NAMES BASED ON MERIT. CRISTIANI REPLIED IT WOULD NOT BE NECESSARY TO REPLACE ALL 14 JUDGES ON THE COURT, SOME CONTINUITY IS NEEDED. ARENA'S PLATFORM MENTIONS THE NEED FOR A CAREER JUDICIARY AND A MERIT SYSTEM. HOWEVER, ARENA WOULD

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PAGE 01 SAN SA 01597 03 OF 17 0721332 2665 8501238

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 6778

SECTION 06 OF 17 SAN SALVADOR 01597

C O R R E C T E D C O P Y U P G R A D E D T O E X D I S
NOTE BY DC7: UPGRADED TO EXDIS PER STATE 030035

EXDIS
DEPT FOR ARA - OAS ARCOS

E.O. 12350: DECL: OADR
TAGS: OVIP QUAYLE, DAN, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

NOT WANT TO SEE THE ENTIRE SUPREME COURT REPLACED
BECAUSE THIS WOULD DISRUPT THE ENTIRE JUDICIAL SYSTEM
SINCE THE SUPREME COURT, IN TURN, APPOINTS ALL OTHER
JUDGES. THE VICE PRESIDENT NOTED ARENA'S INTENTION
TO RETAIN CERTAIN JUSTICES ON THE COURT AND TO
APPOINT OTHERS STATING THAT HE WILL WATCH ARENA'S
ACTION CLOSELY IN THIS AREA SINCE IT IS NOT DIRECTLY
RELATED TO THE ELECTION OF THE PRESIDENT. HE
REMINDED CRISTIANI THAT ARENA WILL SEND A STRONG
MESSAGE WITH THEIR NOMINATIONS.

THE VICE PRESIDENT TOLD CRISTIANI THAT HE UNDERSTOOD
THE IMPORTANCE OF FIGHTING MARXIST-LENINISTS, BUT
MILITARY ABUSES HAVE TO STOP AND THE PERPETRATORS
BROUGHT TO JUSTICE. ONE IS NOT ASKING FOR SCAPEGOATS
IN THE SYSTEM, BUT FOR FACTS TO BE ACTED ON. AN
IMPORTANT FIRST STEP FOR THE NEXT ADMINISTRATION WILL
BE TO SHOW A COMMITMENT TO JUSTICE. HE RESTATED THAT
ARENA WILL BE IN A SUSPECT CATEGORY IF IT TAKES
OFFICE AND ARENA WILL HAVE TO DEAL EFFECTIVELY WITH
THAT FACT. IT WILL BE IMPORTANT TO CORRECT THIS
MISPERCEPTION, BECAUSE IF THE PERCEPTION PROVES
CORRECT, IT WILL BE A DISASTER FOR EL SALVADOR. THE
UNITED STATES IS DEEPLY COMMITTED TO EL SALVADOR.
THE VICE PRESIDENT SAID HE WANTED CRISTIANI TO
UNDERSTAND UP FRONT WHERE HE WAS COMING FROM ON THE
BASIC ISSUES OF DEMOCRACY AND HUMAN RIGHTS AND ON OUR
NEUTRALITY IN THE ELECTION.

CRISTIANI SAID THAT A STRAW POLL OF 500 RESPONDENTS
IN SAN SALVADOR EVIDENCED AN 80 PERCENT PREFERENCE
NOT TO PUT OFF THE ELECTIONS AS REQUESTED BY THE
FMLN. THE LATEST THE ELECTION COULD BE HELD WOULD BE
MARCH 31. CRISTIANI EXPLAINED THAT THE CCE HAD TO
MAKE THE ELECTION CALL; THE CCE IS COMPOSED OF THE
THREE MAJOR PARTIES WHO WOULD HAVE TO AGREE
UNANIMOUSLY ON A NEW DATE.

THE VICE PRESIDENT WISHED CRISTIANI WELL IN THE
ELECTION AND EMPHASIZED THAT HE WOULD BE WATCHING
CLOSELY AND WITH ANTICIPATION ON THE POINTS HE HAD
RAISED IN THEIR DISCUSSION.

6. LUNCHEON AT PRESIDENT DUARTE'S RESIDENCE

ON ARRIVAL AT THE PRESIDENT'S OFFICIAL RESIDENCE FOR

PAGE 01 SAN SA 01597 03 OF 17 0721332 2665 8501238

A FORMAL LUNCH, PRESIDENT DUARTE AND VICE PRESIDENT
QUAYLE WENT INTO A FIFTEEN MINUTE TETE-A-TETE WITH NO
ONE ELSE PRESENT. UYI. CONTENTS TO BE SUPPLIED BY
THE VICE PRESIDENT. IN OTHER DISCUSSIONS AT THE
LUNCHEON:

- AT FRANCISCO "CHACHO" GUERRERO, PRESIDENT OF THE
SUPREME COURT: AT THE INVITATION OF THE VICE
PRESIDENT, CHACHO GUERRERO WAS ESCORTED INTO THE
PRESIDENT'S PRIVATE STUDY BY THE AMBASSADOR. DUARTE
REMAINED AT THE VICE PRESIDENT'S SIDE THROUGHOUT THE
TALK WITH GUERRERO. THE VICE PRESIDENT BEGAN BY
NOTING THERE WAS NOT ENOUGH TIME FOR THE SOCIAL
AMENITIES, BUT THERE WAS A NEED FOR DIRECT, CANDID
DISCUSSION. HE SAID THAT HIS MESSAGE TO ALL
SALVADORAN AUDIENCES WAS A SIMPLE BUT IMPORTANT ONE:
HUMAN RIGHTS, DEMOCRACY AND THE ADMINISTRATION OF
JUSTICE. THEY ALL GO TOGETHER, THEY ARE TOTALLY
ENTWINED. THE VICE PRESIDENT NOTED HEIGHTENED
PERSONAL CONCERN WITH A LACK OF PROGRESS IN THREE
IMPORTANT CASES, SAN SEBASTIAN, THE SARAVIA
EXTRADITION, AND THE SHERATON MURDERS, IN WHICH
"THINGS SHOULD HAVE COME OUT BETTER", WOULD HAVE COME
OUT BETTER BUT FOR ACTIONS OR LACK OF ACTION BY THE
SUPREME COURT. HE REPEATED HIS AND PRESIDENT BUSH'S
DEEP COMMITMENT TO THE CAUSE OF HUMAN RIGHTS AND
SERIOUS CONCERN THAT THESE CASES WERE STALLED WITHIN
THE COURT SYSTEM OVER WHICH GUERRERO PRESIDED.

THE SUPREME COURT PRESIDENT AGREED THAT CANDID
LANGUAGE WAS ESSENTIAL. HE PROCEEDED TO DESCRIBE THE
SALVADORAN LEGAL SYSTEM, THE VARIOUS LEVELS OF
COURTS, ETC., TURNING TO THE THREE CASES CHACHO SAID
HE HAD JUST APPOINTED A NEW JUDGE IN THE SAN
SEBASTIAN INVESTIGATION, A "FIRM, TOUGH, IMPERVIOUS
TO PRESSURE" APPOINTEE TO REPLACE A WEAK FIRST
CHOICE. HE EXPLAINED THAT SINCE THE CASE INVOLVED

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PAGE 01 SAN SA 01557 09 OF 17 0721352 2668

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TO SECSTATE WASHDC IMMEDIATE 6779

SECTION 09 OF 17 SAN SALVADOR 01597

C O R R E C T E D C O P Y U P G R A D E D T O E X D I S
NOTE BY DCPT/UPGRADED PER STATE 030835

EXDIS

DEPT FOR ARA - DAS ARCOS

E.O. 12336: DECL: OADR

TAGS: OVIP, COUPLYE, DAA, EC

SUBJECT: THE VICE PRESIDENT'S MEETING IN SAN

DANGER, IT HAD BEEN DIFFICULT TO FIND A JUDGE WILLING TO TAKE IT ON. CHACKI SAID HE WAS DEMANDING WEEKLY REPORTS FROM THE NEW JUDGE. ON THE SHERATON CASE CHACKI HAD BEHIND THE CONSTITUTION. HIS JUSTIFICATION FOR THE COURT'S POSITION ON THE SARAVIA EXTRADITION AFFAIR WAS EQUALLY LEGALISTIC.

THE VICE PRESIDENT CUT CHACKI OFF, SAYING THERE WASN'T TIME TO GO INTO THE DETAILS. HE CONCLUDED BY TELLING GUERFERO THAT THE AMBASSADOR WOULD EXPECT A REPORT ON EACH OF THE STAGNANT CASES, WITHIN THE NEXT WEEK, AND THE AMBASSADOR, AWARE OF THE VICE PRESIDENT'S PERSONAL INTEREST, WOULD REPORT THE RESULTS DIRECTLY TO THE VICE PRESIDENT'S OFFICE. CHACKI GUERFERO SAID THAT WAS JUST WHAT HE HAD IN MIND, AND WOULD PREPARE A REPORT ON EACH IMMEDIATELY.

6. BY THE LUNCHEON DISCUSSION AMONG THE GUESTS AT THE HEAD TABLE WAS ESSENTIALLY SOCIAL, WITH THE EXCEPTION OF THE TOASTS OFFERED BY PRESIDENT QUARTE AND THE VICE PRESIDENT (WHICH CONSUMED TWENTY MINUTES OF THE FORTY FIVE).

7. MEETING ONE ON ONE WITH MINISTER OF DEFENSE VIDES CASANOVA

THE VICE PRESIDENT, ACCOMPANIED BY THE AMBASSADOR AND USMCINSG GENERAL FRED WOERNER MET PRIVATELY WITH MINISTER OF DEFENSE VIDES CASANOVA. GENERAL VIDES CASANOVA OPENED WITH A CORDIAL WELCOME TO THE ELIADO MAYOR. HE SAID THAT, ON LISTENING TO THE VICE PRESIDENT'S LUNCHEON TOAST HE HAD BEEN IMPRESSED BY THE STRENGTH OF THE WORDS, AND THE FACT THAT "WE'RE ALL ON THE SAME WAVELENGTH, FIGHTING FOR DEMOCRACY AND HUMAN RIGHTS". "THAT'S WHY I'VE STAYED ON SO LONG", VIDES STATED, "TO HAVE LEFT EARLIER WOULD HAVE BEEN TO DO SO WITH TOO LITTLE SUCCESS". THE MINISTER ASKED THE VICE PRESIDENT TO BE AS FRANK AND CANDID AS HE COULD BE IN HIS TALKS TO THE MILITARY HIGH COMMAND, AND LATER WITH THE COMMANDERS. VIDES CLAIMED THE TOUGHER THE MESSAGE THE VICE PRESIDENT DELIVERED THE BETTER IT WOULD HELP HIM IN HIS DEALINGS WITH THE OTHER OFFICERS ON BOTH THEMES, DEMOCRACY AND HUMAN RIGHTS. HE ADDED THAT HE PROJECTED THE SAME MESSAGE CONSTANTLY, BUT THAT THESE WERE WORDS THAT HAD TO BE REPEATED OVER AND OVER.

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PAGE 01 SAN SA 01557 09 OF 17 0721352 2668

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"THEY NEED TO HEAR IT FROM YOU". THE MINISTER PROMISED TO REAFFIRM THE ARMED FORCES COMMITMENT ON BOTH SUBJECTS; "WE WILL SUCCEED, DESPITE THE DIFFICULTY OF THE JOB, WITH THE COOPERATION OF THE EMBASSY, THE SOUTHERN COMMAND, AND WITH ALL SPEAKING WITH TOTAL FRANKNESS".

THE VICE PRESIDENT THANKED THE MINISTER FOR HIS ADVICE. HE SAID HE DIDN'T WANT TO APPEAR RUDE OR PREACHY, BUT AS A FRIEND FELT HE MUST BE FRANK. "WE'RE ALLIES, AND THE ISSUE OF HUMAN RIGHTS IS CRITICAL TO THE PROCESS OF DEMOCRACY. I APOLOGIZE IF I APPEAR HARSH, BUT BOTH PRESIDENT BUSH AND I ARE COMMITTED TO THE DEMOCRATIC PROCESS, AND ITS HUMAN RIGHTS COMPONENT. THEY'RE INSEPARABLE. ANY BACKSLIDING WOULD BE BAD FOR BOTH OF US." THE MINISTER SAID HE UNDERSTOOD, AND FULLY AGREED. 8. MEETING WITH THE MOD AND THE JOINT GENERAL STAFF

FOLLOWING A PRIVATE MEETING IN THE OFFICE OF THE MINISTER OF DEFENSE, THE VICE PRESIDENT AND MINISTER OF DEFENSE MET WITH THE JOINT GENERAL STAFF: COL. RENE EMILIO PONCE, CHIEF OF THE JOINT GENERAL STAFF, GENERAL RAFAEL LARIDO, VICE MINISTER OF DEFENSE, COL. HUMBERTO VILLALBA, NAVY CHIEF OF STAFF AND GENERAL JUAN RAFAEL BUSTILLO, AIR FORCE CHIEF.

MOD VIDES CASANOVA OPENED REFERRING TO THE VICE PRESIDENT'S REMARKS AT THE OFFICIAL LUNCHEON POSTED BY THE PRESIDENT. HE NOTED THE VICE PRESIDENT'S YOUTH AND DYNAMISM AND CLEAR ARTICULATION OF THE BASIS OF U.S. POLICY. THE MINISTER SAID ONE THING THE VICE PRESIDENT HAD DONE AT LUNCH HAD CAUGHT HIS ATTENTION AND COMMUNICATED VISUALLY TO HIM THE KIND OF MAN THEY ARE DEALING WITH, AND THAT WAS THE PERSONAL ATTENTION THE VICE PRESIDENT HAD PAID TO THE

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PAGE 01 SAN SA 01597 18 OF 17 072137Z 2683 5501248
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TO SECSTATE WASHDC IMMEDIATE 0700

SECTION 18 OF 17 SAN SALVADOR 01597

EXDIS
C O R R E C T I D C O P Y UPGRADED TO EXDIS)
NOTE BY DC/T:UPGRADED PER STATE 030033

EXDIS
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVP, IDUAYLE, DAN, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

STAFF AT THE PRESIDENT'S RESIDENCE AND THE VERY HUMAN
AND DIRECT SENSE OF APPRECIATION HE HAD CONVEYED TO
THEM. THIS SMALL GESTURE MEANT A LOT AND SAID A LOT
ABOUT THE VICE PRESIDENT; HE IS VERY KIND IN HIS
DEALINGS AND VERY DIRECT IN HIS WORDS. YOU HAVE A
SENSE FOR PEOPLE, HE SAID. YOUR GESTURES IMPART YOUR
PERSONALITY. SO, THE MINISTER STATED, HE WANTED TO
TELL THE VICE PRESIDENT TO SPEAK PLAINLY TO THEM,
EVEN IF THE MESSAGE MIGHT BE SOMETHING THEY MIGHT NOT
WANT TO HEAR. WE ARE INTERESTED IN YOUR VISION OF
HOW WE ARE DOING AND HOW WE ARE SEEN FROM THE OUTSIDE.

AFTER HEARING YOUR LUNCHEON TOAST, VIDES SAID HE
COULD ASSURE THE VICE PRESIDENT THAT THE ARMED FORCES
ARE FULLY COMMITTED TO THE VICE PRESIDENT'S TWO
GENERAL POINTS: DEMOCRACY AND HUMAN RIGHTS. THERE
REMAINS A LOT TO DO TO STRENGTHEN THE DEMOCRATIC
PROCESS. TO DO THIS, WE NEED TO HELP YOU STRENGTHEN
THE BIPARTISAN CONSENSUS IN CONGRESS ON AID TO EL
SALVADOR. ONLY WITH UNITED STATES AID WILL EL
SALVADOR BE ABLE TO FURTHER REDUCE THE
MARXIST-LENINIST INSURGENCY. YOU ARE AT HOME HERE,
AMONG FRIENDS, MR. VICE PRESIDENT, VIDES SAID, PLEASE
TELL US WHAT YOU WOULD LIKE TO SAY.

THE VICE PRESIDENT NOTED THIS WAS HIS FIRST VISIT TO
EL SALVADOR. PRESIDENT BUSH HAS SHOWN A STRONG
INTEREST IN THE PEOPLE AND GOVERNMENT OF EL
SALVADOR. THE VICE PRESIDENT UNDERSCORED HIS DESIRE
NOT TO COME ACROSS AS A LECTURING NORTH AMERICAN
TELLING SALVADORANS HOW TO RUN THEIR COUNTRY. THE
PURPOSE IS TO DISCUSS SOME IMPORTANT ISSUES IN A VERY
SHORT SPACE OF TIME.

THE VICE PRESIDENT DESCRIBED FOR THE GENERAL STAFF
HIS OWN PERSONAL BACKGROUND IN CONGRESS, HIS
POLITICAL VIEWS, AND HIS COMMITMENT TO A STRONG
NATIONAL DEFENSE AND EXPERTISE IN THE AREA OF
NATIONAL SECURITY. HE NOTED HIS VIEWS THAT
MARXISM-LENINISM IS A POLITICAL SCOURGE THAT,
FORTUNATELY, APPEARS ON THE WANE. WE RECOGNIZE THE
INTERNATIONAL CONNECTIONS OF COMMUNISM. IN THIS
HEMISPHERE WE ARE COMMITTED TO STOPPING COMMUNISM AND
ENCOURAGING DEMOCRACIES TO WORK TOGETHER TO DO SO.

REFERRING TO HIS LUNCHEON TOAST, THE VICE PRESIDENT
SAID THE BONDS BETWEEN THE UNITED STATES AND EL

PAGE 01 SAN SA 01597 18 OF 17 072137Z 2683 5501248
SALVADOR ARE BASED ON DEMOCRACY AND HUMAN RIGHTS. IN
THIS REGARD, OUR RELATIONSHIP HAS NEVER BEEN STRONGER.

WE ARE COMMITTED TO THE ADVANCEMENT AND PRESERVATION
OF HUMAN RIGHTS. WHEN ATROCITIES ARE COMMITTED, THEY
MUST BE PROSECUTED AND THE ACCUSED BROUGHT TO
JUSTICE. THE COMPASSION AND COMMITMENT TO HUMAN
RIGHTS AND SOCIAL JUSTICE IS SHARED EQUALLY BY
CONSERVATIVE REPUBLICANS AND LIBERAL DEMOCRATS AND
MIGHT HAVE COME TO LECTURE THE MILITARY FROM TIME TO
TIME. THERE IS A SHARED DEEP COMMITMENT DEMOCRATIC
TO PRINCIPLES.

AS THE DEMOCRATIC PROCESS MOVES FORWARD, THE WORLD,
INCLUDING THE UNITED STATES, IN PARTICULAR, WILL BE
WATCHING THE MATURING OF THE DEMOCRATIC PROCESS. A
MATURING DEMOCRACY MUST PLACE UP FRONT CONCERN FOR
HUMAN RIGHTS AND CONCERN WHEN THE LIVES OF INNOCENT
PERSONS ARE PUT IN JEOPARDY. THERE IS NO DIFFERENCE
BETWEEN LIBERAL DEMOCRATS AND CONSERVATIVE
REPUBLICANS ON THIS POINT. THE DIFFERENCE COMES WHEN
THE LIBERAL DEMOCRATS DO NOT APPLY THE SAME STANDARDS
TO THE POLITICAL LEFT AS THEY DO THE RIGHT. LIBERAL
DEMOCRATS SOME TIMES SEEM TO TAKE THE POSITION THAT
THEY KNOW NO ENEMIES ON THE LEFT AND THE ONLY PROBLEM
EXISTS ON THE RIGHT.

WE ARE FRIENDS AND ALLIES, THE VICE PRESIDENT STATED,
AND WANT TO MOVE FORWARD WITH YOU ON THIS BASIS. AS
THE MILITARY COMMANDERS YOU ARE IN POSITIONS OF
AUTHORITY TO MAKE THE SYSTEM WORK AND ENSURE THAT
HUMAN RIGHTS ARE RESPECTED. OR, IF YOU DO NOT TAKE
HUMAN RIGHTS SERIOUSLY, YOU CAN TURN THE CLOCK BACK.

TO SUPPORT YOU, WE NEED A BIPARTISAN CONSENSUS ON EL
SALVADOR. SUCH A CONSENSUS EXISTS NOW BETWEEN THE
PRESIDENT AND CONGRESS. BUT, IF HUMAN RIGHTS ISSUES

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PAGE 01 SAN SA 01597 11 OF 17 0721392 3687 5501246
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PAGE 01 SAN SA 01597 11 OF 17 0721392 2687 5501246

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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 678)

SECTION 11 OF 17 SAN SALVADOR 01197

C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
NOTE BY OC/T: UPGRADED PER STATE 038035

EXDIS
DEPT FOR ARA - DAS ARCS

E.O. 12356: DECL: OADR
TAGS: OWP COVATIE, DAN, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ARE NEGLECTED OR PERCEPTIONS EMERGE THAT IT ONLY
APPLIES TO THE LEFT, NOT TO THOSE IN AUTHORITY, WE
WILL TAKE A STEP BACKWARDS. HE UNDERScoreD THIS AS A
STATEMENT OF FACT, NOT A THREAT. WE ARE AT A
CRITICAL JUNCTURE. PRESIDENT BUSH AND I, THE VICE
PRESIDENT STATED, LOVE THIS COUNTRY AND WANT TO HELP
YOU NOT ONLY WITH NATIONAL SECURITY, BUT WITH HUMAN
RIGHTS AND SOCIAL JUSTICE AS WELL.

TO BE OF HELP IN SUPPORTING THE GOALS OF DEMOCRACY
AND GOOD BILATERAL RELATIONS, THE VICE PRESIDENT SAID
THERE WAS ONE ITEM THAT NEEDS TO BE SPECIFICALLY
ADDRESSED: THE INCIDENT AT SAN SEBASTIAN. THE VICE
PRESIDENT SAID HE DID NOT KNOW WHO WAS GUILTY, BUT
THAT A TRAGEDY OCCURRED THAT NEEDS TO BE THOROUGHLY
INVESTIGATED AND BROUGHT TO JUSTICE. THIS CASE IS
VIEWED AS A CRITICAL TEST OF THE ADVANCEMENT OF HUMAN
RIGHTS IN EL SALVADOR. HE NOTED THAT THE AMBASSADOR
WOULD LEAVE WITH THE MINISTER OF DEFENSE AND ENVELOPE
WITH SPECIFICS ON THIS CASE THAT NEED TO BE ADDRESSED.

THIS CASE IS A SIGN OF THE SERIOUSNESS WITH WHICH THE
MILITARY TAKE HUMAN RIGHTS. WE ARE NOT SAYING WHERE
BLAME MUST BE DIRECTED. WE ARE SAYING WHOEVER IS
CULPABLE MUST BE PUNISHED. THE VICE PRESIDENT
UNDERScoreD THAT HE WAS TALKING VERY SERIOUSLY ABOUT
A VERY SERIOUS PROBLEM. HE REITERATED THAT THESE ARE
THE WORDS OF A FRIEND COMMITTED TO DEMOCRACY IN EL
SALVADOR.

GENERAL BUSTILLO POSED A QUESTION AT THE CONCLUSION
OF THE VICE PRESIDENT'S REMARKS WITH REGARD TO FMLN
VIOLENCE AGAINST THE POPULATION AT LARGE, EXPRESSING
CONCERN THAT DIMENSIONS OF SUCH HUMAN RIGHTS ABUSES
FROM THE FMLN ARE NOT WIDELY REPORTED AND UNDERSTOOD
OUTSIDE EL SALVADOR. EL SALVADOR DOES NOT HAVE THE
FINANCIAL CAPACITY TO COMMUNICATE EFFECTIVELY THAT
THE COUNTRY IS UNDER SIEGE FROM A VIOLENT MINORITY
THAT IS DAILY COMMITTING ABUSES AGAINST THE PEACEFUL
MAJORITY.

THE VICE PRESIDENT EXPRESSED HIS AGREEMENT WITH
GENERAL BUSTILLO'S GENERAL CHARACTERIZATION OF THE
FMLN. TO BE ABLE TO DEFEAT THE FMLN, HE SAID THAT
THE UNITED STATES NEEDS THE HELP OF THE MILITARY TO
SHOW THAT PEOPLE IN POSITIONS OF AUTHORITY TAKE HUMAN
RIGHTS SERIOUSLY.

VIDES CASANOVA SAID THAT THE VIOLENCE REFERRED TO BY
BUSTILLO HAD BEEN GREATER IN RECENT MONTHS AND THAT
THIS INCREASE WAS NOT WIDELY REPORTED OUTSIDE EL
SALVADOR. HUMAN RIGHTS ABUSES FROM THE FMLN HAVE
INCREASED SIGNIFICANTLY, BUT ONLY THE MILITARY IS
BEING PREASURED FOR ISOLATED CASES. THE POINT,
THOUGH, VIDES CASANOVA SAID, IS THAT THE MILITARY
CANNOT RESPOND TO TERRORISM WITH TERRORISM. STATE
TERRORISM IS AS EQUALLY REPUGNANT AS VIOLENT
TERRORISM FROM THE FMLN. OFFICERS MUST SHOW PATIENCE
AS A PROFESSIONAL ARMED FORCE, FACING BANDS OF
MURDERERS. EVERY DAY BRINGS MORE PROFESSIONALISM TO
THE ARMED FORCES, DEVELOPING AS A FORCE UNDER THE
RULE OF LAW.

VIDES CASANOVA, ADDRESSING THE VICE PRESIDENT, SAID
THAT HE COULD HELP CONVEY THE HUMAN RIGHTS SITUATION
AND RECENT INCREASE IN VIOLENCE FROM THE FMLN. HE
COULD ALSO CONVEY THAT THE MILITARY, LIKE THE UNITED
STATES, HAS MADE COMMITMENTS, AND THAT BOTH SIDES
HAVE LIVED UP TO THESE COMMITMENTS.

THE MILITARY HAVE DONE EVERYTHING POSSIBLE CONCERNING
THE SAN SEBASTIAN (LA CEBADILLA) INCIDENT. BUT THEY
WILL TRY TO DO MORE. THEY URGED THAT THE CASE BE
TURNED OVER FOR INVESTIGATION TO THE SPECIAL
INVESTIGATIVE UNIT, UNDER THE CONTROL OF THE
PRESIDENT. VIDES CASANOVA SAID HE HAD PRESSED THE
PRESIDENT OF THE SUPREME COURT FOR A MONTH TO NAME A
JUDGE IN THE CASE TO REPLACE THE JUDGE WHO RESIGNED.
AT THE PRESIDENT'S LUNCHEON TODAY VIDES CASANOVA SAID
HE TOLD THE PRESIDENT OF THE SUPREME COURT THAT HE IS
READY TO WORK WITH THE NEW JUDGE WHO WAS JUST
APPOINTED YESTERDAY.

THERE HAVE BEEN ONLY TWO HUMAN RIGHTS CASES IN THE

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PAGE 01 SAN SA 01597 12 OF 17 072150Z 2781

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PAGE 01 SAN SA 01597 12 OF 17 072150Z 2781

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC IMMEDIATE DTG

SECTION 12 OF 17 SAN SALVADOR 01597

EXDIS

C O R R E C T E D C O P Y (UPGRADED TO EXDIS)

NOTE BY GC/T: UPGRADED TO EXDIS PER STATE #38035

DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR

TAGS: OVIP, QUAYLE, DAN, ES

SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

PAST YEAR, ACCORDING TO VIDES CASANOVA, NOTWITHSTANDING THAT THIS HAS BEEN A VIOLENT PERIOD BECAUSE OF THE INCREASE IN ATTACKS FROM THE FMLN. IT DID NOT MATTER, HOWEVER, SINCE NO BRIDE WOULD GO TO HER WEDDING WITH A STAIN ON THE DRESS. THE MILITARY WILL MAKE MISTAKES, HE SAID, WE NEED TO CORRECT THEM AND REMOVE THE STAIN. HE SAID THAT HE UNDERSTOOD THE VICE PRESIDENT'S MESSAGE. ONE INCIDENT LIKE SAN SEBASTIAN COULD TURN INTO ANOTHER MARATHON SHERATON CASE AMENDMENT THAT WILL COST THE MILITARY ANOTHER \$5-10-15 MILLION IN ASSISTANCE.

THE VICE PRESIDENT EXPRESSED HIS APPRECIATION TO ALL AROUND THE TABLE FOR LISTENING TO HIM AND SATISFACTION THAT AFTER A MONTH OF EFFORT BY THE MINISTER OF DEFENSE, A JUDGE HAS FINALLY BEEN REAPPOINTED TO THE CASE. MY STATEMENTS, THE VICE PRESIDENT SAID, CAME FROM MY DEEP COMMITMENT TO DEMOCRACY AND HUMAN RIGHTS, NOT BECAUSE I ENJOY SPEAKING THIS WAY TO FRIENDS, BUT BETWEEN FRIENDS WE HAVE TO UNDERSTAND EACH OTHER IN ORDER FOR DEMOCRACY TO SURVIVE AND OUR CLOSE RELATIONSHIP TO CONTINUE. PRESIDENT BUSH WANTS THAT RELATIONSHIP TO CONTINUE, AND SO DO I, THE VICE PRESIDENT CONCLUDED.

B. TEXT OF VICE PRESIDENT'S ADDRESS TO THE ASSEMBLED JOINT GENERAL STAFF, BRIGADE AND DETACHMENT COMMANDERS

FOLLOWING A PHOTO OPPORTUNITY AND A WARM WELCOME BY COL RENE (PONCE), THE CHIEF OF THE JOINT GENERAL STAFF, VP QUAYLE ADDRESSED APPROXIMATELY 45 SENIOR OFFICERS INCLUDING THE HIGH COMMAND, SERVICE CHIEFS, BRIGADE, DETACHMENT AND IMMEDIATE REACTION BATTALION COMMANDERS, AND THE DIRECTORS OF THE PUBLIC SECURITY SERVICES AND MILITARY TRAINING CENTERS. PARAGRAPH TWO CONTAINS THE VP'S REMARKS.

REMARKS:

- ON THIS, THE FIRST PRESIDENTIAL ENVOY OF THE BUSH ADMINISTRATION, I WAS PARTICULARLY PLEASED TO TRAVEL TO VENEZUELA TO CELEBRATE THE DEMOCRATIC CHANGE OF PRESIDENTS AND TO BE IN EL SALVADOR NOW, A COUNTRY WITH WHICH WE HAVE SUCH CLOSE LINKS AND WHICH IS A CLOSE FRIEND OF THE U.S.

- SO THAT YOU KNOW ME BETTER, I WOULD LIKE TO TELL YOU SOME OF MY BACKGROUND. I SPENT 4 YEARS IN CONGRESS AND 8 YEARS IN THE SENATE REPRESENTING INDIANA, THE STATE IN WHICH THE UNIVERSITY OF NOTRE DAME IS LOCATED--THE ALMA MATER OF YOUR ILLUSTRIOUS PRESIDENT, DUARTE. WHILE IN THE SENATE I WAS ON THE SENATE ARMED SERVICES COMMITTEE AND AM NOT ONLY FAMILIAR WITH BUT A FIRM BELIEVER THAT A SOUND INVESTMENT IN NATIONAL SECURITY MEANS PEACE AND FREEDOM.

I PERSONALLY APPRECIATE OUR U.S. MILITARY SERVICEMEN AND THE SACRIFICES THAT THEY AND THEIR FAMILIES MAKE. I ALSO APPRECIATE YOUR SERVICES AND THE GOALS YOU ARE SEEKING TO ACHIEVE. I REITERATE MY BELIEF IN THE IMPORTANCE OF STRONG NATIONAL SECURITY, WHICH IS ESSENTIAL FOR THE PRESERVATION OF PEACE.

I JUST HELD A FRANK DISCUSSION WITH THE HIGH COMMAND AND NOW WANT TO SHARE WITH YOU MY IDEAS, NOT AS A FIRST TIME LECTURER, RATHER AS A FRIEND WHO UNDERSTANDS THAT STRONG NATIONAL SECURITY IS NEEDED TO PROTECT DEMOCRACY IN EL SALVADOR. AND WHEN I SPEAK OF DEMOCRACY I MEAN RESPECT FOR HUMAN RIGHTS AND SOCIAL JUSTICE.

- I AM VERY AWARE THAT THE FMLN IS A MARXIST LENINIST GROUP, DEDICATED TO TERRORISM AND FINANCED FROM THE OUTSIDE. I KNOW IT ENGAGES IN KILLING INNOCENT PEOPLE AND MAYORS, AS WELL AS COMMITTING VIOLENCE AGAINST TOWNS AND THE NATION'S INFRASTRUCTURE. NOT ONLY I, BUT PRESIDENT BUSH AND OTHERS IN COUNTRY UNDERSTAND THE GOALS OF THE MARXIST LENINISTS.

- WHEN IN CONGRESS, I WAS A STRONG PROponent FOR AID TO THE CONTRAS TO PRESSURE THE MARXIST ORTEGA GOVERNMENT. I AND OTHERS WERE SUCCESSFUL IN OBTAINING AID UNTIL JANUARY 1986. I AM CONSIDERED A CONSERVATIVE REPUBLICAN AND A HARD-LINER ON COMMUNISM, AND AM PROUD

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PAGE 01 SAN SA 01597 13 OF 17 072153Z 2889 5501284
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 0763

SECTION 13 OF 17 SAN SALVADOR 01597

EXDIS
CORRECTED COPY (UPGRADED TO EXDIS)
NOTE BY DC/7: UPGRADED TO EXDIS PER STATE #38035
DEPT FOR ARA - DAS AREOS

E.O. 12356: DECL: OADR
TAGS: DVI/ QUAYLE, DAN, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

OF MY STAND. EVEN THOUGH I AM A HARD-LINER ON
COMMUNISM, I AM ALSO A HARD-LINER IN SUPPORTING
DEMOCRACIES AND ADHERENCE TO RESPECT FOR HUMAN RIGHTS.
DEMOCRACY DOES NOT EXIST WITHOUT RESPECT AND
UNDERSTANDING OF HUMAN RIGHTS. THEY GO HAND-IN-HAND.

- WE ARE NOW AT A CRITICAL TIME FOR DEMOCRACY IN EL
SALVADOR. I HOPE TO SEE A PEACEFUL TRANSFER OF
ADMINISTRATIONS HERE OCCURRING WITHIN A CONSTITUTIONAL
FRAMEWORK.

- VIOLENCE MUST BE CONDEMNED WHETHER IT COMES FROM THE
LEFT OR RIGHT. BUSH AND I ARE HARD-LINERS ON VIOLENCE
AGAINST INNOCENT PEOPLE. SOME PEOPLE IN OUR COUNTRY
BELIEVE THAT EL SALVADOR WILL NOT MAKE IT AS A
DEMOCRACY. THESE SAME INDIVIDUALS ARE SAYING THE CLOCK
WILL BE TURNED BACK AND ARE PREDICTING MORE VIOLENCE
AND ABUSES. BUSH AND I WANT TO PROVE THEM WRONG --
THAT DEMOCRACY CAN SURVIVE, THAT HUMAN RIGHTS ARE
SACRED HERE. BY PROVING THEM WRONG, WE CAN HELP BOTH
THE USG AND GOES BECAUSE WE WILL BE LINKED TOGETHER IN
THE DEMOCRATIC PRINCIPLES OF HUMAN RIGHTS AND SOCIAL
JUSTICE.

- I AM HERE TODAY TO SAY THAT WE CAN IN FACT MAKE IT.
WE CAN SEE DEMOCRACY ADVANCED, BUT WE (THE USG) NEED
HELP AND UNDERSTANDING.

- THE EYES OF THE WORLD ARE ON EL SALVADOR TO SEE
WHERE THE COUNTRY IS GOING ON HUMAN RIGHTS ISSUES.
WHEN VIOLATIONS OCCUR AND INNOCENT PEOPLE ARE KILLED,
SUCH AS OCCURRED IN SAN SEBASTIAN, THERE MUST BE AN
INVESTIGATION AND THE GUILTY MUST BE PUNISHED
REGARDLESS OF THE CONSEQUENCES. WE CANNOT TURN OUR
HEADS WHEN INNOCENT LIVES ARE TAKEN. ALL EYES IN OUR
COUNTRY ARE FOCUSED ON THIS CASE.

- IN A DEMOCRACY, FREE PEOPLE ARE STRONG. THIS
INVESTMENT IN FREEDOM MEANS FREEDOM FOR THE INNOCENT
AGAINST ABUSES FROM THE LEFT OR RIGHT. THOSE WHO ARE
GUILTY OF ABUSES MUST PAY THE PRICE.

- IN CONCLUSION, I AM HERE AS A FRIEND AND SUPPORTER.
WE WANT TO WORK WITH YOU. WE WILL STAND TALL WITH
YOU. REGARDING TERRORISM PERPETRATED BY THE FMLN, WE
ARE WITH YOU. BE WITH US AS WELL IN OUR ATTEMPT TO
SUPPORT YOU. YOU MUST BE WITH US AS WE NOURISH THIS
DEMOCRACY. INVESTIGATE HUMAN RIGHTS INCIDENTS. GET

PAGE 01 SAN SA 01597 13 OF 17 072153Z 2889 5501284

THE FACTS ON THE TABLE IN A COMPLETE, OBJECTIVE
MANNER. TOGETHER, WE CAN GET AHEAD. IF WE DO NOT
STRENGTHEN DEMOCRACY, PEACE WILL SUFFER.

- I THANK YOU FOR YOUR ATTENTION. I SALUTE YOUR
COURAGE AND SERVICE TO YOUR COUNTRY. UNDERSTAND OUR
COMMITMENT TO HUMAN RIGHTS AND THE DEPTH OF OUR
COMMITMENT. WE ARE IN THIS TOGETHER AGAINST
TOTALITARIANISM.

FOLLOWING THE VICE PRESIDENT'S STATEMENT HE TOOK
QUESTIONS FROM THE FLOOR.

IN RESPONSE TO A QUESTION WITH REGARD TO WHETHER THE
UNITED STATES WOULD RENEW MILITARY SUPPORT TO THE
CONTRAS, THE VICE PRESIDENT STATED THAT THE NEW
ADMINISTRATION WAS GOING TO PAUSE TO SEE IF DANIEL
ORTEGA WOULD CARRY OUT ANY OF HIS COMMITMENTS TO DO
ANYTHING, INCLUDING WHETHER HE WOULD STOP EXPORTING
REVOLUTION FROM NICARAGUA. UNFORTUNATELY, HE SAID,
THE CONGRESS CUT OFF MILITARY ASSISTANCE TO THE
DEMOCRATIC RESISTANCE LAST YEAR. WE ARE PROVIDING
HUMANITARIAN AID NOW. WHETHER WE WILL RENEW MILITARY
AID WILL DEPEND ON THE ACTIONS OF ORTEGA AND THE
SANDINISTAS.

FIRST BRIGADE COMMANDER ORLANDO ZEPEDA ASKED THE VICE
PRESIDENT WHAT COULD BE DONE TO CURTAIL SUPPORT TO
THE FMLN FROM SOLIDARITY GROUPS IN THE UNITED
STATES. THE VICE PRESIDENT SAID THAT THE POSITION OF
THE UNITED STATES GOVERNMENT IS CLEAR. WE CONSIDER
THE FMLN AS A TERRORIST ORGANIZATION. UNDER THE
UNITED STATES ARMS EXPORT CONTROL ACT THERE ARE
LIMITS ON WHAT TYPES OF ASSISTANCE CAN BE PROVIDED
UNDER THE LAW. THAT LAW WILL BE ENFORCED. UNITED
STATES CONSTITUTIONAL GUARANTEES ON FREEDOM OF

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PAGE 01 SAN SA 01597 14 OF 17 072156Z 2001

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC IMMEDIATE 0704

SECTION 14 OF 17 SAN SALVADOR 01597

EXDIS

C O R R E C T E D C O P Y UPGRADED TO EXDIS1
NOTE BY DC/T: UPGRADED TO EXDIS PER STATE 030825
DEPT FOR ARA - DAS MACOS

E.O. 12356: DECL: DATA

TAGS: OVIP (OVALLE, DAN), ES

SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

ASSOCIATION AND FREEDOM OF SPEECH GIVE GROUPS WIDE
LATITUDE FOR ACTION, BUT THEY CANNOT VIOLATE THE LAW,
INCLUDING THE ARMS EXPORT CONTROL ACT. IN GENERAL,
TERMS, HOWEVER, PRESIDENT AND THE VICE PRESIDENT DO
NOT LOOK FAVORABLY ON PEOPLE GIVING ANY SUPPORT,
INCLUDING MORAL SUPPORT, TO THE FMLN. WITHIN OUR
CONSTITUTIONAL PROCESS, HOWEVER, THE ONLY ALTERNATIVE
IS TO ARGUE AGAINST THEM AND DEMONSTRATE PROGRESS IN
DEMOCRACY AND HUMAN RIGHTS.

THE MEETING CONCLUDED WITH A BRIEF PRESENTATION
CEREMONY OF A PLAQUE MADE BY SALVADORAN TROOPS
HANDICAPPED IN ACTION AGAINST THE FMLN.

19. MEETING WITH REPRESENTATIVES OF DEMOCRATIC LABOR
ORGANIZATIONS

AMANDA VILLATORO, COORDINATOR AND SPOKESPERSON FOR
THE UNION OF WORKERS AND CAMPESINOS (UNOC) LED A FOUR
PERSON DELEGATION COMPOSED OF SAMUEL MALDONADO
(PRESIDENT OF THE SALVADORAN CAMPESINO UNION),
SALVADOR CANALIZ AND FRANCISCO COLOCHO. SPEAKING FOR
THE GROUP, VILLATORO SAID SHE WANTED TO BRIEF THE
VICE PRESIDENT ON WHY UNOC HAD OPTED TO SUPPORT THE
CHRISTIAN DEMOCRAT PARTY CANDIDATE, FIDEL ERASVEZ
RENA, FOR PRESIDENT. UNOC IS CONCERNED ABOUT A
POSSIBLE RETURN TO REPRESSION. THE ORGANIZATION
INTERVIEWED SEVERAL CANDIDATES TO ANALYZE WHAT THEY
HAD TO OFFER LABOF. ON THIS BASIS THEY CONCLUDED
THAT, TO CONSOLIDATE DEMOCRACY, THERE HAD TO BE
ANOTHER TERM OF OFFICE FOR THE PDC.

VILLATORO SAID SHE ACCEPTED THAT CRISTIANI IS A
DECENT INDIVIDUAL. HE, HOWEVER, DOES NOT HAVE
ABSOLUTE POWER IN ARENA. ROBERTO D'AUBUISSEON AND
COL. (R) SIGIFREDO OCHOA (ARENA ASSEMBLY VICE
PRESIDENT) ARE THE POWERS IN THE PARTY. UNOC VIEWS
THIS AS A DANGEROUS SITUATION. IF ARENA WINS AND THE
RESULT IS GREATER REPRESSION, THE ULTIMATE WINNER
WILL BE THE FMLN WHICH WILL GAIN GREATER ACCEPTANCE
THAN IT NOW ENJOYS. THE PDC IS, THUS, THE ONLY
ALTERNATIVE TO CONSOLIDATE THE DEMOCRATIC PROCESS.

THE NEW FMLN PROPOSAL, ACCORDING TO VILLATORO, IS
DIFFERENT AND HAS CHANGED THE SITUATION. UNOC
BELIEVES THE PROPOSAL SHOULD BE ANALYZED AND A

PAGE 01 SAN SA 01597 14 OF 17 072156Z 2001

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COUNTERPROPOSAL AGREED UPON THAT CAN BE NEGOTIATED.
SUCH NEGOTIATIONS WOULD OFFER SOME HOPE OF PEACE.
FOR THE FIRST TIME THE FMLN HAS RECOGNIZED ELECTIONS
AS A MEANS OF RESOLVING THE PROBLEM. SHE BELIEVES
ONE HAS TO TAKE THE FMLN AT ITS WORD AND FORCE THEM
TO COMMIT TO ELECTIONS. THEY SAID THEY WOULD DO IT.
ONE SHOULD MAKE THEM DO IT.

VILLATORO NOTED ARENA'S INITIAL NEGATIVE RESPONSE
WHICH CONTRAST TO THE LEFT INITIAL UNILATERAL
ACCEPTANCE OF WHATEVER THE FMLN PROPOSAL SAID. THE
SITUATION IN EL SALVADOR IS TOO POLARIZED, SHE SAID.
WHAT IS NEEDED IS A NATIONAL COUNTERPROPOSAL TO THE
TWO EXTREMES THAT WILL GIVE SOME HOPE THAT, IN THE
SHORT TERM OR NEAR FUTURE, FOR A RESOLUTION OF THE
CONFLICT.

THE POLITICAL PARTIES HAVE THE GREATEST
RESPONSIBILITY. THEY WILL DECIDE WHETHER ELECTIONS
WILL BE HELD MARCH 18. UNOC HAS DISCUSSED THE
CONCEPT OF HOLDING A PLEBISCITE ON SEPTEMBER 15 AS AN
ALTERNATIVE TO POSTPONING THE ELECTION PAST THE
CONSTITUTIONAL DEADLINE. UNOC WOULD LIKE AN PROPOSAL
THAT DOES NOT VIOLATE THE CONSTITUTION, BUT THAT
ALSO DOES NOT HIDE BEHIND THE CONSTITUTION AS THE
FMLN IS SAYING IS BEING DONE. A REFERENDUM, OR SOME
VARIANT IS NEEDED TO TAKE ADVANTAGE OF THE SITUATION
CREATED BY THE FMLN.

WITH REGARD TO HUMAN RIGHTS, VILLATORO SAID THE
SITUATION HAS IMPROVED SINCE THE EARLY 1980'S AND
STEPS HAVE BEEN TAKEN TO CONSOLIDATE THE PROCESS. IT
IS IMPORTANT TO END THE CONFLICT SINCE THE CONFLICT
IS ITSELF A HUMAN RIGHTS VIOLATION. SHE NOTED THAT
IT IS NOT ONLY THE SALVADORAN ARMED FORCES (ESAF)
WHICH IS COMMITTING ABUSES, BUT THE FMLN AS WELL.
VILLATORO EXPRESSED STRONG OPPOSITION TO AMERICA'S

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PAGE 01 SAN SA #1587 15 OF 17 072158Z 2000 5501761
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SECTION 15 OF 17 SAN SALVADOR 01597

EXDIS

C O R R E C T E D C O P Y (UPGRADED TO EXDIS)
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DEPT FOR ARA - DAS ARCOS

E.O. 12958: DECL: OADR
TAGS: DVP, QUAYLE, DAN, ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

WATCH'S EFFORTS TO DENY GSP PRIVILEGES TO EL SALVADOR
BY INVOKING UNITED STATES LEGISLATION CONCERNING
RESPECT FOR WORKERS RIGHTS. AMERICA'S WATCH ONLY
PRESSES FROM ONE SIDE, SHE SAID. THERE ARE TWO
SIDES. NOT ONLY DOES ONE HAVE THE SAN SEBASTIAN
CASE, THERE IS ALSO THE TRES CEIBAS CASE OF
CAMPESESINOS KILLED BY THE FMLN. AMERICA'S WATCH
FOCUSES ON SAN SEBASTIAN, BUT NOT TRES CEIBAS. IN A
WAR, SHE SAID, THERE WILL BE VIOLATIONS. THIS IS WHY
THE WAR MUST END.

VILLATORO SUMMARIZED THAT HER REMARKS REFLECTED
UNDC'S THINKING ON HUMAN RIGHTS, DEMOCRACY AND
VIOLENCE. SHE CONCLUDED THAT SINCE ARENS WON AN
ASSEMBLY MAJORITY IN MARCH 1986, VIOLENCE HAS
INCREASED. THE FMLN GETS OXYGEN FROM THOSE
VIOLATIONS OF HUMAN RIGHTS. ON THE OTHER HAND, THEIR
REASON FOR FIGHTING DISAPPEARS WHEN HUMAN RIGHTS ARE
RESPECTED.

CAPAZO SAID THAT EL SALVADOR HAD SUFFERED THE SEVEN
PLAGUES OF EGYPT. PERHAPS IT IS TIME TO REAP THE
BENEFITS OF THAT SUFFERING. WORKERS HOPE THAT THE
DEMOCRATIC PROCESS IS THE BEGINNING OF THAT
BLESSING. IT IS IMPORTANT TO REMEMBER THAT WORKERS
HAVE DIED BECAUSE OF THE ACTIONS OF THE FMLN. THIS
IS A WAR BETWEEN TWO CAMPESENO ARMIES. IT IS THE
SONS OF PEASANTS AND WORKERS FIGHTING EACH OTHER.
THE UNITED STATES MUST CONTINUE TO HELP CREATE JOBS
AND GENERATE EMPLOYMENT IN THIS COUNTRY. ONLY WITH
WORK WILL THE WAR END. THE DEMOCRATIC PROCESS IS NOT
CONSOLIDATED.

UNDC HEAD SAMUEL MALDONADO NOTED THAT THE AMERICA'S
WATCH APPROACH IS OF GREAT CONCERN SINCE IT IS
INTENDED TO LEAD TO A CUT OFF OF MILITARY AND
ECONOMIC ASSISTANCE. THIS WILL LEAD TO ANOTHER
NICARAGUA. UNITED STATES' ASSISTANCE SHOULD
CONTINUE, WITH THE PROPER HUMAN RIGHTS CONDITIONS AND
WITH CONTINUED SUPPORT FOR THE STRUCTURAL REFORMS
(LABOR REFORM, NATIONALIZATION OF THE BANKING SYSTEM
AND COFFEE MARKETING AND EXPORT). THIS IS THE BASIS
FOR DEFEATING THE FMLN.

MALDONADO NOTED THAT UNDC HAS CREATED ITS OWN HUMAN
RIGHTS ORGANIZATION AS A RESULT OF THE POLARIZED
SITUATION CREATED BY THE EXISTENCE OF A GOVERNMENTAL

PAGE 01 SAN SA #1587 15 OF 17 072158Z 2000 5501761

HUMAN RIGHTS COMMISSION AND A NON-GOVERNMENTAL HUMAN
RIGHTS COMMISSION. MALDONADO LAMENTED THAT THE
GOVERNMENTAL COMMISSION ONLY REPORTED ON FMLN ABUSES
AND THE NON-GOVERNMENTAL ONLY ON GOVERNMENT ABUSES.
INVITED BY THE VICE PRESIDENT TO EXPAND ON HIS
DESCRIPTION OF UNDC HUMAN RIGHTS ACTIVITIES, MALDONADO
NOTED THAT UNDC HAD ALREADY INVESTIGATED THE SAN
SEBASTIAN AND TRES CEIBAS CASES. HE NOTED THAT ON
JANUARY 1 A UDC LABOP ORGANIZER HAD BEEN KILLED IN
SAN VICENTE DEPARTMENT BY THE FMLN. OTHER MURDERS
IN METAPAN AND SAN ANTONIO HAD ALSO BEEN INVESTIGATED
BY UNDC. HE CONCLUDED THAT A HUMAN RIGHTS COMMISSION
THAT WAS NOT IMPARTIAL HAD NO RIGHT TO CALL ITSELF
SUCH.

COLOCHO SAID THAT HE REPRESENTED THE URBAN SECTOR.
HE NOTED THAT IN THE LAST FEW YEARS THEY HAD SEEN
CONSIDERABLE PROGRESS FOR THEIR PEOPLE UNDER
PRESIDENT DUARTE. ON THIS BASIS THE UNION IS GOING
TO SUPPORT FIDEL CHAVEZ FERRA.

THE VICE PRESIDENT REGRETTED THERE WAS NOT MORE TIME
TO EXPLORE THE POINTS RAISED BY THE LABOP
REPRESENTATIVES. HE SUMMARIZED THE MEETINGS HE HAD
ALREADY HAD IN THE COURSE OF THE DAY AND NOTED THAT
IN EACH HE HAD UNDERSCORED OUR CONCERN FOR DEMOCRACY
AND HUMAN RIGHTS AND OUR CONDEMNATION OF VIOLENCE
FROM THE RIGHT AND FROM THE LEFT. WITH REGARD TO THE
FMLN PROPOSAL, WE SUPPORT PRESIDENT DUARTE'S EFFORT
TO FIND A SOLUTION WITHIN THE FRAMEWORK OF THE
CONSTITUTION. WE DO NOT WANT THOSE CRITICS WHO
FORESEE MORE VIOLENCE IN EL SALVADOR BE PROVEN RIGHT.
THE VICE PRESIDENT SAID. WE ARE COMMITTED TO HUMAN
RIGHTS. WE HAVE CONVEYED THIS MESSAGE TO ALL,
INCLUDING ARENS, WHO WAS TOLD THEY WOULD BE WATCHED
CLOSELY IF THEY WIN. THE UNITED STATES IS NEUTRAL IN
THE ELECTION, BUT COMMITTED TO HUMAN RIGHTS AND

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PAGE 01 SAN SA 01507 16 OF 17 072200Z 2005

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SAN SA 01507 16 OF 17 072200Z 2005

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FM AMEMBASSY SAN SALVADOR

TO SECSTATE WASHDC IMMEDIATE 6786

SECTION 16 OF 17 SAN SALVADOR 01507

EXDIS

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NOTE BY OLC/UPGRADED TO EXDIS PER STATE 030735
DEPT FOR ARA - DAS ARCS

I.D. 12356: DECL: OADR

TAGS: OVIIP (OVIIP, DAN), ES

SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

DEMOCRACY, THE VICE PRESIDENT CONCLUDED.

35 MEETING WITH REPRESENTATIVES OF THE AMERICAN
CHAMBER OF COMMERCE OF EL SALVADOR

VICE PRESIDENT GREETED THE AMCHAM DELEGATION COMPOSED
OF RECTOR FIGUEROA, PHIL NARD, EDUARDO RUBIO, RAMSEY
MOORE AND STEVE GILBERTSON OFFERING THEM A SUMMARY OF
THE MEETINGS HE HAD AND THE MESSAGES HE HAD CONVEYED
TO THE VARIOUS GROUPS CONCERNING DEMOCRACY AND HUMAN
RIGHTS. HE NOTED THAT SOME CRITICS IN THE UNITED
STATES THINK DEMOCRACY IS NOT GOING TO MAKE IT IN EL
SALVADOR. THIS WAS HIS FIRST TRIP AS A PRESIDENTIAL
ENVOY FOR THE ADMINISTRATION AND HIS FIRST TRIP TO EL
SALVADOR. THE PURPOSE OF THE VISIT IS TO SHOW OUR
INTEREST IN THE REGION AND TO UNDERSCORE THE PROGRESS
MADE UNDER PRESIDENT DUARTE. HE ASKED THE GROUP TO
GIVE HIM INFORMATION THAT CAN HELP PROVE THE CRITICS
WRONG.

FIGUEROA SAID THAT THE SALVADORAN CHAPTER OF THE
AMERICAN CHAMBER OF COMMERCE IS ONE OF 39 IN LATIN
AMERICA ORGANIZED UNDER THE UMBRELLA OF THE
ASSOCIATION OF AMERICAN CHAMBERS OF COMMERCE IN LATIN
AMERICA. FIGUEROA SUMMARIZED THE CHAMBERS BASIC
POSITION AS BEING ONE SUPPORTIVE OF CONTINUED UNITED
STATES ASSISTANCE TO EL SALVADOR. HE NOTED THAT EL
SALVADOR WAS PASSING THROUGH MULTIPLE CRISES AT
PRESENT, INCLUDING AN ECONOMIC CRISIS BROUGHT ON BY A
45 REDUCTION COFFEE PRODUCTION AS A RESULT OF HIGH
WINDS AND DROUGHT. THE FALL IN PRODUCTION WOULD
PRODUCE A FOREIGN EXCHANGE CRISIS TO ADD TO THE
FISCAL AND TRADE DEFICITS THAT ALREADY EXIST.
FIGUEROA EXPRESSED DOUBTS THAT THE SITUATION COULD
WAIT SIX MONTHS TO BE ADDRESSED UNTIL A NEW
ADMINISTRATION TAKES OFFICE.

WITH REGARD TO THE FMLN PROPOSAL, FIGUEROA NOTED THAT
THE FMLN ITSELF CALLED THIS A POLITICAL PROPOSAL, NOT
A PEACE PROPOSAL. IN THE INTERIM, THE FMLN WAS
INCREASED VIOLENCE AGAINST THE CIVILIAN GOVERNMENT
INFRASTRUCTURE, KILLING ONE GOVERNOR, EIGHT MAYORS
AND CAUSING 72 MAYORS AND CITY COUNCILS TO RESIGN.
THE FMLN PROPOSAL DOES NOT ADDRESS THE ISSUES OF
VIOLENCE AND THE CONFLICT, NOR DOES IT TALK ABOUT
LAYING DOWN ARMS, NOR RESPECT FOR THE CONSTITUTION.

WITH REGARD TO HUMAN RIGHTS AND THE MILITARY, THE
CHAMBER SPOKE ON JANUARY 31 TO COL. PONCE, HEAD OF
THE JOINT CHIEFS. THE CHAMBER URGED PONCE TO CLEAR
UP HUMAN RIGHTS CASES AND TO BRING TO JUSTICE THOSE
ACCUSED IN SUCH CASES, BOTH BECAUSE THEY NEED TO THAT
AND BECAUSE IT IS THE ONLY WAY TO PROTECT POLITICAL
SUPPORT FOR THE ESAT. FIGUEROA RESPONDED TO A QUERY
FROM THE VICE PRESIDENT THAT THEIR APPROACH TO PONCE
INCLUDED REFERENCE TO THE SAN SEBASTIAN CASE. THEY
BROUGHT TO PONCE'S ATTENTION RECENT WASHINGTON POST
AND NEW YORK TIMES COVERAGE OF EL SALVADOR AS
EXAMPLES OF WHAT IS AT RISK.

THE VICE PRESIDENT STATED THAT THE ADMINISTRATION
DOES NOT NEED A BIG FIGHT IN CONGRESS OVER AID TO EL
SALVADOR. THERE ARE SOME IN CONGRESS WHO NOW WANT TO
SHIFT THE DEBATE FROM NICARAGUA TO EL SALVADOR.
OTHERS ARE SIMPLY CONCERNED ABOUT THE BUDGET. HE
NOTED THE CYNICISM EXPRESSED BY SOME DEMOCRATS IN THE
PRESIDENTIAL CAMPAIGN WHO CALLED FOR A CENTRAL
AMERICA PLAN -- AIMED AT NEBRASKA, AND INDIANA.
DEMOCRACY ON THIS ISSUE IS STILL POSSIBLE AFTER THE
ELECTION, HE NOTED.

FIGUEROA PRESENTED THE VICE PRESIDENT WITH A POSITION
PAPER AND INFORMED HIM THAT THE GROUP WOULD BE IN
WASHINGTON FOR THE ANNUAL MEETING OF THE AMERICAN
CHAMBERS THE FIRST WEEK IN MAY. THE VICE PRESIDENT
INVITED THE GROUP TO STOP BY OR CALL HIM OR A MEMBER
OF THE STAFF IF HE IS NOT AVAILABLE.

PHIL NARD SAID THAT HE DID NOT WANT TO END THE
MEETING WITH THE VICE PRESIDENT ON A PESSIMISTIC NOTE
BECAUSE THERE ARE MANY SUCCESS STORIES IN EL SALVADOR
DESPITE THE PROBLEMS. IT IS THESE SUCCESS STORIES
THAT ARE GOING TO MAKE EL SALVADOR SURVIVE. A KEY

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PAGE 01 SAN SA 01597 17 OF 17 0722012 2987 SED1288
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FM AMEMBASSY SAN SALVADOR
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S E C R E T SECTION 17 OF 17 SAN SALVADOR 01597

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NOTE: BY DC/T: UPGRADED PER STATE 038035
DEPT FOR ARA - DAS ARCOS

E.O. 12356: DECL: OADR
TAGS: OVIP (QUAYLE, DAN), ES
SUBJECT: THE VICE PRESIDENT'S MEETINGS IN SAN

AREA IS AGRO-INDUSTRY. THE CHAMBER IS PARTICULARLY
INTERESTED IN EXTENSION OF THE CARIBBEAN BASIN
INITIATIVE LEGISLATION WHICH GIVES EL SALVADOR A
SLIGHT ADVANTAGE OVER MEXICO IN EXPORTS OF MELONS,
FROZEN FOODS AND OTHER AGRICULTURAL PRODUCTS TO THE
UNITED STATES.

THE CHAMBER DELEGATION PRESENTED THE VICE PRESIDENT
WITH A MEMENTO OF HIS VISIT AND WISHED HIM HAPPY
BIRTHDAY.

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PAGE 02 OF 06 SAN SA 01707 00 OF 02 0000252 C12/24 007704 MOD599
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TO SECSTATE WASHDC IMMEDIATE 0405

SAN SALVADOR 01707

MODIS

DEPT PLS PASS WHITE HOUSE FOR OVP - CARRIES

E.O. 12356: DECL: OADR
TAGS: PRUM, PROY, PREL, OYIP, ES, US
SUBJECT: VP QUAYLE VISIT TO EL SALVADOR; IMPACT ON
MILITARY AND HUMAN RIGHTS

REF: STATE 33344

1. ENTIRE TEXT -

2. SUMMARY: INITIAL ESAP RESPONSE TO THE VP QUAYLE VISIT IS POSITIVE. VIDES AND PONCE HAVE AGREED TO HELP CIVILIAN JUDICIAL PROCESS, CONVENE MILITARY HONOR BOARD AND TO REMOVE FROM CURRENT POSITIONS THREE OFFICERS IMPLICATED IN SAN SEBASTIAN PENDING MILITARY BOARD'S FINDINGS. THERE WAS RESISTANCE TO THE LAST POINT WHICH APPEARS TO HAVE DISSIPATED. THE VP'S VISIT HAS THEREFORE POISED US FOR PROGRESS ON THE SAN SEBASTIAN CASE AND MILITARY HUMAN RIGHTS RESPONSIBILITIES IN GENERAL. WE NEED TO FOLLOW THROUGH WITH ADDITIONAL TECHNICAL AND PERSONNEL SUPPORT (SEE PARAS 8 AND 9 AND SEPTEL FOR RECOMMENDATIONS). END SUMMARY.

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PAGE 03 OF 06 SAN SA 01707 00 OF 02 0000252 C12/24 007704

3. THE VICE PRESIDENT DELIVERED A TONGH MESSAGE TO THE SALVADORAN OFFICER CORPS ON FEBRUARY 3, ACCOMPANIED BY A NON-PAPER LEFT BY THE AMBASSADOR WITH SPECIFIC STEPS REQUIRED BY THE U.S. TO DEMONSTRATE MILITARY GOOD FAITH IN GETTING TO THE BOTTOM OF THE SAN SEBASTIAN/LA CEBADILLA INCIDENT. (PER RETTEL, SUPPORT FOR CIVILIAN INVESTIGATION, CONVENING OF MILITARY BOARD TO INVESTIGATE, REMOVAL WITHOUT ONWARD ASSIGNMENT OF THREE OFFICERS PENDING MILITARY INQUIRY.) THE AMBASSADOR, DCM AND GENERAL ROERKER HAD MET FEBRUARY 2 WITH VIDES TO BRIEF THE MOD ON THE VISIT AND TO SOUND HIM OUT ON THE LIKELY REACTION WITHIN THE OFFICER CORPS TO A TONGH MESSAGE FROM THE VICE PRESIDENT ON HUMAN RIGHTS. VIDES RESPONDED FAVORABLY, ASKING THE VICE PRESIDENT TO BE AS TONGH AND AS CANDID AS POSSIBLE, SAYING IT WOULD HELP HIM CONVINCE HIS BROTHER OFFICERS OF THE SERIOUSNESS OF THE ISSUE.

4. INITIAL MOD RESPONSE: DATT AND MILGP COMMANDER SPOKE WITH DEFENSE MINISTER VIDES CASANOVA IMMEDIATELY FOLLOWING HIS MEETING WITH THE VICE PRESIDENT. VIDES' REACTION TO THE MAIN POINTS OF THE U.S. APPROACH:

-- SIU: NO PROBLEM. VIDES THOUGHT THE U.S. PITCH WOULD HELP HIM TO MOVE DUARTE AND THE SIU FORWARD ON THE INVESTIGATION.

-- ESTABLISHMENT OF A BOARD OF OFFICERS/INQUIRY: NO PROBLEM. VIDES WORRIED WHAT WOULD HAPPEN TO ITS CONCLUSIONS-- WOULD THEY BE PASSED ON TO THE CIVILIAN COURTS?

-- RELIEVING OF COMMAND OF COL. CHAVEZ CACERES, MAJOR BELTRAN AND SUB-LIEUTENANT YASQUEZ: NO PROBLEM ON

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portions withheld from release (); Collaborative ();
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PAGE 06 OF 06 SAM SA 01707 00 OF 02 000232 C12/24 007704
THE LAST TWO, VIDES WANTED TO CHECK WITH JOINT STAFF
CHIEF COL. PONCE AND WITH CHAVEZ CACERES HIMSELF.

PAGE 05 OF 06 SAM SA 01707 00 OF 02 000232 C12/24 007704

DESIRE NOT TO BURN ANTORE ELSE), AND SIGN ITS FINAL
REPORT.

5. MORE GENERAL MILITARY REACTION: DAO AND MILGP
SOURCES REPORTED ON FEBRUARY 4 THAT THE ESAT PLANNED
TO REASSIGN THE THREE OFFICERS RATHER THAN RELIEVE
THEM OF COMMAND. CHAVEZ CACERES WOULD SWITCH PLACES
WITH SECOND BRIGADE COMMANDER COL. RAMOS. NO
COMPLAINTS WERE HEARD ABOUT U.S. VIEWS ON SUPPORTING
THE SIU INVESTIGATION OR CONVENING A MILITARY BOARD.
STRONGLY SUGGESTING THESE ITEMS HAD NO RESISTANCE IN
THE MILITARY.

6. DATT AND MILGP COMMANDER MET FEBRUARY 6 WITH
VIDES REGARDING ESAT FOLLOW-UP TO VICE PRESIDENT'S
VISIT. ALSO PRESENT WAS THE VICE MINISTER, GENERAL
LARIOS, AND COL. PONCE. VIDES READ LETTERS HE WAS
DRAFTING TO PRESIDENT DUARTE, THE ATTORNEY GENERAL,
THE SUPREME COURT PRESIDENT, AND HEAD OF THE SIU.
THE LETTERS ESSENTIALLY PROMISED ESAT COOPERATION
WITH CIVILIAN AUTHORITIES AND REQUESTED ASSISTANCE IN
ACHIEVING A PROMPT, COMPLETE, AND OBJECTIVE
INVESTIGATION OF SAN SEBASTIAN. THE LETTER TO DUARTE
SAID THAT VIDES WAS APPOINTING AN HONOR BOARD TO
INVESTIGATE THE CASE WITHIN 45 DAYS, AND THAT ITS
CONCLUSIONS WOULD BE MADE AVAILABLE TO CIVILIAN
AUTHORITIES. ALTHOUGH NOT FINAL, VIDES INDICATED WHO

HE WAS CONSIDERING FOR THE BOARD (COLONELS
VASCONCELLOS RAMOS, YARGAS, AND LIEUTENANT COLONEL
GRIMALVA) AND SAID THE PRESIDENT COULD ADD OR DELETE
OFFICERS AS HE SAW FIT. THE LETTER WOULD ALSO TELL
DUARTE THAT THE PROFESSIONAL PERFORMANCE OF SIU

MEMBERS' DUTIES WOULD NOT ADVERSELY AFFECT THEIR
CAREERS. VIDES ALSO SAID HE HIMSELF WOULD OVERSEE
THE BOARD (DUE TO THE LACK OF GENERAL OFFICERS AND A

7. AFTER SOME DISCUSSION, DATT AND MILGP COMMANDER
TOLD VIDES ET AL THAT SIMPLY TRANSFERRING CHAVEZ
CACERES, BELTRAN, AND VASQUEZ WAS UNACCEPTABLE.
VIDES, PONCE, AND LARIOS THEN RESPONDED THEY WOULD
REMOVE ALL THREE FROM COMMAND UNTIL THE MILITARY
BOARD COMPLETES ITS INQUIRY WITHIN ITS 45 DAY TERM.
(IN THE MEANTIME, THE FIFTH BRIGADE EXECUTIVE OFFICER
WOULD BE ACTING BRIGADE COMMANDER IN CHAVEZ CACERES'
ABSENCE.) IF THE BOARD ABSOLVED THE OFFICERS, THEY
WOULD BE REINSTATED, IF THE BOARD FOUND THEM GUILTY,
THEY WOULD BE DISMISSED FROM THE ESAT AND TURNED OVER
TO THE CIVILIAN COURTS. VIDES SAID HE WANTED TO MEET
WITH THE AMBASSADOR ON FEBRUARY 9 OR 10 TO REVIEW THE
ESAT'S RESPONSES TO THE VICE PRESIDENT'S WARNERS ON
HUMAN RIGHTS. VIDES ADDED HE WAS CONCERNED THAT THE
EXISTENCE OF THE U.S. NON-PAPER AND ITS SPECIFIC
CONDITIONS WOULD FALL INTO THE HANDS OF ARENA OR THE
"NEW" AND RESULT IN ACCUSATIONS, AT A CRITICAL TIME,
THAT THE ESAT HAD SUNKLED DOWN TO THE U.S. THIS IN
TURN COULD RESTRICT THE ESAT LEADERSHIP'S ABILITY TO
FOLLOW THROUGH ON U.S. REQUIREMENTS.

8. THE REACTION TO OFFERS BY DATT AND MILGP
COMMANDER OF POSSIBLE U.S. TECHNICAL ASSISTANCE IN
THE INVESTIGATION, SUCH AS POLYGRAPHERS, FORENSIC
EXPERTS, AND JUDICIAL ADVISERS WAS POSITIVE (SEE
SEPTEL FOR RECOMMENDATIONS IN THESE AREAS).

9. COMMENT: THE ESAT TOP LEADERSHIP APPEARS WILLING
TO MEET THE VICE PRESIDENT'S TIGHT LIST OF ACTION
ITEMS ON THE SAN SEBASTIAN CASE. NOT SURPRISINGLY,
THE TEMPORARY REMOVAL FROM COMMAND OF BELTRAN,
VASQUEZ, AND (ESPECIALLY) TANDONA MEMBER CHAVEZ
CACERES ENCOUNTERED INITIAL RESISTANCE. THAT THE MOD

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PAGE 66 OF 86 SAN SA 81797 08 OF 02 8100232 C12/26 001700 000111
 AND POLICE ARE WILLING TO GO AHEAD WITH THEIR REMOVAL
 PENDING THE MILITARY BOARD'S INVESTIGATION IS
 TESTIMONY TO THE EFFECTIVENESS OF THE VICE
 PRESIDENT'S VISIT. IN ORDER TO MAINTAIN THIS
 MOMENTUM, HOWEVER, WE NEED TO PROVIDE ASAP TO THE
 SALVADORAN MILITARY ASSISTANCE MENTIONED IN PARA 6 TO
 ENSURE THAT A PROPER INVESTIGATION IS DONE AND THAT
 WE NOT SQUANDER THE CONSIDERABLE POLITICAL CAPITAL WE
 HAVE INVESTED IN GETTING THE ESAT MOVING AGAIN
 SEPT 12 (ALSO NOBIS) CONTAINS DETAILS

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PAGE 01 SAN SA 03317 140005Z
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HA-09 L-03 AMAD-01 LAB-04 TRSE-00 PM-10 PA-01
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TO SECSTATE WASHDC NIACI IMMEDIATE 7725
INFO DEPT OF JUSTICE WASHDC IMMEDIATE
AMEMBASSY GUATEMALA
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not relevant to El Salvador ()

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PANAMA FOR LEGATT SULLIVAN

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, ES
SUBJECT: ESAF DECLARES TWO OFFICERS, SOLDIERS GUILTY
OF COVER-UP AND KILLINGS IN SAN SEBASTIAN

REF: SAN SALVADOR 3233

1. (U) THE ESAF HIGH COMMAND ON MARCH 11 ISSUED A
COMMUNIQUE TO THE MEDIA ANNOUNCING THAT IT HAD
SUFFICIENT EVIDENCE TO PLACE THE BLAME FOR THE
SEPTEMBER 21 SAN SEBASTIAN KILLINGS ON FIFTH BRIGADE

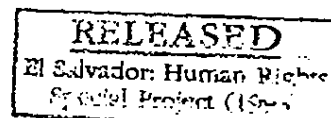
PAGE 02 SAN SA 03317 140005Z

INTELLIGENCE OFFICER MAJ. BELTRAN, SUBLT. VASQUEZ,

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Department of State IS/FPC/CDR El Salvador SP Date 9/1/93
Declassified under EO 12356 in full () in part;
portions withheld; classified () ; deliberative () ;
law enforcement () ; privacy () ; statutory () ;
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THREE NON-COMMISSIONED OFFICERS, AND FOUR PRIVATES. THE COMMUNIQUE RETRACTED THE EARLIER ESAF VERSION ATTRIBUTING THE DEATHS TO AN FMLN AMBUSH, ALLEGING IT WAS A RESULT OF MAJ. BELTRAN'S EFFORTS TO HIDE THE TRUTH FROM HIS SUPERIORS. IT ADDED THAT THE NINE MILITARY PERSONNEL WILL BE PLACED AT THE DISPOSITION OF THE COURT.

2. (U) MINISTER OF DEFENSE GEN. CARLOS VIDES CASANOVA REITERATED THE KEY POINTS OF THE COMMUNIQUE DURING AN ADDRESS AIRED BY ALL TELEVISION AND MOST RADIO STATIONS AT 9:00 PM ON MARCH 12. HE STATED THAT THE ESAF HAD CONCLUDED THE VICTIMS WERE ENGAGED IN FMLN ACTIVITIES, BUT THAT THEIR DEATHS WERE NOT THE RESULT OF AN AMBUSH. THE ESAF, HE SAID, WILL TURN ITS INVESTIGATION AND THE NINE MILITARY PERSONNEL OVER TO THE JUDICIAL AUTHORITIES. VIDES MADE NO MENTION OF THE EXPLANATION IN THE COMMUNIQUE THAT BELTRAN WAS RESPONSIBLE FOR THE COVER-UP.

3. (U) THE ESAF ISSUED A MORE POLISHED VERSION OF ITS COMMUNIQUE ON MARCH 12. THE SECOND VERSION NOTED THAT BRIGADE COMMANDER COL CHAVEZ CACERES HAD BEEN MISINFORMED ABOUT THE INCIDENT AND WOULD BE RETURNED TO COMMAND OF THE BRIGADE. THE LOCAL PRESS NOTED THIS VERSION IN ITS COVERAGE OF THE COMMUNIQUE. THE COMMUNIQUE AND VIDES' ADDRESS INCLUDED NO MENTION OF COMPANY COMMANDER LT. GALVEZ, WHO WAS THE INTERMEDIATE COMMANDER BETWEEN BELTRAN AND VASQUEZ DURING THE OPERATION.

4. (C) COMMENT: THIS IS A VERY POSITIVE STEP NOT

PAGE 03

SAN SA 03317 140005Z

JUST IN THE SAN SEBASTIAN CASE, BUT IN CIVIL-MILITARY RELATIONS AND HUMAN RIGHTS. FOR THE FIRST TIME, THE ESAF HAS INVESTIGATED HUMAN RIGHTS ALLEGATIONS AND CONCLUDED THERE WAS PROBABLE GUILT ON THE PART OF ACTIVE DUTY MILITARY OFFICERS. THE SAN SEBASTIAN CASE, HOWEVER, IS NOT OVER; THE COURTS HAVE TO REQUEST THAT THE ABOVE PERSONNEL BE DISMISSED. IN ADDITION, THE JUDGE COULD INDICT ADDITIONAL MILITARY PERSONNEL. MAJOR BELTRAN HAS HIRED A LAWYER (TUTELA LEGAL, OF ALL PEOPLE) AND PRESUMABLY WILL FIGHT BACK,

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PERHAPS TRYING TO IMPLICATE HIS SUPERIORS. IN ANY
CASE, IT APPEARS THAT THE MILITARY HAS MADE A
SIGNIFICANT ADVANCE IN THE HUMAN RIGHTS AREA IN THE
WAKE OF VICE PRESIDENT QUAYLE'S FEBRUARY 3 VISIT.

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
ORLANDO, FLORIDA

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ORLANDO, FLORIDA

In the Matter of

VIDES CASANOVA, Carlos Eugenio

In Removal Proceedings

(b) (6)

Immigration Judge James K. Grim

Next Hearing: November 30, 2010

DEPARTMENT OF HOMELAND SECURITY'S FIRST NOTICE OF FILING

EXHIBIT # 2

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James K. Grim
Immigration Judge

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IMMIGRATION COURT
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In the Matter of

VIDES CASANOVA, Carlos Eugenio

In Removal Proceedings

(b) (6)

Immigration Judge James K. Grim

Next Hearing: November 30, 2010

DEPARTMENT OF HOMELAND SECURITY'S FIRST NOTICE OF FILING

EXHIBIT # 2

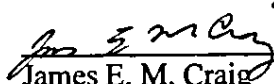
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James K. Grim
Immigration Judge

DEPARTMENT OF HOMELAND SECURITY'S FIRST NOTICE OF FILING

COMES NOW the Department of Homeland Security, by and through James E. M. Craig and Kevin E. Stanley, Assistant Chief Counsels, and hereby submits the following exhibits for the Court's consideration:

TAB		Pages
A.	From Madness to Hope: The 12-year War in El Salvador, United Nations Report of the Commission on the Truth for El Salvador (Truth Commission Report)	1-250
B.	The Churchwomen Murders: A Report to the Secretary of State (Tyler Report).....	251-372
C.	Senate Report 108-209 on the Anti-Atrocity alien Deportation Act of 2003	373-388

Respectfully submitted this 25 day of October, 2010:

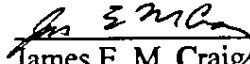

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following person, via UPS ground delivery:

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A



Security Council

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LETTER DATED 29 MARCH 1993 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the report presented on 15 March 1993 by the Commission on the Truth established under the peace agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) (see annex).

As you are aware, the report contains a set of recommendations that are binding on the Parties. As part of the mandate entrusted to the United Nations to verify implementation of all agreements reached between the Government of El Salvador and FMLN, I have today addressed to the President of El Salvador and the General Coordinator of FMLN requests that each of them inform ONUSAL of the measures he intends to take to implement the recommendations of the Commission, together with the timetable for the execution of such measures.

Also today, the Acting Chief of the United Nations Observer Mission in El Salvador, General Victor Suanzes, has been instructed to address a letter to the Comisión Nacional para la Consolidación de la Paz (COPAZ), which, under the peace agreements, is mandated to supervise the implementation of political agreements reached between the Parties. In that letter, General Suanzes will inform COPAZ of the request for information which I have addressed to the Government of El Salvador and FMLN and will ask the Commission to inform ONUSAL of the steps it intends to take to discharge the responsibilities entrusted to it under the peace agreements.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

93-20927 (E) 190593 270593 280593

/...

Annex

[Original: Spanish]

FROM MADNESS TO HOPE
The 12-year war in El Salvador

REPORT OF THE COMMISSION ON THE TRUTH
FOR EL SALVADOR

/...

THE COMMISSION ON THE TRUTH
FOR EL SALVADOR

Belisario Betancur
Chairman

Reinaldo Figueredo Planchart

Thomas Buergenthal

/...

CONTENTS

	<u>Page</u>
I. INTRODUCTION	10
II. THE MANDATE	18
A. The mandate	18
B. Applicable law	20
C. Methodology	22
III. CHRONOLOGY OF THE VIOLENCE	26
IV. CASES AND PATTERNS OF VIOLENCE	43
A. General overview of cases and patterns of violence	43
B. Violence against opponents by agents of the State	45
1. Illustrative case: the murders of the Jesuit Priests (1989)	45
2. Extrajudicial executions	54
(a) San Francisco Guajoyo (1980)	54
(b) The leaders of the Frente Democratico Revolucionario (1980)	58
(c) The American churchwomen (1980)	62
(d) El Junquillo (1981)	67
(e) The Dutch journalists (1982)	69
(f) Las Hojas (1983)	76
(g) San Sebastián (1988)	80
(h) Attack on an FMLN hospital and execution of a nurse (1989)	87
(i) Garcia Arandigoyen (1990)	89
(j) FENASTRAS and COMADRES (1989)	92
(k) Oquelf and Flores (1990)	96
3. Enforced disappearances	101
(a) Ventura and Mejía (1980)	101

/...

CONTENTS (continued)

	<u>Page</u>
(b) Rivas Hernández (1986)	103
(c) Chan Chan and Massi (1989)	107
C. Massacres of peasants by the armed forces	114
1. Illustrative case: El Mozote (1981)	114
2. Sumpul River (1980)	121
3. El Calabozo (1982)	125
4. Pattern of conduct	126
D. Death squad assassinations	127
1. Illustrative case: Archbishop Romero (1980)	127
2. The death squad pattern	131
3. Zamora (1980)	139
4. Tehuicho (1980)	142
5. Viera, Hammer and Pearlman (1981)	144
E. Violence against opponents by the Frente Farabundo Martí para la Liberación Nacional	148
1. Illustrative case: summary execution of Mayors (1985-1988)	148
2. Extrajudicial executions	153
(a) Zona Rosa (1985)	153
(b) Anaya Sanabria (1987)	157
(c) Romero García "Miguel Castellanos" (1989)	162
(d) Peccorini Lettona (1989)	163
(e) García Alvarado (1989)	163
(f) Guerrero (1989)	163
(g) United States soldiers who survived the shooting down of a helicopter (1991)	167
3. Abductions: Duarte and Villeda (1985)	169

/...

CONTENTS (continued)

	<u>Page</u>
F. Murders of Judges (1988)	170
V. RECOMMENDATIONS	172
VI. Epilogue: the seekers after peace	187
VII. Instruments establishing the Commission's mandate	189
VIII. Persons working on the Commission on the Truth	193

Annexes*

Volume I

1. EL MOZOTE: REPORTS OF THE FORENSIC INVESTIGATION
2. EL MOZOTE: PHOTOGRAPHIC REPORT
3. PRESS ANALYSIS
4. TEXTS OF THE PEACE AGREEMENTS

Volume II

5. STATISTICAL ANALYSIS OF THE TESTIMONY RECEIVED BY THE COMMISSION ON THE TRUTH
6. LISTS OF VICTIMS SUBMITTED TO THE COMMISSION ON THE TRUTH
 - A. DIRECT SOURCE: VICTIMS WHOSE IDENTITY IS NOT CONFIDENTIAL
 - B. DIRECT SOURCE: VICTIMS WHOSE IDENTITY IS CONFIDENTIAL
 - C. INDIRECT SOURCE
7. LISTS OF DISAPPEARED PERSONS COMPILED BY THE UNITED NATIONS WORKING GROUP
8. LIST OF MEMBERS OF THE ARMED FORCES KILLED IN THE ARMED CONFLICT
9. LIST OF MEMBERS OF FMLN KILLED IN THE ARMED CONFLICT

* The annexes are available for consultation in the language of submission (Spanish) in the Dag Hammarskjöld Library.

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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.

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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.

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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

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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

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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.

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H. THE RISK OF DELAYS

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".

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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 Buerghenthal 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

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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.

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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

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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.

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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

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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 3 6/ 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.

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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

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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

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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.

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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.

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III. CHRONOLOGY OF THE VIOLENCE

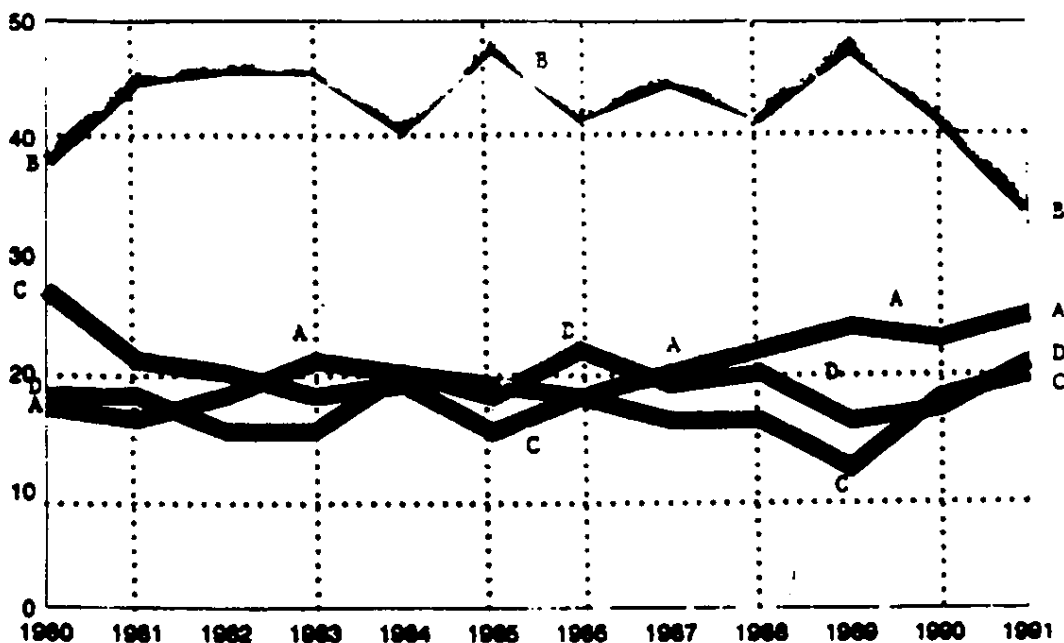
INTRODUCTION

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.

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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 leaders 10/ 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 ORDEN 15/ 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.

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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 Act 19/ 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 Providencia 21/ (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'Aubuisson 23/ 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 Government 24/ and was a clear example of the passivity and inertia of the judiciary during this period. 25/

Government measures 26/ 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.

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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 Hotel 31/ (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 (Atlatcatl: March 1981, Atonal: January 1982, Belloso: 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

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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 Atlacatl 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 Assembly ^{38/} 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 III ^{40/} 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 reported ^{42/} 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/}

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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 squads 51/ 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.

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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 country ^{55/} 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 Berlin, 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

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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 Arístides 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/

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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 Ayagualo, 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 sabotage 74/ 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

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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.

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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.

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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 Agreement 89/ 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.

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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 Rights 93/ 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.

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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 non-combatant 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

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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 Interiano 110/ 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 Oqueli 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.

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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

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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.

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IV. CASES AND PATTERNS OF VIOLENCE 125/

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.

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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.

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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 PRIESTS

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.

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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;

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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."

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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, Yussy 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 Yussy 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.

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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.

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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 René 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.

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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 Menjivar, 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.

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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 Yushy 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.

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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

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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 Yussly 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 Yussly 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 and international human rights law, and for having taken no action to identify and punish those responsible.

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DESCRIPTION OF THE FACTS 129/

General background

The San Francisco Guajoyo cooperative was founded in 1977 and there were some 260 families who were members. The organization did a great deal of educational and advocacy work.

The army and security forces launched a smear campaign against members of the cooperative, accusing them of being guerrillas. In 1979, the threats increased. There were constant army patrols and persecution was stepped up. Most members of the cooperative used to sleep in the hills for fear of being dragged from their homes in the night.

The operations were carried out by troops from the Second Brigade and by security forces, often accompanied by civil defence members. The accusation was always the alleged ties between cooperative members and the guerrillas, but cooperative members believed that the real motive was to block their demands.

The military operation

In the early hours of 29 May 1980, between 50 and 80 members of the Second Infantry Brigade, the National Police, the Treasury Police and the National Guard, including some National Guard members who were responsible for guarding the Guajoyo CEL, approached the San Francisco Guajoyo cooperative building.

The military contingent entered the cooperative from two equidistant points, moving in on the stable and dwellings located near its centre. They dragged cooperative members from their homes and took them to the central area of the farm. People were arrested according to a list, "although towards the end, they were taking anyone to the courtyard of the house".

Soldiers simultaneously burst into the cooperative offices, seizing three members of the cooperative who were looking after the premises. The group that entered the offices was headed by Adán Figueroa, 130/ known as "calache", of the Treasury Police, originally from Tahuilapa canton. They took the three to the central area of the farm. One of the survivors observed that "the others had already been made to lie face down, ready to be killed". Everyone was asked who they were and where they were hiding the weapons. A few minutes later the shooting began.

On realizing the operation was under way, particularly on hearing the noise of houses being searched, other members of the cooperative ran from their homes. One witness stated that a member who was on guard in the cooperative's tobacco storeroom came to his house to warn him that a military truck had arrived. He was able to hide in time, but he heard the shots and "the cries and suffering" of those who had been arrested.

The executions

Twelve people were executed. According to the records of the Metapán Second Magistrate's Court, the bodies were found in the central area of the farm. Seven bodies were found in the farmhouse courtyard, lying at intervals of

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about half a metre apart. The remaining five bodies were lying at a short distance from the first group. According to the forensic examination, all the wounds were caused by large-calibre weapons.

They executed people who apparently were not on the list. This was true of José Angel Mira, a mentally handicapped person who was arrested. When his father asked them to let his son go, the officer told him to lie down next to his son so that they could die together. This is what in fact happened.

Members of the cooperative who had fled to the hills found the bodies when they returned after the attack. Near the bodies they found a blanket on which were written the words "killed as traitors". According to witnesses, combined forces often did this to create confusion as to who was responsible.

Public version of the incident

The next day, a press source reported that a guerrilla camp had been discovered in an area close to Metapán "hours after alleged left-wing guerrillas killed 12 peasants, members of a cooperative which was working a farm taken over as part of the agrarian reform, in the area where the camp was discovered". It went on to say that "the Armed Forces Press Committee told ACAN-EFE" that some 30 guerrillas had joined the battle with the members of the National Guard who discovered the camp. According to the source, there had been no military casualties; however, it did not specify the number of guerrilla casualties either.

Another source, under the headline "12 killed at farm in subversive attack", reported an armed confrontation in which 12 people had been killed; "mostly peasants, and two ISTA employees wounded, at the San Francisco farm in Metapán district". It also reported that troops had been deployed: "men in olive-green uniforms entered the farm at Guajoyo in La Joya canton, Metapán district".

Action taken by the judiciary

On the morning of the executions, the competent justice of the peace went to the cooperative with his secretary and two forensic doctors to carry out the requisite legal procedures. The main findings in the record are as follows:

- (a) Twelve people were shot and killed in the early hours of that day;
- (b) Witnesses stated that a group of individuals in olive-green uniforms accompanied by civilians, who had dragged the victims from their homes, were responsible for the execution;
- (c) According to the forensic examination, a number of the victims had been shot in the back and several of the bodies had been shot at close range. ^{131/} Furthermore it was not possible to determine where the bullets had entered and exited the bodies. ^{132/} Several of the victims were barefoot and only half dressed.

Having completed the preliminary inquiries, the justice of the peace transmitted the information to the ordinary court to institute the corresponding

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judicial investigation. That court took no further action and filed the information.

FINDINGS

The Commission finds the following:

1. There is full evidence that, 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. There is sufficient evidence to attribute responsibility for the incident to members of the Second Infantry Brigade and of the security forces having jurisdiction in the Department of Santa Ana.
3. The Salvadorian State bears full responsibility for the execution of the cooperative members, which was a violation of international humanitarian law and international human rights law, and for having taken no action to identify and punish those responsible.

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(b) THE LEADERS OF THE FRENTE DEMOCRATICO REVOLUCIONARIO

SUMMARY OF THE CASE

On 27 November 1980, Enrique Alvarez Córdoba, 133/ Juan Chacón, 134/ Enrique Escobar Barrera, 135/ Manuel de Jesús Franco Ramírez, 136/ Humberto Mendoza 137/ and Doroteo Hernández, 138/ political leaders of the Frente Democrático Revolucionario (FDR), 139/ representing an important sector of Salvadorian society, were abducted, tortured and, after a short period in captivity, executed in San Salvador.

The abduction was carried out during the morning at the Colegio San José by a large number of heavily armed men.

The climate of violence and insecurity prevailing in the country at the time was such that, had it not been for who the victims were, the place and time of the abduction, the type of operation and the public outrage it caused, it would have been just one more in the long list of abuses that were occurring at the time.

The Commission on the Truth concludes that it was an operation carried out by one or more public security forces and that the Treasury Police were responsible for the external security operation which aided and abetted the perpetrators. By commission and, in failing to properly investigate the incident, by omission, the State failed to comply with its obligations under international human rights law to protect and guarantee the enjoyment by individuals of their most elementary rights.

DESCRIPTION OF THE INCIDENT

The six victims were abducted from the Colegio San José, a Jesuit School Society in the very heart of the capital city, San Salvador, between 9.30 a.m. and 11 a.m. on 27 November 1980. In the immediate vicinity of the school, there are other educational centres, a number of hospitals and, to the north, the former United States Embassy, which at the time was under heavy guard.

The ground floor of the central building housed the rector's office, the administration and the Christian Legal Aid office, which had been in existence since 1975 when the school had started working with the neediest social sectors.

The workload of Christian Legal Aid had increased appreciably because, in addition to the normal stream of people coming to seek assistance, other entities which had been doing the same kind of work had closed their doors because of the prevailing climate of terror. 140/

Despite the large numbers of people going in and out of the school, the building had no security system. There were just a few unarmed porters at the central entrance to the educational complex. That morning there was only one porter at the main entrance.

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The facts

The operation was carried out between 9.30 a.m. and 11 a.m. Initially, an unspecified number of men seized the porter, took him some 500 metres from the entrance and radioed to other people that they could go in.

They opened the gate and let in a number of vehicles carrying people who were heavily armed with machine-guns and "G3" rifles. 141/ The group went swiftly over to the central entrance of the main building and placed people against the wall ordering them to lie on the ground and close their eyes. Members of the group also stationed themselves at the entrances to the school and dealt in similar fashion with anyone who approached. Reports at the time put the total number of men who participated in the operation at between 13 and 200. 142/ According to the information received, the speed with which the bodies were dumped in the street in full view of passers-by was clearly intended to ensure that they were readily identified, so as to lessen the political pressure on the case.

The first four bodies and that of Alvarez Córdoba were found on the outskirts of the resort city of Apulo, in Ilopango district, approximately one hour by car from San Salvador. The Ilopango justice of the peace made the legal examination and opened a dossier which was later sent to the Fourth Criminal Court in San Salvador.

The Commission did not find that any judicial, police or administrative remedy had been sought to preserve the physical integrity of the abducted men. In its view, this was because people were very afraid and distrustful of using judicial bodies.

The Court dossier which the Commission studied shows clearly that the organ entrusted with investigating the case did not conduct a proper investigation; it finally closed the case on 8 October 1982. In fact, only bureaucratic measures were taken; no autopsy was performed, nor was anything else done to clarify the facts and find out who was responsible. 143/

ANALYSIS

Once the news broke, a war of communiqués ensued over who had committed the deed, whether part of the security forces or else the death squads acting without the direct participation of government forces. The possibility of it being the work of left-wing groups was also considered. 144/ The government Junta, for its part, urged that the physical and psychological integrity of the abducted leaders be respected. 145/

At the political level, the abduction of the opposition leaders closed the door to negotiations and fuelled demands for armed confrontation against the third Revolutionary Government Junta. It is worth recalling that the very day the incident occurred, the former Foreign Minister, Fidel Chávez Mena, was in Washington, D.C. at the General Assembly of the Organization of American States (OAS), talking with church and opposition circles in an effort to secure a negotiated outcome to the crisis. 146/

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The Revolutionary Government Junta (JRG) offered to carry out an exhaustive investigation into the incident and emphatically denied that security forces under its command had participated. The investigations that were carried out were purely a formality. For example, although a considerable number of people had been present when the incident took place, only four of them were interviewed. The Commission requested, but was not given, the report of the National Police. 147/

The incident outraged public opinion, prompting the armed forces and the Office of the President to interview some of the eyewitnesses. All political sectors in the country disclaimed responsibility for the incident, accusing other sectors.

FDR turned the funeral into a political rally, introducing the organization's new leadership and asserting that paramilitary groups, with the complicity at least of the security forces, were responsible for the murders. 148/

From all the evidence which the Commission has gathered, it is clear that the purpose of the operation was to arrest the FDR leaders. It does not seem possible that the operation and its outcome could have occurred by chance or that it could have had any other purpose. The manner in which those participating in the operation entered the building and the surrounding area leaves no doubt that it was, indeed, an operation designed specifically to capture the leaders.

According to the various theories that have been put forward, the operation was carried out by paramilitary groups, by security forces or by a combination of the two; it may also have been an independent operation by members of those State organs.

For example, the Brigada Anticomunista General Maximiliano Hernández Martínez claimed responsibility for the murders. This group has been identified as one of several which the extreme right-wing used to claim responsibility for such actions. One witness told the Commission that, at the time the incident occurred, some soldiers in active service were members of the Brigade.

In the Commission's view, the characteristics of the operation show that, while there may not have been unified planning by some security forces, the coverage provided for the execution of the crime was centralized and, without it, the operation would have been highly risky or very difficult to carry out. In any event, it is unlikely that the operation could have been carried out so openly without at least the complicity of the security forces which, moreover, were keeping a close watch on the political leaders and on the school itself because of the activities that were going on there.

Indeed, the time, the place, the number of personnel, the radio equipment, vehicles, weapons and uniforms used, the slang and the chain of command, the fact that the participants withdrew without any problem and the absence of a proper investigation by the security forces indicate the extent to which those forces were involved.

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According to diplomatic reports, it was widely believed that the crime had been committed by security forces including, possibly, the Treasury Police. The testimony given by several people points in this direction. The Commission has substantial evidence that the Treasury Police carried out the security operation on the school's perimeter. The Commission summonsed several officers who held positions of responsibility at the time in that institution. The few who did appear roundly denied having had anything to do with the incident.

Other information received by the Commission concerning the activities of the security and intelligence forces indicates that the National Guard carried out the operation, acting independently of the General Staff.

As indicated earlier, the Commission cannot, in any case, accept the idea that the operation was carried out without the cooperation of senior commanders of one or more security forces, which at the time were headed by military officers.

Based on the available information, it is difficult to determine whether the operation was planned at the highest level of the armed forces or whether, instead, it was instigated by middle-ranking commanders of the security forces, resulting in de facto situations that were difficult to reverse.

Lastly, the Commission tried in vain to establish who gave the order to kill the FDR leaders and whether that was part of the original plan or was decided upon subsequently. Given the conditions of violence prevailing at the time, an operation of this kind clearly involved a very high risk that the persons captured would be eliminated.

The Commission received reliable information that the final execution order was discussed at the highest level of right-wing sectors. It is alleged that there were telephone calls between those who carried out the murders and those who planned them. According to the testimony received, the latter allegedly decided to act as swiftly as possible in order to reduce the political pressure created by the capture of the victims.

FINDINGS

The Commission finds that:

1. The abduction, torture and subsequent murder of the political and trade union leaders was an act that outraged national and international public opinion and closed the door to any possibility of a negotiated solution to the political crisis at the end of 1980. It was a very serious act which warranted the most thorough investigation by the Commission on the Truth.
2. It is not possible to determine precisely which public security force carried out these criminal operations. Nevertheless, the Commission considers that there is sufficient evidence to indicate that State bodies were jointly responsible for this incident, which violated international human rights law.
3. The Commission has substantial evidence that the Treasury Police carried out the external security operation which aided and abetted those who committed the murders.

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4. There has been an obvious lack of interest in ordering an exhaustive investigation by an independent State organ to clarify the facts, find out who was responsible and bring those responsible to justice.

(c) THE AMERICAN CHURCHWOMEN

SUMMARY OF THE CASE

On 2 December 1980, members of the National Guard of El Salvador arrested four churchwomen after they left the international airport. Churchwomen Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan were taken to an isolated spot and subsequently executed by being shot at close range.

In 1984, Deputy Sergeant Luis Antonio Colindres Alemán and National Guard members Daniel Canales Ramírez, Carlos Joaquín Contreras Palacios, Francisco Orlando Contreras Recinos and José Roberto Moreno Canjura were sentenced to 30 years in prison for murder.

The Commission on the Truth finds that:

1. The arrest and execution of the churchwomen was planned prior to their arrival at the airport. Deputy Sergeant Luis Antonio Colindres Alemán carried out orders of a superior to execute them.

2. Then Colonel Carlos Eugenio Vides Casanova, Director-General of the National Guard, Lieutenant Colonel Oscar Edgardo Casanova Vejar, Commander of the Zacatecoluca military detachment, Colonel Roberto Monterrosa, Major Lizandro Zepeda Velasco and Sergeant Dagoberto Martínez, among other military personnel, knew that members of the National Guard had committed the murders pursuant to orders of a superior. The subsequent cover-up of the facts adversely affected the judicial investigation process.

3. The Minister of Defence at the time, General José Guillermo García, made no serious effort to conduct a thorough investigation of responsibility for the murders.

4. Local commissioner José Dolores Meléndez also knew of the executions carried out by members of the security forces and covered them up.

5. The State of El Salvador failed in its responsibility to investigate the facts thoroughly, to find the culprits and to punish them in accordance with the law and the requirements of international human rights law.

DESCRIPTION OF THE FACTS 149/

The murders

Shortly after 7 p.m. on 2 December 1980, members of the National Guard of El Salvador arrested four churchwomen as they were leaving Comalapa International Airport. Churchwomen Ita Ford, Maura Clarke, Dorothy Kazel and Jean Donovan were taken to an isolated spot where they were shot dead at close range.

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Two of the four murdered churchwomen, Ita Ford and Maura Clarke, worked in Chalatenango and were returning from Nicaragua. The other two had come from La Libertad to pick them up at the airport.

The arrests were planned in advance. Approximately two hours before the churchwomen's arrival, National Guard Deputy Sergeant Luis Antonio Colindres Alemán informed five of his subordinates that they were to arrest some people who were coming from Nicaragua.

Colindres then went to the San Luis Talpa command post to warn the commander that, if he heard some disturbing noises, he should ignore them, because they would be the result of an action which Colindres and his men would be carrying out.

Once the members of the security forces had brought the churchwomen to an isolated spot, Colindres returned to his post near the airport. On returning to the place where they had taken the churchwomen, he told his men that he had been given orders to kill the churchwomen.

The investigation

1. The burial

The next morning, 3 December, the bodies were found on the road. When the justice of the peace arrived, he immediately agreed that they should be buried, as local commissioner José Dolores Meléndez had indicated. Accordingly, local residents buried the churchwomen's bodies in the vicinity.

The United States Ambassador, Robert White, found out on 4 December where the churchwomen's bodies were. As a result of his intervention and once authorization had been obtained from the justice of the peace, the corpses were exhumed and taken to San Salvador. There, a group of forensic doctors refused to perform autopsies on the grounds that they had no surgical masks.

2. The Rogers-Bowdler mission

Between 6 and 9 December 1980, a special mission arrived in San Salvador, headed by Mr. William D. Rogers, a former official in the Administration of President Gerald Ford, and Mr. William G. Bowdler, a State Department official.

They found no direct evidence of the crime, nor any evidence implicating the Salvadorian authorities. They concluded that the operation had involved a cover-up of the murders. 150/ They also urged the Federal Bureau of Investigation (FBI) to play an active role in the investigation. 151/

3. The Monterrosa commission and the Zepeda investigation

The Government Junta put Colonel Roberto Monterrosa in charge of an official commission of investigation. Colonel Carlos Eugenio Vides Casanova, Director-General of the National Guard, put Major Lizandro Zepeda 152/ in charge of another investigation. Neither official took the case seriously or sought to resolve it. Subsequently, Judge Harold R. Tyler, Jr., appointed by the United States Secretary of State, carried out a third investigation. It found that the

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purpose of the two previous investigations had been to establish a written precedent clearing the Salvadorian security forces of blame for the killings. 153/

(a) The Monterrosa commission

Colonel Monterrosa admitted that his commission had ruled out the possibility that security forces had been involved in the crime; to have acknowledged it would have created serious difficulties for the armed forces.

In fact, Monterrosa kept back the evidence implicating Colindres. In February 1981, he sent the United States Embassy the fingerprints of three out of four National Guard members from whom the commission had taken statements. However, none of them appeared to have been involved in the murders. Colonel Monterrosa failed to provide the fingerprints of the fourth man, Colindres, from whom testimony had also apparently been taken. Judge Tyler therefore concluded that Colonel Monterrosa had not forwarded Colindres' fingerprints because he knew from Major Zepeda that Colindres was responsible for the executions. 154/

(b) The Zepeda investigation

Major Zepeda reported that there was no evidence that members of the National Guard had executed the churchwomen. 155/ According to testimony, Major Zepeda personally took charge of covering up for the murderers by ordering them to replace their rifles so as not to be detected, and to remain loyal to the National Guard by suppressing the facts.

There is also sufficient evidence that Major Zepeda informed his superior, Vides Casanova, of his activities. 156/

4. Resolution of the case

In April 1981, 157/ the United States Embassy provided the Salvadorian authorities with evidence incriminating Colindres and his men. Despite the existence of evidence against Colindres, such as the presence of his fingerprints on the churchwomen's minibus, neither he nor his subordinates were charged with any crime. 158/

In December 1981, Colonel Vides Casanova appointed Major José Adolfo Medrano to carry out a new investigation. In February 1982, one of the persons involved confessed his guilt and implicated the others, including Colindres. All of them were charged with the deaths of the churchwomen.

On 10 February, President Duarte, in a televised message, reported that the case had been resolved. He also gave to understand that Colindres and his men had acted independently and not on orders of a superior. In conclusion, he said that the Government was convinced that the accused were guilty. 159/

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The judicial process

1. The judicial investigation

The judicial investigation did not represent any substantial progress over what the Medrano working group had done. Nevertheless, under questioning by the FBI, Sergeant Dagoberto Martínez, then Colindres' immediate superior, admitted to having been told by Colindres himself about the churchwomen's murders and about his direct role in them. On that occasion, Martínez had warned Colindres not to say anything unless his superiors asked him about it. Martínez also said that he had not been aware that orders had been given by a superior. 160/

2. The trial

On 23 and 24 May 1984, members of the National Guard were found guilty of the executions of the churchwomen and were sentenced to 30 years in prison. 161/

It was the first time in Salvadorian history that a member of the armed forces had been convicted of murder by a judge. 162/ Despite ambiguous statements by some of its official representatives, 163/ the United States Government had made its economic and military aid contingent on a resolution of the case. 164/

The involvement of senior officers

Although the Tyler Report concluded in 1983, "... based on existing evidence", 165/ that senior officers had not been involved, the Commission believes that there is sufficient evidence to show that Colindres acted on orders of a superior.

There is also substantial evidence that Lieutenant Colonel Oscar Edgardo Casanova Vejar, Commander of the Zacatecoluca detachment, was in charge of the National Guard at the national airport at the time when the murders of the churchwomen occurred.

General Vides Casanova and Colonel Casanova Vejar have denied any personal involvement in the arrest and execution or in the subsequent cover-up of the crime. Nevertheless, there is sufficient evidence to show that both General Vides Casanova and Colonel Casanova Vejar knew that members of the National Guard had murdered the churchwomen, and that their efforts to impede the gathering of evidence adversely affected the judicial investigation.

Cooperation with the Commission on the Truth

On several occasions from October 1992 onwards, the judge of the First Criminal Court of Zacatecoluca, Mr. Pleitus Lemus, refused to cooperate with the Commission on the Truth and to provide the evidence and the full court dossiers of the case. He transmitted only a condensed version which does not include testimony and other critical evidence on the possible involvement of senior officers 166/ in the case.

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It was only after much insisting that, on 8 January 1993, the Commission finally obtained all the dossiers of the case from the Supreme Court, barely a week before its mandate expired.

FINDINGS

The Commission on the Truth finds that:

1. There is sufficient evidence that:

(a) The arrest of the churchwomen at the airport was planned prior to their arrival.

(b) In arresting and executing the four churchwomen, Deputy Sergeant Luis Antonio Colindres Alemán was acting on orders of a superior.

2. There is substantial evidence that:

(a) Then Colonel Carlos Eugenio Vides Casanova, Director-General of the National Guard, Lieutenant Colonel Oscar Edgardo Casanova Vejar, Commander of the Zacatecoluca military detachment, Colonel Roberto Monterrosa, Major Lizandro Zepeda Velasco and Sergeant Dagoberto Martínez, among other officers, knew that members of the National Guard had committed the murders and, through their actions, facilitated the cover-up of the facts which obstructed the corresponding judicial investigation.

(b) The Minister of Defence at the time, General José Guillermo García, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen.

(c) Local commissioner José Dolores Meléndez also knew of the murders and covered up for the members of the security forces who committed them.

3. The State of El Salvador failed in its obligation under international human rights law to investigate the case, to bring to trial those responsible for ordering and carrying out the executions and, lastly, to compensate the victims' relatives.

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(d) EL JUNQUILLO

SUMMARY OF THE CASE

On 3 March 1981, a military operation took place in the north of the Department of Morazán. Units under Captain Carlos Napoleón Medina Garay arrived at El Junquillo and stayed there for 8 to 12 days. On leaving, Captain Medina Garay ordered the execution of the civilian population in El Junquillo canton.

On 12 March 1981, soldiers and members of the Cacaopera civil defence unit attacked the population, consisting solely of women, young children and old people. They killed the inhabitants and raped a number of women and little girls under the age of 12. They set fire to houses, cornfields and barns.

The Commission finds that:

1. On 12 March 1981, units of the Military Detachment at Sonsonate and members of the civil defence unit at Cacaopera indiscriminately attacked and summarily executed men, women and children of El Junquillo canton in the district of Cacaopera, Department of Morazán.
2. Captain Carlos Napoleón Medina Garay ordered the execution of the inhabitants of El Junquillo canton.
3. Colonel Alejandro Cisneros, the military commander in charge of the operation carried out in March 1981 in northern Morazán, involving units from Military Detachment No. 6 at Sonsonate under the command of Captain Medina Garay, failed in his duty to investigate whether troops under his command had executed members of the civilian population of El Junquillo canton.
4. The Government and the judiciary of El Salvador failed to conduct investigations into the incident. The State thus failed in its duty under international human rights law to investigate, bring to trial and punish those responsible and to compensate the victims or their families.
5. The Minister of Defence and Public Security, General René Emilio Ponce, is responsible for failing to provide this Commission with information on the military operation carried out in the area of El Junquillo canton, thereby failing to honour the obligation to cooperate with the Commission on the Truth entered into by the Government when it signed the peace agreements, and thus for preventing the identification of other soldiers who took part in the massacre.

DESCRIPTION OF THE FACTS 167/

The massacre

On 3 March 1981, a military operation was launched in northern Morazán, with Colonel Alejandro Cisneros in charge. In the course of the operation, soldiers from the Military Detachment at Sonsonate, under the command of Captain Carlos Napoleón Medina Garay, went to El Junquillo.

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The unit set up camp in the El Junquillo area, where it remained for 8 to 12 days. According to the testimony received, as the unit was preparing to withdraw to a different location, Captain Medina Garay ordered another officer to do the job they had agreed on before leaving the hamlet.

On the night of 11 March 1981, soldiers occupied the hills near El Junquillo canton. The next day, they shelled the canton for 15 minutes. After the shelling, soldiers entered the canton in large numbers and closed in on the houses.

According to the testimony, soldiers and civil defence members proceeded to kill the following persons: Francisca Díaz, her daughters Juana and Santana Díaz, and nine children all under the age of 10; Guillerma Díaz, her 13-year-old daughter María Santos Díaz, and five children under the age of 12; Doroteo Chicas Díaz, his wife and his one-day-old son, and seven children under the age of 10; Eulalio Chicas, his wife and his three sons; Rosa Ottilia Díaz, her daughter-in-law María Argentina Chicas Chicas, and the children who were present; Santos Majín Chicas, his wife and his daughters Lencha aged 12 and Gertrudis aged 9; Tránsito Chicas, aged 58, and Filomena Chicas, aged 68; Luciano Argueta, his wife Ufemia Sánchez, and two sons, under the age of seven; Leopoldo Chicas, an 80-year-old man, and Esteban and Vicente Argueta, both aged over 70; and Petronila and two of her sons, under the age of 11. Some of the victims were shot in the back of the head; some of the children's bodies had knife wounds in the chest and bullet holes in the back of the head. In some cases, the bodies had been burned. According to testimony, some of the women and little girls had been raped.

The soldiers and civil defence members set fire to the houses in the hamlet and to cornfields and barns. They stole some of the corn which the farmers had stored and killed a number of animals.

The survivors fled. The next day, a peasant returned to see what had happened. In the house of Doroteo Chicas, he saw the dead bodies of the Chicas children. The soldiers noticed he was there and shot at him several times. He fled to the hills to hide. One survivor of the massacre returned to the canton to try to bury the victims. As the soldiers were still occupying the canton, he went back into hiding.

The survivors stayed in hiding in the hills for several days. One of them found the remains of a number of people. The survivors dug several mass graves where they buried the remains.

One survivor went to a guerrilla camp at La Guacamaya, where he recounted the episode to a priest, who took care of him.

Total absence of official investigations

When it heard about the survivors' reports, FMLN condemned the massacre on Radio Venceremos and in various statements and press releases.

Despite these public complaints, the Government, the armed forces and the judiciary of El Salvador made no attempt to investigate the incident.

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FINDINGS

The Commission finds that:

1. There is substantial evidence that on 12 March 1981, units of the Military Detachment at Sonsonate and members of the civil defence unit at Cacaopera indiscriminately attacked and summarily executed men, women and children of El Junquillo canton in the district of Cacaopera, Department of Morazán.
2. There is sufficient evidence to show that Captain Carlos Napoleón Medina Garay ordered the execution of the inhabitants of El Junquillo canton.
3. There is sufficient evidence to show that Colonel Alejandro Cisneros, the military commander in charge of the operation carried out in March 1981 in northern Morazán, involving units from Military Detachment No. 6 at Sonsonate under the command of Captain Medina Garay, failed in his duty to investigate whether troops under his command had executed members of the civilian population of El Junquillo canton.
4. There is full evidence that the Government, the armed forces and the judiciary of El Salvador failed to conduct investigations into the incident. The State thus failed in its duty under international human rights law to investigate, bring to trial and punish those responsible and to compensate the victims or their families.
5. The Minister of Defence and Public Security, General René Emilio Ponce, is responsible for failing to provide this Commission with information on the military operation carried out in the area of El Junquillo canton, thereby failing to honour the obligation to cooperate with the Commission on the Truth entered into by the Government when it signed the peace agreements, and thus far preventing the identification of other soldiers who took part in the massacre.

(e) THE DUTCH JOURNALISTS

SUMMARY OF THE CASE

On the afternoon of 17 March 1982, four Dutch journalists accompanied by five or six members of FMLN, some of them armed, were ambushed by a patrol of the Atonal Battalion of the Salvadorian armed forces while on their way to territory under FMLN control. The incident occurred not far from the San Salvador-Chalatenango road, near the turn-off to Santa Rita. The four journalists were killed in the ambush and only one member of FMLN survived. Having analysed the evidence available, the Commission on the Truth has reached the conclusion that the ambush was set up deliberately to surprise and kill the journalists and their escort; that the decision to ambush them was taken by Colonel Mario A. Reyes Mena, Commander of the Fourth Infantry Brigade, with the knowledge of other officers; that no major skirmish preceded or coincided with the shoot-out in which the journalists were killed; and, lastly, that the

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officer named above and other soldiers concealed the truth and obstructed the judicial investigation.

DESCRIPTION OF THE FACTS

The days before the ambush

A large number of foreign journalists were in El Salvador to cover the 1982 elections to the Constituent Assembly. The political situation in the country had aroused the interest of world public opinion. 168/

At that time, violence in the country was widespread. A number of journalists had received threats, presumably from death squads, and there had been accusations that their reporting favoured the guerrillas.

In March 1982, Koos Jacobus Andries Koster, a Dutch journalist, was in El Salvador making a report on the political and military situation in the country for the Dutch television company IKON. 169/ Producer and editor Jan Cornelius Kuiper Joop, sound technician Hans Lodewijk ter Laag and cameraman Johannes Jan Willemsen, all of them Dutch nationals, had come from Holland especially to make the report.

The team was headed by Koster, who was familiar with the political situation in the country, spoke Spanish and had the necessary contacts, since he had been working in Latin America for years. 170/

In 1980, Koster had produced a report on the civil defence units and the death squads which had had a great impact abroad. The Government had considered the report to be favourable to FMLN.

This latest report was to cover the situation in San Salvador and in a number of areas under FMLN control. According to diplomatic sources, it was "public knowledge" that the Dutch journalists were producing a report favourable to the guerrillas, similar to that of 1980.

On 7 March, as part of their work, the journalists visited Mariona prison in San Salvador to interview and film prisoners accused of belonging to the guerrilla forces. During a cultural event at the prison, one of the leaders thanked the journalists for their support for political prisoners in El Salvador. The videos filmed by the journalists included shots of prisoners' scars, which the prisoners said were the result of torture. 171/

In order to make preliminary contact with FMLN, Koster met with an FMLN member. Koster gave the man a piece of paper with his name, nationality and where he could be reached. After the meeting, the guerrilla member was followed by several men. While attempting to escape over a fence, he apparently dropped his papers, where he had put the piece of paper for safe keeping.

According to a statement made by Francisco Antonio Morán, Director-General of the Treasury Police, around that time Morán received a report from the Commander of the Military Detachment at Usulután 172/ that a piece of paper had been found in the clothing of a dead subversive 173/ which read: "Contact with Koos Koster at Hotel Alameda, room 418, tel. 239999, Dutch". As a result,

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Colonel Morán gave orders that Koster be brought to Treasury Police headquarters for questioning. 174/

At around 6 a.m. on 11 March 1982, members of the Treasury Police in civilian clothing brought Koster and the three other journalists to Colonel Morán's office. 175/ Colonel Morán asked Koster about the piece of paper. Koster denied knowing any terrorists in the country and explained that the information about him might have been provided by another journalist. 176/ Before releasing the journalists, 177/ Colonel Morán warned Koster to be careful because subversive elements knew that he was in the country. 178/

The next day, 12 March, photographs of Koster and the three other journalists appeared in the newspaper, together with a press release from the Armed Forces Press Committee (COPREFA) containing a transcript of the interrogation. The article was headlined "Foreign journalist a contact for subversives" and the caption to Koster's photograph said that he had been summoned to make a statement to the Treasury Police because some of his personal papers had been found on terrorist Jorge Luis Méndez, along with a piece of paper identifying him as a "contact". 179/

That same day, Dutch journalist Jan Pierre Lucien Schmeitz, who also worked for the company IKON, arrived in the country to cover the elections. Journalists of other nationalities told him that Koster had been arrested and taken to Treasury Police headquarters, accompanied by the three other Dutch journalists.

On the night of 12 March, the four journalists met with Schmeitz. Remembering what El Salvador had been like in 1977, Schmeitz advised them to be very careful of the possible consequences of the interrogation by Colonel Morán. In spite of everything, they decided to go on with their work. 180/ Koster's FMLN contacts also urged him to leave the country for a while, but he consistently refused to postpone the journey he wanted to make for his report.

On Monday, 15 March, 181/ Schmeitz lent them his minibus but did not offer to drive it. On Tuesday, 16 March, Armin Friedrich Wertz, an independent journalist of German nationality, agreed to act as driver for a fee of \$100. That same day, Koster held a further meeting with members of FMLN, at which it was agreed that they would leave the next day, 17 March. Also present at the meeting, in addition to Koster's previous contacts, was "Commander Oscar", a member of the FDR/FMLN command in Chalatenango, who was to travel with them and could act as interpreter because he knew English.

On the night of 16 March, the journalists discovered that their rooms had been searched.

The journey to Chalatenango

On the morning of Wednesday, 17 March, they picked up Schmeitz's minibus, which had the words "PRENSA-TV" painted in large letters on the sides, as was customary in El Salvador. In the afternoon, the four journalists met up with Wertz and went to a restaurant car park, where they met "Commander Oscar" of FPL (Fuerzas Populares de Liberación) Forces. A boy named "Rubén", aged between 12

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and 15, also arrived; he was the guide and the only one who knew where the meeting was to take place.

At around 3 p.m., they set out from San Salvador for Chalatenango, passing through the town of Aguilaes. 182/

A few kilometres before the El Paraíso barracks, Wertz noticed in the rear-view mirror that a dark brown Cherokee Chief jeep with tinted windows appeared to be following them. He slowed down, but the vehicle did not overtake; he then speeded up, but the vehicle stayed in sight. They continued on the Chalatenango road to about kilometre 65, where they took the turn-off to Santa Rita. About 1 kilometre before the turn-off, the Cherokee Chief disappeared from sight. 183/

They had driven nearly 1 kilometre on the side road when they saw a group of people. Immediately "Rubén" got out of the minibus and signalled to them. 184/ It was the contacts, who were waiting for them.

According to Wertz, the four members of the escort party were waiting on a piece of ground below the level of the dirt road and behind a barbed wire fence. One of them was carrying an automatic rifle, probably an FAL, the second a pistol, and the third a rifle of some kind. The fourth man was unarmed. According to a statement given by "Martín", 185/ the man in charge of the escort who was armed with an M-1 rifle, he went to meet the journalists with two other men, "Carlos", who had an M-16, and "Tello", who was carrying a 9-mm pistol.

When they approached the vehicle, Wertz apparently agreed with "Martín" that he would return to pick up the group at 8 a.m. on Sunday, 21 March. 186/ The journalists unloaded their equipment and, at around 5.10 p.m., took a path leading into a hollow opposite a hill.

Wertz says he then returned to San Salvador with the radio on high volume and neither saw soldiers nor heard shots during the journey. 187/

The ambush

According to "Martín" he was given the order to go and meet the group on 14 March 1982. He knew "Commander Oscar" and "Rubén". He also knew that the others were foreign journalists. He took seven men and left base camp at 4 p.m. the next day, 15 March. 188/

At around 5 a.m. on 17 March, the escort party reached a refuge 2 kilometres from the meeting place. Two men went out to reconnoitre the area over a radius of 1 kilometre, but found nothing unusual.

In their statements, "Martín" said that he had never had any problems on that route in the past, 189/ but Colonel Mario A. Reyes Mena said that the army had information that the route was being used to supply nearby guerrilla camps. During the trial, "Commander Miguel Castellanos", a former member of FMLN, said that the route was known to the army. 190/

When the escort arrived at the agreed place, the journalists put on their rucksacks, took the rest of their equipment and set off overland.

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According to "Martín", the group was walking in a single file, at a distance of 4 metres apart. "Commander Oscar" led the way, followed by "Rubén", Martín was among the journalists, and "Carlos" brought up the rear with his M-16. 191/ They had gone about 250 metres when they came under heavy fire from M-16 rifles and M-60 machine-guns, coming from two hills about 100 metres away. Martín saw two of the journalists fall to the ground. They were hit by the first shots and never moved again. 192/ He headed towards the road, dodging the soldiers' fire, climbed over the barbed wire fence and escaped. 193/

Most of "Martín"'s account was confirmed by the statement made by Sergeant Mario Canizales Espinoza, who was in command of the military patrol that staged the ambush. 194/ The sergeant also said that he noticed that some members of the group were carrying equipment and were taller than the average Salvadorian; at the time, however, it did not occur to him that they might be foreigners and he assumed that they were armed. He added that, towards the end of the shoot-out, he noticed that two of the tall men were attempting to escape towards the river-bed. He came down the hill in pursuit of them and shot and killed them with his M-16 from a distance of about 25 metres. In his statements, he said he did not know for certain whether the men had been armed. 195/

The statements by the sergeant and the soldiers differ in some respects from those made by "Martín", as well as among themselves. They claim that the first shots were fired from a hill by FMLN guerrillas and that the shoot-out with the group of journalists and their escorts was part of a larger skirmish involving a second group of FMLN combatants. As indicated below, these statements do not appear to be true.

Origin of the patrol

According to the statements by Sergeant Mario Canizales Espinoza, the patrol he was commanding consisted of 25 soldiers and had been sent to inspect the area because information had been received that it was being used as a supply route for the guerrillas. According to the sergeant, his men had set the ambush because, just before the encounter, they had seen a small group of armed guerrillas heading towards the Santa Rita road and had decided to surprise them on their return. He denies having any prior knowledge that a particular group would be using that route or that it would include foreign journalists. 196/

This version of events is essentially the same as the one which subsequently appeared in the press release issued by the Armed Forces Press Committee (COPREFA).

However, according to statements made to the Commission on the Truth by officers stationed at the El Paraíso barracks at the time, a meeting was held in which officers of the General Staff of the Fourth Brigade, including its Commander, Colonel Mario A. Reyes Mena, and officers of the Atonal Rapid Deployment Infantry Battalion (BIRI) took part. According to those interviewed, the ambush was planned at that meeting, on the basis of precise intelligence data indicating that the journalists would try to enter the zone controlled by FMLN via that route the next day. 197/ The mission was entrusted to a patrol from the Atonal Battalion, which left the El Paraíso barracks at 5 a.m. on

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17 March in order to avoid detection and remained in the hills all day awaiting the group's arrival.

Subsequent events

Sergeant Canizales says that, when the ambush was over, he informed barracks by radio of the outcome. 198/ Colonel Reyes Mena 199/ then dispatched a vehicle patrol which, when it arrived at the scene, found the eight bodies. 200/ The lieutenant in command sent some of his men for the Santa Rita justice of the peace, who arrived half an hour later.

According to one officer of the detachment, the lieutenant's decision to notify the justice of the peace and take the bodies to the El Paraíso barracks surprised and greatly annoyed Colonel Reyes Mena. In the end, however, Colonel Reyes Mena decided to inform the General Staff.

The next morning, 18 March, the judicial inquiry continued at the El Paraíso barracks. 201/ Because of his physical features, "Commander Oscar" was taken for a foreigner and his body was sent with those of the Dutch journalists to San Salvador.

According to Schmeitz, at around 9 a.m. he received a telephone call from Howard Lane, press attaché at the United States Embassy in El Salvador, confirming that his four colleagues were dead. 202/ He later went to COPREFA, where an official handed out a statement explaining briefly that the journalists had been killed in cross-fire during a clash between guerrillas and the army. 203/

When Schmeitz was back in his hotel room, he received a threatening phone call telling him to "stop his inquiries and leave the country, because there was a fifth coffin ready for him". He received three more such calls in the course of that night. On 20 March, Schmeitz left El Salvador.

In the days that followed, the Dutch Ambassador met with a member of the Revolutionary Government Junta to transmit his country's request to the Salvadorian authorities that it be allowed to conduct a full investigation into the incident. One key element would be to interview the sergeant and soldiers who staged the ambush, but the Salvadorian Government would not give authorization for this. In its second report, the Dutch Commission of inquiry noted that "at the request of the Government of the Netherlands, the United States Government endorsed this request to the Salvadorian authorities". 204/

"Martín", the guerrilla who survived the ambush, was taken to Holland, where he testified on 4 and 5 May 1982. Subsequently, on 19 May, the Dutch commission interviewed the sergeant at length in private. 205/

The judicial proceedings on the case came to a halt in 1988, when the judge, Dora del Carmen Gómez de Claros, sought and obtained asylum abroad. In a letter, she said that she had received anonymous threats.

The Commission requested a copy of the dossier from Margarita de los Angeles Fuente Sanabria, the current judge of the Court of First Instance at El Dulce Nombre de María, Chalatenango. Although initially

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prepared to hand over the dossier, she later said that she had received instructions that the Commission should apply to the President of the Supreme Court of Justice for a copy. The Commission repeatedly telephoned and wrote to Mr. Mauricio Gutiérrez Castro, President of the Supreme Court of El Salvador, requesting a copy, but received no answer. It was the Chief State Counsel of the Republic who transmitted a copy of his dossier to the Commission.

FINDINGS

1. The Commission on the Truth considers that there is full evidence that Dutch journalists Koos Jacobus Andries Koster, Jan Cornelius Kuiper Joop, Hans Lodewijk ter Laag and Johannes Jan Willemsen were killed on 17 March 1982 in an ambush which was planned in advance by the Commander of the Fourth Infantry Brigade, Colonel Mario A. Reyes Mena, with the knowledge of other officers at the El Paraíso barracks, on the basis of intelligence data alerting them to the journalists' presence, and was carried out by a patrol of soldiers from the Atonal BIRI, under the command of Sergeant Mario Canizales Espinoza.
2. These same officers, the sergeant and others subsequently covered up the truth and obstructed the investigations carried out by the judiciary and other competent authorities.
3. These murders violated international human rights law and international humanitarian law, which stipulates that civilians shall not be the object of attack.
4. The State failed in its obligation to investigate, bring to trial and punish the guilty parties, as required under international law.
5. The President of the Supreme Court, Mr. Mauricio Gutiérrez Castro, failed to cooperate with the Commission on the Truth.

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(f) LAS HOJAS

SUMMARY OF THE CASE

On 22 February 1983, members of the Jaguar Battalion, under the command of Captain Carlos Alfonso Figueroa Morales, participated in an operation in Las Hojas canton, San Antonio del Monte Municipality, Department of Sonsonate. Soldiers arrested 16 peasants, took them to the Cuyuapa river and shot and killed them at point-blank range.

The accused have consistently maintained that this was a clash with terrorists. An investigation by the Ministry of Defence concluded that no members of the armed forces were responsible for the incident.

The judicial proceedings were dismissed by the Supreme Court of Justice under the 1987 Amnesty Act. In 1992, the Inter-American Commission on Human Rights accused the Government of El Salvador of failing in its duty to investigate and punish those responsible for violations of the American Convention on Human Rights.

On the basis of various degrees of evidence, the Commission finds the following:

1. Colonel Elmer González Araujo, then Commander of Military Detachment No. 6 at Sonsonate, Major Oscar León Linares and Captain Carlos Alfonso Figueroa Morales (deceased) planned the operation in Las Hojas canton for the purpose of arresting and eliminating alleged subversives.
2. The orders of execution were transmitted to the actual perpetrators by then Second Lieutenants Carlos Sasso Landaverry and Francisco del Cid Díaz.
3. Colonel González Araujo, Major León Linares and Captain Carlos Alfonso Figueroa Morales learnt immediately of the massacre, but covered it up.
4. Colonel Napoleón Alvarado, who conducted the Ministry of Defence investigation, also covered up the massacre and obstructed the judicial investigation.
5. The Commission on the Truth recommends that the Government of El Salvador comply fully with the resolution of the Inter-American Commission on Human Rights in this case.

DESCRIPTION OF THE FACTS 206/

The massacre

In the early morning of 22 February 1983, Captain Carlos Alfonso Figueroa Morales, commanding the Jaguar Battalion based in Military Detachment No. 6 at Sonsonate, mobilized three units from there belonging to the first company. One unit was under the command of Second Lieutenant Carlos Sasso Landaverry, one under the command of Second Lieutenant

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Cadet Francisco del Cid Díaz and the third under the command of Sergeant José Reyes Pérez Ponce. 207/

At about 6 a.m., a unit entered the Las Hojas cooperative of the Asociación Nacional de Indígenas (ANIS). With the help of members of the local civil defence unit, who had scarves tied around their faces to conceal their identities, they arrested seven members of the cooperative. The soldiers had a list of alleged subversives and several members of the civil defence unit pointed out the people whose names were on the list. They were dragged from their houses, beaten and bound, then taken from the cooperative along the road towards the Cuyuapa river.

The members of the cooperative arrested were Gerardo Cruz Sandoval (34 years), 208/ José Guido García (21 years), 209/ Benito Pérez Zetino (35 years), 210/ Pedro Pérez Zetino (24 years), 211/ Marcelino Sánchez Viscarra (80 years), 212/ Juan Bautista Mártir Pérez (75 years) 213/ and Héctor Manuel Márquez (60 years). 214/

Another unit of about 40 soldiers entered the San Antonio farm in Agua Santa canton, near the Las Hojas cooperative, arrested a number of people and took them also towards the Cuyuapa river. 215/ The people arrested there included Antonio Mejía Alvarado, 216/ Romelio Mejía Alvarado, 217/ Lorenzo Mejía Carabante, 218/ Ricardo García Elena (19 years), 219/ Francisco Alemán Mejía (36 years), 220/ Leonardo López Morales (22 years), 221/ Alfredo Ayala 222/ and Martín Mejía Castillo. 223/

When the leader of ANIS, Adrián Esquino, was informed of the arrest of the members of the cooperative, he went immediately, at 7 a.m., to speak to Colonel Elmer González Araujo, 224/ Commander of Military Detachment No. 6 at Sonsonate. Colonel González Araujo told him he knew nothing about the arrest of the members of the ANIS cooperative, but that he knew that a number of subversives with the surname Mejía had been captured.

Later that morning, a group of ANIS members found 16 bodies on the banks of the Cuyuapa river; there were marks that showed that their hands had been tied, their faces were disfigured by bullets and they had all been shot at point-blank range in the forehead or behind the ear.

That same day, 22 February, Roberto Rogelio Magaña, the justice of the peace and experts examined the bodies. Alfredo Ayala's body still had "... his arms and forearms behind his back with the thumbs tied together with a piece of string ...". 225/ The other victims also showed signs of having had their thumbs tied together and had been riddled with bullets at point-blank range.

The official version

The operation was discussed and decided upon the previous day by Colonel González Araujo, Major Oscar León Linares, the commanding officer of the Battalion, and Captain Figueroa Morales, the Chief of S-2. According to their version, they were informed of the presence of subversives and the purpose of the operation was to search the area.

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Later, Captain Figueroa Morales said that during the operation he heard shots coming from up ahead. 226/ When he arrived at the Cuyuapa river, the two Second Lieutenants informed him that there had been a clash with guerrillas. They found a number of bodies there, but none of them were bound. 227/

Although in several depositions soldiers alleged that there had been a clash with guerrillas, none of them admitted to having witnessed such a clash and all of them said that they had only heard it.

After the clash, Captain Figueroa Morales made a report to Colonel González Araujo. 228/ Major León Linares also received reports on arriving at the Detachment at about 8 a.m.

The investigations

Three investigations followed. President Magaña ordered the newly established governmental Human Rights Commission to investigate the case. Thus, before the case went to the Attorney General's Office, family members were interviewed and a first account of the incident was drawn up.

The Minister of Defence, General José Guillermo García Merino, entrusted Colonel Napoleón Alvarado with investigating the case. Statements were taken from several witnesses as part of the investigation, but not from the two Second Lieutenants, Cid Díaz and Sasso Landaverry, who were in Morazán. 229/ According to the testimony of Captain Figueroa Morales, it was they who had headed the unit which took part in the alleged clash.

In April 1983, Colonel Alvarado determined that no proof had been found of the guilt of any member of the armed forces and that the deaths had occurred in a clash. He also expressed the view that the investigation by the Human Rights Commission had been biased. He added that the case had been politicized by enemies of the armed forces and that "... the armed forces cannot take any responsibility for what may happen to Mr. Adrián Esquino Lisco, since he ... it would appear, is protecting guerrilla elements within the association he heads". 230/

The judicial investigation followed a different course. In March 1984, on the basis of a recommendation by the Office of the Attorney General, 231/ the preventive detention of seven civil defence members and other members of the military escort was ordered, but the order did not extend to soldiers. 232/ However, in December 1984, the judge of Sonsonate First Criminal Court ordered a stay of proceedings and in July 1985, the criminal court approved the case's dismissal. It also determined that the law on complicity could not be applied to civil defence members without any proof as to the main perpetrators. It had been established only that the escorts had assisted the army in the arrest. However, the court did not indicate who the immediate perpetrators were. 233/

As to the dismissal of the case against Captain Figueroa Morales and Major León Linares, the court affirmed that there was not enough evidence to bring charges against them. 234/

In July 1986, through the intervention of the United States Embassy and with new evidence that soldiers had been involved, criminal proceedings were

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reopened against a number of defendants, including Colonel González Araujo, Major León Linares and Captain Figueroa Morales. 235/

In March 1987, however, the judge of the Court of First Instance again dismissed the case; 236/ in August, the appeal court revoked his decision and ordered the case brought to trial. 237/

Colonel González Araujo then filed a remedy of habeas corpus with the Supreme Court, when it was not yet certain that the National Assembly would approve the Amnesty Act (27 October 1987). 238/ In July 1988, the Supreme Court held that the Amnesty Act should apply to the Las Hojas case, and dismissed the case against all the defendants. 239/

Resolution of the Inter-American Commission on Human Rights on the application of the 1987 Amnesty Act in the Las Hojas case

The Inter-American Commission on Human Rights received a petition in 1989 240/ denouncing the application of the 1987 Amnesty Act as a violation of the obligation of the Government of El Salvador to investigate and punish the violations of the rights of the Las Hojas victims and to make reparation for the injury caused. 241/ On 24 September 1992, the Commission issued a resolution in which it determined that the amnesty decree adopted after the order to arrest officers of the armed forces had legally foreclosed the possibility of an effective investigation, the prosecution of the culprits and appropriate compensation for the victims. 242/

The Commission stated that the Government of El Salvador had failed in its obligation to guarantee the free and full exercise of human rights and fundamental guarantees for all persons under its jurisdiction. 243/ It further recommended that the Government of El Salvador should: (1) conduct an exhaustive, rapid, complete and impartial investigation of the facts in order to identify all the victims and the culprits and bring the latter to justice; (2) take the necessary steps to prevent the occurrence of similar incidents in future; (3) make reparation for the consequences of the situation and pay fair compensation to the victims' families. 244/

The Commission gave the Government of El Salvador three months in which to implement its recommendations, i.e., up to 24 December 1992. So far, no action has been taken to comply with the Commission's recommendations.

FINDINGS

The Commission finds the following:

1. There is substantial evidence that Colonel Elmer González Araujo, then Commander of Military Detachment No. 6 at Sonsonate, Major Oscar León Linares and Captain Figueroa Morales (deceased) planned the operation in Las Hojas canton for the purpose of arresting and eliminating alleged subversives.

2. There is full evidence that Captain Figueroa Morales, as captain of the Jaguar Battalion, was in command of the operation. Also, that during the operation, 16 peasants were arrested, bound and summarily executed, and that there was no clash with guerrillas.

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3. There is substantial evidence that the orders of execution were transmitted to the actual perpetrators by then Second Lieutenants Carlos Sasso Landaverry and Francisco del Cid Díaz.

4. There is substantial evidence that Colonel González Araujo, Major León Linares and Captain Figueroa Morales, learnt immediately of the massacre but covered it up.

5. There is sufficient evidence that Colonel Napoleón Alvarado, who conducted the Ministry of Defence investigation, also covered up the massacre and later obstructed the judicial investigation.

6. The Commission on the Truth recommends that the Government of El Salvador comply fully with the resolution of the Inter-American Commission on Human Rights in this case.

(g) SAN SEBASTIAN

SUMMARY OF THE CASE

On 21 September 1988, members of the Jiboa Battalion detained 10 people in San Francisco canton in the district of San Sebastián. That same morning, Major Mauricio Jesús Beltrán Granados, chief of the Intelligence Department of the Fifth Brigade, under orders from Colonel José Emilio Chávez Cáceres, Chief of the Fifth Brigade, arrived at San Francisco canton. After interrogating several of the detainees, he ordered all 10 of them executed and the staging of a fictitious ambush.

In March 1989, an Honour Commission of the armed forces conducted an investigation in which members of the Jiboa Battalion said that Major Beltrán Granados had ordered them to execute the detainees and cover up the incident. Beltrán Granados, another officer and other non-commissioned officers and soldiers were brought before the judge, who ordered their detention. They were then released, except for Beltrán who is awaiting judgement.

The Commission on the Truth finds the following:

1. Colonel José Emilio Chávez Cáceres gave the order to execute the detainees.

2. Major Mauricio de Jesús Beltrán Granados ordered members of the Jiboa Battalion to execute the 10 detained peasants.

3. Colonel José Emilio Chávez Cáceres covered up the execution of the 10 detainees and Major Mauricio de Jesús Beltrán Granados took steps to cover up the execution.

4. Second Lieutenant Arnoldo Antonio Vásquez Alvarenga transmitted Major Beltrán's order to designate some soldiers to finish off the victims and also provided the necessary materials to activate the mines which seriously wounded them.

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5. Sergeant Jorge Alberto Tobar Guzmán activated the mechanism that detonated the mines, knowing that they would explode in the place where the detained peasants were.

6. Deputy Sergeant Rafael Rosales Villalobos and soldiers Fermín Cruz Castro, José Carlos Hernández Matute, José Alfredo Méndez Beltrán and Francisco Ponce Ramírez shot and killed the detainees.

7. Colonel Luis Mariano Turcios and Lieutenant Colonel José Antonio Rodríguez Molina knew about the order to execute the detainees and did nothing to prevent their execution.

8. The Honour Commission of the armed forces, the Commission for the Investigation of Criminal Acts and the judge of the Criminal Court of First Instance of the city of San Sebastián failed to take steps to determine the responsibility of Colonel José Emilio Chávez Cáceres, Colonel Luis Mariano Turcios and Lieutenant Colonel José Antonio Rodríguez Molina.

DESCRIPTION OF THE FACTS 245/

The executions

On 20 September 1988, the second company of the Jiboa battalion of the Fifth Brigade arrived in the municipality of San Sebastián in the Department of San Vicente. Lieutenant Manuel de Jesús Gálvez Gálvez, commander of the unit, was informed that four men were involved in subversive activities. He ordered Second Lieutenant Arnoldo Antonio Vásquez Alvarenga to go to San Francisco canton and detain them.

Second Lieutenant Vásquez Alvarenga detained one of these men that same night. The detainee took the soldiers to a place where they found subversive propaganda, explosive devices, rucksacks, wire and two M-16 rifles. 246/

Second Lieutenant Vásquez Alvarenga informed Lieutenant Gálvez Gálvez of the find. 247/ Captain Oscar Armando Peña Durán heard the information on the radio and transmitted it to the Fifth Brigade. Early next morning, over the Cerro Las Delicias radio relay station, Captain Peña Durán was ordered to "eliminate" the detainee. Captain Peña Durán said that his officers (Gálvez and Vásquez) could not obey that order. He then informed Gálvez Gálvez of the order, and the latter also refused to carry it out. Gálvez told him that if the order was repeated, the Brigade should be requested to give the order in writing.

During the night, Second Lieutenant Vásquez Alvarenga continued to interrogate the detainee and the latter agreed to point out the house of the other three suspects. 248/ All of them were subsequently detained.

The four detainees were taken to the village school. Second Lieutenant Vásquez received a message over the radio from Lieutenant Gálvez informing him that he would come to San Francisco canton and telling him to assemble the residents of the canton in the school. 249/

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At 7.30 a.m. on 21 December, Lieutenant Gálvez arrived and interrogated one of the detainees again. 250/ He again contacted Captain Peña and told him that he would not kill the detainees without a written order from the Commander of the Brigade. 251/ The Commander of the Fifth Brigade, and of the Fifth Military Zone, was Colonel José Emilio Chávez Cáceres. Peña requested permission to go to the Brigade and explain the situation in San Francisco. Major Beltrán Granados refused permission. 252/ He added that he would go to San Francisco canton with two interrogators. Peña Durán then contacted Gálvez Gálvez to inform him that Major Beltrán was coming, and told him to make a report to him. 253/

On the morning of 21 September, under orders from Colonel Chávez Cáceres, Major Beltrán went to San Francisco canton. He arrived the same morning, with two other interrogators and his assistant.

Captain Peña Durán, for his part, arrived at the Brigade 254/ at midday. He reported to Major Rodríguez, informing him of what had happened and of the order to eliminate the detainee. According to Captain Peña, Major Rodríguez said that the detainee should be taken to Brigade headquarters, in accordance with the procedure for normal operations. The two of them informed Lieutenant Colonel Turcios of the situation and of the order to eliminate the detainee. Peña then gave the same report to Colonel Chávez Cáceres. According to Chávez Cáceres, he told Peña that the detainee should be transferred to the Brigade. 255/

When Major Beltrán Granados arrived in the canton, Gálvez Gálvez made a report to him. 256/ Beltrán had three detainees brought out for interrogation. On his return from the interrogation, Major Beltrán, who as intelligence officer was not in command of the unit, informed Lieutenant Gálvez Gálvez that they had to execute the detainees. Gálvez Gálvez replied that he would not obey that order and that he would hand over command of the unit that was carrying out the operation to Major Beltrán. 257/

Beltrán Granados told Gálvez to order the detention of other persons, which he did. The total number of detainees increased to 10. 258/ Then, according to testimony, Major Beltrán Granados gave the order to execute them by simulating a guerrilla ambush. 259/

Major Beltrán Granados ordered Sergeant Tobar Guzmán to look for a place down in the street in which to lay the confiscated mines to prepare an ambush. 260/ Tobar laid the mines and connected the wire to them. 261/

Second Lieutenant Vásquez ordered the soldiers to take the rest of the confiscated material to the site of the ambush. Second Lieutenant Vásquez told soldiers "Churute" (Fermín Cruz Castro), Matute (José Carlos Hernández Matute) and "Ciguanabo" (José Alfredo Méndez Beltrán) that they would finish off any detainee who was left alive. 262/

The detainees' hands were tied behind their backs (except for the women) and they were blindfolded. At about 3 p.m., they were taken to the place where they were to be executed, on the road. Vásquez gave a battery to Tobar, who installed it and activated the mines. 263/

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Some soldiers shot off their weapons to simulate an ambush, as ordered by Major Beltrán. 264/ The gunfire lasted five minutes. Since the detainees did not die as a result of the mines, Major Beltrán ordered some soldiers to finish them off. One of them, Manuel de Jesús Herrera Rivera, refused to obey the order. Soldiers "Churute" (Fermín Cruz Castro), "Balazo" (Francisco Ponce Ramírez) and Matute (José Carlos Hernández Matute) finished off the detainees. 265/

Major Beltrán Granados ordered Deputy Sergeant Rosales Villalobos to shoot the detainees, and he did so. He also ordered a soldier to take the blindfolds off the bodies and ordered soldier Hernández Alfaro to smear blood on the uniform of soldier Méndez Beltrán ("Ciguanabo") and put a dressing on him to make it look as if he had been wounded in combat.

Major Beltrán then ordered Lieutenant Gálvez Gálvez to inform the Brigade that terrorists had ambushed them and that eight detainees and two terrorists had been killed, and to request a helicopter to transport a wounded soldier. 266/

A helicopter arrived with a lawyer from Department 5 of the Brigade and a United States adviser. Beltrán got into the helicopter with the allegedly wounded soldier and they went to Brigade headquarters.

The cover-up and the official investigations

The next day, the San Sebastián justice of the peace identified the murdered peasants and COPREFA reported that 10 subversives had died in a clash between troops of the Jiboa Battalion and guerrillas. On 23 September, COPREFA published the version that Colonel Chávez Cáceres says he received from Major Beltrán Granados.

Officials from non-governmental human rights bodies (Legal Protection and the non-governmental Human Rights Commission) and journalists went to San Francisco canton on 22 September. A number of witnesses reported that the peasants had been murdered by the soldiers. In public statements, President Duarte refuted the accusations.

General Blandón, Chief of Staff, communicated with Colonel Chávez Cáceres on 23 September and told him that the version of the incident he had been given was untrue.

On 24 September, Major Beltrán Granados learnt that a soldier called Escoto had been wounded by guerrillas. He suggested to Escoto that he pretend to have been wounded at San Francisco on 21 September, so as to help them find a way out of the problem. Two days later, he presented him to the other members of the second section of the second company of the Jiboa Battalion and told them that they should say that Escoto had been at San Francisco on 21 September and that he had been wounded there. Escoto was then presented as having been at San Francisco that day. 267/

On the night of 26 September, Major Beltrán Granados assembled the officers, non-commissioned officers and soldiers who had been at San Francisco. He indicated the places where each of them had been when they left San Francisco

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canton and said that was the version they should give. Later, there were other meetings to remind the soldiers what they had to say.

On one occasion, Second Lieutenant Vásquez Alvarenga took the soldiers to San Francisco canton and placed each soldier in the position that had been indicated to him, so that each soldier would recognize his position and not forget what he had to say.

On 27 and 28 September, members of the Commission for the Investigation of Criminal Acts interviewed Major Beltrán, Lieutenant Gálvez, Second Lieutenant Vásquez and the non-commissioned officers and soldiers. They all adhered to the cover-up version.

Some days later, lawyers Paredes and Parker of the Ministry of Defence and of the General Staff, respectively, interrogated the personnel of the Fifth Brigade who had been in San Francisco canton. All of them kept to the version of an ambush. An investigator administered lie detector tests. The results showed that some people were giving "dubious" replies. The lawyers then drew up a report which Chávez Cáceres sent to the General Staff and the Ministry of Defence.

Nine days after the incident, a member of the Jiboa Battalion told Colonel Chávez Cáceres that Major Beltrán had ordered the execution of the detainees and that they had been murdered. On 5 October, the corpses were exhumed and the forensic analysis revealed that the peasants had died after being shot at close range and not during combat. 268/

On 29 October 1988, the Commander of the Fifth Brigade announced at a press conference that the detainees had died in an ambush and that the guerrillas had returned during the night and mutilated the bodies to make it look as if they had been executed at close range.

Between 8 and 10 December 1988, investigators from the Commission for the Investigation of Criminal Acts again interrogated the officers, non-commissioned officers and soldiers. All of them kept to the cover-up version.

On 3 February 1989, United States Vice-President Dan Quayle visited El Salvador and called for the punishment of those responsible for the San Sebastián massacre. He handed over a list of three officers who were implicated: Colonel Chávez Cáceres, Major Beltrán Granados and Second Lieutenant Vásquez Alvarenga.

Some days later, Colonel Chávez Cáceres left the Brigade and Lieutenant Colonel Turcios was put in command. The other officers were then relieved of their duties. Lieutenant Gálvez Gálvez was held at Treasury Police headquarters, along with Second Lieutenant Vásquez Alvarenga.

In the course of February and March 1989, the military personnel who had been in San Francisco canton were questioned again. With the exception of Major Beltrán Granados, all of them abandoned the version of an ambush and said that Major Beltrán had ordered the execution and also the cover-up version of the incident.

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The Commission for the Investigation of Criminal Acts identified Major Beltrán Granados as having ordered the executions and Second Lieutenant Vásquez Alvarenga, Sergeant Tobar Guzmán, Deputy Sergeant Rosales Villalobos, Corporal Ayala Arias and soldiers Cruz Castro, Hernández Matute, Méndez Beltrán and Ponce Ramírez as having been responsible for carrying them out. 269/

Colonel Chávez Cáceres was not summonsed to make a statement or accused of or held responsible for any act or omission.

The judicial proceedings

The results of the investigations were sent to the judge of the Court of First Instance of San Sebastián on 11 March 1989. 270/ The judicial detention of nine people was ordered. 271/ In February 1990, the judge released all of them except Major Beltrán 272/ and Deputy Sergeant Rosales Villalobos. 273/

In May 1990, the court of San Vicente confirmed the judgement ordering the detainees' release and revoked the decision to bring Deputy Sergeant Rafael Rosales Villalobos to trial. 274/

As of the date of drafting of this report, Major Beltrán was still in prison awaiting the public hearing.

FINDINGS

The Commission finds the following:

1. There is sufficient evidence that Colonel José Emilio Chávez Cáceres gave the order to execute the detainees.
2. There is full evidence that Major Mauricio de Jesús Beltrán Granados ordered members of the Jiboa Battalion to execute the 10 detained peasants.
3. There is substantial evidence that Colonel José Emilio Chávez Cáceres covered up the execution of the 10 detainees, and full evidence that Major Mauricio de Jesús Beltrán Granados took steps to cover up the execution.
4. There is substantial evidence that Second Lieutenant Arnoldo Antonio Vásquez Alvarenga transmitted the order from Major Beltrán Granados to designate some soldiers to finish off the victims and sufficient evidence that he provided the necessary materials to activate the mines which seriously wounded the victims.
5. There is substantial evidence that Sergeant Jorge Alberto Tobar Guzmán activated the mechanism that detonated the mines, knowing that they would explode in the place where the detained peasants were.
6. There is substantial evidence that Deputy Sergeant Rafael Rosales Villalobos and soldiers Fermín Cruz Castro, José Carlos Hernández Matute, José Alfredo Méndez Beltrán and Francisco Ponce Ramírez shot and killed the detainees.

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7. There is sufficient evidence that Colonel Luis Mariano Turcios and Lieutenant Colonel José Antonio Rodríguez Molina knew about the order to execute the detainees and did nothing to prevent their execution.

8. There is substantial evidence that the Honour Commission of the armed forces, the Commission for the Investigation of Criminal Acts and the judge of the Criminal Court of First Instance of the city of San Sebastián failed to take steps to determine the responsibility of Colonel José Emilio Chávez Cáceres, Colonel Luis Mariano Turcios and Lieutenant Colonel José Antonio Rodríguez Molina.

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(h) ATTACK ON AN FMLN HOSPITAL AND EXECUTION OF A NURSE

SUMMARY OF THE CASE

On 15 April 1989, air force units attacked an FMLN mobile hospital. 275/
Five of the 15 people in the hospital were killed: three Salvadorians -
Juan Antonio (a patient), Clelia Concepción Díaz (a literacy instructor) and
María Cristina Hernández (a nurse and radio operator) - and two foreigners:
José Ignacio Isla Casares (an Argentine doctor) and
Madeleine Marie Francine Lagadec (a French nurse).

A Salvadorian air force unit attacked the hospital. Members of that unit
deliberately attacked the medical staff in violation of international
humanitarian law and captured the French nurse Madeleine Lagadec alive and
executed her. Since no autopsies were performed on the other persons killed, it
was not possible to ascertain with the same degree of accuracy whether they too
were executed.

DESCRIPTION OF THE FACTS

The attack

According to witnesses, at about 7 a.m. or 8 a.m. on 15 April 1989, two
low-flying A-37 aircraft bombed the area surrounding an FMLN mobile hospital
located near the Catarina farm in El Tortugal canton, San Ildefonso district,
Department of San Vicente. Three UH 1M helicopter gunships, a Hughes-500
helicopter and a "Push-Pull" light aeroplane took part in the attack. A few
minutes later, six helicopters carrying paratroopers armed with M-16 rifles
arrived on the scene. At 8.15 a.m., the helicopters dropped the troops near the
hospital. The bombardment lasted 15 minutes.

Fifteen people were in the hospital when the attack started. Most of them
started to escape; one of the patients returned the attackers' fire before
fleeing. María Cristina Hernández, a nurse and radio operator, and
Juan Antonio, one of the hospital's patients, were seriously injured in the
attack.

Madeleine Lagadec, a French nurse who had been working with FMLN for three
years, refused to run away and stayed behind to attend to María Cristina.
José Ignacio Isla Casares, the Argentine doctor in charge of the hospital, and
Clelia Concepción Díaz Salazar, the literacy instructor, also stayed behind.

Those who escaped witnessed what happened next. The soldiers closed in and
the radio operator for the group of paratroopers informed his commanding officer
that "mercenaries" had been captured and requested instructions. The soldiers
then questioned the three captives and screams were heard, the loudest being
those of Madeleine Lagadec. Next, some shots rang out. The soldiers left that
afternoon. 276/

There is substantial evidence that the operation was carried out by a group
belonging to the "Special Operations" unit of the Salvadorian air force
(paratroopers backed by artillery and aircraft fire). They were part of

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"Operación Rayo", designed to destroy the logistical and command structure of the Partido Revolucionario de Trabajadores Centroamericanos (PRTC) in the area.

The investigation

On 17 April, a COPREFA communiqué was published announcing that nine people had died in an army attack on a PRTC command post. It also reported that weapons and medical equipment had been seized. 277/

That same day, FMLN members found the bodies at the scene. According to two of them, only Madeleine Lagadec's torso was clothed, her trousers had been pulled down to the knees, she did not have any underwear on under them 278/ and her left hand had been severed at the wrist. There were bullet holes in the skulls of the five bodies. 279/

The autopsy

An autopsy was performed only on the French nurse, in France on 2 May 1989. 280/

The autopsy found at least five gunshot wounds on Madeleine Lagadec. Two wounds - to the head and in the left shoulder blade region - were potentially lethal. The wounds were significant for the small calibre of the bullets used (between 5 and 6 mm) and their considerable destructive power, for which the only possible explanation is great velocity. No precise explanation was found for the amputation of the left hand. The French doctors said that the diversity of the trajectory of the projectiles made the theory of an execution highly unlikely. 281/

However, Dr. Robert Kirschner, 282/ who analysed the autopsy reports written in France and the sketches and documentation in the possession of this Commission, concluded that Madeleine Lagadec had been executed. 283/

In the analysis he made for the Commission, Dr. Kirschner, one of the world's foremost analysts of summary executions, explained that "The wounds and their trajectories provide significant evidence of the manner in which Madeleine Lagadec was killed. There were six gunshot wounds of the body, including three to the chest, one in the medial aspect of each thigh, and one to the head. All of these wounds passed from front to rear, upward, and in a medial to lateral direction ... The pathologists who performed the autopsy were of the opinion that the diversity of the trajectory of the projectiles made it unlikely that this was an execution. I disagree with this conclusion. While the gunshot wounds to the chest might have occurred while the victim was standing, the wounds to the thighs almost certainly were inflicted while she was lying on the ground, and those of the chest are more consistent with having been inflicted while she was supine. Of special importance, the gunshot wound of the right temporal region of the head, which passed on a horizontal plane and exited from the left temporoparietal region of the scalp, was a characteristic coup de grace wound, and a trademark of the extrajudicial execution." 284/

Dr. Kirschner's conclusion that Madeleine Lagadec was executed is also supported in a separate analysis made by experts in electronic microscopy in France. 285/ They first ascertained that the victim had been shot when already

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half-naked: "(...) there are no traces of bullets on the brassiere, briefs and trousers, while there are gunshot wounds to the right breast, the pelvis and the lower limbs (...) It can be deduced that the victim was not wearing those three items of clothing when the shots were fired." 286/

As for the distance from which the shots were fired, the above Centre puts forward two theories that contradict the assertion that Madeleine Lagadec's wounds were inflicted from a distance. 287/

FINDINGS

The Commission finds the following:

1. There is sufficient evidence that a unit of the Salvadorian air force attacked the field hospital, and substantial evidence that it deliberately attacked medical personnel in violation of international humanitarian law.
2. There is substantial evidence that members of the unit captured the French nurse Madelaine Lagadec alive and executed her.
3. The State of El Salvador failed in its responsibility to investigate the case, bring the culprits to trial and punish them. The Commission was unable to determine whether the other people were also executed, since no autopsies were performed on their bodies.

(i) GARCIA ARANDIGOYEN

SUMMARY OF THE CASE

On 10 September 1990, Dr. Begoña García Arandigoyen was summarily executed in the Department of Santa Ana. The Spanish doctor, who was 24 years old, died in an alleged clash between a patrol of the 4th Company BIC PIPIL of the Second Infantry Brigade of the armed forces of El Salvador and a column of the Ejército Revolucionario del Pueblo (ERP) of FMLN.

The Commission finds the following:

1. Begoña García Arandigoyen was executed extrajudicially by troops of the 4th Company BIC PIPIL of the Second Infantry Brigade, under immediate command of Lieutenant Roberto Salvador Hernández García and the overall command of Army Lieutenant Colonel José Antonio Almendáriz, commanding officer of the Second Brigade.
2. The above officers covered up the crime with the collaboration of the National Police Third Command, Santa Ana unit, and the experts and judicial authorities who took part in the examination of the corpse of Begoña García.

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DESCRIPTION OF THE FACTS 288/

The death

Dr. Begoña García Arandigoyen, a Spanish doctor, entered El Salvador in September 1989 to work as a doctor for FMLN. She was executed, following her arrest, on 10 September 1990 in the Department of Santa Ana by troops of the 4th Company BIC PIPIL of the Second Infantry Brigade.

According to the official version, a patrol which was conducting a search of the area to the south of the Santa Ana volcano, near the Montañita estate, clashed with FMLN troops at approximately 1 p.m. on 10 September on the La Graciela estate.

According to a statement by Army Lieutenant Colonel José Antonio Almendáriz Rivas, commanding officer and Chief of Staff of the Second Brigade, he was advised by radio when fire contact was made with the enemy and was later informed of the death of 10 guerrillas, including two women, one of whom was a foreigner. 289/

According to the official version, FMLN troops managed to retrieve the bodies of eight of the dead, and the troops of 4th Company BIC PIPIL found only the bodies of two women. One of them looked like a foreigner.

At nightfall, other soldiers transferred the bodies of the two women from the place where the events had allegedly occurred to the main building of the Malacara estate, in Potrero Grande Arriba canton, Santa Ana district.

On the morning of 11 September, Army Lieutenant Colonel José Antonio Almendáriz Rivas, COPREFA staff and members of the National Police Third Command, Santa Ana unit, under the command of Lieutenant Gilberto García Cisneros, arrived at the Malacara estate by helicopter. COPREFA staff photographed the bodies and, according to the official version, members of the Third Command performed paraffin tests to see whether the women had fired weapons. There was no judicial examination of the bodies. 290/ At the request of the military personnel, local residents proceeded to bury the bodies.

The official examination of the corpse

On 14 September, the corpses were exhumed and the body of Dr. Begoña García was examined by the forensic doctor on duty, Dr. Neftalí Figueroa Juárez, in the presence of the judge of the First Criminal Court of the Santa Ana judicial district, Oscar Armando Avilés Magaña. Those present included a representative of the Embassy of Spain and Lieutenant Colonel Almendáriz Rivas.

The examination report states that "[they] examined the corpse of BEGOÑA GARCIA ARANDIGOYEN, which has a destructive wound on the outer right-hand surface of the right forearm, with a total and displaced fracture, a destructive wound on the lateral surface of the right buttock and wounds on the outer surface of the right elbow and the left thigh. The corpse is rapidly decomposing, death having occurred at least four days ago, there is no evidence of tattooing, burns or powder marks around any of the above-mentioned wounds, from which it can be inferred that the wounds were inflicted from a distance.

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The corpse was exhumed and the direct cause of death was hypovolemic shock resulting from multiple wounds." 291/

The autopsy in Spain

After the corpse of Begoña García had been transferred to Spain, the Pathology Department of Navarra Government Hospital performed a clinical autopsy. That autopsy, and the report by Dr. Carlos Martín Beristain on the medical and forensic findings, 292/ established the following:

1. The corpse had multiple wounds, especially to the head, neck and upper and lower extremities.
2. There was a large wound on the left forearm, corresponding to a total fracture, which implied the use of a blunt instrument or the impact of a bullet.
3. There were two round bullet entry holes, from 2.4 to 3 cm in diameter, above both elbow joints, although no exit holes could be detected, the wounds being very selective and occurring only on the extremities and symmetrically on the arms, without other wounds on the thorax which could have been caused by a line of fire.
4. The wounds on the arms and the left thigh could have been made by a sharp bayonet-type instrument, since they were too large in diameter to have been caused by a firearm without being accompanied by greater destruction, other exit holes or the presence of bullets in the flesh.
5. An entry hole 1.8 cm in diameter in the lower central occipital region, the trajectory being upwards and forwards.
6. A round hole 2.5 cm in diameter at the base of the neck, just above the sternal manubrium.
7. Death must have occurred instantaneously as a result of the firearm wounds to the cranium, because of the destruction of vital nerve centres and not because of the bleeding which the wounds may have caused.

Dr. Beristain's report notes that a biochemical analysis detected the existence of a large quantity of powder around the edges of the neck wound (above the sternal manubrium), confirming that the wound had been caused by a shot fired from a distance of a few centimetres. The bullet wounds in the occipital region and the sternal manubrium had similar characteristics and had been made from a distance of a few centimetres.

The report further notes that when the corpse was officially examined in El Salvador, neither of the two head wounds which were made from a distance of a few centimetres (in the nape of the neck and in the region above the sternum) was recorded.

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Report by the expert of the Commission on the Truth

At the request of the Commission on the Truth, Dr. Robert H. Kirschner, a forensic pathologist, studied the examination made by Dr. José Neftalí Figueroa on 14 September 1990 and the clinical autopsy report from Navarra Hospital. In the opinion of Dr. Kirschner, the Navarra autopsy directly contradicts the El Salvador examination and supports the contention that Begoña García was captured and executed. Dr. Kirschner notes that the Navarra autopsy report describes wounds which are inconsistent with those occurring in combat and typical of those caused by execution, including the wound at the base of the cranium, fired from a gun almost in contact with the nape of the neck, and another in the upper chest, caused by a shot fired from a distance of a few centimetres.

FINDINGS

The Commission finds the following:

1. There is full evidence that Begoña García Arandigoyen was executed extrajudicially, in flagrant violation of international humanitarian law and international human rights law, by units of the Second Infantry Brigade under the immediate command of Lieutenant Roberto Salvador Hernández García and the overall command of Army Lieutenant Colonel José Antonio Almendáriz Rivas, commanding officer of the Second Brigade.
2. There is full evidence that the above officers covered up the crime.
3. There is full evidence of the responsibility of the judicial authorities, as shown by the actions of the judge of the First Criminal Court of the Santa Ana judicial district, Oscar Armando Avilés Magaña, and of the forensic doctor on duty, Dr. Neftalí Figueroa Juárez, who took part in the examination of the corpse of Begoña García and who omitted from the record the two gunshot wounds made at a distance of a few centimetres, thus failing in their duty to carry out a full and impartial investigation of the causes of her death.

(j) FENASTRAS AND COMADRES

SUMMARY OF THE CASE

In the early morning of 31 October 1989, persons unknown placed a bomb at the entrance to the offices of the Comité de Madres y Familiares de Presos Políticos, Desaparecidos y Asesinados de El Salvador Monseñor Oscar Arnulfo Romero (COMADRES) in San Salvador. Four people, including a child, were injured.

At midday, a bomb was placed in the offices of the Federación Nacional Sindical de Trabajadores Salvadoreños (FENASTRAS) in San Salvador. Nine people were killed and over 40 injured. As a result of the attack, FMLN decided to suspend peace negotiations with the Government.

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The Commission on the Truth finds the following:

1. The bomb attacks on the offices of COMADRES and FENASTRAS on 31 October 1989 were part of a systematic pattern of attacks on the lives, physical integrity and freedom of members of those organizations.
2. The Government of El Salvador failed in its duty to guarantee the human rights to which the members of these organizations are entitled as individuals and as members of their organizations.
3. The attack on FENASTRAS was carried out using a bomb which persons unknown placed outside its offices.
4. The competent authorities of El Salvador did not carry out a full and impartial investigation of the attacks on the offices of COMADRES and FENASTRAS.
5. There is no countervailing evidence that FMLN or FENASTRAS members carried out the attack.

DESCRIPTION OF THE FACTS 293/

COMADRES is a non-governmental organization established to provide support for mothers and relatives of victims of politically motivated disappearances or murders. It was founded in December 1977 at the suggestion of Monsignor Oscar Arnulfo Romero.

FENASTRAS is an independent confederation formed in 1974 to strengthen trade unions and promote the interests of Salvadorian workers. It has 25,000 individual members and 16 member trade unions. It is the largest industrial trade union confederation in El Salvador. Its main office is located two blocks away from the National Police in San Salvador.

The attacks

In the early morning of 31 October 1989, two men in uniform allegedly placed a bomb at the entrance to the COMADRES offices in San Salvador. A large lorry was also reportedly heard leaving the scene moments later. Four people, including a child of four months, were injured. The National Police blamed the crime on the guerrillas. 294/

At approximately 12.30 p.m. the same day, a worker who was a member of FENASTRAS noticed someone propping a sack against the outside wall of the FENASTRAS cafeteria. He smelt gunpowder and ran inside to warn his companions. Another witness, a scrap dealer, noticed two young men entering FENASTRAS grounds through the door in the access wall. One of them was carrying a suitcase in a jute sack. Through the door in the wall, we saw one of them "crouch down as if he was setting light to something". As he came out, he shouted that they had planted a bomb and the two of them ran off northwards.

Outside, someone yelled "bomb!" and people began running. At that moment, the bomb exploded. The building was enveloped in smoke and powder and the offices were destroyed. More than 40 people were injured and the following were

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killed: Ricardo Humberto Cestoni, trade unionist; Carmen Catalina Hernández Ramos, FENASTRAS cook; José Daniel López Meléndez, trade unionist; Julia Tatiana Mendoza Aguirre, trade unionist and daughter of a leader of the Frente Democrático Revolucionario (FDR) assassinated in 1980; Vicente Salvador Melgar, trade unionist; María Magdalena Rosales, student and daughter of a trade union leader; Rosa Hilda Saravia de Elias, FENASTRAS cook and trade union member; Luis Edgardo Vásquez Márquez, trade unionist; and Febe Elizabeth Velásquez, International Secretary of FENASTRAS and a member of the Executive Committee of the Unidad Nacional de Trabajadores Salvadoreños (UNTS).

FENASTRAS members and the main trade unions blamed the armed forces. UNTS accused the Ministry of Defence of "summarily executing" the workers in retaliation for an FMLN attack on the Armed Forces Joint Staff the previous day.

Background

These attacks on the offices of COMADRES and FENASTRAS occurred in a specific political and chronological context. It was common knowledge that the two organizations were critical of government policy, especially with regard to human rights violations, and that FENASTRAS was critical of governmental measures which, from its point of view, were detrimental to workers' interests. The armed forces considered FENASTRAS a "front" for FMLN. 295/

The security forces had several members of COMADRES and FENASTRAS, as well as their offices, under constant surveillance. The offices of the two organizations were raided repeatedly and their members were regularly threatened, harassed and detained by the authorities. 296/ On 22 February and 5 September, explosive devices were thrown at FENASTRAS headquarters. Hundreds of incidents of violence, persecution and threats against the two organizations have been reported.

In this political and chronological context, it should be noted that during October 1989, there had been a number of attacks against the army and against opponents of the Government. 297/ The day before the attacks on COMADRES and FENASTRAS, FMLN members had attacked the Armed Forces Joint Staff using explosive devices. 298/

The investigation of the attacks

Immediately after the attack on FENASTRAS, the Commission for the Investigation of Criminal Acts (CIHD), the judiciary and the National Police launched their respective investigations. The Second Justice of the Peace, Nelson Ulises Umaña Bojórquez, attempted to make a judicial inspection 299/ on 31 October. He was forced to abandon his efforts owing to "the congestion and commotion caused by the crowd which [was] present at the scene". 300/ CIHD experts arrived half an hour after the attack to make a visual inspection. Neither they nor staff from the Police Explosives Unit were able to gain access to the inside of the building. 301/

There are many doubts as to the seriousness and impartiality with which the investigations proceeded. That same day, CIHD representatives expressed the view that "the cause of the explosion was the mishandling of explosive materials

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inside the building itself". 302/ Members of the Police Explosives Unit concluded that the attack "... formed part of the conspiracy to discredit the Government of El Salvador by making the national and international community believe that the attack was a government response to the artillery attack launched by FMLN on 30 October 1989 against the Armed Forces Joint Staff ... which leads us to conclude that FMLN carried out the attack against itself in order to confuse public opinion, making it believe that it was an act of revenge for the earlier attack".

The CIHD dossier suggests that its investigation was based on the conclusions of the investigation carried out by the Technical Assistance Department of the "Sargento Carlos Sosa Santos" Explosives and Demolition Unit of the National Police, which ruled out the possibility that the explosive device had been planted at FENASTRAS offices "by an unknown person unconnected with that organization, since a meeting was being held inside the building and it is possible that access to it was being monitored by FENASTRAS staff". 303/ One of the first steps taken by CIHD was to request the security forces "urgently" to provide any political or ordinary information on the people killed and injured in the explosion. 304/

In November 1989, at the request of President Cristiani, the United States Department of State sent FBI experts to inspect the site of the explosion at the FENASTRAS offices. 305/ In its report, the FBI concluded that the disturbance of the scene of the crime, the passage of time and the conditions in which the crime had occurred reduced the possibility of identifying the type of explosive used. 306/ It was able to determine only that a high-power explosive, weighing approximately 15 pounds, had been used, and that the explosion had occurred in the area between the access wall and the outside wall of the building itself. 307/

It has been heard that the Government allegedly pressured some detainees to blame FMLN for the attack or to issue false statements to the press.

FINDINGS

The Commission finds the following:

1. There is sufficient evidence that the bomb attacks on the offices of COMADRES and FENASTRAS on 31 October 1989 were part of a systematic pattern of attacks on the lives, physical integrity and freedom of members of those organizations.
2. There is full evidence that the Government of El Salvador failed in its duty to guarantee the human rights to which the members of these organizations are entitled as individuals and as members of their organizations.
3. There is full evidence that the attack on the FENASTRAS offices was carried out using a bomb which persons unknown placed outside the building.
4. There is substantial evidence that the competent authorities of El Salvador did not carry out a full and impartial investigation of the attacks on the offices of COMADRES and FENASTRAS.

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5. There is no countervailing evidence that FMLN or FENASTRAS members might have carried out the attack.

(k) OQUELI AND FLORES

SUMMARY OF THE CASE

On 12 January 1990, Héctor Oquelí Colindres and Gilda Flores Arévalo were abducted in Guatemala City, Republic of Guatemala. Their bodies were found the same day in the village of San José El Coco in the Jalpatagua district of Guatemala, 5 kilometres from the border with El Salvador.

The facts of the killings are not in dispute. However, views differ as to who bears criminal and political responsibility.

Within the constraints imposed on it, the Commission made an exhaustive effort to determine who was responsible for the murders. It received some of the results of the investigations made by the Office of the President of the Republic of Guatemala, made inquiries with the authorities of that country, evaluated information supplied by the Government of El Salvador, studied the report prepared by Professors Tom Farer and Robert Goldman, and received some relevant testimony.

Having analysed the information available, it can say with certainty that members of the Guatemalan security forces, acting in conjunction with Salvadorians, took part in the crime.

It also notes that the incident was not properly investigated and that some essential procedures were omitted.

The Governments of Guatemala and El Salvador must make a thorough investigation of this double murder.

DESCRIPTION OF THE FACTS

Background

Héctor Oquelí, a leader of the Movimiento Nacional Revolucionario (MNR) of El Salvador, 308/ enjoyed tremendous national and international prestige and had been active for many years in the Socialist International. 309/ He was widely regarded as the likely successor to MNR leader Guillermo Ungo. 310/

Gilda Flores Arévalo, a citizen and resident of Guatemala, was actively involved in the Partido Socialista Democrático (PSD).

The murder occurred shortly after the biggest military offensive of the Salvadorian conflict, launched by FMLN in November 1989.

The fact that Héctor Oquelí was an opposition politician in El Salvador and the outrage which this crime prompted make this case a serious act of violence falling within the Commission's mandate, regardless of the place where the incident occurred.

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Some considerations

After the Government of President Vinicio Cerezo came to power in Guatemala, some opponents of the Salvadorian regime, including Oquelf, began to engage in low profile political activities on Guatemalan territory. 311/

As a member of MNR, Oquelf had returned to El Salvador and was publicly active in politics. In November 1989, during an FMLN offensive, he took refuge in the Venezuelan Embassy. He then moved to Mexico, where he continued his political activities within the Socialist International.

The facts

On 11 January 1990, Oquelf was travelling from Mexico to Nicaragua to take part in a Socialist International meeting in Managua. He planned to make a one-day stopover in Guatemala and leave the next day for Managua.

The reason for this stopover was to hold a political meeting with Mr. René Flores, a member of the same political group as Oquelf. René Flores travelled from San Salvador specifically to meet with Oquelf. Oquelf also planned to visit Gilda Flores in Guatemala.

On 11 January, Oquelf arrived in Guatemala City. In the international arrivals area, he met up with René Flores, who was arriving on a flight from San Salvador.

Oquelf went through immigration control without a problem. Two immigration officials then came up to him and asked him to show his passport again, on some administrative pretext, and detained him for over half an hour. Because of this, Oquelf was unable to leave the baggage area or go through customs because he did not have his passport. Gilda Flores and René Flores were waiting for him outside and could not understand why he had been delayed.

Oquelf's passport was new and absolutely in order and there was no reason why it could not be checked simply by looking at it. However, when the immigration officials returned it to him, they wrote in by hand over the date on the entry stamp the instruction "read this".

Once outside, Oquelf met up with René Flores and Gilda Flores. They talked about the passport episode that had occurred in the baggage area and drove to the home of Gilda Flores.

As they were leaving the airport, they noticed that some people who looked like plain clothes policemen were watching them, but nothing happened as they drove into the city.

When they reached Gilda Flores' home, there were some people they did not know outside but since there was a foreign embassy there they did not see anything significant in this.

Once inside the house, Oquelf made a number of telephone calls. He and René Flores talked about the overall political situation in El Salvador and René Flores gave him some documents.

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Gilda Flores and Oquelf then took René Flores to the airport. René Flores told the Commission on the Truth that he had been surprised that they went with him to the airport, as there was no need for this and it was not in line with the security measures that Oquelf always scrupulously observed.

Gilda Flores invited Héctor Oquelf to have dinner at her home. The maid left when dinner was over. Next morning, Flores and Oquelf set out early for the airport for Oquelf to take a plane to Managua. Gilda Flores was driving.

At approximately 5.45 a.m., on the Avenida Sexta in Zona Nueve, they were intercepted by a private vehicle from which a group of people got out. 312/ Oquelf, who was in the front passenger seat, tried to escape but was overpowered. He and Gilda were forced into the vehicle which had intercepted them.

Luis Ayala, the General Secretary of the Socialist International, and people at the International's meeting in Managua, began to wonder why Oquelf had not arrived.

That same day, Guatemalan police went to the scene of the abduction and found papers in the vehicle abandoned on the street establishing that the vehicle belonged to Gilda Flores. That morning, a complaint had been lodged with the police that two individuals had violently stolen a vehicle from a Guatemalan citizen in Guatemala City. In doing so, the assailants had identified themselves as members of the police. 313/ The vehicle turned out to be the same one in which the bodies of Oquelf and Flores were found later. There were bullet wounds in the bodies and they appeared to have been injected with an unidentified substance. 314/

At 5 p.m. the same day, 12 January, the two bodies were found in a vehicle abandoned on the main road to the border with El Salvador. Héctor Oquelf's papers were in his clothing.

Subsequent events

The Guatemalan authorities concluded on the spot that the body was indeed that of Héctor Oquelf Colindres. The body of Gilda Flores was identified by members of her family.

President Cerezo ordered an investigation of the case. The result of these investigations was the so-called "Third Report". The report made no findings and assigned no responsibilities, but simply set forth a number of theories, on which the Guatemalan Government had based its investigation, as to the possible motives for the crime. The investigation went nowhere, even though the report itself maintained that intelligence services obtained information that persons with ties to the activities of Salvadorian terrorist groups in recent years might be operating in Guatemala. Among the names obtained were those of Francisco Ricardo de Sola and Orlando de Sola. Although there is no definite evidence linking them to the crime, the investigation found that they were in Guatemala on the exact days on which the abduction and murder took place. 315/ The report added that "information was found pointing to Infantry Colonel Mario Denis Morán Echeverría of the Salvadorian army, El Salvador's Military Attaché in Guatemala, as someone whose background gave grounds to

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suspect that he might be providing a cover for clandestine terrorist groups coming from El Salvador. 316/

Reacting to the report, the Salvadorian Government claimed that Salvadorian citizens had been implicated without grounds. President Cristiani ordered the Attorney General of the Republic to launch an investigation. However, this investigation did not yield any results either.

At the request of the Socialist International, Professors Tom Farer and Robert Goldman, human rights experts, evaluated the action taken by the Guatemalan Government. The Farer-Goldman report found that the deficiencies of the Government's reports were so obvious that one could conclude that the investigation had been meant to fail. 317/

The Oqueli-Flores case is still awaiting a judicial resolution in both El Salvador and Guatemala.

Analysis

The Commission interviewed a considerable number of people who had been close to Oqueli, both members of his family and political contacts, and made all kinds of inquiries in order to obtain more precise information on the official investigations made in Guatemala and El Salvador. It had access to information about many of the possible motives for the double murder. Unfortunately, the most important information needed to conduct an in-depth investigation and answer some of the questions which were suggested to the Commission as a basis for its work could not be substantiated when the Commission requested that it be given access to all the information gathered by the Salvadorian Government on the Oqueli-Flores case. The reluctance in both Guatemala and El Salvador to give the Commission access to the information it requested during its investigation imposed serious constraints on it.

In this case, the facts are documented and the characteristics of the abduction and murder of Héctor Oqueli and Gilda Flores are not in question. However, neither those who planned the double homicide nor those who carried it out have been identified.

It was never made clear why the Guatemalan authorities had detained Oqueli at the airport and confiscated his passport for over half an hour. Nor was the liquid injected into the victims before their death identified. The records of persons entering and leaving the country were not checked - not even the records of the frontier post that was five kilometres away from the place where the bodies were found. No statement was taken from anyone whose testimony was decisive for shedding light on the facts and no one took the fingerprints left on the vehicles. Lastly, there was no investigation of the fact that the individuals who stole the car used for the crime identified themselves as police.

The dossier does not contain any new information other than letters and reports from police units and purely procedural judicial documents.

The Commission requested all existing information on this case from the highest level of the Government of the Republic of Guatemala. 318/ Despite the

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latter's pledge to cooperate in the Commission's work, no relevant information was received. 319/

The Office of the Attorney General of the Republic of El Salvador provided the Commission with a copy of the dossier of the investigation made at the request of President Cristiani. In fact, the dossier is nothing more than a compilation of press clippings on the case. 320/ Moreover, the Office of the Attorney General did not interview the Salvadorians named in the "Third Report", some of whom were public officials in El Salvador.

Among the theories as to possible motives for the crime is the fact that Héctor Oqueli was an international political figure. This is the theory underlying the Guatemalan Government's "Third Report", which speculates that the killers could have been from the most radical sectors of FMLN, the Guatemalan army, the Salvadorian authorities or the Salvadorian extreme right wing.

MNR provided the Commission with the original of a military identity card, belonging to a major René Grande Martínez, which had been handed over to it by President Vinicio Cerezo and which the Guatemalan authorities had apparently found at the scene of the murder.

The Ministry of Defence did little to respond to the request by the Commission on the Truth that it locate Major Grande Martínez. The Commission summoned him repeatedly but he never came to testify.

The Commission determined that the most important features of this murder were: (a) that the murderers knew beforehand that Oqueli would be in Guatemala; (b) that Oqueli was detained at the airport by authorities; (c) that his movements were constantly watched; (d) that persons claiming to be police stole the vehicle in which the bodies were later found; (e) that Oqueli was abducted in Guatemala City in broad daylight in the middle of the street; (f) and that the murderers were able to drive without incident from the capital city to the border with the two victims in a stolen car. All of this makes it absolutely clear that the Guatemalan authorities must have collaborated with or tolerated these crimes.

FINDINGS

1. The Governments of Guatemala and El Salvador have not done enough to thoroughly investigate the reasons for the murder of Héctor Oqueli Colindres and Gilda Flores or to find out who was responsible. The Commission on the Truth urges the two Governments separately to order the necessary action to clear up the crime and jointly, with the cooperation of such international bodies as are able to help them clarify this tragic event, to provide the international community with information establishing what happened, without prejudice to the corresponding judicial action.

2. The Commission believes that there is a direct link between the following facts: the fact that Héctor Oqueli Colindres and Gilda Flores Arévalo were members of their countries' political opposition; the fact that Oqueli was inexplicably detained by Guatemalan authorities at the airport; the fact that the home of Gilda Flores was being watched; the subsequent abduction and murder

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of Oqueli and Flores; and alleged police involvement in the theft of the car in which the bodies were found.

3. The Commission has found sufficient evidence that members of the Salvadorian security forces, acting in conjunction with or tolerated by Guatemalan security forces, were responsible for the murders.

4. There is sufficient evidence that the Salvadorian authorities did not investigate this crime properly. There is also sufficient evidence that the investigations made by the Guatemalan authorities were deficient and that the omission of basic evidence, even if not intended as a cover-up, had that effect.

3. ENFORCED DISAPPEARANCES

(a) VENTURA AND MEJIA

SUMMARY OF THE CASE

Francisco Arnulfo Ventura and José Humberto Mejía, law students at the University of El Salvador, were arrested by members of the National Guard in the parking lot of the United States Embassy on 22 January 1980 after a student demonstration. According to witnesses, members of the National Guard handed the students over to some men in civilian clothing who drove off with them in a private car. Despite the judicial investigations and remedies carried out since that date, the students' whereabouts are still unknown.

The Commission made the following findings:

1. Members of the National Guard arrested Francisco Arnulfo Ventura and José Humberto Mejía, detained them in the parking lot of the United States Embassy and then handed them over to some men in civilian clothing who drove off with them in a private vehicle.

2. While in the custody of those men, the students disappeared and there is no evidence that they are still alive.

3. By denying that the students had been arrested and failing to act quickly to investigate the incident and identify precisely who was responsible, then Colonel Eugenio Vides Casanova, Commander of the National Guard, was guilty, at the least of complicity through negligence and of obstructing the resulting judicial investigation.

4. The State failed in its duty to investigate, bring to trial and punish the guilty parties, compensate the victims' relatives and inform them of the whereabouts of the disappeared persons. The State must comply fully and promptly with these obligations.

DESCRIPTION OF THE FACTS 321/

On the morning of 22 January 1980, a student demonstration which had marched from the University of El Salvador to the centre of San Salvador was violently dispersed by security forces in front of the cathedral; a number of people were killed or injured. 322/

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Two of the demonstrators, Francisco Arnulfo Ventura Reyes (age 24) and José Humberto Mejía (age 25), both law students, went through the main entrance of the United States Embassy after the demonstration, at about 2.30 in the afternoon.

According to a number of witnesses, members of the National Guard arrested them at the Embassy gate and took them into the parking lot, where they stayed for a few minutes in the custody of the National Guard. Shortly afterwards, a private car 323/ entered the Embassy parking lot and the National Guard handed the students over to some men in civilian clothing who put them in the car boot and drove off. That was the last that was seen of the students.

The investigation

The same afternoon, a relative of Francisco Ventura went looking for him. Near the cathedral, a number of people told him that they had heard that Francisco Ventura and José Humberto Mejía had been arrested in front of the United States Embassy by guards. The next day, he received confirmation of this information when he went to the Asociación General de Estudiantes Universitarios Salvadoreños (AGEUS).

At the request of AGEUS, Mr. Santiago Orellana Amador and Mr. Florentín Menéndez were appointed to file writs of habeas corpus for the two students. According to their judicial statements, they spoke to Mr. Vytantos A. Dambrava, Director of the International Communications Agency of the United States Embassy, and to the Embassy's chief of security. Both Embassy officials said that they had known about the students' arrest and that the United States Marines had not been involved. They also said that the members of the National Guard who had been guarding the Embassy had brought the students into the courtyard to search them, and had kept them there. They added that, shortly afterwards, the two young men had been taken out of the Embassy. Mr. Dambrava said that they had been taken away by members of the National Guard, 324/ while the chief of security said that men in olive drab trousers and ordinary shirts had driven off with them in a private vehicle.

Mr. Orellana and Mr. Meléndez later interviewed Colonel Eugenio Vides Casanova, then Commander of the National Guard, who denied the statements by the Embassy officials. The lawyers then requested the Supreme Court to rule on the conflicting information given by the Embassy and the National Guard Command. 325/

At the same time, the Chief State Counsel, Mario Zamora, filed a complaint with the Second Criminal Court. Testimony was heard from relatives of the disappeared students. The judge also requested information from the United States Embassy and the National Guard, but did not receive a reply.

On 22 February 1980, the Supreme Court authorized the judge of the Second Criminal Court to initiate an investigation into the whereabouts of the disappeared students. That same night, Mario Zamora was murdered. 326/ After that, no further investigations were carried out.

However, the lawyers pursued their investigation, visiting National Guard barracks, 327/ while the students' relatives searched everywhere, even among the

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bodies that were turning up on the outskirts of San Salvador. Neither the young men nor their bodies were found.

Three months later, the death squad known as the "Ejército Secreto Anti-Comunista" published a list of names which included people who had already been murdered or disappeared, such as Monsignor Romero, Father Rutilio Grande and Chief State Counsel Mario Zamora. The names of Francisco Arnulfo Ventura and José Humberto Mejía were on the list. At the end of the list was an exhortation which read, "... help us get rid of all these traitors and criminal communists. The country will thank you for it." 328/

FINDINGS

The Commission finds the following:

1. There is full evidence that members of the National Guard arrested Francisco Arnulfo Ventura and José Humberto Mejía, detained them in the parking lot of the United States Embassy and handed them over to men in civilian clothing who drove off with them in a private car.
2. While in the custody of these men who drove into the Embassy parking lot and to whom they were handed over by the guards who arrested them, Ventura and Mejía disappeared. There is no evidence that they are still alive.
3. There is substantial evidence that by failing to act quickly to investigate the incident and identify precisely who was responsible, then Colonel Eugenio Vides Casanova was guilty, at least of complicity through negligence and of obstructing the resulting judicial investigation.

The State failed in its duty to investigate, bring to trial and punish the guilty parties, compensate victims' relatives and inform them of the whereabouts of the disappeared persons. The State must comply with its obligations.

(b) RIVAS HERNANDEZ

SUMMARY OF THE CASE

Miguel Angel Rivas Hernández, aged 17, disappeared on Saturday, 29 November 1986, near the Ilopango air force base in San Salvador. Witnesses attributed his arrest to members of the air force, to whom his family went to demand his return; at the base however, they were told that he was not being detained. Despite this official denial, the family received confirmation that the young man was at the base. Accordingly, they reported his disappearance to human rights organizations.

In January 1987 the young man was allegedly transferred to the National Guard central barracks in San Salvador. In March 1988, the victim's father maintains that he saw him from a distance at the National Guard barracks.

The Commission finds that:

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1. Miguel Angel Rivas Hernández was arrested on 29 November 1986 by members of the Salvadorian air force.
2. He was transferred from the air force base to the National Guard central barracks, where he disappeared, there being no evidence that he is still alive.
3. The Salvadorian air force and the National Guard covered up his arrest and detention.
4. The Commission for the Investigation of Criminal Acts (CIHD) did not cooperate properly with the Commission. It transmitted incomplete information concerning its investigation of the case.

Miguel Angel Rivas Hernández was arrested by members of the air force and subsequently transferred to the National Guard central barracks; not only did he disappear while in the custody of the National Guard, but there is no evidence that he is still alive. Air force and National Guard personnel covered up his detention. The State cannot evade its duty to investigate the case thoroughly.

DESCRIPTION OF THE FACTS

Miguel Angel Rivas Hernández, son of Guillermo Rivas Compas, a bus driver, and Rosa Elba Rivas, a housewife, lived in the Ilopango district adjacent to the Salvadorian air force base in San Salvador. He was not known in the community to be involved in political activities.

When he was 17, Miguel Angel got a job as attendant at the Texaco service station located on the Pan American Highway, just beyond the limits of air force base property. He walked to and from work every day.

It was common to see motorized patrols circulating at various times, as well as members of the Salvadorian air force on foot. Residents of the area usually knew airmen who worked at the base.

Arrest and disappearance

On Saturday, 29 November 1986, Miguel Angel's boss at the Texaco service station gave him permission to leave at approximately 7.30 p.m. As usual, he headed straight for home.

Miguel Angel's parents were expecting him at around 8 p.m. The young man did not arrive home. Worried, they inquired at the filling station, where they were assured that he had left shortly before 7.30 p.m.

His mother managed to find out that individuals in civilian clothing, driving a red pick-up truck with no doors on the cab, had detained a boy wearing white trousers and a black shirt. The description fitted Miguel Angel. His captors, from the description given, appeared to be members of the "7.30 p.m. air force patrol".

Very early the next day, Miguel Angel's parents went to the air force base to inquire about him, but were told that he was not being detained. They then

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went to various police and military departments, but these also denied that they were holding him.

A neighbour told Miguel Angel's mother that a young man had witnessed the arrest and had recognized an airman from the base as one of the captors. The airman was nicknamed "El Mango".

An air force member, nicknamed "El Chino", also confirmed to a friend of Miguel Angel that he was being held at the Ilopango air force base. This friend told Miguel Angel's mother. At the base, however, they still officially denied his detention.

Complaints and searches

In view of these continuing denials, the family decided, in December 1986, to report Miguel Angel's disappearance to several human rights bodies: the Human Rights Commission of El Salvador (governmental), the Archdiocesan Legal Protection Office, the International Committee of the Red Cross (ICRC), Amnesty International and Americas Watch. Americas Watch brought the case to the attention of the Inter-American Commission on Human Rights (IACHR). 329/

In January 1987, the family was informed of Miguel Angel's transfer to the National Guard barracks in San Salvador. 330/ However, when they went there, his detention was again denied.

The transfer of Miguel Angel Rivas Hernández from the air force to the National Guard was apparently recorded in the Guard's books in January 1987. 331/

In February 1987, the case was presented to the United States Embassy in El Salvador. Some members of the United States Congress wrote letters to their own Embassy in El Salvador 332/ and to the then President of El Salvador, José Napoleón Duarte, 333/ expressing concern at Miguel Angel's disappearance. In March, an Amnesty International mission visited the National Guard barracks, but did not find the young man there.

The investigation

CIHD took charge of the investigation of the case in April 1987. 334/ Detective Sergeant Roberto Palacios Iraheta was assigned to the investigation. 335/

Sergeant Palacios found out from an informant that a National Guard lieutenant had called a meeting of five Guard members and had ordered them to hide the books containing the records of the interrogations to which Rivas Hernández 336/ had been subjected and the place where he was being held: National Guard cell (bartolina) No. 4, S-II.

On receiving this information, Lieutenant Colonel Nelson Iván López y López, Chief of the CIHD Executive Unit, decided to intervene directly in the case and went to the National Guard barracks, but did not find the young man. 337/

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In a report dated 26 May, Lieutenant Colonel López noted that "... the investigations concerning Mr. Rivas Hernández are running into complications which require decisions at another level and which will shortly be reported ... (to the Head of CIHD)". 338/

On 2 June 1987, in another report, Lieutenant Colonel López "... described, in general terms, the difficulties encountered in the case of the disappearance of Mr. Rivas Hernández". 339/

Meanwhile, the family received regular information from its own source concerning Miguel Angel's state of health and place of detention. (The family's source was the same as that of CIHD.)

The family also transmitted regularly to this source various sums of money, which were carefully recorded by the victim's mother, during the period from June 1987 to February 1989. The informant reported seeing the detained youth in person and also gave an account of various transfers, both to official National Guard locations and to private houses; on several occasions, ICRC visited the official locations, without finding the young man.

On 23 March 1988, IACHR adopted resolution No. 21/88 in which it assumed that the facts of the complaint on the disappearance were true, advised the Government of El Salvador that the case involved extremely grave violations of human rights and recommended that it investigate and punish those responsible.

A few days later, nearly 16 months after the disappearance, the young man's father, Guillermo Rivas Campos, claims he caught sight of Miguel Angel for a few moments at the National Guard Command in San Pablo Tacachico.

The United States Embassy, through one of its officials, constantly supported the family in the search for the young man. Colonel Rivas Rivas of CIHD interviewed a colonel and a lieutenant of the National Guard, without success.

Following the FMLN offensive in 1989, the father of Miguel Angel Rivas Hernández was detained on charges of being linked to the guerrilla movement. His release was obtained with the help of the United States Embassy.

FINDINGS

The Commission finds the following:

1. There is substantial evidence that Miguel Angel Rivas Hernández was arrested by members of the Salvadorian air force.
2. There is substantial evidence that he was transferred to the National Guard.
3. There is substantial evidence that, while in the custody of the National Guard, the young man disappeared; there is no evidence that he is still alive.

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4. There is substantial evidence that the air force subsequently covered up his arrest and detention and that the National Guard covered up his detention.

5. The State failed in its responsibility under international human rights law to investigate the case and to bring to trial and punish those responsible.

(c) CHAN CHAN AND MASSI

SUMMARY OF THE CASE

The Commission on the Truth received abundant complaints of disappearances and studied most of them in depth. The present case is symptomatic of the disregard shown for family values, family feelings, maternal grief and trade union solidarity, which is why the Commission chose to focus on it.

On 18 August 1989, trade unionists Sara Cristina Chan Chan Medina and Juan Francisco Massi Chávez were walking home along the Boulevard del Ejército, near San Salvador. She was 20 years old and a photographer for the trade union confederation FENASTRAS; he was 25, a student and worked for the LIDO factory. As they passed the Reprocentro factory, 2.5 kilometres from the capital city, six air force members arrested them in front of the main gate: passengers in the buses driving by on the road recognized the young people and saw them standing against the wall with their hands in the air while being interrogated by the soldiers. This occurred at approximately 6 p.m. They have not been seen since.

DESCRIPTION OF THE FACTS 340/

Background

Juan Francisco was born on 25 February 1973 in Quezaltepeque, La Libertad, to Carmen Chávez de Massi and Simeón Massi. He lived with his family in the Las Margaritas district in Soyapango, was a worker, was public relations secretary of the trade union at the LIDO company, worked with FENASTRAS members on various trade union projects, had never been arrested and had no criminal record.

Sara Cristina Chan Chan was the eldest daughter of Jorge Eduardo Chan Chan Jiménez and María Juana Antonia Medina. The family used to live in the city of Santa Ana, where her father was an office worker and a well-known leader of the trade union ANDA. She had never been arrested either and had no criminal record. She had however, suffered the consequences of her family's trade union activities.

On 16 June 1980, when Sara Cristina was barely 10 years old, men in civilian clothing came to her home and murdered her father in the presence of Sara Cristina, her three younger brothers and sisters and her mother. The men arrived at 2 a.m. and identified themselves as members of the National Guard. When Sara Cristina's father refused to open the door, the men broke one of the windows and shot him. They also fired at the propane gas cylinder in the

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kitchen, and one of the men was about to light a match when he saw Sara Cristina and her brothers and sisters hiding under a bed. They left without setting fire to the house because there were "quite a few children" in it.

Because of the murder of Jorge Eduardo Chan Chan Jiménez, the family went to live in San Salvador. It was only after "quite some time" that Sara Cristina's mother decided to return to Santa Ana. In July 1989, according to witnesses, a group of uniformed soldiers from the Second Brigade, together with some civilians, came to her house. They blindfolded her and put her into a vehicle to take her to the Santa Ana barracks; on the way, she was tortured. After her release that same month, the family returned to the capital to live. There, Sara Cristina had obtained a job as a photographer for FENASTRAS, one of the country's largest and most active trade unions. Because FENASTRAS took positions critical of the armed forces, it was labelled a "front for FMLN". In 1989, threats against FENASTRAS were common and its members were accused in the media of having organizational links to FMLN. A month before the disappearance of Sara Cristina and Juan Francisco, a paid advertisement in the newspaper El Diario de Hoy blamed leaders of FMLN, priests Ignacio Ellacuría and Segundo Montes and leaders of FENASTRAS for the country's destruction by terrorism. The same advertisement asked President Cristiani to institute the death penalty and summary trials for these people.

Such characterizations, and the persecution of members of the trade union movement in general, added to the years of confrontation between FENASTRAS and the armed forces, created a situation in which the armed forces viewed anyone belonging to FENASTRAS as suspect. As a result, FENASTRAS members and persons linked to the trade union movement were generally considered by the Salvadorian authorities to be a threat to the security of the State.

The arrests

On Saturday, 18 August, Sara Cristina spent the entire morning at FENASTRAS. She then took a bus to go and visit Juan Francisco, who worked at the LIDO factory on the Boulevard del Ejército. She met him and they set off on foot towards San Salvador. The young people lived in the Santa Lucia district, near Juan Francisco's work.

As they passed the Reprocentro commercial factory, 2.5 kilometres from the capital, six air force members stopped them in front of the main factory gate. The soldiers were armed with M-16 rifles and wore red berets with the air force metal badge. Three of them were in olive-green uniform, the others in camouflage.

Air force motor patrols and soldiers on foot were a common sight. The air force maintained checkpoints and patrols on the Boulevard del Ejército, near its base, 24 hours a day. It also had soldiers stationed inside several commercial firms located on the Boulevard, close to the base.

Between 6 and 6.30 p.m., several people travelling past the place recognized Sara Cristina and Juan Francisco. The first to go by was a colleague from work who recognized the two detainees, got out of the vehicle in which he was travelling and returned to San Salvador to report the arrests to FENASTRAS. Minutes later, two colleagues went by in a minibus; when they realized that the

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two had been arrested, they too got out and returned to the city. Febe Elizabeth Vásquez, General Secretary of FENASTRAS, also drove by; she witnessed the arrest and returned to the office to inform her colleagues.

According to the log of incoming and outgoing vehicles kept by the Paratroop Battalion, a driver left at 6.50 p.m. to drop off patrols on the Boulevard. Others also left to patrol the Boulevard at this time. 341/

According to testimony, one of the soldiers asked Sara Cristina and Juan Francisco for their identity papers, while others stood guard. Other witnesses said that the soldiers had surrounded them and had placed them against a wall with their hands in the air, directly in front of the Reprocentro factory.

Some people were waiting for a bus nearby and must have witnessed the arrest. Out of fear, they did not approach, but they commented that the soldiers "had some detainees over there". That is what people usually said in those days.

The Paratroop Battalion was in charge of patrolling the Boulevard del Ejército and, that day, its third squadron was the unit assigned to guard the Boulevard. The officer in charge was Captain Oscar Arnulfo Díaz Amaya. In August 1989, some six or eight air force members were on duty 24 hours a day at the Reprocentro factory. These soldiers had orders to stay inside the factory premises. The air force did not provide the Commission on the Truth with the names of the officers of the unit which was guarding that company. The arrests were reported immediately to FENASTRAS which telephoned the media to report the incident. A FENASTRAS member left within 15 minutes to investigate; when he arrived on the scene, the young people were still being held. Later, two other people drove to the place, but the young people were no longer there. A total of five people witnessed the arrests.

The soldiers allegedly took Sara Cristina and Juan Francisco to the air force barracks, although no one saw a military vehicle at the scene. Lieutenant Colonel René Alcides Rodríguez Hurtado, Commander of the Paratroop Battalion at the time, told the Commission that, when Battalion troops made arrests, the normal procedure was to communicate with the duty officer through the air force base radio station; a vehicle would then be sent to bring the detainees to the base, where they would be interrogated. Following interrogation, the detainee was either released or handed over to the Treasury Police, the National Police or the National Guard. Lieutenant Colonel Rodríguez Hurtado, who was chief duty officer at the time, did not record the arrest of Sara Cristina and Juan Francisco. 342/ When FENASTRAS telephoned the air force to find out whether they had been transferred to the barracks, the duty commander denied that any arrest had been reported.

Efforts made by relatives

The next day, Sara Cristina's mother was informed of her daughter's arrest. Juan Francisco's family, however, learnt of the arrests the same day, through a relative.

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According to testimony, on Monday, 20 August, a representative of the Human Rights Commission of El Salvador who was at the Ilopango air force base investigating the arrests of Sara Cristina and Juan Francisco said that he had been informed that the young people had been arrested by members of the air force, but that they had already been handed over to the Treasury Police central barracks. A sister of Juan Francisco and a FENASTRAS lawyer also went to the air force base but were not allowed in. The Paratroop Battalion log of incoming and outgoing vehicles for the period from 18 to 20 August 1989, however, has no entry concerning the detainees. 343/

From that moment on, the authorities systematically denied even the fact that the arrests had occurred, and hence all knowledge of the victims' whereabouts and fate. That same day, Monday, 20 August, Sara Cristina's mother had gone to the Ilopango air force base to ask about her daughter. The soldier on duty took out a list and then went to call another officer. A few minutes later, an officer by the name of Flores arrived. He told the mother to "do me a big favour, tell those FENASTRAS people to stop putting that propaganda on television. We don't have them".

From that moment on, Sara Cristina's mother found herself embarked on a futile quest. She went to various military and police departments around the city in search of information; from the National Police to the air force; from the air force to the Treasury Police; from the Treasury Police to the air force. All her efforts were in vain.

Juan Francisco's sister also went to the Treasury Police, where she was told that the air force had not transferred anyone. Returning to the air force base, she was told that she had been misinformed and the air force had not arrested anyone by the name of Juan Francisco Massi or Sara Cristina Chan Chan.

Sara Cristina's mother went to the air force a third time, at 8 a.m., on Tuesday, 21 August, where they insisted that she look for her daughter at the National Guard barracks. From there, she went round in circles again: from the National Guard to the Treasury Police; from the Treasury Police to the National Police; from the National Police to the Treasury Police; from the Treasury Police to the National Guard. Again, all her efforts were in vain.

On Wednesday, 22 August, she returned to the air force base, accompanied by a FENASTRAS lawyer. At the entrance to the base, she met Juan Francisco's father, who was taking similar steps to find his son.

The same air force officer dealt with them. This time, he told Sara Cristina's mother that if she came back one more time, "the same thing would happen to her", in other words, they might make her disappear. The officer denied the arrests, but took the opportunity to tell them that Juan Francisco was an FMLN commander and that young people who joined the guerrillas often died.

Since the mother insisted that various people had witnessed the arrests by members of the air force a few days earlier, another officer was finally called in; he took the mother to the bartolinag. She inspected six cells, but saw neither Sara Cristina nor Juan Francisco. The officer shouted, "Don't come back unless you want this to happen to you!". Out of fear, she never returned.

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On Thursday, 23 August, Sara Cristina's younger sister went to the air force base, accompanied by a lawyer. The officer who dealt with them said to her: "You must be her sister, you look a lot like her. But we don't have her. Stop coming here to ask about her, because we don't have her here!" Sara Cristina's sister returned to the air force base with a sister of Juan Francisco on Friday, 24 August. Despite her pleas, the soldiers again denied the arrests.

The families of Sara Cristina and Juan Francisco left no stone unturned: they put paid advertisements in the newspaper demanding the release of both young people; 344/ they made countless visits to hospitals, cemeteries and police and military departments; they filed complaints with the (governmental) Human Rights Commission, the (non-governmental) Human Rights Commission, the Archdiocesan Legal Protection Office, the International Committee of the Red Cross (ICRC) and other human rights bodies; and they filed writs of habeas corpus with the Supreme Court. 345/

Letters were also sent to the Legislative Assembly and the Ministry of Justice. Two members of the Assembly informed Sara Cristina's mother that the young people's names were recorded in the air force's internal prisoner logs and that they were being held in the cellar of the air force barracks. The arrest and transfer to Ilopango air force base were thus confirmed.

The Director of the Archdiocesan Legal Protection Office sent letters to the Director-General of the Treasury Police at the time, Colonel Héctor Heriberto Hernández; the Commander of the air force, Colonel Juan Rafael Bustillo; the Chief of the Armed Forces Joint Staff at the time, Colonel René Emilio Ponce; the Minister of Defence and Public Security at the time, General Rafael Humberto Larios López; the Vice-Minister for Public Security, Colonel Inocente Orlando Montano; and the Vice-Minister for Defence, Colonel Juan Orlando Zepeda.

The only reply received was from the Treasury Police. In a letter dated 23 August 1989, Colonel Héctor Heriberto Hernández replied that he had "painstakingly" searched "the archives" and that Juan Francisco and Sara Cristina were not being held and had not been held by that body. 346/

The governmental Human Rights Commission searched for Sara Cristina and Juan Francisco at the air force base, the Artillery Brigade, the Cavalry Regiment, the National Police central barracks, the National Guard, the Treasury Police, the First Infantry Brigade, the Fourth Infantry Brigade and Military Detachment No. 1. 347/ These efforts proved fruitless and the investigation was apparently limited to asking the officer in charge of each unit to fill out a form stating that he was not holding the young people. The Human Rights Commission finally stated that it had been unable to find out any information on the case.

The Commission on the Truth asked the air force, the National Police, the Treasury Police and the National Guard for information on all the people arrested by them during the period from 16 to 20 August. It also asked for the list of people transferred from the air force to the other security forces during that week. The air force transmitted the list of people arrested by its units during the period from 16 to 20 August 1989; however, the list was not the

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original, but a typewritten copy, and listed only six people as having been arrested on 17 August. There was no record of the arrest of Sara Cristina or Juan Francisco. 348/

The National Police transmitted a list of people arrested by its units during the period from 17 to 19 August 1989. This list, a typewritten copy of the names of several people arrested on those days, also contained no record of the arrest of Sara Cristina or Juan Francisco. 349/ The National Guard transmitted copies of the pages of the book in which it kept a record of people arrested on 17, 18, 19 and 20 August. There was no record of Sara Cristina or Juan Francisco. It stated that, on those days, "no one was transferred to it from the Salvadorian air force". 350/

The Massi family received several telegrams telling them to go to the National Police to get Juan Francisco. Juan Francisco's father established a relationship with an individual who allegedly belonged to the National Police and who told him that his son was at the police barracks in the Monserrat district and that he could communicate with him. According to that source, his son had injuries from the blows he had received and needed clothes and money. Although Juan Francisco's father took him food, clothing and money, he was never allowed to see him. He was told that Juan Francisco was in bad shape and that he had to wait until the young man was better. The father stayed in contact with the policeman until 1991, but Juan Francisco never appeared. Finally, the family gave up the search.

A month after the disappearance of Sara Cristina and Juan Francisco, on 18 September 1989, Sara Cristina's mother took part in a demonstration organized by FENASTRAS to demand the release of the two young people. Along with 63 other people, she was arrested by members of the National Police and transferred to the central barracks. She was threatened, beaten and tortured. The next month, her younger daughter was injured when a bomb exploded at FENASTRAS headquarters. After this last incident, the mother stopped looking for her daughter.

The official investigations

The military authorities, the Government and the judiciary all refused to investigate the incident. Because of the publicity surrounding the case, however, the air force asked then Lieutenant Edgardo Ernesto Echeverría, Chief of the C-II Tactical Support Division, to carry out an internal investigation. Lieutenant Echeverría questioned the soldiers in his division and, upon receiving negative replies, reported that no one in his unit had seen the two young people.

In testimony before the Commission, Lieutenant Echeverría described the investigation as "a bureaucratic investigation", confined to asking questions orally. He said that such cases had been common during the two years in which he worked in the intelligence division. The air force commander or chief had requested internal investigations on various occasions, and Lieutenant Echeverría could not recall a single case in which the air force had admitted responsibility.

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FINDINGS

The Commission finds the following:

1. There is full evidence that members of the air force arrested Sara Cristina Chan Chan and Juan Francisco Massi.
2. There is sufficient evidence that the detainees were transferred to the air force base.
3. There is sufficient evidence that they disappeared while in the custody of the air force, and there is no evidence that they are still alive.
4. There is full evidence of a cover-up by air force personnel, who denied the arrests of Sara Cristina Chan Chan and Juan Francisco Massi.
5. The judiciary and the police investigation units which have so far refused to act must launch a special investigation into the air force to clear up the circumstances of the arrest and subsequent disappearance of the two young people. The Commission on the Truth considers it unacceptable that people seeking evidence in this case, which is typical of many such cases of disappearance, have been denied access to individuals or archives. It is incumbent on the judiciary, headed by the Supreme Court of Justice, to open this exhaustive investigation into the air force. As the expression of Salvadorian society, the State has an obligation to history to investigate the incident in a transparent manner, to punish the culprits and to compensate the families of the young victims Sara Cristina Chan Chan and Juan Francisco Massi.

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C. MASSACRES OF PEASANTS BY THE ARMED FORCES

In 1980, 1981 and 1982, several massacres of peasants were carried out by troops of the armed forces of El Salvador. An account of three of them follows.

1. ILLUSTRATIVE CASE: EL MOZOTE

SUMMARY OF THE CASE

On 10 December 1981, in the village of El Mozote in the Department of Morazán, units of the Atlacatl Battalion detained, without resistance, all the men, women and children who were in the place. The following day, 11 December, after spending the night locked in their homes, they were deliberately and systematically executed in groups. First, the men were tortured and executed, then the women were executed and, lastly, the children, in the place where they had been locked up. The number of victims identified was over 200. The figure is higher if other unidentified victims are taken into account.

These events occurred in the course of an anti-guerrilla action known as "Operación Rescate" in which, in addition to the Atlacatl Battalion, units from the Third Infantry Brigade and the San Francisco Gotera Commando Training Centre took part.

In the course of "Operación Rescate", massacres of civilians also occurred in the following places: 11 December, more than 20 people in La Joya canton; 12 December, some 30 people in the village of La Ranchería; the same day, by units of the Atlacatl Battalion, the inhabitants of the village of Los Toriles; and 13 December, the inhabitants of the village of Jocote Amarillo and Cerro Pando canton. More than 500 identified victims perished at El Mozote and in the other villages. Many other victims have not been identified.

We have accounts of these massacres provided by eyewitnesses and by other witnesses who later saw the bodies, which were left unburied. In the case of El Mozote, the accounts were fully corroborated by the results of the 1992 exhumation of the remains.

Despite the public complaints of a massacre and the ease with which they could have been verified, the Salvadorian authorities did not order an investigation and consistently denied that the massacre had taken place.

The Minister of Defence and the Chief of the Armed Forces Joint Staff have denied to the Commission on the Truth that they have any information that would make it possible to identify the units and officers who participated in "Operación Rescate". They say that there are no records for the period.

The President of the Supreme Court has interfered in a biased and political way in the judicial proceedings on the massacre instituted in 1990.

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DESCRIPTION OF THE FACTS

Village of El Mozote

On the afternoon of 10 December 1981, units of the Atlacatl Rapid Deployment Infantry Battalion (BIRI) arrived in the village of El Mozote, Department of Morazán, after a clash with guerrillas in the vicinity.

The village consisted of about 20 houses situated on open ground around a square. Facing onto the square was a church and behind it a small building known as "the convent", used by the priest to change into his vestments when he came to the village to celebrate mass. Not far from the village was a school, the Grupo Escolar.

When the soldiers arrived in the village they found, in addition to the residents, other peasants who were refugees from the surrounding areas. They ordered everyone out of the houses and into the square; they made them lie face down, searched them and asked them about the guerrillas. They then ordered them to lock themselves in their houses until the next day, warning that anyone coming out would be shot. The soldiers remained in the village during the night.

Early next morning, 11 December, the soldiers reassembled the entire population in the square. They separated the men from the women and children and locked everyone up in different groups in the church, the convent and various houses.

During the morning, they proceeded to interrogate, torture and execute the men in various locations. Around noon, they began taking out the women in groups, separating them from their children and machine-gunning them. Finally, they killed the children. A group of children who had been locked in the convent were machine-gunned through the windows. After exterminating the entire population, the soldiers set fire to the buildings.

The soldiers remained in El Mozote that night. The next day, they went through the village of Los Toriles, situated 2 kilometres away. Some of the inhabitants managed to escape. The others, men, women and children, were taken from their homes, lined up and machine-gunned.

The victims at El Mozote were left unburied. During the weeks that followed the bodies were seen by many people who passed by there. In Los Toriles, the survivors subsequently buried the bodies.

Background

The Atlacatl Battalion arrived at El Mozote in the course of a military action known as "Operación Rescate", which had begun two days earlier on 6 December and also involved units from the Third Brigade and the San Francisco Gotera Commando Training Centre.

The Atlacatl Battalion was a "Rapid Deployment Infantry Battalion" or "BIRI", that is, a unit specially trained for "counter-insurgency" warfare. It was the first unit of its kind in the armed forces and had completed its

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training, under the supervision of United States military advisers, at the beginning of that year, 1981.

Nine months before "Operación Rescate" took place, a company of the Atlacatl Battalion, under the command of Captain Juan Ernesto Méndez, had taken part in an anti-guerrilla operation in the same northern zone of Morazán. On that occasion, it had come under heavy attack from guerrillas and had had to withdraw with heavy casualties without achieving its military objective. This setback for the brand new "Rapid Deployment Infantry Battalion" made it the butt of criticism and jokes by officers of other units, who nicknamed it the "Rapid Retreat Infantry Battalion".

The goal of "Operación Rescate" was to eliminate the guerrilla presence in a small sector in northern Morazán, where the guerrillas had a camp and a training centre at a place called La Guacamaya.

Colonel Jaime Flórez Grijalva, Commander of the Third Brigade, was responsible for overseeing the operation. Lieutenant Colonel Domingo Monterrosa Barrios, Commander of the Atlacatl BIRI, was in command of the units taking part.

On 9 December, clashes took place between Government troops and the guerrillas. That same day, a company of the Atlacatl BIRI entered the town of Arambala. They rounded up the population in the town square and separated the men from the women and children. They locked the women and children in the church and ordered the men to lie face down in the square. A number of men were accused of being guerrilla collaborators. They were tied up, blindfolded and tortured. Residents later found the bodies of three of them, stabbed to death.

In Cumaro canton as well, residents were rounded up in the main square by Atlacatl units on the morning of 10 December. There, however, no one was killed.

There is sufficient evidence that units of the Atlacatl BIRI participated in all these actions. In the course of "Operación Rescate", however, other mass executions were carried out by units which it has not been possible to identify with certainty.

In all instances, troops acted in the same way: they killed anyone they came across, men, women and children, and then set fire to the houses. This is what happened in La Joya canton on 11 December, in the village of La Ranchería on 12 December, and in the village of Jocote Amarillo and Cerro Pando canton on 13 December.

Subsequent events

The El Mozote massacre became public knowledge on 27 January 1982, when The New York Times and The Washington Post published articles by Raymond Bonner and Alma Guillermoprieto, respectively, reporting the massacre. In January, they had visited the scene of the massacre and had seen the bodies and the ruined houses.

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In the course of the year, a number of human rights organizations denounced the massacre. The Salvadorian authorities categorically denied that a massacre had taken place. No judicial investigation was launched and there was no word of any investigation by the Government or the armed forces.

On 26 October 1990, on a criminal complaint brought by Pedro Chicas Romero, criminal proceedings were instituted in the San Francisco Gotera Court of the First Instance. During the trial, which is still going on, statements were taken from witnesses for the prosecution; eventually, the remains were ordered exhumed, and this provided irrefutable evidence of the El Mozote massacre. The judge asked the Government repeatedly for a list of the officers who took part in the military operation. He received the reply that the Government did not have such information.

The results of the exhumation

The exhumation of the remains in the ruins of the little building known as the convent, adjacent to the El Mozote church, took place between 13 and 17 November 1992.

The material found in the convent was analysed by expert anthropologists and then studied in minute detail in the laboratories of the Santa Tecla Institute of Forensic Medicine and of the Commission for the Investigation of Criminal Acts by Dr. Clyde Snow (forensic anthropologist), Dr. Robert H. Kirschner (forensic pathologist), Dr. Douglas Scott (archaeologist and ballistics analyst), and Dr. John Fitzpatrick (radiologist), in collaboration with the Argentine Team of Forensic Anthropologists made up of Patricia Bernardi, Mercedes Doretti and Luis Fondebrider.

The study made by the experts led to the following conclusions:

1. "All the skeletons recovered from the site and the associated evidence were deposited during the same temporal event ...". 351/ The physical evidence recovered in the site excludes the possibility that the site could have been used as a clandestine cemetery in which the dead were placed at different times.

2. "The events under investigation are unlikely to have occurred later than 1981". 352/ Coins and bullet cartridges bearing their date of manufacture were found in the convent. In no case was this date later than 1981.

3. In the convent, bone remains of at least 143 people were found. 353/ However, the laboratory analysis indicates that "there may, in fact, have been a greater number of deaths. This uncertainty regarding the number of skeletons is a reflection of the extensive perimortem skeletal injuries, postmortem skeletal damage and associated commingling. Many young infants may have been entirely cremated; other children may not have been counted because of extensive fragmentation of body parts". 354/

4. The bone remains and other evidence found in the convent show numerous signs of damage caused by crushing and by fire.

5. Most of the victims were minors.

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The experts determined, initially, after the exhumation, that "approximately 85 per cent of the 117 victims were children under 12 years of age", 355/ and indicated that a more precise estimate of the victims' ages would be made in the laboratory. 356/

In the laboratory, the skeletal remains of 143 bodies were identified, including 131 children under the age of 12, 5 adolescents and 7 adults. The experts noted, in addition, that "the average age of the children was approximately 6 years". 357/

6. One of the victims was a pregnant woman. 358/

7. Although it could not be determined with certainty that all the victims were alive when they were brought into the convent, "it can be concluded that at least some of the victims were struck by bullets, with an effect that may well have been lethal, inside the building". 359/

This conclusion is based on various factors:

(1) A "large quantity of bullet fragments [were] found inside the building ...". 360/ "Virtually all the ballistic evidence was found at level 3, in direct contact with or imbedded in the bone remains, clothing, household goods and floor of the building". 361/ Moreover, "the spatial distribution of most of the bullet fragments coincides with the area of greatest concentration of skeletons and with concentrations of bone remains". 362/ Also, the second and third areas of concentration of bullet fragments coincide with the second and third areas of concentration of skeletons, respectively.

(2) "Of 117 skeletons identified in the field, 67 were associated with bullet fragments. In 43 out of this subtotal of 67, the fragments were found in the areas of the skull and/or the thorax, i.e., parts of the body where they could have been the cause of death." 363/

(3) "In at least nine cases, the victims were shot inside the building while lying in a horizontal position on the floor. The shots were fired downwards. In at least six of the nine cases mentioned, these shots could have caused the victims' deaths." 364/

(4) "Direct skeletal examination showed intact gunshot wounds of entrance in only a few skulls because of the extensive fracturing that is characteristically associated with such high-velocity injuries. Skull reconstruction identified many more entrance wounds, but relatively few exit wounds. This is consistent with the ballistic evidence that the ammunition involved in the shootings was of a type likely to fragment upon impact, becoming essentially frangible bullets. Radiologic examination of skull bones demonstrated small metallic densities consistent with bullet fragments in 45.2 per cent (51/115).

In long bones, vertebrae, pelvis and ribs there were defects characteristic of high velocity gunshot wounds." 365/

(5) The weapons used to fire at the victims were M-16 rifles.

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As the ballistics analyst described, "two hundred forty-five cartridge cases recovered from the El Mozote site were studied. Of these, 184 had discernible headstamps, identifying the ammunition as having been manufactured for the United States Government at Lake City, Missouri. Thirty-four cartridges were sufficiently well preserved to analyze for individual as well as class characteristics. All of the projectiles except one appear to have been fired from United States-manufactured M-16 rifles". 366/

(6) At least 24 people participated in the shooting. 367/ They fired "from within the house, from the doorway, and probably through a window to the right of the door". 368/

An important point that emerges from the results of the observations is that "no bullet fragments were found in the outside west facade of the stone wall". 369/

The evidence presented above is full proof that the victims were summarily executed, as the witnesses have testified.

The experts who carried out the exhumation reached the following conclusion: "All these facts tend to indicate the perpetration of a massive crime, there being no evidence to support the theory of a confrontation between two groups". 370/

For their part, the experts who conducted the laboratory analysis said that "the physical evidence from the exhumation of the convent house at El Mozote confirms the allegations of a mass murder". 371/ They went on to say, on the same point: "There is no evidence to support the contention that these victims, almost all young children, were involved in combat or were caught in the crossfire of combat forces. Rather the evidence strongly supports the conclusion that they were the intentional victims of a mass extra-judicial execution". 372/

Action by the Commission

Before the Commission on the Truth began its work, the Director of the Human Rights Division of the United Nations Observer Mission in El Salvador (ONUSAL) brought a motion before the judge hearing the case to have qualified foreign experts appointed.

The Commission on the Truth, from the moment it was set up, took a special interest in having the exhumation conducted under conditions that guaranteed the necessary scientific rigour and impartiality.

The Commission also reviewed the available publications, documentation and court records. It took testimony directly from eyewitnesses and was present at the exhumation site.

The Commission wrote three times to the Minister of Defence and once to the Chief of the Armed Forces Joint Staff requesting information about the units and officers who took part in "Operación Rescate", and about any orders, reports or other documents relating to that operation that might be in the archives. The only response it received was that there were no records for that period.

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Special mention must be made of the interference in the case by the President of the Supreme Court of El Salvador, Mr. Mauricio Gutiérrez Castro. When on 17 July 1991 representatives of the Legal Protection Office asked the trial judge to appoint qualified foreign experts to conduct the exhumations, he told them that this would require the approval of Mr. Gutiérrez Castro. It was not until nine months later, on 29 April 1992, after ONUSAL stepped in, that he proceeded to appoint them.

On 16 July 1992, when the members of the Commission on the Truth went to see him, Mr. Gutiérrez Castro said that the exhumation ordered by the trial judge would prove that "only dead guerrillas are buried" at El Mozote.

A few days later, the court hearing the case ruled that its appointment of foreign experts was not valid without a complicated procedure of consultation with foreign Governments through the Supreme Court of Justice, with the result that the exhumation was on the point of going ahead without the presence of such experts.

On 21 October, Mr. Mauricio Gutiérrez Castro came to the exhumation site and, in giving his opinion on how future excavations in the zone should be carried out, said that care should be taken not to "favour one of the parties" (presumably the Government and FMLN) "because of the political implications of this process, which override legal considerations".

FINDINGS

There is full proof that on 11 December 1981, in the village of El Mozote, units of the Atlacatl Battalion deliberately and systematically killed a group of more than 200 men, women and children, constituting the entire civilian population that they had found there the previous day and had since been holding prisoner.

The officers in command of the Atlacatl Battalion at the time of the operation whom the Commission has managed to identify are the following:
Battalion Commander: Lieutenant Colonel Domingo Monterrosa Barrios (deceased);
Commanding Officer: Major Natividad de Jesús Cáceres Cabrera (now Colonel);
Chief of Operations: Major José Armando Azmitia Melara (deceased); Company Commanders: Juan Ernesto Méndez Rodríguez (now Colonel); Roberto Alfonso Mendoza Portillo (deceased); José Antonio Rodríguez Molina (now Lieutenant Colonel), Captain Walter Oswaldo Salazar (now Lieutenant Colonel) and José Alfredo Jiménez (currently a fugitive from justice).

There is sufficient evidence that in the days preceding and following the El Mozote massacre, troops participating in "Operación Rescate" massacred the non-combatant civilian population in La Joya canton, in the villages of La Ranchería, Jocote Amarillo y Los Toriles, and in Cerro Pando canton.

Participating in this operation, in addition to the Atlacatl Battalion, were units of the Third Infantry Brigade, commanded by Colonel Jaime Flórez Grijalba (now retired) who was also responsible for supervising the operation, and units from the San Francisco Gotera Commando Training Centre commanded by Colonel Alejandro Cisneros (now retired).

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Although it received news of the massacre, which would have been easy to corroborate because of the profusion of unburied bodies, the Armed Forces High Command did not conduct or did not give any word of an investigation and repeatedly denied that the massacre had occurred. There is full evidence that General José Guillermo García, then Minister of Defence, initiated no investigations that might have enabled the facts to be established. There is sufficient evidence that General Rafael Flórez Lima, Chief of the Armed Forces Joint Staff at the time, was aware that the massacre had occurred and also failed to undertake any investigation.

The High Command also took no steps whatsoever to prevent the repetition of such acts, with the result that the same units were used in other operations and followed the same procedures.

The El Mozote massacre was a serious violation of international humanitarian law and international human rights law.

The President of the Supreme Court of Justice of El Salvador, Mr. Mauricio Gutiérrez Castro, has interfered unduly and prejudicially, for biased political reasons, in the ongoing judicial proceedings on the case.

The Commission recommends that the competent authorities implement the recommendations made in the experts' reports (see annex 1).

2. SUMPUL RIVER

SUMMARY OF THE CASE

On 14 May 1990, units of Military Detachment No. 1, the National Guard and the paramilitary Organización Nacional Democrática (ORDEN) deliberately killed at least 300 non-combatants, including women and children, who were trying to flee to Honduras across the Sumpul river beside the hamlet of Las Aradas, Department of Chalatenango. The massacre was made possible by the cooperation of the Honduran armed forces, who prevented the Salvadorian villagers from landing on the other side.

The Salvadorian military operation had begun the previous day as an anti-guerrilla operation. Troops advanced from various points, gradually converging on the hamlet of Las Aradas on the banks of the Sumpul river. In the course of the operation, there had been a number of encounters with the guerrillas.

There is sufficient evidence that, as they advanced, Government forces committed acts of violence against the population, and this caused numerous people to flee, many of whom congregated in the hamlet, consisting of some dozen houses.

Troops attacked the hamlet with artillery and fire from two helicopters. The villagers and other people displaced by the operation attempted to cross the Sumpul river to take refuge in Honduras. Honduran troops deployed on the opposite bank of the river barred their way. They were then killed by Salvadorian troops who fired on them in cold blood.

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DESCRIPTION OF THE FACTS

Background

In 1970, when the so-called "Soccer War" between Honduras and El Salvador ended, a demilitarized zone was established comprising a strip of land three kilometres wide on each side of the border. The zone was monitored by an observer mission of the Organization of American States. The armed forces of both countries were prohibited from entering the zone.

When the conflict in El Salvador began, many Salvadorian peasants took refuge in Honduras, where they set up camps. When anti-guerrilla actions increased in early 1980, a large number of Salvadorian peasants crossed the border, leaving a number of villages, including Las Aradas, almost deserted. The Honduran Government became increasingly concerned as Salvadorian refugees entered and remained in Honduras. It should be recalled that one of the reasons for the war between the two countries had been the settlement of Salvadorian peasants in border areas in Honduran territory.

The Salvadorian Government, for its part, believed that the demilitarized zone and Honduran territory were serving as a base of operations and a refuge for guerrillas whose activities had intensified in the adjacent area, in the north of the Department of Chalatenango.

A large part of the peasant population in the zone also belonged to the Federación de Trabajadores del Campo, which had joined the struggle for agrarian reform and was viewed by the Salvadorian Government as a guerrilla support organization.

In the last two weeks of March 1980, Honduran authorities put pressure on the refugees to return to their country. A group of refugees returned to Las Aradas.

Anti-guerrilla operations by the Government of El Salvador continued in the zone. After the villagers' return to Las Aradas and before the May massacre, National Guard and ORDEN troops, who were able to enter the zone freely, twice advanced as far as Las Aradas. On both occasions, residents fled across the river to Honduran territory.

On 5 May, nine days before the massacre, Honduran and Salvadorian military leaders met on the border, according to the Honduran press, to work out a way of preventing Salvadorian guerrillas from entering Honduras. A few days later, Honduran soldiers again put pressure on Salvadorian refugees and a group of them returned to Las Aradas.

When the operation which would lead to the massacre began a week later, many fleeing peasants converged on Las Aradas, confident that from there they would be able to cross the hanging bridge over the Sumpul river, which was running high because of the rainy season, and take refuge in Honduran territory. They also hoped that Salvadorian soldiers would not enter the demilitarized zone.

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Subsequent events

The armies of the two countries left the zone that same day. The National Guard continued to patrol the area to prevent residents from returning. The bodies were not buried.

In Honduras, the massacre received extensive media coverage. The first news report was transmitted on 21 May by a morning news programme on Radio Noticias del Continente, which operates out of Costa Rica. A few days later, the newspaper Tiempo published an interview with Father Roberto Yalaga, a priest in the diocese of Santa Rosa de Copán, who confirmed that at least 325 Salvadorians had been killed by the army and that a Honduran military detachment had cordoned off the bank of the Sumpul river.

Two foreign journalists, Gabriel Sanhuesa and Ursula Ferdinand, managed to get to Las Aradas from the Honduran side and obtain visual evidence of the massacre. They also managed to interview a number of survivors who had taken refuge in Honduran border villages. They published a leaflet on the incident.

A formal complaint about the massacre was filed by the priests and nuns of the Honduran diocese of Santa Rosa de Copán on 19 June 1980, signed by the diocese's 38 pastoral workers. The complaint was based on the visual evidence and the testimony gathered by the diocese as part of its investigations.

The complaint accused the Government and the armed forces of the Republic of Honduras of complicity in the massacre and in the subsequent cover-up and the Organization of American States (OAS) of complicity in covering up the tragic event. This accusation was endorsed by the entire Honduran Conference of Bishops, headed by the Archbishop of Tegucigalpa, Monsignor Héctor E. Santos, in a statement published by the press on 1 July 1980. From El Salvador, the Archdiocese of San Salvador endorsed and associated itself with the complaint by the diocese of Santa Rosa de Copán, in a communiqué published on 29 June 1980.

The Minister of Defence of El Salvador, General José Guillermo García, denied that the massacre had occurred. A year later, in an interview, he admitted that a number of people had died in a clash on 14 May 1980 at the Sumpul river, but said that the number of deaths had been greatly exaggerated. 373/

In October 1980, President José Napoleón Duarte, in an interview with the Canadian publication United Church Observer, acknowledged that a military operation had taken place in the Sumpul river area and said that some 300 people, all of them "communist guerrillas", had died. 374/

The charges made by the diocese of Santa Rosa de Copán were also denied in an official statement issued by the Government and armed forces of Honduras describing the accusations as libellous and irresponsible. 375/ The Honduran President, Policarpo Paz, denied the truth of the complaint in a speech broadcast on national radio and television. The Minister of Government, Colonel Cristóbal Díaz García, told the press that Honduras would not set up any commission of investigation. Replying to a question, he said that no one doubted that there had been a massacre on the other side of the river, but that Honduras had not been involved.

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Colonel Alfonso Rodríguez Rincón, Chief of the OAS observers, dismissed the accusation by the Honduran Church as the product of an overactive imagination. He said that as Chief of the observers, he could confirm that they had known nothing about the incident. He added that there were numerous operations on the Salvadorian side and it was conceivable that many guerrillas had been killed; he wondered whether the incident was perhaps being confused with another one.

However, the Commission found out that OAS observers did report a major clash between Salvadorian troops and FMLN guerrillas as having occurred between 14 and 16 May 1980 on the border in that region. According to their report, over 200 people had been killed and some civilians had been caught in the crossfire, but there was no evidence that innocent civilians had been massacred.

On 26 October 1992, surviving witnesses of the Sumpul river massacre filed a judicial complaint with the Chalatenango Court of First Instance, which was declared admissible under the title "on verifying the murder of 600 people". 376/

Action taken by the Commission

The Commission received some 100 direct testimonies on the incident and examined an equivalent number of testimonies presented to other organizations. It examined the documentation available, including photographs, and interviewed the original complainants. A Commission official travelled to Honduras to gather direct testimony. Members of the Commission personally inspected the scene of the massacre.

The Commission repeatedly requested the cooperation of the Salvadorian military authorities in conducting the investigation, but the only reply it received was that there were no records for that period. The Commander of Military Detachment No. 1 at the time, Colonel Ricardo Augusto Peña Arbaiza, was summonsed to testify but did not appear.

FINDINGS

There is substantial evidence that on 13 and 14 May 1980, troops from Military Detachment No. 1 and members of the National Guard and of the paramilitary Organización Nacional Democrática (ORDEN), backed by the air force, massacred no less than 300 unarmed civilians on the banks of the Sumpul river.

The Commission believes that the Salvadorian military authorities were guilty of a cover-up of the incident. There is sufficient evidence that Colonel Ricardo Augusto Peña Arbaiza, Commander of Military Detachment No. 1 in May 1980, made no serious investigation of the incident.

The Sumpul river massacre was a serious violation of international humanitarian law and international human rights law.

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3. EL CALABOZO

SUMMARY OF THE CASE

On 22 August 1982, in the place known as El Calabozo situated beside the Amatitán river in the north of the Department of San Vicente, troops of the Atlacatl Rapid Deployment Infantry Battalion (BIRI) killed over 200 men, women and children whom they were holding prisoner.

The victims had converged on El Calabozo from various directions, fleeing a vast anti-guerrilla military operation which had begun three days earlier in the area of Los Cerros de San Pedro and which involved, in addition to the Atlacatl BIRI, other infantry, artillery and aerial support units.

There was a major guerrilla presence, supported by the local population, in the area of the operation. Government forces had penetrated the area on earlier occasions, but the guerrillas had avoided combat. This time the operation, which bore the name "Teniente Coronel Mario Azenón Palma", involved some 6,000 troops and was designed to clear the area of guerrillas. As the troops advanced, the civilian population fled, fearing the shelling and the soldiers' violence. One of the places where a large number of fugitives congregated was El Calabozo.

According to witnesses, the fugitives were surprised by the Atlacatl Battalion unit. Some of them managed to escape; the rest were rounded up and machine-gunned.

The military operation continued for several more days. The Government informed the public that it had been a success: many guerrillas had been killed, camps had been destroyed and weapons and other supplies had been seized.

On 8 September, two weeks after the incident, the massacre was reported in The Washington Post. The Minister of Defence, General José Guillermo García, said that an investigation had been made and that no massacre had occurred. He repeated this assertion in an interview with the Commission.

In July 1992, the San Sebastián Mixed Court of First Instance launched a judicial investigation of the incident on the basis of a private complaint.

The Commission received eye witness testimony and examined available documentation. Commission members inspected the scene of the massacre. When the Commission requested information on the military operation, the units which had taken part in it and the outcome of the alleged investigation, the Minister of Defence replied that there were no records for that period.

FINDINGS

There is sufficient evidence that on 22 August 1982, troops of the Atlacatl Battalion deliberately killed over 200 civilians - men, women and children - who had been taken prisoner without offering any resistance. The incident occurred at the place known as El Calabozo, near the canton of Amatitán Abajo, Department of San Vicente.

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Although the massacre was reported publicly, the Salvadorian authorities denied it. Despite their claim to have made an investigation, there is absolutely no evidence that such an investigation took place.

The El Calabozo massacre was a serious violation of international humanitarian law and international human rights law.

4. PATTERN OF CONDUCT

In addition to the massacres described here, the Commission received direct testimony concerning numerous other mass executions that occurred during the years 1980, 1981 and 1982, in which members of the armed forces, in the course of anti-guerrilla operations, executed peasants - men, women and children who had offered no resistance - simply because they considered them to be guerrilla collaborators.

Because the number of such individual and group executions is so high and the reports are so thoroughly substantiated, the Commission rules out any possibility that these might have been isolated incidents where soldiers or their immediate superiors went to extremes.

Everything points to the fact that these deaths formed part of a pattern of conduct, a deliberate strategy of eliminating or terrifying the peasant population in areas where the guerrillas were active, the purpose being to deprive the guerrilla forces of this source of supplies and information and of the possibility of hiding or concealing themselves among that population.

It is impossible to blame this pattern of conduct on local commanders and to claim that senior commanders did not know anything about it. As we have described, massacres of the peasant population were reported repeatedly. There is no evidence that any effort was made to investigate them. The authorities dismissed these reports as enemy propaganda. Were it not for the children's skeletons at El Mozote, some people would still be disputing that such massacres took place.

Those small skeletons are proof not only of the existence of the cold-blooded massacre at El Mozote but also of the collusion of senior commanders of the armed forces, for they show that the evidence of the unburied bodies was there for a long time for anyone who wanted to investigate the facts. In this case, we cannot accept the excuse that senior commanders knew nothing of what had happened.

No action was taken to avoid incidents such as this. On the contrary, the deliberate, systematic and indiscriminate violence against the peasant population in areas of military operations went on for years.

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D. DEATH SQUAD ASSASSINATIONS

1. ILLUSTRATIVE CASE: ARCHBISHOP ROMERO

SUMMARY OF THE CASE

On 24 March 1980, the Archbishop of San Salvador, Monsignor Oscar Arnulfo Romero y Galdámez, was assassinated while celebrating mass in the Chapel of the Hospital de la Divina Providencia.

The Commission finds the following:

1. Former Major Roberto D'Aubuisson gave the order to assassinate the Archbishop and gave precise instructions to members of his security service, acting as a "death squad", to organize and supervise the assassination.
2. Captains Alvaro Saravia and Eduardo Avila, together with Fernando Sagrera and Mario Molina, were actively involved in planning and carrying out the assassination.
3. Amado Antonio Garay, the driver of former Captain Saravia, was assigned to drive the gunman to the Chapel. Mr. Garay was a direct witness when, from a red, four-door Volkswagen, the gunman fired a single high velocity .22 calibre bullet to kill the Archbishop.
4. Walter Antonio "Musa" Alvarez, together with former Captain Saravia, was involved in paying the "fees" of the actual assassin.
5. The failed assassination attempt against Judge Atilio Ramírez Amaya was a deliberate attempt to deter investigation of the case.
6. The Supreme Court played an active role in preventing the extradition of former Captain Saravia from the United States and his subsequent imprisonment in El Salvador. In so doing, it ensured, inter alia, impunity for those who planned the assassination.

DESCRIPTION OF THE FACTS 377/

The assassination

On Monday, 24 March 1980, the Archbishop of San Salvador, Monsignor Oscar Arnulfo Romero y Galdámez, was celebrating mass 378/ in the Chapel of the Hospital de la Divina Providencia 379/ when he was killed by a professional assassin who fired a single .22 or .223 calibre bullet from a red, four-door Volkswagen vehicle. The bullet hit its mark, causing the Archbishop's death from severe bleeding.

Background

Monsignor Romero had become a well-known critic of violence and injustice and, as such, was perceived in right-wing civilian and military circles as a dangerous enemy. His sermons deeply irritated these circles because they included human rights violations produced by the Archdiocesan Legal Aid Office.

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As a result, members of the Government and the armed forces viewed his actions as favouring subversives.

Newspapers criticized him in unequivocally hostile terms, such as "... a demagogic and violent Archbishop ... (who) preached terrorism from his cathedral ...", 380/ or "... the armed forces should begin to oil their weapons (...)" 381/

In his sermon on 17 February 1980, he expressed opposition to United States military aid to El Salvador, pointing out that "... neither the (Government) Junta nor the Christian Democrats govern this country. Political power is in the hands of the armed forces which are unscrupulous in their use of this power. They only know how to repress the people and defend the interests of the Salvadorian oligarchy (...)" 382/

That same month, he received death threats 383/ and therefore decided that his colleagues should not accompany him when he went out, so as not to expose themselves to unnecessary risks. 384/ On Monday, 10 March, the day after he had celebrated a mass for Mario Zamora, assassinated on 23 February, 385/ an attaché case was found near the High Altar behind the pulpit, 386/ which the Explosives and Demolition Unit of the National Police found to contain a bomb that had failed to go off. 387/

In his sermon on Sunday, 23 March, the Archbishop appealed to Salvadorian soldiers themselves: "... I beseech you, I beg you, I order you, in the name of God, to stop the repression!" 388/

The official investigation

The investigation to determine who was responsible for the Archbishop's assassination was not only inefficient but also highly controversial and plagued by political motivations. Some of the main elements which the Commission took into account in its own investigation are described below.

Initial inquiries and incidents

The National Police went to the Chapel of the Hospital de la Divina Providencia to gather evidence. They did not do this properly, however, since they failed to collect material evidence of the crime at the scene.

Atilio Ramírez Amaya, the Judge of the Fourth Criminal Court, gave instructions for the Salvadorian Polyclinic to perform an autopsy on the prelate: a small entry wound barely 5 millimetres in diameter in the right thorax indicated the point of entry of the bullet. It had fragmented without exiting the Archbishop's body, causing fatal internal bleeding. Three fragments of the bullet were extracted for further study. 389/ Judge Ramírez Amaya maintained that the bullet used must have been a .22 or similar. 390/ Going by the weight of the fragments, the National Police confirmed that the bullet was a .22 calibre but did not reach any more precise conclusions. 391/ Following an attempt to assassinate him at his home on 27 March, Judge Ramírez Amaya tendered his resignation and left the country. 392/

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The "Saravia Diary" and other documents found at the San Luis estate

On 7 May 1980, in a raid on the San Luis estate in Santa Tecla, 12 active and retired military personnel and 12 civilians, 393/ including former Major Roberto D'Aubuisson, who had gathered there were arrested and formally accused of plotting to overthrow the Government by means of a coup d'état. 394/

The documents seized during the raid included a "List of accusations made by a South American informant against Monsignor Oscar Arnulfo Romero, Archbishop of San Salvador. Informant is prepared to provide filmed and written evidence within a period not exceeding 15 days", 395/ a diary belonging to former Captain Alvaro Rafael Saravia and two lists of names of commanders and officers (of the Salvadorian armed forces). 396/

The "Saravia Diary" contained various important pieces of information concerning the assassination of Monsignor Romero. It referred to purchases and deliveries of large quantities of arms and ammunition, some of which, based on the ballistic study made by Judge Ramirez Amaya, were of the type used in the assassination. 397/ In addition, several names which appeared over and over again in the diary were of people concerning whose involvement in planning, carrying out or covering up the assassination the Commission has already received sufficient evidence. 398/ Other details include the name "Amado" - Amado Garay, the driver assigned to drive the assassin - and receipts for petrol purchased for a red vehicle used by former Captain Saravia.

A third document, entitled "General Framework for the Organization of the Anti-Marxist Struggle in El Salvador", reflected the approach and objectives of the San Luis group. Their goal was to seize power in El Salvador and their political plan provided for "direct action", so-called "activities of combat networks", including "attacks on selected individuals". 399/

None of the documents seized at the San Luis estate was made available to the Judge of the Fourth Criminal Court, and it was only years later that the court gained access to a copy of the diary. The Judge's efforts to locate the original diary proved unsuccessful.

The accusations by former Major D'Aubuisson

In March 1984, former Major Roberto D'Aubuisson appeared on television during the presidential election campaign and showed a recording of an alleged FMLN commander, "Pedro Lobo", confessing to having been an accomplice in the assassination of Monsignor Romero. Almost immediately, "Pedro Lobo" was identified as a common criminal who had been in prison from 1979 to 1981. 400/ He said that he had been offered US\$ 50,000 to claim responsibility for the assassination. 401/ Former Major D'Aubuisson nevertheless continued to insist that the guerrillas had assassinated Monsignor Romero, 402/ and officially the armed forces continue to hold to this position. 403/

The work of the Commission for the Investigation of Criminal Acts

The Commission for the Investigation of Criminal Acts (CIHD) began its investigation into Monsignor Romero's assassination in January 1986. 404/

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In November 1987, Amado Antonio Garay, one of the San Luis detainees and former Captain Alvaro Saravia's driver revealed that on 24 March 1980, Saravia had ordered him to drive a red Volkswagen to the Hospital de la Divina Providencia in the Miramonte district. He had parked opposite the Chapel. His passenger, a bearded stranger, had ordered him to crouch down and pretend to be repairing something. He had heard a shot, turned around and seen the individual "holding a gun with both hands pointing towards the right side of the rear right window of the vehicle (...)". He had immediately smelt gunpowder and at that moment the bearded man had calmly told him: "drive slowly, take it easy" and they had driven off. 405/

Garay alleged that he had driven the individual to former Captain Saravia, to whom the stranger had said "mission accomplished". Three days later, Garay had driven Saravia to a house where former Major D'Aubuisson was and Saravia had said in front of D'Aubuisson: "We've already done what we planned about killing Monsignor Arnulfo Romero". 406/

The Attorney General's Office presented Garay to make a statement to Judge Ricardo Alberto Zamora Pérez on 20 November 1987. Based on the description of the gunman provided by Garay 407/ and the investigation of places mentioned by the witness, 408/ on 24 November the judge ordered the arrest of former Captain Saravia 409/ and officially requested the Central Board of Elections to certify the status of former Major D'Aubuisson as a member of the Legislative Assembly, the first step towards requesting that his parliamentary immunity be withdrawn and that he appear in court. 410/

Saravia filed a writ of habeas corpus, on which the Supreme Court took a year to rule. In December 1988, the Supreme Court ruled that "(...) the aforementioned testimony (of Garay) is invalid (...) the witness made his statement seven years, seven months and 24 days after the event about which he is testifying, (which) makes his testimony lose all credibility (...)". It also took the view that the Attorney General did not have the power to request extradition. 411/

The accusation of the alleged gunman

CIHD made other investigations. Garay picked out a 1969 photograph 412/ of Mr. Héctor Antonio Regalado with a beard drawn in as being closest to his description of the gunman. After Saravia, Regalado had been responsible for D'Aubuisson's personal security. 413/ When he appeared before the Commission, Regalado denied having fired the shot. CIHD found no convincing evidence that he had participated in the assassination.

The investigation by the Commission on the Truth

The Commission on the Truth had access to sufficient evidence to find that:

Former Major Roberto D'Aubuisson, former Captain Alvaro Saravia and Fernando Segrera 414/ were present on 24 March 1980 at the home of Alejandro Cáceres in San Salvador. Captain Eduardo Avila arrived and told them that Archbishop Romero would be celebrating a mass that day. Captain Avila said that this would be a good opportunity to assassinate the Archbishop. D'Aubuisson ordered that this be done and put Saravia in charge of the

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operation. When it was pointed out that a sniper would be needed, Captain Avila said he would contact one through Mario Molina. Amado Garay was assigned to drive the assassin to the Chapel.

The parking lot of the Camino Real Hotel was the assembly point before proceeding to the Chapel. There, the bearded gunman, carrying the murder weapon, got into a red, four-door Volkswagen driven by Garay. At least two vehicles drove from the Camino Real Hotel to the scene of the crime. Outside the main entrance to the Chapel, the assassin fired a single bullet from the vehicle, killing Archbishop Romero. D'Aubuisson ordered that 1,000 colones be handed over to Walter Antonio "Musa" Alvarez, who received the payment in question, as did the bearded assassin. Alvarez was abducted in September 1981 and was found dead not long afterwards.

FINDINGS

The Commission finds the following:

1. There is full evidence that:

(a) Former Major Roberto D'Aubuisson gave the order to assassinate the Archbishop and gave precise instructions to members of his security service, acting as a "death squad", to organize and supervise the assassination.

(b) Captains Alvaro Saravia and Eduardo Avila, together with Fernando Sagrera and Mario Molina, were actively involved in planning and carrying out the assassination.

(c) Amado Antonio Garay, the driver of former Captain Saravia, was assigned to drive the gunman to the Chapel. Mr. Garay was a direct witness when, from a red, four-door Volkswagen, the gunman fired a single high velocity .22 bullet to kill the Archbishop.

2. There is sufficient evidence that Walter Antonio "Musa" Alvarez, together with former Captain Saravia, was involved in paying the "fees" of the actual assassin.

3. There is sufficient evidence that the failed assassination attempt against Judge Atilio Ramirez Amaya was a deliberate attempt to deter investigation of the case.

4. There is full evidence that the Supreme Court played an active role in preventing the extradition of former Captain Saravia from the United States and his subsequent imprisonment in El Salvador. In so doing, it ensured, inter alia, impunity for those who planned the assassination.

2. THE DEATH SQUAD PATTERN

The Commission on the Truth received a great many complaints of serious acts of violence allegedly perpetrated by death squads. The direct testimony received concerns a total of 817 victims of abductions, disappearances and executions that occurred between 1980 and 1991. 415/

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There is no question that what have been classified as murders committed by the death squads in rural areas account for a significant proportion of all killings in El Salvador between 1980 and 1991. The Commission on the Truth has obtained extensive information from the testimony of many witnesses, including several members of the armed forces and civilian members of the death squads, who admitted and gave details of their involvement at the highest levels in the organization, operation and financing of the death squads.

The undeniable impact of the extensive evidence received about the death squads leads us to share the fervent conviction of the Salvadorian people that it is crucial not only to comprehend the scope of this phenomenon in El Salvador but also to inform the international community about what it was that, by commission or omission, caused the death squads to insinuate themselves so perniciously into the formal State structure. Decisive action is needed to root out this infamous phenomenon that has so grievously compromised human rights.

Between 1980 and 1991, human rights violations were committed in a systematic and organized manner by groups acting as death squads. The members of such groups usually wore civilian clothing, were heavily armed, operated clandestinely and hid their affiliation and identity. They abducted members of the civilian population and of rebel groups. They tortured their hostages, were responsible for their disappearance and usually executed them. 416/

The death squads, in which members of State structures were actively involved or to which they turned a blind eye, gained such control that they ceased to be an isolated or marginal phenomenon and became an instrument of terror used systematically for the physical elimination of political opponents. Many of the civilian and military authorities in power during the 1980s participated in, encouraged and tolerated the activities of these groups. Although there is no evidence of latent structures for these clandestine organizations, they could be reactivated when those in high Government circles issue warnings that might trigger the resumption of a dirty war in El Salvador. Since the death squad phenomenon was the problem par excellence of that dirty war which ultimately destroyed all vestiges of the rule of law during the armed conflict, the Salvadorian Government must not only be ready and willing to prevent the resurgence of this phenomenon but also seek international cooperation in eradicating it completely. 417/

Origins and history

El Salvador has a long history of violence committed by groups that are neither part of the Government nor ordinary criminals. For decades, it has been a fragmented society with a weak system of justice and a tradition of impunity for officials and members of the most powerful families who commit abuses. At the same time, it is a country with little land, a large population and tremendous social tensions. All this has helped create a climate in which violence has been a part of everyday life.

Violence has formed part of the exercise of official authority, directly guided by State officials. This has been reflected, throughout the country's history, in a pattern of conduct within the Government and power élites of using violence as a means to control civilian society. The roots of this situation run deep. In the past 150 years, a number of uprisings by peasants and

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indigenous groups have been violently suppressed by the State and by civilian groups armed by landowners.

A kind of complicity developed between businessmen and landowners, who entered into a close relationship with the army and intelligence and security forces. The aim was to ferret out alleged subversives among the civilian population in order to defend the country against the threat of an alleged foreign conspiracy. When controlling internal subversion became a priority for defending the State, repression increased.

There were several stages in the process of formation of the death squads in this century. The National Guard was created and organized in 1910 and the following years. From its inception, members cooperated actively with large landowners, at times going so far as to crack down brutally on the peasant leagues and other rural groups that threatened their interests.

Local National Guard commanders "offered their services" or hired out guardsmen to protect landowners' material interests. The practice of using the services of "paramilitary personnel", chosen and armed by the army or the large landowners, began soon afterwards. They became a kind of "intelligence network" against "subversives" or a "local instrument of terror".

In other words, from virtually the beginning of the century, a Salvadorian State security force, through a misperception of its true function, was directed against the bulk of the civilian population. In 1932, National Guard members, the army and paramilitary groups, with the collaboration of local landowners, carried out a massacre known as "La Matanza", in which they murdered at least 10,000 peasants in the western part of the country in order to put down a rural insurrection.

Between 1967 and 1979, General José Alberto Medrano, who headed the National Guard, organized the paramilitary group known as ORDEN. 418/ The function of this organization was to identify and eliminate alleged communists among the rural population. He also organized the national intelligence agency, ANSESAL. These institutions helped consolidate an era of military hegemony in El Salvador, sowing terror selectively among alleged subversives identified by the intelligence services. In this way, the army's domination over civilian society was consolidated through repression in order to keep society under control. During those years of military dictatorship, the Government kept itself in power basically by using "selective violence".

The reformist coup by young military officers in 1979 ushered in a new period of intense violence. Various circles in the armed forces and the private sector vied for control of the repressive apparatus. Hundreds and even thousands of people perceived as supporters or active members of a growing guerrilla movement - the Frente Farabundo Martí para la Liberación Nacional (FMLN) - were murdered. Members of the army, the Treasury Police, the National Guard and the National Police formed "squads" to do away with enemies. Private and semi-official groups also set up their own squads or linked up with existing structures within the armed forces.

The Commission on the Truth received testimony describing this phenomenon of local violence, such as that which occurred in the village of Cojutepeque and

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in the towns of San Rafael de los Cedros, El Rosario and Monte San Juan in the south-eastern part of the Department of Cuscatlán. In this area, civil defence forces, soldiers from the local military detachment, members of the National Guard and civilian members of ORDEN took part in death squads that killed hundreds of people. In the Second Court of Cojutepeque, the judge showed the court register for 1980, which listed 141 cases of homicide. He said that 2,000 people had been murdered in the Department of Cuscatlán that year and that probably less than 20 per cent of those murders had been registered in court.

It should be said that, while it is possible to differentiate the armed forces death squads from the civilian death squads, the borderline between the two was often blurred. For instance, even the death squads that were not organized as part of any State structure were often supported or tolerated by State institutions. Frequently, death squads operated in coordination with the armed forces and acted as a support structure for their activities. The clandestine nature of these activities made it possible to conceal the State's responsibility for them and created an atmosphere of complete impunity for the murderers who worked in the squads. This mentality and actual exercise of impunity is a danger for Salvadorian society.

Two cases illustrate the composition and operation of the death squads during this stage: the group around Major D'Aubuisson and the death squads that operated out of the S-II or C-II intelligence sections of military institutions. The Commission on the Truth considers it appropriate to describe these two groups because their activities caused anxiety, fear and great harm to civilian society in El Salvador. These, of course, were not the only death squads active in the country.

THE GROUP HEADED BY FORMER MAJOR D'AUBUISSON

The 1979 coup d'etat altered the political landscape in El Salvador. 419/ One of the competing factions directly affected by the coup was a core of military officers who sought to pre-empt the groups that had staged the coup and also any reform movement. 420/ They considered the Government Junta to be "infiltrated by Marxist officers, which could be fatal for the independence and freedom of the Salvadorian fatherland if the anti-communists in the population failed to act". 421/ The leader of this faction was former Major Roberto D'Aubuisson, who up until 1979 had been third in command of ANSESAL and who, on being retired, kept part of the agency's archives.

Former Major D'Aubuisson drew considerable support from wealthy civilians who feared that their interests would be affected by the reform programme announced by the Government Junta. They were convinced that the country faced a serious threat of Marxist insurrection which they had to overcome. The Commission on the Truth obtained testimony from many sources that some of the richest landowners and businessmen inside and outside the country offered their estates, homes, vehicles and bodyguards to help the death squads. They also provided the funds used to organize and maintain the squads, especially those directed by former Major D'Aubuisson.

As the social conflict in El Salvador intensified, subversive operations increased. D'Aubuisson was well placed to provide a link between a very aggressive sector of Salvadorian society and the intelligence network and

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operations of the S-II sections of the security forces. He was virtually catapulted to undisputed national political leadership of the only faction capable "of preventing a left-wing takeover". 422/ He then opted for applying what he saw as the only method used by the subversives: the illegal use of force. "An eye for an eye, a tooth for a tooth", as the saying goes.

D'Aubuisson arranged meetings between powerful civilians and economic interests and groups in the armed forces, thereby combining two elements in a strategic relationship: the input of resources (money, vehicles, weapons, homes, etc.) by civilians and the definition of a political line for the operations of the S-II intelligence sections. This gave political meaning and purpose to the attacks on and intimidation of civilian opponents and individuals suspected of collaborating with or belonging to the guerrilla movement.

For D'Aubuisson, having access to intelligence reports was of the utmost importance, because it served the cause and the functioning of his political plans. He lost no opportunity to infiltrate the security forces and the armed forces and elicit information from them. In line with D'Aubuisson's political project, all such information was used for "direct action", which explicitly included assassination attempts on individuals, abductions, "recovery of funds" and sabotage. 423/

After the assassination of Monsignor Romero, which, in very closed circles, D'Aubuisson took credit for having planned (see the case of the assassination of Archbishop Romero), his prestige and influence grew among the groups that wielded economic power, gaining him further support and resources. The San Luis estate incident and his temporary stay in Guatemala did not interrupt his political plans, since it was in Guatemala that he was able to establish contacts with internationally linked anti-communist networks and organizations and individual anti-communists such as Mario Sandoval Alarcón, Luis Mondizabal and Ricardo Lao.

From Guatemala, D'Aubuisson continued to plan and direct numerous attacks by groups identified as "death squads" and, on his return to El Salvador, had access to sources which kept him permanently supplied with abundant, up-to-date intelligence information from most armed units or territorial districts, whose leaders shared his political views. They also offered him actual logistical support for his activities, seconding and rotating troops for his personal protection and supplying weapons.

Although members of the Armed Forces Joint Staff knew about this steady leak of information, not only was nothing ever done to control it but intelligence leaks were even organized intentionally: in fact, there were serving members of the armed forces who participated actively in D'Aubuisson's group.

There is substantial evidence that D'Aubuisson operated during this period through concealed channels in which civilians and both serving and discharged members of the armed forces mixed politics, murder and the defence of their own economic interests in their zeal to combat both the peaceful and the armed opposition.

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One of those closest to D'Aubuisson was his Chief of Security, Héctor Antonio Regalado. The Commission on the Truth obtained sufficient evidence to conclude that Regalado not only formed his own death squad in the town of Santiago de María but also used to coordinate and train D'Aubuisson's networks in the capital. Regalado ran D'Aubuisson's death squad from his office in the National Assembly, where he was Chief of Security when D'Aubuisson was President of the Assembly. 424/

DEATH SQUADS OPERATING IN THE S-II INTELLIGENCE SECTIONS

In many armed forces units, the intelligence section (S-II) operated on the death squad model. Operations were carried out by members of the armed forces, usually wearing civilian clothing, without insignias, and driving unmarked vehicles.

The Salvadorian armed forces also maintained within the Joint Staff under Department 5 - Civilian Affairs, a secret, clandestine intelligence unit for the surveillance of civilian political targets, which received information from the S-II sections of each military unit or security force. The purpose of this unit was to obtain information for the planning of direct actions that included the "elimination" of individuals. In some cases, such plans were transmitted as actual orders to operational units in the various security forces or the armed forces themselves.

The following is only one example of the many death squads of this kind.

The death squads of the National Guard Intelligence Section

Testimony and information received by the Commission on the Truth from former members of the S-II section of the National Guard show that the murder of Rodolfo Viera, President of the Salvadorian Institute for Agrarian Reform (ISTA), and two United States advisers in January 1981 was not an isolated event. Members of this section, with the complicity of economically influential civilians, operated as a death squad dedicated to eliminating political opponents and people considered to be supporters of the armed left wing.

A group of extreme right-wing civilians that included Hans Christ, Ricardo Sol Meza, Constantino Rampone and Ernest Panamá acted as "advisers" to the S-II section of the National Guard and influenced its work. They often visited headquarters to meet with the Chief of Section II, Major Mario Denis Morán, and his second-in-command, Lieutenant Isidro López Sibrián. On various occasions, they provided money and weapons. There is also evidence and testimony that Argentine nationals frequented S-II headquarters and were commissioned by the above-mentioned group of civilians to carry out assignments that included murders.

Information from a wide variety of sources also indicates that Major Morán, Lieutenant López Sibrián and Captain Eduardo Avila - all three of whom held leadership positions in the S-II were connected with it - were members of death squads with links to the civilians mentioned.

The Intelligence Section had subsections such as operations and intelligence. Within the intelligence subsection, there was a smaller group in

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charge of "dirty work", which specialized in interrogations, torture and executions. This group enjoyed the full confidence of its superiors and acted as a special corps in the service of Morán and López Sibrián, who were numbers one and two respectively in the S-II. This group comprised, inter alia, Rodolfo Orellana Osorio, Enoc Abel Campos ("Heidi"), René Mauricio Cruz González, Oscar Reinaldo Bonilla Monge and Mario Ernesto Aparicio. The group did not observe the hierarchical chain of command but took orders only from Morán and López Sibrián, and its members came and went at will.

FINDINGS

Because of the clandestine nature of their operations, it is not easy to establish all the links existing between private businessmen and the death squads. However, the Commission on the Truth has absolutely no doubt that a close relationship existed, or that the possibility that businessmen or members of moneyed families might feel the need and might be able to act with impunity in financing murderous paramilitary groups, as they did in the past, poses a threat to the future of Salvadorian society.

At the same time, it must be pointed out that the United States Government tolerated, and apparently paid little official heed to the activities of Salvadorian exiles living in Miami, especially between 1979 and 1983. According to testimony received by the Commission, this group of exiles directly financed and indirectly helped run certain death squads. It would be useful if other investigators with more resources and more time were to shed light on this tragic story so as to ensure that persons linked to terrorist acts in other countries are never tolerated again in the United States.

1. The State of El Salvador, through the activities of members of the armed forces and/or civilian officials, is responsible for having taken part in, encouraged and tolerated the operations of the death squads which illegally attacked members of the civilian population.

2. Salvadorian institutions must make serious efforts to investigate the structural connection that has been found to exist between the death squads and State bodies. The fact that there are hundreds of former civil defence members in rural areas who are still armed is particular cause for concern. These people could easily mobilize to commit new acts of violence in future if they are not clearly identified and disarmed.

3. It is especially important to call attention to the repeated abuses committed by the intelligence services of the security forces and the armed forces. It is crucial for the future of El Salvador that the State pay attention to the use of intelligence services and to the exploitation of this arm of the Government to identify targets for murder or disappearance. Any investigation must result both in an institutional clean-up of the intelligence services and in the identification of those responsible for this aberrant practice.

4. The lack of effective action by the judicial system was a factor that reinforced the impunity that shielded and continues to shield members and promoters of the death squads in El Salvador.

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5. The links of some private businessmen and moneyed families to the funding and use of death squads must be clarified.

6. The Government must recognize that, given their organizational structure and the fact that they possess weapons, there is a serious danger that the death squads may become involved, as has happened in some cases, in illegal activities such as drug trafficking, arms trafficking and abductions for ransom.

7. The issue of the death squads in El Salvador is so important that it requires special investigation. More resolute action by national institutions, with the cooperation and assistance of foreign authorities who have any information on the subject, is especially needed. In order to verify a number of specific violations and ascertain who was responsible, it will be necessary to investigate the serious acts of violence committed by death squads on a case-by-case basis.

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3. ZAMORA

SUMMARY OF THE CASE

Lawyer Mario Zamora Rivas, a leader of the Christian Democratic Party and Chief State Counsel of the Republic, was murdered at his home on 23 February 1980.

Considered one of his party's most important leaders, Zamora was also a major public figure outside the party; given the political violence in the country, this exposed him to reprisals.

Members of a security force were responsible for Zamora's murder, which forms part of a pattern of conduct adopted by such forces in their illegal activities. Although the Commission has no doubt about the details of the murder, the identity of the murderers cannot be established from the testimony, investigations, evidence and proceedings on the case.

The Government did not make a proper investigation which would have resulted in the identification and punishment of the guilty parties.

DESCRIPTION OF THE FACTS 425/

Background

The Christian Democratic Party (PDC) joined other centrist and centre-left parties in the first Government Junta which overthrew General Romero in October 1979.

The Christian Democrats did not withdraw from the Government, as other groups did, and in December 1979 they joined the second Revolutionary Government Junta.

This attitude drew the opposition of Zamora and other leaders within the party, who believed that the armed forces did not offer sufficient guarantees for their political project.

As a condition for remaining in the second Junta, the Christian Democratic Party (PDC) proposed a meeting with the Armed Forces Joint Staff at the highest level. It presented a document on the violations being committed against its members and stated the bases for the party's relationship with the armed forces. One of the proponents of this strategy was Mr. Zamora. The armed forces maintained that they could not respond to the document because it contained serious accusations, and they asked for time to consider it. 426/

Other evidence submitted to the Commission suggests that Zamora had begun talks aimed at opening a dialogue with Cayetano Carpio, 427/ leader of the Fuerzas Populares de Liberación (FPL), a party to the left of PDC.

The PDC Convention, which was scheduled to take place the day after Zamora's assassination, was to have heard an explanation of the choices facing the Christian Democratic Party at that moment in time.

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Zamora was the only party leader strong and persuasive enough to be able to alter the course of the policy of alliances pursued by the party, then headed by Mr. Duarte, 428/ and the importance of this in Salvadorian public life was well understood.

A few days before the assassination, Major Roberto D'Aubuisson publicly accused Zamora and other PDC leaders of being communists and members of the guerrilla group FPL. 429/ Because of this, Zamora, in his capacity as a public official, filed a complaint of defamation against D'Aubuisson with the Criminal Court, basing his right to do so on the duty of any public official to challenge an unfounded accusation before the courts. According to testimony, this was the first complaint lodged in El Salvador in an attempt to contain the far right through the use of criminal proceedings.

Two days before Zamora's assassination, two staff members of the Office of the Chief State Counsel were riddled with bullets while driving an official car. Some testimony claims that the shooting was a mistake and that Zamora was the intended target.

The facts

Mr. Zamora was at a party in his home with approximately seven other people. The party ended at midnight. Without warning, a group of six individuals entered the victim's house from the roof. Their faces were covered by ski masks and they carried small arms with silencers and some rifles. They immediately forced everyone there to lie down on the floor.

They demanded the keys to the front gate which Aronette, Zamora's wife, 430/ said she did not have. The group's leader spoke with a foreign accent and asked specifically for Mario Zamora. Zamora identified himself; they made him get up and took him to another room, while turning up the volume of the music. After killing Zamora, they left the house in an orderly manner.

Zamora's brother, Rubén 431/ lived in the house next door and had gone home to bed moments before the armed men entered. He was woken by shouting and thought that people at the party had drunk too much. He decided to go over to his brother's house but at his wife's request he telephoned instead; the line was dead. 432/

When the assailants left, the rest of the people in the house began to look for Mario Zamora and to telephone party leaders, police authorities and Government officials, including then Colonel Eugenio Vides Casanova, Director-General of the National Guard. At that point, the telephone was working normally. At first, they thought that Zamora had been abducted, but when they searched the house, they found his body riddled with bullets, in the bathroom.

It was approximately three to four hours after the murder was reported that the first security forces patrol arrived to conduct the preliminary investigation.

Although judicial proceedings were instituted on this case, no one was ever accused of the crime and the case was finally closed in 1981.

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Analysis

The operation was carried out with extreme precision and skill in order to eliminate the victim without letting the identity of the killers be known.

The Commission has received sufficient evidence that the operation was carried out by the intelligence section of a State security force without consulting the Intelligence Department of the High Command, the institution which usually decided on this type of operation. The evidence also shows that the same security force had devised a plan for eliminating the victim and that the Intelligence Department of the High Command knew all about it. The security force repeatedly requested approval for the plan and when it did not receive the go-ahead, decided to proceed without authorization.

The High Command's reaction to the incident was to request military intelligence to verify internally who had carried out the operation. According to the information received, the purpose of the investigation was to establish whether the murder had been committed by one of the security forces, a death squad or a gang of kidnappers.

The decision by the security force to go ahead without authorization would explain the alleged involvement of foreign personnel in the operation, as a strategy to conceal identities and obstruct a subsequent investigation by the High Command itself or by any other security force. Furthermore, there is sufficient evidence that some security forces used people from other countries, for instance, Argentina and Nicaragua, to do the "dirty work" of eliminating political opponents.

Although the killers did not know Zamora personally, they were aware of his position and prestige; it was clear that the plan was devised in such a way as to minimize the risks of the operation, so as to prevent any subsequent public reaction.

FINDINGS

Based on the investigation it made and the testimony it received, the Commission believes it has sufficient evidence to conclude that Mr. Zamora was assassinated by members of a State security force in an operation decided on by that force and carried out as part of its illegal activities.

Likewise, the Commission has sufficient evidence to affirm that the Intelligence Department of the High Command established precisely which security force had committed the crime and that the military hierarchy at that time kept this information secret in order to conceal the identity of the perpetrators and made no report to the proper authorities, with the result that the necessary investigation was never made.

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4. TEHUICHO

SUMMARY OF THE CASE

On 23 July 1980, 13 inhabitants of El Bartolillo hamlet in Tehuicho canton were executed by heavily armed civilians who identified themselves as guerrillas. Other people died in the surrounding area.

The justice of the peace arrived at the scene the next morning accompanied by troops of the Artillery Brigade. He left without carrying out the required procedures. For three days, soldiers prevented the burial of the bodies.

The Commission finds the following:

(a) On 23 July 1980, in Tehuicho canton, 13 civilians were executed by a death squad consisting of members of the "Lieutenant Colonel Oscar Osorio" Artillery Brigade and members of the civil defence unit for the San Juan Opico district.

(b) Troops from the Artillery Brigade went to the scene the next day and for three days prevented the burial of the victims.

(c) The justice of the peace did not carry out the procedures required by law. Nor did he institute criminal proceedings to investigate what had happened.

(d) Miguel Lemus, a former member of the local civil defence unit participated as a member of the death squad.

(e) Carlos Azcúnaga Sánchez, now a lieutenant colonel, planned the crime; his motive was personal revenge.

DESCRIPTION OF THE FACTS 433/

The collective execution

Shortly after midday on 23 July 1980, a group of approximately 100 civilians arrived at El Bartolillo hamlet in Tehuicho canton. Their faces were painted and they were dressed as peasants. They were very well-armed and dispersed throughout the canton. Witnesses identified Miguel Lemus, who was a civil defence member at the time.

They identified themselves as guerrillas and called a meeting on the football field, supposedly to distribute weapons. As the operation proceeded, they started to force people to assemble.

The villagers congregated on the sports field, where they were blindfolded. The strangers then identified themselves as a "death squad" and accused the villagers of having links with the guerrillas.

They proceeded to make a selection. Apparently they had a list. "Orejias" 434/ identified people on the list and singled out 14 of them, 12 men

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and 2 women. The men were taken to a ravine, the two women were taken elsewhere. Shots were heard. Some houses were looted and burned.

The bodies of the women and the men were found in the course of the night. There was physical evidence that they had been tortured.

On returning to their homes, the survivors found the words "death squad" painted on a wall.

Background

One year before the incident, a private dispute had arisen over the ownership of a property between Pedro Franco Molina, a villager from Tehuicho canton who supported the guerrillas, and Antonio Azcúnaga, a villager from Los Amates canton who was the father of then Captain Carlos Azcúnaga Sánchez. The dispute intensified when it was rumoured that Franco had offered a reward for Antonio Azcúnaga's death.

In October 1979, according to testimony, a group of guerrillas murdered Antonio Azcúnaga.

There was information that the group was from Santa Ana, but villagers from Tehuicho canton, including Pedro Franco, were also blamed. Carlos Azcúnaga made various threatening comments.

Subsequent events

Uniformed soldiers from the "Lieutenant Colonel Oscar Osorio" Artillery Brigade, accompanying justice of the peace Rodolfo Sánchez 435/ and the forensic doctor, went to the scene of the incident the following day. The soldiers prevented the villagers from burying the bodies. Neither the justice of the peace nor the forensic doctor carried out the required procedures before leaving the canton. No judicial investigation was undertaken.

Troops remained in the area for three days and prevented the burial of the bodies. The villagers buried the bodies in a mass grave as soon as the soldiers left.

Subsequently, then Captain Carlos Azcúnaga Sánchez, according to witnesses, made comments incriminating himself. When he appeared before the Commission, however, he denied that he had participated in the incident.

FINDINGS

The Commission finds the following:

1. There is substantial evidence of the following:

(a) On 23 July 1980, in Tehuicho canton, 13 civilians were executed by a death squad consisting of members of the "Lieutenant Colonel Oscar Osorio" Artillery Brigade and members of the civil defence unit for San Juan Opico district.

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(b) Troops from the Artillery Brigade went to the scene the next day and stayed there for three days and prevented the burial of the victims.

(c) The justice of the peace did not carry out the required procedures, or institute criminal proceedings to investigate what had happened.

2. There is sufficient evidence of the following:

(a) Miguel Lemus, a former member of the local civil defence unit, participated as a member of the death squad.

(b) Carlos Azcúnaga Sánchez, now a lieutenant colonel, planned the massacre; his motive was personal revenge.

5. VIERA, HAMMER AND PEARLMAN

SUMMARY OF THE CASE

On the night of 3 January 1981, in the Sheraton Hotel in San Salvador, two National Guard agents killed José Rodolfo Viera Lizama, President of the Salvadorian Institute for Agrarian Reform (ISTA), and Michael P. Hammer and Mark David Pearlman, United States advisers from the American Institute for Free Labor Development (AIFLD).

The actual murderers, Santiago Gómez González and José Dimas Valle Acevedo, who were National Guard agents, were convicted and later released under the 1987 Amnesty Act. The other individuals involved in planning and ordering the murders, Lieutenant Rodolfo Isidro López Sibrián, second-in-command of the Intelligence Section of the National Guard, Captain Eduardo Ernesto Alfonso Avila and businessman Hans Christ, were never convicted.

The Intelligence Section of the National Guard had planned to eliminate Viera months before his murder. National Guard agents carried out the murders in the manner characteristic of the death squads.

Lieutenant Colonel Mario Denis Morán Echeverría, then Chief of the Intelligence Section of the National Guard, covered up information about the murders, and Judge Héctor Enrique Jiménez Zaldívar allowed one of the suspects to disguise himself so as to conceal his identity.

DESCRIPTION OF THE FACTS 436/

The agrarian reform and the death threats

When the General Secretary of the Union Comunal Salvadoreña (UCS), Rodolfo Viera, was murdered, he was also President of ISTA, a Government agency set up to carry out the agrarian reform programme. Michael P. Hammer and Mark David Pearlman, both of them officials of AIFLD, were in El Salvador to provide support and technical assistance for the agrarian reform process.

As President of ISTA and General Secretary of UCS, Viera was viewed as a dangerous adversary by those who were opposed to the agrarian reform. He received death threats on a number of occasions. In May 1980, the Ejército

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Secreto Anticomunista referred to Viera as a "Communist traitor" who should be eliminated by the "patriots" who were fighting for a Government that would respect "private property". There were two attempts to murder him in 1980. 437/ There is sufficient evidence that they were planned by Section II of the National Guard.

The murders of Viera, Hammer and Pearlman 438/

It is not clear whether those who planned the murders set the specific place and time in advance. However, there is full evidence that they did take advantage of the unexpected opportunity in the Sheraton Hotel to murder people who were a previously selected target.

On the night of 3 January 1981, López Sibrián ordered Valle Acevedo, a National Guard agent, to accompany him to the home of businessman Hans Christ. 439/ López Sibrián 440/ was carrying a 9-mm pistol and an Ingram sub-machine-gun 441/ obtained from the National Guard depot. 442/ At approximately 10 p.m., Christ, López Sibrián and Avila arrived at the hotel and went to eat in the hotel restaurant.

Viera, Hammer and Pearlman arrived sometime after 10 p.m. They went into the restaurant where Christ, Avila and López Sibrián were sitting. Since the restaurant was full, they asked for somewhere more private. An employee recommended the Americas room, which is spacious. Christ recognized Viera and commented to Avila: "Look! There's that son of a bitch!" 443/ Avila said that someone in the group commented that he had grown a beard and that it would be good if he were dead. 444/ Avila also mentioned that when López Sibrián saw Viera he said that that was a good opportunity to kill him. 445/ At least one of the three left the table and watched where Viera's group was going. 446/

Moments later López Sibrián, Avila and Christ left the hotel, went to the parking lot and got into a car. There, they told Valle Acevedo to kill the President of ISTA and the other two, 447/ but he refused to do the job alone. 448/ López Sibrián got out of the car, went back to the parking lot and went over to National Guard agent Gómez González, who was watching Morán's vehicle. López Sibrián told him to go with him. 449/ When Gómez González replied that he could do nothing without Major Morán's authorization, 450/ López Sibrián went into the hotel, returned immediately and told Gómez that Morán had authorized him to accompany him. 451/

López Sibrián and Gómez González then walked towards Sibrián's vehicle, in which Valle Acevedo, Christ and Avila were sitting. 452/ López Sibrián ordered Valle Acevedo and Gómez González to accompany Christ to the hotel and kill the three men there. 453/ He also gave Gómez González the 9-millimetre Ingram sub-machine-gun, while Avila gave Valle Acevedo another .45-millimetre sub-machine-gun and a khaki sweater to conceal the weapon. 454/ Christ told them that he would identify the men. 455/

The two National Guard agents entered the hotel behind Christ, who showed them where Viera, Hammer and Pearlman were sitting. 456/ They waited only a few moments, then Valle Acevedo and Gómez González opened fire on Viera and his two companions. 457/ There is sufficient evidence, based on the wounds received and

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the place where the bodies were, that, in addition to Viera, both Hammer and Pearlman were a target of the gunmen.

The two gunmen left the hotel immediately and escaped in López Sibrián's vehicle to a house near the auxiliary funeral service, followed by Avila in his vehicle. 458/ There, they returned the weapons to their respective owners 459/ and López Sibrián then ordered them to return to National Guard headquarters. 460/ After the murders of Viera, Hammer and Pearlman, it became known in the National Guard that members of Section II, including Valle Acevedo and Gómez González, had committed the murders. 461/

On 14 February 1986, five years after the murder, the two agents were convicted and sentenced to 30 years in prison. On 19 December 1987, they were released under the Amnesty Act. The case against Avila was dismissed for the same reason. 462/

The investigation

The seven years of investigation of the murders of Viera, Hammer and Pearlman are well documented elsewhere and there is no need to review them here. However, two aspects of this incident warranted careful consideration by the Commission.

The role of Major Morán

There is substantial evidence that Major Morán, then Chief of Intelligence of the National Guard, learnt, after the murders, that his second-in-command, López Sibrián, had ordered two guards in the unit he commanded to carry them out. Morán also neglected to inform the appropriate authorities of those facts. 463/

It is also clear that Morán's role in the murders was never properly investigated. One of the convicted guards said that Major Medrano, who headed the military investigation of the case, told him to blame López Sibrián, 464/ apparently so as not to implicate his superior, Morán. 465/ Furthermore, there is no indication that when the Commission for the Investigation of Criminal Acts reopened the case in 1985, it investigated Morán's role in the murders, even though it had received evidence that Morán participated in a meeting of the Intelligence Section of the National Guard on 3 January, when the murder may have been planned. The Commission for the Investigation of Criminal Acts was also given evidence that on 5 January, Morán received payment for completing a "job".

The identification of López Sibrián

Although the testimony gathered by the Medrano commission shed new light on López Sibrián's role in the murders, there is full evidence that Judge Jiménez Zaldívar cooperated actively with López Sibrián by allowing him to disguise himself 466/ so that it was impossible for a key witness to recognize him. The next day, Judge Jiménez Zaldívar ordered López Sibrián released for lack of evidence. 467/

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FINDINGS

The Commission finds the following:

1. There is full evidence that on 3 January 1981, José Dimas Valle Acevedo and Santiago Gómez González killed José Rodolfo Viera, Michael Hammer and Mark David Pearlman in the Sheraton Hotel.
2. There is full evidence that Lieutenant López Sibrián was involved in planning the operation to murder Viera, Hammer and Pearlman and in ordering two members of the National Guard to carry it out. He also gave a weapon to Gómez González and helped the killers escape from the scene of the crime.
3. There is full evidence that Captain Eduardo Avila was involved in planning the murder operation and collaborated with López Sibrián in carrying it out.
4. There is sufficient evidence that Hans Christ 468/ was involved in planning the murder operation and assisted in carrying it out.
5. As to the role of Lieutenant Colonel Mario Denis Morán, there is substantial evidence that he covered up the murders by neglecting to report the facts.
6. There is full evidence that Judge Héctor Enrique Jiménez Zaldívar cooperated with the main suspect, López Sibrián, hindering his identification which would have led to the institution of criminal proceedings.

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E. VIOLENCE AGAINST OPPONENTS BY THE FRENTE FARABUNDO MARTI PARA LA LIBERACION NACIONAL

This section deals with the use of violence by FMLN against real or alleged opponents in violation of the rules of international humanitarian law and international human rights law. It covers the use of violence against non-combatants and also the execution of alleged criminals without due process.

The section begins with a representative case, the execution of mayors in conflict zones. Then, after an explanation of the pattern observed in this type of violence, an account follows of some of the cases attributed to FMLN which had a major impact on Salvadorian society. In some cases, it has not been possible to prove who planned the attacks, in others it is impossible to determine, or to determine with certainty, who carried them out.

Lastly, this section includes a case which, in the Commission's view, is an isolated incident which does not conform to any pattern of unlawful use of violence. The section concludes with the Commission's findings.

1. ILLUSTRATIVE CASE: SUMMARY EXECUTION OF MAYORS 462/

SUMMARY OF THE CASE

Between 1985 and 1988, a large number of mayors of towns situated in conflict zones were executed, without any kind of a trial, by the Ejército Revolucionario del Pueblo (ERP), one of the organizations in FMLN. These executions were carried out pursuant to a policy which FMLN has openly acknowledged.

The present report describes 11 executions, but there were more than that.

The Commission finds the following:

1. The FMLN General Command approved and adopted a policy of murdering mayors whom it considered to be working against it.

2. The ERP leadership carried out the policy and ordered its local commanders to murder mayors whom it considered to be working against FMLN.

3. The following persons, among others, were part of the ERP leadership at various times when mayors within territory under ERP control were murdered, and they were parties to the decisions to carry out - and are therefore responsible for - those summary executions: Joaquín Villalobos ("Atilio"), Jorge Meléndez ("Jonas"), Ana Sonia Medina ("Mariana"), Mercedes del Carmen Letona ("Luisa"), Ana Guadalupe Martínez ("María") and Marisol Galindo.

4. Joaquín Villalobos, as General-Secretary of ERP, held the highest position in that organization and bears special responsibility for the murders of mayors by ERP.

5. Local ERP commanders, either under orders from the leadership or with its approval and backing, murdered the mayors listed in this summary.

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6. The murders of mayors José Alberto López, Francisco Israel Díaz Vásquez, Pedro Ventura, María Ovidia Graciela Mónico Vargas, José Domingo Avilés Vargas, Dolores Molina, Napoleón Villafuerte, Edgar Mauricio Valenzuela and Terencio Rodríguez were part of an established pattern, based on a deliberate FMLN policy, and were carried out by local ERP commanders on orders from and with the express approval of members of the ERP leadership.

7. The mayor of Guatajiagua, José Alberto López, was murdered in October 1988, while in the power of commander "Amadeo".

8. The execution of mayors by FMLN was a violation of the rules of international humanitarian law and international human rights law.

DESCRIPTION OF THE FACTS

Execution of José Alberto López, mayor of Guatajiagua

Mr. José Alberto López was elected mayor of the town of Guatajiagua, Department of Morazán, in March 1988. According to an FMLN source after his election, López received a letter from FMLN warning him to resign and stating that it was FMLN policy to execute any mayor in the area. López replied that he would not resign.

The mayor was summoned three times by FMLN to go to the guerrilla camp in San Bartolo canton, but López never went. Out of fear, he did not stay in Guatajiagua, but usually worked in San Francisco Gotera. In any case, the mayor's office in Guatajiagua had been destroyed by the guerrillas.

On Saturday, 25 October 1988, López was at home with his wife, Leticia Canales, and their four minor children. The house was in the El Calvario district of the town of Guatajiagua. An FMLN combatant whom López knew came to the house that morning and told the mayor that his commander wanted to speak to him. Fearing what would happen if he refused a fourth time, López agreed to go. Leticia, his wife, decided to go with him and the three left for San Bartolo canton on foot.

When they reached the Gualavo river, a man in uniform carrying a rifle was waiting for them. The combatant who had brought them told the man in uniform that he had the mayor with him and handed him over. The man in uniform told the mayor's wife that she could not cross the river or go to the guerrilla camp. He told her to go home, saying that her husband would be sent back that afternoon.

On arriving at the camp, the mayor was taken to the commander, who went by the name of "Amadeo". There is sufficient proof that, after speaking to the mayor, "Amadeo" ordered his execution.

That same night, Radio Venceremos announced that FMLN had summarily executed the mayor of Guatajiagua, José Alberto López.

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Execution of Francisco Israel Díaz Vázquez, mayor of Lolotique

On 2 May 1985, Francisco Israel Díaz Vázquez took office as mayor, after being elected by popular vote. There is full evidence that on 2 June that year, he was abducted by FMLN and kept hostage until 24 October, when he was released along with other mayors who had also been abducted by FMLN. He was released following negotiations in Panama between FMLN and the Government.

On 2 June 1986, Díaz resumed office as mayor. In December of that year, he received death threats from the guerrillas and resigned. However, the guerrillas believed that he was still working for the Government.

On 5 December 1988, an unknown man went to Francisco Israel Díaz's home and handed his wife a note ordering him to go the next day to the place known as "la Entrada de Tempisque", near Santa Bárbara.

Díaz left on the morning of 6 December with a neighbour. They passed the place known as "la Entrada de Tempisque" and continued on to Santa Bárbara canton, arriving around noon. Three uniformed combatants with rifles suddenly appeared and arrested Mr. Díaz. Five minutes later one of them returned and told Mr. Díaz's companion to go home because they were going to hold the mayor for several days.

The next afternoon, 7 December, two unknown men went to Lolotique church and reported that Díaz was dead and handed over his wallet containing his identity papers.

That same night, several relatives and friends of Díaz went looking for his body. When they found it, they saw that "he had been shot once, behind the ear, and that the bullet, in exiting, had shot out one eye and his teeth. On one calf there was a piece of paper saying 'summarily executed by FMLN' and, on the other, a piece of paper saying 'as a traitor'."

In October 1992, FMLN informed the Commission officially that ERP, pursuant to a policy approved by FMLN, had executed mayor Díaz.

Executions of other mayors

In its communication dated 18 October 1992, replying to a request for information from the Commission on the Truth, FMLN said that ERP, pursuant to a policy approved by FMLN, had also executed the following mayors:

Pedro Ventura, mayor of San Isidro, Department of Morazán, on 15 April 1988.

María Ovidia Graciela Mónico Vargas, mayor of San Jorge, Department of San Miguel, on 18 January 1985.

José Domingo Avilés Vargas, mayor of Santa Elena, Department of Usulután, on 8 January 1985.

Dolores Molina, mayor of Lolotiquillo, Department of Morazán, 19 August 1988.

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Napoleón Villafuerte, mayor of Sesorí, Department of San Miguel,
25 November 1988.

Edgar Mauricio Valenzuela, mayor of San Jorge, Department of San Miguel,
4 March 1985.

The communication contained the text of two FMLN communiqués, dated
22 August and 26 November 1988, announcing the execution of Napoleón Villafuerte
and Dolores [Molina] respectively.

Furthermore, there is sufficient evidence that on 11 May 1988,
Mr. Terencio Rodríguez, mayor of Perquín, Department of Morazán, was executed
without trial.

Applicable law

In considering the facts in the light of international humanitarian law and
international human rights law, the Commission examined the arguments put
forward by FMLN to justify its policy of executing mayors.

FMLN justified these executions on the grounds that "mayors and mayors'
offices had come to engage in what were clearly counter-insurgency activities.
The mayors, in close coordination with the commanders of the garrisons of the
various towns, had embarked on the task of creating paramilitary forces (civil
defence units) and direct repressive activity against the civilian population
and had developed spy networks to detect FMLN members and supporters, or simply
people opposed to the regime among the population and to obtain information
about members of popular organizations and their plans; this information was
then passed on to the army." It also stated that the mayors' activities
affected supply lines.

FMLN went on to say that "when mass arrests of villagers, murders,
repression by civil defence forces and operations by the armed forces of
El Salvador based on information supplied by the mayors' spy networks began to
occur, the mayors joined the ranks of those whom FMLN, since 1980, had
considered military targets whose summary execution was hence legitimate:
spies, paramilitary personnel, those who collaborated with the death squads and
anyone whose actions triggered repression or murder of the civilian population".

The Commission does not accept these arguments. If by calling the mayors
"military targets", FMLN is trying to say that they were combatants, it must be
pointed out that there is nothing to support the claim that the executed mayors
were combatants according to the provisions of humanitarian law.

However, whether the executed mayors might or might not at some point have
been considered "military targets" is irrelevant, since there is no evidence
that any of them lost their lives as a result of any combat operation by FMLN.
The execution of an individual, whether a combatant or a non-combatant, who is
in the power of a guerrilla force and who does not put up any resistance is not
a combat operation.

There is nothing in international humanitarian law or international human
rights law to prohibit belligerents from punishing, in areas under their

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control, individuals who commit acts that, according to the applicable laws, are criminal in nature. In the aforesaid document, FMLN says that it considered the summary execution of "spies, paramilitary personnel, those who collaborated with the death squads and anyone whose actions triggered repression or murder of the civilian population" a legitimate action. 470/

The Commission recalls that, when punishing persons accused of crimes, it is necessary to observe the basic elements of due process. International humanitarian law does not in any way exempt the parties to a conflict from that obligation, and international human rights law does not exempt the party which has effective control of a territory from that obligation with respect to persons within its jurisdiction. On the contrary, those two sources of law expressly prohibit the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted independent and impartial tribunal attaching all the judicial guarantees generally recognized as indispensable.

In none of the cases mentioned above is there any evidence that a proper trial was held prior to the execution. Nor is there any evidence that any of the individuals died in a combat operation or that they resisted their executioners.

FINDINGS

The Commission finds the following:

1. There is full evidence that the FMLN General Command approved and adopted a policy of murdering mayors whom it considered to be working against it.
2. There is full evidence that members of the ERP leadership, among others, carried out the policy and ordered their local commanders to murder mayors whom they considered to be working against FMLN.
3. There is full evidence that the following persons, among others, were part of the ERP leadership at various times when mayors within territory under ERP control were murdered, and that they were parties to the decisions to carry out - and are therefore responsible for - those summary executions: Joaquín Villalobos ("Atilio"), Jorge Meléndez ("Jonas"), Ana Sonia Medina ("Mariana"), Mercedes del Carmen Letona ("Luisa"), Ana Guadalupe Martínez ("María") and Marisol Galindo.
4. There is full evidence that Joaquín Villalobos, as General-Secretary of ERP, held the highest position in that organization and bears special responsibility for the murders of mayors by ERP.
5. There is full evidence that local ERP commanders, either under orders from the leadership or with its approval and backing, murdered the mayors listed in this summary.
6. There is full evidence that the murders of mayors José Alberto López, Francisco Israel Díaz Vásquez, Pedro Ventura, María Ovidia Graciela Mónico Vargas, José Domingo Avilés Vargas, Dolores Molina,

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Edgar Mauricio Valenzuela, Napoleón Villafuerte, and Terencio Rodríguez were part of an established pattern, based on a deliberate FMLN policy, and were carried out by local ERP commanders on orders from and with the express approval of members of the ERP leadership.

7. There is full evidence that the mayor of Guatajigua, José Alberto López, was murdered in October 1988, while in the power of commander "Amadeo".

8. The execution of mayors by FMLN was a violation of the rules of international humanitarian law and international human rights law.

2. EXTRAJUDICIAL EXECUTIONS

(a) ZONA ROSA

SUMMARY OF THE CASE

At around 9 p.m. on 19 June 1985, in an area of San Salvador known as the "Zona Rosa" where there are many restaurants, a group of armed men opened fire on a group of United States marines. The assailants were members of the Partido Revolucionario de Trabajadores Centroamericanos (PRTC), one of the organizations in FMLN. The marines, who were serving as security guards at the United States Embassy in San Salvador, were in civilian clothing and were unarmed. Four marines, nine civilians and one of the assailants died in the shoot-out. The "Mardoqueo Cruz" urban commando of PRTC claimed responsibility for the killings; FMLN defended the attack in a communiqué. In a subsequent trial, three people were tried and convicted. Two other trials were instituted for the same attack. One of them did not reach the sentencing stage, since the accused was amnestied; in the other, sentence has yet to be passed on the accused.

The Commission finds the following:

1. The attack on the United States marines was part of the FMLN policy of considering United States military personnel a legitimate target.
2. A PRTC commando carried out the attack.
3. Ismael Dimas Aguila and José Roberto Salazar Mendoza were involved in planning and carrying out the attack.
4. Pedro Antonio Andrade was also involved in planning the attack.
5. The attack on the marines in the Zona Rosa was a violation of the rules of international humanitarian law.

DESCRIPTION OF THE FACTS 471/

Background

In 1985, the General Command of the Frente Farabundo Martí para la Liberación Nacional took the decision to consider United States military

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personnel in El Salvador legitimate military targets. It gave its members broad and sweeping orders to implement the decision. 472/

Planning the attack

In early June 1985, some members of the Partido Revolucionario de Trabajadores Centroamericanos (PRTC), one of the five political-military organizations in FMLN, planned an attack which they called "Yankee aggressor in El Salvador, another Viet Nam awaits you". The aim was to execute United States military personnel assigned to El Salvador and responded to the general directive to that effect issued earlier by the General Command. The attack was to be carried out by members of the "Mardoqueo Cruz" urban commando.

The commando operated from an auto repair shop in which Ismael Dimas Aguilar and his brother José Abraham were partners and from the "La Estrella" upholstery shop in which William Celio Rivas Bolaños and Juan Miguel García Meléndez were partners. The main planning meetings were therefore held in those places. 473/

The attack

At around 8.30 p.m. on 19 June 1985, six United States marines who were responsible for security at the United States Embassy sat down at an outside table at Chili's restaurant in the area known as the "Zona Rosa" in the San Benito district. They were regular customers known to the owners of restaurants and cafes in the area and to those who worked there. They used to go there in groups whenever they were off duty. 474/ After a while, two of them left the group and went to sit down at a table in the Flashback restaurant a few yards away from their companions at Chili's. 475/

At around 9 p.m., a white pick-up truck with dark stripes parked outside the La Hola restaurant; a group of some seven individuals got out and walked over to Chili's and, without warning, fired a volley of shots at United States marines 476/ Thomas Handwork, Patrick R. Kwiatkoski, Bobbie J. Dickson and Gregory H. Weber. The marines were in civilian clothing. There is no evidence that they were carrying weapons.

While the attackers were firing at the United States marines, someone returned their fire from inside Chili's and the Méditerranée restaurant. 477/

A member of the commando was wounded in the cross-fire. 478/ The following people were also shot and died at the scene: Humberto Sáenz Cevallos, lawyer, Secretary of the Faculty of Law at José Matías Delgado University; Humberto Antonio Rosales Pineda, Executive Director of Inter Data Corporation; Arturo Alonso Silva Hoff, student; José Elmer Vidal Peñalva, university student; Oswaldo González Zambroni, Guatemalan businessman; Richard Ernest Mac Ardie Venturino, Chilean executive of the WANG corporation; George Viney, United States citizen, Regional Director of WANG; and Roberto Alvidrez, United States citizen and WANG executive. Some of these people had been sitting in Chili's, others in the Méditerranée. 479/ There is no evidence that any of the civilians who died were armed. 480/ Other people at the scene were wounded.

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A few minutes after the commando withdrew, staff from the United States Embassy arrived on the scene and drove the four marines to a first aid post.

At 9.30 p.m., members of the National Police arrived on the scene but, according to their report, were unable to make a satisfactory inspection because only eight of the bodies were there and the scene of the incident had already been disturbed. 481/

That same night, the other members of the commando took José Roberto Salazar Mendoza, who had been seriously wounded in the attack, to a Salvadorian Red Cross post. He died from his wound. 482/

Subsequent statements

Three days later, on 22 June 1985, the Partido Revolucionario de Trabajadores Centroamericanos (PRTC) claimed responsibility for the operation in a communiqué signed by "Fernando Gallardo" of the political and military headquarters of the "Mardoqueo Cruz" urban guerrilla commando of PRTC.

On 25 June 1985, the FMLN General Command issued a communiqué supporting the operation and asserting that the four marines were a legitimate military target. 483/ The Commission has full evidence, however, that the United States marines were not combatants. Their function was to guard the United States Embassy and there is no indication whatsoever that they took part in combat actions in El Salvador. Furthermore, international humanitarian law defines the category of "combatant" restrictively. The allegation that they were performing "intelligence functions" has not been substantiated. In any event, carrying out intelligence functions does not, in itself, automatically place an individual in the category of combatant.

In a subsequent broadcast on Radio Venceremos, Ismael Dimas Aguilar acknowledged that, as one of the military chiefs of the "Mardoqueo Cruz" urban commando responsible for the operation, he had participated in its planning and in the execution of the marines. 484/

On 28 August 1985, then President of the Republic José Napoleón Duarte held a press conference to report on the results of the investigation into what he called the "Zona Rosa Massacre". He said that three of the people responsible for the operation had been arrested. José Abraham Dimas Aguilar and Juan Miguel García Meléndez, who had planned the operation, and William Celio Rivas Bolaños, who had helped carry it out.

The judicial proceedings

On 27 August 1985, the National Guard placed the three accused at the disposal of the military court and handed over the results of the investigation, including the confession of the three defendants. 485/ Rivas and García later said that their confessions had been obtained under torture. The documents of the investigation were incomplete, since they did not include autopsy or ballistic reports, a reconstruction of events, or other reports customary in the investigation of a case of this kind. 486/

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Sentence was passed only five years later, on 30 April 1991, in the court of first instance. Although it appears from the dossier that the extrajudicial confessions were generally confirmed, there is no record that the defendants ever appeared in court, that any statement was taken from them or that any effort whatsoever was made to clarify the facts.

Two years after the trial began, the defendants' lawyer requested the dismissal of proceedings against them under the 1987 Amnesty Act. 487/ On 12 November 1987, the court granted the request and dismissed all charges against the three defendants. 488/

The United States Consul General in San Salvador representing the family of one of the dead United States marines went to court to file an appeal against the amnesty. 489/ On 4 December 1987, the military court confirmed the dismissal on grounds that the offences had been political. 490/

On 22 February 1988, President Napoleón Duarte, to whom, as Commander-in-Chief of the Armed Forces, the decision of the military court was referred, overturned it on the grounds 491/ that the Zona Rosa killings were ordinary crimes of international significance and, as such, not subject to amnesty. The Supreme Court of Justice, before which the matter was brought by means of a remedy of habeas corpus, confirmed the decision.

On 30 April 1991, sentence was passed in the court of the first instance and the three defendants were found guilty; the sentence was confirmed, almost in its entirety, on 5 March by the relevant court.

On 25 September 1992, the military judge decided to wait until he had seen the report of the Commission on the Truth before ruling on the request from the defendants' lawyer that the National Reconciliation Act be applied to the defendants, saying that the report was indispensable in order to determine whether the amnesty provided for in that Act was applicable. 492/

While this trial was going on, two other defendants went on trial for the same incident.

One trial, that of Juan Antonio Morales, began in 1988. Morales confessed to the Treasury Police that he had been part of the commando that had carried out the Zona Rosa operation and he confirmed his statement to the judge of the Fifth Criminal Court. Although his version of events is substantially the same as the one given by Rivas, García and Dimas, he did not name them as having been among the participants. There was no joinder of the two trials, and he has still not been sentenced. After a number of procedural vicissitudes, those implicated were denied the benefit of amnesty. Morales is still being held. 493/

The other trial, for complicity, was instituted in 1989 before the Third Criminal Court against Pedro Antonio Andrade, nom de guerre "Mario González". 494/ This trial too was not joined to the earlier one. Unlike the other defendants, Andrade benefited from the 1987 amnesty.

The Commission has received sufficient evidence that Andrade was one of the people who planned the attack. Andrade was head of the "Mardoqueo Cruz" urban

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commando at the time the incident occurred and he confessed in court to having had prior knowledge of an attack planned against "los cheles" (foreigners) and having made arrangements for a safe house and for medical care in case anyone was wounded in the operation. However, the Commission has received credible information that Andrade had a wider role in the selection of specific targets and in other aspects of the attack.

FINDINGS

The Commission finds the following:

1. There is full evidence that the attack on the United States marines was part of the FMLN policy of considering United States military personnel a legitimate target of war.
2. There is full evidence that the "Mardoqueo Cruz" urban commando of PRTC carried out the attack and that PRTC, as the organization to which this commando belongs, bears responsibility for the incident.
3. There is substantial evidence that Ismael Dimas Aguilar planned the attack and that he himself fired on the marines.
4. There is sufficient evidence that Pedro Antonio Andrade was involved in planning the attack.
5. The attack on the marines in the Zona Rosa was a violation by FMLN of the rules of international humanitarian law.

(b) ANAYA SANABRIA

SUMMARY OF THE CASE

Herbert Ernesto Anaya Sanabria, leader of the Human Rights Commission (non-governmental), was shot and killed on the morning of 26 October 1987 in the parking lot outside his home in San Salvador.

Two months later, National Police arrested a young man, Jorge Alberto Miranda Arévalo, a member of ERP, who initially stated that he had taken part in the murder as the look-out. He later retracted his confession. In 1991, a jury found him guilty and he was sentenced to the maximum penalty of 30 years in prison.

The Commission finds that:

1. For this case, it did not have sufficient time to resolve the following dilemma: the fact that there was evidence that a State security force or a death squad might have been responsible, and also evidence that the Ejército Revolucionario del Pueblo (ERP) might have been responsible for the murder of Herbert Ernesto Anaya Sanabria.
2. Miranda's trial and his treatment by the police violated his basic rights.

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3. The State failed in its duty under international law to protect human rights, properly investigate the murder of Herbert Anaya and bring to trial and punish the culprits.

DESCRIPTION OF THE FACTS 495/

The murder

On 26 October 1987, Herbert Anaya was shot to death in the parking lot of his home in the Zacamil district. According to witnesses, three men took a direct part in the murder: one fired the shots, another acted as look-out for the first and the third 496/ drove the vehicle. 497/ The murderers escaped in an old, yellow pick-up truck.

Ballistic tests showed that the six cartridges had been fired from the same weapon, 498/ and also that the six bullets found had been fired from the same weapon. 499/ The Commission for the Investigation of Criminal Acts (CIHD) maintained that the bullets were not typical of the ammunition available to the armed forces of El Salvador. 500/

Background

At the time he was murdered, Herbert Anaya was general coordinator of the Human Rights Commission (non-governmental) (CDHES-NG) 501/ and used to speak out regularly against human rights violations. He was also a member of the Ejército Revolucionario del Pueblo. 502/ Before his death, he apparently advocated a peaceful solution to the armed conflict in his country. 503/

On 26 May 1986, he was arrested by members of the Treasury Police who were dressed in civilian clothing and heavily armed. 504/ He was interrogated and imprisoned 505/ until 2 February 1987, when he was released in an exchange of prisoners.

Reaction to the murder

The murder triggered a strong reaction both within El Salvador and abroad. There were demonstrations in the capital and national and international human rights groups and civilian associations expressed their concern. 506/

President Duarte asked CIHD to investigate the case and also offered a reward of 50,000 colones (US\$ 10,000). 507/ The investigation did not produce any significant results, and the possibility that Anaya might have been murdered by Government forces or right-wing sectors was not seriously investigated.

Arrest and detention of Jorge Alberto Miranda Arévalo

On 23 December 1987, National Police arrested Jorge Alberto Miranda Arévalo, a member of a union of the ERP urban commandos. 508/ Miranda and a companion had attacked a truck carrying soft drinks. His companion "Carlos", who, according to Miranda's first statement, shot at Anaya, managed to escape.

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Miranda was interrogated 509/ and, according to the National Police, made an extrajudicial statement confessing to having participated as look-out in Anaya's murder. According to the court dossier, that same day he led members of the National Police to arms caches.

During the first weeks of his detention, Miranda said that he had been subjected to psychological pressure. 510/ He said he had been injected with an unknown substance, 511/ and also that he had been subjected to sleep deprivation.

The Government concluded that Miranda was guilty. When the Government paid Miranda 12,000 colones on 4 January 1988, saying that the payment was being made under a programme announced in December 1987, the Minister of Justice denied that Miranda was being rewarded for taking the blame for the murder. 512/

During the first weeks of his imprisonment, Miranda received special treatment: he was interviewed on camera and visited alone by foreign reporters 513/ and also by senior officials. Miranda says he was also visited by members of the National Police and by some Venezuelans who offered him comforts if he stuck to his original statement. 514/

For its part, CIHD concluded its investigation shortly after Miranda's arrest. According to the dossier, CIHD did not pursue leads or update important information, spoke to few witnesses and did not compare the results of ballistic tests of the ammunition used in the murder with ammunition handed over by Miranda.

Judicial proceedings against Miranda

When he had been held nine days longer than the maximum time allowed by the Salvadorian Constitution without being brought before a judge, 515/ Miranda was brought before the judge of the First Criminal Court of San Salvador 516/ [on 4 January 1988], the day he received his payment from the Government. That same day, Miranda confirmed his extrajudicial statement before the judge. Nevertheless, one month later, he retracted his statement about the assassination, although he reaffirmed that he was a member of ERP. 517/

After two years during which little headway was made, the judge ordered a partial stay of proceedings in Miranda's favour in April 1990, "... because of the absence of the necessary evidence of his participation". 518/ Subsequently, the First Criminal Chamber of the First Central Section revoked the stay 519/ and brought the case to trial.

In October 1991, a jury of five persons found Jorge Miranda guilty of murder and acts of terrorism. 520/

In March 1992, the judge applied the National Reconciliation Act to Miranda in respect of the offence of acts of terrorism and subversive association, but not in respect of the murder, and gave Miranda the maximum sentence of 30 years in prison. 521/

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The evidence 522/

ERP

No ERP member interviewed by the Commission has claimed responsibility for Anaya's murder, nor has any witness identified Miranda as a participant. One eyewitness who claimed to have seen the murderers from close up was unable to identify Miranda when shown a series of photographs of young men, including Miranda. 523/

Nonetheless, there is evidence that ERP and Miranda may have participated in the murder, and there are even credible motives. There were disagreements between Anaya and ERP. There is evidence that Anaya already wanted to see an end to the violence, whereas ERP had embarked on an initiative which would require violence in San Salvador.

Moreover, in his first two statements, Miranda put the blame on himself and on ERP. He had, and continues to have, a grasp of the facts. 524/

To the Commission, Miranda continued to deny his involvement. He even claimed that he had made up everything he had said about the murder and its planning. Nevertheless, he gave details of the murder and the way in which it was apparently planned that tally with other facts and that, according to our investigations, he had not given before. He provided information on: the time of a meeting held the night before the murder, where the pick-up truck came from, who obtained it and how he got to Anaya's parking lot in order to be able to act as look-out before the murder.

The Government

Salvadorian and international human rights organizations have expressed concern that the armed forces or a death squad may have killed Anaya in order to put an end to his criticisms of human rights violations. 525/

There is evidence that this could be true. According to his colleagues, Anaya received a number of direct and indirect threats from the Government throughout 1987. 526/ According to a leader of CDHES-NG, two weeks before his murder a woman who worked for the Commission was arrested by the National Police, who informed her that they knew that Anaya was the leader of the organization and that "they were going to disrupt the entire work" of the organization. 527/

Throughout the 1980s, there were constant acts of violence against CDHES-NG and Anaya was the fourth leader of the Commission to be murdered or to disappear. Not one of these cases has been satisfactorily resolved. 528/

Moreover, according to Anaya's widow, at 6.10 a.m on the day of the murder, neighbours saw a group of National Police some 200 metres from the family's house. 529/ She argues that since the police were so close by, the murders could not have been from FMLN.

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FINDINGS

The Commission finds that:

1. For this case, it did not have sufficient time to resolve the following dilemma: the fact that there was evidence showing that a State security force or a death squad might have been responsible, and also evidence that the Ejército Revolucionario del Pueblo (ERP) might have been responsible for the murder of Herbert Ernesto Anaya Sanabria.
2. Miranda's trial and his treatment by the police violated his basic rights.
3. The State failed in its duty under international law to protect human rights, properly investigate the murder of Herbert Anaya and bring to trial and punish the culprits.

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(c) ROMERO GARCIA, "MIGUEL CASTELLANOS"

SUMMARY OF THE CASE

Miguel Castellanos, whose real name was Napoleón Romero García, was murdered at 6.30 p.m. on 16 February 1989, shortly after leaving his office in the Centro para Estudios de la Realidad Nacional (CEREN) in the Flor Blanca district of San Salvador. FMLN urban commandos machine-gunned the vehicle in which Castellanos was travelling with his bodyguard, Rafael Quijada López, on the 43 Avenida Sur and Sexta Décima calle PONENTE. Castellanos was taken to the military hospital, where he died soon after. Quijada López received three bullet wounds, two in the legs and one in the stomach, but he survived the attack.

The attackers were not identified.

In a Radio Venceremos broadcast and in statements to the press, FMLN took responsibility for the attack.

Background

Castellanos, aged 39, had been a member of the Political Commission of the Fuerzas Populares de Liberación (FPL), one of the member organizations of FMLN, until mid-April 1985, when he was arrested by members of the National Guard. During the first days of his detention, he agreed to change his position and to collaborate with the authorities.

Before his arrest, Castellanos had been a member of the Political Commission of FPL and, in that capacity, the political and military official in charge of the special metropolitan area, as well as a member of the FMLN Joint Command in San Salvador. According to a report submitted to the Commission on the Truth by FMLN, Castellanos handled a great deal of secret information and, after his arrest in 1985, advised the National Guard and other intelligence bodies of the armed forces on matters relating to the campaign against FPL in particular and FMLN in general.

After changing his position, Miguel Castellanos started working at CEREN. He was also editor of the magazine Análisis.

Action by the Commission

The facts of the case are not in dispute. Nevertheless, the Commission examined the available evidence and sought information from FMLN, which is obtained.

The position of FMLN is that the death of Miguel Castellanos was a legitimate execution, since he was a traitor who was contributing in a direct and effective manner to repression against FMLN.

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FINDINGS

Notwithstanding the arguments put forward by FMLN, international humanitarian law does not permit the execution of civilians without a proper trial.

(d) PECCORINI LETTONA

Francisco Peccorini Lettona, aged 73, a doctor of philosophy and university lecturer, was a contributor to El Diario de Hoy, a morning newspaper in El Salvador, in which he had written a number of articles opposing the activities of FMLN.

Mr. Peccorini took an active and public part in a group dedicated to what it termed "winning back" the University of El Salvador, which, in its view, had been infiltrated by guerrillas.

On 15 March 1989 in San Salvador, while driving his car, Mr. Peccorini was the target of an attack in which he was shot. He was taken to the military hospital, where he died.

At the Cocoyoc meeting, held in Mexico from 21 to 24 July 1989 between prominent persons from the United States of America and representatives of FMLN, FMLN acknowledged responsibility for Mr. Peccorini's death.

(e) GARCIA ALVARADO

On 19 April 1989, Mr. José Roberto García Alvarado, Attorney General of the Republic, was killed when a bomb planted in the car he was driving exploded. The incident occurred in the San Miguelito area of San Salvador and the two passengers in the car were injured.

At the Cocoyoc meeting in Mexico in July 1989, FMLN took responsibility for Mr. García Alvarado's death, which it attributed to the Fuerzas Armadas de Liberación (FAL), one of its member organizations.

(f) GUERRERO

SUMMARY OF THE CASE

On 28 November 1989, Mr. Francisco José Guerrero, former President of the Supreme Court of El Salvador, was assassinated in his car at the intersection of Boulevard de los Héroes and Alameda Juan Pablo II in San Salvador. One of the attackers was killed, another escaped and the third, César Ernesto Erazo Cruz, was wounded.

In the hospital, Erazo Cruz said he had killed Guerrero on orders from FMLN. He later changed his story and finally denied participating at all. When he came to trial, the jury acquitted him.

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At the time of his death, Mr. Guerrero was investigating the assassination of the Jesuit priests and apparently had found evidence. One of the possible motives for his murder may have been precisely to conceal that evidence.

Mr. Guerrero died as a result of deliberate action aimed at killing him. Although César Ernesto Erazo Cruz was acquitted at the trial, there is every evidence that he participated in the assassination. The Commission tried unsuccessfully to obtain significant information both within and outside El Salvador to confirm or disprove its investigating hypotheses. Although there is sufficient evidence that Erazo Cruz was at the time an active FMLN member, a fact which suggests that a more thorough investigation of FMLN responsibility for the assassination is called for, the available evidence did not allow the Commission, on completion of its work, to reach full agreement on this case.

DESCRIPTION OF THE FACTS 530/

Mr. Francisco José Guerrero, a prominent conservative politician, was active in public life for more than three decades. 531/ He was President of the Supreme Court, worked as an adviser to President Cristiani to promote the dialogue with FMLN and was also a member of the Ministry of Foreign Affairs advisory council. 532/

Mr. Guerrero was investigating the assassination of the Jesuit priests, which took place 12 days before he was killed. He had contacted the Jesuits immediately after the crime occurred and offered to cooperate in solving it.

The death of Mr. Guerrero

On the morning of 28 November 1989, Mr. Guerrero left his house in the Escalón district with his daughter-in-law to drive her to the San Salvador judicial centre, where she worked. Mr. Guerrero was driving, his daughter-in-law was sitting in the front passenger seat, and his bodyguard, Víctor Manuel Rivera Monterrosa, was sitting in the back seat. Mr. Guerrero was usually accompanied by two bodyguards, but that morning one of them did not show up.

They reached the intersection of Boulevard de los Héroes and Alameda Juan Pablo II without incident, and there they stopped at a traffic light near the "Biggest" restaurant. A man - later identified as Angel Aníbal Álvarez Martínez - ran up along the pavement and stationed himself behind Mr. Guerrero's car. Another unidentified man stationed himself to the left of the car and a third, later identified as César Ernesto Erazo Cruz, stood on the right side. Without addressing a word to the occupants of the car, they opened fire with their weapons. 533/ Mr. Guerrero's bodyguard noticed the men before they aimed their first shots at him, but only had time to react and counter-attack. 534/

According to witnesses, the attackers had followed Mr. Guerrero to the intersection in a yellow Volkswagen, from which they emerged and surrounded him. Other witnesses asserted that the attackers arrived on foot. 535/

The vehicle was hit from three sides by nine bullets. 536/ Apparently, the attackers fired first at Mr. Rivera Monterrosa, who was wounded, lost control

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for a few seconds, then managed to fire back at his attackers with a 357 calibre revolver and an M-16 rifle. At that moment, he was hit again and emptied the entire magazine at the attackers. 537/

Mr. Guerrero was hit by five bullets. 538/ All the bullets extracted from his body were 45 calibre, 539/ three of them having been fired from a revolver which, according to the person who handed it over to the police two days later, was found on the body of Alvarez Martínez. 540/ The other two bullets had been fired from another weapon that was never recovered.

Erazo Cruz and Alvarez Martínez were standing on the pavement in front of the "Biggest" restaurant when on-the-spot witnesses saw at least one man get out of a Cherokee-type vehicle two or three cars behind that of Mr. Guerrero, and fire a rifle, apparently an M-16, at Erazo Cruz and Alvarez Martínez. 541/ Alvarez Martínez was killed instantly. 542/ Erazo Cruz was wounded. 543/ The calibre of the bullet extracted from the body of Alvarez Martínez was 5.56 mm, 544/ which is the calibre used in the M-16.

The third attacker fled the scene and has never been identified. The Cherokee picked up the man with the M-16 and likewise left the scene for an unknown destination. 545/

Mr. Guerrero and his bodyguard were taken to the Medical Surgical Hospital, where Mr. Guerrero died the same day. His daughter-in-law survived the attack unharmed.

Subsequent events

The paraffin tests performed on Alvarez Martínez and Erazo Cruz the following day by officers of the National Police were positive. 546/

Erazo Cruz stated at the National Police medical clinic that he was a member of the FPL urban commandos and had participated in the assassination on the orders of the FMLN command, transmitted through another member of the organization. According to this statement, all he knew was that an important politician was to be assassinated. On further questioning, he changed his story and said that a certain "Manuel" had simply told him they were going to commandeer a vehicle. 547/

In his second statement, made to the judge of the Sixth Criminal Court, Erazo Cruz confirmed his first statement, with some changes. According to this version, "Manuel" had told him they were going to commandeer a vehicle with tinted glass windows. They had gone up and down the boulevard several times without finding the vehicle. When they came to the corner where the "Biggest" restaurant is situated, his two companions suddenly started running towards a vehicle. "Manuel" took up position behind the vehicle and shot into the back of it, while "Efraín" stood in front and shot into the front of it.

According to Erazo Cruz, when this happened he ran to the pavement in front of the "Biggest" restaurant. From there he saw a man with a rifle get out of a car behind the vehicle at which "Manuel" and "Efraín" were firing and shoot at "Manuel". At that moment he himself felt an impact and fell to the ground. He did not know where "Efraín" went or whether he had been wounded. 548/

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On the basis of these statements, the trial judge ordered that Erazo Cruz be detained pending trial. 549/ After recovering from his wounds, he was held in the Mariona prison. This prison was attacked by FAL members; Erazo Cruz escaped with other prisoners and reached an FMLN camp. 550/

In September 1991, troops of the Atlacatl Battalion wounded and captured Erazo Cruz. The soldiers took him to hospital and he was subsequently committed to prison.

The public hearing was held on 21 July 1992 in the Sixth Criminal Court. Erazo Cruz was accused of aggravated homicide, 551/ causing grievous bodily harm, 552/ being a member of a subversive association, 553/ and escape involving the use of violence. 554/ During the trial, Erazo Cruz denied participating in the crime, despite his judicial confession. He claimed that he was passing by the scene of the crime when he found himself caught in the gunfire; he was wounded and was, he alleged, forced to confess that he was responsible.

The jury acquitted Erazo Cruz of the charges of homicide and causing grievous bodily harm. 555/ He was freed in mid-August 1992.

Responsibility of the guerrillas and participation of Erazo Cruz

FMLN admitted a certain degree of responsibility for the assassination of Mr. Guerrero. Shortly after the crime, FMLN spokesmen said he had been killed when the members of the urban commandos tried to steal his car. This version coincides with parts of the original statements by Erazo Cruz, including his judicial confession.

Furthermore, the 45 calibre and 9 mm revolvers used in the assassination were typical of the weapons used by the urban commandos. Moreover, although Erazo Cruz was acquitted and denied any participation when he appeared before the Commission, there is substantial evidence that he took part in the crime. An eyewitness who had not spoken before identified him as one of the attackers. The paraffin test was positive, showing he had fired a gun. There are also contradictions in parts of his testimony to CIHD. 556/

The FMLN members interviewed by the Commission said that they did not know Erazo Cruz before the assassination and did not have any information on Alvarez Martínez and the other participants, nor did they know anything about the crime. Nevertheless, the Commission received reliable evidence indicating that Erazo Cruz belonged to the guerrilla forces at the time when Mr. Guerrero was assassinated.

On the other hand, the Commission received information to the effect that Mr. Guerrero was assassinated because he had obtained incriminating evidence on those allegedly responsible in the Jesuit case. This version was made public in January 1992, when Marta Aracely Guerrero de Paredes, Mr. Guerrero's daughter, said that on the day he died her father had been carrying documents revealing the identity of those who had killed the six Jesuit priests. 557/

Mr. Guerrero had used his political influence to obtain information. A few days before he died, at least one friend warned him that his life was in danger and that he should stop investigating the Jesuit case.

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The attack on Mr. Guerrero certainly did not occur as a result of an attempt to steal his car. The attackers never addressed a word to the occupants of the car, which was, moreover, hit by so many bullets that it could not be used again.

The role which the Cherokee-type vehicle played in the incident casts further doubts on the identity of those responsible for planning the assassination. Generally speaking, Cherokee vehicles were used in official circles and, similarly, M-16 rifles were used by members of the armed forces and bodyguards. The whereabouts of the Cherokee and its occupants is unknown.

FINDINGS

Taking into account its consideration of the available documents and the direct testimony received, including the new evidence, the Commission finds that there is full evidence that Mr. Guerrero's death resulted not from an attempt to steal his car but from an intention to kill the driver of the car, i.e. Mr. Guerrero.

Mr. Guerrero died as a result of deliberate action aimed at killing him. Although César Ernesto Erazo Cruz was acquitted at the trial, there is every evidence that he participated in the assassination. The Commission tried unsuccessfully to obtain significant information both within and outside El Salvador to confirm or disprove its investigating hypotheses. Although there is sufficient evidence that Erazo Cruz was at the time an active FMLN member, a fact which suggests that a more thorough investigation of FMLN responsibility for the assassination is called for, the available evidence did not allow the Commission, on completion of its work, to reach full agreement on this case.

(g) UNITED STATES SOLDIERS WHO SURVIVED THE SHOOTING DOWN OF A HELICOPTER

SUMMARY OF THE CASE

On 2 January 1991, a United States helicopter gunship was shot down by an FMLN patrol in San Francisco canton, Lolotique district, Department of San Miguel, while flying at low altitude towards its base at Soto Cano, Honduras.

The pilot, Daniel F. Scott, was killed and in the crash and Lt. Colonel David H. Pickett and Corporal Earnest G. Dawson were wounded; all were United States nationals. Members of the patrol approached the helicopter and fired at the survivors from a certain distance. The patrol left the dead United States soldier and the two wounded soldiers at the scene and departed, carrying off weapons and equipment from the helicopter. Shortly afterwards, a member of the patrol was sent back to the scene and killed the two wounded men.

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DESCRIPTION OF THE FACTS

At about 1.40 p.m. on 2 January 1991, a United States armed forces UH-1H helicopter took off from the Ilopango airport, San Salvador, with a crew consisting of the following United States military personnel: Lt. Colonel David H. Pickett, Corporal Earnest G. Dawson and the pilot, Daniel F. Scott. Pickett was Commander of the Fourth Battalion of the 22nd Airborne Regiment, based in Soto Cano, Honduras, where they expected to arrive shortly after 5 p.m.

At about 2 p.m., the helicopter was flying over San Francisco canton at an altitude of between 30 and 50 metres. It was flying low in order to be less vulnerable to possible guerrilla missile attacks, and also because, if it was shot down, there would be more likelihood of the occupants surviving.

That day, seven armed combatants of the Ejército Revolucionario del Pueblo (ERP) an FMLN member organization, were on patrol in San Francisco canton, Lolotique district, Department of San Miguel. Severiano Fuentes Fuentes, "Aparicio", a political leader of that organization in the area, was in command of the patrol, which in addition consisted of Antonio Bonilla Rivas, "Ulises", Daniel Alvarado Guevara, "Macaco", Digna Chicas, "Doris", and María Lita Fernández, "Carmen". They were accompanied by Santos Guevara Portillo, "Domínguez", and Fernán Fernández Arévalo, "Porfirio".

On sighting the helicopter, the patrol fired their M-16 and AK-47 rifles at it. The helicopter crashed some 500 metres away.

As the autopsy subsequently showed, the pilot, Scott, was killed when the helicopter crashed. The ERP patrol approached firing and wounded the two survivors.

One member of the patrol went to San Francisco canton, some 500 metres away, and came back with about 10 of the inhabitants. They placed the two wounded men and Scott's body some metres away from the helicopter and took back to San Francisco the articles which the combatants pointed out to them. The latter then set fire to the helicopter.

There is sufficient proof that Severiano Fuentes Fuentes, "Aparicio", ordered Daniel Alvarado Guevara, "Macaco", to kill the two wounded men and that "Macaco" refused to obey. When the patrol had moved about 100 metres away, Fernán Fernández Arévalo, "Porfirio", on the orders of Fuentes, came back and killed the wounded men.

Subsequent events

Some inhabitants of San Francisco told the authorities what had happened. The same night, the bodies were found and transferred by helicopter to Third Brigade headquarters, where they were examined by a justice of the peace. They were subsequently transferred to Ilopango airport, in San Salvador, where they were handed over to the United States authorities.

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The following day, 3 January, a group of United States military personnel, accompanied by Salvadorian officers, inspected the remains of the helicopter and interviewed a number of local inhabitants.

The news of the shooting down of the helicopter and the execution of the wounded soldiers was disseminated the same day.

FMLN, via Radio Venceremos, began by denying that any wounded men had been executed. On 7 January, it acknowledged that this might have happened and announced that an investigation would be undertaken. On 9 January, it admitted that the wounded men had been executed and on 18 January it announced that "Dominguez" and "Porfirio" would be tried for the offence. A correction was subsequently issued to the effect that "Aparicio" and not "Dominguez" was involved.

On 17 March 1992, Fuentes ("Aparicio") and Fernández ("Porfirio") voluntarily appeared before the Cinameca Court of First Instance and were sent to the Mariona Prison, where they remain.

Action by the Commission

The Commission on the Truth examined the materials in the judicial dossier, the results of the investigations carried out by United States experts and the documentation relating to the investigation made by FMLN, which was supplied by the latter. It interviewed five of the seven combatants who participated in the incident, together with a number of inhabitants of San Francisco canton and other people who could provide relevant information.

FINDINGS

The Commission considers that there is sufficient proof that United States soldiers Lt. Colonel David H. Pickett and Corporal Earnest G. Dawson, who survived the shooting down of the helicopter by an ERP unit, but were wounded and defenceless, were executed, in violation of international humanitarian law, by Fernán Fernández Arévalo, acting on the orders of Severiano Fuentes Fuentes. The Commission has found no evidence that other members of the unit participated in the execution.

The Commission has likewise found no evidence that the executions were ordered by higher levels of command, or that they were carried out in accordance with an ERP or FMLN policy of killing prisoners. FMLN acknowledged the criminal nature of the incident and detained and tried the accused.

3. ABDUCTIONS

DUARTE AND VILLEDA

On 10 September 1985, Inés Guadalupe Duarte Durán, daughter of President José Napoleón Duarte, and her friend, Ana Cecilia Villeda, arrived by car at the gates of a private university in San Salvador. They were followed in a van by two bodyguards assigned to protect them. As the two vehicles came to a stop, other vehicles positioned themselves so as to block traffic, while a

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number of armed individuals killed the bodyguards and forced the two women into a truck. 558/ The two women were taken to a guerrilla camp.

Four days after the incident, the self-styled Pedro Pablo Castillo commando of FMLN publicly announced that it was responsible.

On 24 October, after several weeks of negotiations in which the Salvadorian church and diplomats from the region acted as mediators in secret talks, Inés Duarte and her friend were released in exchange for 22 political prisoners. 559/ The operation also included the release of 25 mayors and local officials abducted by FMLN in exchange for 101 war-wounded guerrillas, whom the Government allowed to leave the country. The entire process of exchanging prisoners, which took place in various parts of the country, was carried out through the International Committee of the Red Cross.

In a communiqué from the FMLN General Command broadcast by Radio Venceremos on the day Inés Duarte was released, the General Command assumed full responsibility for the operation and described the actions of the commando, including the killing of the bodyguards, as "impeccable".

The abduction of Inés Duarte and Ana Cecilia Villeda constitutes a taking of hostages and is therefore a violation of international humanitarian law. 560/

F. MURDERS OF JUDGES

In the 1980s, it was dangerous to be a judge in El Salvador. As can be seen from the reports in this chapter concerning the murders of Monsignor Romero and the Dutch journalists, some judges, after being threatened or attacked, were forced to resign and even to flee the country.

What is more, according to a report given to the Commission on the Truth by the Supreme Court of Justice, 28 judges were murdered in El Salvador in the 1980s. 561/

One of them, Mr. Francisco José Guerrero, was assassinated after completing his term of office as President of the Supreme Court. Three others murdered were judges of courts of first instance and the remaining 24 were justices of the peace; of the latter, 20 were murdered during the period 1980-1982.

The Commission received complaints and testimony from independent sources regarding some of the cases referred to it by the Supreme Court and was able to investigate two of them. As to the other murders, there was evidence that some had been perpetrated by FMLN and others by the death squads and in two cases the judges appear to have died in combat.

The case investigated in depth was the assassination of Mr. Francisco José Guerrero, the report of which is contained in this chapter. The results of the investigation of the murder of a justice of the peace are given below.

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JUSTICE OF THE PEACE OF CAROLINA

José Apolinar Martínez, justice of the peace of the town of Carolina in the Department of San Miguel, was shot to death at his home on 14 June 1988. His three-year-old daughter was also wounded in the attack and subsequently underwent weeks of medical treatment.

There is strong evidence that FMLN was responsible. About one year previously, the judge had received threatening letters from the Ejército Revolucionario del Pueblo, one of the armed groups in FMLN. The murder took place in an area at least partially controlled by FMLN. The killers subsequently fled towards an area under greater FMLN control. They were wearing military uniforms and carrying rifles. A piece of paper indicating that FMLN assumed responsibility for the murder was found at the scene of the crime.

On the other hand, a long time elapsed between the threats and the murder. Furthermore, there was no pattern of executing justices of the peace at that time. Although many justices of the peace were murdered in the period 1980-1982, only two such murders, including this one, occurred between 1986 and 1988.

Nevertheless, taking into account all the circumstances and all the evidence, the Commission finds that there is sufficient evidence to attribute this murder to FMLN members. The murder of justice of the peace José Apolinar Martínez violated international humanitarian law.

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V. RECOMMENDATIONS

INTRODUCTION

As part of its mandate, the Commission is called upon to make recommendations. Indeed, under the terms of its mandate,

"The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation".

The Commission decided to first comment generally on the results of its investigations, the principles on which these investigations and its recommendations are based and the persons and institutions to whom they are addressed, before making specific recommendations.

1. General conclusions

The causes and conditions which generated the large number of serious acts of violence in El Salvador derive from very complex circumstances. The country's history and its deeply rooted relations of injustice cannot be attributed simply to one sector of the population or one group of persons. This or that Government institution, certain historical traditions, even the ideological struggle between East and West which went on until only recently, and of which El Salvador was a victim and an episode, are mere components. All these factors help to explain the complex situation in El Salvador during the 12-year period which concerns us. The Commission was not called upon to deal with all these factors, nor could it do so. Instead, it focused on certain considerations which prompted it to formulate its basic recommendations in such a way that this situation might be fully understood.

The lack of human rights guarantees in El Salvador and the fact that a society has operated outside the principles of a State subject to the rule of law imposes a serious responsibility on the Salvadorian State itself, rather than on one or other of its Governments. The political, legislative and institutional mechanisms required to ensure the existence of a society subject to the rule of law existed in theory, at least in part, but the reality was not what it should have been, perhaps as a consequence of excessive pragmatism. With the passage of time, the military establishment and, more specifically, some elements within the armed forces, having embarked upon a course from which they found it difficult to extricate themselves, ended up totally controlling the civilian authorities, frequently in collusion with some influential civilians.

None of the three branches of Government - judicial, legislative or executive - was capable of restraining the military's overwhelming control of society. The judiciary was weakened as it fell victim to intimidation and the foundations were laid for its corruption; since it had never enjoyed genuine institutional independence from the legislative and executive branches, its ineffectiveness steadily increased until it became, through its inaction or its appalling submissiveness, a factor which contributed to the tragedy suffered by

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the country. The various, frequently opportunistic, alliances which political leaders (legislators as well as members of the executive branch) forged with the military establishment and with members of the judiciary had the effect of further weakening civilian control over the military, police and security forces, all of which formed part of the military establishment.

The wide network of illegal armed groups, known as "death squads", which operated both within and outside the institutional framework with complete impunity, spread terror throughout Salvadorian society. They originated basically as a civilian operation, designed, financed and controlled by civilians. The core of serving officers, whose role was originally limited to that of mere executants and executioners, gradually seized control of the death squads for personal gain or to promote certain ideological or political objectives. Thus, within the military establishment and in contradiction with its real purpose and mandate, impunity vis-à-vis the civilian authorities became the rule. The institution as a whole was a hostage to specific groups of officers, which were sometimes formed even as their members graduated from officer training school, abused their power and their relations with certain civilian circles and intimidated fellow officers who were reluctant to join in or to collaborate with their corrupt and illegal practices.

The internal armed conflict between opposing forces grew in intensity and magnitude. The inevitable outcome was acts of violence, some of which were brought before the Commission with anxiety and anticipation. The more bloody the conflict became, and the more widespread, the greater the power of the military hierarchy and of those who commanded armed insurgent groups. The outcome of that vicious circle was a situation in which certain elements of society found themselves immune from any governmental or political restraints and thus forged for themselves the most abject impunity. It was they who wielded the real power of the State, expressed in the most primitive terms, while the executive, legislative and judicial branches were unable to play any real role as branches of government. The sad fact is that they were transformed, in practice, into mere façades with marginal governmental authority.

How else can the modus operandi of the death squads be understood? The disappearance of large numbers of people, the assassination attempts on important Government officials, church leaders and judges, and the fact that the perpetrators of these atrocities were only rarely brought to trial. What is ironic is that the web of corruption, timidity and weakness within the judiciary and its investigative bodies greatly impeded the effective functioning of the judicial system even where crimes attributed to FMLN were involved.

In order to avoid any risk of reverting to the status quo ante, it is essential that El Salvador establish and strengthen the proper balance of power among the executive, legislative and judicial branches and that it institute full and indisputable civilian control over all military, paramilitary, intelligence and security forces. The recommendations which follow are intended to outline the basic prerequisites for this transition and to ensure that it leads to a democratic society in which the rule of law prevails and human rights are fully respected and guaranteed.

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