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REVIEW AUTHORITY: Oscar Olson, Senior Reviewer

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, PINT, UNHRC, ES
SUBJECT: JESUIT RECTOR OF CENTRAL AMERICAN UNIVERSITY
MEETS WITH HA ASSISTANT SECRETARY SCHIFTER

REF: STATE 168020

1. SUMMARY: UCA'S ELLACURIA ASSESSED THE HUMAN RIGHTS SITUATION IN EL SALVADOR AS IMPROVED BUT ONLY BECAUSE OF U.S. PRESSURE WHICH HAS FORCED THE MILITARY HIGH COMMAND TO SUPPORT HUMAN RIGHTS. HE ADVOCATES MAINTAINING THE PRESSURE BY CONTINUING THE MANDATE OF THE UN RAPPORTEUR AND REINSTATING CONGRESSIONAL CERTIFICATION. THE UCA WILL DO ITS PART THROUGH ITS NEWLY FOUNDED HUMAN RIGHTS INSTITUTE. HE EXPRESSED HIS APPROVAL OF LIBERATION THEOLOGY AS THE "LATIN AMERICAN EXPRESSION OF CHRISTIANITY". END SUMMARY.

2. FATHER IGNACIO ELLACURIA, S.J., RECTOR OF THE CENTRAL AMERICAN UNIVERSITY (UCA) ACCOMPANIED BY CONFIDENTIAL

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HEATHER FOOTE, ACTING DIRECTOR OF WASHINGTON OFFICE ON LATIN AMERICA (WOLA) MET WITH HA ASSISTANT SECRETARY RICHARD SCHIFTER AND HA/ARA REGIONAL OFFICER ON 5/22. FOOTE ACTED AS INTERPRETER FOR THE MEETING. ELLACURIA OPENED THE CONVERSATION BY COMPLIMENTING AMBASSADOR SCHIFTER ON THE U.S. ROLE IN HUMAN RIGHTS IN EL SALVADOR WHICH, IN ELLACURIA'S VIEW, HAS BEEN THE PRINCIPAL FORCE BEHIND THE IMPROVEMENT IN HUMAN RIGHTS. HE LAMENTED THAT, WHILE THE CHURCH HAS CONSIDERABLE MORAL AUTHORITY, IT HAS HAD LITTLE

PRACTICAL EFFECT IN HUMAN RIGHTS.

3. HUMAN RIGHTS: THE GOES AND ESAF:

ELLACURIA EXPRESSED THE VIEW THAT THE GOES AND MILITARY HIGH COMMAND ARE COMMITTED TO HUMAN RIGHTS BECAUSE OF POLITICALLY EXPEDIENCY NOT BECAUSE OF THEIR PERSONAL ETHICS. HE SPECIFICALLY SINGLED OUT MINISTER OF DEFENSE GENERAL, EUGENIO VIDES CASANOVA, VICE MINISTER FOR PUBLIC SECURITY REYNALDO LOPEZ NUILA, AND CHIEF OF STAFF GENERAL ADOLFO BLANDON, AS HAVING PASTS BLOTTED BY SERIOUS HUMAN RIGHTS ABUSES. ELLACURIA SEES THESE HIGH RANKING OFFICERS AS SUPPORTERS OF HUMAN RIGHTS ONLY BECAUSE THEY UNDERSTAND THE POLITICAL VALUE OF A GOOD HUMAN RIGHTS RECORD.

IN SPITE OF COL. LOPEZ NUILA'S "BLOTTED" HISTORY, ELLACURIA SINGLED HIM AND NATIONAL POLICE DIRECTOR, COL. RODOLFO REVELO, OUT AS THE KEY DEFENDERS OF HUMAN RIGHTS IN THE MILITARY. HE ADDED THAT THE ABUSES IN THE SECURITY FORCES STILL OCCUR, BUT INFREQUENTLY. WHEN ELLACURIA COMMENTED ABOUT ARRESTS, DEPTOFF POINTED OUT TO ELLACURIA THAT FOOTE TRANSLATED THE SPANISH WORD CONFIDENTIAL

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"CAPTURADO" AS "ABDUCTED". ELLACURIA THEN CLARIFIED THAT HE MEANT ARREST NOT ABDUCTION. ACCORDING TO ELLACURIA, THE ONCE COMMON TORTURE METHOD OF THE "CAPUCHA" (HOOD FILLED WITH LIME DUST) IS NO LONGER IN USE AND CLANDESTINE JAILS ARE RARE. HOWEVER, SLEEP DEPRIVATION, THREATS AND PYSCHOLOGICAL ABUSE ARE STILL PRACTICED.

4. THE KIDNAPPING RING:

AMBASSADOR SCHIFTER ASKED IF ELLACURIA COULD CITE INSTANCES WHERE HUMAN RIGHTS ABUSES WERE BEING COMMITTED, ORDERED OR CONDONED BY RANKING MEMBERS OF THE GOES OR ESAF. ELLACURIA RESPONDED BY POINTING OUT THAT THE RECENT ARREST OF ARMY OFFICERS FOR KIDNAPPING FOR PROFIT IS AN INDICATION OF THE LOW CHARACTER OF SOME IMPORTANT MILITARY FIGURES. AMBASSADOR SCHIFTER NOTED THAT THE INVOLVEMENT OF THE MILITARY IN THE KIDNAPPING SCHEME WAS A MATTER OF PERSONAL GREED AND CLEARLY FALLS IN THE CATEGORY OF COMMON CRIME AND SHOULD NOT BE CITED AS A HUMAN RIGHTS ABUSE. ELLACURIA

SAID THAT, THOUGH THE ARRESTS WERE LAUDABLE, THE SITUATION IS STILL "PRECARIOUS". AS AN EXAMPLE, HE CITED CALVARY COMMANDER, COL. RODRIGUEZ MURCIA AS A HIGH RANKING MEMBER OF THE KIDNAPPING RING WHO WAS NEVER ARRESTED. (NOTE: WHILE VISITING EL SALVADOR IN

APRIL, DEPTOFF HEARD THIS ACCUSATION FROM A CREDIBLE SOURCE. PN'S COL. REVELO TOLD DEPTOFF THAT HE HAD QUESTIONED RODRIGUEZ AT LENGTH AND WAS CONVINCED OF HIS INNOCENCE ADDING THAT THERE HAS BEEN NO EVIDENCE WHATSOEVER TO SUPPORT THIS WIDESPREAD RUMOR.)

5. ARCATAO:

IN ELLACURIA'S VIEW, THE ESAF IS CLEARLY GUILTY OF CONFIDENTIAL

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KILLING CIVILIANS IN AN EXTRAORDINARILY CRUEL WAY IN ARCATAO BUT HE ADDED THAT HE THOUGHT THESE KILLINGS WERE COMMITTED BY LOW LEVEL SOLDIERS WITHOUT ORDERS FROM ABOVE. AMBASSADOR SCHIFTER SAID, IF TRUE, THE KEY TO THE END OF THIS TYPE OF ABUSE WAS SWIFT PUNISHMENT OF THE PERPETRATORS. ON THE OTHER HAND, ELLACURIA NOTED THAT THE FMLN ALSO WAS GUILTY OF SEVERE ABUSES DURING THIS MILITARY OPERATION WHEN THEY SUMMARILY EXECUTED SEVERAL CIVILIANS.

6. JUDICIAL REFORM:

AMBASSADOR SCHIFTER SAID THAT THE FUNDAMENTAL PROBLEM IN EL SALVADOR IS JUDICIAL REFORM. ELLACURIA AGREED BUT ADDED THAT RESULTS WILL NOT BE SEEN IN THE SHORT TERM BECAUSE OF THE LACK OF A LEGAL TRADITION ON WHICH TO BASE THE REFORM.

7. THE UN SPECIAL RAPPOREUR ON HUMAN RIGHTS:

ELLACURIA SEES THE CONTINUATION OF THE MANDATE OF THE SPECIAL RAPPOREUR ON HUMAN RIGHTS AS ESSENTIAL, ALTHOUGH POLITICALLY EMBARRASSING, BECAUSE "WE NEED TO BE PRESSURED ON HUMAN RIGHTS ISSUES". HE STRONGLY SUPPORTS A RETURN TO CERTIFICATION BY THE US CONGRESS MAKING AID CONDITIONAL ON EL SALVADOR'S HUMAN RIGHTS PERFORMANCE. AMBASSADOR SCHIFTER EXPRESSED HIS PREFERENCE FOR IMPROVING THE HUMAN RIGHTS SITUATION BY PINPOINTING KEY PROBLEM AREAS AND PROVIDING A CURE. THE RECENT RESOLUTION ON EL SALVADOR AT THE UNHRC DID NOT SERVE THIS PURPOSE AS IT PROVIDED NO ASSISTANCE IN THE KEY AREA OF JUDICIAL REFORM.

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8. THE UCA INSTITUTE ON HUMAN RIGHTS:

THE UCA HAS FORMED A NEW INSTITUTE ON HUMAN RIGHTS HEAD BY FATHER SEGUNDO MONTES, S.J. ELLACURIA SAID THAT TUTELA LEGAL'S EFFORTS HAVE BEEN INADEQUATE BECAUSE IT LACKS INVESTIGATIVE CAPACITY AND HAS UNTRAINED PERSONNEL. THE UCA INSTITUTE INTENDS TO SEND HIGHLY TRAINED TECHNICIANS INTO THE FIELD TO PERFORM ON SITE INVESTIGATIONS OF ABUSES. IT WILL ALSO ACT AS A HUMAN RIGHTS THINK TANK PRODUCING STUDIES ON SPECIFIC SUBJECTS SUCH AS DECREE 50.

9. THE FUTURE OF THE CONFLICT:

ELLACURIA DOES NOT SEE A NEGOTIATED SETTLEMENT AS A STRONG POSSIBILITY. THE ONLY REASON THE FMLN WOULD AGREE TO AN END TO HOSTILITIES WOULD IF THEY SENSED THAT THEY COULD USE THE RESPITE TO REGROUP THEIR FORCES. THE GUERRILLAS, ACCORDING TO ELLACURIA, COMBINE LENINISM WITH STRONG NATIONALISM. HE TERMINATED HIS DISCUSSION WITH THE THOUGHT THAT "LIBERATION THEOLOGY IS THE LATIN AMERICAN EXPRESSION OF CHRISTIANITY AND MARXISM WILL SHOW A NEW OPENING TO THE RELIGIOUS WORLD THAT NEVER EXISTED BEFORE."

10. COMMENT: WE OBSERVE THAT ELLACURIA'S FORMATION OF A HUMAN RIGHTS ORGANIZATION WITH "INVESTIGATIVE" CAPACITY COINCIDES, BY HIS OWN ADMISSION, WITH AN IMPROVED HUMAN RIGHTS SITUATION. WE WILL BE INTERESTED IN SEEING THE RESULTS OF UCA'S INVESTIGATORY EFFORTS AND STUDIES ON HUMAN RIGHTS ISSUES. ONE CAN ONLY SPECULATE AS TO UCA'S MOTIVATIONS IN ORGANIZING A HUMAN RIGHTS INVESTIGATIVE TEAM AT THIS TIME. END COMMENT
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