

# Department of State

OUTGOING TELEGRAM EXCISE

D  
31A5

PAGE 01 STATE 070114  
ORIGIN HA-05

5385

STATE 278:14

INFO OCT-88 LOS-88 EUR-12 ARA-15 /234 R

66811

DRAFTED BY: HA:OSHAFFER  
APPROVED BY: HA:PPSARRCS  
ARA/GEN:PHILBURN (PHONE)

-----346372 170245Z /68

P 170225Z MAR-82  
FM SECSTATE WASHDC  
INFO AMEMBASSY PARIS PRIORITY

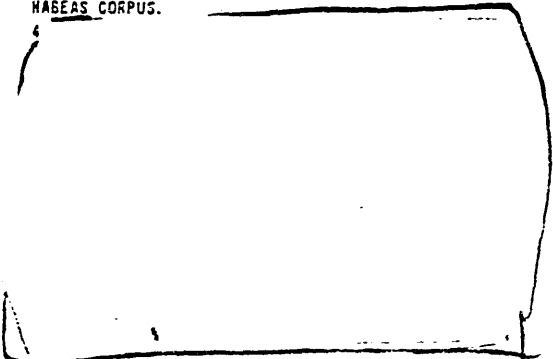
C O N F I D E N T I A L STATE 070114

FOR ASSTSEC ABRAMS

FOLLOWING SAN SALVADOR 2193 DTD MAR 15 SENT ACTION STATE INFO  
CARACAS GUATEMALA MANAGUA MEXICO PANAMA SAN JOSE TEGUCIGALPA  
USCINCSO QUARRYHTS PH BEING REPEATED TO YOU FOR YOUR INFO:

QUOTE: C O N F I D E N T I A L SAN SALVADOR 2193  
E.O. 12065: GDS 3/15/88 (BROWNFIELD, WILLIAM R.) OR-P  
TAGS: PINS, PINT, ES  
SUBJECT: FURTHER GUIDANCE ON SALVADORAN POLITICAL PRISONERS  
REF: SAN SALVADOR 1582

1. (C - ENTIRE TEXT)
2. REFTEL'S SUGGESTED GUIDANCE ON THE ISSUE OF POLITICAL PRISONERS IN EL SALVADOR LEFT A SIGNIFICANT QUESTION UNANSWERED. THE FINAL TALKING POINT IN REFTEL CORRECTLY STATES THAT ALMOST ALL "POLITICAL" PRISONERS IN EL SALVADOR ARE HELD UNDER DECREE 507 WHICH PERMITS DETENTION OF SUSPECTED TERRORISTS FOR UP TO 180 DAYS WITHOUT FORMAL PROCEEDINGS. THERE ARE MANY PRISONERS WHO HAVE BEEN HELD FOR MORE THAN 180 DAYS UNDER DECREE 507. AS THIS QUESTION MAY BE RAISED IN FUTURE PUBLIC DISCUSSIONS, EMBASSY RESEARCHED THE ISSUE.
3. EMERGENCY DECREE 507 WAS ENACTED AS AN ANTI-TERRORISM CONTROL MEASURE. IT PERMITS DETENTION BY SECURITY FORCES FOR 180 DAYS WITHOUT JUDICIAL PROCEEDINGS. DETENTION MAY BE EXTENDED BEYOND 180 DAYS IF A SALVADORAN JUDGE ORDERS THE CONTINUED INVESTIGATION OF THE CASE. ACCORDING TO THE DIRECTOR GENERAL OF THE SALVADORAN PENAL SYSTEM, ANY PRISONER WHO WAS DETAINED UNDER DECREE 507 FOR MORE THAN 180 DAYS HAS HAD HIS DETENTION EXTENDED BY JUDICIAL ORDER. IN MOST OF THESE INSTANCES, THE ORDER WAS ISSUED BY A MILITARY JUDGE OF FIRST INSTANCE (JUEZ MILITAR DE LA PRIMERA INSTANCIA). THESE MILITARY JUDGES ARE USUALLY CIVILIAN LAWYERS APPOINTED BY THE GGES. THEY ARE NOT LEGALLY AUTHORIZED TO TRY A CRIMINAL CASE. THEY ARE AUTHORIZED TO OVERSEE THE ARREST, DETENTION, AND INVESTIGATION OF INDIVIDUALS BY THE SALVADORAN SECURITY FORCES. UNLIKE PROCEEDINGS IN CIVILIAN TRIBUNALS, MILITARY JUDICIAL PROCEEDINGS ARE CONDUCTED IN SECRET. THEIR DECISIONS ARE APPEALABLE TO THE SALVADORAN SUPREME COURT BY PETITION OF HABEAS CORPUS.



a 519 E

UNQUOTE TAG HINTON

**DENY**

*Salvador*

DEPARTMENT OF STATE A/CDC/MR  
J.L. MILLS  
REVIEWED BY E.T. LONG DATE 1/21/83

RDS  or ADS  DATE \_\_\_\_\_  
TS AUTH. \_\_\_\_\_  
ENDORSE EXISTING MARKINGS   
DECLASSIFIED BY PPSARRCS  
RELEASE DENIED   
PA or FOI EXEMPTIONS B1A5