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EL SALVADOR

During 1982 El Salvador changed from a country ruled by a civilian-military junta to one in transition to a multiparty democracy. This change was brought about by the election on March 28 of a Constituent Assembly in the country's first truly free election in fifty years. Since this election, El Salvador has been governed by a provisional executive body elected by the Assembly, consisting of President Alvaro Magana, an independent, and three Vice Presidents, each representing one of the major democratic political parties. The Assembly exercises legislative authority and is drafting a new constitution. Presidential and municipal elections are scheduled to be held no later than March 28, 1984. Constitutional democracy in El Salvador continues to be limited by the suspension of constitutional rights in a response to the present military emergency resulting from guerrilla and terrorist attacks. The armed forces remain a significant political force in the country.

All human rights conditions in El Salvador are strongly affected by the on-going civil strife. As is common during civil strife, the achievement of a public order, that would protect each person's rights, has been disrupted by military operations, partisan hatreds, acts of revenge, the satisfaction of personal grudges, pervasive fear, and a prevailing uncertainty dominated by violence. This situation contributed to, and is complicated by, the near-paralysis of the judicial system, which is caused in part by corruption and intimidation and which is most evident when crimes of a political nature are being considered.

Civil strife has led to human rights violations by all parties involved in the conflict, the guerrillas of the left, terrorist groups on the right, and the forces employed by the Government. In 1982, the armed conflict continued between the elected government supported by the armed forces, and the leftist Democratic Revolutionary Front and the Farabundo Marti National Liberation Front (FDR/FMLN), which are trying to destroy the country's economy and seize political power by force of arms. An intense guerrilla war in the countryside and both urban and rural terrorism, in accordance with the guerrillas' strategy of prolonged warfare, characterize the military security situation. The Salvadoran armed forces reportedly suffered 1,073 killed in action and 2,584 wounded in action during 1982.

Serious human rights problems continued in El Salvador in 1982, despite signs of improvement throughout the year. Incidents of political assassinations, killings of civilians, disappearances, and torture continue to be reported, although at substantially lower levels than in 1981. The judicial system has failed to function effectively in the face of a guerrilla movement and abuses committed by elements of the security forces and rightist groups. In 1982, the armed forces demonstrated an increased awareness of the need to respect human rights and took some limited steps to improve their performance. Guerrillas were taken prisoner during combat operations, and some military personnel were disciplined for human rights abuses. The new Government established an official Human Rights Commission to scrutinize instances of human rights violations. The exercise of civil liberties remains severely curtailed by the passage of state of siege Decree 507.

In December 1980, the then-ruling junta decreed to grant the armed forces a legal basis for their ordinary authority in combating insurgency. In every thirty days since. State of siege Decree Article 177 of the 1962 Constitution, which provides for suspension of constitutional guarantees of individual freedoms in times of civil strife or subversion, Rights of free transit, inviolability of correspondence, free assembly. The armed forces have the legal authority without a warrant. Individuals charged with crimes against the state (e.g., sedition, treason) or related crimes of terrorism are remanded to secret military trials to the Military Code of Justice.

Whether the Government bears full responsibility for certain rightist elements, and the members of the Government associated with them, is difficult to establish. First, the Magana Government presides uneasily over a coalition of quite diverse parties in the Constituent Assembly, including non-government groups, whose actions it does not exercise full control. Second, it is characteristic of Salvadoran society that personal loyalties to relatives or locally powerful individuals are strong and often compete with loyalties to the state or within the organizations of the Government or the military chain of command. Thus, it is often difficult to know whether, in taking a given action, a member of the Government is obeying orders handed down through the Government chain of command, carrying out the orders of his patron or acting on his own.

A Catholic society of Spanish colonial heritage, El Salvador is characterized by a small capital class, a small but expanding middle class and a large mass of subsistence level agricultural workers. The population growth rate is a high 3.2 percent per year. El Salvador's economy was expanding until 1978, when leftist counter-violence, and pressure for reforms led to mass flight and a general deterioration of investor confidence. At that time the gross domestic product has fallen 10 percent, and unemployment has risen to about 40 percent in some areas of the country. Manufacturing and export production of coffee, cotton, and sugar have all fallen. Both by the weakened regional and world economy and guerrilla-instigated violence. The economic and social infrastructure and productive facilities continue to be targeted for terrorist attacks. In March 1980, the Government initiated sweeping social and economic reforms, including the transfer of ownership of farmlands from a small number of large landholders to a larger number of agricultural workers. In the face of these difficulties, these reforms continued in 1982. Some 750,000 people will directly benefit, and 25 percent of the nation's farmland will have changed hands. When reformist officers overthrew the government in November 1982, land reform had benefitted approximately 500,000 Salvadorans.

The development of a strong and violent revolutionary movement in the late 1970's can be attributed in part to the rigidity of the former political system, closed to all parties other than a few officially-accepted parties, and to the economic oligarchy backed by the security forces. This situation changed fundamentally on March 15, 1982, when reformist officers overthrew the government and established a broad-based civilian-military junta, which included the representatives of political parties and the armed forces.

of the political spectrum. In early 1980, the leftist participants abandoned this junta to join the extreme left in a situation of mounting civil strife. The Christian Democratic Party, led by Jose Napoleon Duarte, then joined the junta's military members, preserving civilian participation in the governing group. This junta initiated a program of agrarian, banking, and trade reforms. It carried through these reforms in the face of strong opposition from both the conservative right and the guerrilla left. The Christian Democratic-military junta governed El Salvador until the March 28, 1982 Constituent Assembly elections. These elections shifted the ground of political action and were a major human rights development. The military adopted a neutral role by not voting. However, the military and security forces did provide security for voters wishing to cast their ballots. Some opposition forces, which traditionally regarded each other as subversive enemies, openly competed in the election campaign. Although the spectrum of participation was to a degree limited, since the extreme left rejected and sought to disrupt the electoral process, those who did choose to participate continue to peacefully compete in the democratic political forum provided by the Constituent Assembly. Members of those parties and political independents are represented in various government agencies and specialized commissions.

The Salvadoran Government, which has embarked on this transition to democracy, is currently being challenged by the FMLN--a coalition of Marxist/Leninist-led guerrilla organizations. The political affiliate of this organization, the FDR, includes elements of social democratic origin. One of the strategies of the FMLN involves the destruction of the Salvadoran economic infrastructure. Also targeted are municipal and national government installations, military personnel, and alleged government collaborators. The guerrillas and the FDR have published a general public program for a future government which includes a mixed economy and maintenance of certain individual liberties. Privately, the guerrillas and their affiliates have expressed admiration for Cuban and Nicaraguan domestic policies.

The Salvadoran Government is attempting to institutionalize a democratic process and promote greater respect for human rights. This nascent democratic trend is fragile and is threatened by extremists of the left and right. In this process, the role and attitude of the army will be very critical. Thus far, the leadership of the army has made a contribution to the democratic trend, by supporting the elections and encouraging compromise among the winning parties in the post-election period. Attitudes toward human rights among lower-ranking elements of the security forces and civilian defense force are improving but remain a problem. While the civil strife continues, short-term trends in human rights will vary greatly with the general level of violence.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Killing

Violence in El Salvador is endemic. Political polarization has exacerbated the levels of violence. Extremes of the right and the left regularly utilize assassination to eliminate and terrorize suspected opposition members and their sympathizers. Political assassination claims victims from all social classes. It is an institutionalized method in the warfare between

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the guerrillas of the FMLN and the far right, together with their sympathizers in the Salvadoran armed forces. Some groups associated with the military security forces identify and eliminate suspected collaborators of the FMLN and the FDR. Leftist terrorists in turn assassinate members of the armed forces, members of the paramilitary forces, civilian government authorities, and other citizens.

Attribution of killings is difficult. Groups rarely claim responsibility and witnesses are often reluctant to give testimony to an atrocity. Many victims could have been the targets of either the right or the left, or in at least some cases, victims of common violent crime. A number of political leaders, including about 26 local leaders of the Christian Democratic Party, were assassinated in 1982. Personally motivated assassination has on occasion been disguised as political assassination. At times the circumstances or the identity of victims can point to the perpetrator. For example, the assassination of the president of the International Trade Fair, Nicolas Nasser, on July 15, 1982, was likely to have been perpetrated by leftist terrorists, while many of the individuals removed from their homes after dark in urban areas and later found dead may be considered victims of armed groups of the right, including elements of the security forces.

There was a significant decrease in civilian deaths attributed to political violence in 1982. This decrease follows the downward trend identified in the latter half of 1981. The average of 445 deaths per month (as measured by press reports) in 1981 fell to an average of 219 deaths per month during 1982. While it is certain that these figures underreport the actual incidence of political violence, they do reflect trends. Supporting evidence of the decline in political violence can be derived from reports in the press of disappeared persons, some of whom undoubtedly were killed. These dropped from an average of 160 per month in 1981 to 38 in 1982.

Sources of information on political violence include newspapers, the armed forces, court records, human rights organizations, leftist organizations, and personal testimonies. Each of these is subject to limitations and/or biases. The four press dailies do report on violence. Although access to some rural areas is limited, press reports of deaths are considered a valid basis for data on political violence in rural areas. The armed forces have increased the release of information to the public, including casualty figures. Government information on guerrilla casualties, however, is subject to exaggeration. Court records list victims of violence identified by justices of the peace throughout the country. Such reports yield little additional information in cases of political violence since witnesses rarely come forward. However, they are useful to determine trends. Organizations which report on violence, besides the Government's Human Rights Commission, include the Archdiocese Commission of Justice and Peace, Christian Legal Aid (Socorro Juridico Cristiano), the Committee of Mothers and Relatives of Political Prisoners and the Disappeared, and the El Salvador Human Rights Commission. In addition, the Center for Investigation and Documentation of the Jesuit-run University of Central America is a human rights information clearing house. These groups rely primarily on newspaper reporting, supplemented with other sources such as announcements by guerrilla groups and personal testimony. In an effort to overcome what many in the Government feel is the leftist bias of these human rights groups, President Magana created a Human Rights Commission, which is composed of leaders of the church, labor, private sector and the National Police. The

The most significant contradiction in violence reporting concerns guerrilla combat casualties. During combat operations, the armed forces usually report all non-government casualties as guerrilla casualties. The independent human rights organizations mentioned above and Radio Venceremos report such casualties as civilian deaths. Both the armed forces and guerrillas tend to exaggerate and distort the data on casualties during combat for their own purposes. Estimates of the total number of persons who have died in El Salvador by political violence are subject to an unknown degree of inaccuracy.

In 1982 politically motivated civilian deaths numbered approximately 2,630, according to U.S. Embassy tabulations of press reports. Statistics collected by Salvadoran human rights groups are higher because, as stated earlier, since August 1982 these groups have included all deaths during combat operations, announced by the military, except Salvadoran Government casualties, as civilian political deaths. This change in methodology largely accounts for the higher figures reported by these groups in the second half of 1982.

The number of deaths reported in the press in 1982 is about 50 percent lower than the previous year. Information available from a variety of sources indicates that peak periods of political violence tend to correlate closely with increases in leftist violence. Examples include the August 1980 general strikes, the January 1981 "final offensive," guerrilla attempts to disrupt the March 1982 elections, and several waves of urban terrorism. Since the second half of 1981, there has been an overall decline in political violence. One explanation for this decline may in fact be the armed left's reduced ability to act at will in the cities.

In 1982, the organized death squads of the far right virtually disappeared from the public scene. The most prominent of the death squads, the Maximiliano Hernandez Martinez Brigade, made only two public statements in 1982, both denying connection with other groups linked to extreme rightist violence. While such squads may continue to exist, their program of sowing public terror through violent elimination of suspected subversives appears to have subsided.

The leadership of the armed forces demonstrated a concern for reducing political violence in 1982. However, because of the inability of the judicial system to deal with politically-motivated crimes, a thorough administration of justice is unlikely in the near future. Nevertheless, Defense Minister General Garcia issued orders in March, based on a previously developed code of conduct, that those accused of human rights violations would be punished. A special campaign was directed at the civil defense forces, whose members have been accused of human rights abuses. General Garcia spoke to over 200 local commanders of civil defense forces on October 6, 1982. In that well-publicized meeting, he warned commanders that human rights violations were betrayals of public and armed forces trust and would be punished. By the end of 1982, 141 members of the armed forces and about 55 members of the civilian defense had been jailed for abuses of authority. While it is difficult to impute causes, increased professionalism and control over the armed forces is responsible for some of this decline. Any assumptions about the extent of killings and their specific motivation must be made with the caveat that most killings are unattributable or occur in isolated areas, making confirmation and explanation both deductive and difficult.

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b. Disappearance

In 1982, reported disappearances averaged 78 per month. This compares with 160 per month in 1981, and 200 per month in 1980. Information on disappearances is available primarily from urban areas. Disappearances occurred under a variety of circumstances. Many of those who disappear become victims of political assassination. Also, some individuals may voluntarily disappear by going underground. Reports of guerrilla imprisonment are frequent. Kidnappings continue to occur; the victims are generally middle or upper middle class professionals who lack the protection of wealthier victims. In some kidnap cases the perpetrators can be determined. On December 5, 1982 in San Sebastian, El Salvador, guerrillas led over 136 soccer players and spectators away to their camps at gunpoint. Most were released within a few days. In most kidnap cases, however, the perpetrators are never known.

Family members and other groups and individuals attribute many disappearances of private citizens to units of the army, security forces, or paramilitary forces. Counterinsurgency units of the various security forces routinely practice arbitrary arrest and clandestine detention. The former is permitted under Decree 507. The capturing unit has 72 hours in which it can hold a prisoner before bringing charges. At any one time several hundred individuals may be held under these provisions or under extra-legal clandestine detention. Individuals "disappear", despite witnesses to their capture by uniformed forces or heavily armed men.

Under Decree 507, any citizen may file a writ, called a "Writ of Personal Exhibition," with the Supreme Court. On the basis of the writ, an appointed lawyer may make an inquiry to detention centers concerning the individual in question. There were some 500 of these writs pending in Supreme Court files at the end of August. Of these, approximately 50 individuals have been located and the rest have been classified as "under investigation," which in essence means the case is virtually closed because the individuals cannot be found.

The Archdiocese Commission of Justice and Peace keeps a record of persons who have disappeared from the San Salvador area. The Commission files a Writ of Personal Exhibition with the Supreme Court for each case, which is based on family testimony. Complete information is available for the month of May, and provides an indication of the fate of disappeared. Of 68 disappearances reported to the Commission, five persons were found dead, 13 captured by security forces (of whom six were released and seven remanded to the military tribunals), and 50 remain unaccounted for.

c. Torture

Torture by elements of the Salvadoran armed forces, and on occasion by guerrilla forces, does occur. It is not possible to establish the prevalence of torture because valid and systematic means for documenting cases do not exist. Some elements of the security forces engage in the use of psychological and physical coercion to extract information from suspected leftists. There is evidence that on these occasions the use of torture has been prolonged and extreme.

The embassy has specific reports of eight cases of torture in 1982 by elements of the security forces. These range from psychological abuse such as threats of death to deprivation of food

and sleep, and the infliction of electric shock and severe beatings. Evidence of torture on the bodies of the dead is widespread. It is believed that torture primarily occurs during the initial stages of detention, particular at clandestine detention cells.

The 1962 Constitution specifically prohibits torture. However, under Decree 507 military tribunals are given discretion over acceptable evidence, including extrajudicial confessions, which are inadmissible under Salvadoran law. Torture appears to have declined in 1982 along with civilian deaths attributed to political violence. (The statement that torture appears to have declined in 1982, is an assumption based on two observations: 1) the incidence of mutilated bodies of civilian victims attributed to political violence found dead has declined. 2) The number of incidental reports of torture from individuals and human rights organizations has declined.)

d. Cruel, Inhuman, or Degrading Treatment or Punishment

There are approximately 100 known detention locations under armed forces control and 25 prisons under Ministry of Justice authority in El Salvador. There may also be an unknown number of clandestine detention centers.

In the civilian-administered penal centers and penitentiaries, conditions range from poor to relatively good. Lack of resources is the primary constraint to improving conditions. The largest prison in El Salvador is Mariona Penitentiary, with over 1,000 prisoners. It includes a well-developed recreation and rehabilitation program.

Over 600 men at Mariona and 100 women at Ilopango Women's Prison are being held as political prisoners under the provisions of Decree 507. The prisoners are organized, with an outside support group. They hold regular meetings with prison directors who are generally responsive to their demands. Political prisoners' cell blocks are subject to search by security forces.

Although there are no unusual punishments or sentences provided for in El Salvador's Napoleonic Code, the seriously weakened and overburdened judicial system leaves most prisoners in jail for long periods of time before trial. Of a total of 3,200 prisoners, only 400 are serving sentences after having been tried and convicted by the courts. Delays of up to three years before a case comes to trial are common.

Decree 507 rescinds civil liberties because of civil strife and subjects political prisoners to military justice. The specified 180-day investigation period has lapsed for about 400 of the over 700 political prisoners. Forty-five prisoners have been held for at least two years without trial. Most remain in a legal limbo, without representation.

e. Arbitrary Arrest and Imprisonment

Arrest without warrant is permitted by Decree 507. Arresting officers are not obliged to identify themselves. There have been numerous reports of arrests at night by "heavily-armed men, dressed in civilian attire." Arrests are regularly conducted on the basis of a "denunciation," made by virtually any citizen. Under Decree 507, the armed forces may detain an individual for investigation without charge for up to fifteen days. After this period they must remand the individual to the military tribunals or release him. The security forces generally comply with this

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rule in cases of acknowledged detentions. The largest security force detention center is the National Police Headquarters in San Salvador. As many as 250 individuals, mostly common criminals, may be held there at any one time. However, reports of clandestine detention are frequent. One-fourth to one-half of those held at National Police Headquarters may be held under Decree 507 as suspected subversives at any given time. Approximately one in twenty is remanded after arrest to the military tribunals under Decree 507. The rest are either released or held for prolonged periods. A military tribunal may order "corrective detention" for 120 days.

The closest parallel to habeas corpus in the Salvadoran legal system is the "Writ of Personal Exhibition." Under this legal procedure when a writ is filed the Supreme Court, which has jurisdiction over all such petitions, appoints a "judge executor" who attempts to locate the subject of the petition. If successful, he then recommends to the Supreme Court whether legal grounds exist for continued detention of the individual. The state of siege extends the possible legal grounds for detention, but does not suspend the writ of personal exhibition. The "Writ of Personal Exhibition" is of little use in cases of unreported detentions since the "judge executor" is unable to locate individuals held in clandestine cells. On the basis of these writs, the Supreme Court determined that there were no grounds for holding over 300 detainees, between January of 1981 and September 1982.

f. Denial of Fair Public Trial

The civil strife in El Salvador has seriously weakened the criminal justice system. The court system is three-tiered with a Court of First Instance, an Appeals Court, and a Supreme Court. The system functions very slowly in criminal cases, where delays of two and three years are common. The courts are susceptible to coercion in cases involving members of the armed forces, persons of influence, or political cases. Judges, lawyers, witnesses, and jury members have been subject to bribery and to coercion by threats and acts of violence, including machine-gunnings and bombings.

Most political cases are dealt with under Decree 507 by the military and not by the civilian courts. Most crimes against the state, such as treason and sedition, and associated crimes related to subversion or terrorism are subject to trial by military tribunals. Once remanded to the tribunals, individuals may be held for up to 180 days during a preliminary investigatory period, which the tribunal may extend. Most of the over 700 political prisoners are in this extended status. They are not permitted legal representation during this period, nor are lawyers permitted access to evidence. The tribunal has authority to determine admissibility of evidence, including extrajudicial confessions and denunciations. Identities of the members of the tribunals, who are active duty military officers, are secret. Less than ten percent of the political prisoners have entered the trial stage. The Supreme Court has the authority to overturn decisions taken by these tribunals; however, this is rarely done. One case is currently under appeal in the Supreme Court.

The junta has renewed its offer of amnesty to guerrillas every year since 1980. It remains in effect under the current government. In 1982, several hundred members of leftist organizations, primarily guerrilla supporters from rural areas, availed themselves of the amnesty granted by the armed forces. The armed forces appeared to have respected the human rights of amnesty recipients, including the guerrilla combatants who have turned

The multiparty Pact of Apaneca, signed on August 2, commits the Government to the creation of Political, Human Rights, and Peace Commissions. One of the priority tasks of the Peace Commission will be the development of a comprehensive amnesty program that will enable guerrillas and their sympathizers to turn themselves in to government authorities in return for government protection.

g. Invasion of the Home

Decree 507 permits search and seizure, including residences, without a warrant. Members of the armed forces routinely use forced entry to conduct arrests and investigations. On occasion captures of individuals are accompanied by thefts of personal belongings. Terrorists of the left and right also engage in invasion of the home and thefts and destruction of personal and commercial property.

2. Respect for Civil and Political Freedoms, Including:

a. Freedom of Speech and Press

State of siege Decree 507 suspends the constitutional rights of freedom of speech and press. However, in practice there is no official, institutionalized censorship. Violent political polarization and fear of reprisals are de facto the greatest impediments to free expression. The political polarization also inhibits free speech. As a result, Salvadorans are reserved in their remarks to strangers.

Foreign correspondents regularly file their stories without censorship or delays. The four daily papers exercise voluntary constraint on reporting news and opinion from the left. However, they do accept paid advertisements from organizations loosely associated with the left. Their editorial boards tend to favor conservative viewpoints and conservative criticism of the Government is frequent. In 1982, newspapers were not the targets of terrorist bombings, as had been the case in previous years. A new weekly, launched in September, has a moderate perspective.

In spite of a pervasive fear of extremist reprisal, a number of sources publish dissenting opinions. Most prominent are the frequent news releases from Salvadoran organizations denouncing human rights violations, such as: "Human Rights", the Catholic Church Newsletter "Orientacion", and the bimonthly journal of the Jesuit-run University of Central America, "Estudios Centroamericanos" (ECA). These journals reflect a pro-FMLN viewpoint. A recent issue of "Estudios Centroamericanos" was dedicated to an analysis of the Salvadoran situation since the October 1979 coup and is extremely critical of the government. Its editorial policy also advocates negotiations with the guerrillas, which is contrary to Government policy.

Amnesty International, citing in particular the kidnapping and deaths of four Dutch journalists, urged the Government to safeguard the safety of all journalists working in the country.

The Constitution guarantees academic freedom. This right is not affected by the state of siege. In practice most universities voluntarily control or limit subjects and material taught. Only one of Salvador's 25 institutions of higher learning has a department of political science which teaches the country's only course on Marxism. Political science students are careful not to take books on socialism and Marxism off the university grounds. The National University has been closed since June 1980, but the university continues to operate in a number of rented classrooms.

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It is widely believed that the national telephone company, ANTEL, has the ability to monitor telephone conversations. No legislation exists on the subject of wiretapping.

The constitutional provision protecting the inviolability of correspondence is suspended under the state of siege. Postal officials have the authority to inspect correspondence, although the prevalence of this practice is not known.

Both the government and the guerrillas have informer networks. Phone numbers for making denunciations to security forces are often announced in the media. Security forces rely heavily on these informers and anonymous denunciations about subversive and criminal activities. There are reports that human rights abuses often are triggered by anonymous reports to either security or guerrilla forces.

b. Freedom of Peaceful Assembly and Association

State of siege decree 507 suspends the constitutional right to free assembly and association. The suspension of these rights is aimed particularly at the popular organizations of the revolutionary left. These organizations had all but disappeared from the public scene by 1981 and now exist clandestinely on a much smaller scale. Mass demonstrations in San Salvador organized by these organizations had been used in the past to incite violence and provoke security force reaction.

During the January-March Constituent Assembly election campaign, the Salvadoran Government reinstated the right to assembly to all participating political parties. Government policy has been tolerant of peaceful assembly when it has not been used for what the Government regards as subversive purposes.

Organized labor has traditionally played an important role in El Salvador. This role has recently diminished, due to the current economic crisis. With a 25 percent drop in the GDP in the last three years and unemployment reaching 40 percent in some areas, unions are fighting a defensive struggle to preserve what they have achieved, rather than pressing for further gains. Salvadoran unions are independent and free from government control. There is no official labor federation. Organized labor federations run the full political spectrum in El Salvador, including the left wing Popular Democratic Union. The Salvadoran labor code recognizes labor's right to organize, negotiate, and strike. The right to strike, however, is rescinded by state of siege decree 544. In practice, there were a number of local wildcat strikes in 1982 with no significant reaction from the Government. The strength of the organized leftist labor federations has dissipated in recent years, and the continuing political crisis and terrorism have driven some leftist labor leaders and organizations underground. The three largest leftist labor federations belong to the PDR. Nevertheless, they still exist as legal organizations. Several leftist labor leaders have disappeared and some have been arrested for subversive political activities, such as organizing attempted strikes during the January 1981 "final offensive."

Less than ten percent of the work force belongs to any organized labor organization. This includes peasant organizations, which are not recognized formally as labor unions. El Salvador's labor organizations maintain close relations with most of the important international labor movements. The relative weakness of the organized labor movement in El Salvador during the past three

years is due primarily to the catastrophic state of the economy and to political violence. Evidence indicates, however, that labor strength is on the rise again. The peasant organizations are particularly vibrant and growing.

c. Freedom of Religion

Freedom of religion exists in El Salvador and is constitutionally guaranteed. Catholicism is historically dominant, and the Catholic Church remains one of the society's most influential institutions. Apolitical activity by the church has not been impeded by the Government. Some clergy have been victims of political violence, presumably from the far right. Over 20 clerics were killed between 1980 and 1981, including Archbishop Romero and the four American churchwomen. Such violence against church persons has declined, and according to the Catholic Church, no clergy and fewer than 100 lay people were subjected to any violence in 1982.

The Catholic Church, including the hierarchy, is divided between conservative and liberal tendencies. In some cases individual priests have become identified with the cause of the leftist forces. The Salvadoran right has accused these clerics of politicizing the urban and rural poor, and many have then become the victims of rightist violence.

The Apostolic Administrator, Monsignor Rivera Damas, publicly criticizes both the FMLN and the armed forces for the continuing violence. In forming the Archdiocese Commission of Justice and Peace in April, Rivera Y Damas expressed the hope that this organization would be able to increase human rights awareness.

In recent years, evangelicalism, which is fervently apolitical, has attracted growing numbers of the Salvadoran people. Perhaps as many as one-fourth to one-half of the churchgoing population now belongs to one of the many evangelical movements. Some of the larger churches include the Assembly of God, Seventh Day Adventists, Mormons, Jehovah's Witnesses, and Baptists.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

State of seige Decree 507 also formally suspends the constitutional right to free movement. In practice, this suspension has little effect. Three major factors affect internal movement; the seasonal migration of large numbers of subsistence farmers primarily from the northern highlands to the coffee, cotton, and sugar lands during the November to March harvest season; the rural to urban migration of the poor, due to population growth and a belief of better opportunity; and the displacements due to violence primarily in the northern and eastern departments. There are approximately 249,000 displaced persons within El Salvador and approximately 60,000 to 75,000 refugees in camps outside the country, primarily in Honduras, Nicaragua, and Costa Rica. Over 500,000 Salvadorans have left in the past decade to seek employment in other countries, primarily the United States. About 10,000 individuals have sought political asylum in other countries, including the United States. There are no restrictions on emigration or on repatriation. Economically-motivated migrants returned to El Salvador by neighboring countries are not subject to any penalties and are free to reintegrate themselves into Salvadoran society.

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e. Freedom to Participate in the Political Process

El Salvador is a country in transition to a multiparty democracy. The armed forces have an important influence on politics. The Government is composed of members from the major parties that participated in the March 28 elections, including political independents. The President, Alvaro Magana, is a political independent, selected as a consensus candidate after no single party received a majority of seats in the 60-deputy Constituent Assembly. On March 28, 1982, 1.5 million Salvadorans went to the polls to elect deputies to represent them in the country's legislative body, the Constituent Assembly. This massive popular turnout followed a four-month electoral campaign in which six parties ranging from the center-left to the far-right participated. The political front of the guerrilla movement was invited to field candidates in the elections, but claimed that conducive conditions did not exist. The front supported the guerrillas who attempted to violently disrupt the elections. The Central Elections Council and over 200 international observers agreed that the elections, also witnessed by over 700 members of the international press, were fair and honest, the first such elections in over fifty years.

The Constituent Assembly is made up of twenty-four representatives from the Christian Democrat Party, nineteen from the National Republican Alliance, fourteen from the Party of National Conciliation, two from the Democratic Action Party, and one from the Salvadoran Popular Party. Political parties representing interests that previously tended to express their opposition through violence are now competing in the democratic forum of the Assembly. Political debate is often divisive, but the parties have shown themselves capable of reaching important compromises. The Constituent Assembly exercises legislative authority and is engaged in drafting a new constitution. The 1962 Constitution remains in effect in the interim, subject to the requirements of Decree 507, Decree 544 and the agrarian reform.

Following the March elections, the Christian Democratic-military junta dissolved and transferred its authority to a provisional executive body. This body, elected by the Constituent Assembly, consists of President Alvaro Magana, an independent, and three vice presidents, each representing one of the three major democratic parties. In September, the Political Commission established the date for presidential and municipal elections for no later than March 28, 1984. The political parties, with the exception of the minor Democratic Action party, signed the Pact of Apaneca of the Government of National Unity on August 2. The Pact establishes goals for the Government under the headings: pacification, human rights, economic recuperation, reforms, confidence and security, and strengthening El Salvador's international position. The Pact sets forth three commissions: Political, Peace, and Human Rights. The commissions will serve to set specific objectives and consider initiatives such as judicial reform and a further opening of the political system to elements of the left. On August 31, the Political Commission was formed. Likewise, the Human Rights Commission was created in December 1982.

These first steps toward representative democracy are significant changes in El Salvador's traditionally closed political system, which in the past primarily served and was dominated by the interests of a small economic oligarchy. The elections and the

subsequent efforts of President Magana to foster consensus have to some degree checked the trend towards further political polarization and extremism which had made extralegal measures the predominant means of holding and transferring political power. It remains to be seen if democratic elements of the FDR, who have allied themselves to the guerrilla groups, will be willing to enter this evolving process. The Government and the military continue to believe that elements identified with the revolutionary left are subject to exclusion as long as they maintain ties to those who advocate the violent overthrow of the Government.

Women are not excluded from political activity. There are many women professionals in the country. Women are deputies in the Constituent Assembly and hold positions in the administration. There are seven female deputies out of a total of sixty. A woman is a vice president of the Constituent Assembly.

3. Government Attitude Regarding International and Non-Governmental Investigations of Alleged Violations of Human Rights

El Salvador is the focus of considerable human rights-related attention in international organizations. The United Nations Human Rights Commission (UNHRC) has a special representative for El Salvador who visited the country in 1981 and 1982 at the invitation of the Government, and has prepared special reports to the United Nations General Assembly (UNGA) and UNHRC. The last report, presented in December 1982, recognized the Government's increased cooperation in its preparation. Two successive UNGA resolutions have condemned human rights violations in El Salvador. A resolution passed at the 36th UNGA used the human rights issue as a vehicle for proposing negotiations between the Government of El Salvador and the guerrillas, as did a resolution passed at the 38th UNHRC session. El Salvador opposed the human rights resolution because it contained calls for negotiations, which the government maintained would have legitimized the guerrillas' use of force to achieve political power in the country. In contrast, El Salvador won broad support from the Latin American countries when the Organization of American States General Assembly passed a resolution in December 1981 advocating a democratic solution to the country's problems.

Freedom House in its 1982 report characterized El Salvador as "Partly Free." Amnesty International's 1982 report listed reports of arbitrary arrests, abductions and subsequent disappearances, torture, and extralegal executions as its concerns in El Salvador. In addition, the Inter-American Human Rights Commission expressed concern about violations of human rights against members of local human rights organizations in El Salvador.

The International Committee of the Red Cross (ICRC) is active in El Salvador with the concurrence and cooperation of the Salvadoran Government. One of its main tasks is visiting prisoners held in the country's prisons and detention facilities.

Within El Salvador, there are five organizations (in addition to the Government's Human Rights Commission) which have the defense of human rights as their stated objective: the Archdiocese Commission of Justice and Peace, Christian Legal Aid, the El Salvador Human Rights Commission, the Committee of Mothers and Relatives of Political Prisoners and the Disappeared, and the University Center for Investigation and Documentation, an information clearing house at the Jesuit-run University of Central America. Apostolic Administrator Rivera Y Damas has stated his hope that the Commission for Justice and Peace might serve as

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mediator in a possible dialogue between the Government and the guerrillas. For the most part, their activities are limited to collecting data, filing writs of recourse in cases of disappeared persons, and attending to political prisoners. These groups are highly critical of government policy and denounce both the Government and the armed forces for human rights violations. These groups do not normally criticize guerrillas for similar violations. Some elements of the security forces regard them as having guerrilla sympathies and members of these organizations have been subject to arrest. Several disappeared in 1982.

4. The Economic, Social and Cultural Situation

El Salvador has a per capita gross national product of approximately \$592 per year. Production is largely based on agriculture. Decapitalized farms and investment uncertainties (in part related to agrarian reform), increasing population pressure on scarce land, and guerrilla attacks on the economic infrastructure have affected production and growth. Since 1960, and prior to 1980, there had been rapid development in manufacturing, merchandising and industrial services. The political disintegration, which followed the October 15, 1979 coup, curtailed this progress.

El Salvador's economy faces severe structural problems; e.g. extremely high population density for an agriculturally-based economy, high unemployment and underemployment, a lack of mineral wealth, and an inadequate health and education infrastructure.

El Salvador is very densely populated, with 4,982,000 people within an area the size of the state of Massachusetts. The high population growth rate of 3.2 percent per year places constant pressure on meager government revenues. The population growth rate has increased substantially since 1960, when it was 2.3 percent per year, due largely to an improvement in life expectancy (up from 50 years to 63 years) and in the infant mortality rate (down from more than 108 per 1,000 live births to 53 per 1,000 live births). Education has also improved. Literacy is about 53 percent of the total adult population, up from 49 percent in 1960. In large part, this was a result of the mandatory lengthening of the primary school curriculum by three years in 1971. Some 82 percent of all school-age children are enrolled, with virtually no discrimination on the basis of sex. Roughly ten-percent of the population has an inadequate caloric intake, an improvement from 20 percent in 1960. Some 53 percent of the population lives within easy access to potable water, up from 40 percent in 1960. In the last two years, guerrilla attacks on aqueducts and the electrical grid have severely hindered access to potable water in many areas, particularly the eastern third of the country.

Much of the progress in health and education programs took place in the 1970's. Civil strife during the last three years, however, has disrupted development, especially in rural areas. Leftist guerrillas have specifically targeted the economic infrastructure, attacking the power grid, bridges, roads, railroads, the telephone system, and crop processing and storage facilities.

In March 1980, El Salvador instituted sweeping social and economic reforms designed in part to transfer ownership of farmlands from a small number of large landholders to those who worked the land. Under Phase I of the land reform program, all farms of more than 500 hectares were converted into worker cooperatives to be managed jointly by the members themselves and the Government land reform institute for a period of up to five years, after

which the Government would withdraw and the cooperatives would become autonomous. The titling process, after a slow start, is continuing. Under Phase III of the land reform process, farms not worked directly by their owners can be claimed, in parcels of up to seven hectares each, by the tenant farmers or sharecroppers who work them. In spite of the administrative complexity of this task, 34,674 provisional titles (provisional because adequate contract surveys take time and because arrangements for compensating former owners are not completed) have already been issued to new owners. Approximately 416,000 people have directly benefited from Phases I and III of the land reform.

Following the March elections some members of the Constituent Assembly attempted to dismantle land reform. A series of loosely-worded decrees, that were subject to broad interpretation, placed the reforms in jeopardy. Thousands of peasants were illegally evicted by landowners who felt the passage of these decrees signaled the end of land reform in El Salvador. This attempt to derail land reform has been halted. By means of executive decree the President closed the legal loophole that would have left thousands of peasants without legal recourse to regain their land. The Government mounted a major media campaign to identify those illegally evicted. Approximately 4,800 peasants reported being forced off their land, although the actual number is probably higher. Elements of the military accompanied peasants back to the land. Roughly 50 percent of those reportedly evicted have not yet been restored. Many of these cases have been passed to the judiciary to decide. Given the virtual breakdown of the legal system, it is unlikely that these cases will be decided expeditiously.

Upon completion of both the Phase I and Phase III programs, some 750,000 persons should directly benefit, and more than 23 percent of total farmland will be affected by the reform effort. Implementation of Phase II of the agrarian reform program, affecting medium-sized farms (100-500 hectares), except for voluntary land sales, has been postponed indefinitely due to administrative and financial problems, in spite of some continuing support within the Salvadoran Government. Bureaucratic delays and guerrilla warfare in the countryside have hampered the implementation of all land reform measures.

Although El Salvador has traditionally supported and continues to support private property rights, compensation of former owners of expropriated property, in the form of cash and bonds, is being paid slowly. As of December 1982, 130 affected owners of Phase I properties of over 500 hectares have received 72.6 million dollars in agrarian reform bonds and six million dollars in cash. Under the Decree 207 program (Phase III) transferring property to tenant farmers and sharecroppers, 3,584,199 dollars have been paid in compensation, to 136 former owners.

In an effort to promote agrarian reform, to facilitate structural change, and to broaden credit availability, the government nationalized the commercial banking system, and placed under state monopoly the foreign marketing of coffee and sugar, two of the nation's three major export crops. Tight foreign exchange controls are in effect, restricting outflows of capital and imports. Domestic credit is also in short supply for both public and private sector uses.

In 1982, El Salvador's economy experienced its fourth consecutive year of decline. In 1982, output showed a further deterioration, and unemployment, already dangerously high (about 40 percent), has risen further. The principal reasons have been higher import

costs, weakness in the world markets for its major exports, disruption caused by terrorism and guerrilla warfare, and a deep lack of investor confidence in the economy. The weakness in the economy has placed a severe strain on government resources, impeded smooth implementation of reforms, reduced the nation's capacity to continue development in education, health and lower-income housing, and added to the political and administrative difficulties by increasing discontent and further dividing the nation. In July 1982, the International Monetary Fund approved a stand-by agreement for El Salvador, under which the Government has undertaken a number of measures to stabilize its economy.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR	1980	1981	1982
I. ECON. ASSIST.-TOTAL...	59.3	114.0	192.2
LOANS.....	40.4	80.0	93.8
GRANTS.....	17.9	34.0	118.4
A. AID.....	52.3	78.3	154.4
LOANS.....	37.4	53.8	43.9
GRANTS.....	14.9	24.5	110.7
(SEC. SUPP. ASSIST.)...	9.1	44.9	115.0
B. FOOD FOR PEACE.....	5.5	35.3	27.6
LOANS.....	3.0	24.2	19.9
GRANTS.....	2.5	7.1	7.7
TITLE I-TOTAL.....	5.0	26.2	19.9
REPAY. IN S-LOANS.....	3.0	26.2	19.9
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.5	9.1	7.7
H. RELIEF, EC. DEV & WFP...	0.5	4.2	5.5
VOL. RELIEF AGENCY.....	2.0	4.9	2.2
C. OTHER ECON. ASSIST....	0.5	0.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.5	0.4	0.0
PEACE CORPS.....	0.5	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.4	0.0
II. MIL. ASSIST.-TOTAL...	5.9	35.5	42.0
LOANS.....	5.7	10.0	16.5
GRANTS.....	0.2	25.5	45.5
A. MAP GRANTS.....	0.0	25.0	43.5
B. CREDIT SALES-FMS.....	5.7	10.0	16.5
C. INTL. MIL. ED. TRNG....	0.2	0.5	2.0
D. TRAN-EXCESS STOCK....	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL....	64.2	149.5	264.2
LOANS.....	46.1	90.0	80.3
GRANTS.....	18.1	59.5	183.9
OTHER US LOANS.....	0.1	0.0	0.0
EX-IM BANK LOANS.....	0.1	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES	1980	1981	1982
TOTAL.....	45.9	40.5	112.4
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	0.0
IBR.....	46.5	40.4	112.4
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0
UNDP.....	0.4	0.1	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0

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GRENADA

Human rights in Grenada (population about 118,000) has continued to deteriorate since the March 1979 coup d'etat led by leaders of the New JEWEL Movement, a revolutionary group opposed to the former Government of Sir Eric Gairy. The overthrow of the Gairy regime established Grenada as having the first nonconstitutional change of government in the commonwealth Caribbean--a condition which continues to prevail four years after the coup.

Like other former British colonies in the Eastern Caribbean, Grenada had adopted a Westminster-style system of parliamentary democracy at the time of its independence in 1974. Gairy, the first prime minister, was accused by his opponents of personal corruption, of rigging the 1976 elections, and of intimidating the opposition by using his "police auxiliary" forces, the "Hongoose Gang," to perform acts of violence. As a result of these abuses, the extra-constitutional character of the New JEWEL Movement coup was initially excused by the populace and the new People's Revolutionary Government greeted with widespread acceptance.

Despite promises by the new Government, led by Prime Minister Maurice Bishop, for an early return to the parliamentary system, to hold elections, and to uphold human rights, the Government, has not fulfilled these commitments. In 1981, Freedom House included Grenada among those countries which had registered "significant declines in freedom." In its 1982 report Freedom House characterized Grenada as "Not Free."

Shortly after taking power, the Government suspended the 1974 constitution and imprisoned certain former government officials, leaders of rival opposition parties and other citizens considered a threat to the revolution. Although some 55 political prisoners have since been released and a few have been charged and sentenced in court, as of the end of 1982 there were more than 100 political prisoners in Government custody. Prime Minister Bishop has justified the continued detention of political prisoners by arguing that "every revolution creates dislocation." The Government has also curtailed press freedom by closing the only pre-coup independent newspaper as well as two other journals following the publication of their first issues. The Government has vowed to fight against and prevent the spread in Grenada of what it describes as US "cultural imperialism."

Now more than any other time since the 1979 coup, Grenada appears further than ever away from the holding of democratic parliamentary elections. Indeed, Prime Minister Bishop declared at the November 1982 Caribbean Common Market heads of government meeting in Kingston, Jamaica that Grenada will never again see Westminster-style elections. Instead of elections, the Government speaks of some new form of democracy based on "responsibility, accountability, participation by the people at all levels, and right to benefits such as employment, education and health." The intention appears to be to introduce some form of consultation through mass organizations controlled by the New JEWEL Movement or the Government. Although the