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TO SECSTATE WASHDC IMMEDIATE 0304

UNCLAS SECTION 01 OF 17 SAN SALVADOR 13792

E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

INTRODUCTION

1. JOSE NAPOLEON DUARTE, THE FIRST SALVADORAN PRESIDENT IN FIFTY YEARS TO BE ELECTED IN A FREE, HONEST, AND DEMOCRATIC ELECTION, WAS INAUGURATED ON JUNE 1, 1984. THE ELECTION REPRESENTED THE NEXT LOGICAL STEP IN EL SALVADOR'S FIVE-YEAR EVOLUTION AS A DEMOCRATIC NATION. EL SALVADOR NOW ENJOYS A POPULARLY-ELECTED GOVERNMENT CHOSEN IN POLLS WITNESSED BY OVER 200 OBSERVERS FROM MORE THAN 35 COUNTRIES; 1,400,000 PEOPLE VOTED OUT OF A NATIONAL POPULATION OF 4,900,000 AND AN ESTIMATED TOTAL NUMBER OF 1,800,000 ELIGIBLE VOTERS. THE NEW CHRISTIAN DEMOCRATIC PRESIDENT FACES FORTHRIGHT CHALLENGES: THE COUNTRY'S VIOLENT HISTORY, A DEDICATED MARXIST INSURGENCY WITH STRONG TIES TO AND MATERIAL SUPPORT FROM NICARAGUA AND THE CUBAN/SOVIET BLOC, A SEVERELY DEPRESSED ECONOMY AND STILL WEAK INSTITUTIONS FOR PUBLIC ADMINISTRATION AND THE ADMINISTRATION OF JUSTICE. THE UNCLASSIFIED UNCLASSIFIED

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NEW GOVERNMENT HAS COMMITTED ITSELF TO WORK ACTIVELY TO

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END VIOLENCE FROM THE FAR RIGHT AND FAR LEFT, STRENGTHEN THE RULE OF LAW AND THE SYSTEM OF JUSTICE, PURSUE THE DIALOGUE WITH THE ARMED LEFT WITHIN A DEMOCRATIC, CONSTITUTIONAL FRAMEWORK, AND TO PROMOTE ECONOMIC GROWTH WHILE PROTECTING SOCIAL REFORMS.

2. EL SALVADOR IS RECOVERING FROM A HERITAGE OF VIOLENCE THAT STEMS FROM THE POLITICAL, HISTORICAL, SOCIOLOGICAL, AND CULTURAL ROOTS OF THE SOCIETY. IN THE LATE 1970S, THE TRADITIONAL AUTHORITY STRUCTURE OF EL SALVADOR, ALREADY ERODED BY ITS INABILITY TO MEET THE DEMANDS FOR SOCIAL CHANGES AND BY ECONOMIC AND DEVELOPMENT PROBLEMS, BEGAN TO DISINTEGRATE UNDER THE PRESSURE FROM LEFT AND RIGHT-WING TERRORISM.

3. IN OCTOBER 1979 A RIGHT-WING MILITARY GOVERNMENT WAS OVERTHROWN BY A GROUP OF REFORMIST MILITARY OFFICERS WHO WERE THEMSELVES REPLACED IN JANUARY 1980 BY A COALITION CHRISTIAN DEMOCRATIC-ARMED FORCES GOVERNMENT. THIS GOVERNMENT INITIATED A PROCESS OF MAJOR SOCIO-ECONOMIC CHANGE, NOTABLY THE AGRARIAN, AND FOREIGN COMMERCE REFORMS. THESE REFORMS CONTINUED TO BRING ABOUT PROGRESS ALTHOUGH THEIR BENEFITS HAVE BEEN ATTENUATED BY VIOLENT RESISTANCE FROM THE EXTREME RIGHT, BY GUERRILLA WARFARE FROM THE EXTREME LEFT, BY LACK OF CAPITAL AND ACCESS TO CREDIT, AND BY LACK OF MANAGEMENT SKILLS. IN DECEMBER 1983, AFTER AN OPEN DEBATE, EL SALVADOR ADOPTED A NEW CONSTITUTION DRAFTED BY THE CONSTITUENT ASSEMBLY IN PREPARATION FOR A PRESIDENTIAL ELECTION IN MARCH 1984. THIS REPRESENTS THE GROWTH OF A COMMITMENT TO DEMOCRACY AND A REFORMIST GOVERNMENT. UNCLASSIFIED UNCLASSIFIED

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FOR POLITICAL COHESION WHICH CULMINATED IN THE PREPARATION AND CONDUCT OF THE MARCH AND MAY ELECTIONS.

4. ON SUCCESSIVE OCCASIONS, IN MARCH AND MAY, PERCENT OF THE SALVADORAN ELECTORATE TURNED OUT TO VOTE IN THE TWO PRESIDENTIAL ELECTION ROUNDS IN THE PRESENCE OF HUNDREDS OF INTERNATIONAL OBSERVERS. THE RESULTS HAVE BEEN VIRTUALLY UNIVERSALLY ACCEPTED IN EL SALVADOR AND THE NEW PRESIDENT'S AUTHORITY RECOGNIZED AS

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LEGITIMATE. PREPARATIONS ARE ALREADY UNDER WAY FOR LEGISLATIVE AND MUNICIPAL ELECTIONS THAT WILL BE HELD IN MARCH, 1985. . . ALTHOUGH SHARPLY DIVIDED ON NUMEROUS ISSUES, THE POLITICAL PARTIES HAVE BEEN CONDUCTING THEMSELVES IN THE LEGISLATIVE PROCESS WITH A SENSE OF GROWING LOYALTY TO THE CONSTITUTIONAL SYSTEM AND HAVE GENERALLY ACTED IN A SPIRIT OF COMPROMISE RATHER THAN OUTRIGHT CONFRONTATION. THE GREATEST TEST FOR THE COHESIVENESS OF THE SYSTEM CAME IN OCTOBER, WHEN PRESIDENT DUARTE ANNOUNCED HIS HISTORIC LA PALMA INITIATIVE FOR DIALOGUE WITH THE LEFT IN HIS UNGA SPEECH. THE ISSUE HAS BEEN OPENLY DEBATED, AND CRITICIZED OR EMBRACED, BUT DUARTE'S AUTHORITY TO CONDUCT THE DIALOGUE, AS LONG AS IT DOES NOT VIOLATE THE CONSTITUTION BY LEADING TO POWER SHARING WITH THE ARMED INSURGENTS ON ANY BASIS OTHER THAN ELECTORAL, HAS BEEN UNCHALLENGED.

5. THE COUNTRY CONTINUES TO SUFFER FROM AN ACTIVE INSURGENCY WITH AN ESTIMATED 9,000 - 11,000 GUERRILLAS OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) AND DEMOCRATIC REVOLUTIONARY FRONT (FDR), A COMBINATION OF ORGANIZATIONS LEAD BY MARXIST-LENINISTS. THE INSURGENT FORCES HAVE AN EXCELLENT NETWORK WHICH ENABLES THEM TO

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CONDUCT HIT-AND-RUN OPERATIONS AND ECONOMIC SABOTAGE IN AREAS OF THE COUNTRY WHERE THE SALVADORAN ARMED FORCES LACK THE RESOURCES TO MAINTAIN A PERMANENT SECURITY PRESENCE. THE FDR-FMLN REMAINS COMMITTED TO TERRORISM AGAINST BOTH ECONOMIC AND HUMAN TARGETS. THE LOW LEVEL OF POPULAR SUPPORT EXTENDED TO THE GUERRILLAS, HOWEVER, COUPLED WITH DECLINING MORALE, DESERTIONS, AND LACK OF VOLUNTEERS, HAVE INDUCED THE GUERRILLAS TO RESORT TO FORCED RECRUITMENT TO AUGMENT THEIR RANKS, ON OCCASION SUPPLEMENTED BY TERRORIST TACTICS AND DESTRUCTION OF CIVILIAN TARGETS, HOUSING, AND INFRASTRUCTURE EVIDENTLY DESIGNED TO COERCE VILLAGERS INTO LENDING SUPPORT TO THE FMLN/FDR OR, AS A MINIMUM, INTIMIDATING THE PEOPLE INTO NOT REPORTING A GUERRILLA PRESENCE TO GOVERNMENT AUTHORITIES.

6. ALL HUMAN RIGHTS CONDITIONS IN EL SALVADOR ARE STRONGLY AFFECTED BY THE ONGOING CIVIL STRIFE. AS IS UNCLASSIFIED
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COMMON DURING SUCH TIMES, THE ACHIEVEMENT OF A STABLE PUBLIC ORDER SUFFICIENT TO PROTECT INDIVIDUAL RIGHTS HAS

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BEEN DISRUPTED BY GUERRILLA AND MILITARY OPERATIONS, PARTISAN HATREDS, ACTS OF REVENGE, THE SATISFACTION OF PERSONAL GRUDGES, FEAR, AND A PREVAILING UNCERTAINTY CHARACTERIZED 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. THE GOES HAS BEEN WORKING TO UNCLG THE COURT SYSTEM, HOWEVER, AND HAS BEEN AT LEAST PARTLY SUCCESSFUL IN ITS EFFORT TO ELIMINATE THE BACKLOG OF STATE OF EMERGENCY CASES.

7. HUMAN RIGHTS ABUSES THUS STILL REMAIN A CENTRAL ISSUE IN EL SALVADOR. HOWEVER, THERE HAS BEEN SUBSTANTIAL PROGRESS IN THE PAST YEAR AND THERE IS AMPLE REASON FOR OPTIMISM FOR CONTINUING IMPROVEMENT. THE SECURITY FORCES ARE NOW PROVIDING HUMAN RIGHTS INSTRUCTION TO THEIR TRAINEES AND A CHAPLAIN CORPS IS BEING ESTABLISHED FOR SOLDIERS IN THE FIELD. DESPITE OCCASIONAL VIOLATIONS, THE ARREST AND DETENTION RULES ISSUED IN DECEMBER 1983 BY THE MINISTER OF DEFENSE ARE BY AND LARGE BEING FOLLOWED. ACCOUNTABILITY FOR AND TREATMENT OF ARRESTEES IS THUS GREATLY IMPROVED; CREDIBLE ALLEGATIONS OF TORTURE ARE MUCH DIMINISHED IF NOT ELIMINATED. THE RULES REQUIRE THAT THE ARRESTING OFFICERS MUST BE IN UNIFORM OR PROPERLY IDENTIFIED, AND THE FOLLOWING MUST BE NOTIFIED WITHIN 24 HOURS: THE DETAINEES'S FAMILY; THE OFFICIAL HUMAN RIGHTS COMMISSION, AND THE INTERNATIONAL RED CROSS.

8. PROCEDURES FOR DEALING WITH STATE OF EMERGENCY CRIMES WERE DEFINED BY LEGISLATIVE DECREE 507 UNTIL
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FEBRUARY, 1984, WHEN THE LATTER WAS SUPPLANTED BY DECREE 50, WHICH IS INTENDED TO PROVIDE INCREASED PROTECTION FOR THOSE ARRESTED. FOR EXAMPLE, DECREE 50 CUT IN HALF THE ALLOWABLE PERIOD OF DETENTION AN ARRESTEE MAY BE HELD BEFORE BEING FORMALLY CHARGED. MEANWHILE, THE BACKLOG OF CASES AWAITING ACTION UNDER DECREE 507 HAS BEEN PROCESSED AND COMPLETELY ELIMINATED AT THE INVESTIGATIVE PHASE, WITH A VAST NUMBER OF CASES DISMISSED OUTRIGHT, USING THE DECREE 50 MECHANISM. SOME 2000 ARRESTS HAVE BEEN MADE UNDER DECREE 507/50 PROVISIONS.

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9. THE MILITARY APPEARS TO HAVE ACCEPTED THAT THE ARMED FORCES ARE BOUND BY THE CONSTITUTION AND MUST REMAIN STRICTLY APOLITICAL AND NON-PARTISAN. DURING THE PRESIDENTIAL ELECTIONS AND IN THEIR RELATIONS WITH THE NEW CIVILIAN GOVERNMENT UNDER PRESIDENT QUARTE, THE MILITARY HAS MAINTAINED ITS NEUTRALITY AND HAS DEFERRED TO CIVIL AUTHORITY IN UNPRECEDENTED FASHION.

10. HOWEVER, THE ARMY CONTINUES TO BE THE FOCUS OF NUMEROUS ACCUSATIONS OF HUMAN RIGHTS ABUSES, CHIEFLY SUCH AS ALLEGATIONS OF SYSTEMATIC KILLING OF NON-COMBATANTS BY GUNFIRE OR AERIAL BOMBARDMENT. MOST OF THESE ACCUSATIONS COME, UNFORTUNATELY, FROM THE LEFT ITSELF OR FROM SOURCES CLOSE TO AND SYMPATHETIC TO THE GUERRILLAS AND ARE CLEARLY BOGUS. WE ARE SATISFIED FROM OUR OWN INVESTIGATIONS OF THESE CHARGES, THAT CIVILIAN BATTLE DEATHS TAKE PLACE ALMOST EXCLUSIVELY IN CONNECTION WITH OPERATIONS AGAINST LEGITIMATE MILITARY TARGETS WHERE "MASAS" (THE GUERRILLAS' TERM FOR THEIR UNARMED LOGISTICAL SUPPORT APPARATUS) ARE PRESENT. THIS REFLECTS THE COMMON GUERRILLA PRACTICE OF DELIBERATELY AND SYSTEMATICALLY INTERMINGLING ARMED AND UNARMED PERSONNEL, A PRACTICE DECRIED BOTH BY PRESIDENT QUARTE AND THE SALVADORAN CATHOLIC CHURCH. SOME INSTANCES OF
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KILLINGS PRESUMED TO COME FROM "DEATH SQUAD" ACTIVITY.

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12. A PRIME CONTRIBUTING FACTOR TO HUMAN RIGHTS ABUSES IS A SOMETIMES CORRUPT, GENERALLY INADEQUATE AND OFTEN INTIMIDATED JUDICIAL SYSTEM. LACK OF CONFIDENCE IN THE AVAILABILITY OF JUSTICE PROMPTS THE POPULACE TO TAKE THE LAW INTO THEIR OWN HANDS. THE DUARTE ADMINISTRATION IS MOVING TO REMEDY THIS PROBLEM BY STRENGTHENING THE ADMINISTRATION OF JUSTICE AND IS IMPLEMENTING SEVERAL INITIATIVES BEGUN UNDER THE PREVIOUS GOVERNMENT. THESE INCLUDE A REVISORY COMMISSION TO REVIEW THE JUSTICE SYSTEM, A SPECIAL INVESTIGATIVE UNIT FOR POLITICAL CRIMES AND ESPECIALLY SIGNIFICANT OR NOTORIOUS CRIMINAL CASES, A FORENSIC LABORATORY, AND A JUDICIAL PROTECTION UNIT TO SHIELD PARTICIPANTS IN THE JUDICIAL PROCESS FROM INTIMIDATION OR INJURY. THIS UNIT COMPLETED ITS FIRST MISSION WHEN IT PROVIDED PROTECTION IN THE CHURCHWOMEN'S MURDER TRIAL, ALLOWING JUSTICE FINALLY TO BE DONE IN THAT NOTORIOUS CASE THIS YEAR.

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13. THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT IS PROVIDING FUNDS FOR THE REVISORY COMMISSION, WHOSE MANDATE IS TO IDENTIFY THE LEGISLATIVE, PROCEDURAL OR ADMINISTRATIVE PROBLEMS THAT PREVENT THE JUDICIAL SYSTEM FROM FUNCTIONING EFFECTIVELY AND TO IDENTIFY, DESIGN, PROPOSE AND OVERSEE THE IMPLEMENTATION OF SOLUTIONS TO THOSE PROBLEMS.

ALLEGED USE OF GRATUITOUS VIOLENCE AGAINST CIVILIANS ARE, HOWEVER, MORE EQUIVOCAL. THE DUARTE ADMINISTRATION AND THE MILITARY HIGH COMMAND HAVE BOTH SERVED NOTICE THAT THEY EXPECT ALL REASONABLE PRECAUTIONS TO BE TAKEN TO AVOID THE DEATH OR INJURY OF INNOCENT CIVILIANS. PRESIDENT DUARTE HAS ISSUED CLEAR GUIDELINES CONCERNING THE USE OF AERIAL BOMBARDMENT TO CODIFY AND STRENGTHEN EXISTING RULES OF ENGAGEMENT.

14. ON AUGUST 27, PRESIDENT DUARTE ISSUED AN EXECUTIVE DECREE ESTABLISHING AN INTERIM FIVE-MAN COMMISSION WHICH WILL INVESTIGATE SEVERAL OF THE MOST NOTORIOUS CRIMES OF UNCLASSIFIED UNCLASSIFIED

11. THE BRUTAL PHENOMENON KNOWN AS "DEATH SQUAD" ASSASSINATION ACTIVITY HAS NOT BEEN COMPLETELY EXTIRPATED BUT HAS DECLINED DRAMATICALLY ALONG WITH THE OVERALL LEVEL OF CIVIL VIOLENCE DESPITE ASSERTIONS TO THE CONTRARY BY THE LEFT. THE RIGHTIST MAXIMILIANO MARTINEZ BRIGADE HAS BEEN SILENT AND INACTIVE IN THE PAST YEAR. THE ESA (SECRET ANTICOMMUNIST ARMY) HAS ISSUED OCCASIONAL THREATENING BULLETINS, BUT HAS CLAIMED AUTHORSHIP OF ONLY ONE KILLING AND ONE BOMBING (NO UNCLASSIFIED UNCLASSIFIED

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POLITICAL VIOLENCE IN EL SALVADOR. THIS COMMISSION IS CURRENTLY CHARGED WITH INVESTIGATING THE 1980 MURDER OF ARCHBISHOP ROMERO AND THE ARMENIA CASE. THIS COMMISSION, AS SUCH, HAS NO ARREST POWERS BUT MAY SEEK JUDICIAL ORDERS FOR THE ARREST OF PERSONS THEY INVESTIGATE AND PROVE GUILTY OF CRIMINAL CONDUCT. AS CURRENTLY ESTABLISHED, THE COMMISSION REPORTS DIRECTLY TO PRESIDENT DUARTE. IT IS AN INTERIM MEASURE DESIGNED TO PRESS FORWARD ON MAJOR CRIMINAL INVESTIGATIONS PENDING PASSAGE OF LEGISLATION CREATING THE NATIONAL CRIMINOLOGICAL INSTITUTE THAT WILL HOUSE TRAINED

(INJURIES) IN ALL OF 1984. ALL INDICATORS AND STATISTICS FROM WHATEVER SOURCE, REFLECT THE DRAMATIC DROP IN

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CRIMINAL INVESTIGATORS AND A FORENSIC LABORATORY.

15. THE ECONOMIC SYSTEM UNDERWENT A DRAMATIC REFORM IN 1980 WHEN THE JUNTA DECREED LAND REFORM, NATIONALIZED THE BANKS, AND MADE COTTON, SUGAR AND COFFEE EXPORTS A GOVERNMENT MONOPOLY. FOR A VARIETY OF REASONS, INCLUDING THE ARMED CONFLICT, LOW WORLD PRICES FOR EL SALVADOR'S EXPORT PRODUCTS, HIGH FUEL COSTS AND THE VIRTUAL COLLAPSE OF THE CENTRAL AMERICAN COMMON MARKET, THE ECONOMY HAS SUFFERED A 25 PERCENT DECLINE OVER THE PAST FIVE YEARS. THIS DECLINE TERMINATED IN 1983, AND A SMALL INCREASE IN GDP IS PROJECTED FOR 1984. HOWEVER, FOREIGN INVESTMENT HAS YET TO RESUME, DOMESTIC PRIVATE SECTOR CONFIDENCE HAS NOT YET RECOVERED TO THE POINT WHERE MAJOR NEW INVESTMENTS ARE UNDER WAY, AND THE ECONOMY REMAINS DEPENDENT ON EXTERNAL ASSISTANCE, SUPPLIED CHIEFLY BY THE US. INDIVIDUALS REMAIN FREE TO PURSUE PRIVATE INTERESTS AND HOLD PRIVATE PROPERTY WITH THE EXCEPTIONS IMPOSED BY THE REFORMS IN LIMITING PRIVATE AGRICULTURAL LAND HOLDINGS, OPERATING PRIVATE BANKS, OR PRIVATE EXPORT OF COFFEE AND SUGAR.

16. VIEWING EL SALVADOR FROM THE PERSPECTIVE OF ITS VIOLENT HISTORY, THE FIRST NINE MONTHS OF 1984 SHOW A

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DRAMATIC DECREASE IN POLITICAL VIOLENCE. THE EMBASSY'S FIGURES FOR DEATHS POSSIBLY ATTRIBUTABLE TO POLITICAL VIOLENCE REFLECT A STEADY DECLINE. OTHER ORGANIZATIONS OFFER OTHER STATISTICS WHICH DIFFER AMONG THEMSELVES AND WITH THE EMBASSY'S ESTIMATES, BUT DESPITE THE INCONSISTENCIES AND UNAVOIDABLE INACCURACIES, ALL SOURCES INDICATE CLEAR AND SHARP DOWNWARD TRENDS.

SECTION I - PART A

POLITICAL KILLINGS

17. MANY DEATHS IN EL SALVADOR GO UNEXPLAINED; IT IS OFTEN IMPOSSIBLE TO DISTINGUISH THOSE THAT ARE POLITICALLY MOTIVATED (FROM EITHER EXTREME) FROM THOSE WHICH ARE DISGUISED AS SUCH IN ORDER TO EVADE CRIMINAL DETECTION. NONETHELESS, A SUBSTANTIAL NUMBER OF UNEXPLAINED DEATHS, AGAINST THE BACKGROUND OF PROLONGED UNCLASSIFIED
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AND BITTER CONFLICT, CAN BE PRESUMED TO BE POLITICALLY RELATED. WHILE ABSOLUTE NUMBERS FOR SUCH DEATHS CANNOT

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BE DETERMINED, IT IS SAFE TO CONCLUDE THAT THOSE NUMBERS RISE OR FALL CORRESPONDINGLY WITH THE LEVEL OF OVERALL FIGURES FOR VIOLENT DEATHS. DEATH FIGURES USED BY THE EMBASSY FROM ALL PRESS REPORTS AS VIOLENCE LEVEL INDICATORS SINCE 1980 SUGGEST POLITICAL KILLING TO BE AT AN ALL TIME LOW: 1980 - OVER 800 PER MONTH; 1981 - 444 PER MONTH; 1982 - 298 PER MONTH; 1983 - 139 PER MONTH; JANUARY - SEPTEMBER 1984 - 73 PER MONTH.

18. THE DUARTE GOVERNMENT HAS TAKEN STEPS TO TIGHTEN DISCIPLINE AND CONTROL IN ORDER TO DEAL WITH POLITICAL CRIMINALITY WITHIN THE MILITARY AND OTHER SECURITY FORCES. OFFICERS SUSPECTED OF DEATH SQUAD TYPE ACTIVITY HAVE BEEN REMOVED FROM THEIR COMMANDS. A KEY NEW POSITION, VICE MINISTER OF DEFENSE FOR PUBLIC SECURITY, HAS BEEN CREATED TO SUPERVISE AND COORDINATE THE OPERATIONS OF THE SECURITY FORCES; TWO OFFICERS WITH IMPECCABLE REPUTATIONS NOW HEAD THE NATIONAL AND TREASURY POLICE, WHICH ARE CONTINUING TO IMPROVE STEADILY IN THEIR RESPECT FOR CIVIL AND HUMAN RIGHTS. THE NEW DIRECTOR OF THE TREASURY POLICE QUICKLY DISBANDED ITS 110 MEMBER INTELLIGENCE UNIT, LONG CONSIDERED THE SOURCE OF MANY ABUSES. IT IS NOT POSSIBLE TODAY TO SAY WHETHER, OR, IF SO, HOW MUCH RESIDUAL VIOLENCE ORIGINATES FROM INDIVIDUALS WHO ARE COLLATERALLY MEMBERS OF THE GOVERNMENT OR ITS SECURITY FORCES.

19. IN 1984, THERE HAS BEEN A SHARP DECLINE IN TERRORIST ACTIONS FOR WHICH DEATH SQUADS HAVE CLAIMED RESPONSIBILITY OR WHICH CAN BE ATTRIBUTED TO THEM. THE UNCLASSIFIED UNCLASSIFIED

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SECRET ANTI-COMMUNIST ARMY (ESA) HAS BEEN FAR LESS ACTIVE IN 1984 THAN IN LATE 1983, HAVING CLAIMED RESPONSIBILITY FOR ONLY ONE MURDER. IT HAS, HOWEVER, ISSUED SEVERAL THREATENING COMMUNIQUES AND TAKEN CREDIT FOR SEVERAL VICTIMLESS BOMBINGS. THE OTHER KNOWN DEATH SQUAD, THE "MAXIMILIANO HERNANDEZ MARTINEZ BRIGADE," WAS INACTIVE IN 1984.

20. CHARGES CONTINUE TO BE LEVELED ALMOST DAILY AT THE SALVADORAN ARMED FORCES FOR INDISCRIMINATE BOMBING ATTACKS AND GRATUITOUS VIOLENCE AGAINST INNOCENT

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CIVILIANS. PRESIDENT DUARTE HAS INVESTIGATED SOME OF THE MORE SENSATIONAL CHARGES OF MASSACRES AND FOUND THEM BASELESS. HE HAS MADE IT CLEAR, HOWEVER, THAT HE WILL NOT TOLERATE THE WANTON USE OF VIOLENCE AGAINST NONCOMBATANT CIVILIANS.

21. WE HAVE SEEN NO CREDIBLE EVIDENCE TO SUGGEST THAT VIOLENCE AGAINST CIVILIANS IS EVEN TACIT GOES/ESAF POLICY, NOR THAT ITS SCALE IN ANY WAY APPROACHES THE DAILY CLAIMS OF FMLN PROPAGANDA OR THE REPORTS OF SOME HUMAN RIGHTS GROUPS. AS FAR AS WE CAN DETERMINE, THE VAST NUMBER OF ALLEGED CIVILIAN DEATHS STEMMING FROM MILITARY OPERATIONS WERE ACTUALLY GUERRILLA COMBATANTS. MOST OF THE REMAINDER WERE AMONG THE SO-CALLED "MASAS", THE GUERRILLA TERM FOR THEIR UNARMED SUPPORTERS WHO COMPRISE THE FMLN LOGISTICAL SUPPORT APPARATUS. THESE COMBAT SUPPORT PERSONNEL, ALTHOUGH THEMSELVES NOT USUALLY ARMED, ARE OFTEN PRESENT WITH OR NEAR THE GUERRILLAS DURING COMBAT OPERATIONS, AND IN GUERRILLA INSTALLATIONS WHICH REPRESENT LEGITIMATE MILITARY TARGETS AND PERIODICALLY COME UNDER ESAF ATTACK. NON-COMBATANT CIVILIAN CASUALTIES FROM AERIAL BOMBARDMENT ARE ALMOST UNIVERSALLY "MASAS" PRESENT WITH OR NEAR ARMED GUERRILLAS WHO ARE LEGITIMATE MILITARY TARGETS. SENSITIVE TO CHARGES ABOUT MISUSE OF AIR POWER, HOWEVER, UNCLASSIFIED UNCLASSIFIED

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CRIMINAL INVESTIGATORS AND A FORENSIC LABORATORY.

15. THE ECONOMIC SYSTEM UNDERWENT A DRAMATIC REFORM IN 1980 WHEN THE JUNTA DECREED LAND REFORM, NATIONALIZED THE BANKS, AND MADE COTTON, SUGAR AND COFFEE EXPORTS A GOVERNMENT MONOPOLY. FOR A VARIETY OF REASONS, INCLUDING THE ARMED CONFLICT, LOW WORLD PRICES FOR EL SALVADOR'S EXPORT PRODUCTS, HIGH FUEL COSTS AND THE VIRTUAL COLLAPSE OF THE CENTRAL AMERICAN COMMON MARKET, THE ECONOMY HAS SUFFERED A 25 DECLINE OVER THE PAST FIVE YEARS. THIS DECLINE TERMINATED IN 1983, AND A SMALL INCREASE IN GDP IS PROJECTED FOR 1984. HOWEVER, FOREIGN INVESTMENT HAS YET TO RESUME, DOMESTIC PRIVATE SECTOR CONFIDENCE HAS NOT YET RECOVERED TO THE POINT WHERE MAJOR NEW INVESTMENTS ARE UNDER WAY, AND THE ECONOMY REMAINS DEPENDENT ON EXTERNAL ASSISTANCE, SUPPLIED CHIEFLY BY THE US. INDIVIDUALS REMAIN FREE TO PURSUE PRIVATE INTERESTS AND HOLD PRIVATE PROPERTY WITH THE EXCEPTIONS IMPOSED BY THE REFORMS IN LIMITING PRIVATE AGRICULTURAL LAND HOLDINGS, OPERATING PRIVATE BANKS, OR PRIVATE EXPORT OF COFFEE AND SUGAR.

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E.O. 12356: N/A
TAGS: SHUM, ES
SUBJECT: 1984 - HUMAN RIGHTS REPORT

DRAMATIC DECREASE IN POLITICAL VIOLENCE. THE EMBASSY'S FIGURES FOR DEATHS POSSIBLY ATTRIBUTABLE TO POLITICAL VIOLENCE REFLECT A STEADY DECLINE. OTHER ORGANIZATIONS OFFER OTHER STATISTICS WHICH DIFFER AMONG THEMSELVES AND WITH THE EMBASSY'S ESTIMATES, BUT DESPITE THE INCONSISTENCIES AND UNAVOIDABLE INACCURACIES, ALL SOURCES INDICATE CLEAR AND SHARP DOWNWARD TRENDS.

SECTION I - PART A

POLITICAL KILLINGS

17. MANY DEATHS IN EL SALVADOR GO UNEXPLAINED; IT IS OFTEN IMPOSSIBLE TO DISTINGUISH THOSE THAT ARE POLITICALLY MOTIVATED (FROM EITHER EXTREME) FROM THOSE WHICH ARE DISGUISED AS SUCH IN ORDER TO EVADE CRIMINAL DETECTION. NONETHELESS, A SUBSTANTIAL NUMBER OF UNEXPLAINED DEATHS, AGAINST THE BACKGROUND OF PROLONGED UNCLASSIFIED
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AND BITTER CONFLICT, CAN BE PRESUMED TO BE POLITICALLY RELATED. WHILE ABSOLUTE NUMBERS FOR SUCH DEATHS CANNOT

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SUBJECT: 1984 - HUMAN RIGHTS REPORT

PRESIDENT DUARTE AND THE MILITARY COMMAND HAVE MODIFIED AND STRENGTHENED THE RULES OF AERIAL ENGAGEMENT TO ENSURE AGAINST ITS ACCIDENTAL OR INTENTIONAL MISUSE AGAINST CIVILIANS. WE HAVE INVESTIGATED MANY REPORTS, AND KNOW OF NO CONFIRMED INSTANCE IN WHICH MASAS HAVE BEEN ATTACKED WHEN NOT ACCOMPANIED BY ARMED GUERRILLAS.

22. THE FMLN-FDR CONTINUES TO COMMIT SIGNIFICANT HUMAN RIGHTS VIOLATIONS. IN JANUARY AN AMERICAN CITIZEN WAS SHOT AND KILLED WHEN THE VEHICLE IN WHICH SHE WAS RIDING WITH HER TWO SMALL CHILDREN AND HUSBAND FAILED TO STOP AT A GUERRILLA CHECK POINT. FMLN MINING OF THE RUNWAY OF A CIVILIAN AIRPORT CAUSED THREE DEATHS. IN FEBRUARY, WITNESSES CLAIM, GUERRILLA FORCES MASSACRED 29 CAPTURED SOLDIERS IN WESTERN EL SALVADOR. AN UNARMED MILITARY JUDGE WAS KILLED BY WOULD-BE KIDNAPPERS WHEN HE RESISTED ABDUCTION. GUERRILLAS KILLED TWO LOCAL RED CROSS WORKERS WHO WERE TRAVELING IN A RED CROSS AMBULANCE. A
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SALVADORAN SECURITY EMPLOYEE OF THE US EMBASSY WAS FATALLY SHOT ON THE WAY TO WORK BY MEN WHO ANNOUNCED

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THEMSELVES TO BE FPL ASSASSINS. THE LEFT WAS PRESUMABLY RESPONSIBLE FOR THE SHOOTING OF A STRIKE-BREAKING SCHOOL DIRECTOR IN SEPTEMBER. THE ARMED FORCES OF NATIONAL LIBERATION (FAL) SEIZED A SAN SALVADOR BANK IN AUGUST, KILLING A CIVILIAN GUARD. IN 1984, THE LEFT KILLED THREE RETIRED ARMY OFFICERS AND ANOTHER THREE CONSTITUENT ASSEMBLY DEPUTIES. THEY ATTEMPTED THE MURDER OF A FOURTH, WOUNDING HIM BADLY. ACCORDING TO PRESS REPORTS, THE LEFT CARRIED OUT 43 POLITICAL KILLINGS IN THE FIRST HALF OF 1984.

23. 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. 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. MOST REPORTS YIELD LITTLE INFORMATION ON POLITICAL VIOLENCE BUT ARE USEFUL TO DETERMINE TRENOS.

24. ORGANIZATIONS WHICH REPORT ON VIOLENCE, BESIDES THE GOVERNMENT HUMAN RIGHTS COMMISSION, INCLUDE THE LEGAL AID OFFICE OF THE ARCHDIOCESE (TUTELA LEGAL), CHRISTIAN LEGAL AID (SOCORRO JURIDICO CRISTIANO), AND THE UNOFFICIAL EL SALVADOR HUMAN RIGHTS COMMISSION. IN ADDITION, THE CENTER OF 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 BY UNCLASSIFIED
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OTHER SOURCES SUCH AS ANOUNCEMENTS BY GUERRILLA GROUPS AND PERSONAL TESTIMONY. THE GOVERNMENTAL HUMAN RIGHTS COMMISSION, COMPOSED OF LEADERS OF THE CHURCH, LABOR, PRIVATE SECTOR, AND THE NATIONAL POLICE, ALSO MONITORS AND ANALYZES THE HUMAN RIGHTS SITUATION.

25. WHILE ALL STATISTICS ON CIVILIAN DEATHS IN EL SALVADOR ARE UNRELIABLE EXCEPT AS INDICATORS OF TRENOS, THE U.S. EMBASSY IN SAN SALVADOR HAS KEPT SYSTEMATIC RECORDS ON PUBLISHED REPORTS OF POLITICAL VIOLENCE IN EL SALVADOR SINCE SEPTEMBER OF 1980. OTHER ORGANIZATIONS

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OFFER STATISTICS WHICH DIFFER AMONG THEMSELVES AND WITH THE EMBASSY'S ESTIMATES. TUTELA LEGAL, FOR EXAMPLE, REPORTED AN AVERAGE OF 270 POLITICAL KILLINGS OF CIVILIANS PER MONTH FOR THE FIRST FIVE MONTHS OF 1984. IN JUNE, TUTELA LEGAL CHANGED ITS REPORTING FORMAT AND BEGAN LISTING DEATHS AS "POSSIBLY GUERRILLA" OR "POSSIBLY CIVILIAN." THUS, ITS LISTING FOR JUNE IS 11 "CONFIRMED" CIVILIAN DEATHS, PLUS 68 WHO POSSIBLY WERE CIVILIANS AND 50 WHO WERE POSSIBLY GUERRILLAS, FOR A TOTAL OF 129. FOR JULY, TUTELA LEGAL REPORTED 75 "CONFIRMED" CIVILIAN DEATHS PLUS 37 POSSIBLE CIVILIANS AND 73 POSSIBLE GUERRILLAS, A TOTAL OF 185. AND FOR AUGUST, 53 "CONFIRMED" CIVILIAN DEATHS PLUS 64 POSSIBLE CIVILIANS, AND 75 POSSIBLE GUERRILLAS, A TOTAL OF 192.

SECTION I - PART B

DISAPPEARANCES

26. THE NUMBER OF PRESS-REPORTED CIVILIAN DISAPPEARANCES AVERAGED 14 PER MONTH FOR THE FIRST NINE MONTHS OF 1984, FOR A TOTAL OF 129. THIS COMPARES WITH 39 PER MONTH IN 1983, 38 PER MONTH IN 1982, AND 160 PER MONTH IN 1981. BY COMPARISON, TUTELA LEGAL REPORTED 107 CIVILIAN DISAPPEARANCES JAN - AUG 1984. DISAPPEARANCES UNCLASSIFIED UNCLASSIFIED

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OCCUR UNDER A VARIETY OF CIRCUMSTANCES. NEWSPAPER AND EYEWITNESS ACCOUNTS OFTEN DESCRIBE "ARMED MEN IN CIVILIAN DRESS" AS PERPETRATORS OF SEIZURES. SOME PERSONS REPORTED TO HAVE DISAPPEARED ARE LATER FOUND ASSASSINATED; OTHERS MAY ACTUALLY BE IN HIDING. STILL OTHERS SUBSEQUENTLY ARE FOUND TO HAVE BEEN ARRESTED AND REAPPEAR IN THE CRIMINAL ENFORCEMENT SYSTEM. UNDER THE ARREST AND DETENTION PROCEDURAL GUIDELINES IN FORCE SINCE DECEMBER, 1983, THIS LATTER PROBLEM HAS BEEN REDUCED.

27. THE ORDER REQUIRES SECURITY FORCE MEMBERS TO BE IN UNIFORM IN MOST CASES AND IDENTIFY THEMSELVES WHILE MAKING ARRESTS, AND TO NOTIFY THE ARMED FORCES CHIEFS OF STAFF, THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRS), THE GOVERNMENT'S HUMAN RIGHTS COMMISSION AND THE DETAINEES' RELATIVES. THE ORDER PERMITS INCARCERATION ONLY IN OFFICIAL PRISONS AND PROHIBITS THE UNCLASSIFIED UNCLASSIFIED

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USE OF TORTURE.

28. GUERRILLA UNITS STAGE KIDNAPPINGS FOR RANSOM OR UNCLASSIFIED

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PRISONER EXCHANGES. THEY, OF COURSE, OBSERVE NO HUMAN RIGHTS PROCEDURES OR STANDARDS FOR CONDUCT OR DETAINMENT. BECAUSE THE FAMILIES OF KIDNAP VICTIMS GENERALLY TRY TO AVOID PUBLICITY IN ORDER TO NEGOTIATE THEIR RELEASE, THESE KIDNAPPINGS RECEIVE LITTLE MEDIA COVERAGE. THE GUERRILLAS LAUNCHED A SYSTEMATIC FORCED RECRUITMENT CAMPAIGN IN THE SPRING, IN WHICH SOME 1500 YOUNG PEOPLE OF BOTH SEXES WERE ABDUCTED. THE HUMAN RIGHTS COMMUNITY HAS BEEN SLOW TO PROTEST, ALTHOUGH THE CHURCH HAS TAKEN PUBLIC NOTE OF THE EVENTS.

29. ALTHOUGH MOST DISAPPEARANCES ARE ROUTINELY ATTRIBUTED TO THE POLICE FORCES, IN THE MAJORITY OF CASES THERE IS NO OBVIOUS CONNECTION BETWEEN THE POLICE OR SECURITY FORCES AND THE BACKGROUND OF THE DISAPPEARED PERSON, OR MOTIVES FOR HIS DISAPPEARANCE WHICH WOULD SUBSTANTIATE AN ASSERTION OF INVOLVEMENT BY SECURITY OR MILITARY FORCES IN THE DISAPPEARANCE. SIMILARLY, IT IS IMPOSSIBLE TO TELL HOW MANY DISAPPEARANCES ARE ACTUALLY DESERTIONS OF FAMILY, CRIMINAL ACTS, ILLEGAL EMIGRATION (TYPICALLY TO THE U.S. OR NEIGHBORING COUNTRIES), OR ENLISTMENTS INTO GUERRILLA RANKS. GOES POLICY, TO WHICH THE CHIEFS OF THE SECURITY SERVICES ARE PUBLICLY COMMITTED, CONDEMS VIOLATION OF HUMAN RIGHTS VIA THE DISAPPEARANCE OF SUSPECTED SUBVERSIVES. PRESIDENT QUARTE, WHO HAS LONG DEMANDED THAT THE SECURITY SERVICES ACT WITH COMPLETE LEGALITY, PERSONALLY BELIEVES THE DISAPPEARANCE PROBLEM TO BE VASTLY OVERSTATED.

SECTION I - PART C

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TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT
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30. ALTHOUGH IT IS DIFFICULT TO GATHER HARD EVIDENCE IN TORTURE CASES, IT APPEARS THAT TORTURE AND LESSER FORMS OF MISTREATMENT HAVE FALLEN CONSISTENTLY AND THAT THIS DOWNWARD TREND CONTINUES.

31. THE CATHOLIC CHURCH'S HUMAN RIGHTS OFFICE, TUTELA LEGAL, ASSERTS THAT WHILE THE INCIDENCE OF TORTURE HAS SIGNIFICANTLY DECLINED, THE METHODS ARE MORE REFINED

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WITH USE OF ELECTRIC SHOCK, PSYCHOLOGICAL TORTURE AND METHODS THAT DO NOT LEAVE MARKS. THERE HAVE BEEN REPEATED ACCUSATIONS OF RAPE BY CAPTORS.

32. INTERVIEWS WITH JAILED LEFTISTS PRODUCE NUMEROUS CLAIMS OF TORTURE ESPECIALLY DURING THE INITIAL STAGES OF DETENTION TO EXTRACT CONFESSIONS. THE VERACITY OF THESE ACCUSATIONS CANNOT BE CONFIRMED. THE NEW DIRECTORS OF THE NATIONAL AND TREASURY POLICE AND NATIONAL GUARD HAVE LAUNCHED ACTIVE CAMPAIGNS TO EDUCATE THEIR POLICE AGENTS ABOUT THE GOVERNMENT'S POLICY AGAINST TORTURE AND CRUEL AND DEGRADING TREATMENT. WE CANNOT HOWEVER DISCOUNT ALLEGATIONS THAT THIS POLICY IS IN SOME CASES VIOLATED BY INDIVIDUAL SECURITY OFFICIALS; US MILITARY TRAINERS ARE OCCASIONALLY PRESENT DURING DEBRIEFINGS OF CAPTURED GUERRILLA FIGHTERS. NONE HAS OBSERVED ANY MISTREATMENT DURING THESE SESSIONS, NOR DO WE HAVE ANY INDICATION THAT IT OCCURS DURING INTERROGATIONS AT WHICH THEY ARE NOT PRESENT.

33. THE GUERRILLAS HAVE ESTABLISHED A POOR RECORD FOR TREATMENT OF CAPTURED MEMBERS OF THE ARMED FORCES, WHILE ORDINARY SOLDIERS ARE MOST OFTEN RELEASED WITHIN A
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FEW DAYS OF CAPTURE, OFFICERS AND CADETS ARE NOT, BUT ARE HELD PRISONER FOR PROLONGED PERIODS IN ORDER TO BE USED BY THE GUERRILLAS FOR LATER EXCHANGES. FREQUENTLY, PRISONERS RELEASED BY THE GUERRILLAS HAVE EXHIBITED SIGNS OF SEVERE BEATINGS, DEPRIVATION OF FOOD AND MISSING BODY PARTS.

SECTION I - PART D

ARBITRARY ARREST, DETENTION OR EXILE

34. ARRESTS IN EL SALVADOR CAN BE MADE BY THE SECURITY FORCES ON THEIR OWN DETERMINATION THAT THEY HAVE PROBABLE CAUSE. THE DISPOSITION OF ARRESTED PERSONS IS DETERMINED BY AN INSTRUCTIONAL MAGISTRATE WHO, LIKE TRIAL MAGISTRATES AT VARIOUS LEVELS OF THE JUDICIAL PROCESS, MAY DECIDE ON THE RELEASE OR CONTINUED DETENTION OF A SUSPECT FOR ADDITIONAL INVESTIGATION
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BEFORE CHARGES ARE BROUGHT OR TRIAL BEGINS. THIS PRINCIPLE APPLIES TO "POLITICAL" AND COMMON CRIMES

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ALIKE. POLICE IN EL SALVADOR WHO ABUSE THEIR POWER OF ARREST MAY BE PROSECUTED FOR ILLEGAL DETENTION AND ARREST. IN PRACTICE, IT IS IMPOSSIBLE TO SAY HOW MANY ARRESTS ARE NOT BASED ON REASONABLE PROBABLE CAUSE, AS EVEN DISMISSAL OF CHARGES AT THE INSTRUCTIONAL LEVEL OFTEN REFLECT EITHER INEFFECTIVE INVESTIGATION OR ARE A MATTER OF CONVENIENCE IN AN OVERBURDENED JUDICIAL SYSTEM.

35. THE SALVADORAN CONSTITUTION PROVIDES FOR THE SUSPENSION OF CONSTITUTIONAL GUARANTEES IN TIMES OF EMERGENCY. SPECIAL LEGISLATION PROVIDES FOR SEPARATE PROCEDURES AND JUDICIAL HANDLING OF CRIMES INCLUDING TREASON, SABOTAGE, AND REBELLION AND PARTICIPATION IN ORGANIZED GROUPS DEDICATED TO THE OVERTHROW OF THE GOVERNMENT BY USE OF FORCE. ARREST FOR POLITICAL BELIEFS, AS SUCH, IS NOT CONTEMPLATED IN LAW AND WE HAVE NO REASON TO BELIEVE IT TAKES PLACE. SOME 2000 ARRESTS HAVE BEEN MADE UNDER STATE OF EMERGENCY LEGISLATION.

36. UNTIL FEBRUARY, 1984, JUDICIAL DISPOSITION OF THESE CRIMES WAS REGULATED BY DECREE 907. THIS LEGISLATION WAS REPLACED BY DECREE 50, WHICH WAS DESIGNED TO PROVIDE INCREASED PROTECTION FOR PERSONS ARRESTED FOR STATE OF EMERGENCY CRIMES. THE DECREE HALVED THE PERIODS OF PERMISSIBLE DETENTION BEFORE A DEFENDANT MUST BE CHARGED AND BROUGHT TO TRIAL. IF SECURITY FORCES HOLD A SUSPECT FOR MORE THAN 15 DAYS FOLLOWING ARREST WITHOUT CONSIGNING HIM TO AN INSTRUCTIONAL JUDGE, THEY ARE IN VIOLATION OF DECREE 50, AND MAY BE PROSECUTED FOR IMPROPER IMPRISONMENT. PERSONS ARRESTED UNDER DECREE 50 ONCE CONSIGNED TO A JUDGE MAY NOT BE HELD WITHOUT CHARGE
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FOR MORE THAN 15 DAYS UNLESS FURTHER INVESTIGATION IS ORDERED BY THE INVESTIGATING JUDGE. PERSONS ARRESTED HAVE NO RIGHT TO COUNSEL BEFORE CHARGES ARE BROUGHT, BUT MAY RETAIN COUNSEL AS SOON AS CHARGED OR REMANDED TO DETENTION PENDING FURTHER INVESTIGATION. ELEVATION OF A CASE TO TRIAL ORDINARILY MUST OCCUR NO LATER THAN 75 DAYS FROM THE DATE OF ARREST BY THE SECURITY FORCES. ANY DELAY BEYOND THIS PERIOD MUST BE BASED UPON A JUDICIAL DECREE THAT ORDERS FURTHER INVESTIGATION ALONG SPECIFIED LINES.

37. SPECIAL DECREE 50 COURTS WERE ESTABLISHED
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IMMEDIATELY AFTER THE DECREE CAME INTO EFFECT, BUT CASELOADS, RESOURCES AND MANAGEMENT OF THE SYSTEM PREVENTS THEIR WORKING AS WELL AS THEY SHOULD. NEVERTHELESS, THE ENTIRE BACKLOG OF DECREE 507 CASES IN THE INSTRUCTIONAL PHASE, WHICH AUTOMATICALLY FELL UNDER THE PROCEDURAL TERMS OF DECREE 50, HAS NOW BEEN ELIMINATED, WITH CHARGES EITHER DISMISSED (IN THE MAJORITY OF CASES) OR ELEVATION OF THE CASE TO TRIAL STAGE. AT PRESENT, 270 PERSONS ARE CHARGED AND AWAITING TRIAL. THE DECREE 50 SYSTEM DOES NOT SAFEGUARD AGAINST ARBITRARY ARREST, BUT IT DOES PRECLUDE PROLONGED ARBITRARY DETENTION IN "POLITICAL" CASES AND PROVIDES A THEORETICAL FRAMEWORK FOR REASONABLE DUE PROCESS.

38. IN COMMON CRIMINAL CASES, BAIL IS AVAILABLE UNTIL SENTENCING PROVIDED THE OFFENSE INVOLVED IS NOT PUNISHABLE BY MORE THAN THREE YEARS' IMPRISONMENT. AFTER ARREST, THE POLICE MAY DETAIN A PERSON FOR UP TO 72 HOURS BEFORE BRINGING THE CASE BEFORE AN INVESTIGATING MAGISTRATE FOR DISMISSAL OR PROVISIONAL DETENTION PENDING CRIMINAL INVESTIGATION. IN THEORY, THE INVESTIGATIONAL PHASE MAY NOT LAST MORE THAN 87 DAYS, AFTER WHICH THE TRIAL STAGE MUST BEGIN OR CHARGES BE DISMISSED. LEGAL DETENTION MAY, HOWEVER, BE
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CONTINUED FOR FURTHER INVESTIGATION IF SO DECIDED BY THE TRIAL JUDGE OR THE APPELLATE COURT. AGAIN, THE THEORETICAL FRAMEWORK PROVIDES FOR PROTECTION OF DUE PROCESS FOLLOWING ARREST. IN PRACTICE, VIOLATIONS OF THE SYSTEM OCCUR. IF THESE VIOLATIONS CONSTITUTE ILLEGAL DETENTION, THEY PROVIDE THE BASIS FOR PROSECUTION OF RESPONSIBLE PERSONS ON THOSE CHARGES. PROLONGED DETENTION IS ORDINARILY THE RESULT OF REPEATED EXTENSIONS OF THE INSTRUCTIONAL PHASE, ALTHOUGH THE DIFFICULTY IN COPING WITH THE BACKLOG OF CASES BEFORE INVESTIGATING AND TRIAL MAGISTRATES ALSO PLAYS A ROLE IN LENGTHY DETENTIONS.

39. THE SCOPE OF THE JUDICIAL REFORM PROJECT NOW UNDER WAY WILL TAKE THESE AND OTHER ISSUES UNDER FULL CONSIDERATION. THE REVISORY COMMISSION IN CHARGE OF THE REFORM PROCESS WAS FORMALLY CONSTITUTED BY A PRESIDENTIAL DECREE ISSUED ON AUGUST 24, 1984. THIS
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COMMISSION WILL UNDERTAKE A DIAGNOSTIC EXAMINATION OF THE ENTIRE LEGAL SYSTEM, BEGINNING WITH THE AREA OF

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CRIMINAL JUSTICE. ITS OBJECTIVE IS TO REVISE THE PENAL CODE SO THAT IT IS CONSISTENT WITH THE NEW CONSTITUTION AND WILL THUS EXAMINE EXISTING LEGISLATION GOVERNING ARREST AND DETENTION PROCEDURES AND PROPOSE THEIR MODIFICATION. THE COMMISSION IS MADE UP OF DISTINGUISHED MEMBERS OF THE BAR AND PROFESSORS OF LAW, ALL OF WHOM HAVE A BROAD COMPREHENSION OF BOTH LATIN AMERICAN JURISPRUDENCE AND OTHER SYSTEMS OF LAW, SUCH AS THAT OF THE UNITED STATES. FUNDING FOR THIS PROCESS IS BEING PROVIDED BY THE U.S. GOVERNMENT; \$ 3.5 MILLION HAS BEEN ALLOCATED FOR FY 1984.

40. IN THE PAST, CLAUDESTINE JAILS WERE KNOWN TO EXIST, BUT IN 1984 THE SECURITY FORCES CLAIM THEY HAVE BEEN TOTALLY ELIMINATED. THERE IS LITTLE EVIDENCE TO THE CONTRARY. REPORTS OF TEMPORARY DETENTION AT UNKNOWN LOCATIONS ARE EXTREMELY RARE BUT STILL OCCUR. MOST ARRESTS ARE MADE BY THE NATIONAL POLICE WHICH HOLDS PRISONERS IN GROUP CELLS BEFORE THEY ARE EITHER RELEASED BY THE INVESTIGATING MAGISTRATE OR TRANSFERRED TO REGULAR PRISON PENDING INVESTIGATION OF THE ACCUSATIONS AGAINST THEM.

41. CONDITIONS IN THE PENAL CENTERS ARE GENERALLY GOOD. VISITORS CONFIRM THAT THESE FACILITIES ARE CLEAN AND WELL-RUN AND PROVIDE THE BASIC NECESSITIES. THERE HAVE BEEN NO RECENT COMPLAINTS OF ILL-TREATMENT BY PRISONERS ONCE THEY ARE CONFINED WITHIN THESE PRISONS. THE NATIONAL POLICE ALLOW REPRESENTATIVES FROM THE ICRC UNIMPEDED ACCESS TO THEIR DETENTION FACILITIES.

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42. THERE ARE NO LEGAL PROVISIONS FOR EXILE NOR FOR THE REVOCATION OF CITIZENSHIP.

SECTION I - PART E

DENIAL OF FAIR PUBLIC TRIAL

43. TRIALS OF COMMON OR POLITICAL CRIMINALS IN EL SALVADOR ARE NEITHER DENIED NOR UNFAIRLY CONDUCTED AS MATTERS OF GOVERNMENT POLICY, BUT THE INEFFICIENCY OF THE JUDICIAL SYSTEM OFTEN PREVENTS SPEEDY TRIAL.

44. INCARCERATED PERSONS NORMALLY WAIT FROM 6 TO 18

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MONTHS BEFORE COMING TO TRIAL WHILE THEIR CASES REMAIN OPEN, THEORETICALLY UNDER INSTRUCTIONAL INVESTIGATION. IN FACT, OF A PRISON POPULATION THAT FLUCTUATES BETWEEN 3,500 AND 4,000 INMATES, ONLY 10 TO 15 PERCENT ARE ACTUALLY SERVING SENTENCES AS OPPOSED TO AWAITING TRIAL. WHEN FINALLY TRIED, HOWEVER, MOST CAN EXPECT TO HAVE CHARGES DISMISSED AT THE TRIAL STAGE OR TO BE ACQUITTED, VERY OFTEN DUE SIMPLY TO THE POOR INVESTIGATIVE CAPACITY OF THE POLICE AND MAGISTRATE.

45. AT THIS TIME, THERE IS ONLY ONE PERSON ACTUALLY SERVING A SENTENCE FOR A STATE OF EMERGENCY CRIME, A COSTA RICAN PILOT CONVICTED OF RUNNING GUNS FOR THE FOR-FMLN. SOME 40 - 50 OTHER PERSONS HAVE BEEN CONVICTED OF CRIMES UNDER DECREE 507/50 PROVISIONS. THESE PERSONS ARE NORMALLY ACCUSED OF MULTIPLE OFFENSES, USUALLY SABOTAGE OR ABETTING GUERRILLA ACTIVITIES AS WELL AS MEMBERSHIP IN A SUBVERSIVE (FOR-FMLN) ORGANIZATION. IN PRACTICE, THE INSTRUCTIONAL PHASE NORMALLY FAILS TO MEET THE REQUIREMENTS FOR PROOF FOR CONVICTION OF THE GREATER OFFENSES, SUCH AS SABOTAGE. THUS, DECREE 507/50 CONVICTIONS HAVE BEEN LIMITED TO MEMBERSHIP IN A SUBVERSIVE ORGANIZATION, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR.

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IMMEDIATELY AFTER THE DECREE CAME INTO EFFECT, BUT CASELOADS, RESOURCES AND MANAGEMENT OF THE SYSTEM PREVENTS THEIR WORKING AS WELL AS THEY SHOULD. NEVERTHELESS, THE ENTIRE BACKLOG OF DECREE 507 CASES IN THE INSTRUCTIONAL PHASE, WHICH AUTOMATICALLY FELL UNDER THE PROCEDURAL TERMS OF DECREE 50, HAS NOW BEEN ELIMINATED, WITH CHARGES EITHER DISMISSED (IN THE MAJORITY OF CASES) OR ELEVATION OF THE CASE TO TRIAL STAGE. AT PRESENT, 270 PERSONS ARE CHARGED AND AWAITING TRIAL. THE DECREE 50 SYSTEM DOES NOT SAFEGUARD AGAINST ARBITRARY ARREST, BUT IT DOES PRECLUDE PROLONGED ARBITRARY DETENTION IN "POLITICAL" CASES AND PROVIDES A THEORETICAL FRAMEWORK FOR REASONABLE DUE PROCESS.

38. IN COMMON CRIMINAL CASES, BAIL IS AVAILABLE UNTIL SENTENCING PROVIDED THE OFFENSE INVOLVED IS NOT PUNISHABLE BY MORE THAN THREE YEARS' IMPRISONMENT. AFTER ARREST, THE POLICE MAY DETAIN A PERSON FOR UP TO 72 HOURS BEFORE BRINGING THE CASE BEFORE AN INVESTIGATING MAGISTRATE FOR DISMISSAL OR PROVISIONAL DETENTION PENDING CRIMINAL INVESTIGATION. IN THEORY, THE INVESTIGATIONAL PHASE MAY NOT LAST MORE THAN 87 DAYS, AFTER WHICH THE TRIAL STAGE MUST BEGIN OR CHARGES BE DISMISSED. LEGAL DETENTION MAY, HOWEVER, BE UNCLASSIFIED
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CONTINUED FOR FURTHER INVESTIGATION IF SO DECIDED BY THE TRIAL JUDGE OR THE APPELLATE COURT. AGAIN, THE THEORETICAL FRAMEWORK PROVIDES FOR PROTECTION OF DUE PROCESS FOLLOWING ARREST. IN PRACTICE, VIOLATIONS OF THE SYSTEM OCCUR. IF THESE VIOLATIONS CONSTITUTE ILLEGAL DETENTION, THEY PROVIDE THE BASIS FOR PROSECUTION OF RESPONSIBLE PERSONS ON THOSE CHARGES. PROLONGED DETENTION IS ORDINARILY THE RESULT OF REPEATED EXTENSIONS OF THE INSTRUCTIONAL PHASE, ALTHOUGH THE DIFFICULTY IN COPING WITH THE BACKLOG OF CASES BEFORE INVESTIGATING AND TRIAL MAGISTRATES ALSO PLAYS A ROLE IN LENGTHY DETENTIONS.

39. THE SCOPE OF THE JUDICIAL REFORM PROJECT NOW UNDER WAY WILL TAKE THESE AND OTHER ISSUES UNDER FULL CONSIDERATION. THE REVISORY COMMISSION IN CHARGE OF THE REFORM PROCESS WAS FORMALLY CONSTITUTED BY A PRESIDENTIAL DECREE ISSUED ON AUGUST 24, 1984. THIS UNCLASSIFIED
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COMMISSION WILL UNDERTAKE A DIAGNOSTIC EXAMINATION OF THE ENTIRE LEGAL SYSTEM, BEGINNING WITH THE AREA OF

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SERVED IN PRE-TRIAL DETENTION IS SUBTRACTED FROM THE SENTENCE IMPOSED, THE EFFECT THUS FAR HAS BEEN THE DISMISSAL OF ALL DEFENDANTS.

46. OVER THE PAST TEN YEARS, THE OVERALL CONVICTION RATE HAS NEVER EXCEEDED 20 PERCENT, AND IN 1983 IT WAS ONLY 14 PERCENT. A FEW PRISONERS WAIT FAR LONGER THAN NORMAL TO COME TO TRIAL. THESE ARE USUALLY SENSATIONAL OR SENSITIVE CASES WHICH REMAIN UNDER MORE OR LESS ACTIVE INVESTIGATION IN AN EFFORT TO PRODUCE EVIDENCE FOR CONVICTION. A GOOD EXAMPLE IS THE CASE OF EX-MAJOR ROEDER, A NOTORIOUS KIDNAPPER AND EXTORTIONIST WHO SPENT TWO YEARS IN DETENTION AWAITING TRIAL. WHEN TRIED, HOWEVER (AND TO WIDESPREAD OUTRAGE) HE WAS ACQUITTED AMID SUSPICION THAT HE HAD BOUGHT OR INTIMIDATED THE JURY. ANOTHER EXAMPLE IS THE CASE OF THE STECEL WORKERS, FREED IN OCTOBER 1984 AFTER FOUR YEARS OF DETENTION PROLONGED IN PART BECAUSE OF PROBLEMS IN OBTAINING ADEQUATE LEGAL
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REPRESENTATION AND IN PART BECAUSE OF WIDE OPPROBRIUM SURROUNDING THEIR CASE AND THE KNOWLEDGE THAT A

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CONVICTION WAS UNLIKELY.

47. AN EFFORT TO GRAPPLE WITH INTIMIDATION THROUGH THE JUDICIAL PROTECTION UNIT IS UNDER STUDY BY THE MINISTRY OF JUSTICE. IT IS INTENDED TO PROVIDE PROTECTION TO JURIES AND OFFICERS OF THE COURTS IN THOSE HARD OR SENSITIVE CASES IN WHICH INTIMIDATION COULD BE EXPECTED TO COME INTO PLAY. ALTHOUGH NOT YET OFFICIALLY CONSTITUTED, THE MINISTRY OF JUSTICE HAS COMPLETED THE PREPARATION OF REGULATIONS THAT WILL GOVERN ITS ACTIVITY AND THE UNIT SHOULD BE ACTIVATED IN THE NEAR FUTURE. RECRUITED FROM THE MOJ'S PRISON GUARDS CORPS, ITS NUCLEUS OF 60 AGENTS HAS RECEIVED US TRAINING AT GLYNCOE, GEORGIA, AND MUCH OF ITS EQUIPMENT (RADIOS, VEHICLES, UNIFORMS, ETC.) HAS ALREADY BEEN PURCHASED. THE JUDICIAL PROTECTION UNIT HAD ITS TRIAL RUN WHEN IT WAS TEMPORARILY ACTIVATED TO PROVIDE PROTECTION IN THE TRIAL OF THE MURDERERS OF THE US CHURCHWOMEN, WHICH IT DID EFFECTIVELY.

48. ONE CRUCIAL COMPONENT OF THE WORK OF THE REVISORY COMMISSION FOR JUDICIAL REFORM IS THE STUDY OF TRIAL PROCEDURES, INCLUDING RULES OF EVIDENCE. IT WILL LOOK HARD AT SUCH ELEMENTS AS THE EXTRA-JUDICIAL CONFESSION. MANY MEMBERS OF THE SALVADORAN BAR CONSIDER IT INHERENTLY UNRELIABLE, AND FAVOR OUTRIGHT ELIMINATION OF CONFESSIONS AS EVIDENCE OR AT LEAST STRICT MEASURES TO ENSURE THE VALIDITY OF CONFESSIONS.

50. THE JUDICIARY IS INDEPENDENT IN THEORY AND, FOR THE GREATEST PART, IN PRACTICE. HOWEVER, SUPREME COURT
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MAGISTRATES AND THE ATTORNEY GENERAL ARE CHOSEN BY VOTE IN THE LEGISLATIVE ASSEMBLY AFTER THEIR CANDIDACIES ARE PRESENTED BY THE POLITICAL PARTIES. THE NOMINATIONS THUS TAKE ON A HIGH POLITICAL COLORATION. THIS HAS LITTLE PRACTICAL EFFECT ON THE ADMINISTRATION OF JUSTICE AS A WHOLE, BUT DOES COME INTO PLAY AT THE FINAL APPELLATE LEVEL. A GREATER THREAT TO LACK OF JUDICIAL INDEPENDENCE HAS HISTORICALLY BEEN THE ROLE OF THE MILITARY. ALTHOUGH IT MAKES NO EFFORT TO COERCE CONVICTIONS IN EITHER CRIMINAL CASES (I.E. ROEDER) OR STATE OF EMERGENCY CASES (LIKE STECEL), THE ARMED FORCES

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HAVE YET TO EMBRACE FULLY THE PRINCIPLE THAT THEY ARE EQUAL TO OTHER CITIZENS BEFORE THE LAW. MAGISTRATES ARE RELUCTANT TO TAKE ON THE RESPONSIBILITY OF BRINGING CHARGES AGAINST MILITARY OFFICERS OR THE POLICE FORCES, THE MEMBERS OF WHICH CANNOT BE RELIED UPON TO TESTIFY OR TO OTHERWISE COOPERATE IN PROSECUTING CRIMES ALLEGEDLY COMMITTED BY BROTHER OFFICERS.

SECTION I - PART F

- ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

51. THE GOVERNMENT OF EL SALVADOR DOES NOT INTERFERE IN PERSONAL LIFE EXCEPT IN MATTERS IT CONSIDERS RELATED TO THE ARMED CONFLICT. BOTH GOVERNMENT AND GUERRILLAS USE NETWORKS OF INFORMERS. PHONE NUMBERS FOR MAKING DENUNCIATIONS TO THE ARMED FORCES HAVE BEEN PUBLICIZED (ALTHOUGH LITTLE USED) AND SECURITY FORCES RELY ON INFORMERS AND ANONYMOUS DENUNCIATIONS ABOUT ALLEGED CRIMINAL AND SUBVERSIVE ACTIVITIES. ON THE OTHER HAND, THERE IS NO PUBLIC CAMPAIGN TO ENCOURAGE THE PUBLIC TO ACT AS INFORMANTS.

52. MEMBERS OF THE SECURITY FORCES USE FORCED ENTRY TO
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CARRY OUT ARRESTS AND INVESTIGATIONS. HOWEVER, THE PRACTICE SEEMS RESTRICTED TO CASES FOR WHICH THERE IS REASONABLE PROBABLE CAUSE. THE OFFICIAL HUMAN RIGHTS COMMISSION NO LONGER MAINTAINS STATISTICS ON FORCED ENTRY; OTHER GROUPS HAVE NEVER DONE SO. THE CONSTITUTIONAL PROVISION PROTECTING THE INVIOABILITY OF CORRESPONDENCE IS SUSPENDED UNDER THE STATE OF SIEGE. POSTAL OFFICIAL HAVE THE AUTHORITY TO INSPECT CORRESPONDENCE, AND IT IS BELIEVED THEY DO SO ON OCCASION.

53. IT SHOULD BE NOTED THAT THESE PROVISIONS MAY BE REVISED BY THE LEGISLATURE (A LEGITIMATE, REPRESENTATIVE AND INDEPENDENT BODY) WHEN IT WISHES. THUS FAR, THEY HAVE BEEN ROUTINELY EXTENDED, USUALLY BY UNANIMOUS VOTE, ON A MONTHLY BASIS.

SECTION II - PART I

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RESPECT FOR CIVIL RIGHTS

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SECTION II - PART B

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

60. THE CONSTITUTIONAL RIGHT TO FREE ASSEMBLY AND ASSOCIATION IS ALSO SUSPENDED UNDER THE STATE OF EMERGENCY. HOWEVER, THE SALVADORAN GOVERNMENT HAS REINSTATED THE RIGHT OF ASSEMBLY FOR POLITICAL PARTIES AND PEACEFUL ORGANIZATIONS, INCLUDING CHURCH AND LABOR GROUPS, BUT NOT FOR THE FORMAL MEMBERSHIP ORGANIZATIONS OF THE REVOLUTIONARY LEFT.

61. ALTHOUGH NOW INACTIVE, TWO FDR-FMLN MEMBER ORGANIZATIONS ARE STILL RECOGNIZED AS LEGAL PARTIES, THE MNR (NATIONAL REVOLUTIONARY MOVEMENT) AND THE UON (NATIONAL DEMOCRATIC UNION, AN EXPLICIT COMMUNIST PARTY FRONT.) PRO-LEFT SENTIMENTS ARE ALSO AIDED THROUGH THE FREEDOM OF EXPRESSION AND ASSEMBLY ACCORDED TO GROUPS
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THAT REFRAIN FROM EXPLICIT IDENTIFICATION WITH THE ARMED LEFT. THESE INCLUDE "HUMAN RIGHTS" ORGANIZATIONS SUCH

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AS THE COMMITTEE OF MOTHERS OF THE DISAPPEARED, AND THE LEFT-DOMINATED MUSYGES LABOR FRONT.

62. SALVADORAN UNIONS ARE FREE AND INDEPENDENT FROM GOVERNMENT CONTROL. THERE IS NO GOVERNMENT-SPONSORED LABOR FEDERATION. THE POPULAR DEMOCRATIC UNITY (UPD), A LOOSE ASSOCIATION OF CAMPESINO ORGANIZATIONS AND LABOR UNIONS (INCLUDING EL SALVADOR'S LARGEST, SUIC), JOINED THE CHRISTIAN DEMOCRATIC PARTY (PDC) IN AN ELECTORAL AGREEMENT DURING THE 1984 PRESIDENTIAL ELECTIONS. THIS AGREEMENT, KNOWN IN EL SALVADOR AS THE "SOCIAL PACT," INCLUDED A PROMISE BY THE PDC TO NAME UPD CAMPESINO LEADERS TO TOP POSITIONS IN ALL OF THE LAND REFORM INSTITUTIONS. THUS FAR, HOWEVER, THE UPD'S PRESENCE IN THE QUARTE GOVERNMENT DOES NOT SEEM TO HAVE COMPROMISED THE INDEPENDENCE OF THE UPD MEMBER ORGANIZATIONS. RATHER, IT HAS ALLOWED THOSE MOST AFFECTED BY THE AGRARIAN REFORM TO EXERCISE DIRECT CONTROL OVER AGRARIAN REFORM INSTITUTIONS. THIS IS PROBABLY A UNIQUE PRECEDENT FOR CENTRAL AMERICA.

63. THE SALVADORAN LABOR CODE IS BEING AMENDED TO REFLECT CHANGES PERTAINING TO LABOR IN THE 1983 CONSTITUTION AND WILL RECOGNIZE THE RIGHT OF CAMPESINOS TO ORGANIZE IN LABOR UNIONS. THE STRUCTURE OF EL SALVADOR'S FIRST AGRARIAN WORKERS' UNION IS BEING STUDIED BY THE UPD, WHO EXPECT TO FLESH IT OUT BY THE TIME THE AMENDED CODE IS APPROVED BY THE LEGISLATIVE ASSEMBLY IN LATE 1984.

64. ALTHOUGH THE NEW CONSTITUTION CONTINUES TO BAR
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PUBLIC EMPLOYEES OF NON-AUTONOMOUS GOVERNMENT AGENCIES FROM ORGANIZING INTO LABOR UNIONS, THESE GOVERNMENT WORKERS ARE REPRESENTED BY PROFESSIONAL ASSOCIATIONS WHOSE FUNCTION IS SIMILAR TO THAT OF UNIONS. WAGE INCREASE DEMANDS BY MANY PUBLIC EMPLOYEES GAVE RISE IN EARLY 1984 TO A SERIES OF PUBLIC EMPLOYEE STRIKES. PUBLIC EMPLOYEE STRIKES ARE ILLEGAL IN EL SALVADOR, BUT THE GOVERNMENT ADOPTED A LARGELY CONCILIATORY APPROACH AND ULTIMATELY ENACTED A 10 PERCENT WAGE INCREASE FOR ALL GOVERNMENT EMPLOYEES.

65. EL SALVADOR'S LABOR ORGANIZATIONS MAINTAIN CLOSE
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RELATIONS WITH MOST OF THE IMPORTANT INTERNATIONAL LABOR MOVEMENTS. FESINCONSTANS, EL SALVADOR'S LARGEST URBAN LABOR FEDERATIONS, IS AN AFFILIATE OF ORIT, THE ICFTU'S REGIONAL CHAPTER. MANY OF THE MEMBER ORGANIZATIONS IN THE LEFTIST-LED UNITARIAN LABOR MOVEMENT OF EL SALVADOR (MUSYGES) HAVE LOOSE LINKS WITH THE WFTU AND HAVE SENT REPRESENTATIVES TO WFTU MEETING IN PRAGUE, HAVANA AND MEXICO CITY IN RECENT YEARS. THE FOUR LARGEST LEFTIST-LED MEMBERS OF MUSYGES (FENASTRAS, THE FSR, FUSS AND FESTIAYTSCES) ALL ENJOY OFFICIAL LEGAL RECOGNITION BY THE GOVERNMENT OF EL SALVADOR.

66. NINE MEMBERS OF THE LEFTIST-LED REVOLUTIONARY LABOR FEDERATION (FSR, A MEMBER OF MUSYGES) WERE ARRESTED BY THE NATIONAL POLICE IN JANUARY, 1984 FOR CONSPIRING AGAINST THE GOVERNMENT. ALTHOUGH THE GOVERNMENT DISPLAYED EVIDENCE OF THEIR PROBABLE GUILT, MOST OF THE FSR DETAINEES WERE EVENTUALLY RELEASED FROM PRISON LATER THAT YEAR. TWO OTHER LEFTIST LABOR LEADERS WERE DETAINED BRIEFLY UNDER SUSPICION OF SUBVERSIVE ACTIVITIES AND RELEASED.

67. FREEDOM OF PEACEFUL ASSEMBLY IS PROTECTED IN ARTICLE 560 OF THE CIVIL CODE AS LONG AS THE GROUP
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REQUESTING PERMISSION TO HOLD A MARCH OR DEMONSTRATION CAN DEMONSTRATE THAT THEY HAVE A LEGITIMATE "PARTICULAR INTEREST" TO REPRESENT. THE MINISTRY OF THE INTERIOR ISSUES PERMITS FOR THESE MARCHES ALMOST AS A MATTER OF COURSE, ALTHOUGH IT HAS THE LEGAL PREROGATIVE TO TURN DOWN ANY SUCH REQUEST. DEMOCRATIC UNIONS, LEFTIST LABOR GROUPS AND ANTI-GOVERNMENT DEMONSTRATORS HAVE DEMONSTRATED FREELY WITH NATIONAL POLICE PROTECTION.

SECTION II - PART C

FREEDOM OF RELIGION

68. COMPLETE FREEDOM OF RELIGION IS CONSTITUTIONALLY GUARANTEED IN EL SALVADOR AND RESPECTED IN PRACTICE. ALTHOUGH HISTORICALLY CATHOLIC, EL SALVADOR HAS BECOME INCREASINGLY MULTICONFESSONAL, CHIEFLY THROUGH THE
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EFFORTS OF FOREIGN MISSIONARIES NOW SUPPORTED BY NUMEROUS SALVADORAN CLERICS. THESE MISSIONARIES OPERATE

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*INTERFERENCE OR INFLUENCE OF THE ARMED FORCES, WHO
ADOPTED POLITICAL NEUTRALITY, SOUGHT TO SAFEGUARD THE
PROCESS AND RENOUNCED THEIR RIGHT TO VOTE IN THE
ELECTION. THE MILITARY HAS EXPLICITLY RECOGNIZED THE
PRESIDENT'S CONSTITUTIONAL POSITION AS COMMANDER IN
CHIEF OF THE ARMED FORCES.*

75. SIX PARTIES HAVE BEEN REPRESENTED IN THE
LEGISLATURE SINCE THE 1982 ELECTIONS. THEY WILL RUN
AGAIN IN MARCH, 1985, WHEN MAYORS WILL ALSO FOR THE
FIRST TIME BE DIRECTLY ELECTED. SEVERAL TINY POLITICAL
PARTIES ARE NOT REPRESENTED IN THE LEGISLATURE BUT HAVE
LEGAL STATUS AND FREELY ORGANIZE AND PUBLISH. RIGHT TO
MEMBERSHIP IN ANY LEGALLY RECOGNIZED PARTY IS
UNRESTRICTED.

76. TWO OPPOSITION PARTIES OF THE LEFT ARE LEGALLY
RECOGNIZED BUT HAVE CHOSEN NOT TO PARTICIPATE IN THE
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SYSTEM: THE MNR (NATIONAL REVOLUTIONARY MOVEMENT) AND
THE UDN (NATIONAL DEMOCRATIC UNION, ORTHODOX

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FREELY AND WITHOUT HARRASSMENT.

69. THE CATHOLIC CHURCH CONTINUES TO BE ONE OF THE MOST
INFLUENTIAL AND RESPECTED INSTITUTIONS IN THE COUNTRY.
IT USES ITS INFLUENCE AMONG THE HUGE NUMBER OF
PRACTICING CATHOLICS TO SPEAK OUT FORCEFULLY ON SOCIAL
ISSUES, MOST NOTABLY ON HUMAN RIGHTS MATTERS, WHETHER
FROM THE PULPIT OR IN ITS CHURCH PUBLICATIONS. THREATS
BY THE EXTREME RIGHT AGAINST THE ARCHBISHOP AND
AUXILIARY BISHOP IN 1983 HAVE NOT BEEN REPEATED.

70. OVER THE PAST YEAR, RELATIONS BETWEEN THE CHURCH
AND THE SALVADORAN GOVERNMENT, INCLUDING THE MILITARY
AND SECURITY FORCES HAVE BECOME CLOSER. ALTHOUGH THE
CHURCH CONTINUES TO DECRY HUMAN RIGHTS VIOLATIONS, IT
HAS ON NUMEROUS OCCASIONS RECOGNIZED THE MAJOR
IMPROVEMENTS IN THE OVERALL HUMAN RIGHTS SITUATION. THE
CHURCH'S PRESTIGE WAS UNDERSCORED WHEN IT WAS ASKED TO
COORDINATE AND PRESIDE AT THE LA PALMA MEETING BETWEEN
THE GOES AND LEADERS OF THE FOR-FMLM.

SECTION II - PART D

-FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL,
EMIGRATION, AND REPATRIATION

71. ALTHOUGH THE STATE OF SIEGE DECREE FORMALLY
SUSPENDS THE CONSTITUTIONAL RIGHT TO FREE MOVEMENT, THIS
SUSPENSION IS NOT INVOKED IN PRACTICE. THE CONTINUING
ARMED CONFLICT HAS DISPLACED AN ESTIMATED 450,000
PERSONS WITHIN EL SALVADOR, PRIMARILY IN THE NORTHERN
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AND EASTERN DEPARTMENTS. ANOTHER 10,000 DISPLACED
SALVADORANS LIVE IN CAMPS OUTSIDE EL SALVADOR, PRIMARILY
IN HONDURAS. THOUSANDS MORE ARE THOUGHT TO BE LIVING IN
MEXICO ELSEWHERE IN CENTRAL AMERICA. GOVERNMENTS
(INCLUDING THE SALVADORAN), INTERNATIONAL ORGANIZATIONS
AND PRIVATE VOLUNTARY ORGANIZATIONS ASSIST THE
DISPLACED. THE GOVERNMENT HAS IMPOSED NO CONTROL ON
EMIGRATION AND HAS ASSISTED AMNESTY BENEFICIARIES AND
DETAINEES WHO WISH TO SETTLE ELSEWHERE AFTER RELEASE.

72. INCREASED FORCED RECRUITMENT BY THE GUERRILLAS IN

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COMMUNIST). BOTH ARE MEMBER PARTIES OF THE FOR-FMLN. THE CONSTITUTION NOW PERMITS THE LEGALIZATION OF ALL POLITICAL PARTIES THAT DO NOT ADVOCATE ARMED OPPOSITION, PROVIDED THEY MEET THE REQUIRED MINIMUM MEMBERSHIP STANDARDS. THE GOES AND THE VAST MAJORITY OF THE CONSTITUTIONAL OPPOSITION SUPPORT THE INTEGRATION OF THE CURRENTLY ARMED LEFTIST GROUPS INTO THE SYSTEM AS DISARMED, LEGAL POLITICAL PARTIES.

77. EIGHT PARTIES CONTESTED THE FIRST ROUND OF ELECTIONS HELD ON MARCH 25, 1984, FOLLOWING A PROLONGED AND ACTIVE PERIOD OF CAMPAIGNING. DESPITE ADMINISTRATIVE PROBLEMS AND GUERRILLA INTERFERENCE SOME 1.4 MILLION VOTES WERE CAST, REPRESENTING MORE THAN 75 PERCENT OF THE ELECTORATE OF 1.8 MILLION. AS NO PARTY OBTAINED AN ABSOLUTE MAJORITY OF THE VOTES, A SECOND ROUND BETWEEN THE TWO MOST SUCCESSFUL PARTIES, THE CHRISTIAN DEMOCRATS (PDC) LED BY JOSE NAPOLEON DUARTE AND THE NATIONAL REPUBLICAN ALLIANCE (ARENA) OF ROBERTO O'AMBUSSON, WAS SCHEDULED FOR MAY 6, 1984. ON MAY 6, OVER 1.5 MILLION SALVADORANS, MORE THAN 89 PERCENT OF THE ELECTORATE, TURNED OUT TO VOTE AGAIN DESPITE GUERRILLA THREATS AND CALLS FOR A BOYCOTT. PROCEDURALLY, THE ELECTION WENT MORE SMOOTHLY THAN THE FIRST ROUND; JOSE NAPOLEON DUARTE, WITH 54 PERCENT OF THE POPULAR VOTE, EMERGED AS THE VICTOR.

78. THE SALVADORAN GOVERNMENT INVITED MORE THAN SIXTY NATIONS AND INTERNATIONAL ORGANIZATIONS TO OBSERVE THE MARCH 25 ELECTIONS AND VERIFY THEIR HONESTY, AND APPROXIMATELY THIRTY NATIONS RETURNED TO EL SALVADOR TO
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OBSERVE THE SECOND ROUND. THE U.S. SENT AN OFFICIAL DELEGATION COMPOSED OF MEMBERS OF CONGRESS, ADMINISTRATION OFFICIALS AND PROMINENT PRIVATE CITIZENS TO EACH ROUND. MOST OBSERVERS NOTED ADMINISTRATIVE PROBLEMS IN THE MARCH 25TH ROUND, BUT ALL ENDORSED THE FAIRNESS OF THE ELECTIONS.

79. IN BOTH ELECTION ROUNDS, GUERRILLAS SOUGHT TO DISRUPT THE VOTE. BEFORE THE FIRST ROUND, THEY ASSASSINATED POLITICAL LEADERS, MADE THREATS AND PROPAGANDIZED AGAINST THE ELECTION. DURING THE FIRST

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ROUND, GUERRILLAS SUCCESSFULLY BLOCKED DELIVERY OF ELECTORAL MATERIALS TO SOME VOTING LOCATIONS, STOLE THOUSANDS OF IDENTITY DOCUMENTS TO PREVENT CITIZENS FROM VOTING, AND CAUSED A MAJOR POWER FAILURE ON ELECTION EVE. IN SOME CASES, ELECTORAL MATERIALS HAD TO BE DELIVERED IN THE DARK, RESULTING IN MISSING REGISTRY PAGES AND OTHER PROBLEMS. GUERRILLA ACTIONS PREVENTED VOTING IN 58 OF EL SALVADOR'S 261 MUNICIPALITIES, BUT MOST WERE VERY SMALL OR PARTIALLY ABANDONED. OVERALL, THE GUERRILLA EFFORT HAD LITTLE EFFECT ON THE TURNOUT.

80. DURING THE SECOND ROUND, THE GUERRILLAS SET OFF BOMBS IN SAN SALVADOR, AGAIN STOLE IDENTITY DOCUMENTS AND LAUNCHED AN ATTACK ON SAN MIGUEL, THE COUNTRY'S THIRD LARGEST CITY. THE SALVADORAN ARMY THWARTED THE ATTACK AND VOTING PROCEEDED NORMALLY IN MOST OF THE COUNTRY. IN THE SECOND ROUND, 46 SMALL MUNICIPALITIES WERE UNABLE TO VOTE BECAUSE OF GUERRILLA ACTIVITY.

81. THERE WERE A FEW CHARGES OF POLITICAL FAVORITISM BY LOCAL MILITARY COMMANDERS. HOWEVER, MOST PROVED FALSE AND THE MILITARY IN FACT LIVED UP TO ITS PROMISE OF NON-INTERFERENCE AND NEUTRALITY WITH ONLY NEGLIGIBLE EXCEPTIONS. EXTENSIVE OFFENSIVE OPERATIONS TO PREVENT A MAJOR GUERRILLA DISRUPTION WERE CONDUCTED DURING BOTH
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*ROUNDOS. THE STRATEGY PROVED EFFECTIVE ALTHOUGH IT
EXACTED A TOLL OF OVER 100 DEATHS OF MILITARY PERSONNEL.*

82. PARTICIPATION IN THE POLITICAL SYSTEM IS NOT SUBJECT TO STANDARDS OF CLASS, RELIGION, ETHNIC BACKGROUND OR SEX. THE MEMBERS OF THE LEGISLATURE AND THE MEMBERSHIPS OF THE PARTIES REPRESENT A FULLY HETEROGENEOUS MIXTURE OF SALVADORAN SOCIETY. THE PRESIDENT OF THE ASSEMBLY IS A WOMAN AND MEMBER OF A SMALL PARTY IN OPPOSITION TO THE GOES.

83. THE GOVERNMENT FACES CLEAR CUT POLITICAL OPPOSITION FROM THE PARTIES WHO LOST IN THE PRESIDENTIAL ELECTION. AT PRESENT, THESE PARTIES CONSTITUTE A MAJORITY WITHIN THE LEGISLATURE. NO COALITION HAS EMERGED TO DOMINATE THE POLITICAL PROCESS FROM EITHER SIDE; MANY KEY VOTES NOW SEE AD HOC MAJORITIES DEVELOP FOR OR AGAINST THE GOVERNMENT.
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SECTION IV - PART I

- GOVERNMENT ATTITUDE REGARDING INTERNATIONAL AND
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NON-GOVERNAMENTAL

- INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

84. THE NEW SALVADORAN GOVERNMENT OF PRESIDENT JOSE NAPOLEON DUARTE HAS BEEN VERY FORTHCOMING WITH VISITING HUMAN RIGHTS MISSIONS, PROVIDING INFORMATION, MAKING ITS OFFICIALS AVAILABLE FOR DISCUSSION, AND PERMITTING THE INSPECTION OF DETENTION CENTERS.

85. HUMAN RIGHTS DELEGATIONS WHO VISITED IN 1984 INCLUDE THE LAWYERS' COMMITTEE ON HUMAN RIGHTS, FACULTY COMMITTEE ON HUMAN RIGHTS IN EL SALVADOR AND CENTRAL AMERICA, LUTHERAN CHURCH DELEGATIONS, THE UNITED NATIONS SPECIAL RAPPORTEUR ON HUMAN RIGHTS, AMERICAS' WATCH, MEDICAL AID FOR EL SALVADOR, AND THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE. NUMEROUS US CONGRESSIONAL AND STAFF DELEGATIONS HAVE ALSO LOOKED CLOSELY INTO HUMAN RIGHTS MATTERS.

86. PRISONERS ARE INTERVIEWED ON A SYSTEMATIC BASIS BY REPRESENTATIVES OF THE ICRC AND THE OFFICIAL GOVERNMENTAL HUMAN RIGHTS COMMISSION. BOTH ORGANIZATIONS ARE NOTIFIED OF ARRESTS OF POLITICAL DETAINEES. THE UNITED NATIONS SPECIAL RAPPORTEUR FOR HUMAN RIGHTS VISITED EL SALVADOR IN SEPTEMBER ON A FACT-FINDING TOUR IN PREPARATION FOR HIS ANNUAL REPORT. AS IN PREVIOUS YEARS, HE HAD ACCESS TO HIGH LEVEL SALVADORAN OFFICIALS, INCLUDING PRESIDENT DUARTE AND RANKING MEMBERS OF THE MILITARY AND SECURITY FORCES. HE HAD FREE EXCHANGES WITH LOCAL HUMAN RIGHTS
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GROUPS, VISITED MARIONA AND ILOPANGO PRISONS AND WAS PERMITTED TO INTERVIEW DETAINEES.

87. VARIOUS OTHER GROUPS HAVE ALSO VISITED, BEEN GRANTED INTERVIEWS WITH GOES OFFICIALS, AND ALLOWED ENTRY INTO THE PRISONS. ONE NOTABLE CASE WAS AN UNOFFICIAL HUMAN RIGHTS GROUP FROM SOUTHERN CALIFORNIA WHICH DEMANDED THE RIGHT TO INSPECT THE PRISONS AND TO BE ALLOWED A SPUR-OF-THE-MOMENT AND UNANNOUNCED INSPECTION OF "SECRET BASEMENT CELLS" IN THE NATIONAL POLICE HEADQUARTERS JAIL. THE NATIONAL POLICE DIRECTOR INSTRUCTED THE JAIL STAFF ON THE SPOT TO UNLOCK AND OPEN

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ALL DOORS FOR THE GROUP SO THAT THEY COULD INSPECT ANY AREA THEY WISHED FROM THE BASEMENT TO THE TOP FLOOR OF THE JAIL. THEY WERE ALSO ALLOWED TO WANDER THROUGH THE JAIL INTERVIEWING PRISONERS WITHOUT POLICE ESCORT.

88. SEVERAL GROUPS HAVE PRODUCED REPORTS ON THE FINDINGS OF THEIR VISIT. A REPORT WAS PUBLISHED APRIL 1984 BY THE LAWYERS COMMITTEE FOR INTERNATIONAL HUMAN RIGHTS WAS ENTITLED "EL SALVADOR'S OTHER VICTIMS: THE WAR ON THE DISPLACED". THIS REPORT ASSERTED THAT FORCING PERSONS TO LEAVE THEIR HOMES SHOULD ALSO BE CONSIDERED A HUMAN RIGHTS VIOLATIONS, AND NOT JUST POLITICAL KILLINGS. IT ACCUSED THE THEN GOVERNMENT OF PRESIDENT MAGANA OF INDISCRIMINATE BOMBING ATTACKS AND HARASSMENT DIRECTED AGAINST DISPLACED PERSONS. IT CITED ALLEGED CASES OF ARREST AND TORTURE OF RELIEF WORKERS AND DEPLORED THE ALLEGED KILLING OF CIVILIAN NONCOMBATANTS.

89. ANOTHER REPORT FROM AMERICAS WATCH ENTITLED "PROTECTION OF THE WEAK AND UNARMED: THE DISPUTE OVER COUNTING HUMAN RIGHTS VIOLATIONS IN EL SALVADOR" WAS CRITICAL OF THE US EMBASSY METHODOLOGY OF COLLECTING DATA FROM PRESS REPORTS AND SUPPORTED TUTELA LEGAL'S
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VIOLENCE STATISTICS. ON THE ISSUE OF INJURY TO GUERRILLA "MASAS", THE REPORT STATED THAT DEATHS OF CIVILIAN NONCOMBATANTS WHO ARE KILLED WHILE DIRECTLY PARTICIPATING IN HOSTILITIES, AND CIVILIAN NONCOMBATANTS WHO, BECAUSE OF THEIR INTERMINGLING WITH INSURGENT FORCES OR PRESENCE AT OTHER LEGITIMATE MILITARY OBJECTIVES ARE KILLED DURING MILITARY ATTACKS ON SUCH OBJECTIVES, SHOULD BE CLASSIFIED AS COMBAT RELATED CASUALTIES. HOWEVER, IT MAINTAINED THAT IN MOST CASES CIVILIAN CASUALTIES WERE THE RESULT OF INDISCRIMINATE OR GRATUITOUS ARMED FORCES VIOLENCE.

90. THE AMERICAS WATCH PRELIMINARY REPORT ON THE HUMAN RIGHTS SITUATION IN EL SALVADOR DURING THE FIRST SIX MONTHS OF 1984 PUBLISHED JULY 19, 1984 STATES THAT ALTHOUGH THERE HAVE BEEN SIGNIFICANT REDUCTIONS IN CERTAIN KINDS OF MAJOR ABUSES SUCH AS DEATH SQUAD KILLINGS AND DISAPPEARANCES, A MODEST DECLINE IN THE
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NUMBER OF POLITICAL PRISONERS, AND IN THE USE OF TORTURE -- ALL DUE TO ADMINISTRATIVE CHANGES BY THE GOVERNMENT,

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THERE REMAINS NO SIGNIFICANT REDUCTION IN INDISCRIMINATE ATTACKS UPON CIVILIAN NONCOMBATANTS. AMERICAS WATCH ATTRIBUTES THE REDUCTIONS IN DEATH SQUAD KILLINGS AND DISAPPEARANCES TO PRESSURE EXERTED BY THE UNITED STATES GOVERNMENT, ESPECIALLY DURING VICE-PRESIDENT BUSH'S DECEMBER 1983 VISIT TO EL SALVADOR.

91. AMNESTY INTERNATIONAL ISSUED A REPORT IN MAY 1984 ON EXTRAJUDICIAL EXECUTIONS IN EL SALVADOR BASED ON A VISIT TO EL SALVADOR BY THAT ORGANIZATION IN JULY 1983. THE REPORT, BASED ON 1983 EVIDENCE, FOUND THAT THE HISTORICAL INCIDENCE OF SUCH EXECUTIONS AT THAT TIME WAS MASSIVE. IT ALSO FOUND THE SALVADORAN PROCEDURES OF RECORDING AND INVESTIGATING VIOLENT DEATHS IN 1983 WAS DEFECTIVE AND URGED THAT SALVADORAN AUTHORITIES ENSURE THAT FORENSIC EVIDENCE BE SYSTEMATICALLY COLLECTED.

92. WITHIN EL SALVADOR, THERE ARE SEVERAL NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS: THE ARCHDIOCESE'S OFICINA DE TUTELA LEGAL (THE LEGAL PROTECTION OFFICE); SOCORRO JURIDICO CRISTIANO (CHRISTIAN LEGAL AID); THE EL SALVADOR HUMAN RIGHTS COMMISSION; AND OTHERS. THESE ORGANIZATIONS COLLECT AND PUBLISH HUMAN RIGHTS STATISTICS FROM PRESS REPORTS AND STATEMENTS MADE BY VICTIMS FAMILIES. TUTELA LEGAL STATISTICS ARE QUOTED WEEKLY BY THE ARCHBISHOP IN HIS HOMILY. THE COMMITTEE OF MOTHERS USES PAID ADVERTISEMENTS IN THE PRESS TO EXPRESS THEIR CONCERNS, AND REGULARLY STAGES DEMONSTRATIONS AT THE CATHEDRAL, SUPREME COURT, U.S. EMBASSY AND OTHER LOCALES TO PROMOTE
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THEIR POLITICAL VIEWS.

93. THE OFFICIAL HUMAN RIGHTS COMMISSION WAS ESTABLISHED BY THE MAGANA GOVERNMENT TO REPRESENT INDIVIDUAL CITIZENS' INTERESTS BEFORE THE SECURITY FORCES AND JUSTICE SYSTEM. THE COMMISSION HAS EXCELLENT RELATIONS WITH THE DUARTE GOVERNMENT AND THE MILITARY SECURITY SERVICES. ALTHOUGH IT CONTINUES TO SUFFER FROM INSUFFICIENT PERSONNEL AND FINANCIAL RESOURCES, IT IS BECOMING AN INCREASINGLY EFFECTIVE AND CREDIBLE ORGANIZATION.

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94. DURING THE FIRST SIX MONTHS OF 1984, THE COMMISSION DEALT WITH 1,835 CASES, INCLUDING COMPLAINTS AND INQUIRIES ABOUT DISAPPEARANCES, REASONS FOR ARRESTS, INTERVIEWS WITH DETAINEES, ETC. THE COMMISSION FOUND THAT 594 PERSONS ALLEGED TO BE "MISSING" WERE ACTUALLY UNDER ARREST IN THE INSTRUCTIONAL OR TRIAL PHASE OF THEIR CASES; 142 PERSONS THOUGHT TO BE UNDER ARREST HAD ALREADY BEEN FREED; 52 CASES WERE PROVIDED URGENT FINANCIAL ASSISTANCE WHILE UNDER DETENTION; 24 PERSONS ALLEGED TO BE "MISSING" WERE ACTUALLY CASES OF FOR-FMLN ABDUCTIONS; IN ONLY 2 CASES, PERSONS REPORTED AS MISSING WERE FOUND DEAD.

SECTION IV - PART II

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

95. EL SALVADOR HAS A PER CAPITA GROSS DOMESTIC PRODUCT (GDP) OF APPROXIMATELY \$ 774. IN 1983, AGRICULTURE ACCOUNTED FOR ABOUT 21.3 PERCENT AND INDUSTRY 15 PERCENT OF GDP. BEFORE 1960, EL SALVADOR'S ECONOMY WAS ALMOST COMPLETELY DEPENDENT ON A FEW SUBSISTANCE CROPS AND COFFEE. THE CREATION OF THE CENTRAL AMERICAN COMMON MARKET (CACH) IN THAT YEAR STIMULATED EXPORTS OF
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MANUFACTURED GOODS TO OTHER CENTRAL AMERICAN COUNTRIES,
AND REAL GDP GROWTH DURING THE 1960'S AND 1970'S
EXCEEDED 5 PERCENT PER ANNUM.

96. NEVERTHELESS, MANY YEARS OF NEGLECT OF THE
COUNTRY'S RAPIDLY GROWING POOR POPULATION, PROFOUND
SOCIAL INEQUITIES, AND AN INABILITY OF THE COUNTRY'S
PUBLIC AND PRIVATE INSTITUTIONS TO ADDRESS STRUCTURAL
DISPARITIES PRODUCED INCREASING POLITICAL VIOLENCE AND
TERRORISM DURING THE 1970S. DESPITE A MILITARY COUP IN
1979, WHICH BROUGHT TO POWER A GOVERNMENT THAT
IMPLEMENTED A SERIES OF SWEEPING ECONOMIC REFORMS,
POLITICAL VIOLENCE INCREASED. THE VIOLENCE, IN TURN,
CONTRIBUTED TO FURTHER DECLINES IN LIVING CONDITIONS FOR
THE MAJORITY OF SALVADORANS. THOUSANDS WERE DRIVEN FROM
THEIR HOMES AND THOSE WHO REMAINED SUFFERED FROM A
DECREASE IN PUBLIC SERVICES DUE TO THE VIOLENCE AND THE
GOVERNMENT'S FINANCIAL SHORTFALLS.
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97. EXACERBATING ECONOMIC PROBLEMS BROUGHT ON BY

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INTERNAL VIOLENCE WERE EXTERNAL FACTORS SUCH AS THE
WORLD RECESSION, DECLINING PRICES FOR THE COUNTRY'S MAIN
EXPORTS, AND SHARPLY REDUCED DEMAND FROM EL SALVADOR'S
TRADING PARTNERS IN THE CASH. THE COMBINED RESULTS
PRODUCED AN ECONOMIC CRISIS. BETWEEN 1979 AND 1983, THE
COUNTRY EXPERIENCED A 25 PERCENT REDUCTION IN REAL GDP,
A 33 PERCENT DECLINE IN EXPORTS, A SUBSTANTIAL INCREASE
IN UNEMPLOYMENT, LARGE-SCALE CAPITAL FLIGHTS, AND A 75
PERCENT REDUCTION IN PRIVATE INVESTMENT. ONLY IN 1983
WAS THIS DECLINE HALTED. THE TECHNOLOGICALLY UNIMPROVED
SUBSISTENCE AGRICULTURAL SECTOR, AFFECTED BY THE HIGH
LEVELS OF VIOLENCE IN CERTAIN PARTS OF THE COUNTRY,
RECENTLY HAS BEEN UNABLE TO PRODUCE ALL OF THE BASIC
FOODSTUFFS REQUIRED BY THE POPULATION. AS A RESULT,
THERE IS A GROWING DEPENDENCE ON IMPORTS. A 2.8 PERCENT
ANNUAL RATE OF POPULATION GROWTH COMBINED WITH THE
HIGHEST POPULATION DENSITY IN THE WESTERN HEMISPHERE
(589 PEOPLE PER SQUARE MILE IN 1983) ALSO LIMITS
ECONOMIC OPPORTUNITY FOR A LARGE PART OF THE
POPULATION. THE ADULT LITERACY RATE IS ABOUT 62
PERCENT, AND ABOUT 83 PERCENT OF THE PRIMARY SCHOOL-AGE
POPULATION IS ENROLLED IN SCHOOL. IN 1984, THERE ARE 69
INFANT DEATHS PER 1000 LIVE BIRTHS. LIFE EXPECTANCY IS
64.5 YEARS. THE PER CAPITA CALORIE INTAKE IS ABOUT 89
PERCENT OF NUTRITIONAL REQUIREMENTS. THOUGH MOST OF
THESE CONDITIONS LIMITED ACCESS TO EDUCATION, HEALTH
SERVICES, IMPROVED SHELTER, AND A HIGHLY SKEWED
DISTRIBUTION OF INCOME AND WEALTH AFFECT DRAMATICALLY
THE NATURE OF EL SALVADOR'S DEVELOPMENT.

98. A DRAMATIC SHIFT IN THE OWNERSHIP OF OVER 25
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PERCENT OF EL SALVADOR'S AGRICULTURAL LAND WAS BROUGHT
ABOUT UNDER THE AGRARIAN REFORM PROGRAM HAS AFFECTED EL
SALVADOR'S SOCIAL STRUCTURE. IN MARCH 1980, EL SALVADOR
INSTITUTED SWEEPING SOCIAL AND ECONOMIC REFORMS DESIGNED
IN PART TO TRANSFER OWNERSHIP OF FARMLANDS FROM THE
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 (1,235 ACRES) WERE
CONVERTED INTO WORKER COOPERATIVES TO BE MANAGED JOINTLY
BY THEIR MEMBERS AND THE GOVERNMENT LAND REFORM
INSTITUTE UNTIL THE COOPERATIVES ARE ABLE TO MANAGE

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WOMAN WAS PRESIDENT OF A MAJOR STATE BANK AND IS CURRENTLY SERVING IN AN EQUALLY IMPORTANT FINANCIAL POSITION. WOMEN SERVE ON THE BOARDS OF DIRECTORS OF SEVERAL BANKS. THE MAJORITY OF ELEMENTARY TEACHERS, NURSES, AND SECRETARIES ARE WOMEN, AS WELL AS APPROXIMATELY FIFTY PERCENT OF THE TEACHERS ON THE HIGH SCHOOL LEVEL AND BETWEEN 30 TO 40 PERCENT OF THE UNIVERSITY PROFESSORS, AND SEVERAL DEANS.

102. WOMEN ALSO PLAY A ROLE IN PRIVATE INDUSTRY, ESPECIALLY AS OWNERS OF SMALL CONCERNS. THERE ARE WOMEN SERVING AT HIGHER LEVELS, AND SEVERAL MAJOR COMPANIES ARE OWNED AND OPERATED BY WOMEN. WOMEN ARE WELL REPRESENTED IN THE PROFESSIONS. APPROXIMATELY 30 PERCENT OF THE PHYSICIANS, 50 PERCENT OF THE DENTISTS AND MORE THAN 30 PERCENT OF THE ATTORNEYS ARE WOMEN. WOMEN ARE MEMBERS OF THE ARMED FORCES AS NURSES, IN ADMINISTRATIVE AREAS, AND IN INTELLIGENCE. SOME WOMEN HAVE BEEN TRAINED FOR COMBAT, BUT NO DECISION HAS BEEN REACHED AS TO WHETHER THEY WILL BE USED IN THAT ROLE. THE NATIONAL POLICE IS TRAINING WOMEN AS DETECTIVES AND HAS A CORPS OF POLICEWOMEN.

103. A HIGH PROPORTION OF WOMAN IN THE LOWER ECONOMIC STRATA ARE HEADS OF SINGLE FAMILY HOUSEHOLDS, OFTEN FENDING FOR LARGE FAMILIES. SEVENTY PERCENT OF THE CHILDREN IN EL SALVADOR ARE BORN OUT OF WEDLOCK AND MOST ARE NOT LEGALLY RECOGNIZED BY THEIR FATHERS EVEN WHEN OCCUPYING THE SAME DOMICILE.

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A) FREEDOM OF SPEECH AND PRESS

54. STATE OF SEIGE DECREES SUSPEND THE CONSTITUTIONAL RIGHTS OF FREEDOM OF SPEECH AND PRESS, BUT IN DAY-TO-DAY LIFE ARE SELDOM INVOKED. SELF CENSORSHIP, OUT OF FEAR OF VIOLENT REPRISAL, BOTH IN THE MEDIA AS WELL AS INDIVIDUAL, IS THE LEADING CONSTRAINT ON FREE EXPRESSION IN EL SALVADOR. FEAR OF REPRISAL IS ALSO THE REASON FOR PUBLICATION OF STATEMENTS BY THE EXTREME LEFT AND RIGHT.

55. THE TWO LEADING NEWSPAPERS IN THE CAPITAL ARE CONSERVATIVE, AND CRITICISM OF THE GOVERNMENT FROM A RIGHTIST PERSPECTIVE IS VIGOROUS AND FREQUENT. THE PAPERS FREQUENTLY RUN INTERNATIONAL WIRE SERVICE ACCOUNTS OF CONTROVERSIAL LOCAL EVENTS RATHER THAN RELY ON THEIR OWN REPORTERS, THUS PUTTING SOME DISTANCE BETWEEN THEMSELVES AND ANY HEAT WHICH MIGHT BE GENERATED. IN FACT, THIS PRACTICE RESULTS IN MORE BALANCED NEWS COVERAGE THAN WOULD OTHERWISE BE THE CASE.

56. RADIO STATIONS ARE MUCH MORE VIGOROUS IN THEIR PURSUIT OF NEWS, RUNNING A WIDER VARIETY OF STORIES THAN THE NEWSPAPERS. RADIO NOT ONLY HAS THE BEST QUALITY NEWS, IT HAS THE BROADEST REACH IN SALVADORAN SOCIETY. TELEVISION DEVOTES LITTLE TIME TO NEWS, BUT ITS INDEPENDENCE AND QUALITY FALL SOMEWHERE BETWEEN THE NEWSPAPERS AND RADIO STATIONS.

57. THE GOVERNMENT HAS RECENTLY BEGUN TO TRY TO ENFORCE AGAIN A FIVE-YEAR-OLD DECREE FORBIDDING THE PUBLICATION
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OF ANONYMOUS COMMUNIQUEs AND STATEMENTS. THIS WAS PROVOKED BY AN ANNOUNCEMENT BY THE SECRET ANTI-COMMUNIST ARMY DECLARING WAR ON THE LA PALMA DIALOGUE PROCESS. ADDITIONALLY, THE GOVERNMENT HAS WITHHELD ADVERTISEMENTS BY GOVERNMENT AGENCIES FROM ONE ULTRA-CONSERVATIVE PAPER BECAUSE OF ITS EXTREMELY ANTI-GOVERNMENT EDITORIAL POSITIONS.

58. THE PUBLICATIONS OF THE JESUIT-RUN CENTRAL AMERICAN UNIVERSITY CONTINUE TO ATTACK THE GOVERNMENT FROM A LEFTIST PERSPECTIVE. THEIR BI-WEEKLY NEWSPAPER AND BI-MONTHLY JOURNAL, AS WELL AS OTHER OCCASIONAL

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PUBLICATIONS, HAVE MADE NO SECRET OF THEIR PHILOSOPHICAL SUPPORT FOR THE POLITICAL LEADERS OF THE INSURRECTION. IN GENERAL THEIR CRITICISM FALLS SHY ONLY AT SUPPORTING THE VIOLENT OVERTHROW OF THE GOVERNMENT. THE PRESS (INCLUDING THE CONSERVATIVE PRESS) ROUTINELY ACCEPTS PAID ADS FROM LEFTIST ORGANIZATIONS EXPRESSING ANTI-GOES VIEWS.

59. ACADEMIC FREEDOM IS GUARANTEED BY THE CONSTITUTION, AND IS, IN PRINCIPLE, CONSIDERED TO BE MUCH MORE BROAD HERE THAN IN THE U.S. FOR EXAMPLE, IN EL SALVADOR (AS IN MANY OTHER LATIN AMERICAN COUNTRIES), UNIVERSITY AUTHORITIES ROUTINELY ASSERT THAT LOCAL POLICE HAVE NO JURISDICTION ON CAMPUS. AFTER HAVING BEEN CLOSED FOR FOUR YEARS FOLLOWING VIOLENT CLASHES BETWEEN "STUDENTS" AND THE ARMY, THE MAIN CAMPUS OF THE UNIVERSITY OF EL SALVADOR WAS RECENTLY REOPENED. THE RECTOR HAS SAID IN INTERVIEWS THAT HE CONSIDERS POLITICAL ACTIVISM TO BE THE DUTY OF EVERY STUDENT AND HAS SAID THAT STUDENTS ARE NOT FREE MERELY TO STUDY AT THE UNIVERSITY, BUT MUST ALSO MAKE A POLITICAL COMMITMENT. WE KNOW OF NO ARRESTS OR PENALTIES EXACTED ON THE BASIS OF VIOLATIONS OF LIMITS ON FREEDOM OF SPEECH AND PRESS.

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