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SECTION 01 OF 08 SAN SALVADOR 05323

DEPT FOR DPCTR ARA/CEN/ES JIM CALLAHAN

E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PHUN, ES
SUBJECT: AMERICAS WATCH LABOR RIGHTS CASES

REF: STATE 111629

1. ENTIRE TEXT
2. ANTONIO DE JESUS HERNANDEZ MARTINEZ

THERE ARE NO NEW DEVELOPMENTS IN THE DISAPPEARANCE AND ALLEGED MURDER OF ANTONIO DE JESUS HERNANDEZ MARTINEZ. EMBASSY WOULD LIKE TO BRING TO THE DEPARTMENT'S ATTENTION, HOWEVER, WHAT APPEAR TO BE CERTAIN FACTUAL INCONSISTENCIES BETWEEN AW'S MAY 1987 PETITION TO THE USTR AND AW'S MARCH 1988 REPORT ON THE HERNANDEZ MARTINEZ CASE.

--AW'S MAY 1987 PETITION STATED THAT HERNANDEZ MARTINEZ, "SECRETARY GENERAL OF THE NATIONAL ASSOCIATION OF FARMWORKERS (ANTA)," WAS "ASSASSINATED IN APRIL..." AND ASSERTED THAT "HIS BODY WAS FOUND

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BY MEMBERS OF HIS UNION ON MAY 2, 1987)"

Department of State
Declassified under E.O. 12356 () in full; (X) in part;
portions withheld: classified (X); deliberate ();
law enforcement () ; privacy () ; statutory () ;
not relevant to El Salvador () .
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- --IN ITS MARCH 1988 REPORT, HOWEVER, AN IDENTIFIES HERNANDEZ MARTINEZ AS "ANTA'S SECRETARY GENERAL OF THE DEPARTMENTAL COUNCIL OF SAN MIGUEL," INSTEAD OF "SECRETARY GENERAL OF ANTA," THE NATIONAL ORGANIZATION. (NOTE: ANTA IS THE "NATIONAL ASSOCIATION OF FARMWORKERS" IN NAME ONLY. WITH AN ESTIMATED MEMBERSHIP OF 4000, IT IS DWARFED IN COMPARISON TO THE 120,000-MEMBER SALVADORAN COMMUNAL UNION (UCS) AND/OR THE 20,000-MEMBER SALVADORAN CAMPESINO CENTRAL (CCS). ACCORDING TO EMBASSY SOURCES, HERNANDEZ MARTINEZ DID HOLD THE POSITION OF DEPARTMENTAL SECCEN IN SAN MIGUEL. END NOTE.))

- --THE CATEGORICAL STATEMENT THAT HERNANDEZ MARTINEZ WAS "ASSASSINATED" IS DELETED FROM THE MARCH 1988 REPORT AND THE STATEMENT THAT HERNANDEZ MARTINEZ WAS "ABDUCTED AND DISAPPEARED" IS SUBSTITUTED.

- --THE MARCH 1988 REPORT THEN GOES ON TO SAY THAT "VILLAGERS REPORTED THAT HERNANDEZ WAS DETAINED BY SOLDIERS FROM THE CUSCATLAN BATTALION AND THAT THEY LATER FOUND HIS MUTILATED BODY ON MONDAY, APRIL 20";

- --BOTH THE 1987 PETITION AND THE MARCH 1988 REPORT ASSERT THAT A GOVERNMENT PROSECUTOR FILED A "PETITION" ON MAY 18 (16 DAYS AFTER HERNANDEZ MARTINEZ'S REMAINS WERE ALLEGEDLY FOUND AND LATER BURIED IN SAN MIGUEL) CLAIMING THAT HERNANDEZ MARTINEZ WAS "ARRESTED/CAPTURED" BY THE CUSCATLAN BATTALION OF THE THIRD BRIGADE OF THE SALVADORAN ARMY. THE MARCH 1988 REPORT IDENTIFIED THE PROSECUTOR AS CARLOS ANTONIO ELIAS BARRIOS AND NOTED

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THAT BARRIOS' PETITION MENTIONED THAT THE "BODY HAD BEEN FOUND WITH BULLET HOLES";

- --EMBASSY OBTAINED COPIES OF DOCUMENTS PREPARED BY BARRIOS IN WHICH HE STATES THAT HE WAS MADE AWARE OF THE ALLEGED CIRCUMSTANCES SURROUNDING THE INCIDENT INVOLVING HERNANDEZ MARTINEZ. IN OTHER WORDS, ELIAS BARRIOS PREPARED A DOCUMENT WHICH SUMMARIZED TESTIMONY GIVEN BEFORE HIM BY PERSONS WHO PRESUMABLY WERE AMONG THE ANTA MEMBERS INVOLVED IN RECOVERING

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THE REMAINS AND/OR PURPORTED WITNESSES TO THE CRIME. BARRIOS HAD NOT AT THAT POINT INITIATED ANY SORT OF INVESTIGATION. BARRIOS' ALLEGED PETITION WAS, IN FACT, A REQUEST TO THE FIRST INSTANCE JUDGE IN CIUDAD BARRIOS TO ISSUE ORDERS TO DO THE FOLLOWING:

- A) BEGIN AN OFFICIAL INVESTIGATION;
 - B) DISINTER THE SUPPOSED REMAINS OF HERNANDEZ MARTINEZ BURIED IN THE SAN MIGUEL GENERAL CEMETERY;
 - C) INITIATE INVESTIGATIONS AT THE ALLEGED CAPTURE SITE AND THE LOCATION WHERE THE REMAINS WERE DISCOVERED;
 - D) ISSUE SUBPOENAS TO WITNESSES;
 - E) INTERVIEW THE COMMANDER OF THE THIRD BRIGADE TO DETERMINE IF UNITS UNDER HIS COMMAND WERE OPERATING IN THE AREA; AND
 - F) SUBPOENA THE JUDGE OF SAN LUIS DE LA REINA FOR QUESTIONING ABOUT HIS FAILURE TO INITIATE A "LEGAL" INVESTIGATION.
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E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PHUM, ES
SUBJECT: AMERICAS WATCH LABOR RIGHTS CASES

3. THERE ARE ADDITIONAL DISCREPANCIES RELATED TO THE
CONDITION OF THE REMAINS AT THE TIME OF RECOVERY AND
REGARDING THE MANNER IN WHICH A "POSITIVE"
IDENTIFICATION OF THE REMAINS WAS MADE. AM'S MAY
1987 PETITION ASSERTED THAT HERNANDEZ MARTINEZ WAS
"DECAPITATED" AND THAT ANTA MEMBERS AS WELL AS THE
VICTIM'S ALLEGED SPOUSE IDENTIFIED THE REMAINS ON THE
BASIS OF ARTICLES OF CLOTHING AND DENTAL WORK. AM'S
MARCH 1988 REPORT STATES THAT "ANTA LEADERS ...
REMOVED HERNANDEZ'S REMAINS, ALTHOUGH THEY WERE
UNABLE TO LOCATE PART OF HIS SKULL." EMBASSY HAS
DEVELOPED THE FOLLOWING INFORMATION REGARDING THESE
PURPORTED FACTS:

--THE REMAINS WERE EXHUMED PURSUANT TO A JUDICIAL
ORDER ON MAY 25, 1987, IN THE PRESENCE OF GOES
PATHOLOGIST DR. GUILLERMO ARMANDO ALVARADO AND WITH

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THE ASSISTANCE OF THE SPECIAL INVESTIGATIVE UNIT'S
(SIU) FORMER FBI FORENSICS EXPERT;

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--AN INCOMPLETE SKELETON WITH HANDS AND FEET BONES MISSING WAS FOUND IN THE COFFIN AND THE SKELETAL REMAINS WERE DETERMINED TO BE THOSE OF A MAN OF ABOUT 30-40 YEARS OLD (HERNANDEZ MARTINEZ WAS 42);

--CLEAN CRANIAL BONE FRAGMENTS WITHOUT HAIR OR SOFT TISSUE WERE FOUND, BUT FORENSICS TESTS FAILED TO ESTABLISH THAT THE SKULL FRAGMENTS MATCHED THE REST OF THE BONES;

--TWO BONE FRAGMENTS OF A LOWER JAW, ONE CONTAINING THREE TEETH, AND THE OTHER TWO, WERE ALSO DISCOVERED AND IT WAS DETERMINED THAT THE BONES BELONGED TO A PERSON OF 60 YEARS OF AGE OR OLDER;

--TWO LARGE PATCHES OF THICK BLACK HAIR WERE FOUND WITHOUT SKIN ATTACHED, BUT THERE WAS NO CONCLUSIVE EVIDENCE THAT THE HAIR BELONGED TO THE SKULL OR THE INCOMPLETE SKELETON;

--A PAIR OF BLACK LEATHER SHOES;

--A PAIR OF DARK GREEN PANTS, CAREFULLY FOLDED AND PLACED IN THE COFFIN, CONTAINING A HANDKERCHIEF WITH TRACES OF MUCOUS AND SLIGHT TRACES OF BLOOD IN ONE OF THE POCKETS;

--A BELT MADE OF SYNTHETIC MATERIAL; AND

--FOUR BONES FROM ANIMALS

4. ACCORDING TO THE PATHOLOGIST AND THE FORENSICS

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EXPERT, POSITIVE IDENTIFICATION WAS NOT POSSIBLE WITHOUT FURTHER TESTS. MOREOVER, THEY POINTED OUT THAT THE SKELETON ITSELF WAS THAT OF A MAN OF 30-40, BUT THE SKULL FRAGMENTS AND LOWER JAW BONES BELONGED TO A PERSON OF 65-75 YEARS OF AGE. THE SKULL FRAGMENTS APPEARED TO BE FROM ANOTHER BODY, AND BORE SIGNS OF FRACTURE FROM MULTIPLE STRONG BLOWS FROM A BLUNT INSTRUMENT, THOUGH IT WAS IMPOSSIBLE TO DETERMINE IF THE SKULL WAS FRACTURED BEFORE OR AFTER DEATH. THERE WAS NO EVIDENCE SUGGESTING DECAPITATION OR THAT THE HEAD WAS PULLED OFF. THERE WAS ALSO NO

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EVIDENCE THAT THE HANDS AND FEET WERE CUT OFF.

--THE CLOTHING FOUND IN THE COFFIN BORE NO TRACES OF BIOLOGICAL MATTER WHICH WOULD HAVE DEVELOPED AS A CONSEQUENCE OF DECOMPOSITION.

5. BASED ON FORENSIC EVIDENCE, THE PERSON CLAIMING TO BE MRS. HERNANDEZ MARTINEZ COULD NOT HAVE POSITIVELY IDENTIFIED THE REMAINS ON THE BASIS OF DENTAL WORK FOUND IN THE COFFIN. THE TWO LOWER JAWBONE FRAGMENTS DID NOT BELONG TO THE INCOMPLETE SKELETON AND, IN FACT, WERE SAID TO BELONG TO THE BODY OF A PERSON 60 YEARS OF AGE OR OLDER. ADDITIONALLY, NO ONE HAS OFFERED CONCLUSIVE EVIDENCE THAT HERNANDEZ MARTINEZ WAS INDEED MARRIED. ANTA DID NOT MENTION THE PRESENCE OF THE ALLEGED SPOUSE IN ITS AFFIDAVITS TO THE SAN MIGUEL JUSTICE OF THE PEACE, AND THE SPOUSE NEVER STEPPED FORWARD TO "LEGALLY" IDENTIFY THE REMAINS BEFORE COMPETENT JUDICIAL AUTHORITY.

6. JOSE RAUL HENRIQUEZ RODAS

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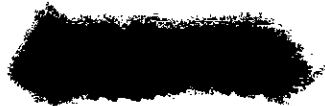
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E.O. 12356; DECL: OADR
TAGS: ELAB, PGOV, PHUM, ES
SUBJECT: AMERICAS WATCH LABOR RIGHTS CASES

BASED ON INFORMATION EMBASSY OBTAINED FROM CDH AND THE ATTORNEY GENERAL'S OFFICE, THE FOLLOWING FACTS HAVE BEEN DEVELOPED IN THE HENRIQUEZ RODAS CASE:

- --THE SLAYING OF HENRIQUEZ RODAS, A MEMBER OF THE FOOD AND CLOTHING UNION FEDERATION (PESTIAYTSCES), APPEARS TO HAVE BEEN A COMMON CRIME RESULTING FROM A PERSONAL DISPUTE.

- --JOSE RAUL HENRIQUEZ RODAS WAS TAKEN FROM HIS HOME BY TWO CIVIL DEFENSEMEN AND A NATIONAL GUARDSMAN ON JUNE 29, 1987. HIS REMAINS WERE DISCOVERED BY HIS WIFE AND FRIENDS MORE THAN A MONTH LATER. HENRIQUEZ RODAS WAS WELL-ACQUAINTED WITH HIS ASSAILANTS. THE TWO CIVIL DEFENSEMEN ARE MRS. HENRIQUEZ RODAS' COUSINS. THE VICTIM, THE TWO CIVIL DEFENSEMEN AND THE NATIONAL GUARDSMAN HAD FORMED A MUSICAL BAND.



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HENRIQUEZ RODAS WAS HIMSELF A CIVIL DEFENSEMAN, ALTHOUGH IT IS UNCLEAR WHETHER HE BELONGED TO THE

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SAME UNIT AS HIS IN-LAWS. SERIOUS PERSONAL PROBLEMS
HAD DEVELOPED BETWEEN MRS. HENRIQUEZ RODAS AND THE
WIVES OF HER CIVIL DEFENSEMEN COUSINS AND THE SLAYING
OF MR. HENRIQUEZ RODAS WAS PROBABLY RELATED TO THIS
PROBLEM. MRS. HENRIQUEZ RODAS HAS NEVER STATED FOR
THE RECORD THAT THE SLAYING RESULTED FROM HER LATE
SPOUSE'S TRADE UNION ACTIVITIES.

7. RENE ANDRADE PONCE

EMBASSY SOUGHT INFORMATION ON THIS CASE FROM THE
ATTORNEY-GENERAL'S OFFICE, THE NATIONAL POLICE, AND
CDH BUT WITHOUT SUCCESS. DEPT SHOULD NOTE, HOWEVER,
AW'S CLAIM THAT "SWORN TESTIMONY" WAS GIVEN TO TUTELA
LEGAL. AW DOES NOT STATE WHO PROVIDED SUCH TESTIMONY
NOR DOES AW IDENTIFY THE OFFICER OF THE COURT WHO
TOOK THE SWORN STATEMENTS. TUTELA LEGAL ITSELF IS
NOT EMPOWERED WITH JUDICIAL AUTHORITY; THEREFORE,
DECLARATIONS GIVEN TO TUTELA LEGAL DO NOT HAVE
JUDICIAL CHARACTER.

8. EULALIO ANTONIO MARTINEZ VASQUEZ

EMBASSY INTERVIEWED SALVADORAN NATIONAL INDIGENOUS
ASSOCIATION (ANIS) LEADER ADRIAN ESQUINO LISCO APRIL
20 CONCERNING THE MURDER OF EULALIO ANTONIO MARTINEZ
VASQUEZ.

- --ACCORDING TO ESQUINO LISCO, MARTINEZ VASQUEZ'S
ASSAILANTS WERE CIVIL DEFENSEMEN, NOT MEMBERS OF THE
[REDACTED]

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NATIONAL GUARD. THE THREE CIVIL DEFENSEMEN WERE
REPORTEDLY ACTING ON BEHALF OF PRIVATE LAND OWNERS
WHO OPPOSE THE GOES' LAND REFORM PROGRAM AND THE
PRESENCE OF ANIS' COOPERATIVE IN THE AREA OF THEIR
LAND HOLDINGS.

- --THE LOCAL MILITARY COMMANDER INITIATED AN
INVESTIGATION AND SOUGHT THE COOPERATION OF
WITNESSES, BUT THEY WERE TOO FRIGHTENED TO TESTIFY
AGAINST THE KILLERS.

9. JOSE GILBERTO PEREZ RAMOS (ARCITEX CASE)

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ACCORDING TO INFORMATION CONTAINED IN A REPORT PREPARED BY THE ATTORNEY-GENERAL'S OFFICE, JOSE GILBERTO PEREZ RAMOS WAS MURDERED ON DECEMBER 6, 1987 BY TWO SUSPECTED MEMBERS OF A CIVIL DEFENSE UNIT BASED IN GUAZAPA.

- -- PEREZ RAMOS WAS THE SECGEN OF THE ARCITEX BUILDING SUPPLIES FACTORY UNION IN GUAZAPA AND HAD REPORTEDLY BEEN EMBROILED IN AN ONGOING DISPUTE WITH THE COMPANY'S PERSONNEL MANAGER.

- --ACCORDING TO WITNESSES, PEREZ RAMOS' ASSAILANTS SCATTERED GUERRILLA PROPAGANDA AT THE SCENE IN AN APPARENT ATTEMPT TO MAKE HIS ABDUCTION APPEAR TO BE AN FMLN-INSPIRED CRIME.

- --THE RUSE WAS INEFFECTIVE BECAUSE FMLN GUERRILLAS ARE RARELY PRESENT IN THE GUAZAPA AREA. THE WITNESSES STATED THAT, AFTER PEREZ RAMOS WAS SHOT, HIS ASSAILANTS JOINED THE RANKS OF OTHER CIVIL

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DEFENSEMEN STATIONED NEARBY. NO ARRESTS HAVE BEEN
MADE, BUT THE ATTORNEY-GENERAL'S OFFICE IS CONTINUING
ITS INVESTIGATION.

10. JUAN JOSE HEJIA

EMBASSY WAS UNABLE TO UNCOVER ANY EVIDENCE SUGGESTING
THAT THE DEATH OF JUAN JOSE HEJIA WAS IN SOME WAY
CONNECTED TO HIS DISMISSAL FROM THE INDUSTRIAS
NIKE-NIKE TEXTILE FACTORY OR BECAUSE OF HIS POSSIBLE
INVOLVEMENT IN A RECENT LABOR DISPUTE AT THE
FACTORY. WE WERE ALSO UNABLE TO DETERMINE
CONCLUSIVELY THAT HEJIA WAS AN ACTIVE MEMBER OF THE
TEXTILE INDUSTRY WORKER'S UNION (STITAS) AT THE TIME
OF HIS DEATH.

11. *MEDARDO CEFERINO AYALA

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THE ATTORNEY-GENERAL'S OFFICE BEGAN ITS INVESTIGATION

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INTO THIS CASE ON JANUARY 12, 1988.

--ALTHOUGH THERE ARE FEW LEADS AND AYALA'S ASSAILANTS REMAIN AT LARGE, THE AG'S OFFICE HAS ESTABLISHED THAT AYALA WAS NOT RPT NOT A MEMBER OF ASTTEL AT THE TIME OF HIS DEATH. THE VICTIM'S WIFE AND MOTHER HAVE STATED THAT HE WAS NOT THREATENED PRIOR TO THE INCIDENT AND THAT THEY WERE UNAWARE OF ANY ENEMIES HE MIGHT HAVE HAD.

THERE ARE CONFLICTING REPORTS ON WHETHER THERE WERE WITNESSES PRESENT AT THE TIME OF THE SHOOTING. ACCORDING TO THE AG'S OFFICE, NEIGHBORS REPORTED ONLY HEARING THE SHOTS BUT NEVER SAW AYALA'S ASSAILANTS. ASTTEL CLAIMS THAT A NUMBER OF PERSONS WERE PRESENT BUT FLED WHEN THE GUNMEN FIRED SHOTS INTO THE AIR.

12. VICTOR MANUEL HERNANDEZ VASQUEZ

ACCORDING TO EMBASSY SOURCES, 18-YEAR OLD HERNANDEZ VASQUEZ WAS NOT AN ASTTEL MEMBER AND HIS MURDER WAS APPARENTLY AN UNFORTUNATE COMMON CRIME.

AT THE TIME OF HIS DEATH, HERNANDEZ VASQUEZ WAS NOT A FULL-TIME, "MERIT PAY-EARNING" EMPLOYEE OF THE NATIONAL TELECOMMUNICATIONS AGENCY (ANTEL), ACCORDING TO ANTEL RECORDS. HERNANDEZ VASQUEZ'S FATHER IS A REGULAR EMPLOYEE OF ANTEL AND HAD REPORTEDLY ARRANGED PART-TIME EMPLOYMENT FOR HIS SON AT AN ANTEL FACILITY NEXT DOOR TO THE TORRE ROBLE COMMERCIAL OFFICE

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BUILDING.

ACCORDING TO EMBASSY SOURCES, THE YOUNGER HERNANDEZ WAS MURDERED ON JANUARY 13, 1988, IN THE HEAT OF AN ARGUMENT WITH TWO OTHER MEN IN A BAR IN THE PLAZA SURITA AREA OF SAN SALVADOR.

HERNANDEZ VASQUEZ AND HIS ASSAILANT REPORTEDLY HAD BEEN DRINKING HEAVILY FOR SEVERAL HOURS BEFORE THE ARGUMENT ENSUED, AND HE WAS SHOT TWICE IN THE FACE AT THE CLIMAX OF THE DISPUTE; AND

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- --FAMILY ACQUAINTANCES ARE UNAWARE OF ANY
ACTIVITIES THE 18-YEAR OLD HERNANDEZ VASQUEZ WAS
INVOLVED IN ON BEHALF OF ASTTEL.

13. SAN CARLOS COOPERATIVE RAPE/MURDERS

CONTRARY TO THE ASSERTION THAT THE SAN CARLOS
COOPERATIVE RAPE/MURDER CASE WAS AN ACT OF REPRESSION
AGAINST SALVADORAN COOPERATIVISTS, AVAILABLE EVIDENCE
SUGGESTS THAT THIS INCIDENT WAS A COMMON CRIME. THE
CASE IS BEING HEARD BY THE SECOND PENAL COURT JUDGE
OF SAN VICENTE AND ONE OF THE ACCUSED, MIGUEL ANGEL
ZAVALA MIRA, IS IN CUSTODY AND AWAITING TRIAL.
ANOTHER PARTICIPANT IN THE CRIME, EMETERIO HERNANDEZ
ANGEL, WAS RELEASED FOR LACK OF EVIDENCE. THE THIRD
PARTICIPANT, FRANCISCO CANAS RENDEROS, WAS CHARGED IN
THE CASE BUT HIS WHEREABOUTS ARE UNKNOWN.

- -- THIS INCIDENT OCCURRED ON APRIL 8, 1987, AT
APPROXIMATELY 1930 LOCAL TIME. ACCORDING TO ONE OF
THE VICTIMS, MRS. JOSEFA MARTA MONTANO DE LAINEZ,

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ZAVALA MIRA AND CANAS RENDEROS ENTERED HER HOME HEAVILY ARMED AND ORDERED EVERYONE PRESENT TO LAY ON THE FLOOR. CANAS RENDEROS THEN SINGLED OUT HERMINIA MONTANO AND FORCED HER TO ACCOMPANY HIM TO A NEARBY ROOM. A SHORT TIME LATER, HERMINIA MONTANO RETURNED AND STATED THAT CANAS RENDEROS HAD RAPED HER. A CONFRONTATION DEVELOPED, AND ZAVALA MIRA PRODUCED A GRENADE WHICH HE THREATENED TO EXPLODE.

--ZAVALA MIRA, CANAS RENDEROS AND HERNANDEZ ANGEL THEN TOOK FOUR MINOR FEMALES HOSTAGE AND LEFT THE LAINEZ RESIDENCE. A FEW MINUTES LATER, ZAVALA MIRA REPORTEDLY RETURNED TO VICINITY OF THE MAIN BUILDING OF THE COOPERATIVE AND THREW A GRENADE THROUGH AN OPEN WINDOW OF A HOUSE OCCUPIED BY THE FAMILY OF DANIEL ORTIZ. IN THE ENSUING EXPLOSION, FRANCISCA LUZ MARTINEZ DE ORTIZ, EULOGIO ALFEREZ GARAY, AND CARLOS GARCIA COTO WERE KILLED INSTANTLY. FOUR OTHER

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OCCUPANTS WERE SERIOUSLY WOUNDED, ONE OF WHOM WAS DANIEL ORTIZ. HE DIED ON APRIL 15, 1987, ONE WEEK

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FOLLOWING THE ATTACK) AND

--THE FOUR MINOR FEMALES, AGED 10 TO 15, WERE SUBSEQUENTLY RAPED, PROBABLY BY ALL THREE MEN. NONE OF THE VICTIMS NOR WITNESSES HAVE ATTRIBUTED THE ATTACK TO ANTI-COOPERATIVE FORCES. MOREOVER, THERE IS NO EVIDENCE IMPLICATING SALVADORAN SECURITY FORCES IN THIS CRIME. IN THIS CONNECTION, AN ASSERTS THAT THE NATIONAL GUARD WAS APPLYING PRESSURE TO FORCE THE RELEASE OF A FORMER NATIONAL GUARDSMAN CHARGED IN THE CASE. THE FACT IS THAT ZAVALA MIRA IS A FORMER NATIONAL GUARDSMAN WHO HAS BEEN CHARGED AND REMAINS IN CUSTODY.

14. SANTA ANA THREE

THERE ARE NO NEW DEVELOPMENTS IN THE CASE OF THE SANTA ANA THREE, LUIS ARMANDO LEMUS URRUTIA, EDWIN ERNESTO VARGAS AGUILAR AND JULIO ERNESTO GARCIA LUCERO. THE SPECIAL INVESTIGATIVE UNIT (SIU) AND THE GOVERNMENT'S HUMAN RIGHTS COMMISSION (CDH) HAVE ACTIVELY PURSUED AN INQUIRY INTO THIS CASE FOR NEARLY A YEAR. A CDH REPRESENTATIVE VISITED EVERY DETENTION FACILITY IN THE SANTA ANA AREA SOON AFTER THE THREE MEN DISAPPEARED ON MAY 1, 1987. WITNESSES WERE INTERVIEWED AND THEIR STATEMENTS WERE TAKEN. SIU AND CDH OFFICIALS HAVE MADE SUBSEQUENT VISITS TO THE AREA. IN ADDITION, THE SUPREME COURT APPOINTED AN ADMINISTRATIVE JUDGE TO HEAD THE INVESTIGATION IN RESPONSE TO A HABEAS CORPUS PETITION FILED BY RELATIVES. THE JUDGE AND A CDH OFFICIAL VISITED THE

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SECOND BRIGADE, BUT WERE UNABLE TO FIND THE MISSING MEN. SECOND BRIGADE OFFICIALS DENIED HAVING ARRESTED OR DETAINED THE MEN, EXPLAINING THAT THEY WERE UNDER STRICT ORDERS NOT TO ARREST PARTICIPANTS IN SANTA ANA'S MAY DAY MARCH. SIU AND CDH ARE CONTINUING TO INVESTIGATE.

15. JORGE SALVADOR UBAU

THERE IS NOTHING NEW TO REPORT ON THE ABDUCTION AND

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DISAPPEARANCE OF JORGE SALVADOR UBAU, A SECOND-TIER NATIONAL UNIVERSITY (UES) RADICAL LEADER WHO HAS BEEN IDENTIFIED AS A MEMBER OF THE FORCES OF POPULAR LIBERATION (FPL), ONE OF FIVE GROUPS COMPRISING THE FMLN.

- --THE ATTORNEY-GENERAL'S OFFICE AND CDH ARE CONTINUING THEIR INVESTIGATION INTO THE CASE. MILITARY AND PUBLIC SECURITY FORCES OFFICIALS HAVE DENIED INVOLVEMENT IN UBAU'S DISAPPEARANCE.

- --THE NATIONAL POLICE HAVE IDENTIFIED AND QUESTIONED THE OWNER OF THE PICK-UP TRUCK USED IN THE ABDUCTION, HOWEVER.

- --UES LEADERS HAVE CHARGED THAT THE KIDNAPPING WAS CARRIED OUT BY A "DEATH SQUAD" IN LEAGUE WITH THE GOVERNMENT, BUT SO FAR HAVE ONLY OFFERED CIRCUMSTANTIAL EVIDENCE TO SUPPORT THIS ALLEGATION, I.E., THE EARLY 1980'S STYLE EMPLOYED IN THE KIDNAPPING.

- --UBAU'S DISAPPEARANCE MAY HAVE BEEN THE PRODUCT

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SECTION 06 OF 08 SAN SALVADOR 05323
DEPT FOR ARA/CEN/ES

E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PHUM, ES
SUBJECT: AMERICAS WATCH LABOR RIGHTS CASES

OF A PERSONAL VENDETTA, A DELIBERATE PROPAGANDA
SCHEME BY THE FMLN, OR INFIGHTING AMONG COMPETING
RADICAL CLIQUES ON THE UES CAMPUS.

--THE AMBASSADOR HAS MET THREE TIMES WITH THE UES
RECTOR, WHO CLAIMED TO HAVE INFORMATION POINTING TO
USAU'S ABDUCTORS. THE AMBASSADOR OFFERED TO ASSIST
UES IN PROVIDING THIS ALLEGED INFORMATION TO THE
INVESTIGATING AGENCIES, BUT THE UES RECTOR HAS YET TO
SUPPLY THE EVIDENCE HE CLAIMS TO POSSESS.

16. JOSE ANGEL LOPEZ PORTILLO

THE OFFICIAL INVESTIGATION INTO THE JOSE ANGEL LOPEZ
PORTILLO CASE IS CONTINUING, BUT NOTHING NEW HAS BEEN
DEVELOPED.

17. POST COMMENTARY ON AM'S MARCH 1988 REPORT

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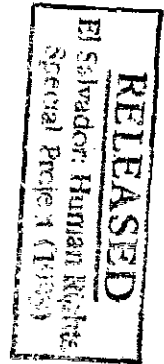
THE MARCH 1988 AMERICAS WATCH REPORT ON THE WORKER'S

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RIGHTS SITUATION IN EL SALVADOR ATTEMPTS TO PORTRAY THE SALVADORAN GOVERNMENT AS A FASCIST REGIME WHICH HAS INSTITUTED REPRESSIVE POLICIES AGAINST WORKERS -- "FROM ASSASSINATION TO ARREST" -- IN ORDER TO "MAINTAIN QUIESCENCE." THE REPORT IS CLEARLY AN INDICTMENT OF THE GOES BASED ON AM'S PURPORTED "EXHAUSTIVE, COMPREHENSIVE, AND WELL-DOCUMENTED" INVESTIGATIONS INTO LABOR RIGHTS ABUSES IN EL SALVADOR. AM CLAIMS THAT ITS REPORT IS NOT ONLY AN EFFORT TO EXPOSE THE SYSTEMATIC PATTERN OF REPRESSION AGAINST SALVADORAN WORKERS, BUT TO ENSURE THAT THE GOES IS HELD TO THE SAME INTERNATIONALLY-RECOGNIZED STANDARDS ON WORKER'S RIGHTS, WHICH ARE A CRUCIAL TEST FOR ANY DEMOCRACY.

18. CLASS-BASED ARGUMENT IN AM REPORT

THE THRUST OF AM'S ARGUMENT IS THAT GOES REPRESSION AGAINST SALVADORAN WORKERS IS MOTIVATED BY A DESIRE TO MAINTAIN THE EXPLOITATIVE RELATIONSHIP BETWEEN SALVADORAN CAPITALISTS AND THE WORKFORCE, AND THAT THE GOVERNMENT USES THE COMMUNIST INSURGENCY AS A PRETEXT FOR CRACKING DOWN ON TRADE UNIONISTS WHO EXPRESS LEGITIMATE GRIEVANCES RELATED TO WAGES, IMPROVED WORKER BENEFITS, AND SOCIAL JUSTICE. IN THIS CONTEXT, AM TREATS THE EIGHT-YEAR OLD GUERRILLA WAR AS A SECONDARY ISSUE AND ONE WHICH SHOULD NOT BE CONSIDERED IN DETERMINING THE ACTUAL EXTENT TO WHICH THE GOES IS MEETING ITS DEMOCRATIC OBLIGATIONS TOWARD ITS WORKER-CITIZENS.

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19. FMLN ECONOMIC SABOTAGE AND FALTERING ECONOMY

RELEGATING THE WAR TO THE STATUS OF A SECONDARY ISSUE AND ONE DISCREET FROM EL SALVADOR'S ECONOMIC, SOCIAL, AND POLITICAL PROBLEMS IS AN ACT OF INTELLECTUAL DISHONESTY. FMLN ECONOMIC SABOTAGE HAS RESULTED IN LOSSES CONSERVATIVELY-ESTIMATED AT USDOLS 1.6 BILLION SINCE 1979. THE FMLN HAS DESTROYED DOZENS OF BRIDGES, MOUNTED SYSTEMATIC ATTACKS ON THE COUNTRY'S POWER GRID, AT TIMES BLACKING OUT WIDE AREAS FOR

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DAYS, RAIDED FARMS AND COOPERATIVES, KILLING LIVESTOCK, BURNING BUILDINGS AND EQUIPMENT, AND ATTACKED FACTORIES, AND COFFEE AND SUGAR PROCESSING PLANTS, ALL FOR THE PURPOSE OF DISRUPTING ECONOMIC ACTIVITY. THOUSANDS OF SALVADORAN WORKERS HAVE BEEN LEFT UNEMPLOYED OR DISPLACED THROUGH THE ACTIONS OF THE MARXIST-LENINIST FMLN GUERRILLAS. ADD TO THIS THE PRECIPITOUS SLUMP IN WORLD COMMODITY PRICES FOR EL SALVADOR'S PRINCIPAL EXPORTS -- COFFEE, SUGAR, AND COTTON -- AND THE ESTIMATED USDOLS ONE BILLION IN DAMAGE FROM THE OCTOBER 1986 EARTHQUAKE, AND IT BECOMES CLEAR THAT THE SALVADORAN GOVERNMENT IS FIGHTING AN UPHILL STRUGGLE TO MEET THE NEEDS OF THE COUNTRY'S POPULACE IN THE FACE OF NATURAL AND MAN-MADE CALAMITIES.

20. IMPROVEMENT IN HUMAN RIGHTS SINCE 1980

AW'S MARCH 1988 REPORT EXCLUDES ANY MENTION OF THE TREMENDOUS PROGRESS THE SALVADORAN GOVERNMENT HAS MADE IN THE AREA OF HUMAN AND WORKER'S RIGHTS SINCE

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DEPT FOR ARA/CEN/ES

E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PHUM, ES
SUBJECT: AMERICAS WATCH LABOR RIGHTS CASES

THE EARLY 1980'S. AT THE HEIGHT OF RIGHT-WING DEATH SQUAD ACTIVITY IN 1981, EL SALVADOR'S TRADE UNION MOVEMENT WAS RAVAGED AS A RESULT OF THE KILLINGS AND DISAPPEARANCES OF HUNDREDS OF UNION LEADERS. FORMERLY THE MOST POWERFUL IN CENTRAL AMERICA, EL SALVADOR'S UNIONS WERE FORCED TO DISBAND OR BECAME MORIBUND BECAUSE OF RIGHT-WING TERROR TACTICS AND FOR LACK OF LEADERSHIP. UP TO 800 SALVADORAN CITIZENS MONTHLY, MANY OF THEM TRADE UNIONISTS, WERE MURDERED BY THE DEATH SQUADS IN 1981. IN 1987, HOWEVER, EMBASSY-COMPILED VIOLENCE REPORTS INDICATE THAT BETWEEN 22 TO 26 SALVADORANS MONTHLY WERE THE UNFORTUNATE VICTIMS OF POLITICALLY-MOTIVATED KILLINGS AND THE MAJORITY WERE COMMITTED BY FMLN HIT SQUADS.

21. GROWTH IN SALVADORAN LABOR MOVEMENT SINCE 1984

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EL SALVADOR'S LABOR MOVEMENT, INCLUDING LEFTIST ORGANIZATIONS, HAS RECOVERED CONSIDERABLY SINCE THE

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RESTORATION OF DEMOCRACY. THERE ARE APPROXIMATELY 150 TRADE UNIONS, PUBLIC EMPLOYEES ASSOCIATIONS AND CAMPESINO ORGANIZATIONS CURRENTLY ACTIVE IN EL SALVADOR. THESE UNIONS, ASSOCIATIONS AND CAMPESINO GROUPS REPRESENT UPWARDS OF 350,000 WORKERS AND PEASANTS; NEARLY 20 PERCENT OF THE SALVADORAN LABOR FORCE. BY CONTRAST, UNION REPRESENTATION IN THE US HAS SHRUNK AND IS NOW HOVERING AROUND 15 PERCENT. THE MINISTRY OF LABOR COUNTS 207 LEGALLY REGISTERED TRADE UNIONS, 97 OF WHICH ARE ACTIVE. (NOTE: THIS FIGURE REPRESENTS ACTUAL TRADE UNIONS AND DOES NOT INCLUDE PUBLIC EMPLOYEES ASSOCIATIONS OR CAMPESINO ORGANIZATIONS. END NOTE.) OF THE 97 ACTUAL TRADE UNIONS, ABOUT 40 ARE AFFILIATES OF THE FMLN LABOR FRONT NATIONAL UNITY OF SALVADORAN WORKERS (UNTS). ABOUT 50 SALVADORAN TRADE UNIONS ARE AFFILIATES OF THE DEMOCRATIC LABOR UMBRELLA ORGANIZATION NATIONAL UNION OF WORKERS AND PEASANTS (UNOC). THE REMAINDER ARE INDEPENDENT.

22. ONLY ONE UNION DISBANDED FOR CAUSE SINCE 1980

SINCE 1980, THERE HAS ONLY BEEN ONE INSTANCE WHERE RECOGNITION OF A UNION WAS WITHDRAWN FOR "CAUSE." THIS WAS IN THE CASE OF THE UNION OF WORKERS FOR THE RIO LEMPA HYDROELECTRIC PROJECT (STECEL) WHICH, ACTING IN COORDINATION WITH THE FMLN, CUT OFF ELECTRICITY TO MOST PARTS OF EL SALVADOR, CAUSING SEVERAL DEATHS AND SIGNIFICANT ECONOMIC DAMAGE. THE SALVADORAN SUPREME COURT IN 1986 REAFFIRMED CONSTITUTIONAL SAFEGUARDS PROTECTING TRADE UNIONS,

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WORKER'S ASSOCIATIONS AND THEIR LEADERSHIPS FROM ARBITRARY AND CAPRICIOUS BEHAVIOR BY MANAGEMENT AND OR GOVERNMENT AND THE COURT HELD THAT UNION LEADERS CANNOT BE STRIPPED OF THEIR LEADERSHIP STATUS BECAUSE SUCH STATUS DERIVES FROM UNION ELECTIONS. THE SUPREME COURT ONCE AGAIN ACTED ON BEHALF OF UNION RIGHTS IN AUGUST 1987 WHEN IT OVERTURNED A DECISION BY THE INTERIOR MINISTER STRIPPING SALVADORAN NATIONAL INDIGENOUS ASSOCIATION LEADER ADRIAN ESQUINO LISCO OF HIS POSITION.

23. COLLECTIVE-BARGAINING

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AW CONTENDS THAT THE GOES HAS INTERFERED IN THE COLLECTIVE-BARGAINING PROCESS OUT OF POLITICAL MOTIVATIONS. YET, BETWEEN JUNE 1986 AND MAY 1987, 33 COLLECTIVE-BARGAINING AGREEMENTS WERE FILED WITH THE MINISTRY OF LABOR FOR CERTIFICATION. OF THE 33 CONTRACTS PRESENTED, 24 (APPROXIMATELY 73 PERCENT) WERE OFFERED ON BEHALF OF UNIONS AFFILIATED WITH UNTS. ALL OF THE CONTRACTS WERE CERTIFIED. FOR THE PERIOD COVERING JUNE 1986 TO FEBRUARY 1, 1988, 69 COLLECTIVE-BARGAINING AGREEMENTS WERE SUBMITTED TO THE MINISTRY. OF THAT TOTAL, 44 (APPROXIMATELY 64 PERCENT) WERE AGREEMENTS OFFERED FOR UNTS-AFFILIATED UNIONS. MOREOVER, SINCE PRESIDENT DUARTE'S INAUGURATION IN JUNE 1984, A TOTAL OF 110 AGREEMENTS HAVE BEEN SUBMITTED TO THE MINISTRY OF LABOR. A TOTAL OF 73 (ROUGHLY TWO-THIRDS) WERE CERTIFIED BY THE MINISTRY ON BEHALF OF UNIONS AFFILIATED WITH UNTS OR ITS PREDECESSOR ORGANIZATIONS. THE AVAILABLE EVIDENCE INDICATES THAT THE GOES HAS NOT PLAYED

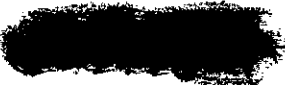
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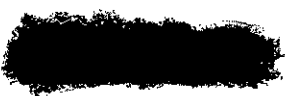
SECTION 08 OF 08 SAN SALVADOR 05323

DEPT FOR DPCENTER ARA/CEN/ES JIM CALLAHAN

E.O. 12356: DECL: OADR
TAGS: ELAB, PGOV, PHUM, ES
SUBJECT: AMERICAS WATCH LABOR RIGHTS CASES

POLITICS WITH COLLECTIVE-BARGAINING.
24. THE REAL ISSUE: THE FMLN AND LABOR

THE REAL ISSUE IS NOT WHETHER THE GOES IS
"SYSTEMATICALLY" EMPLOYING "ASSASSINATIONS AND
ARRESTS" TO STIFLE DISSENT AMONG TRADE UNIONISTS, THE
EVIDENCE POINTS TO THE CONTRARY. THE PROBLEM IS THE
ONGOING ATTEMPT BY THE MARXIST-LENINIST FMLN TO
OVERTHROW THE DEMOCRATICALLY-ELECTED GOVERNMENT OF EL
SALVADOR FOR THE PURPOSE OF INSTALLING A COMMUNIST
DICTATORSHIP. THE FMLN'S STRATEGY HAS BOTH MILITARY
AND POLITICAL COMPONENTS WHICH ARE INTENDED TO
BRING ABOUT A COLLAPSE OF DEMOCRACY THROUGH GUERRILLA
WARFARE, ECONOMIC SABOTAGE AND THROUGH THE
INFILTRATION AND MANIPULATION OF ALL SECTORS OF
SALVADORAN SOCIETY, INCLUDING THE LABOR MOVEMENT.



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25. AM PETITION LARGELY COMPILATION OF UNTS CASES

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EMBASSY WOULD LIKE TO POINT OUT THAT NEARLY 90 PERCENT OF THE CASES CONTAINED IN AW'S MAY 1987 PETITION AND IN ITS MARCH 1988 REPORT DEAL WITH INCIDENTS INVOLVING UNTS-AFFILIATED UNIONS AND THEIR MEMBERS. SOMEONE UNFAMILIAR WITH THE REALITIES OF THE SALVADORAN LABOR SCENE MIGHT CONCLUDE AFTER READING THESE DOCUMENTS THAT UNTS IS BOTH EL SALVADOR'S LARGEST LABOR ORGANIZATION AND THE MOST PERSECUTED. WE HAVE OFFERED EVIDENCE SUGGESTING THAT SUCH CONCLUSIONS ARE OFF THE MARK. THE QUESTION OF GOES TREATMENT OF UNTS CANNOT BE SEPARATED FROM THE POLITICAL CONTEXT OF EL SALVADOR. UNTS IS THE FMLN'S LABOR FRONT AND IS INEXTRICABLY INVOLVED IN THE FMLN'S STRATEGY TO OVERTHROW THE POPULARLY ELECTED GOVERNMENT BY WHATEVER MEANS NECESSARY.

26. THE FMLN STRATEGY AND THE LABOR CONNECTION

GUERRILLA DOCUMENTS CAPTURED IN 1985 REVEAL A STRATEGY TO CREATE AN FMLN LABOR FRONT TO COMPETE WITH DEMOCRATIC UNION ORGANIZATIONS AND TO FOMENT STRIKES AND WORK STOPPAGES IN INDIVIDUAL INDUSTRIES AND GOVERNMENT AGENCIES "TO PROVOKE A SOCIAL CRISIS." SOURCES HAVE IDENTIFIED DOZENS OF KNOWN MEMBERS OF THE FMLN OR SYMPHATIZERS IN THE LEADERSHIP OF UNTS AND ITS AFFILIATED ORGANIZATIONS. UNTS INCLUDES OTHER FMLN FRONT GROUPS SUCH AS THE GENERAL ASSOCIATION OF SALVADORAN UNIVERSITY STUDENTS (AGEUS), THE

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ASSOCIATION OF TEACHING PROFESSIONALS OF THE NATIONAL UNIVERSITY (ADUES), THE COMMITTEE OF MOTHERS AND FAMILIES OF POLITICAL PRISONERS, DISAPPEARED PERSONS, AND THE ASSASSINATED OF EL SALVADOR -- "MONS. OSCAR ARNULFO ROMERO (CO-MADRES)," AND THE FMLN ORGANIZATION OF POLITICAL PRISONERS (COPPE). THIS CLEARLY SHOWS THAT UNTS IS NOT PURELY A WORKER'S ORGANIZATION OR TRADE UNION UMBRELLA GROUP, BUT A POLITICAL TOOL OF THE FMLN TO ADVANCE ITS OBJECTIVES.

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