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O 291658Z JUN 88
 FM AMEMBASSY SAN SALVADOR
 TO SECSTATE WASHDC IMMEDIATE 1204
 INFO AMEMBASSY GUATEMALA IMMEDIATE
 AMEMBASSY SAN JOSE
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 AMEMBASSY TEGUCIGALPA
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 USMISSION GENEVA
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 USCINCSO QUARRY HTS PN

SECTION 01 OF 07 SAN SALVADOR 08711

GUATEMALA FOR A/S ABRAMS
 USCINCSO ALSO FOR POLAD YOULE
 LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
 TAGS: PHUM, PGOV, PINS, ES
 SUBJECT: HUMAN RIGHTS IN EL SALVADOR

1. [REDACTED] - ENTIRE TEXT

2. SUMMARY:

AS MEDIA ACCOUNTS, THE HOMILIES, AND OUR RESPONSES TO
 SPECIFIC CONGRESSIONAL INQUIRIES HAVE INDICATED, THE

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HUMAN RIGHTS SITUATION IN EL SALVADOR APPEARS TO HAVE

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 portions withheld; classified () ; deliberative () ;
 law enforcement () ; privacy () ; statutory () ;
 not relevant to El Salvador () .

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[REDACTED]
DETERIORATED. AS ALWAYS, HARD DATA IS HARD TO COME BY AND THAT DATA WHICH IS AVAILABLE IS OFTEN MISREPRESENTED BY HUMAN RIGHTS ORGANIZATIONS. WE ARE NOT YET SURE IF THE INCREASE IN POLITICAL DEATHS OUTSIDE OF COMBAT IS STATISTICALLY SIGNIFICANT. IT COULD BE THAT OUR OWN SUCCESS IN BRINGING DOWN THE NUMBERS MEANS THERE IS MORE EMPHASIS ON THOSE INCIDENTS WHICH DO OCCUR. IT IS ALSO POSSIBLE THAT MORE INFORMATION IS SIMPLY REACHING THE CAPITAL. BUT ONE THING IS CLEAR: FOR THE FIRST TIME IN YEARS, BLINDFOLDED BODIES ARE AGAIN BEGINNING TO APPEAR IN SAN SALVADOR WITH THEIR HANDS TIED BEHIND THEIR BACKS.

3. CONTRARY TO REPORTS IN THE U.S. PRESS AND QUESTIONS WHICH WE ARE BEING ASKED BY VISITING U.S. DELEGATIONS, THE INCREASED NUMBER OF DEATHS OUTSIDE OF COMBAT LOOK AS IF THEY MAY BE DUE TO THE SECURITY FOCUS, THE ARMY, OR PERHAPS EVEN PARAMILITARY DEATH SQUADS, DOES NOT APPEAR TO BE RELATED TO THE ARENA VICTORY IN THE MARCH 20, 1988 ASSEMBLY ELECTIONS. WE BELIEVE THAT THE FIRST INDICATIONS OF THE DETERIORATION CAN BE TRACED BACK TO AS LONG AGO AS MAY 1987 AND THINK THAT IT MAY BE RELATED TO THE EXPIRATION OF THE STATE OF EXCEPTION DECREE IN JANUARY 1987.

4. AS FOR THE SOLUTION, THERE IS NO EASY ANSWER. WHILE THE HUMAN RIGHTS COMMISSION (CDH) HAS GONE JUST ABOUT AS FAR AS IT CAN IN EDUCATIONAL PROGRAMS, ONCE A HUMAN RIGHTS VIOLATION IS COMMITTED THERE IS LITTLE THE CDH CAN DO BECAUSE IT CANNOT PRESENT EVIDENCE IN
[REDACTED]

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COURT. WE HAD HIGH HOPES FOR THE NEW ATTORNEY GENERAL, BUT WHEN HE RAN INTO PROBLEMS WITH THE MILITARY IN THE FALL OF 1987, HE BACKED OFF AND HIS OFFICE IS NO LONGER MAKING SERIOUS EFFORTS TO PROSECUTE HUMAN RIGHTS ABUSES. THE SPECIAL INVESTIGATIVE UNIT (SIU) HAS IMPROVED PROFESSIONALLY BUT STILL BACKS OFF FROM CASES WHEN THEY LEAD TO MILITARY INVOLVEMENT IN HUMAN RIGHTS ABUSE. THE MILITARY HAS SHOWN ITSELF TO BE UNABLE TO POLICE ITSELF AND CARRY OUT ANY SORT OF INVESTIGATION.

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5. WE ARE HOPEFUL THAT THE SECRETARY'S MEETING WITH ARMY OFFICERS ON JUNE 30 WILL GIVE US THE MOMENTUM NECESSARY TO MOVE FORWARD IN HUMAN RIGHTS. HOWEVER, THE EFFORT IS NOT DEPENDENT OVERLY ON THE MILITARY AND SECURITY FORCES. THE GOES, THE LEGISLATIVE ASSEMBLY, THE COURTS, THE PROSECUTORS, AND THE POLITICAL PARTIES MUST ALL WORK WITH THE ESAF TO MOVE THE SITUATION FORWARD. END SUMMARY.

6. SITUATION IS DETERIORATING:

POLITICAL ACTIVITY IN EL SALVADOR IS EFFERVESCENT, AND MORE GROUPS ACROSS THE SPECTRUM ARE PARTICIPATING THAN EVER BEFORE. PUBLIC DEBATE IS LOUD, AT TIMES ACRIMONIOUS, AND UNCENSORED. THERE IS NO STATE OF SIEGE. GUERRILLA FRONT GROUPS DEMONSTRATE FREQUENTLY AND VIOLENTLY. BUT OVER THE PAST YEAR, A NUMBER OF CASES OF MURDERS HAVE OCCURRED WITH POSSIBLE POLITICAL OVERTONES.

--- MAY 1, 1987: THREE LEFTIST LABOR ORGANIZERS DISAPPEAR FROM MAY DAY MARCH.

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O 291658Z JUN 88
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC IMMEDIATE 1205
INFO AMEMBASSY GUATEMALA IMMEDIATE
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GUATEMALA FOR A/S ABRAMS
USCINCSO ALSO FOR POLAD YOULE
LIMA FOR MCFARLAND

E.O. 12356: DECL: OADR
TAGS: PHUM, PGOV, PINS, ES
SUBJECT: HUMAN RIGHTS IN EL SALVADOR

-- MAY 21, 1987: PALITOS WELL. FIVE BODIES,
APPARENTLY MURDERED BY ARCE BATTALION TROOPS, THROWN
INTO WELL IN NORTHERN SAN MIGUEL DEPARTMENT.

-- JUNE 6, 1987: SIX INDIVIDUALS ARE PULLED FROM
THEIR HOUSES, HAVE THEIR NECKS STABBED OR HACKED WITH
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KNIVES AND ARE LEFT FOR DEAD IN LA LAGUNA,
CHALATENANGO DEPARTMENT. TWO DIE, BUT FOUR SURVIVE.

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-- SEPTEMBER 1, 1987: SALVADOR UBAU, HEAD OF A UNION AT THE NATIONAL UNIVERSITY, IS ABDUCTED.

-- OCTOBER 26, 1987: HERBERT ANAYA SANABRIA, PRESIDENT OF FMLN-FRONT NONGOVERNMENTAL HUMAN RIGHTS COMMISSION, ASSASSINATED. AN ERP MEMBER CONFESSES TO THE MURDER, BUT QUESTIONS REMAIN.

-- DECEMBER 16, 1987: GERARDO HERNANDEZ TORRES DIES IN MARIONA PRISON, APPARENTLY AFTER HAVING BEEN BEATEN BY THE NATIONAL POLICE.

-- JANUARY 11, 1988: JOSE ANGEL ALAS GOMEZ DIES OF A "HEART ATTACK" IN A TREASURY POLICE CAR.

-- JANUARY 31, 1988: THREE INDIVIDUALS KILLED IN CANTON MELENDEZ AND BODIES DUMPED AT PUERTA DEL DIABLO.

-- FEBRUARY 19, 1988: THE BODY OF UNIDENTIFIED MAN SHOWING SIGNS OF SEVERE TORTURE AND BROKEN WRISTS IS FOUND IN APOPA, SAN SALVADOR DEPARTMENT.

-- FEBRUARY 26, 1988: THREE INDIVIDUALS KILLED BY DM-4 TROOPS IN EL TABLON, MORAZAN DEPARTMENT. TWO BODIES WERE LATER EXHUMED AND SHOW SIGNS OF TORTURE.

-- APRIL 29, 1988: ADRIAN CHAVARRIA, SECRETARY FOR INTERNATIONAL RELATIONS OF THE GENERAL CONFEDERATION OF WORK (CGT) MURDERED, APPARENTLY BY TREASURY POLICE.

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-- MAY 7, 1988: JUDGE JORGE ALBERTO SERRANO ASSASSINATED IN FRONT OF HIS HOME.

-- MAY 26, 1988: JOSE ABRAHAM RIVERA MENJIVAR, BLINDFOLDED, HANDS TIED, IS EXECUTED IN A FIRING SQUAD-TYPE KILLING IN NORTHERN SAN SALVADOR.

-- MAY 26, 1988: THE BODY OF AN UNIDENTIFIED MAN IS FOUND IN A PLASTIC BAG ALONG THE PAN AMERICAN HIGHWAY WEST OF SAN SALVADOR. IT SHOWS SIGNS OF TORTURE AND

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IS PARTIALLY BURNED.

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-- JUNE 8, 1988: THE BODY OF AN UNIDENTIFIED MAN, BLINDFOLDED, SHOWING SIGNS OF TORTURE, IS FOUND IN JUAYUA, SONSONATE DEPARTMENT.

-- JUNE 9, 1988: THE BODY OF AN UNIDENTIFIED MAN, FINGERS CUT OFF AT BOTH HANDS, HACKED NUMEROUS TIMES WITH A MACHETE, IS FOUND IN SAN BARTOLOME PERULAPIA, CUSCATLAN DEPARTMENT.

NOTE: THIS MESSAGE FOCUSES ON HUMAN RIGHTS ABUSES WHICH MAY HAVE BEEN COMMITTED BY THE MILITARY AND SECURITY FORCES AND/OR PARAMILITARY DEATH SQUADS. THE VERY FOCUS DISTORTS THE HUMAN RIGHTS PANORAMA BY OMITTING ABUSES BY THE FMLN. SINCE MAY 1987, THE FMLN HAS KIDNAPPED AND ASSASSINATED MAYORS AND CANDIDATES FOR MAYOR, JUDGES, AND JUSTICES OF THE PEACE. THEY ALSO KILLED CITIZENS SUSPECTED OF BEING GOVERNMENT INFORMERS AND, IN ONE CASE, FOR SIMPLY DARING TO RECEIVE THE ELECTORAL CARNET. DEATH AND MAIMING CAUSED BY GUERRILLA LAND MINES ARE AN ALMOST DAILY OCCURRENCE. FURTHERMORE, GUERRILLA SABOTAGE OF

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GUATEMALA FOR A/S ABRAMS
 USCINCSO ALSO FOR POLAD YOU!E
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E.O. 12356: DECL: OADR
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THE ELECTRICAL GRID AND OTHER ECONOMIC INFRASTRUC-
 TURE, DESTRUCTION OF CATTLE AND CROPS, AND TRANSPORTA-
 TION STOPPAGES IMPOVERISH THE NATION AND CLOSE
 SOURCES OF EMPLOYMENT.

7. A MIXED BAG CAUSED BY CLOSER SCRUTINY?

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THESE CASES ARE A MIXED BAG. SOME MAY NOT HAVE HAD ANY

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POLITICAL MOTIVE. OTHERS (EL TABLON, CHAVARRIA) ARE ABUSE OF AUTHORITY BY POLICE AND MILITARY UNITS BUT DO NOT APPEAR TO HAVE BEEN DONE ON THE ORDERS OF A SUPERIOR OFFICER. SOME (SERRANO, ANAYA SANABRIA, UBAU) MAY ACTUALLY HAVE BEEN COMMITTED BY THE LEFT OR BY A RIGHT-WING DEATH SQUAD. OTHERS ARE INEXPLICABLE ON THE BASIS OF THE FACTS AVAILABLE. AT THIS POINT, WE CANNOT EVEN SAY THAT THESE CASES REPRESENT A STATISTICALLY SIGNIFICANT INCREASE IN POLITICAL DEATHS OUTSIDE OF COMBAT (ALTHOUGH GOVERNMENTAL HUMAN RIGHTS COMMISSION EXECUTIVE SECRETARY BENJAMIN CESTONI BELIEVES THEY DO). IT COULD BE THAT OUR VERY SUCCESS IN BRINGING DOWN THE GROSS NUMBERS MEANS THAT THERE IS NOW MORE FOCUS ON INDIVIDUAL CASES. FURTHERMORE, MORE INFORMATION MAY NOW BE REACHING SAN SALVADOR ABOUT WHAT IS OCCURRING IN THE COUNTRYSIDE. IN SOME WAYS IT IS AS IF WE HAVE SWITCHED THE RANGE ON OUR RADAR SCOPE FROM 20 MILES TO 10 MILES. WHAT SEEMED LIKE A SMOOTH LINE, NOW HAS DEFINITE BUMPS AND RIDGES.

8. VERY TROUBLING HOWEVER YOU EXPLAIN IT

BE THAT AS IT MAY, THESE CASES ARE TROUBLING. FOR THE FIRST TIME IN YEARS, BLINDFOLDED BODIES ARE AGAIN BEGINNING TO APPEAR IN SAN SALVADOR WITH THEIR HANDS TIED BEHIND THEIR BACKS. FURTHERMORE, THE MILITARY AND SECURITY FORCES APPEAR TO BE UNWILLING TO INVESTIGATE THOSE CASES (EL TABLON, PALITOS WELL, LA LAGUNA STABBINGS, HERNANDO TORRES, ALAS GOMEZ, PUERTO DEL DIABLO, CHAVARRIA) WHERE THEIR PERSONNEL ARE INVOLVED.

[REDACTED]

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SOME ACADEMICS DISTINGUISH BETWEEN "COMMAND REPRESSION" AND "INSTITUTIONAL REPRESSION." THE FORMER WOULD BE AN OFFICER DRAWING UP A LIST OF SUSPECTED TERRORISTS AND ORDERING HIS MEN TO KILL THEM. THE LATTER WOULD BE A CORPORAL FEELING THAT HE CAN KILL SOMEONE WITH IMPUNITY IN ORDER TO STEAL HIS PROPERTY. WHILE COMMAND REPRESSION MAY BE MORE REPUGNANT MORALLY, BOTH TYPES MUST BE ADDRESSED IN ORDER TO CREATE THE CLIMATE WHERE CITIZENS FEEL PROTECTED BY THE LAW AND HAVE SOME BELIEF IN EQUALITY BEFORE THE LAW.

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9. TUTELA LEGAL AND THE CHURCH ON DEATH SQUADS

TUTELA LEGAL DIRECTOR MARIA JULIA HERNANDEZ HAS A LIST OF SOME 40 INDIVIDUALS WHOM SHE CLAIMS WERE KILLED IN DEATH SQUAD STYLE SINCE THE BEGINNING OF 1988. (WE CONTINUE TO HAVE QUESTIONS ABOUT TL'S METHODOLOGY AND FIGURES WHICH ATTRIBUTE ALL SUSPICIOUS DEATHS ON THE ESAF AND "DEATH SQUADS.") ARCHBISHOP RIVERA DAMAS AND AUXILIARY BISHOP ROSA CHAVEZ HAVE REPEATEDLY DENOUNCED "DEATH SQUAD KILLINGS" IN 1988 AS WELL. BOTH BISHOPS PROVIDED NEGATIVE OVERALL ASSESSMENTS OF THE HUMAN RIGHTS SITUATION AT THE CLOSE OF 1987: THE OCTOBER 1987 DIALOGUE HAD YIELDED LITTLE IMPROVEMENT IN THE CONTINUING VIOLENCE; LEADERS OF BOTH THE GOVERNMENTAL AND NON-GOVERNMENTAL HUMAN RIGHTS COMMISSIONS HAD BEEN KILLED IN THE LAST TWO MONTHS OF 1987; AND RIVERA DAMAS HIMSELF HAD RECEIVED A DEATH THREAT ON DEC. 16.

10. IN HIS DEC. 20, 1987 HOMILY, ROSA CHAVEZ ASKED, "ARE WE RETURNING TO THE DARK METHODS OF THE PAST?"
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GUATEMALA FOR A/S ABRAMS
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THE AUXILIARY BISHOP ROSA CHAVEZ BACKED UP HIS
PESSIMISTIC ASSESSMENT ON DEC. 27, 1987 BY QUOTING
TUTELA LEGAL'S YEAR END STATISTIC OF 1,309 CIVILIANS
WHO DIED VIOLENT, POLITICALLY MOTIVATED DEATHS IN
1987. THE ARCHBISHOP TURNED TO THE SUBJECT OF DEATH
SQUAD RESURGENCE DURING HIS FIRST (JAN. 3) HOMILY OF
1988. HE REFERRED TO SEVERAL CASES WHERE DEATH SQUAD

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STYLE METHODS HAD BEEN EMPLOYED. IN THE FOLLOWING
SIX MONTHS, BOTH HE AND ROSA CHAVEZ HAVE DEPLORED THE

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INCREASED LEVEL OF VIOLENT KILLINGS, QUESTIONED THE ORIGINS OF THESE KILLINGS AND MADE SEVERAL REFERENCES TO "DEATH SQUAD STYLE" KILLINGS IN THEIR HOMILIES. IN HIS REMARKS TO THE PRESS AFTER MASS ON MAY 1, ROSA CHAVEZ SAID THAT "EITHER ULTRA-RIGHT GROUPS BELIEVE THEY HAVE REGAINED THEIR STRENGTH THROUGH THE CHRISTIAN DEMOCRATS' DEFEAT AT THE POLLS OR SMALL GROUPS OF FANATICS BELIEVE THIS IS THE MOMENT TO CARRY OUT EXTREME ACTS."

11. CDH BLAMES DUARTE'S WITHDRAWAL AND ILLNESS

GOVERNMENTAL HUMAN RIGHTS COMMISSION (CDH) EXECUTIVE DIRECTOR BENJAMIN CESTONI SINCE MID-MAY HAS BEEN TELLING EMBASSY OFFICERS THAT HE IS DISMAYED BY WHAT APPEARS TO HIM TO BE THE BEGINNING OF THE RETURN TO THE APPALLING HUMAN RIGHTS SITUATION OF THE EARLY 1980'S. HE NOTED THAT IN AN INCREASING NUMBER OF MURDER CASES WITNESSES ARE REPORTING THAT THE VICTIM WAS TAKEN FROM HIS HOUSE BY ARMED MEN AND THAT MORE BODIES ARE FOUND BEARING SIGNS OF TORTURE. CESTONI, WHO HAS TURNED DOWN A REQUEST BY ARENA LEADERS TO REMAIN CDH EXECUTIVE SECRETARY AFTER THE PRESIDENTIAL ELECTIONS, BLAMES THE HUMAN RIGHTS REVERSES ON A POST-ELECTION DECLINE IN PRESIDENT DUARTE'S LEADERSHIP. CESTONI BELIEVES THAT SINCE THE MARCH 20 ELECTIONS DUARTE HAS ADOPTED A PASSIVE ROLE AND HIS SUBORDINATES PAY LITTLE ATTENTION TO HIS WISHES. THE SITUATION, HE BELIEVES, HAS BEEN FURTHER EXACERBATED BY DUARTE'S ABSENCE SINCE MAY 31. IN CESTONI'S VIEW,

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INDIVIDUALS WHO ADVOCATE EXTRA-LEGAL VIOLENCE AS A MEANS OF ENDING THE ON-GOING INSURGENCY ARE ACTING AGAIN WITH IMPUNITY, AFTER HAVING LAIN DORMANT FOR MUCH OF DUARTE'S TERM IN OFFICE.

12. INCREASED VIOLENCE NOT CAUSED BY ARENA

DESPITE CESTONI'S AND THE CHURCH'S SPECULATION, WE DO NOT SEE THAT THE INCREASE IN VIOLENCE IS RELATED TO THE ARENA VICTORY ON MARCH 20. FIRST OF ALL, THE

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INCREASE IN VIOLENCE BEGAN IN MID-1987. LOGIC DICTATES THAT THE EFFECTS CANNOT OCCUR BEFORE THE CAUSE. WE CANNOT DISCOUNT THE ARENA VICTORY AS HAVING EMBOLDENED SOME EXTREMISTS, BUT WE DO NOT THINK IT THE MAJOR FACTOR IN THE DETERIORATION OF HUMAN RIGHTS. WHAT HAS HAPPENED SINCE THE ELECTIONS, HOWEVER, IS THE REAPPEARANCE OF BODIES IN THE METROPOLITAN SAN SALVADOR AREA WITH THEIR HANDS TIED BEHIND THEIR BACKS AND BLINDFOLDED. WHILE FINDING A BODY LIKE THIS IS NOT IPSO FACTO EVIDENCE OF DEATH SQUAD ACTIVITY, IT SURE IS A PRETTY STRONG INDICATOR OF THE SAME.

13. IF NOT ARENA, THEN WHAT?

OUR HUNCH IS THAT THE INCREASE IN EXTRA-LEGAL VIOLENCE MAY BE RELATED MORE TO THE EXPIRATION OF THE STATE OF EXCEPTION DECREE IN JANUARY 1987 THAN TO ANY OTHER SINGLE EVENT. THE MILITARY IS CONVINCED THAT, WITHOUT THE ABILITY TO DETAIN PEOPLE FOR MORE THAN 72 HOURS, IT IS USELESS TO ARREST PEOPLE AND TURN THEM OVER TO THE COURTS. (IN FACT, THEY HAVE RARELY TRIED

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GUATEMALA FOR A/S ABRAMS
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THIS NOVEL COURSE OF ACTION; THEIR FEARS ARE BASED ON
 SPECULATION MORE THAN ANYTHING ELSE.) THE POLICE
 FORCES IN SAN SALVADOR HAVE ORDERS TO STAND BY
 SILENTLY WHILE DEMONSTRATORS DESTROY PUBLIC AND
 PRIVATE PROPERTY, MUCH TO THE DISMAY OF THE ARMY AND
 MANY POLICE OFFICERS. THE COURT SYSTEM IS OPEN TO
 INTIMIDATION, AS THE SERRANO ASSASSINATION AND THE

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MAY 29 BOMBING OF A JUDGE'S HOUSE IN SAN MIGUEL AND
 HIS SUBSEQUENT RESIGNATION MAKE ONLY TOO CLEAR. OUR

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SUSPICION IS THAT MID-LEVEL ARMY AND POLICE OFFICERS, PROBABLY ACTING WITHOUT ORDERS FROM THEIR SUPERIORS, BUT PERHAPS BASING THEIR ACTIVITIES ON A WINK AND A NOD FROM ABOVE, HAVE BEGUN TO RESORT TO EXTRA-LEGAL MEANS FOR RESOLVING THE PROBLEMS. A FURTHER COMPLICATING FACTOR WAS THE ASSIGNMENT TO THE 1ST BRIGADE (SAN SALVADOR) OF COL. OSCAR CAMPOS ANAYA. HE IMPLEMENTED METHODS WHICH APPARENTLY DID NOT CAUSE AN OUTCRY IN HIS PREVIOUS COMMAND (THE 5TH BRIGADE IN SAN VICENTE) BUT WHICH WERE HARSHER THAN CAPITOL RESIDENTS ARE ACCUSTOMED TO. (NOTE: BASED ON REPRESENTATIONS BY THE AMBASSADOR AND OTHER FACTORS, MOD VIDES IS TRANSFERRING CAMPOS FROM THE 1ST BRIGADE.)

14. WHAT IS THE SOLUTION?

NONE OF THE INSTITUTIONS WHICH SHOULD BE ABLE TO DEAL WITH HUMAN RIGHTS ABUSE AND WHICH HAVE REDUCED THESE VIOLATIONS FROM THE FRIGHTENING LEVELS OF THE EARLY 1980'S IS ABLE TO MAKE THE STRATEGIC LEAP AND GET THE PROCESS BACK ON THE TRACK TO FURTHER REDUCE THE LEVEL OF HUMAN RIGHTS ABUSE.

-- THE GOVERNMENTAL HUMAN RIGHTS COMMISSION. THE CDH IS AN EXCELLENT ORGANIZATION; ITS LECTURES TO THE TROOPS AND MEETINGS WITH OFFICERS ARE INVALUABLE AND SHOULD BE SUPPORTED TO THE EXTENT POSSIBLE. THE CDH IS ALSO WORTH THE FUNDING INVOLVED SINCE IT IN ESSENCE ACTS AS THE "HA BUREAU" WHICH THE SALVADORAN
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FOREIGN MINISTRY LACKS. BUT ONCE AN ABUSE IS COMMITTED, THERE IS LITTLE THE CDH CAN DO BECAUSE IT DOES NOT HAVE THE LEGAL ABILITY TO GIVE EVIDENCE IN COURT.

-- THE INTERNATIONAL COMMITTEE OF THE RED CROSS. LIKE THE CDH, THE ICRC IS AN EXCELLENT EDUCATIONAL ORGANIZATION, AND IT HAS DONE A FANTASTIC JOB IN MEETING AND TALKING TO PRISONERS. BUT BECAUSE THE ICRC CANNOT MAKE PUBLIC ITS FINDINGS, IT CAN DO LITTLE BEYOND WHAT IT PRESENTLY DOES, THAT IS INFORM

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THE GOES AND TROOP COMMANDERS OF HUMAN RIGHTS ABUSES.

-- THE ATTORNEY GENERAL'S OFFICE. WE HAD HIGH HOPES WHEN ROBERTO GIRON FLORES WAS NAMED ATTORNEY GENERAL IN JUNE 1987. BUT IN THE FALL OF 1987, GIRON RAN UP AGAINST THE SALVADORAN MILITARY OFFICER CORPS, AND HIS DESIRE TO PURSUE HUMAN RIGHTS CASES INVOLVING THE MILITARY HAS BEEN MARKEDLY REDUCED. WHILE HE HAS ESTABLISHED A NEW OFFICE WITH THREE ATTORNEYS WORKING SPECIFICALLY ON HUMAN RIGHTS CASES, TO DATE, THEY HAVE WORKED PRIMARILY ON NON-CONFRONTATIONAL CASES SUCH AS THE ARCHBISHOP ROMERO MURDER.

-- SPECIAL INVESTIGATIVE UNIT (SIU). THE SIU IS BECOMING INCREASINGLY PROFESSIONAL AND CAN CARRY OUT TOP-NOTCH INVESTIGATIONS. THE PROBLEM IS THAT THE UNIT IS COMPOSED OF MILITARY AND POLICE OFFICERS, AND COMMANDED BY MILITARY ACADEMY GRADUATES. THEY, LIKE THE ATTORNEY GENERAL'S OFFICE, BACK OFF FROM CASES INVOLVING THE MILITARY.

-- THE COURT SYSTEM. THE COURT SYSTEM IS SLOWLY CHANGING (ONE HOPES FOR THE BETTER), BUT THIS CHANGE

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HA-09	L-03	LAB-04	TRSE-00	PA-01	STR-17	SIL-01	
INRE-00	RP-10	USIE-00	SP-02	SR-06	SSE-01	PRS-01	
DS-01	DSE-00	SCT-02	/090 W				

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O 291658Z JUN 88
 FM AMEMBASSY SAN SALVADOR
 TO SECSTATE WASHDC IMMEDIATE 1209
 INFO AMEMBASSY GUATEMALA IMMEDIATE
 AMEMBASSY SAN JOSE
 AMEMBASSY LIMA
 AMEMBASSY TEGUCIGALPA
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 USMISSION USUN NEW YORK
 USCINCSO QUARRY HTS,PN

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GUATEMALA FOR A/S ABRAMS
 USCINCSO ALSO FOR POLAD YOULE
 LIMA FOR MCFARLAND

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 TAGS: PHUM, PGOV, PINS, ES
 SUBJECT: HUMAN RIGHTS IN EL SALVADOR

IS GENERATIONAL IN NATURE. BY AND LARGE, THE JUDGES
 ARE POORLY TRAINED, HAVE NO INTEREST IN CRIMINAL
 CASES, AND RESPOND MORE TO BRIBERY AND THREATS THAN
 THEY DO TO THE EVIDENCE RELATING TO A PARTICULAR
 CASE. THEY ARE ALSO THOROUGHLY INTIMIDATED BY BOTH
 THE MILITARY AND THE GUERRILLAS.

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-- THE ESAF. THE HIGH COMMAND AND THE TOP OFFICERS
 IN THE ESAF SEEM TO BE INCREASINGLY COMMITTED TO

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HUMAN RIGHTS. IN THEIR SPEECHES THEY SAY THE RIGHT THINGS AND THEY APPEAR TO BE INTERNALIZING WHAT THEY SAY. THE PROBLEM IS THAT ESAF IS A COLLEGIAL, NOT HIERARCHIAL INSTITUTION. COMMANDERS ISSUE ORDERS, BUT THEY ARE NOT NECESSARILY CARRIED OUT. WHEN THE ESAF SUSPECTS MILITARY PERSONNEL OF A CRIME, THEY EITHER DISMISS THE OFFENDERS FROM ACTIVE DUTY AND TURN THEM OVER TO THE CIVILIAN COURTS, OR THEY COVER UP THE CASE, AT TIMES USING THE FICTION OF AN INVESTIGATION BY A TRIBUNAL OF HONOR. (ANALYSIS OF MILITARY HANDLING OF RIGHTS ABUSES SEPTEL.)

-- THE FOURTH ESTATE. IN THE UNITED STATES, MANY OF THE PROBLEMS SUCH AS HUMAN RIGHTS ABUSES MIGHT WELL BE DEALT WITH BY INVESTIGATIVE REPORTERS BRINGING THEM TO THE LIGHT OF DAY. THE FACT IS THAT WHILE THE SALVADORAN PRESS, AND PARTICULARLY THE ELECTRONIC MEDIA, WILL REPORT ANYTHING THAT ANYBODY ELSE SAYS AT A PRESS CONFERENCE OR IN AN INTERVIEW, THEY DO NO INVESTIGATIVE REPORTING ON THEIR OWN. THERE ARE NO FOLLOW-UP QUESTIONS, THERE ARE NO HARD QUESTIONS FOR MILITARY OFFICERS TO ANSWER.

-- THE POLITICAL PARTIES. AT THIS POINT IN TIME, THE PARTY WHICH HAS THE GREATEST INTEREST IN SEEING THE HUMAN RIGHTS SITUATION CONTINUE TO IMPROVE IS ARENA. ARENA REALIZES THAT, WHETHER JUSTIFIED OR NOT, IT WILL BE BLAMED FOR ANY HUMAN RIGHTS DETERIORATION. IN FACT, THIS IS ALREADY THE CASE. PARTY PRESIDENT AND PRESIDENTIAL CANDIDATE ALFREDO CRISTIANI IS WELL AWARE OF THE ISSUE.

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15. MORE CONDITIONALITY?

WHEN THE HUMAN RIGHTS SITUATION WAS GROSSLY WORSE AND THE INSTITUTIONAL AND ATTITUDINAL CHANGES TOWARD CONSTITUTIONAL DEMOCRACY WERE BARELY EXISTENT, IT WAS IN MANY WAYS EASIER TO ACHIEVE IMPROVEMENTS. BEFORE WE WERE TALKING ABOUT LARGE NUMBERS; NOW WE ARE TALKING ABOUT INDIVIDUALS. ESAF AND POLITICAL LEADERS THEMSELVES JUDGE THAT THE U.S. NEEDS THEM AS

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PART OF OUR OVERALL CENTRAL AMERICAN POLICY. THEY BELIEVE THAT MANY IN THE U.S. WOULD BE HESITANT TO WITHDRAW ALL ASSISTANCE, THUS LEADING TO A POSSIBLE MILITARY COUP AND ABORTION OF NINE YEARS OF PROGRESS TOWARD CONSTITUTIONAL DEMOCRACY. THE NATURE OF OUR MILITARY AND ECONOMIC ASSISTANCE IS SUCH THAT IT IS VERY DIFFICULT TO FIND SANCTIONS ONE CAN USE AGAINST INDIVIDUAL UNITS OR ORGANIZATIONS. OUR SUPPLIES GO INTO A LARGE PILE, WHICH ARE THEN DOLED OUT BY THE ESAF. TO CUT-OFF WHOLE BRIGADES OR BATTALIONS IS NOT ONLY HIGH UNTO IMPOSSIBLE, BUT ALSO COULD PROVE COUNTER-PRODUCTIVE IN TERMS OF THE ESAF'S EFFORTS TO BEAT THE GUERRILLAS IN THE FIELD.

16. IF NOT, WHAT THEN?

THERE ARE NO QUICK FIXES. THIS IS NOT 1983 WHEN VICE PRESIDENT BUSH COULD MEET WITH THE MILITARY COMMANDERS AND CAUSE A STRATEGIC LEAP IN OBSERVANCE OF HUMAN RIGHTS STANDARDS. THE SECRETARY'S VISIT ON JUNE 30 AND HIS CONVERSATION WITH THE NEXT GENERATION OF MILITARY LEADERS SHOULD GIVE US A HARD PUSH IN THE

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GUATEMALA FOR A/S ABRAMS
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RIGHT DIRECTION. BUT UPON THAT FOUNDATION WE WILL
 WORK WITH THE SALVADORANS TO ACHIEVE THE FOLLOWING:

-- AN INSPECTOR GENERAL IN THE ESAF. AT PRESENT,
 THERE IS NO INSTITUTIONAL WAY FOR THE MILITARY TO
 INVESTIGATE ITSELF. AFTER THE STRUCTURE IS CREATED,
 WE WILL HAVE A LONG ROW TO HOW IN ORDER TO GIVE IT

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SUBSTANCE. WE HAVE BEGUN DISCUSSIONS WITH THE ESAF
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-- NEW LEGISLATION OR BROADER INTERPRETATIONS OF EXISTING LEGISLATION IN ORDER TO ALLOW THE POLICE AND MILITARY TO HOLD SUSPECTED TERRORISTS WHILE A CASE AGAINST THEM IS BUILT.

-- A NEW SUPREME COURT IN 1989 WHICH, REGARDLESS OF ITS IDEOLOGICAL ORIENTATION, IS PREPARED TO APPLY THE LAW EQUALLY TO ALL. THIS IN TURN IS ESSENTIAL FOR MOVING FORWARD THE WHOLE COURT SYSTEM FROM JUSTICE OF THE PEACE ON UP.

-- INVIGORATING THE ATTORNEY GENERAL'S OFFICE AND BUILDING A PROFESSIONAL STAFF WITH THE LEGAL ABILITY AND THE POLITICAL BACKING TO BRING CASES AGAINST CRIMINALS REGARDLESS OF THEIR POLITICAL CONNECTIONS.

-- REVISION OF LEGISLATION TO MODERNIZE THE LEGAL CODE AND BREAK RELIANCE ON CONFESSIONS. BILLS ARE PENDING IN THE LEGISLATIVE ASSEMBLY GIVING JUDGES MORE LEEWAY IN ACCEPTING PHYSICAL AND TECHNICAL EVIDENCE, CREATING A "COUNCIL ON THE JUDICIARY" TO PROVIDE FOR MERIT SELECTION OF JUDGES, AND REVISING THE JURY SYSTEM TO MAKE IT EASIER TO CALL CITIZENS TO JURY DUTY.

-- PROTECTION FOR JUDGES AND PROSECUTORS INVOLVED IN SENSITIVE CASES. THE GOES HAS SIGNED AN AGREEMENT TO ESTABLISH A JUDICIAL PROTECTION UNIT (JPU) UNDER THE AEGIS OF THE SPECIAL INVESTIGATIVE COMMISSION. THE COMMISSION IS DISCUSSING HOW TO GET THE JPU

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FUNCTIONING AS SOON AS POSSIBLE.

-- POLICE WHO WILL PROTECT PUBLIC AND PRIVATE PROPERTY FROM VIOLENT DEMONSTRATORS WHILE AT THE SAME TIME ABIDING BY THE LAW AND BUILDING CASES AGAINST THOSE ARRESTED.

ABOVE ALL THESE CHANGES REQUIRE POLITICAL WILL. POLITICAL PARTIES ACROSS THE SPECTRUM SHOULD BE WILLING TO CONTRIBUTE TO CREATING A SOCIETY WHERE IT IS THE LEGAL POLITICAL PARTIES OPERATING WITHIN THE

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CONSTITUTIONAL FRAMEWORK WHO VIE FOR POLICY CHANGES
THROUGH THE BALLOT BOX AND AT THE ASSEMBLY. AT
PRESENT EACH OF THE PARTIES SEEM TO BE RUSHING ONTO
ITS SOAPBOX TO PROCLAIM ITS FORMULA FOR PEACE. WE
WOULD LIKE TO SEE EACH OF THEM DOING THE SAME WITH
REGARD TO HUMAN RIGHTS.

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