

TEXT OF TELEGRAM 89SAN SA013188

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Special Project (1993)

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ACTION ARA-00

INFO	LDG-00	ADS-00	AID-00	INR-07	SS-00	CIAE-00	EB-00
	DDDE-00	H-01	NSCE-00	NSAE-00	COME-00	HA-09	L-03
	AMAD-01	LAB-04	TRSE-00	PM-10	PA-01	OMB-01	STR-18
	SIL-01	INRE-00	OPM-01	ACDA-12	USIE-00	SP-02	SNP-01
	C-01	PRS-01	DS-01	SCT-03	P-02	T-01	/081 W

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R 111553Z OCT 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2771
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

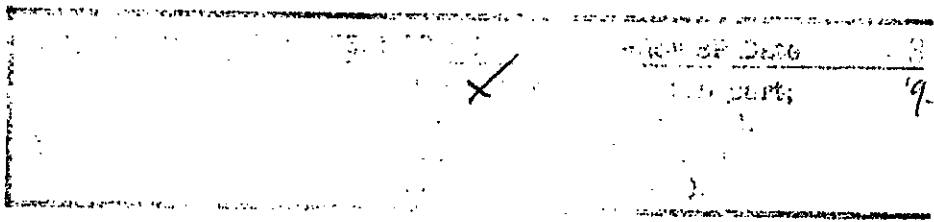
SECTION 01 OF 02 SAN SALVADOR 13188

DEPARTMENT ALSO FOR HA AND S/IL

E.O. 12356: N/A
TAGS: ELAB, PHUM, ES
SUBJECT: UPDATE ON FENASTRAS RAPE AND ASSAULT CHARGES

REF: SAN SALVADOR 12705

1. CONFIDENTIAL - ENTIRE TEXT
2. SUMMARY: DURING A PRESS CONFERENCE SEPTEMBER 29, MEMBERS OF THE PRO-FMLN LABOR ORGANIZATION FENASTRAS MADE PUBLIC THEIR ALLEGATIONS THAT SEVERAL WOMEN AND AT LEAST ONE MALE HAD BEEN MOLESTED WHILE IN POLICE CUSTODY SEPTEMBER 18 - SEPTEMBER 25. ONLY ONE OF THE DETAINEES FORMALLY COMPLAINED OF HER TREATMENT DURING A COURT APPEARANCE SEPTEMBER 21, SUBMITTING TO A PHYSICAL EXAMINATION WHICH FOUND MARKS AND WOUNDS



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CONSISTENT WITH HER CLAIMS. BASED ON THE EVIDENCE AVAILABLE, WE FIND THE ALLEGATIONS OF THE ONE VICTIM GENERALLY CREDIBLE. AS A RESULT OF HER COMPLAINT, VICE MINISTER OF DEFENSE COL. ORLANDO MONTANO ORDERED AN INVESTIGATION ON OCTOBER 2. END SUMMARY.

3. ONLY ONE OF THE FENASTRAS DETAINEES ALLEGEDLY SEXUALLY ASSAULTED BY NATIONAL POLICE OFFICERS MADE AN OFFICIAL COMPLAINT AND SUBMITTED TO A PHYSICAL

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EXAMINATION. ACCORDING TO THE COMPLAINT, THE VICTIM, JULIA TATIANA AGUIRRE MENDOZA, WAS CAPTURED ALONG WITH 60 OTHER FENASTRAS MEMBERS ON SEPTEMBER 18 (REFTEL). AFTER HER DETENTION, ACCORDING TO HER COURT STATEMENT, SHE WAS BLINDFOLDED AND HELD IN A ROOM WITH OTHER PEOPLE. SHE WAS EVENTUALLY TAKEN INTO A SEPARATE ROOM, ACCUSED OF BEING A SUBVERSIVE, AND WHEN SHE REFUSED TO CONFESS, RAPED BY THE INTERROGATING OFFICER. SHE THEN RETURNED TO A LARGER ROOM WITH OTHER PEOPLE, AND SOME TIME LATER AGAIN TAKEN INTO A PRIVATE ROOM, QUESTIONED, AND ASSAULTED A SECOND TIME BY THE SAME OFFICER (WHOM SHE IDENTIFIED BY VOICE AS SHE REMAINED BLINDFOLDED THROUGHOUT THE INTERROGATIONS).

4. A COURT ORDERED PHYSICAL EXAM DATED SEPTEMBER 21 CONFIRMED THAT MS AGUIRRE HAD LACERATIONS AROUND THE GENITAL AND ANAL AREAS CONSISTENT WITH HER CLAIMS, AND ADDED THAT THE INJURIES SHOULD TAKE A WEEK TO TEN DAYS TO HEAL. NO SPECIMENS WERE TAKEN, HOWEVER, AND THE EXAMINING PHYSICIAN DID NOT SPECULATE ON THE CAUSE OF THE LACERATIONS OR WHEN THEY MIGHT HAVE BEEN INFLICTED.



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5. IN A MEETING WITH POLOFF OCTOBER 3, AGUIRRE SAID THAT SHE HAD BEEN DETAINED SEPTEMBER 18, QUESTIONED SEVERAL TIMES, AND ASSAULTED THE FIRST TIME ON SEPTEMBER 20 AFTER REFUSING TO CONFESS TO BELONGING TO A SUBVERSIVE ORGANIZATION. ON SEPTEMBER 21 THE SAME OFFICER ASSAULTED HER AGAIN. THAT AFTERNOON, AS THE 72-HOUR DETENTION PERIOD EXPIRED, SHE AND THE OTHERS WERE TAKEN TO COURT, GIVING HER THE OPPORTUNITY TO MAKE HER COMPLAINT. SHE AND THE OTHER FEMALE DETAINEES WERE TRANSFERRED TO THE WOMEN'S PRISON THE SAME DAY, AND SHE WAS NOT SUBJECT TO FURTHER ASSAULTS, SHE STATED.

6. ASKED WHY THE OTHER ALLEGED VICTIMS DID NOT FILE SIMILAR COMPLAINTS, SHE REPLIED THAT THEY HAD BEEN INTIMIDATED AND THREATENED BY THE POLICE, AND THUS WERE AFRAID TO SPEAK OUT. IT WAS ONLY AFTER THE DETAINEES HAD BEEN RELEASED THAT THEY FELT COMFORTABLE DISCUSSING WHAT HAD HAPPENED TO THEM. SHE CONTINUED. AGUIRRE HAS NO PLANS TO PURSUE HER COMPLAINT ANY FURTHER, AND SAYS SHE FEARS REPERCUSSIONS FROM THE OFFICER INVOLVED ONCE HE BECOMES AWARE OF HER ACTION. AGUIRRE HAS SPOKEN TO REPRESENTATIVES OF BOTH LOCAL AND INTERNATIONAL MEDIA, BUT SAID SHE HAD ASKED THEM NOT TO USE HER NAME IN THEIR REPORTS.

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7. AMONG THOSE SHE SAYS WERE ALSO RAPED IS MARIA JUANA ANTONIA MEDINA, MOTHER OF SARA CHRISTINA CHAN CHAN, A FENASTRAS EMPLOYEE ALLEGEDLY CAPTURED BY THE AIR FORCE ON AUGUST 19, AND WHOSE WHEREABOUTS REMAIN UNKNOWN. (EMBASSY NOTE: POLOFFS RAISED THIS CASE WITH AIR FORCE COMMANDER GENERAL BUSTILLO, WHO DENIED THE AIR FORCE HAD DETAINED CHAN CHAN OR HELD HER IN



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	INRE-00	OPM-01	ACDA-12	USIE-00	SP-02	SNP-01	C-01
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R 11553Z OCT 89
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 2772
INFO AMEMBASSY GUATEMALA
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AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA
USCINCSO QUARRY HTS PM

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DEPARTMENT ALSO FOR HA AND S/IL

E.O. 12356: N/A
TAGS: ELAB, PHUM, ES
SUBJECT: UPDATE ON FENASTRAS RAPE AND ASSAULT CHARGES (CUSTODY).

8. AS A RESULT OF AGUIRRE'S COMPLAINT, ON OCTOBER 2 VICE MINISTER OF DEFENSE COL. ORLANDO MONTANO ORDERED THE SPECIAL INVESTIGATIVE UNIT (SIU) TO FULLY INVESTIGATE HER CLAIMS. THE DIRECTOR GENERAL OF THE NATIONAL POLICE HAS ALSO BEGUN AN INVESTIGATION INTO THE ALLEGATIONS.

9. COMMENT: WE ARE PREPARED TO GIVE SOME CREDENCE AT THIS POINT TO AGUIRRE'S ACCOUNT, PENDING THE RESULTS OF THE VARIOUS ESAF INVESTIGATIONS. WE ARE

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GREATLY SKEPTICAL, HOWEVER, OF FENASTRAS CLAIMS THAT OTHER MEN AND WOMEN WERE ASSAULTED, GIVEN THE FAILURE OF ANY OF THESE OTHER ALLEGED VICTIMS TO PRESENT A FORMAL COMPLAINT BEFORE THE PRESIDING JUDGE. THE AGUIRRE CASE IS BUT THE LATEST IN A SERIES OF ALLEGATIONS, LARGELY FROM PRO-FMLN ORGANIZATIONS, THAT SECURITY FORCES BEAT, TORTURE, THREATEN OR OTHERWISE PERSUASE DETAINEES. AGAINST THIS BACKDROP, AGUIRRE'S COURTROOM COMPLAINT, THE SUPPORTING

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PHYSICAL EVIDENCE, AND HER CREDIBLE MANNER UNDERSCORE
THE NEED FOR THE ESAF TO FOLLOW THROUGH ON AND
PUBLICIZE THE RESULTS OF ITS INVESTIGATIONS.

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