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El Salvador: Progress and Problems on Human Rights [redacted]

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Summary

[redacted] indicates that El Salvador has made considerable progress in improving human rights since President Duarte was inaugurated in 1984. Official government links to rightwing death squads have ended, and political killings have decreased dramatically. Nevertheless, some problems remain, including a corrupt and inefficient judiciary, continuing abuses by lower-ranking soldiers and police, and the failure to prosecute high-ranking officers for human rights violations in the years prior to 1984. [redacted] (b)(3) NatSecAct

Available data indicates that most terrorism against civilians in El Salvador now is being carried out by the insurgents and that most guerrilla allegations of government abuses are unfounded. Lack of evidence to support insurgent claims--and the guerrillas' own tarnished human rights record--will continue to hamper their efforts to undermine San Salvador's international credibility. There is little likelihood the government will make significant progress in reforming the judiciary or prosecuting former officers suspected of human rights violations during the remainder of the Duarte administration. [redacted] (b)(3) NatSecAct

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This memorandum was prepared by [redacted] Office of African and Latin American Analysis. It was coordinated with the Directorate of Operations. Questions and comments are welcome and should be addressed to Chief, Middle American-Caribbean Division, ALA, [redacted]

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During the 1970s and early 1980s, government human rights violations were responsible for driving many moderates into the insurgency, and the guerrillas effectively used the issues of repression and abuse to undercut San Salvador's legitimacy. Since President Duarte came to power, the insurgents have tried to maintain the pressure through constant allegations--mostly unsubstantiated--of atrocities and abuses. These efforts are intended to mobilize international opinion against the war in El Salvador and--optimally--end US assistance to the government. Nevertheless, the guerrillas have had declining success with the tactic because of the marked progress the Duarte administration has made in cleaning up its human rights record. [redacted] (b)(3) NatSecAct

Although the US Embassy reports the rebels now are guilty of most human rights abuses, the insurgents have deflected attention from their activities through the use of human rights front groups and sympathizers that deliberately distort and manipulate information. Guerrilla defectors from these fronts have publicly identified such groups as the Human Rights Committee for El Salvador (CDHES) and the Committee of Mothers of the Disappeared (Co-Madres) as staffed and advised by insurgents. [redacted]

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The US Embassy indicates these groups fabricate stories of human rights abuses and attribute them to the government. For example, the guerrillas have falsely alleged indiscriminate bombing and mistreatment of the population when the government has mounted its military sweep operations in rural areas. Of 50 "death squad" killings alleged by Tutela Legal for the last half of 1985 only three were directly linked by the US Embassy to rightwing extremists. The remainder were either criminal murders (10), probable political murders by unknown assailants (18), or unverifiable incidents (19). In 1984, an Embassy analysis of Tutela Legal's methodology determined it was using military reports of guerrillas killed and converting them to civilians killed by the Army--a practice that was temporarily halted after Embassy complaints, but had resumed by January 1986. The UN Special Rapporteur for El Salvador reported in 1986 that Tutela Legal's methodology is based on presumption, not facts, and that it counts victims as civilians even when they often are guerrillas. [redacted] (b)(3) NatSecAct

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Government Record Improves . . .

As part of its efforts to demonstrate concern on the issue of human rights, the government has allowed humanitarian interest groups--including the International Red Cross, Amnesty International, and Americas Watch--freedom to operate inside the country. Even human rights groups with links to the insurgents are allowed to organize actively, issue statements, and mount antigovernment demonstrations. With the exception of the guerrilla fronts--which focus entirely on alleged government abuses and seldom comment on rebel atrocities--most human rights groups and the responsible press agree that the government has made progress in ending its abuses. (b)(3) NatSecAct

Among President Duarte's first initiatives after assuming office in 1984 was a campaign to ensure appropriate behavior by security officials. According to press and Embassy reporting, Duarte ordered the elimination of all official government ties to the rightwing death squads and appointed trusted, reform-minded officers to head the security services. In addition, he moved to purge human rights violators and to indoctrinate police and military officers. The Embassy reports that police units that were notorious for their ties to the extremists have been abolished and that strict rules for handling and interrogating prisoners have been imposed. Embassy figures indicate that political murders declined from 5,331 in 1983 to 261 in 1986. Moreover, between June 1985 and May 1986, 1,806 police officers were dismissed for crimes or unethical behavior, and 201 were remanded to civilian courts for punishment. In an effort to prevent future violations, the security services late last year began a 26-week course during which every police employee received 48 hours of instruction on human rights from the Red Cross, the Catholic Church, and the government human rights commission. (b)(3) NatSecAct

The government continues to seek measures that will further humanize the treatment of prisoners. The US Embassy reports that Duarte is seeking antiterrorist legislation from the Legislative Assembly to replace the lapsed state of emergency and Decree 50 that allow prisoners to be held and interrogated for 15 days before being charged with a crime. At present, the police--operating under a transitional law--are required to charge or release prisoners after 72 hours. Despite some grumbling, the military and security services have agreed to abide by these civilian-imposed rules. On 7 May, the President submitted legislation that would provide amnesty for 600 of 800 prisoners held under Decree 50, excluding only guerrilla combatants, foreigners, and those charged with terrorism. In addition, the proposed law would release all prisoners awaiting trial for crimes punishable by less than three years imprisonment. (b)(3) NatSecAct

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By almost any account, the reform measures have had their intended effect. The International Red Cross has told the US Embassy privately that the human rights situation under Duarte is much improved. It reports the police and the Army have taken steps to minimize the abuse of prisoners and that only 15 to 20 percent of prisoners interviewed voice complaints. In October 1986, the UN Special Rapporteur for El Salvador reported a steady decline in politically motivated murders since 1984 and the absence of links between death squads and senior military officers. Canada restored bilateral aid to El Salvador as early as 1984 in recognition of the government's improving human rights record, and other critics of San Salvador, such as Australia, have admitted that Duarte's efforts have borne fruit. Finally, the government has continued to respect the rights of free speech, press, association, and assembly despite the ongoing civil war. (b)(3) NatSecAct

### . . . But Some Problems Remain

Despite the improvements, some abuses by the security services and armed forces continue. The Embassy reports that some prisoners have been deprived of sleep, threatened, and forced to exercise during prolonged interrogation. Occasional allegations of rape, electric shock, and beatings that leave no marks are made by some prisoners and human rights groups, but seldom can be verified. In addition, there are periodic non-combat killings of civilians attributed generally to low-ranking soldiers involved in personal vendettas or criminal activity. (b)(3) NatSecAct

The fact that no senior officer has been convicted of a human rights violation also tarnishes the country's reputation. An incompetent and corrupt judiciary, officer cronyism, and fear of Army retaliation by juries have inhibited the civilians from vigorously pursuing longstanding cases of abuse. We believe Duarte may have decided to overlook violations that occurred prior to his inauguration as a tradeoff to ensure good civil-military relations and the military's continued willingness to abide by the human rights norms established by the civilian government. (b)(3) NatSecAct

### The Insurgent Record

As the government's human rights performance has improved, guerrilla violence against the civilian population has increased. We believe this trend has developed in part from narrowed insurgent battlefield options as a result of improved Army performance that has nearly halved guerrilla combatant strength since 1983. The guerrillas seem to have calculated that their increased use of terror tactics would go largely unnoticed by the international press while demonstrating at home the continued inability of the government to control rebel activities. (b)(3) NatSecAct

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The US Embassy reports that up to 60 percent of political killings are now committed by the guerrillas. Many victims are killed on the highways during periodic, week-long travel bans. During one ban in December 1986, for instance, four civilian coffee pickers were summarily executed by the guerrillas, probably as part of the insurgents' continuing efforts to disrupt the coffee harvest. (b)(3) NatSecAct

Most killings seem, however, to be directed at peasants who refuse to collaborate with the guerrillas or are suspected (b)(1) informing on them. (b)(3) NatSecAct that four (b)(3) NatSecAct civilians--including two children--were murdered in December 1986 because they had distant relatives in the Army. Reports from captured guerrillas over the past year indicate the rebels maintain sites for the execution of civilians who refuse to join the insurgency. Captured guerrilla documents indicate insurgent groups maintain lists of civilians to be killed for lack of (b)(1) cooperation. (b)(3) NatSecAct indicated (b)(3) NatSecAct last year that one guerrilla faction regularly executes insurgents it believes to be unreliable. (b)(3) NatSecAct

The Embassy reports the guerrillas also have turned to indiscriminate mining of roads and farmlands intended to intimidate the civilian population. Contact land mines killed 31 noncombatant civilians and children in 1984, 55 in 1985, and 53 during the first half of 1986. From January through July 1986, 172 civilians--many of them children--lost limbs to mines. The UN Special Rapporteur for El Salvador has concluded that the overwhelming majority of these mines had been placed by the insurgents. (b)(3) NatSecAct

### Net Assessment

The guerrillas have not been able to document significant government atrocities since the election of Duarte in 1984, and we believe they have begun to lose credibility, particularly as their own record has been increasingly tarnished. The insurgents undoubtedly will continue to accuse the government of abuses, particularly during large military sweeps. These campaigns are intended to mobilize international opinion against San Salvador and to pressure it to end such operations. Nevertheless, continued evidence of restraint by the Army in the field, combined with an absence of evidence of atrocities committed by the armed forces, will continue to erode the rebel position. (b)(3) NatSecAct (b)(3) NatSecAct

Recent actions by Duarte have underscored his commitment to continued progress on human rights in the midst of a difficult wartime situation. Nevertheless, Duarte's preoccupation with the war and his reliance on the military for political support are likely to preclude progress in the near term on cleaning up the judiciary or prosecuting officers involved in past abuses. In

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1989, however, the terms of all the conservative Supreme Court members--appointed by rightwing parties prior to Duarte's election--expire. If Duarte's Christian Democratic Party wins the presidential election that year, we believe these judges--reported by the US Embassy to be a key obstacle to judicial reform--will be replaced. (b)(3) NatSecAct

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