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Reviewer

E.O. 12356: N/A

TAGS: SHUM, ES

SUBJECT: AMERICAS WATCH REPORT ON EL SALVADOR

1. FOLLOWING IS TEXT OF AMERICAS WATCH REPORT ENTITLED
"PRELIMINARY REPORT ON THE HUMAN RIGHTS SITUATION DURING
THE LAST SIX MONTHS OF 1984" DATED JANUARY 30, 1985.

BEGIN TEXT

THERE WERE CONTRADICTIONARY DEVELOPMENTS IN THE HUMAN RIGHTS
SITUATION IN EL SALVADOR DURING THE LAST SIX MONTHS.

IMPROVEMENT TOOK PLACE IN ONE VERY IMPORTANT AREA: THE
TREATMENT OF THOSE ARRESTED BY THE THREE SECURITY
FORCES--THE NATIONAL POLICE, THE NATIONAL GUARD AND THE
TREASURY POLICE. FOR THE MOST PART, ARRESTS BY THESE
FORCES WERE QUICKLY ACKNOWLEDGED. ALSO, FAMILIES,
LAWYERS AND HUMANITARIAN AGENCIES WERE ABLE TO SEE THOSE
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ARRESTED. AS A CONSEQUENCE, DISAPPEARANCES AFTER
ARRESTS, TORTURE, AND OTHER MISTREATMENT OF THOSE
ARRESTED, WERE ALL SHARPLY REDUCED.
IN PREVIOUS YEARS, ESPECIALLY FROM 1980 TO 1983, MANY OF
THOSE ARRESTED BY THE SECURITY FORCES SUBSEQUENTLY
DISAPPEARED. VIRTUALLY ALL THOSE WHO SURVIVED WERE
SEVERELY TORTURED WHILE IN THE CUSTODY OF THE SECURITY
FORCES BEFORE THEY WERE TURNED OVER TO PRISON AUTHORITIES.

A RELATED IMPROVEMENT WAS A CONTINUING SIGNIFICANT
DECLINE IN KILLINGS BY NON-UNIFORMED "DEATH SQUADS." THE
AMERICAS WATCH BELIEVES THAT THE DEATH SQUADS WERE--AND
ARE--CLOSELY CONNECTED TO THE SECURITY FORCES.

ACCORDINGLY, WE BELIEVE THAT THE SAME FACTORS WHICH PRODUCED THE CHANGES IN THE PRACTICES OF THE SECURITY FORCES ARE ALSO RESPONSIBLE FOR THE DECLINE IN DEATH SQUAD KILLINGS.

THOUGH THE DECLINE IN DEATH SQUAD KILLINGS, DISAPPEARANCES AND TORTURE ARE HIGHLY WELCOME, IN OTHER IMPORTANT RESPECTS THE HUMAN RIGHTS SITUATION REMAINS AS BAD OR WORSE THAN EVER. THE SALVADORAN ARMY AND AIR FORCE HAVE CONTINUED AND, POSSIBLY, STEPPED-UP THEIR INDISCRIMINATE ATTACKS ON CIVILIANS IN CONFLICT ZONES WHERE THE GUERRILLAS ARE BELIEVED TO ENJOY SIGNIFICANT SUPPORT. IT IS INCREASINGLY EVIDENT THAT THE STRATEGY OF THE ARMED FORCES IS TO TERRORIZE CIVILIANS IN THOSE ZONES, FORCING THEM TO FLEE. A TOP SALVADORAN COMMANDER, COLONEL SIGIFREDO OCHOA, HAS RECENTLY DISCLOSED PUBLICLY ON SEVERAL OCCASIONS THAT HE HAS ESTABLISHED A NUMBER OF FREE FIRE ZONES. OTHER COMMANDERS APPEAR TO HAVE DONE THE SAME. THE INTENT, AS OCHOA HAS MADE CLEAR, IS TO SEPARATE THE GUERRILLAS FROM THE PEASANTS FROM WHOM THE UNCLASSIFIED

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GUERRILLAS MAY OBTAIN FOOD. WHILE IT IS POSSIBLE THAT THIS IS AN EFFECTIVE WAY FOR THE SALVADORAN ARMED FORCES TO PREVAIL IN THEIR STRUGGLE WITH THE GUERRILLAS, THE COST IN CIVILIAN SUFFERING AND CIVILIAN LIVES IS BOTH INCALCULABLE AND APPALLING.

THROUGHOUT THE FIVE-AND-A-HALF YEAR WAR, INDISCRIMINATE ATTACKS BY THE ARMED FORCES HAVE CAUSED MOST CIVILIAN DEATHS. THIS WAS TRUE EVEN WHEN DEATH SQUAD ACTIVITY WAS AT ITS PEAK IN 1980 AND 1981. TODAY, WITH THE DECLINE IN DEATH SQUAD KILLINGS, AND DISAPPEARANCES, INDISCRIMINATE ATTACKS BY THE SALVADORAN ARMED FORCES ARE RESPONSIBLE FOR THE OVERWHELMING MAJORITY OF CIVILIAN DEATHS. IN ADDITION, SUCH ATTACKS ARE RESPONSIBLE FOR MOST OF THE DISPLACEMENT THAT HAS OCCURRED IN EL SALVADOR. BY NOW, AT LEAST ONE QUARTER OF ALL SALVADORANS HAVE FLED THEIR HOMES. SOME HAVE TAKEN REFUGE OUTSIDE THE COUNTRY; MANY OF THE REMAINDER LIVE IN SQUALID NEW SLUMS AND DISPLACED PERSONS CAMPS IN EL SALVADOR; OTHERS HAVE BECOME NOMADS,

HIDING FROM THE ARMED FORCES IN THE MOUNTAINS.

ALSO, THE SALVADORAN GOVERNMENT HAS NOT YET DEMONSTRATED THAT IT HAS THE WILL AND THE CAPACITY TO BRING TO JUSTICE THOSE RESPONSIBLE FOR MASS MURDER AND OTHER GROSS ABUSES OF HUMAN RIGHTS. NO MEMBER OF THE REGULAR ARMED FORCES OF EL SALVADOR HAS YET BEEN PUNISHED CRIMINALLY FOR A VIOLATION OF HUMAN RIGHTS AGAINST OTHER SALVADORANS IN MORE THAN FIVE YEARS. NOR HAS THERE BEEN A SINGLE CRIMINAL CONVICTION FOR NON-UNIFORMED DEATH SQUAD ACTIVITY.

FOR THOSE WHO HAD HOPED THAT EL SALVADOR WAS UNDERGOING DEMOCRATIC DEVELOPMENT, ANOTHER DISTURBING ASPECT OF THE SITUATION IS THE FAILURE OF THE CIVILIAN GOVERNMENT OF PRESIDENT DUARTE TO DEMONSTRATE THAT IT CAN EXERCISE
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EFFECTIVE AUTHORITY OVER ALL ELEMENTS OF THE ARMED FORCES. PRESIDENT DUARTE HAS DEMONSTRATED THAT HE HAS SOME INFLUENCE; THE SECURITY FORCES, WHERE THE GREATEST IMPROVEMENTS HAVE TAKEN PLACE, ARE THE PRIME EXAMPLE. ON THE OTHER HAND, OTHER BRANCHES OF THE ARMED FORCES HAVE DEMONSTRATED NO RESPECT FOR ORDERS BY PRESIDENT DUARTE THAT WERE INTENDED TO REDUCE THE CIVILIAN DEATH TOLL. PRESIDENT DUARTE'S FAILURE TO DISCLOSE PUBLICLY THE FINDINGS THAT RESULTED FROM INVESTIGATIONS HE APPARENTLY CONDUCTED FOLLOWING TWO ARMY MASSACRES--ONE AT LOS LLANITOS IN CABANAS IN JULY 1984; THE OTHER AT EL TAMARINDO, HACIENDITAS, LEONESES AND SANTA LUCIA IN CHALATENANGO IN SEPTEMBER 1984--IS ANOTHER SIGN OF THE WEAKNESS OF CIVILIAN GOVERNMENT IN EL SALVADOR.

THERE WERE ALSO CONTRADICTIONARY DEVELOPMENTS IN THE HUMAN RIGHTS PRACTICES OF THE SALVADORAN GUERRILLAS.

THE MAJOR IMPROVEMENT WAS THE APPARENT ABANDONMENT BY SEPTEMBER 1984 OF THE PRACTICE OF FORCIBLE RECRUITMENT THAT THE GUERRILLAS ENGAGED IN FOR THE SEVERAL MONTHS EARLIER IN THE YEAR. THIS PRACTICE HAD ALSO CAUSED CONSIDERABLE CIVILIAN SUFFERING.

ON THE OTHER HAND, THERE WAS AN INCREASE IN TARGETED POLITICAL ASSASSINATIONS BY THE GUERRILLAS AND AT LEAST ONE EPISODE IN WHICH THE GUERRILLAS EXECUTED A NUMBER OF CIVILIAN PRISONERS THEY HAD CAPTURED.

KILLINGS OF CIVILIAN NONCOMBATANTS BY GOVERNMENT FORCES AND DEATH SQUADS: THE SHIFTING CHARACTER OF POLITICAL VIOLENCE IN EL SALVADOR HAS MADE IT INCREASINGLY DIFFICULT FOR THE HUMAN RIGHTS OFFICE OF THE ROMAN
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CATHOLIC ARCHDIOCESE, TUTELA LEGAL, TO GATHER MEANINGFUL STATISTICS ON THE KILLINGS OF CIVILIAN NONCOMBATANTS. BY FAR THE GREATEST NUMBER OF SUCH KILLINGS TAKE PLACE IN CONFLICT ZONES OF EL SALVADOR. TUTELA LEGAL IS GENERALLY UNABLE TO CONDUCT ON-SITE INVESTIGATIONS. MOREOVER, REPORTS OF KILLINGS IN THOSE ZONES ARE FREQUENTLY IMPRECISE AND IT IS DIFFICULT OR IMPOSSIBLE TO VERIFY THOSE REPORTS THAT REACH ITS OFFICE. ACCORDINGLY, IN MANY INSTANCES, TUTELA LEGAL NOW REPORTS THAT THE NUMBER OF VICTIMS COULD NOT BE DETERMINED AND THEY ARE NOT INCLUDED IN THE OFFICE'S STATISTICAL TOTALS. IN A FEW

CASES, TUTELA LEGAL EXPRESSES SUFFICIENT CONFIDENCE IN REPORTS THAT HAVE REACHED IT TO TABULATE SOME DEATHS BUT ITS REPORTS CAUTION THAT ON-SITE VERIFICATION WAS GENERALLY NOT POSSIBLE.

GIVEN THESE LIMITATIONS ON ITS REPORTING, WE STRESS THAT THE STATISTICS COMPILED BY TUTELA LEGAL ONLY PROVIDE A ROUGH GUIDE TO THE CIVILIAN DEATH TOLL IN EL SALVADOR.

TUTELA LEGAL RECORDED 1,048 KILLINGS OF CIVILIAN NON-COMBATANTS BY THE ARMED FORCES AND PARAMILITARY FORCES ALLIED TO THEM FROM JULY 1984 THROUGH DECEMBER 1984 . OF THESE, TUTELA LEGAL ATTRIBUTED 40 KILLINGS OF CIVILIAN NONCOMBATANTS TO NON-UNIFORMED DEATH SQUADS. MOST OF THE REMAINING 1,008 ARE ATTRIBUTED BY TUTELA LEGAL TO INDISCRIMINATE ATTACKS DURING MILITARY OPERATIONS IN WHICH THE MAJORITY OF THE VICTIMS WERE CIVILIANS. (ALL THE FIGURES USED IN THIS PRELIMINARY REPORT REFER TO THE TIME PERIODS IN WHICH ABUSES WERE RECORDED. FREQUENTLY, TUTELA LEGAL RECEIVED REPORTS OF ABUSES AND RECORDED THEM LONG AFTER THEY HAPPENED. THE FULL REPORT TO BE PUBLISHED BY AMERICAS WATCH BY THE END OF FEBRUARY WILL CONTAIN A DETAILED BREAKDOWN.)

UNLIKE THE FIGURES ON THE VICTIMS OF INDISCRIMINATE
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ATTACKS BY THE ARMED FORCES, THE FIGURES ON DEATH SQUAD KILLINGS COMPILED BY TUTELA LEGAL PROVIDE A MORE-OR-LESS COMPLETE PICTURE OF THIS KIND OF POLITICAL VIOLENCE. THE 40 SUCH KILLINGS RECORDED BY TUTELA LEGAL DURING THE LAST SIX MONTHS OF 1984 IS A SHARP DROP FROM THE 185 SUCH KILLINGS THE OFFICE RECORDED IN THE FIRST SIX MONTHS OF THE YEAR. MOREOVER, IT REFLECTS THE CONTINUATION OF A TREND. TUTELA LEGAL RECORDED 449 DEATH SQUAD KILLINGS IN THE LAST SIX MONTHS OF 1983 AND 810 DEATH SQUAD KILLINGS IN THE FIRST SIX MONTHS OF 1983.

THE AMERICAS WATCH CONSIDERS THAT THIS STEEP DECLINE IN DEATH SQUAD KILLINGS, AND THE IMPROVEMENTS IN THE PRACTICES OF THE SECURITY FORCES THAT IT REFLECTS, ARE ATTRIBUTABLE PRIMARILY TO PRESSURE FROM THE UNITED STATES TO CURB THIS VARIETY OF POLITICAL VIOLENCE. SECONDARILY WE BELIEVE THEY ARE ATTRIBUTABLE TO THE SUCCESS OF THE DUARTE GOVERNMENT IN UNIFYING COMMAND OVER THE THREE SECURITY FORCES AND IN ESTABLISHING CONTROL OVER THESE FORCES.

DISAPPEARANCES: AS IN THE CASE OF DEATH SQUAD KILLINGS, THERE HAS BEEN A SHARP DECLINE IN DISAPPEARANCES. THE AMERICAS WATCH BELIEVES THAT THIS DECLINE IS SIMILARLY ATTRIBUTABLE TO THE EFFORTS--PRIMARILY BY THE UNITED STATES, AND SECONDARILY BY THE DUARTE GOVERNMENT--TO IMPROVE THE PRACTICES OF THE THREE SECURITY FORCES.

DURING THE LAST SIX MONTHS OF 1984, TUTELA LEGAL TABULATED 57 DISAPPEARANCES. THIS CONTRASTS WITH 139 DISAPPEARANCES THE ORGANIZATION TABULATED IN THE FIRST SIX MONTHS OF 1984; 209 IN THE LAST SIX MONTHS OF 1983; AND 326 IN THE FIRST SIX MONTHS OF 1983.
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KILLINGS AND DISAPPEARANCES OF CIVILIANS BY THE GUERRILLAS: DURING THE LAST SIX MONTHS OF 1984, TUTELA LEGAL COMPILED INFORMATION ON 29 KILLINGS OF CIVILIANS AND 34 DISAPPEARANCES THAT IT ATTRIBUTED TO THE GUERRILLAS. AS IN THE CASE OF THE ORGANIZATION'S FIGURES ON GOVERNMENT KILLINGS, IT IS LIKELY THAT TUTELA LEGAL'S FIGURES UNDERSTATE THE ACTUAL POLITICAL VIOLENCE BY THE GUERRILLAS. THOUGH TARGETED POLITICAL ASSASSINATIONS BY THE GUERRILLAS RESEMBLE DEATH SQUAD KILLINGS AND IT IS GENERALLY POSSIBLE TO GATHER MORE OR LESS ACCURATE STATISTICS ON THIS FORM OF POLITICAL VIOLENCE, IT IS FAR MORE DIFFICULT TO OBTAIN INFORMATION ON POLITICAL VIOLENCE IN CONFLICT ZONES.

THIS PERIOD WAS ALSO MARKED BY AT LEAST ONE EPISODE IN WHICH THE GUERRILLAS EXECUTED A GROUP OF CAPTURED CIVILIANS. APPARENTLY, NINE PERSONS CAPTURED BY THE GUERRILLAS IN JULY 1984 AT THE VILLAGE OF CACAOPERA, MORAZAN, WERE SUBSEQUENTLY EXECUTED. PREVIOUSLY, THERE HAD BEEN A NUMBER OF INCIDENTS IN THE FIRST HALF OF 1983 IN WHICH THE GUERRILLAS HAD EXECUTED CAPTURED SOLDIERS. TO OUR KNOWLEDGE, THE FMLN'S RECORD WITH RESPECT TO CAPTURED PRISONERS SUBSEQUENT TO JUNE 1983 HAD BEEN GOOD UNTIL THE EPISODE IN CACAOPERA. THIS EPISODE MARKS A SIGNIFICANT DETERIORATION IN THE FMLN'S TREATMENT BOTH OF CIVILIANS AND OF CAPTURED PRISONERS.

INVESTIGATION OF PAST ABUSES: AS BEST WE CAN DETERMINE, THE SALVADORAN ATTORNEY GENERAL AND THE SALVADORAN COURTS ARE MAKING NO EFFORT TO BRING TO JUSTICE THOSE RESPONSIBLE FOR PAST HUMAN RIGHTS ABUSES AGAINST SALVADORANS.

THE SUPREME COURT AND THE ATTORNEY GENERAL WERE APPOINTED BY THE CONSTITUENT ASSEMBLY. ALL THOSE APPOINTED COME
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FROM THE POLITICAL OPPOSITION TO PRESIDENT DUARTE. IN AN EFFORT TO ACT AGAINST PAST ABUSES, PRESIDENT DUARTE CREATED A COMMISSION TO INVESTIGATE FIVE CASES: THE MURDER OF ARCHBISHOP ROMERO; THE MASSACRE AT LAS HOJAS; THE KILLINGS IN THE WELL AT ARMENIA; THE MURDERS OF THE U.S. LABOR ADVISORS; AND THE MURDER OF JOHN SULLIVAN. THE COMMISSION WAS NOT FUNDED BY THE CONSTITUENT