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ACTION HCRE-00INFO LOG-00 ADS-00 H-01 ARA-00 HA-09 /010 W
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FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 3429

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H PASS

E.O. 12356: N/A
TAGS: PHUM, ES
SUBJECT: HUMAN RIGHTS INQUIRY - CONGRESSMAN KENNEDYTO: THE HONORABLE JOSEPH P. KENNEDY II
- HOUSE OF REPRESENTATIVES
- WASHINGTON DC 20515REF: YOUR LETTER TO CHARLES SHAPIRO DATED
- OCTOBER 2, 1989

DEAR MR. KENNEDY:

AS U.S. AMBASSADOR TO EL SALVADOR, I TAKE VERY SERIOUSLY THE SITUATION OF HUMAN RIGHTS IN THIS COUNTRY, AND IT IS FOR THAT REASON I AM REPLYING TO YOUR LETTER DIRECTED TO CHARLES SHAPIRO, THE FORMER POLITICAL COUNSELOR AT THIS EMBASSY.

IN YOUR LETTER, YOU RAISE YOUR CONCERN OVER THE GENERAL HUMAN RIGHTS SITUATION IN EL SALVADOR, AND SPECIFICALLY MENTION SEVERAL CASES INVOLVING MEMBERS OF FENASTRAS, A PRO-FMLN LABOR ORGANIZATION, AND FEDECOOPADES, A PRO-FMLN PEASANT ORGANIZATION. THE LATTER CASES INVOLVE TWO FEDECOOPADES MEMBERS, SANTOS

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FAUSTIAN PAVIAN AND HIS DRIVER, PEDRO LUCHA, WHO WERE DETAINED ON SUSPICION OF BEING MEMBERS OF A TERRORIST GROUP BY MEMBERS OF THE MILITARY IN AHUACHAPAN, EL SALVADOR ON SEPTEMBER 18. THEY WERE RELEASED ON SEPTEMBER 19, WELL WITHIN THE 72-HOUR PARAMETER PRESCRIBED BY SALVADORAN LAW.

REGARDING FENASTRAS, YOUR FIRST CONCERN IS THE DETENTION OF 61 ACTIVISTS DURING A DEMONSTRATION ON SEPTEMBER 18. THE GOVERNMENT OF EL SALVADOR RESPECTS

REVIEW AUTHORITY: Janina Slattery, Senior Reviewer

THE RIGHT OF PEACEFUL PROTEST, BUT THE FENASTRAS PROTEST WAS NOT PEACEFUL. FENASTRAS DEMONSTRATORS CAPTURED TWO BUSES IN DOWNTOWN SAN SALVADOR, FORCED THE OCCUPANTS TO LEAVE, THEN IGNITED THE TWO VEHICLES. WHEN RIOT POLICE MOVED TO INTERRUPT THIS ACTIVITY, THE DEMONSTRATORS TOOK REFUGE IN A NEARBY BAPTIST CHURCH WHERE SERVICES WERE BEING HELD. DURING A LENGTHY STANDOFF, FENASTAS PROTESTORS DID NOT ALLOW CHURCH MEMBERS TO LEAVE THE PREMISES. POLICE FINALLY USED TEARGAS TO REMOVE THE DEMONSTRATORS. IT IS OUR UNDERSTANDING THAT ALL DETAINED DEMONSTRATORS HAVE BEEN RELEASED.

MARIO PALENCIA, SECRETARY OF FINANCES FOR FENASTRAS, WAS DETAINED AT HIS RESIDENCE ON SEPTEMBER 18, 1989. IN A VIDEOTAPED INTERVIEW PLAYED ON SALVADORAN TELEVISION AFTER HIS ARREST, PALENCIA INDICATED THAT THE LEADERS OF FENASTRAS HAD DIRECT LINKS TO THE URBAN FMLN COMMANDOS WHICH HAVE CONDUCTED TERRORIST ACTIVITIES THROUGHOUT THE CAPITAL. PALENCIA FURTHER AFFIRMED THAT KEY FENASTRAS LEADERS ARE MEMBERS OF THE NATIONAL RESISTANCE, ONE OF THE FIVE GROUPS THAT CONSTITUTE THE FMLN, AND WHICH IS ATTEMPTING TO

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OVERTHROW THE GOVERNMENT OF EL SALVADOR. PRESS REPORTS ALSO INCLUDED ALLEGATIONS THAT FENASTRAS HAD MISDIRECTED FUNDS DONATED FOR UNION WORK.

WITHIN 72 HOURS OF HIS ARREST, AS REQUIRED BY SALVADORAN LAW, PALENCIA WAS REMANDED TO THE FIFTH PENAL COURT WHERE HE WAS FORMALLY CHARGED WITH PARTICIPATING IN TERRORIST ACTS. DURING HIS APPEARANCE AT THE HEARING, ACCORDING TO PRESS REPORTS, PALENCIA RECANTED HIS EARLIER STATEMENTS, SAYING THEY HAD BEEN MADE UNDER DURESS. HE WAS RELEASED ON OCTOBER 27.

MARIA ISABEL RODRIGUES WAS ARRESTED ON SEPTEMBER 17 AT HER HOME IN SAN SALVADOR BY MEMBERS OF THE NATIONAL GUARD ON SUSPICION OF BEING A TERRORIST. PRESS REPORTS DATED SEPTEMBER 21 INDICATED SHE WAS PROVIDING GOVERNMENT SECURITY FORCES WITH INFORMATION REGARDING TERRORIST ACTIVITIES. WE UNDERSTAND SHE HAS ALSO BEEN RELEASED.

THE FENASTRAS SITUATION IS AN APT EXAMPLE OF THE DIFFICULT NATURE OF THE HUMAN RIGHTS SITUATION IN EL SALVADOR. FENASTRAS HAS BEEN CLEARLY LINKED TO FMLN ACTIVITIES, AND HAS SEVERAL TIMES CONDUCTED VIOLENT DEMONSTRATIONS IN SAN SALVADOR. THIS NOTWITHSTANDING, I WAS ONE OF THE FIRST TO PROTEST

ENERGETICALLY THE BRUTAL BOMBING OCTOBER 31 OF FENASTRAS HEADQUARTERS, ONE IN A SERIES OF RECENT BOMB ATTACKS DIRECTED AGAINST REPRESENTATIVES OF BOTH

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THE GOVERNMENT AND PRO-FMLN FORCES. IN THE FENASTRAS BOMBING INCIDENT AT LEAST 10 PEOPLE WERE KILLED, AND ANOTHER 30 INJURED, AMONG THEM OLGA MARISOL DIAZ AND MARK ANNER, BOTH OF WHOM YOU MENTION IN YOUR LETTER. BOTH ARE EXPECTED TO RECOVER. A LARGE FUNERAL PROCESSION MARCHED THROUGHOUT DOWNTOWN EL SALVADOR WITHOUT INCIDENT ON NOVEMBER 2, 1989.

PRESIDENT CRISTIANI WENT ON NATIONAL TELEVISION OCTOBER 31 TO PROTEST THE FENASTRAS AND OTHER BOMBINGS, INDICATING THAT THE GOVERNMENT WOULD CONDUCT A FULL INVESTIGATION AND CALLING FOR AN END TO VIOLENCE. THE INVESTIGATION, UNFORTUNATELY, HAS BEEN STYMIED BY FENASTRAS' REFUSAL TO COOPERATE,

ALTHOUGH THE GOVERNMENT HAS MADE SEVERAL EFFORTS TO WIN ACCESS TO THE BOMB SITE, AND HAS CALLED IN INTERNATIONAL EXPERTS TO HELP WITH THE INVESTIGATION.

I WISH TO UNDERSCORE THE ADMINISTRATION'S COMMITMENT TO CONTINUED PROGRESS ON THE HUMAN RIGHTS SITUATION IN EL SALVADOR. THIS WAS A MAJOR THEME OF THE VICE
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PRESIDENT'S CONVERSATIONS WITH REPRESENTATIVES OF ALL MAJOR POLITICAL SECTORS DURING HIS VISITS. THIS MESSAGE WAS FURTHER UNDERSCORED BY ASSISTANT SECRETARY ARONSON DURING HIS NOVEMBER 6 VISIT. THIS EMBASSY TAKES SERIOUSLY ALL ALLEGATIONS OF GOVERNMENT-SANCTIONED HUMAN RIGHTS ABUSES, AND ITS DOORS ARE OPEN TO MEMBERS OF ANY GROUP WHO WISH TO PLACE A CASE BEFORE US. WE RECOGNIZE THAT EL SALVADOR HAS MADE SIGNIFICANT PROGRESS IN THE RECOGNITION AND PROTECTION OF HUMAN RIGHT DURING THE 1980'S, BUT WE ARE AWARE THAT EVEN IN THE CONTEXT OF AN ONGOING WAR AND AN INCREASE IN URBAN VIOLENCE, MORE CAN BE DONE, AND WE CONTINUE TO PRESS THE GOVERNMENT TO THAT EFFECT.

SINCERELY,

WILLIAM G. WALKER
AMBASSADOR

WALKER

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