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DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY

STATEMENT ON
EL SALVADOR -- CERTIFICATION ISSUES

BEFORE THE

SENATE COMMITTEE ON FOREIGN RELATIONS

2 AUGUST 1982

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SFRC HEARING ON EL SALVADOR — CERTIFICATION ISSUES

Mr. Chairman, thank you for this opportunity to discuss with you today the intelligence issues that bear on the President's recent certification that El Salvador is making progress in its human rights program. I have with me today Mr. Constantin(b)(1) Menges, Mr. Frank Reynolds [redacted] from the C(b)(3) CIAAct (b)(6) who are prepared to discuss any of the issues I raise in more details, if you so desire. Representatives from the DIA and from the State Department are also here.

Mr. Chairman, let me say for your background that Certification issues for El Salvador are not areas that the Central Intelligence Agency specifically has t(b)(1) (b)(3) NatSecAct either collection or analysis. Nevertheless, based on reporting largely [redacted] (b)(1) [redacted] but also from a variety of other services including [redacted] I will (b)(3) NatSecAct give you the Intelligence Community's assessment of that country's performance (b)(1) (b)(3) NatSecAct concerning certification questions. This assessment was agreed upon by the National Foreign Intelligence Board during a meeting chaired by the DCI on 27 July 1982.

Although some abuses continue to occur, Mr. Chairman, the monthly rate of political deaths is declining and the Salvadoran government and military leaders continue to work toward curbing human and civil rights abuses, and to respond to the public's interest in participatory government as underscored by the 28 March constituent assembly elections. Nevertheless, their efforts continue to be hampered by the weaknesses of El Salvador's unsophisticated body politic. These include an inability to separate partisan and personal goals from common national priorities, and a failure to put aside ideological conflicts that in the past have thwarted the democratic process.

Despite the rigidity of the political system and the myopia of certain of its key

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participants, the prospects for continuing progress—while slow and arduous—seem generally positive. The civilian government has so far been characterized generally by pragmatic compromise, with the result that political, economic, and social reforms are continuing and violence has been reduced. This position has been reinforced by the military high command, which distinguished itself as the major moderating force during the fractious political negotiations that followed the election. Led by Defense Minister Garcia, the armed forces appear increasingly aware of the psychological dimension of the war and cognizant that the insurgents are the ultimate beneficiaries of any abuses.

On the issue of El Salvador's efforts to comply with internationally recognized human rights:

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- We have no information [redacted] on El Salvador's civil and criminal justice system, but some progress apparently has been made in strengthening the courts and improving enforcement of existing laws that protect the citizenry. The constituent assembly has, for example, unanimously appointed an independent supreme court and is preparing to write a new constitution. Political prisoners remanded to civil authorities, meanwhile, appear to be well-treated and reportedly are visited frequently by family members, church organizations, international relief agencies, and foreign diplomats. Persons are also held in facilities of the military and the security forces; their treatment varies from reasonable to harsh.

- Although violence remains endemic, the number of political killings is declining and is now at its lowest level since the insurgents' "final

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offensive" of January 1981.¹ The monthly average of political deaths for that year was 510, while the 1982 rate stands at 285—a decrease of 45 percent. In our judgment, this downward trend reflects the greater emphasis on large engagements between bonafide combatants—more in rural than urban areas—since January 1981, measures taken by government and insurgent leaders to reduce indiscriminate violence in an attempt to build greater popular support, extreme rightist death squads which have been less active in 1982 than previously, and some potential victims on both the extreme left and right going underground or into exile.

- Senior military leaders have repeatedly demonstrated public and private concern over the need to improve the human rights conduct of their troops. We believe they recognize that official excesses alienate the civilian populace, damage the government internationally, reinforce the position of the insurgents, and most importantly jeopardize U.S. military and economic assistance.

On the issue of El Salvador's progress in achieving control over all elements of its armed forces:

- The military leadership is continuing its efforts to punish human rights violators within armed forces ranks and to curb abuses by rightwing paramilitary forces. We believe this resolve likely has been strengthened by recent indications that the emphasis on human rights is aiding the effort against the insurgents. During 1980 and 1981, the Army and the security

¹"Political deaths", includes deaths of civilians and off-duty military personnel with reports of circumstances which conform to the following basic criteria: (1) not reported as criminal deaths; (2) attributed to the extreme left or government forces; (3) victim reported apprehended (that is, taken from home or vehicle) and killed on the spot or later found dead. In addition, "political deaths" takes into account the modus operandi of armed forces of the extreme left and extreme right. It is a partial interpretation since press reports—the basis for U.S. Embassy violence reports—do not attribute deaths to "political violence." On occasion, criminal violence may be intentionally disguised as political violence.

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forces reported they had remanded to civilian courts some 215 enlisted men charged with assault, rape, or murder. Since January of this year, an additional 50 personnel have been arrested for these crimes and are in jail awaiting trial by civilian courts. Moreover, several civilian members of rightist death squads have been apprehended and charged with specific political killings.

- The human rights doctrine that is now part of the curriculum for new cadets in El Salvador's military academy underscores the armed forces' growing sensitivity to the political fallout of continued abuses. The military's decision to modernize its policies and methods complements the efforts of U.S. trainers, who are schooling Salvadoran officers and enlisted men to respect the rights of civilians and improve their treatment of prisoners and defectors. We believe the performance of U.S.-trained units is not only tactically superior to that of regular troops, but that their sensitivity to civilians has diminished popular support for the guerrillas in certain areas of the country.

- Other military units, meanwhile, have begun using improved human relations techniques to inspire defections among the insurgents and enlist the confidence of the local population. Although the number of defections appears modest so far—due largely to the insurgents' strict control over their cadre and support elements—some villagers are returning to their towns and fields because of the improved image of the local armed forces. In a few cases, Army commanders have ordered their troops to spare settlements known to house guerrillas in order to provide civilian refugees with a home to return to.

- The military's growing awareness of the psychological aspect of warfare has been particularly pronounced in Cabanas Department. Last

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year, this northern border region was the focus of intense guerrilla activity, and government forces appeared as politically isolated from the local populace as they were militarily from the insurgents. Through humanitarian and material support to peasant communities—combined with a new strategy of small unit patrolling and stricter control over civil defense groups—the department commander has all but eradicated guerrilla operations in the region and has won the confidence of the local populace.

- Abuses continue to occur in all parts of the country, of course, particularly with regard to taking prisoners, treatment of non-combatant guerrilla supporters, and fire discipline in populated areas. Nevertheless, on balance we believe the trend toward improved control over the armed forces has continued this year.

On the issue of implementing essential economic and political reforms, including land reform:

- Progress on political reforms clearly is evident in the successful transition from a four-man civil-military junta to a civilian government comprising a popularly-elected 60-man constituent assembly, an independent civilian executive branch, and a supreme court. In addition, banking and commercial programs are being implemented. Implementation of agrarian reforms has continue this year, with a full third of all land titles under the two-year-old Phase III program having been distributed since January. Phase I is on track, with compensatory payments to a few former landowners beginning. Nearly 180,000 beneficiaries of the program are preparing for a third successful harvest in the fall.

- Prospects are favorable for further advances in socio-economic and political reforms—though with occasional lapses and problems with implementation. Reform issues are subject to heated disputes, almost as

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much within parties as among them. Moderates and hardliners seek in varying degrees to maintain, expand, limit, or reverse the process of all reforms. Nevertheless, the final referee will continue to be the military, whose leaders appear convinced that the agrarian and other programs must continue if the government is to receive the domestic and international support necessary to rebuild the economy and defeat the insurgents.

- The military has demonstrated its commitment on the political front by honoring its pledge to initiate democratization. Senior military officers were instrumental in breaking the political deadlock in the weeks following the 28 March election. Their prescription for building a government of national unity has resulted in securing a share of power for the liberal Christian Democrats and has helped reduce the influence of far right groups in the government. The military recently formed a six-man committee to help the executive over major policy hurdles and to mediate serious partisan disputes.

- The military's commitment to reforms seems borne out by the strong response of the armed forces to the confusion caused by the assembly decree of 18 May revising implementation of Phase III of the agrarian reform. At that time, President Magana, in an attempt to bolster sagging export production caused by landowners' fears that renting their lands would be tantamount to forfeiting them to tenant farmers, sent a proposal to the constituent assembly. The proposal stipulated that peasants seeking to cultivate new cash crop lands in the next growing season would not be eligible to receive titles to those lands for that time period. The conservative majority in the assembly, however, expanded the proposal to include lands used for livestock and basic food crops, thus effectively postponing new claims by renters to most land available under Phase III.

Domestic and international reaction to what was viewed as a potential rollback in the whole reform process inspired immediate action by the Christian Democrats, peasant organizations, the military, and the Magana government to ensure that no such rollback would take place.

- Senior military officers ~~██████~~ thus pressed for an acceleration of the land titling process. Since early June, members of the high command—in tandem with leading government officials—have distributed some 2,000 provisional and permanent titles to peasant beneficiaries. Moreover, the armed forces have quickly intervened to reinstate about half of some 3,800 peasant renters whom landowners had illegally evicted.

- Prospects for continued progress in the land reform seem favorable. The recent appointment of an Army colonel to head the government agency in charge of distributing titles to peasants underscores the military's resolve to accelerate the process. Moreover, a senior military officer has been appointed to the new five-man presidential committee that will oversee any further legislative action on land reform. A top leader of the country's largest peasant organization also serves on the committee.

On the issue of El Salvador's commitment to hold free elections and begin discussions with all major political factions:

- All political parties, including those allied with the extreme left (FMLN), were invited to participate in the constituent assembly elections of 28 March 1982. The 1.5 million ballots cast constituted a severe political and psychological setback to the far left. Though a few allegations of electoral fraud have been made, little or no evidence has been produced to substantiate these, and we share the broadly held judgment that the integrity of the electoral process was maintained. The

military showed professionalism in safeguarding the integrity of the balloting by providing effective logistical support to the elections commission, accommodating over 200 foreign observers in their trips around the country, and protecting the voters against insurgent attacks.

- For months guerrilla leaders had said they would kill anyone who participated in the elections. When it was evident that the elections would occur as scheduled, Guillermo Ungo and other political leaders of the extreme left coalition made pledges that they would not hinder the balloting. Nevertheless, the guerrillas launched a long prepared, major military campaign to disrupt the electoral process; they succeeded only in pre-empting the voting in certain eastern towns where they concentrated their largest forces.

- In our judgment, the massive turnout was attributable to a number of factors, including:

- Unprecedented open registration, which enabled participants to cast their ballots anywhere in the country while reducing the chances of reprisals by the extreme left and right.

- Higher than anticipated public confidence in the fairness of the proceedings.

- Public anger and frustration over the economic and social impact of two years of guerrilla violence.

- Fulfilling the mandate of the electorate, however, will be difficult. Alleviating El Salvador's traditional socio-economic disparities and political backwardness would prove challenging even in the absence of a guerrilla war—and it is our judgment that a protracted struggle will continue for some time, probably into the period of the next elections. Nevertheless, the government appears reasonably stable, and we expect that the elections

will take place in either late 1983 or early 1984. The executive branch is headed by a widely respected, non-partisan president with ties to virtually all interest groups in El Salvador, including the far right and left. The cabinet is divided equally among political independents and members of the three major parties; on balance, government ministers appear to be relatively professional in their dealings with one another. Moreover, the administration is generally cooperating with a military institution that seems more united than at any time since the 1979 coup.

- Because of its divisions and poor leadership, the constituent assembly remains a problem. It has a major political role to play and, given the rightist influence in its ranks, the capacity to impede efforts of the provisional administration to govern and advance the reform programs. Nevertheless, the power of its more extremist members has diminished steadily since the election. For example, ultra-rightist zealots—having failed in their initial attempts to control the government—have further alienated the military and moderate conservatives by their obstructionism, and their own unity is increasingly suspect. In contrast, the Christian Democrats appear more committed to reaching accommodation with conservative parties on specific issues while also working to safeguard their influence over policy. Significantly, the major parties are installing new organizational headquarters in the countryside and are holding fund raising and recruitment activities in preparation for the national election.

On the issue of investigations into the murders of six U.S. citizens and the disappearance of John Sullivan:

- We have no independent information on the investigations of the murders of four U.S. churchwomen or the two U.S. land reform advisers. Since the last certification, the five National Guardsmen charged with

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killing the churchwomen have been remanded to civilian authorities and are awaiting trial. Recent progress by the new government commission investigating the American Institute for Free Labor Development murders also raises the prospects for a successful conclusion of that case. New witnesses have come forward, and evidence is building which more clearly implicates known former security force personnel and wealthy civilians in the crime.

- The disappearance of Mr. John Sullivan, a free-lance reporter on assignment for a U.S. magazine, remains a mystery. Although U.S. Embassy reports indicate the continued awareness of the Salvadoran authorities about U.S. interest in the case, no new leads have developed. We have no independent intelligence information that would shed any light on Mr. Sullivan's disappearance.

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