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ACTION ARA-01

INFO LOG-00 ADS-00 INR-05 CIAE-00 EB-01 NSAE-00 COME-00
HA-09 AMAD-01 LAB-04 STR-18 SIL-01 INRE-00 OPM-01
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P 102310Z APR 90
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC PRIORITY 7459

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E.O. 12356: NA
TAGS: PHUM, ELAB, ES
SUBJECT: AMERICA'S WATCH REQUEST FOR EXPEDITIOUS HEARING
- ON EL SALVADOR

REF: ARA/CEN FAX DATED JANUARY 25, 1990

1. REF FAX SUBMITS AMERICA'S WATCH REQUEST TO AMBASSADOR CARLA HILLS FOR AN EXPEDITED REVIEW OF EL SALVADOR'S GSP STATUS BASED ON EIGHT SEPARATE CASES OF ALLEGED VIOLATIONS OF WORKERS' RIGHTS. POST REGRETS DELAY IN ITS RESPONSE, BUT NOTES THAT MANY OF THE CASES DISCUSSED HAVE BEEN COVERED IN INDIVIDUAL REPORTS.

2. GENERAL OVERVIEW: IN ITS 1989 REVIEW OF THE AMERICA'S WATCH PETITION, USTR DECLINED TO ACCEPT SAID PETITION BECAUSE IT FAILED TO SATISFY ESTABLISHED INFORMATION REQUIREMENTS -- TO BE SPECIFIC, WHILE IT PRESENTED INDIVIDUAL INCIDENTS, IT FAILED TO RELATE THE INCIDENTS TO ANY OF THE FIVE STATUTORY WORKER RIGHTS CRITERIA DELINEATED IN THE TRADE ACT. WE WOULD NOTE THAT IN ITS REQUEST FOR EXPEDITED REVIEW, AMERICA'S LIMITED OFFICIAL USE

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WATCH AGAIN FAILS TO RELATE THE CITED INCIDENTS (DISCUSSED FURTHER BELOW) TO THE FIVE STATUTORY WORKER RIGHTS CRITERIA.

3. CASES RAISED BY AMERICA'S WATCH IN ITS NOVEMBER 1989 LETTER:

OCTOBER 31 BOMBING AT FENASTRAS: PRESIDENT CRISTIANI WAS ONE OF THE FIRST TO DEPLORE THE TRAGIC BOMBING AT THE FENASTRAS OFFICE BUILDING, AND OFFERED TO ESTABLISH

REVIEW AUTHORITY: Janina Slattery, Senior Reviewer

A NEUTRAL INVESTIGATORY COMMITTEE, WITH FENASTRAS PARTICIPATION, TO INVESTIGATE THE CRIME. FENASTRAS MEMBERS REFUSED TO RESPOND, AND DENIED ACCESS TO THE SITE TO GOVERNMENT OFFICIALS, "CAPTURING" SEVERAL SECURITY FORCE MEMBERS WHO ALLEGEDLY TRIED TO INFILTRATE THE AREA, AND BODILY REMOVING THEM FROM THE SCENE OF THE CRIME. ON NOVEMBER 6, ASSISTANT SECRETARY OF STATE BERNARD ARONSON MET WITH FENASTRAS OFFICIALS AND URGED THEM TO ALLOW A FULL INVESTIGATION. ONLY ON NOVEMBER 8 WERE INVESTIGATORS GRANTED ACCESS TO THE SITE, BY WHICH TIME MOST OF THE EVIDENCE HAD BEEN REMOVED OR TAMPERED WITH. ON NOVEMBER 11, THE FMLN LAUNCHED ITS "FINAL OFFENSIVE," AND NO FURTHER PROGRESS WAS MADE ON THE INVESTIGATION. THE BOMBING WAS THE WORST UP TO THAT POINT IN A SERIES OF VIOLENT ATTACKS PERPETRATED AGAINST TARGETS OF THE POLITICAL LEFT AND RIGHT. THE GOVERNMENT DENOUNCED THE ATTACK, AND BARRING FURTHER EVIDENCE, WE DO NOT FEEL THAT THE ATTACK CAN BE LINKED TO A SYSTEMATIC EFFORT BY THE GOES TO RESTRICT LABOR RIGHTS.

SEPTEMBER 18 ARREST OF FENASTRAS MEMBERS: IT IS IMPORTANT TO CLARIFY THAT 61 OF THOSE ARRESTED ON SEPTEMBER 18 HAD PARTICIPATED IN A VIOLENT DEMONSTRATION
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DURING WHICH TWO BUSES WERE BURNED AND AN EVANGELICAL CHURCH OCCUPIED BY THE DEMONSTRATORS, WHO REFUSED TO ALLOW JOURNALISTS AND WORSHIPPERS TO LEAVE THE PREMISES. THOSE DETAINED WERE CHARGED WITH VANDALISM AND RELATED CRIMES, AND WERE NOT ARRESTED BECAUSE OF THEIR STATUS AS UNION MEMBERS. THAT BEING SAID, THE US EMBASSY INVESTIGATED THE ALLEGATIONS OF ABUSE AGAINST THOSE DETAINED, AND WORKED CLOSELY WITH THE ONE DOCUMENTED RAPE VICTIM, WHO WITHDREW HER CHARGES JUST PRIOR TO HER DEATH ON OCTOBER 31 IN THE BOMBING DESCRIBED ABOVE. THE EMBASSY FORMALLY PROTESTED THESE AND OTHER CASES OF ABUSE OF DETAINEES WHILE IN THE CUSTODY OF SECURITY FORCES TO THE HIGHEST LEVELS OF THE SALVADORAN GOVERNMENT. WE SHARE AMERICA'S WATCH CONCERN ABOUT ABUSES OF DETAINEES, BUT DO NOT FEEL THAT A PATTERN OF ABUSE HAS DEVELOPED SPECIFICALLY AGAINST UNION WORKERS.

CHAN CHAN/MASSIN: POST HAS BEEN IN REGULAR CONTACT WITH MEMBERS OF BOTH THE CHAN CHAN AND MASSIN FAMILY, WHO HAVE NEVER BEEN ABLE TO ESTABLISH THE WHEREABOUTS OF THE TWO MISSING PERSONS. ON SEVERAL OCCASIONS, FAMILY MEMBERS HAVE ALLEGED THE TWO WERE VARIOUSLY IN THE CUSTODY OF THE AIR FORCE, THE NATIONAL POLICE AND THE TREASURY POLICE - WE HAVE NEVER BEEN ABLE TO VERIFY ANY OF THESE ALLEGATIONS. GIVEN THE LACK OF INFORMATION AVAILABLE ON THIS CASE, WE CANNOT SUPPORT THE AMERICA'S WATCH CONCLUSION THAT THE INCIDENT CONSTITUTES A

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VIOLATION OF WORKERS' RIGHTS.

ALLEGATIONS OF ABUSE WHILE IN THE CUSTODY OF SECURITY FORCES: THE BALANCE OF THE AMERICA'S WATCH CASES INVOLVE PERSONS DETAINED AND ALLEGEDLY ABUSED WHILE IN THE CUSTODY OF SECURITY FORCES. AS STATED ABOVE, WE

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SHARE AMERICA'S WATCH CONCERN THAT SUCH ABUSES OCCUR, AND ROUTINELY RAISE THIS PROBLEM WITH SALVADORAN OFFICIALS AT ALL LEVELS. THESE ABUSES, HOWEVER, ARE NOT LIMITED TO UNION MEMBERS, AND IN FACT EFFECT MANY INDIVIDUALS WHO ARE ARRESTED. THERE IS NO EVIDENCE TO INDICATE THAT UNION MEMBERS ARE SPECIFIC TARGETS OF SUCH ABUSES. NATURALLY, WE PROTEST ANY ALLEGATIONS OF ABUSE TO APPROPRIATE SALVADORAN AUTHORITIES, REGARDLESS OF THE DETAINEE'S POLITICAL OR OTHER AFFILIATION.

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