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C O N F I D E N T I A L SECTION 01 OF 09 USUN NEW YORK 001283

E.O.12356: DECL:OADR
TAGS: PREL, PGOV, PHUM, UN, ES
SUBJECT: EL SALVADOR - TRUTH COMMISSION REPORT

REFS: A) SAN SALVADOR 2564; B) USUN 1256

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1. (C) SUMMARY. THE TRUTH COMMISSION REPORT
RECOMMENDS, INTER ALIA, THAT: MORE THAN 40 MILITARY
OFFICERS BE DISMISSED FOR HUMAN RIGHTS VIOLATIONS; BOTH
GOVERNMENT AND FMLN FIGURES RESPONSIBLE FOR SUCH
VIOLATIONS BE BARRED FROM PUBLIC OFFICE FOR TEN YEARS
(THIS INCLUDES JOAQUIN VILLALOBOS); A SPECIAL
INVESTIGATION OF DEATH SQUADS BE UNDERTAKEN; CIVILIAN
CONTROL OVER THE MILITARY BE STRENGTHENED; AND JUDICIAL
REFORMS BE UNDERTAKEN, INCLUDING A COMPLETE CHANGEOVER
IN THE COMPOSITION OF THE SUPREME COURT. SUMMARY OF
REPORT AT PARA. 15. THE FOUR FRIENDS' PERMREPS, IN
DISCUSSIONS IN NEW YORK, INDICATED THAT PRES. CRISTIANI
SHOULD BE ALLOWED TO MANAGE THE AMNESTY ISSUE IN HIS OWN
WAY. END SUMMARY.
REPORT PRESENTED PUBLICLY

2. (U) UN/SYG BOUTROS-GHALI PRESENTED TO THE PUBLIC ON

REVIEW AUTHORITY: Leonard Kusnitz, Senior Reviewer

MARCH 15 AT UN HEADQUARTERS IN NEW YORK THE REPORT OF THE COMMISSION ON THE TRUTH REGARDING KEY HUMAN RIGHTS VIOLATIONS WHICH OCCURRED DURING THE WAR IN EL SALVADOR. THE COMMISSION CONSISTS OF FORMER COLOMBIAN PRESIDENT BELISARIO BETANGUR, FORMER VENEZUELAN FM REINALDO FIGUEREDO, AND THOMAS BUERGENTHAL, A LAW PROFESSOR AT GEORGE WASHINGTON UNIVERSITY. THE CEREMONY TOOK PLACE BEFORE A LARGE AUDIENCE WHICH INCLUDED REPRESENTATIVES OF THE FOUR FRIENDS (MEXICO, SPAIN, COLOMBIA AND VENEZUELA), THE OTHER LATIN AMERICAN DELEGATIONS, THE MEMBERS OF THE UN SECURITY COUNCIL, U/SYG GOULDING, A/SYG DE SOTO, REPRESENTATIVES OF MANY NGO'S WHICH COOPERATED WITH THE COMMISSION, REPRESENTATIVES OF THE SALVADORAN CATHOLIC HIERARCHY AND
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OF THE FMLN, AS WELL AS SALVADORAN PERMREP CASTANEDA.

3. (U) AN ENGLISH LANGUAGE SUMMARY OF THE REPORT WAS FAXED TO IO/UNP, ARA/CEN AND EMBASSY SAN SALVADOR MARCH 15 (AND IS REPORTED AT PARA. 15). COMPLETE TEXT OF REPORT W/ANNEX (AND UN/SYG'S SPEECH) SENT TO EMBASSY SAN SALVADOR MARCH 15 VIA FEDERAL EXPRESS. COMPLETE TEXT WAS ALSO HAND CARRIED TO DEPARTMENT MARCH 15 BY FRAN FERNANDEZ (ARA/CEN).

SYG'S SPEECH

4. (U) UN/SYG STRESSED THAT ALTHOUGH PROGRESS HAS BEEN ACHIEVED, MUCH REMAINS TO BE DONE, ESPECIALLY REGARDING MILITARY REFORM, JUDICIAL REFORM, DEVELOPMENT OF THE NEW POLICE, AND LAND TRANSFERS. HE CALLED UPON COPAZ TO WORK ON IMPLEMENTING REFORMS IN A COOPERATIVE SPIRIT, AND CALLED UPON SALVADORANS TO IMPLEMENT THE RECOMMENDATIONS OF THE TRUTH COMMISSION REPORT AS REQUIRED BY THE PEACE AGREEMENT. THE SYG SAID SALVADORAN SOCIETY WOULD NEVER BE ABLE TO PUT THE WAR BEHIND IT WITHOUT THE "CATHARSIS" OF FACING THE TRUTH PUBLICLY AND SAID THE REPORT SHOULD BE PUBLICIZED THROUGHOUT EL SALVADOR. HE NOTED THIS WOULD HELP RESOLVE ONE OF THE CAUSES OF THE WAR: IMPUNITY. HE ALSO CALLED UPON SALVADORANS TO CONTEMPLATE "FORGIVENESS" WHEN CONSIDERING THE REPORT.
BETANGUR'S SPEECH - FORGIVENESS AND AMNESTY

5. (U) FORMER PRES. BETANGUR SPOKE FOR THE TRUTH COMMISSION. HE NOTED, INTER ALIA, THAT FORGIVENESS IS
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UP TO DEMOCRATIC SALVADORAN SOCIETY TO DECIDE UPON.
COMMENT: SINCE PRES. CRISTIANI'S PROPOSAL REGARDING
AMNESTY WAS ALREADY KNOWN IN NEW YORK, BOTH THE SYG'S
AND BETANCUR'S REFERENCES TO FORGIVENESS AND PARDONS ARE
SEEN BY MANY AS INDICATING THAT JUDICIAL PROCEEDINGS ARE
NOT REQUIRED BY THE REPORT. END COMMENT.

REPORT'S RECOMMENDATIONS - BINDING UPON THE PARTIES

6. (U) THE TRUTH COMMISSIO
N REPORT MAKES A NUMBER OF
RECOMMENDATIONS WHICH, UNDER THE PEACE ACCORDS, THE
PARTIES ARE OBLIGATED TO CARRY OUT. THIS WAS PROVIDED
FOR IN THE APRIL, 1991 MEXICO AGREEMENT, IN THE ANNEX ON
THE TRUTH COMMISSION, WHICH PROVIDES THAT "THE PARTIES
UNDERTAKE TO CARRY OUT THE COMMISSION'S RECOMMENDATIONS."

7. (U) THESE RECOMMENDATIONS INCLUDE:

--THE DISMISSAL OF ALL GOVERNMENT OFFICIALS RESPONSIBLE
FOR SERIOUS HUMAN RIGHTS VIOLATIONS. THESE OFFICIALS

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SHOULD NOT HAVE ACCESS TO PUBLIC OFFICE FOR TEN YEARS
AND SHOULD BE FOREVER BARRED FROM MILITARY OR SECURITY
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RESPONSIBILITIES. THIS INCLUDES OVER 40 MILITARY
OFFICERS (SOME OVERLAP WITH THE AD HOC COMMISSION'S
LIST), INCLUDING GENS. PONCE; ZEPEDA; BUSTILLO; AND
RUBIO);

--FORMER FMLN LEADERS RESPONSIBLE FOR VIOLATIONS SHOULD
ALSO BE BARRED FROM PUBLIC OFFICE FOR A DECADE,
INCLUDING JOAQUIN VILLALOBOS; ANA GUADALUPE MARTINEZ;
MERCEDES DEL CARMEN LETONA; JORGE MELENDEZ; AND MARISOL
GALINDO;

--A SPECIAL INVESTIGATION OF DEATH SQUADS IN ORDER TO
REVEAL AND PUT AN END TO SUCH ACTIVITY;

--IMMEDIATE IMPLEMENTATION OF CONSTITUTIONAL REFORMS
REQUIRING A TURNOVER OF THE PRESENT MEMBERS OF THE COURT
(IN PARTICULAR, THE PRESIDENT OF THE COURT, MAURICIO
GUTIERREZ CASTRO, IS CITED FOR UNPROFESSIONAL CONDUCT
AND A NUMBER OF OTHER RECOMMENDATIONS ARE AIMED AT
DEPOLITICIZING AND STRENGTHENING THE JUDICIARY);

--THE NEW NATIONAL POLICE SHOULD BE FULLY SUPPORTED;

--STEPS SHOULD BE TAKEN TO ASSURE CIVILIAN CONTROL OF
ALL MILITARY PROMOTIONS, BUDGET AND INTEL SERVICES; ALL
TIES BETWEEN THE MILITARY AND CIVILIAN PARAMILITARY
GROUPS SHOULD BE CUT; A LEGALLY BACKED PROVISION SHOULD
PERMIT MILITARY PERSONNEL TO REFUSE TO OBEY UNLAWFUL
ORDERS; HUMAN RIGHTS SHOULD BE PROFOUNDLY STUDIED AT THE
MILITARY ACADEMY AND IN OFFICER TRAINING COURSES;

--THE COMMISSION CALLS UPON THE FMLN, WHICH IS
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RESPONSIBLE FOR "GRAVE ACTS OF VIOLENCE," TO RENOUNCE FOREVER ALL FORMS OF VIOLENCE.

FMLN MEETS WITH FOUR PLUS ONE

8. (C) THE FOUR FRIENDS' PERMREPS, TOGETHER WITH USUN MISOFFS, MET LATE AFTERNOON MARCH 15 WITH FMLN LEADERS HANDAL, SAMAYOA, GUADALUPE MARTINEZ AND MORENO (SEE REF. B FOR REPORT OF PRIOR USUN MEETING WITH THE SAME FMLN TEAM). SHAFICK HANDAL, IN RESPONSE TO THE FOUR'S REQUEST FOR FMLN VIEWS REGARDING THE REPORT, OBSERVED THAT "FEAR HAS RETURNED TO EL SALVADOR" IN THE WAKE OF GEN. PONCE'S STATEMENT ON MARCH 12 (REF. A) AND A RECENT THE PAMPHLET PUBLISHED BY THE ESAF. ACCORDING TO HANDAL, THESE REPRESENT THE "HEART OF THE MILITARY'S THINKING" AND RETURN TO THE OLD LANGUAGE OF CONFLICT AND COMMUNIST WORLD CONSPIRACY.

9. (C) IN LIGHT OF THE ABOVE, HANDAL NOTED, THOSE IN PUBLIC OFFICE CITED IN THE TRUTH COMMISSION'S REPORT SHOULD RESIGN IMMEDIATELY, IN ORDER TO RESTORE PUBLIC CONFIDENCE THAT THE PEACE PROCESS WILL NOT SLIDE BACKWARDS. IN ADDITION, HANDAL ARGUED, THE JUDICIARY MUST BE REFORMED AS RECOMMENDED BY THE TRUTH COMMISSION AND JUDICIAL PROCEEDING SHOULD BE INITIATED AGAINST THOSE CITED IN THE REPORT AS HUMAN RIGHTS VIOLATORS. HANDAL NOTED THAT AN AMNESTY SHOULD BE GRANTED ONLY AFTER THESE JUDICIAL PROCEEDINGS HAVE DEMONSTRATED THAT THE SALVADORAN JUDICIAL SYSTEM IS CAPABLE OF HANDLING SUCH CASES IN ORDER TO REASSURE SOCIETY THAT THERE WILL BE NO RETURN TO "IMPUNITY."

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10. (C) SAMAYOA DISAGREED, POINTING OUT THAT JUDICIAL PROCEEDING WOULD BE LENGTHY AND IMPRACTICAL, SINCE EVIDENCE PRESENTED TO THE TRUTH COMMISSION IS CONFIDENTIAL AND NOT AVAILABLE TO THE COURTS. GUADALUPE MARTINEZ NOTED THAT THE AMNESTY WOULD CONTRIBUTE MORE TO NATIONAL RECONCILIATION IF IT WERE MADE IN THE CONTEXT OF FULL COMPLIANCE WITH THE COMMISSION'S RECOMMENDATIONS AND IF A SHORT PERIOD OF TIME WERE ALLOWED TO PERMIT PUBLIC DISCUSSION AND THE CONSTRUCTION OF A BROAD-BASED CONSENSUS IN FAVOR OF AMNESTY. GUADALUPE MARTINEZ STRESSED THAT THE FMLN WAS COMMITTED TO ACCEPTING THE TRUTH COMMISSION REPORT IN FULL. SHE POINTED OUT THAT FMLN LEADERS WERE NAMED IN THE REPORT, WHICH RECOMMENDS THEY BE BARRED FROM PUBLIC OFFICE FOR A DECADE (COMMENT: THIS INCLUDES MARTINEZ. END COMMENT), YET THE FMLN STILL BACKS THE REPORT FULLY, AS AN EXAMPLE TO SALVADORAN SOCIETY. WITHOUT THIS PERIOD OF DISCUSSION,

THE FEAR WILL PERSIST THAT EVEN THOUGH THE REPORT WAS
PUBLISHED, THE AMNESTY MEANS "BUSINESS AS USUAL."

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11. (C) THE FMLN ALSO MADE THE SAME PITCH IT MADE TO
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USUN (REF. B) REGARDING THE NEED FOR THE INTERNATIONAL

COMMUNITY, THE SYG AND THE SECURITY COUNCIL TO PRESS FOR FULL GOES COMPLIANCE WITH THE PEACE ACCORDS. THE FOUR NOTED THAT THEY WOULD CONTINUE TO URGE FULL COMPLIANCE.

MEETING WITH ARCHBISHOP OF SAN SALVADOR

12. (C) AFTER MEETING THE FMLN, THE FOUR PLUS ONE MEET WITH THE ARCHBISHOP OF SAN SALVADOR. HE SPOKE POSITIVELY OF THE TRUTH COMMISSION REPORT. HE STRESSED THAT ONCE THE TRUTH IS KNOWN, THE CHURCH WILL FOCUS ON FORGIVENESS AND RECONCILIATION. HE NOTED THAT AS WAS THE CASE WITH THE PEACE ACCORDS, THE CHURCH WILL USE ITS "UNIQUE ORGANIZATION" TO ENSURE THAT THE REPORT IS PUBLICIZED THROUGHOUT EL SALVADOR.

13. (C) THE FOUR ASKED THE ARCHBISHOP HOW PRES. CRISTIANI WOULD REACT TO A REQUEST FROM THE CHURCH, OR FROM A BROAD SECTOR OF SOCIETY CALLED TOGETHER BY THE CHURCH, TO DELAY THE APPROVAL OF THE AMNESTY TO ALLOW TIME FOR DISCUSSION. THE ARCHBISHOP REPLIED THAT HE UNDERSTOOD THE REASONS TO MAKE SUCH A REQUEST, BUT HE COULD NOT PREDICT HOW CRISTIANI WOULD RESPOND.

CRISTIANI MUST DECIDE ON AMNESTY

14. (C) AFTER THE DEPARTURE OF THE BISHOP, THE FOUR DETERMINED THAT IT SHOULD BE LEFT UP TO PRES. CRISTIANI TO DECIDE HOW TO PLAY THE ISSUE OF THE AMNESTY. THE FOUR CONCLUDED THAT WHILE THE IDEA OF A PERIOD OF CONSTRUCTIVE DISCUSSION AND CONSENSUS-BUILDING AS
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SUGGESTED BY THE FMLN IS ATTRACTIVE IN THEORY, IT WOULD BE DIFFICULT TO PUT INTO PRACTICE, AND IN ANY EVENT, CRISTIANI MUST BE ALLOWED TO MANAGE HIS OWN INTERNAL POLITICS.

15. (U) BEGIN TEXT OF SUMMARY OF TRUTH COMMISSION REPORT:

BEGIN TEXT. SUMMARY

INTRODUCTION

THE COMMISSION ON THE TRUTH (HEREIN "TRUTH COMMISSION) WAS SO NAMED BECAUSE OF ITS VERY PURPOSE AND FUNCTION HAVE BEEN TO SEEK, FIND AND MAKE PUBLIC THE TRUTH ABOUT THE ACTS OF VIOLENCE COMMITTED BY BOTH SIDES IN EL SALVADOR DURING A CIVIL WAR IN WHICH MORE THAN 75,000 SALVADORANS WERE KILLED. THIS REPORT ATTEMPTS TO SET OUT, WITH DETAILED EXAMPLES BASED ON EXTENSIVE TESTIMONY AND INVESTIGATION,

RESPONSIBILITY FOR SOME OF THE WORST AND MOST WIDESPREAD VIOLATIONS OF HUMAN RIGHTS IN EL SALVADOR BETWEEN 1980 AND JULY 1991.

PEACE IS ALWAYS MADE BY THOSE WHO HAVE FOUGHT THE WAR. WITH THE SUPPORT OF THE UNITED NATIONS, THE PARTIES IN CONFLICT EXPLICITLY ESTABLISHED THIS COMMISSION AND GAVE IT ITS MANDATE UNDER THE PEACE ACCORD. IN SO ACTING, THE GOVERNMENT OF EL SALVADOR AND THE GUERRILLAS OF THE FARABUNDO MARTI NATIONAL LIBERATION FRONT (FMLN) ABANDONED FRATRICIDE AND
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EMBRACED THE PRINCIPLE THAT THE RESPONSIBILITY FOR ACTS OF VIOLENCE MUST BE PUBLICLY RECOGNIZED, THAT VICTIMS MUST BE REMEMBERED AND THAT THE PERPETRATORS MUST BE IDENTIFIED.

THIS REPORT IS BASED ALSO ON THE PRINCIPLE THAT INDIVIDUALS, EVEN THOSE CAUGHT UP IN THE FURY OF CIVIL WAR AND THE ORDERS OF SUPERIORS, ARE ACCOUNTABLE FOR THEIR ACTIONS. BY COMMITTING THEMSELVES TO REMEMBER THE TRAGIC VIOLENCE OF THEIR RECENT PAST AND BY CALLING FOR ACCOUNTABILITY IN THEIR NEW NATIONAL QUEST FOR PEACE, THE SALVADORAN PEOPLE AND THEIR LEADERS HAVE SET A STANDARD THAT OFFERS HOPE IN A WORLD RAVAGED DAILY BY NEWLY TERRIBLE CIVIL WARS AND GROSS ABUSES OF HUMAN RIGHTS. FOR THEIR VISION AND THEIR COURAGE IN EMBRACING THESE ENDS, THE GOVERNMENT, THE FORMER GUERRILLAS AND THE PEOPLE OF EL SALVADOR DESERVE THE PRAISE AND RESPECT OF THE INTERNATIONAL COMMUNITY. THE MEMBERS OF THE TRUTH COMMISSION BELIEVE THAT EL SALVADOR'S COMMITMENT TO FACE THE PAST WILL GO FAR TO STRENGTHEN

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THE DETERMINATION TO FIND OUT THE TRUTH, TO PUT AN
END TO IMPUNITY AND COVER-UP, AND TO ENCOURAGE
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RECONCILIATION BY MEANS OF DEMOCRATIC PROCESSES
INSTEAD OF VIOLENCE.

BITTER THOUGH THE TRUTH MAY PROVE TO BE IN SOME
CASES, RECOGNIZING WHAT HAPPENED IN EL SALVADOR IS
THE FIRST ESSENTIAL STEP TO ASSURING THAT IT WILL NOT
HAPPEN AGAIN. FOR MORE THAN A DECADE A CONVULSION OF
VIOLENCE SEIZED EL SALVADOR. THE ARMY, SECURITY
FORCES AND DEATH SQUADS LINKED TO THEM COMMITTED
MASSACRES, SOMETIMES OF HUNDREDS OF PEOPLE AT A
TIME. THEY ALSO CARRIED OUT TARGETED ASSASSINATIONS
OF MANY OTHERS, INCLUDING THE COUNTRY'S ARCHBISHOP
AND SIX JESUIT PRIESTS.

THE FMLN GUERRILLAS ALSO FOLLOWED A LOGIC OF VIOLENCE
THAT LED TO GRAVE HUMAN RIGHTS VIOLATIONS. THEY
KILLED, KIDNAPPED AND DISAPPEARED CIVILIANS,
DISSIDENTS WITHIN THE REBEL MOVEMENT, PUBLIC
OFFICIALS, MAYORS, JUDGES AND UNARMED U.S. MILITARY
PERSONNEL.

THIS OUTBURST OF VIOLENCE HAS DEEP ROOTS IN A HISTORY OF VIOLENCE IN EL SALVADOR THAT PERMITTED POLITICAL OPPONENTS TO BE DEFINED AS ENEMIES TO BE ELIMINATED. A MENTALITY OF VIOLENCE AFFECTED ALL SIDES IN THE WAR. IT WAS REINFORCED BY THE LACK OF A CREDIBLE JUDICIAL SYSTEM. SUCH HATRED, KILLING AND ACCEPTANCE OF INJUSTICE MUST NEVER AGAIN BE ALLOWED IN EL SALVADOR TO DESTROY DIALOGUE, TOLERANCE AND RECONCILIATION.

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TRUTH ALONE, HOWEVER, IS NOT ENOUGH TO ATTAIN THE FURTHER GOAL OF NATIONAL RECONCILIATION AND REUNITING THE SALVADORAN FAMILY. FORGIVENESS ALSO IS INDISPENSABLE. THE ABUSES AND THE PAIN INFLICTED ON TENS OF THOUSANDS OF PEOPLE IN EL SALVADOR WILL NOT AND SHOULD NOT BE FORGOTTEN. IT IS THE COMMISSION'S HOPE THAT THE SENSE OF JUSTICE THAT TRUTH GIVES VOICE TO, WILL, IN TIME, HELP THEM TO FORGIVE.

BY ACCEPTING THE CHALLENGE OF TRUTH AND OF PEACE, THE GOVERNMENT AND THE FORMER GUERRILLAS IN EL SALVADOR HAVE ASSUMED A SPECIAL RESPONSIBILITY. SALVADORAN SOCIETY--A SOCIETY OF SACRIFICE AND HOPE--IS WATCHING THEM FROM THE VANTAGE POINT OF HISTORY. THE FUTURE OF THE NATION SUMMONS THEM, A NATION WHICH IS MOVING FORWARD UNDER THE INFLUENCE OF ONE DOMINANT IDEA: TO LIFT ITSELF OUT OF THE RUINS IN ORDER TO HOLD HIGH, LIKE A BANNER, THE VISION OF ITS FUTURE. IT IS THE COMMISSION'S HOPE THAT A MORE JUST EL SALVADOR WILL ARISE FROM THE ASHES OF WAR IN WHICH ALL SIDES WERE UNJUST.

THE MANDATE AND METHODOLOGY OF THE TRUTH COMMISSION

THE COMMISSION WAS COMPOSED OF THREE INTERNATIONAL NOTABLES SELECTED BY THE SECRETARY GENERAL OF THE UNITED NATIONS IN CONSULTATIONS WITH THE PARTIES: BELISARIO BENTANCUR, FORMER PRESIDENT OF COLOMBIA; REINALDO FIGUEREDO PLANCHART, FORMER FOREIGN MINISTER OF VENEZUELA; AND THOMAS BUERGENTHAL, PROFESSOR OF LAW, GEORGE WASHINGTON UNIVERSITY.

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THE COMMISSION WAS NOT ESTABLISHED AS A JUDICIAL BODY. INSTEAD, IT WAS GIVEN SIX MONTHS UNDER THE

TERMS OF THE SALVADORAN PEACE ACCORDS TO CARRY OUT FOUR MAIN TASKS: TO CLARIFY THE WORST HUMAN RIGHTS ABUSES OF WAR BY ALL SIDES; TO STUDY WITH SPECIAL CARE THE IMPUNITY WITH WHICH THE SALVADORAN MILITARY AND SECURITY FORCES COMMITTED ABUSES; TO MAKE LEGAL, POLITICAL OR ADMINISTRATIVE RECOMMENDATIONS TO PREVENT A REPEAT OF PAST ABUSES; AND FINALLY, TO STIMULATE NATIONAL RECONCILIATION. BOTH THE GUERRILLAS AND THE GOVERNMENT COMMITTED THEMSELVES TO CARRY OUT THE COMMISSION'S RECOMMENDATIONS.

IN SEEKING, AS MANDATED, THE MOST THOROUGH ACCOUNTING POSSIBLE OF HUMAN RIGHTS ABUSES IN THE WAR, THIS REPORT NAMES THE INSTITUTIONS AND THOSE INDIVIDUALS WHOM THE COMMISSION FOUND RESPONSIBLE IN THE CASES IT STUDIED. THE COMMISSION RECEIVED DIRECT TESTIMONY FROM 2000 SOURCES RELATING TO 7000 VICTIMS AND INFORMATION FROM

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SECONDARY SOURCES RELATING TO MORE THAN 18,000
VICTIMS. GIVEN THIS AMOUNT OF TESTIMONY, THE
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COMMISSION COULD ONLY DEAL WITH A SMALL PORTION OF
THE THOUSANDS OF ABUSES COMMITTED IN THE WAR. IT
CHOSE TO SELECT A SAMPLE OF CA
SES THAT EITHER
REFLECTED THE MOST SHOCKING EVENTS OF THE CONFLICT OR
FORMED PART OF A BROADER, SYSTEMATIC PATTERN OF ABUSE.

ALL WITNESSES WHO REQUESTED IT, WERE GUARANTEED
CONFIDENTIALITY TO PROTECT THEIR LIVES AND ENCOURAGE
FRANKNESS. BASED ON THE NUMBER OF CORROBORATING
ACCOUNTS AND OTHER EVIDENCE IN A PARTICULAR CASE, THE
COMMISSION USED THREE LEVELS OF CERTAINTY IN REACHING
ITS CONCLUSIONS: OVERWHELMING EVIDENCE, SUBSTANTIAL
EVIDENCE AND SUFFICIENT EVIDENCE AND SUFFICIENT
EVIDENCE. SOME CASES COULD NOT BE RESOLVED. THE
TESTIMONY OF A SINGLE WITNESS OR OTHER SINGLE SOURCE,
NO MATTER HOW COMPELLING, WAS DEEMED INSUFFICIENT TO
MAKE A JUDGMENT IF NOT BACKED UP BY OTHER EVIDENCE.

CASES STUDIES

BEFORE ADDRESSING SPECIFIC CASES PRESENTED IN THE
REPORT, THE COMMISSION ALSO PROVIDES A CHRONOLOGICAL
OVERVIEW OF THE HISTORY OF VIOLENCE FROM 1980 TO 1991.

1. THE KILLINGS OF SIX JESUIT PRIESTS

2. EXTRA-JUDICIAL KILLINGS:
SAN FRANCISCO GUAJOYO
SIX LEADERS OF THE DEMOCRATIC REVOLUTIONARY FRONT
FOUR AMERICAN CHURCHWOMEN
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EL JUNQUILLO
FOUR DUTCH JOURNALISTS
ATTACK ON FMLN HOSPITAL AND EXECUTION OF A NURSE
LAS HOJAS

SAN SEBASTIAN
GARCIA ARANDIGOYEN
FENASTRAS AND COMADRES
HECTOR OQUELI

3. FORCED DISAPPEARANCES:

VENTURA AND MEJIA
RIVAS HERNANDEZ
CHAN CHAN AND MASSI

4. MASSACRES OF PEASANTS BY THE ARMY:

EL MOZOTE
RIO SUMPUL
AL CALABOZO

5. DEATH SQUAD KILLINGS:

ARCHBISHOP OSCAR ARNULFO ROMERO
MARIO ZAMORA
TEHUICHO
KILLINGS OF AGRARIAN REFORM ADVISERS AT SHERATON HOTEL

6. VIOLENCE BY THE FMLN

MURDER OF MAYORS
ZONA ROSA
HERBERT ERNESTO ANAYA SANABRIA
NAPOLEON ROMERO GARCIA (MIGUEL CASTELLANOS)
FRANCISCO PECCORINI LETTONA
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ATTORNEY GENERAL JOSE ROBERTO GARCIA ALVARADO
JOSE FRANCISCO GUERRERO
TWO AMERICAN SURVIVORS OF A HELICOPTER SHOT DOWN BY
THE FMLN
KIDNAPPING OF INES DUARTE AND VILLEDA
MURDER OF A JUDGE IN CAROLINA

SUMMARY OF CONCLUSIONS IN SOME OF THE MAJOR CASES
STUDIED

1. JESUIT PRIESTS:

THE COMMISSION FOUND THAT IN NOVEMBER 1989, SEVERAL MEMBERS OF THE SALVADORAN ARMY HIGH COMMAND ORDERED THE MURDER OF THE JESUITS. OFFICERS AT THE MILITARY ACADEMY ORGANIZED THE KILLINGS. ELEMENTS OF THE ARMY ALTAMATL BATTALION MURDERED THE SIX PRIESTS, THEIR HOUSEKEEPER AND HER YOUNG DAUGHTER; THEN ATTEMPTED TO LEAVE EVIDENCE FALSELY IMPLICATING THE REBEL FMLN.

FOR THEIR PART IN ORDERING THE KILLINGS, THE

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C O N F I D E N T I A L SECTION 06 OF 09 USUN NEW YORK 001283

E.O.12356: DECL:OADR
TAGS: PREL, PGOV, PHUM, UN, ES
SUBJECT: EL SALVADOR - TRUTH COMMISSION REPORT

COMMISSION CALLS FOR THE IMMEDIATE DISMISSAL AND
BANNING FOREVER FROM MILITARY AND SECURITY DUTIES OF
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DEFENSE MINISTER, GENERAL RENE EMILIO PONCE;
VICE-MINISTER GENERAL ORLANDO ZEPEDA; FORMER
VICE-MINISTER OF PUBLIC SECURITY COL. INOCENTE
MONTANO; CHIEF OF STAFF, GENERAL GILBERTO RUBIO
RUBIO, FORMER AIR FORCE COMMANDER, GENERAL JUAN

RAFAEL BUSTILLO; COL. FRANCISCO ELENA FUENTES, AND COL. GUILLERMO ALFREDO BENAVIDES. FOR THEIR PART IN COVERING UP THE KILLINGS, THE COMMISSION CITES ARMY CHIEF OF STAFF GENERAL GILBERTO RUBIO RUBIO; THE FORMER COMMANDER OF THE ATACATL BATTALION, COL. OSCAR ALBERTO LEON LINARES; AND THE LEGAL ADVISER TO THE ARMY HIGH COMMAND, RODOLFO ANTONIO PARKER SOTO.

2. EL MOZOTE: THE COMMISSION FINDS THAT THE ARMY KILLED OVER 200 PEOPLE IN EL MOZOTE, INCLUDING WOMEN AND CHILDREN IN 1980. IT CITES FORMER ATACATL BATTALION COMMANDER COL. DOMINGO MONTERROSA BARRIOS; COL. NATIVIDAD DE JESUS CACERAS CABRERA, A MAJOR AT THE TIME OF THE MASSACRE. THE COMMISSION ALSO CITES SUPREME COURT PRESIDENT MAURICIO GUTIERREZ CASTRO FOR IMPROPER INTERFERENCE IN THE JUDICIAL PROCEEDINGS CONCERNING THE INVESTIGATION OF THE MASSACRE.

3. ARCHBISHOP OSCAR ARNULFO ROMERO: THE COMMISSION FINDS THAT MAJOR ROBERTO D'AUBUISSON ORDERED THE ASSASSINATION OF THE ARCHBISHOP AND THAT ARMY CAPT. EDUARDO AVILA AND FORMER CAPT. ALVARO SARAVIA, AS WELL AS FERNANDO SAGRERA PLAYED AN ACTIVE ROLE IN THE ASSASSINATION. THE COMMISSION FURTHER FINDS THAT THE SUPREME COURT OF EL SALVADOR PLAYED AN ACTIVE ROLE IN IMPEDING THE EXTRADITION

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FROM THE UNITED STATES OF
CAPT. SARAVIA.

4. ASSASSINATIONS OF MAYORS BY THE FMLN: THE COMMISSION FINDS THAT THE GENERAL COMMAND OF THE FMLN APPROVED THE KILLING OF CIVILIAN MAYORS AND THAT THE PEOPLE'S REVOLUTIONARY ARMY (ERP) OF THE FMLN WAS RESPONSIBLE FOR THE KILLING OF AT LEAST ELEVEN MAYORS. THE COMMISSION CITES ERP COMMANDANTES JOAQUIN VILLALOBOS, ANA GUADELUPE MARTINEZ, MERCEDES DEL CARMEN LETONA, JORGE MELENDEZ, AND MARISOL GALINDO FOR HAVING RESPONSIBILITY FOR THE EXECUTIONS.

RECOMMENDATIONS

THE TRUTH COMMISSION CONCLUDED ITS REPORT WITH WIDE-RANGING RECOMMENDATIONS AIMED AT REMOVING HUMAN RIGHTS VIOLATORS FROM PUBLIC OFFICES, REFORMING THE JUSTICE SYSTEM AND THE ARMED FORCES, AS WELL AS TO PROMOTE HUMAN RIGHTS, DEMOCRACY, THE RULE OF LAW AND NATIONAL RECONCILIATION.

I. THOSE CITED FOR HUMAN RIGHTS ABUSES IN THE REPORT

THE COMMISSION RECOMMENDS THAT THOSE INDIVIDUALS IT FOUND TO BE RESPONSIBLE FOR SERIOUS ABUSES OF HUMAN RIGHTS WHO TODAY HOLD PUBLIC OR MILITARY OFFICE SHOULD BE REMOVED IMMEDIATELY. THEY SHOULD ALSO NOT HAVE ACCESS TO PUBLIC OFFICE, OR A PUBLIC ROLE, IN EL SALVADOR FOR AT LEAST 10 YEARS. THEY SHOULD ALSO BE PROHIBITED FROM EVER HOLDING ANY MILITARY OR SECURITY

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RESPONSIBILITY.

BASED ON ITS INVESTIGATION, THE COMMISSION CALLS FOR THE REMOVAL FROM THE SALVADORAN ARMED FORCES OR FROM ANY OTHER PUBLIC OFFICE OF MORE THAN 40 MILITARY PERSONNEL. THEY INCLUDE MINISTER OF DEFENSE GENERAL RENE EMILIO PONCE; VICE MINISTER, GENERAL ORLANDO ZEPEDA; CHIEF OF STAFF GEN. GILBERTO RUBIO RUBIO, FORMER AIR FORCE COMMANDER, GENERAL JUAN RAFAEL BUSTILLO; FORMER VICE MINISTER FOR PUBLIC SECURITY, COL. INOCENTE MONTANO; COL. FRANCISCO ELENA FUENTES AND FORMER COMMANDER OF THE ATACATL BATTALION, COL. OSCAR ALBERTO LEON LINARES, AMONG OTHERS. ALL OF THE ABOVE OFFICERS ARE CITED FOR THEIR ROLE IN EITHER ORDERING OR CONCEALING THE MURDER OF SIX JESUIT PRIESTS, ALONG WITH THEIR HOUSEKEEPER AND HER DAUGHTER. FORMER NATIONAL GUARD COMMANDER, GENERAL EUGENIO VIDES CASANOVA, IS CITED FOR PLAYING A ROLE IN THE COVER-UP OF THE MURDERS OF FOUR AMERICAN RELIGIOUS WORKERS.

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THE COMMISSION ALSO RECOMMENDS THAT FORMER REBEL FMLN
LEADERS BE BARRED FROM HOLDING PUBLIC OFFICE FOR A
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DECADE. THEY INCLUDE THE COMMANDANTES JOAQUIN
VILLALOBOS, ANA GUADALUPE MARTINEZ, AND JORGE
MELENDEZ, AMONG OTHERS. THEY ARE CITED AS THE
COMMANDERS RESPONSIBLE FOR THE MURDERS OF MORE THAN
11 CIVILIAN MAYORS.

THE COMMISSION ALSO LISTS CAPTAIN ALVARO SARAVIA AND
CAPTAIN EDUARDO AVILA FOR THE MURDER OF ARCHBISHOP
OSCAR ARNULFO ROMERO. AVILA IS ALSO CITED, ALONG
WITH LT. RODOLFO ISIDRO LOPEZ SIBRIAN AND MAJOR MARIO
DENIS MORAN AS BEING RESPONSIBLE FOR EITHER ORDERING
OR CONCEALING THE KILLING OF THREE AGRARIAN REFORM
ADVISERS AT THE SHERATON HOTEL.

THE COMMISSION CITES SOME FORMER MILITARY OFFICERS
WHO ARE NOW DECEASED, BUT WHO PLAYED A MAJOR ROLE IN
THE CIVIL WAR. THEY INCLUDE FORMER MAJOR ROBERTO
D'AUBUISSON, WHO IS CITED FOR ORGANIZING DEATH SQUADS
AND ORDERING THE MURDER OF ARCHBISHOP ROMERO. ALSO
CITED IS DECEASED COL. DOMINGO MONTERROSA BARRIOS,
FOR BEING THE COMMANDER IN CHARGE OF THE MASSACRE AT
EL MOZOTE.

THE COMMISSION ALSO CITES CIVILIAN PARTICIPANTS IN
HUMAN RIGHTS ABUSES. AMONG THESE IS FERNANDO (EL

NEGRO) SAGRERA, FOR HELPING PLAN THE MURDER OF ARCHBISHOP ROMERO AND HANS CHRIST FOR ASSISTING IN THE KILLING OF THREE AGRARIAN REFORM EXPERTS AT THE SHERATON HOTEL. RODOLFO ANTONIO PARKER SOTO, FORMER LEGAL ADVISER TO THE ARMY HIGH COMMAND, IS CITED FOR HELPING CONCEAL THE ROLE OF SENIOR OFFICERS IN THE
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KILLING OF THE SIX JESUIT PRIESTS. HECTOR ANTONIO REGALADO, THE FORMER HEAD OF SECURITY FOR ROBERTO D'AUBUISSON, IS CITED FOR ORGANIZING AND MANAGING DEATH SQUADS.

THE PRESIDENT OF THE SUPREME COURT, DR. MAURICIO GUTIERREZ CASTRO IS CITED FOR IMPROPER INTERFERENCE IN THE LEGAL INVESTIGATION OF THE MASSACRE OF EL MOZOTE.

II. THE FMLN

IN BROAD TERMS, THE COMMISSION FINDS THE FMLN RESPONSIBLE FOR HAVING COMMITTED "GRAVE ACTS OF VIOLENCE" INCLUDING ASSASSINATIONS, DISAPPEARANCES AND KIDNAPPINGS DURING THE WAR THAT VIOLATED HUMAN RIGHTS AND HUMANITARIAN LAW. THE COMMISSION RECEIVED MORE THAN 800 DENUNCIATIONS OF GRAVE VIOLATIONS BY THE FMLN, INCLUDING NEARLY 400 KILLINGS AND OVER 300 DISAPPEARANCES.

THE COMMISSION CALLS ON THE FMLN TO RENOUNCE FOREVER ALL FORMS OF VIOLENCE IN THE PURSUIT OF POLITICAL ENDS.

III. THE ARMED FORCES

THE VAST MAJORITY OF ABUSES STUDIED BY THE COMMISSION WERE COMMITTED BY MEMBERS OF THE ARMED FORCES OR GROUPS ALLIED TO THEM. IN ORDER TO PROMOTE THE URGENT NEED IN EL SALVADOR TO PROFESSIONALIZE THE
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MILITARY, BRING IT UNDER CIVILIAN CONTROL AND INSTILL IT WITH A RESPECT FOR HUMAN RIGHTS, THE COMMISSION MAKES THE FOLLOWING RECOMMENDATIONS:

(1) IMMEDIATE REMOVAL FROM THE MILITARY OF ALL OFFICERS CITED FOR HUMAN RIGHTS AND OTHER MAJOR VIOLATIONS.

(2) STEPS TO ASSURE CIVILIAN CONTROL OF MILITARY PROMOTIONS, THE MILITARY BUDGET AND ALL INTELLIGENCE SERVICES.

(3) A NEW, LEGALLY BACKED, PROVISION PERMITTING MILITARY PERSONNEL TO REFUSE TO OBEY UNLAWFUL ORDERS.

(4) STEPS TO CUT ALL TIES BETWEEN THE MILITARY AND PRIVATE ARMED GROUPS OR OTHER PARAMILITARY GROUPS.

(5) THE PROFOUND STUDY OF HUMAN RIGHTS AT THE MILITARY ACADEMY AND IN OTHER OFFICER TRAINING COURSES.

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IV. DEATH SQUADS
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THE COMMISSION FINDS THAT DEATH SQUADS, OFTEN OPERATED BY THE MILITARY AND SUPPORTED BY POWERFUL BUSINESSMEN, LAND-OWNERS AND SOME LEADING POLITICIANS, HAVE LONG ACTED IN EL SALVADOR AND REMAIN A POTENTIAL MENACE. THE COMMISSION RECEIVED TESTIMONY ON MORE THAN 800 VICTIMS OF DEATH SQUADS.

THIS PROBLEM IS SO SERIOUS THAT THE COMMISSION CALLS FOR A SPECIAL INVESTIGATION OF DEATH SQUADS IN ORDER TO REVEAL AND THEN PUT AN END TO SUCH ACTIVITY. THE COMMISSION IS ESPECIALLY CONCERNED BY THE CLOSE RELATION BETWEEN THE MILITARY, HIRED ASSASSINS AND EXTREMISTS WITHIN THE SALVADORAN BUSINESS COMMUNITY AND SOME AFFLUENT FAMILIES, WHO RESORTED TO KILLING TO SETTLE DISPUTES. THIS PRACTICE MUST END. THE COMMISSION ALSO IS CONCERNED THAT SALVADORAN EXILES LIVING IN MIAMI HELPED ADMINISTER DEATH SQUAD ACTIVITIES BETWEEN 1980 AND 1983, WITH APPARENTLY LITTLE ATTENTION FROM THE U.S. GOVERNMENT. SUCH USE OF AMERICAN TERRITORY FOR ACTS OF TERRORISM ABROAD SHOULD BE INVESTIGATED AND NEVER ALLOWED TO BE REPEATED.

V. THE JUSTICE SYSTEM

THE COMMISSION FINDS THAT THE SYSTEM OF JUSTICE IN EL SALVADOR IS HIGHLY DEFICIENT. IT MAKES SEVERAL RECOMMENDATIONS TO ADDRESS THIS PROFOUND PROBLEM THAT PERMITTED THE ABUSE OF HUMAN RIGHTS IN EL SALVADOR.

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(1) THE REPORT CALLS FOR THE IMMEDIATE IMPLEMENTATION OF CONSTITUTIONAL REFORMS REQUIRING THE TURNOVER OF THE PRESENT MEMBERS OF THE SUPREME COURT. IN PARTICULAR, THE PRESIDENT OF THE COURT, DR. MAURICIO GUTIERREZ CASTRO, IS CITED FOR UNPROFESSIONAL CONDUCT.

(2) BRING ABOUT A TRUE SEPARATION OF POWERS BETWEEN

THE EXECUTIVE, LEGISLATURE AND THE JUDICIARY IN ORDER TO DE-POLITICIZE THE ADMINISTRATION OF JUSTICE AND IN PARTICULAR THE SUPREME COURT IN EL SALVADOR.

(3) THE POWER OF THE HEAD OF THE SUPREME COURT AND ITS CENTRALIZED POWER OVER THE REST OF THE JUDICIARY SHOULD BE REDUCED.

(4) THE REPORT CALLS FOR THE ALREADY CREATED INDEPENDENT JUDICIAL COUNCIL TO MADE TRULY INDEPENDENT, SO THAT IT CAN OVERSEE THE FUNCTIONING OF THE JUDICIAL SYSTEM. THIS GROUP WILL REVIEW THE PROFESSIONAL CAPACITY OF ALL SERVING JUDGES. THIS GROUP SHOULD BE GIVEN THE POWER TO APPOINT OR REMOVE JUDGES, TAKING THAT POWER AWAY FROM THE SUPREME COURT.

(5) JUDGES SHOULD BE PROVIDED ADEQUATE SALARIES.

(6) EXTRA-JUDICIAL CONFESSIONS SHOULD BE PROHIBITED; THE RIGHT TO A LAWYER SHOULD BE STRENGTHENED; STRICT LIMITS SHOULD BE PLACED ON PRE-TRIAL DETENTION; THOSE WHO CAN ORDER DETENTIONS SHOULD BE LIMITED AND DEFINED; THE RIGHT OF HABEAS CORPUS AND THE
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PRESUMPTION OF INNOCENCE SHOULD BE STRENGTHENED.

(7) A LIST SHOULD BE KEPT AND MADE PUBLIC OF ALL DETENTION CENTERS AND ALL THOSE WHO ARE DETAINED IN THEM.

(8) THE NEW CIVILIAN NATIONAL POLICE FORCE SHOULD BE FULLY SUPPORTED.

VI. HUMAN RIGHTS

EL SALVADOR NEEDS TO FORTIFY AWARENESS OF AND RESPECT FOR HUMAN RIGHTS. THE NEW OFFICE OF THE NATIONAL COUNSEL FOR THE DEFENSE OF HUMAN RIGHTS SHOULD BE STRENGTHENED AND EXTENDED TO HAVE REGIONAL OFFICES IN EACH DEPARTMENT OF THE COUNTRY. OFFICIALS IN THE HUMAN RIGHTS OFFICE SHOULD BE ALLOWED ACCESS ANYWHERE IN THE COUNTRY. THE CONSTITUTION SHOULD GUARANTEE HUMAN RIGHTS. EL SALVADOR SHOULD RATIFY AND IMPLEMENT ALL MAJOR HUMAN RIGHTS ACCORDS NOT ALREADY

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APPROVED BY IT. THE COMMISSION ALSO URGES EL
SALVADOR TO ACCEPT THE JURISDICTION OF THE
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INTER-AMERICAN COURT OF HUMAN RIGHTS, SOMETHING ALL
OTHER CENTRAL AMERICAN STATES HAVE DONE.

VII. PUNISHMENT

THE COMMISSION FEELS JUSTICE DEMANDS PUNISHMENT FOR
THE VIOLATIONS OF HUMAN RIGHTS. BUT IT IS NOT ITSELF
CONSTITUTED TO SPECIFY SANCTIONS AND RECOGNIZES THAT
THE PRESENT SALVADORAN JUDICIAL SYSTEM IS INCAPABLE

OF FAIRLY ASSESSING AND CARRYING OUT PUNISHMENT. THEREFORE, THE COMMISSION FEELS IT CANNOT RECOMMEND JUDICIAL PROCEEDINGS IN EL SALVADOR AGAINST THE PERSONS NAMED IN ITS REPORT UNTIL AFTER JUDICIAL REFORMS ARE CARRIED OUT.

VIII. NATIONAL RECONCILIATION

THE COMMISSION BELIEVES THAT JUSTICE ALSO DEMANDS THAT THE VICTIMS OF HUMAN RIGHTS VIOLATIONS BY ALL SIDES IN THE WAR BE PUBLICLY RECOGNIZED AND BE GIVEN MATERIAL COMPENSATION. THE REPORT LISTS THE NAMES OF MORE THAN 18,000 VICTIMS IT RECEIVED TESTIMONY ON. THE REPORT CALLS FOR A SPECIAL FUND TO BE ESTABLISHED FOR THIS PURPOSE. IT WILL GIVE RESOURCES BY THE GOVERNMENT AND BE SUPPORTED BY A RECOMMENDATION THAT ONE PERCENT OF ALL FOREIGN AID BE DIRECTED TO THE FUND. THE COMMISSION EXPRESSES THE HOPE THAT THE INTERNATIONAL COMMUNITY WILL ASSIST THE GOVERNMENT OF EL SALVADOR TO CARRY OUT THIS RECOMMENDATION.

A NATIONAL MONUMENT SHOULD BE ERECTED, LISTING THE
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NAMES OF ALL THE VICTIMS OF THE WAR. A NATIONAL ANNUAL HOLIDAY SHOULD BE DECLARED TO REMEMBER THE DEAD AND CELEBRATE RECONCILIATION.

THIS REPORT SHOULD BE DISCUSSED AND ANALYZED AT A NATIONAL PUBLIC FORUM IN EL SALVADOR.

THE COMMISSION CALLS ON THE UNITED NATIONS TO MONITOR COMPLIANCE WITH ALL RECOMMENDATIONS MADE HERE, AS AGREED BY THE PARTIES TO THE PEACE ACCORD.

END TEXT.

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