Washington Office on Latin America

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Common Questions on El Salvador

* The War and Human Rights *

Q. How many death squad killings are there now per month?

A. *A long practice and pattern of abductions and killings by armed men in civilian dress.* The term "death squad" has come to have varied interpretations and uses, leading to confusion among human rights monitors, the press and the public. In the late 70's and early 80's in El Salvador, most abductions were carried out by heavily armed men in civilian dress, often at night. But only government units—or those looked upon favorably by authorities—could safely drive the streets night or day, bearing arms.

• *Few violent actions claimed by self-proclaimed "death squads."* Of the thousands of abductions or killings since 1980, most have not been claimed by self-proclaimed "death squads." On some occasions a group calling itself by a particular name—such as the Secret Anti-Communist Army—will publicly take responsibility for such acts. But this has always been rare in relation to the overall number of unclaimed abductions and killings by heavily-armed men in civilian dress, or to civilians killed in military sweeps or exercises.

• *Victims of anonymous abductions reappear in government custody.* In the late 70's and early 80's, literally thousands of Salvadorans were forcibly taken from their homes at night, the street or their place of employment. The great majority of those who survived anonymous abduction turned up in government jails or detention centers. Notwithstanding, U.S. and Salvadoran officials never acknowledged a clear connection between military or police practices and the unexplained appearance of hundreds of Salvadoran citizens in government detention centers. Nor did the two governments acknowledge any connection between the Salvadoran government's unique freedom of movement at night and the anonymous nighttime detention of citizens who disappeared or whose bodies were dumped on city streets or in rural areas. According to Amnesty International, "the whereabouts of thousands of such people has never been clarified." To this day, the perpetrators of these anonymous abductions and killings have not been identified or brought to justice.

• *The United States waits years before weighing in clearly with the Salvadoran military on anonymous killings and disappearances.* Indiscriminate killings and disappearances perpetrated by armed men in civilian dress began to decline following the late 1983 visit, and sharp words, of Vice President Bush in San Salvador. This substantiates the belief that the vast majority of those involved in anonymous or "death squad" activities in fact had ties to, or were subject to influence by, some units inside the Salvadoran Armed Forces. In a December 1983 *New Republic* article, journalist Chris Dickey used the term "political tool" to refer to the authorities' widespread use of "death squad" practices to accomplish military and political objectives in the early 80's.

The United States did not opt to send a clear, high-level message of disapproval until after thousands of Salvadorans fell victim to such practices. Key voices in the U.S. Congress now acknowledge that the Salvadoran military—ever more dependent on the U.S. Congress for its growing war budget—reached an agreement with the elected civilian government. It would curb widespread, indiscriminate violations on the condition that past perpetrators inside the military not be prosecuted.

• *Current confusion in use of the term "death squad."* The term "death squad" is understood in various, sometimes conflicting, ways. Many whose primary information source is the major media seem to view "death squad" abductions or killings as actions of independent far-right groups, in contrast with their view of collective killings or bombing carried out by government units. Some human rights groups and others able to follow the situation more closely use the term to refer to perpetrators of targeted killings or disappearances, particularly in urban areas.

Still others use the term apparently with the intent of deflecting attention from Salvadoran government responsibility for rights violations, thereby creating the impression that most violations are now perpetrated by independent vigilante-type squads that elude government efforts to control or punish them.

Use of the term "death squad" can also make it more difficult to understand that select, targeted detentions by armed men in civilian dress are a key element of the government's counter insurgency activities. Given government and mass media use of the term, the confusions are likely to continue.

• *A continued pattern of abductions and killings by men in civilian dress following the elections of Duarte and a Christian Democratic majority in the Assembly.* Although the numbers are significantly lower than in the early 80's, a pattern of government-tolerated abductions and killings by men in civilian dress persists. According to the human rights office of the Archdiocese of San Salvador, *Tutela Legal*, there were at least 81 killings by unidentified men in civilian dress in the first half of 1985. The American human rights group, Americas Watch, reported that this figure represents more than double the number of such killings during the last half of 1984, and less than the number recorded for the first half of 1984. The *Tutela Legal* figures show a total of 63 disappearances for the first half of 1985, compared to 56 for the last half of 1984 and 139 for the first half of 1984. These "death squad" killing figures do not include 110 civilians killed by identified Sal-

"Political assassinations of targeted individuals continue to occur . . . It is clear that these killings will continue, and will perhaps escalate, unless members of the Salvadoran armed forces are held accountable for their actions. The need for the civilian government to establish control over the military and impose a system of discipline remains the central human rights issue in El Salvador in 1985."

Justice Denied—*Lawyers Committee for International Human Rights*

vadoran military forces in non-combat related situations in the same six month period. Nor do these "death squad" figures include hundreds of persons killed in uncertain circumstances—indiscriminate attacks or military operations—in which it is very difficult to verify the exact identity and number of civilian victims.

The Salvadoran government now relies on the smaller number of abductions, detentions and killings by security forces and unidentified men in urban areas—and the practice of sending relatives a detention notification—to justify their claim of a greatly improved human rights situation.

● *The need to look beyond "death squad" killings.* The Administration has been highly effective in narrowing the range of rights abuses that are widely debated when the record of the Salvadoran government is periodically examined. Many Americans, with little access to detailed information, have come to accept the number of "death squad" killings per month as a reasonable measure of the Salvadoran government's human rights record. But the term itself is unclear, and killings by men in civilian dress account for only some of the rights violations.

Forced abductions and killings of civilians by guerrilla forces have attracted much media attention, can powerfully influence political developments and have been met with condemnation by church and independent rights groups. They nevertheless continue to represent a small percentage of the total number of such incidents.

Q. Have the human rights practices of the government improved in the past several years?

A. *Lower numbers but a persisting pattern of violations.* Administration officials often speak of an improved human rights situation in which progress is evident. The number of politically-motivated killings or disappearances of civilians has decreased in relation to earlier years especially in San Salvador. But targeted killings and disappearances have continued under the Duarte presidency and their number would likely be considered unacceptable were they to occur in another country.

For example, according to the San Salvador Archdiocese human rights office, *Tutela Legal*, in the first six months of 1985, 173 civilians disappeared or were victims of targeted assassinations by government forces. *Tutela Legal* and other human rights monitoring groups preface their reports by cautioning that their figures do not necessarily represent the total number of violations, but rather those cases presented to and verified by their personnel. A numerical approach gains importance in evaluating the overall situation to the extent that rights groups are able to design adequate methods for obtaining accurate first-hand testimony throughout the country, are granted timely access by government officials and rebel groups to areas where violations are reported to occur, and are able to concentrate their time on evaluating relevant information rather than responding to repeated, nonconstructive challenges to their integrity.

● *An evolving war, with changing rights violations.* The progression of the war has generated abuses and violations of a sort uncharacteristic to El Salvador in 1980-83, when killings by heavily-armed men in civilian dress were rampant. High-frequency bombing, constant artillery and mortar fire, and helicopter gunship strafing represent new developments that are changing the human geography of the country and have resulted in grave problems, including death, for the civilian population.

While the total number of civilian deaths in 1984 or 85 is lower than in 1981 or 82, El Salvador today experiences intensified warfare in the countryside, Army destruction of crops and belongings that provide farmers economic self-sufficiency, and massive—sometimes government-forced—relocation of civilians from their land. There is no end to the war in sight, and no new significant steps toward ending the war through a process of dialogue.

● *A selective human rights agenda distorts the overall picture.* The Reagan administration has been highly effective in shaping the human rights debate on El Salvador in the past two years. The Administration's required annual report to Congress on human rights practices —as opposed to successive El Salvador *certification* report requirements—covers a broad range of internationally-recognized rights. Ironically, the rights categories set out in Administration reports are broader than those now emphasized by many human rights groups, journalists or members of Congress in their daily or periodic assessment of the situation in El Salvador. Not only has the Administration narrowed the debate; it has deftly focussed intense public attention on those few aspects which bolster its assertion that El Salvador has made dramatic advances in the human rights field.

Its highly successful techniques have included: using constant repetition with the media and in Congressional hearings or briefings; questioning the motivation, methodology and documentation of Salvadoran and American rights organizations; casting the debate such that many American journalists focus primarily on a limited number of the American victims and several well-known cases, rather than on the broader range of abuses; and asserting that the Salvadoran government's initial steps and promises constitute a satisfactory response to charges that, while fewer people are being killed, the government is still systematically violating certain internationally-recognized rights.

The Administration often judges the merit of positive steps taken by the Duarte government primarily on the degree of resistance overcome inside the military to achieve that step, rather than on how such positive steps can demonstrably contribute to *ending* a particular *systematic pattern* of abuses, or whether the measure brings the Salvadoran government into *compliance* with international standards or recommendations of bodies such as the Organization of American States (OAS) or the United Nations (UN).

● *While much less prevalent than in past years, torture continues as a government practice.* The independent, San Salvador-based Christian Legal Aid Office *(Socorro Juridico Cristiano)* recently completed a study on violations of the right to physical and psychological integrity, during the period June 1984 to February 1985. The study was presented to the OAS Inter-American Commission on Human Rights by the Legal Aid Office's international affairs representative, who is also consultant to the OAS Inter-American Court based in Costa Rica.

During the nine-month period, of 342 Salvadorans who entered the Mariona prison, 232 had been subjected to prior psychological torture or mistreatment. Practices included death-threats, simulated drowning, forced homosexual relations, attempted rape, and simulated strangulation prior to their transfer to Mariona.

"Despite Duarte's legislative majority and the public mandate to end the war, the path to a settlement is neither clear nor easily traveled. Fearing a rightist backlash, Duarte has said he will not remove any Supreme Court judges, even though the Court has consistently thwarted efforts to convict human rights violators. When the military backed the Christian Democrats after the elections, it demonstrated not only its support for Duarte but also that it still holds a huge share of the power in El Salvador.

Until now, the military has backed Duarte because his moderate image enables the Reagan Administration to justify giving the vast quantities of aid that allow the army to continue to function. However, should Duarte press for investigations of human rights violations within the Armed Forces or respond favorably to FDR-FMLN demands for power-sharing and integration of FMLN units into the Salvadoran Armed Forces, the Generals' support for Duarte probably would not continue, and without it Duarte's ability to run the country would be drastically reduced.

So, President Duarte has four more years in office, a legislative majority, and the support of the majority of the people. However, it remains to be seen whether these new advantages will enable him to control his conservative opponents and the military in order to bring peace and stability."

Mesoamerica *(May 1985)*

The study's documentation showed use of the following physical abuses: electric shock, administration of drugs, beatings, forced use of a rubber hood sprinkled with lime, suspension from the hands or genitals, and refused access to toilet facilities.

The study lists the Salvadoran military divisions responsible for these abuses ranging from beatings to severe torture: Infantry Brigades and Special Batallions, National Police, National Guard, Civil Defense, and five other units. The San Salvador and regional units of these military forces are responsible to and function under the control of the Ministry of Defense and Public Security.

According to a June 1985 study of Amnesty International "victims of abduction or arbitrary arrest are frequently held for up to 15 days in incommunicado detention at military barracks, police stations, or secret locations before being charged and transferred to a penal institution, or in some cases, released without charge. During this period of incommunicado detention, many of the detainees are allegedly subjected to various forms of torture or cruel, inhuman and degrading treatment."

Having recorded a sharp decline in the use of torture against those taken into custody by security forces during the second half of 1984, Americas Watch in a September 1985 report concludes that "torture is a persisting matter of major concern." The report includes a detailed account of the April 1985 National Guard torture of a physician who treated civilians and combatants in a rebel-controlled zone. In the restructured security forces, long-cited as an important development for observance of human rights in El Salvador, the National Guard director is under the direct command of Col. Lopez-Nuila, Vice Minister of Defense and Public Safety. Lopez is the police chief slated to receive and administer the Administration's proposed police-training assistance.

There is no public information indicating that any member of the Salvadoran military has been charged and prosecuted for the above violations of the right to physical and psychological integrity.

- *No recourse through the legal system.* An assessment of the overall human rights situation is incomplete without thorough examination of the right to redress through the legal system. Since the trial and prosecution of the five National Guardsmen accused of killing the four American churchwomen, no Salvadoran soldier or officer has been charged, prosecuted and sentenced for rights violations such as extrajudicial execution, disappearance or torture. In-depth inquiries leading to trials have not taken place even in relation to the violent deaths of American citizens, the assassination of an Archbishop or other highly-publicized cases singled out personally by Duarte for prosecution. As for ordinary Salvadoran citizens, each month brings additional cases of civilian deaths in which the perpetrators are not identified or prosecuted by the Salvadoran government.

According to the July 1985 report of the Geneva-based International Commission of Jurists, the U.N. Human Rights "special representative, Prof. Jose Pastor Ridruejo, observed in his report that compared with previous years there has been a noticeable reduction in the number of political killings, arrests and disappearances. He nevertheless noted that the majority of the grave violations of human rights have not been investigated or punished, and that the capacity of the judicial power to fulfill these obligations is clearly unsatisfactory."

- *No substitute for the right to redress through the legal system.* Politically-costly steps taken by Duarte, such as establishing investigatory commissions, removing certain military men from their posts, or prosecuting the five Guardsmen who killed four American women, are positive. However, these steps are an insufficient response to the ordinary Salvadoran citizen, who has a right to recourse through the law. Such measures gain real importance insofar as they represent a growing government willingness and ability to prosecute those responsible for rights violations. These widely-heralded steps have not yet brought the average Salvadoran demonstrably closer to recourse through the legal system in the event of government perpetrated disappearances and deaths.

Furthermore, Amnesty International has observed that "the mere transfer abroad or removal from active duty of armed forces personnel considered responsible for ordering, supervising or sanctioning the large-scale extrajudicial execution of noncombatant civilians or the death-squad style killings of individuals did not appear to be sufficient sanction to ensure that officers and troops in the security and military agencies stopped such practices."

- *Difficulties in gathering accurate documentation.* Improvement in the human rights situation should be judged in part on the Salvadoran government's willingness to allow complete and timely investigation into and documentation of reported human rights violations. In El Salvador, gathering accurate documentation on civilian deaths or disappearances in rural areas remains a difficult, time-consuming and dangerous endeavor for both journalists and independent human rights groups.

In the past year and a half, military forces which Duarte claims to command have on numerous instances obstructed efforts by journalists and representatives of human rights groups in their efforts to document accurately reported rights violations, especially those occurring in rural areas of difficult access. The Duarte government itself has not fully investigated all reported instances of collective killings or war-related civilian deaths, or has issued reports that contradict credible independent accounts. Analysts conclude that while the military has opted for a more discriminate behavior towards real or perceived government opponents in the cities, it still views with suspicion human rights representatives who seek timely access to war zones and other conflictive areas.

Q. What has happened to the dialogue since the La Palma meeting?

A. *Duarte's La Palma initiative follows repeated calls for dialogue.* Following a surprise initiative by Duarte, Salvadoran government and FMLN-FDR representatives met in October 1984 in La Palma, a village near guerrilla strongholds. (The opposition alliance,

"Violations directed at noncombatant civilians testify to the failure by the government to adhere to even the most minimum humanitarian standards established for times of armed conflict."
"Amnesty International's Current Concerns in El Salvador" June 1985

centrist unions and religious groups had long advocated a dialogue process that might lead to a more political resolution of the war.) A second meeting was held inside El Salvador on November 30 in Ayagualo. Both meetings received wide publicity and raised such high expectations for rapid advance that disappointment, anger and mutual finger-pointing followed.

● *Joint agreement for a third official meeting.* At Ayagualo a joint decision was taken to hold a third official meeting, with a joint commission to prepare for it. No date was set. Both parties also agreed to respect the physical and moral integrity of captured prisoners. With the onset of the electoral campaign in early 1985, Duarte said he lacked National Assembly authorization for a third meeting. On the eve of the elections however he then said he intended to continue the dialogue regardless of whether his party won.

● *Following PDC election victory, FMLN-FDR proposes date.* Following the Christian Democratic Party (PDC)'s majority win in the March elections, the FMLN-FDR privately proposed to Duarte a date for the stipulated third meeting. Although on April 1 he said "I believe firmly in the honest-to-God sincere dialogue," Duarte did not respond privately or publicly to proposed dates. When the FMLN-FDR proposed a June 15 meeting date, Duarte responded that private talks had to precede any public session and conditioned government participation in a future meeting on whether it provided "real expectations for peace."

In a May 6 communique, the FMLN-FDR accepted the Duarte proposal for private talks preceding a public session. Duarte was silent on the opposition proposal until May 17, when he asked Bishop Rosa Chavez to communicate his rejection of the offer and his belief that the dialogue process should be put on hold because the FMLN-FDR lacked sincerity. Duarte made no counter-proposal for reinitiation of the dialogue.

● *FMLN-FDR goes public on dialogue stalemate.* On May 28 the FMLN-FDR publicized the government-opposition exchanges, sent the National Assembly a letter denouncing Duarte's actions, and called on the Salvadoran public to express support for the continuation of dialogue. Archbishop Rivera y Damas, who had been accepted by both sides as mediator, was outside El Salvador during much of this period, leaving his auxiliary bishop, Msgr. Rosa Chavez, in charge. Clear communication and timely mediation were lacking.

● *Government charges opposition is power-hungry; opposition alliance details government's broken promises.* With dialogue on the rocks, the increased military activities by both the government and the guerrillas point to a prolonged military conflict. Acutely aware that the U.S. and the Salvadoran military can support dialogue but not dialogue leading to a negotiation process, the Duarte government charges that the FMLN-FDR wants only a share of power and increasingly carries out or condones terrorist actions that contradict their call for dialogue. The opposition alliance charges that the government has failed to uphold its agreements: to hold a third meeting; to fulfill the mandate of the Salvadoran people on dialogue; to take small but specific steps to humanize the war; and to respect the physical and moral integrity of captured prisoners. Salvadorans who criticized some recent FMLN military actions also were critical of Duarte's contradictory statements on dialogue, and his failure to respond to FMLN-FDR proposals in a timely manner.

● *Differing concepts of dialogue.* In his relations with the guerrillas, Salvadoran analysts have compared Duarte to a factory manager who will decide by himself which concessions to make to unruly workers who are out on strike. The opposition alliance see the actors as contending parties in a war who meet as equals in an attempt to reach common agreements. The assumptions behind the two positions are far apart. But the human cost of military escalation, a growing public mandate for dialogue, war weariness, and staggering economic problems that find public expression, may nevertheless breathe new life into the attempted dialogue.

● *Contadora effort not able to address all of region's problems.* The Contadora initiative advocated by Mexico, Panama, Colombia and Venezuela remains an important safety valve for regional tensions and reflects fears over the United States' militaristic approach to problem solving. Recent drafts of the proposed treaty advocate internal dialogue in El Salvador as a means to end the military conflict there. A successful Contadora treaty would represent one important element of a broader range of needed accords and developments, including continued dialogue, humanization efforts and negotiation between contending parties inside El Salvador.

● *Lima Group could open new political space.* According to the *Christian Science Monitor* the July 1985 formation by Peru, Brazil, Argentina and Uruguay of the "Lima Group" aims to add weight to the Contadora process and offer an expression of continent-wide unity on peace proposals for Central America. The thinking behind the Lima Group is that the current administration would be somewhat more responsive to the clearly expressed wishes of most of the continent than it is to the Contadora membership alone. Such efforts cannot replace direct talks inside El Salvador, but will hopefully generate greater political space and diplomatic initiatives.

Q. What is the position of the Salvadoran church on dialogue?

A. *Church calls for dialogue since 1981.* As early as 1981 Archbishop Rivera began calls for dialogue. In July 1982 the Salvadoran Catholic Bishops Conference issued a pastoral message calling for all parties in the conflict to be open to dialogue. Since that time, and with the support of the Vatican, the bishops have maintained a position supporting dialogue between the government and the FMLN-FDR. Archbishop Rivera y Damas has reiterated in homilies that more military assistance is counterproductive to any dialogue efforts.

● *From disunited bishops, a united call for dialogue.* As in many countries, the bishops are not unanimous in their view of the domestic situation or the role of the church; they nevertheless continue to be united in favor of dialogue as the only humane method for ending the war. This was repeated most recently in their August 6, 1985, pastoral letter.

● *Growing calls for a more active role by church leaders.* First privately, then more publicly, Salvadoran layworkers and religious have urged the church leadership to take bold initiatives to broaden the discussion on dialogue, and to become more active advocates of continued meetings between the government and its armed opposition. Church personnel of numerous faiths active in pastoral and relief efforts throughout the countryside come into daily, direct contact with the impact of the war, and have pressed Rivera to play an even more active mediation role.

"If prolongation of the war is becoming an inevitable reality, in that the Armed Forces cannot defeat the FMLN nor can the latter achieve a victory in the short term, the harshness of the confrontation requires that we recognize that the struggle is among Salvadorans and it is therefore necessary to humanize the conditions in which the combat takes place.

Our position is clear. The laws of war must be made operative in our country: respect for combatants, the obligation that neither side kill for the sake of killing, and recognition that the civilian population not involved in the conflict has inalienable rights, the first and foremost being the right to life and minimal security."

Popular Opinion (July 1985)
National Revolutionary Movement (MNR)

• *Steps ahead despite difficulties.* Sharp words have been exchanged on the church role. The August 1985 pastoral letter roundly criticized the guerrillas for having militaristic, ideological positions. The FMLN-FDR publicly criticized church officials for departures from its promised position of neutrality, and temporarily withdrew their backing for the church's role as mediator. Rivera has again sought out and met with both guerrilla and government representatives to exchange views, resolve some problems, and attempt to move ahead.

• *Rivera says 80% of the Salvadoran people support dialogue.* In an October visit to Washington, Rivera said that 80% of the Salvadoran people favor dialogue as the way to end the war. In a society where ordinary citizens think twice before speaking out, much less in an organized way, and where almost all print media is hostile to the concept of dialogue, the church plays a difficult and positive role in advancing the dialogue process.

• *New voices advocate dialogue.* Salvadorans express growing cynicism and frustration over lack of progress on dialogue and increased talk of a prolonged war. The centrist trade union federation, Democratic Popular Unity (UPD), has broken ranks with its American sponsor agency, AIFLD, in part over the propriety of its publicly criticizing Duarte for his failure to make good on campaign promises for dialogue. Arguing that problems of the displaced cannot be resolved adequately until the armed conflict ends, the newly-formed Christian Committee for the Salvadoran Displaced (CRIPDES) has organized several street marches in San Salvador and San Miguel calling for dialogue. These and other new, independent calls for dialogue may open greater space for both church efforts and a broader public debate.

Q. How many civilians are being killed from the bombing?

A. *Bombing is changing the human geography of El Salvador.* Government bombing of rural areas, and fear of armed confrontations, has brought about an exodus of civilians from certain rural areas; destroyed or seriously disrupted livelihood activities such as growing crops or keeping livestock; caused psychological trauma for thousands of Salvadorans in areas subject to bombardment; and resulted in injury and sometimes death of persons not engaged in fighting. While bombing is only one aspect of the war, not to be disassociated from related air and ground operations, it is a daily government-approved practice that has drawn world-wide attention for its immediate and long-term impact on Salvadoran peasant life and rural development.

Powerful helicopter gunship fire, rockets shot from aircraft and mortar fire have a similar, and perhaps more devastating, effect on the civilian population in both guerrilla-controlled and disputed areas of the countryside. The Air Force frequently uses more than one type of aircraft in aerial attacks, followed by ground operations.

• *International law prohibits military attacks against civilians, even those in rebel or conflictive zones.* Under international law, neither military exigencies nor real or presumed ideological belief are sufficient justification for attacks against civilians, even when they are found in areas controlled or frequented by opposition military forces. International law does not provide for exceptions to its prohibition on attacking civilians during military offensives.

• *Aerial attach destroys a way of life and a means of sustenance.* In combined air-ground attacks on targeted areas, the Armed Forces routinely destroy houses, tools, cooking implements, crops, fruit trees, animals and other meager belongings that enable peasants to survive. According to an earlier study by El Salvador's Catholic University, there are over 225,000 displaced persons in the conflictive provinces of Morazan, Usulutan, San Miguel, San Vicente and Chalatenango alone, while over 170,000 displaced live in the province of San Salvador. The total figure for internally displaced Salvadorans is now close to 700,000. Devastation is measured in loss of human life, but also in loss of a way of life for the thousands who know no other work than tilling the land. Few will find new land to plant and most will not be provided for by a government restricted by its own war economy. For many months, local church officials, as well as the displaced themselves, have expressed grave concern that the prolongation of the war is generating uncharacteristic dependency attitudes among peasants cut off from traditional rural life for as long as five years.

• *New bombing patterns respond to closer scrutiny and new military vision.* With its missions under closer scrutiny by foreign journalists and rights groups, the Air Force altered its bombing patterns to avoid high civilian losses in contested areas of easy access, such as its late 1983 attack on the town of Tenancingo. Also important to this change was increased acceptance in the officer corps that widespread indiscriminate aerial attacks could prove counterproductive to the effort to obtain neutrality from some civilians, popular support from others and possible collaboration from still others.

In and near guerrilla strongholds, intense targeted bombing and frequent helicopter strafing were designed to radically disrupt civilian life, perceived or real rebel support activities, and potential guerrilla recruitment pools.

• *Documentation forces government to alter position and attempt safeguard in rules of engagement.* In the months following the March 1984 presidential elections, journalists and human rights groups continued to receive credible documentation on aerial attack civilian casualties. In July and August, the new president's Army troops were implicated in two well-documented collective killings in northern El Salvador, a practice now more atypical of the Salvadoran Army. In September 1984, Duarte issued "rules of engagement" which were to regulate aerial attacks. Americas Watch reports that with regard to air fire, the order states that aerial attacks may be approved when Salvadoran Armed Forces troops are in contact with the enemy or are attacking fixed installations of the enemy, and to interdict enemy supplies or troops. In both March and October 1985 reports, the same organization presents data and testimony to support its claim that the Air Force has violated these rules of engagement.

In July the *New York Times* reported that "refugees from heavily contested rebel-held areas, particularly Guazapa volcano, 18 miles north of San Salvador, have given repeated accounts of air attacks on civilians and on villages that support rebels." Dislodgement, destruction and terrorization, rather than civilian deaths, seem to be the primary military objectives.

• *A journalist's first-hand account of close calls in the countryside.* A Pacific News Service reporter's trip to guerrilla zones in early 1985 reveals the complexities of assessing the air war, as well as the reason why Army commanders may obstruct journalists' entry to some areas. She notes that the several thousand peasant civilian supporters who remain in Cabanas are subject to bombing and gunfire from the air

The dialogue and negotiation process is on the rocks. But the human cost of military escalation, war-weariness, and staggering economic problems that find public expression may nevertheless breathe new life into the attempted dialogue.

when there is no apparent combat situation. On one morning she and villagers hid as rockets, bombs and machine gun fire covered the hamlet for half an hour. The next morning, at another hamlet, an 02 spotter plane flew low over houses; then as children ran into shelters, it returned to fire rockets. There was no sound of combat before or after. On the morning the jets came, she and the villagers first lay low where they were as bombs and rockets hit nearby for about 10 minutes, all miraculously missing people. Another day, walking along an open stretch of a little-used road, well inside a guerrilla zone, this reporter was pinned to the spot with rocket and machine gun fire from two jet aircraft for about ten minutes. No sound of combat was heard, and no human being seen for 1½ hours. Peasants told her that pilots aim at anything that moves. Documentation shows that, while not extremely numerous, bombing related deaths of civilians continue to occur. Terrorization and destruction rather than massive killing may be the primary objectives. Strafing seems to be responsible for increasing numbers of the air war deaths.

In the continuing heated debate over intended and actual air fire targets, U.S. and Salvadoran military and civilian officials are far from united or consistent in responding to charges of civilian deaths. Some officials claim that isolated incidents represent accidents common to any war. Some Salvadoran commanders have referred to free-fire zones and civilians living there as legitimate targets.

- *A matter of deterrence, and more difficulties in documentation.* There are indications that the Salvadoran military is frightening journalists, to deter investigative efforts in areas of heavy military confrontations. In April 1985 four U.S. journalists in a yellow taxi clearly marked with "TV" signs were attacked by two helicopters when they stopped to talk to guerrillas patrolling a road about 20 miles northeast of the capital. Reporters quickly drove off, but the helicopters followed and continued firing—at the journalists, not the guerrillas who had stayed behind. In July, three U.S. journalists, including reporters for *Time* and Reuters, were fired upon as they began to push a stalled car across the 600-foot wide Torolla River, the dividing line between government- and guerrilla-controlled zones in Morazan province.
- *Difficulties in determining numbers.* Given the problems of access to rural conflict areas, it is very difficult to determine the exact number of civilians killed by bombing. Air attack other than bombing, as well as accompanying ground operations, can inflict even more bodily harm to humans than bombs. Bombing is an effective psychological weapon, destroys buildings and disrupts normal daily life activities. According to *Tutela Legal*, civilian deaths resulting from indiscriminate attacks and military operations in which the majority of the victims were civilians totalled 700 in the first six months of 1985.

At current usage rates, U.S. citizens paid for 720 500-pound bombs and 900 750-pound bombs that dropped on El Salvador throughout 1985. These figures do not include smaller bombs, or the increasingly numerous rockets, minigun bullets and mortars.

Q. What is happening with the war? It looks like the guerrillas are losing badly.

A. *Air power, together with improved mobility and intelligence, shapes the war's evolution.* In the past three years, sharp increases in the number and firepower of Congressionally-approved aircraft sent to the Salvadoran military have limited the rebels' ability to stage large attacks and increased risks for civilians living in or nearby guerrilla strongholds. With the Air Force nearly doubled in size since 1984 and the Army nearly quadrupled in size since the war began, the government is able to transport fresh troops and supplies by helicopter to any point in the country within one hour. U.S.-piloted or drone reconnaissance over-flights, improved analysis and use of intelligence, enhanced mobility and the element of surprise are key factors in full utilization of the air power. The expanded rebel presence in more geographical areas, however, requires new allocations of government military resources and, if developed, will challenge the government's current upper hand in the military stalemate.

- *Guerrillas expand military and political presence.* In early 1984, the guerrilla forces said they would implement a "war-on-all-fronts" strategy, to include military actions in cities, as well as a presence in most of the 14 provinces. This plan of action predated the massive infusion of U.S.-financed aircraft that began in mid-1984. The June 1985 indiscriminate attack in which the FMLN guerillas killed civilians in addition to four U.S. marines has, for Americans, predictably overshadowed any other FMLN urban actions of the past 18 months. To virtually all Americans, it was seen as the *first* evidence of urban violence, and widely interpreted as an act of desperation by a weakened military force pushed out of rural military operations by overwhelming airpower. While this is an understandable American response, a disinclination to assess this killing within the context of the general war or to see it as more than a simple "terrorist" act, can limit understanding of the evolution of the war.
- *Fewer large-scale attacks and broadened political-military fronts.* With greater reliance on small units and therefore on sabotage and ambush in relation to repeated large-scale attacks, guerrilla forces since early 1984 have increased political and military actions in the capital city and in less conflictive western El Salvador. While apparently more protected from repeated large-scale guerrilla attack by generous U.S. military assistance, Salvadoran government troops and some newly-formed civil defense units find themselves needing a military and political presence in various locations, not just in or near guerrilla strongholds. This more multifaceted aspect of the war also derives from increased Salvadoran Army willingness to move outside the barracks and into the conflictive countryside.

Figures released by the Defense Minister for the year ending July 1985 show that Army casualties remain high, despite almost no large-scale attacks on towns and army bases. The *New York Times* suggests this may reflect a higher level of combat over the past year than had been realized and/or rebel success in ambushes, mines and booby traps.

- *Air power gives new dimension to ever-important military efforts on the ground.* With the U.S. as a crucial architect and provider for the war, the Salvadoran Armed Forces relies on an impressive array of aircraft tailored to current political/military objectives. According to a *Los Angeles Times* reporter, the government has at least five AC47 fire support platforms, a revamped twin-engine DC3 armed with two .50-caliber machine guns. The aircraft can circle combat zones at a slow pace, fire on targets identified by special reconnaissance equipment and use 3000 rounds per minute to protect helicopter landing of troops. The bomber fleet includes nine A37 dragonfly attack jets, with the number likely to increase to twelve.

The Air Force also uses five to ten Cessna 02 push-pull propeller spotter planes that fire 2.75-inch rockets, and combat helicopters.

"Violations directed at noncombatant civilians testify to the failure by the government to adhere to even the most minimum humanitarian standards established for times of armed conflict, as set out, for example, in common article 3 of the four Geneva Conventions on the Protection of Victims of War of 12 August 1949, which stipulates that in armed conflict not of an international character, 'persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed hors de combat *by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely.' The Conventions prohibit the following acts with respect to such protected persons: 'violence to life and person in particular, murder of all kinds, mutilation, cruel treatment and torture . . .'"*

"Amnesty International's Current Concerns in El Salvador"
June 1985

Forty-nine UH1H (Huey) gunship and troop transport helicopters are armed with a pair of machine guns, while six Hughes 500 helicopters are equipped with the more powerful mini-guns. The Salvadorans have requested twelve UH1M helicopters, an agile aircraft with night vision-equipment.

- *More bombs, rockets and machine-gun bullets being used than in 1985.* According to the *New York Times*, "the number of combat aircraft easily gives El Salvador the most powerful airforce in Central America." It also reports that "in 1984, the Air Force dropped an average of 80 500-pound bombs and 50 750-pound bombs each month, as well as a smaller number of 200-pound bombs, according to embassy figures. . . This year the Air Force is dropping an average of 60 500-pound bombs and 75 750-pound bombs each month." According to the *Washington Post*, "the use of combat helicopters has added greatly to the monthly fusillade. Between the 02s and the choppers, an average of 900 rockets a month rained down on the countryside this year, compared with 500 last year." Many more machine-gun bullets are being fired. Combat aircraft is used, among other things, to insert troops by helicopter into rebel areas, with attack accompanied by bombardment and strafing of landing zones and of rebel defenders. The above figures do not include artillery or mortar fire used in ground or combined air-ground operations.
- *Debate on intended and actual targets of air attacks.* The intended and actual targets of this intensified barrage from the air is the subject of great debate. The Air Force has used greater selectivity in determining bombing sites. But bombing-related deaths of civilians still occur, and scores of deaths occuring each month in or near combat zones are relegated to the "unclarified" category because human rights groups and journalists cannot gain access to determine whether the victims are combatants or civilian noncombatants. The adoption in September 1984 of Air Force "rules of engagement," drawn up to ensure that only military objectives be targeted, are an indirect acknowledgement that civilian deaths did occur. As detailed above, air attack by aircraft other than bombers has increased noticeably in the past year. According to the *Washington Post*, "increased firepower, coupled with sophisticated aerial reconnaissance by American-piloted or drone planes, has had one major achievement: discouraging rebels from massing troops for large-scale attacks. But it is not clear whether aerial attacks, especially bombing, actually kill many guerrillas."
- *A greater emphasis by the Armed Forces on the political and psychological dimension of the war.* Salvadoran Armed Forces leaders now say their military objective is to disrupt the guerrilla infrastructure, break guerrilla organizations and isolate the guerrilla army from the civilian support structure. A key component of the current military strategy therefore is aggressive outreach in various forms to the civilian population. Activities include: continuing bombing raids designed to render areas uninhabitable to civilian life; forcibly removing civilians from areas where they are thought to provide support for the FMLN; reinitiating civic action programs that train militias and provide jobs; encouraging increased private and governmental humanitarian assistance programs for select populations; employing psychological warfare tactics such as showing films designed to discourage civilian support for the FMLN; training teams from the security forces to teach literacy; and enforcing an improved attitude by soldiers towards certain sectors of the civilian population. Outreach to the civilian population is a dynamic component of the war strategy.
- *Strategists call for use of firepower subordinated to political goals.* Recent newspaper accounts describe what former U.S. military chief in El Salvador, Col. John Waghelstein, calls "Post-Vietnam Counterinsurgency Doctrine"—"total war that uses *all* the weapons of total war, including political, economic, and psychological warfare with the military aspect being a distant fourth in many cases." Reports indicate that U.S. strategists have discovered that the political objectives of counterinsurgency must be clearly defined, and that military means must be subordinated to political goals. In a recently proposed definition of counterinsurgency for the revised U.S. Army field manual, "limited use of firepower" is essential because indiscriminate firepower tends to unite the population, whereas the objective is to isolate the guerrillas. "Correct" procedure calls for targeting overwhelming firepower against active guerrilla supporters, while ensuring that none is used against others.

  The "total war" concept involves mobilizing the supportive sector of the population, controlling the largest possible sector of the opposition with the least amount of coercion and annihilating that sector which cannot be controlled. The analysis concludes that this strategy rests on the ability to identify which sector is being dealt with, and that means great emphasis on intelligence collection.

Q. Is the Salvadoran government using napalm or chemical warfare?

A. *There is no specific evidence available to indicate that at the present time the Salvadoran Air Force is using either napalm or incendiary weapons. In-sitio* investigations are greatly complicated by difficulty in reaching rural areas in a timely manner and gaining access to war zones. Salvadoran and U.S. officials confirm the existence of napalm stocks in El Salvador, and the Salvadoran military said it had been used in the past. There is no clear, widely-accepted evidence of use of napalm in the past several years, although some air-borne substance has caused burns.

A September 1984 delegation to El Salvador that included the Massachussets Institute of Technology's burn specialist, Dr. John Constable, interviewed some 40 refugees from 20 different areas and heard convincing descriptions of attack by incendiary weapons (described as fire-only explosions that leave no shrapnel or large craters on impact). Physical examination immediately after the fact, which is crucial to definitive diagnosis, was impossible.

The group heard no valid descriptions of white phosphorous anti-personnel weapons per se. Two or three burns were reliably described (but not inspected) which were consistent with white phosphorous as commonly used in the 2.75-inch "marker rods" by the Air Force.

The Salvadoran Armed Forces no doubt is now extremely attentive to political costs associated with use of any air-borne substances. Definite confirmation of what was used in the past, or what may be used at present, is extremely difficult.

Counterinsurgency strategists argue that limited use of firepower is essential because indiscriminate firepower tends to unite the population, while the objective is to isolate the guerrillas. "Correct" procedure calls for targeting overwhelming firepower against active guerrilla supporters, while ensuring that none is used against others.

Q. Which human rights report offers a balanced, apolitical evaluation of the record of both the government and the guerrillas?

A. *Rights monitors must sort out an increasingly complex situation.* In an earlier period, the Salvadoran civil conflict was characterized by extensive state repression, widespread public dissent and clandestine guerrilla organization activity. That conflict has evolved into a civil war which finds two military forces sustaining casualties, engaged in armed exchanges, and fighting to expand both military and political influence in urban and rural areas. The rebel force maintains a regular military presence in limited but definite geographical areas. This presents an especially difficult situation to be monitored and evaluated by human rights groups. An understanding of politics, counterinsurgency practices and especially the applicability of international law becomes increasingly important.

- *Characterization of the military conflict.* As human rights assessments must take into account situations of outright warfare, as is the case in El Salvador, human rights groups need sound grounding in international law so as to apply—to both sides—those standards appropriate and applicable to the particular conflict.

As is the case with other worldwide conflicts, the characterization of any particular armed conflict determines which international laws are applicable to government forces and to opposition forces. Even for international law experts, such legal determinations are seldom easy or clearcut.

As in other worldwide conflicts, such determinations are based on criteria such as the ability of an opposition military force to maintain a permanent presence, its observance of international norms, judgements on the support it draws from the civilian population, and international accords signed by the government. Such determinations also reflect the evolution of a military conflict, the behavior of opposition forces, and actions by the local government and international fora that confer implicit or explicit recognition on opposition forces.

- *Politicization of the human rights debate.* Accuracy in rights monitoring derives from careful interpretation of law, sound methodology and comprehensive documentation. Attacks against long-standing human rights groups have hampered their efforts to document and interpret the complex, changing human rights problems in El Salvador. The attacks have also contributed to a politicization of the human rights discussion. The practice of human rights monitoring risks becoming a political football. Human rights groups need to be judged primarily on their interpretation of relevant international laws and its application to relevant parties, the scope of their investigation and the accuracy of their information. More public attention needs to be focused on international law and on sound methodology that has given coherence and integrity to human rights monitoring activities over the years. The El Salvador monitoring work of Americas Watch and Amnesty International has been outstanding in this regard.

Q. How is President Duarte doing on his promises on specific human rights cases?

A. *Duarte promises to fight openly and tirelessly on human rights.* In his inaugural speech in June 1984, Duarte said he intended to "fight openly and tirelessly to control abuses of authority and the violence of extremes, the death squads, and all the problems of injustice and power they represent." He announced special inquiries into a number of cases which had occurred before he took office in 1984.

- *The murder of Archbishop Romero in 1980.* Prior to the May 1985 National Asssembly vote which removed him from his post, Attorney General Jose F. Guerrero told a visiting representative of the Lawyers Committee for International Human Rights that the Romero case "had been shelved" in December 1984.

Judicial authorities said there was insufficient evidence to indicate who was behind the killing. Officials at the San Salvador Archdiocese informed Americas Watch that, some five months after the establishment of the special investigative commission, the Church had received no request from the commission for any information it might have on the murder of Archbishop Romero.

Santiago Mendoza was named Attorney General in the place of Guerrero, who is challenging the constitutionality of his removal. In August 1985, a Salvadoran court ordered the reopening of an investigation into the murder, but no progress has been made known publicly.

- *Setbacks in the Las Hojas case.* Following the naming of a new Attorney General, *Washington Times* journalist Roger Fontaine reported that "a Salvadoran court of appeals has dismissed all charges against 10 soldiers accused of killing 18 men and boys two and a half years ago at Las Hojas, a farming cooperative 25 miles west of the capital." Fontaine wrote that the decision came as "something of a shock" to the U.S. officials following the case, who were "furious" at the ruling which will free 10 soldiers from the Sonsonate garrison. During his campaign, Duarte promised the indigenous leaders at the cooperative that he would prosecute those responsible. An Army commander is implicated in this case. No Salvadoran officer has ever been criminally punished for political crimes.

- *Initial step ahead goes nowhere in Armenia well case.* This case dates back to 1981, when soldiers intercepted and later returned to kidnap some 41 people in Armenia, Sonsonate. Some bodies were dumped in a well. The local Army commander from Armenia and some of his soldiers were alleged to be responsible. An investigation was ordered by the Attorney General's Office and in late 1984 an attempt was made to exhume the human remains believed to be in the well. Some bones were found but the exhumation was postponed for lack of proper equipment. As of June 1985, Amnesty International had no knowledge of further progress in this case.

- *The disappearance and murder of American journalist John Sullivan.* Americas Watch reports that five months after the formation of Duarte's special investigative commission, the commission was not even aware that the family of John Sullivan had itself hired an investigator who had gathered information on his disappearance and murder, even though the investigator had worked in cooperation with the U.S. Embassy. Sullivan's disappearance and death was one of less than a half dozen cases reportedly assigned to the commission in August 1984. Since Sullivan's disappearance and subsequent death in December 1980, his relatives have pressed the Salvadoran and U.S. governments for a thorough investigation into his death.

- *The Sheraton Hotel murder offers most evidence, most setbacks.* One "well-informed source" told the *Albuquerque Journal* and *Los Angeles Times* reporters Craig Pyes and Laurie Becklund that "if you push this case of the AIFLD labor advisers, you will destroy the Salvadoran government as it exists today...If you pressed it—the investigation—you would destroy the institution of the Armed Forces."

"U.N. Human Rights Commission Special Representative Prof. Jose A. Pastor Ridruejo indicated in his report that, compared with previous years, there has been a clear reduction in the number of political killings, arrests and forced disappearances. He nevertheless pointed out that the majority of the serious violations of human rights have not been investigated nor punished, and that the ability of the judiciary to meet these obligations is very unsatisfactory." (from Spanish original)

Bulletin *July 1985.*
International Commission of Jurists

According to **Proceso,** *a weekly publication of San Salvador's Jesuit-run* **Universidad Centroamericana** *(UCA), "U.S. economic aid to El Salvador, which is the largest of anywhere on the continent and has been channeled primarily to the private sector, has probably contributed to holding off any significant drop in overall productivity and has generated expectations for imminent economic recovery. However, that aid has not yet benefitted a population whose purchasing power is ever more limited and whose basic needs remain unsatisfied."*

According to the Canadian weekly *Maclean's*, "the two National Guard triggermen testified that they had received their guns and their orders from two officers: Lt. Isidro Lopez Sibrian and Army Capt. Eduardo Avila. According to investigations by the U.S. Embassy and the AIFLD, the two officers were members of a consortium of military men and wealthy landowners, outraged by the land reforms." In a letter to the *New York Times*, AIFLD director William Doherty wrote that "obviously the internal forces of injustice are still stronger than our pressures."

On July 3, 1985, a Salvadoran judge ruled that there was insufficient evidence to arrest Avila. The decision marks the third time that Salvadoran courts have found insufficient cause to jail suspects in the case.

According to the Lawyers Committee for International Human Rights, "improvements in the human rights situation in El Salvador have been seriously impeded by the military forces. They seem impervious to external sanctions or control, and are unwilling to police themselves internally...The need for the civilian government to establish control over the military and impose a system of discipline remains the central human rights issue in 1985."

Q. Why have the guerrillas increasingly turned to terror tactics?

A. *The need to focus on rights abuses by both sides.* The past several years have been characterized by a change in the pattern of government rights abuses, a prolongation of the war and more numerous guerrilla military actions in urban areas. Human rights groups are grappling with how to report a human rights situation far more complex and difficult to document than three years ago. More awareness and education is needed on international law and how it relates to specific situations of armed conflict. It is crucial to judge guerrilla behavior according to their compliance with or disregard for the relevant rules of war. The same holds for the Salvadoran government, which has signed and is therefore a party to both the Geneva Conventions and the additional protocols. As rights violations increasingly occur in the context of an outright war, the legal interpretative issues become more difficult, even for experts in international law.

- *Difficulties in identifying perpetrators and classifying abuses.* Press coverage of war-related human rights abuses in El Salvador usually focuses more on what is considered "newsworthy" or "of interest to the general American public," and less on the two military forces' compliance with complex international law unfamiliar to the general public. The crucial interpretative question is which actions by either military force is inadmissible under international laws relating to time of war. Popular terminology such as "death squads" or "terrorists" can often obscure rather than clarify specific responsibility for actions, and thereby hinder necessary judgements on compliance with relevant laws by the party in question. For the press and human rights monitors, war-related urban military activities present the most difficult challenges. Which, on the one hand, are military actions by the Armed Forces and its armed opponents against each other, and which military actions, on the other hand, are directed at what international law would consider unacceptable military targets?
- *Guerrillas initiate and later discontinue a pattern of forced recruitment.* FMLN forces initiated, persisted in and by mid-1984 discontinued a pattern of forced recruitment of young people. One rebel explanation offered for this human rights abuse was that a U.S. invasion was inevitable and justified recruitment techniques similar to those used by the Salvadoran army. Local Salvadoran human rights groups were among the first to document and protest this guerrilla practice, which was also condemned by WOLA and other U.S. rights groups.
- *Guerrilla responsibility for civilian deaths.* Leftist opponents of the government were responsible for killing 68 civilians in 1984. Two local human rights groups, *Tutela Legal* and *Socorro Juridico Cristiano*, confirmed that the victims were noncombatants. The victims included rightist politicians. In March 1985, a priest, four seminarians and two civilians ran a guerrilla roadblock; guerrilla fire killed one seminarian. The FMLN accepted responsibility and made a public apology. In April guerrilla units attacked a house in Santa Cruz Loma used by the civil defense, leaving nineteen dead including a pregnant woman and three children. The FMLN claimed that the house was used by the civil defense and therefore considered a legitimate target, and that they were unaware of the presence of women and children in the house. The death of the civilians was documented by *Tutela Legal* and Americas Watch, among others.
- *Difficulties in defining military objectives.* Because increasing numbers of rights violations in El Salvador are directly or indirectly related to the prosecution of the war, disputes will continue to arise over the interpretation of the rules of war. For example, under law, is a particular person, group or structure a proper military objective? International law experts are not always in total agreement on these difficult legal interpretative questions.
- *Capture of mayors has political and legal ramifications.* The Salvadoran guerrilla forces were also responsible for the capture and prolonged detention of elected mayors serving in northern towns in disputed or FMLN controlled areas. These actions were sharply criticized in international circles on both human rights and

Since 1983, the U.S. government at the highest level has made concerted efforts to change the institutional behavior of the Salvadoran Armed Forces, whose unity and public image are crucial to success in the battlefield and in column inches of newspaper coverage. These were not only corrective measures to press the military to "clean up its act," but corrective measures to prepare the Armed Forces for a new role in the political and military realm.

With a Salvadoran military subject to close scrutiny by the foreign press and totally dependent on Congressional largesse, the massive rights violations in urban areas have been curbed by a more sophisticated military that is cultivating its own public image and trying to defeat the guerrillas in the fight for public support.

political grounds. The mayors were released as part of the government/guerrilla accord following the kidnapping of Duarte's daughter. The guerrilla forces stressed that they had treated their detainees in accordance with international law, giving them access to the International Committee of the Red Cross.

● *Indiscriminate "Zona Rosa" attack leaves civilians as well as U.S. marines dead and paves way for counter-terrorism programs.* A June 19 indiscriminate guerrilla attack on a San Salvador cafe left nine civilians dead, as well as four U.S. marines who were the apparent target. The incident demonstrates how broader political and military considerations can shape the human rights discussion. Although military attacks by both the armed forces and the guerrillas are not infrequent in the capital city, the killing of U.S. military personnel thrust El Salvador into the limelight, overshadowed other urban rights abuses, and was widely interpreted in the U.S. as a terrorist act.

This latter interpretation was enhanced by the indiscriminate nature of the attack. The killing was viewed differently in El Salvador than in Washington, where it was seen primarily as a terrorist action and not as part of an on-going war in which U.S. military play a key role. The killing was condemned by the Catholic Archbishop, who at the same time criticized Armed Forces abuses. The U.S. Congress showed little interest in international law relating to military personnel, the expanding role of U.S. military there or the reliance on urban warfare by both sides.

The killing of the marines increased the political costs for members of Congress who planned to oppose the reintroduction of U.S. police training. All these broader considerations show the difficulties of encouraging clear human rights interpretations at times of political/military crises.

● *Capture of Duarte's daughter clearly an indefensible act.* The forced abduction in October of Duarte's daughter by armed men of the FMLN is clearly in violation of the rules of war. Negotiations dragged on for weeks before foreign diplomats and Salvadoran church officials managed to reach an accord that led to the release of Ines Duarte Duran, her companion, wounded FMLN combatants and political prisoners.

The response of the U.S. Congress to the kidnapping was swift and predictable. Any attack against Duarte was felt as an attack against U.S. officials themselves. The action extended Duarte's grace period with Congress, and sowed seeds of doubt about the viability of government-rebel dialogue.

Given the nature of press coverage of El Salvador, virtually no one in Congress or in the broader U.S. public knew that the Salvadoran government had continued to violate international law by not recognizing prisoners of war, in disregard for its own commitment at Ayagualo to do so. Regardless of Salvadoran government actions, Ines Duarte Duran cannot be considered a military target. Nor should her kidnapping be seen in isolation from thousands of similar actions by government forces against ordinary Salvadoran citizens.

Q. Why does the Congress seem so disinterested in El Salvador?

A. *Their man won and he needs to be supported.* Many in Congress are said to feel proud that their efforts contributed to the election of Duarte in El Salvador, and relieved that the dark days of acrimonious debate among colleagues are over. They feel comfortable with Duarte as a politician, and this affinity is as important, if not more important, than his actual record to date. At a time when bipartisanship is itself a virtue, many progressives feel they can afford to take a firmer position on Nicaragua because there is a greater consensus on El Salvador.

● *Duarte is seen to be going in the right direction.* Duarte is seen by most in Congress as by far the best option. For a body that pays great attention to concrete options at hand, Duarte is seen as someone who is going in the right direction. This sense of a "right direction" has far more to do with Duarte's ability to package and project his hopes and promises, than Duarte's specific accomplishments to date. The killing of American marines and the kidnapping of Duarte's daughter provoked outrage in Congress in a way that the distant air war has been unable to do.

● *The Congress is not asking questions or commissioning studies conducive to informed decision-making.* In February 1985, three elected officials presented a report whose purpose was to "provide Congress with an analysis of the lesson of past funding for El Salvador, so that legislators can make informed decisions on upcoming requests." Known as the Miller-Leach-Hatfield report, the analysis draws on past Congressional funding experiences to show which questions must be raised when new Administration requests are made.

The authors show, for example, that "aid for 'reform and development' in El Salvador accounts for only 15% of all U.S. aid in the past five years, whereas aid for direct prosecution of the war is double that amount (30% of our aid). Of the remaining aid, the vast majority is indirectly war-related, because it addresses needs created by the war and allows continued expansion of the war, rather than addressing the underlying inequities that gave rise to and now sustain the war." The report disputes as artificial the traditional "economic" vs. "military" breakdown to which both the Executive Branch and the Congress have grown accustomed. Religious organizations and the press responded enthusiastically to the Miller-Leach-Hatfield Report, which was not the case in Congress. The Congress did not use the report to stimulate more informed decision-making.

● *Little indication of Congressional accountability for war-funding and policy direction.* The concerns reflected in this report are *not* typical of Congress in 1985. Members feel frustrated by their past inability to legislate alternate foreign policy, to condition aid adequately or to obtain basic information from the Reagan Administration on aid shipments or policy direction. They give first priority to Nicaragua, where they seem more willing to put up a fight. The Administration's constant drumbeat about the dramatic turn-around in El Salvador has led many to consciously or unconsciously put El Salvador on the back burner.

In the new phase of the war, with military leaders calling for increased economic aid and "professionalization" programs for the police forces, it is all the more unlikely that Congress will organize itself to ask the crucial but difficult questions: where will El Salvador be in five years and how does that relate to the newest aid request? Who gains political power if we reinitiate police training? Can CIA activities now in El Salvador give rise to an upsurge in nationalism down the road? What does it mean that Duarte has not drawn the line on a contra presence in his country? One of the most serious repercussions of Congressional impassivity is diminished media coverage. Unlike in past years, there is no string of debates, hearings and studies that place El Salvador firmly on the agenda and spark media attention.

"The Salvadoran Armed Forces has actually emerged from the past several tumultuous years with a more professional profile and a strengthened, more decisive role in Salvadoran political life . . . . Key Armed Forces leaders have learned—much more rapidly than some important individuals of the far-right—that a symbiotic relationship with a populist president advocating reforms can prove beneficial to the military institution's current war effort and long-term interests, and does not preclude the Armed Forces from setting limitations on more unsavory policies such as dialogue with the enemy or prosecution in the courts of soldiers and officers involved in rights abuses."

WOLA Update July/August 1985

"In a nation where wealthy conservatives traditionally controlled the newspapers, television and radio stations, Duarte's centrist civilian government has amassed an impressive information apparatus since coming to power . . . (The CIA) has advised U.S. congressional intelligence committees that it is running a covert 'media relations' operation in El Salvador. The aides said the program's chief goal is to change El Salvador's image from that of a cauldron of war and death to that of a country where conditions are improving as a result of U.S. policies and to persuade the U.S. Congress to continue pumping economic and military aid into the Central American nation."

Miami Herald, *July 14, 1985*

Statistics

- *Over one million people (20-25%) of the total Salvadoran population are displaced by the war.*
- *El Salvador receives $1.5 million per day in U.S. aid.*
- *65% of the population is unemployed or underemployed.*
- *Between January and December 1984, chili peppers, toilet papers, carrots, tomatoes and lemons increased in price by over 100%.*
- *In 1984, for the fifth year in a row, real wages again dropped by 10 percent. Consumer buying power has decreased 54 percent in five years.*
- *With subsistence living costs estimated at U.S. $400, some 75% of Salvadoran families earn the minimum wage (U.S. $97) or less.*

SUGGESTED READING

- "The New Republic," December 26, 1983. "Death squads" article by Chris Dickey.
- *Amnesty International.* "Amnesty International's Current Concerns in El Salvador." June 1985. (AI, 705 G Street, S.E., Washington, D.C. 20003).
- *Lawyers Committee for International Human Rights.* "Justice Denied: A Report on 12 Unresolved Human Rights Cases in El Salvador." (Lawyers Committee, 36 West 44th Street, New York, N.Y. 10036)
- *Americas Watch.* "Draining the Sea," March 1985. "The Continuing Terror," September 1985. (Americas Watch, 36 West 44th St., New York, N.Y. 10003).
- *National Labor Committee in Support of Human Rights and Democracy in El Salvador.* Two reports on labor delegation visits to El Salvador. (Labor Committee, 15 Union Square, New York, N.Y. 10003)
- *Arms Control and Foreign Policy Caucus.* "U.S. Aid to El Salvador: An Evaluation of the Past, a Proposal for the Future. A report to the Caucus from Reps. Leach and Miller and Sen. Hatfield." (Caucus, U.S. Congress, 501 House Annex 2, Washington, D.C. 20515)
- *American Friends Service Committee and Religious Task Force on Central America.* "Understanding El Salvador." (Task Force, 1747 Connecticut Ave., N.W., Washington, D.C. 20009)
- *Washington Office on Latin America.* "An El Salvador Chronology: Death Squads as a Political Tool." (WOLA, 110 Maryland Ave., N.E., Washington, D.C. 20009)

"If the dialogue fails, no other path will be left for El Salvador but total destruction."

"Reconciliation and Peace"
Salvadoran Bishops Conference
August 6, 1985

* * * *

"80% of the Salvadoran people support dialogue."

Archbishop Rivera y Damas
Washington, D.C.
September 27, 1985

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