



EL RESCATE HUMAN RIGHTS DEPARTMENT

REPORT FROM EL SALVADOR
November 18-25, 1991

*"Absolute irresponsibility based on pure speculation."
Government of El Salvador (1)*

*"We emphatically reject these irresponsible accusations."
Armed Forces High Command (2)*

Congressman Joseph Moakley's memo charging that Generals Bustillo, Ponce, Zepeda and Colonel Elena Fuentes conspired with Colonel Benavides to assassinate the Jesuits hit the High Command like a bombshell. "They are really going wild, furious," said one source close to the military. (3) The NEW YORK TIMES article (4) followed the FMLN truce by just twenty-four hours and caught the army off guard and once again on the defensive.

The government responded initially on November 18 denouncing the charges but noting that the court is open to receive any new evidence. The following day, Generals Ponce and Zepeda held a press conference and read an official statement from the High Command rejecting the charges and denying that a meeting occurred in the Military School on November 15 to plan the assassinations. The generals insisted Moakley was only attempting to blame high-ranking officers "without any concern about the moral and professional harm he caused to us" and denounced the "intervention in our internal affairs ... at a very delicate moment for the institutional life of the country." (5)

Minister of Defense Ponce said he thought the whole affair had to do with "political moments" in the United States and insisted he was very busy November 11-16, 1989 with "bullets everywhere ... We weren't imagining or thinking about the Jesuits, really." (6) General Zepeda described the charges as "an effort to weaken the structure of the Armed Forces" and said "those people" were just looking for "political advantage" in the United States. (7)

Colonel Francisco Elena Fuentes followed the next day with his statement and press conference. He also insisted he was very busy during those days in November 1989 "at the side of my soldiers." The Colonel accused Moakley of favoring sectors "close to the FMLN" during his visits to the country: "There are suspicious coincidences between the statements of the terrorist leader Joaquin Villalobos and Moakley ... [The charges are] obviously an attempt to weaken the Armed Forces ... I hold Moakley responsible for any verbal attack or act against my family or me." Elena Fuentes, Ponce and Zepeda all "reserve the right" to press legal charges. (8)

"Congressman Moakley is a liar," declared General Juan Rafael Bustillo on November 21, "a politician without scruples or professional ethics ... a Yankee who wants to impose his standards on an institution." Bustillo denied the charges and called on Moakley to debate publicly, in El Salvador or in Washington. Bustillo also referred to the NEW YORK TIMES as "an active voice for the leftist sectors," and threatened to file charges for defamation. "It is time to set a precedent with this kind of individual." (9)

***"The report is insidious ... an attack against the national security."
Kirio Waldo Salgado, Analyst (10)***

***"It is an abuse ... that gringos come here and tell us how to impart justice."
ARENA Deputy Raul Somoza Alfaro (11)***

Referring to the Moakley memo ARENA Deputy Somoza Alfaro demanded, "What about the Kennedy and Martin Luther King assassinations?" (12) A defense attorney for the defendants in the Jesuit case accused Moakley of "trying to save his prestige after his failed investigation." (13) Assembly President Angulo described the memo as "Inopportune and irresponsible," (14) while Colonel Mauricio Vargas called it "insolence very insolent" and emphasized, "this case should not be politicized." (15) An editorial in DIARIO DE HOY decried, "maneuvers orchestrated ever since the abominable assassination of Msr. Romero ... every time military aid is discussed ... Now the country can do away with the Judicial Branch and leave the administration of justice in the hands of Joe Moakley." (16)

On November 21, the UCA inaugurated a weekly television program which will feature reports, interviews and debates. A documentary on the slain Jesuits was shown and Father Jose Maria Tojeira was interviewed about the assassinations and the Moakley crisis. The host said the Ministers of Defense, Justice and the Presidency were all invited to participate, "but unfortunately none of them could make it." (17) On November 25, the Attorney General's office announced that an official request has been made for a copy of the Moakley memo. (18)

***"He must do everything possible to substantiate his charges."
Jesuit Jon Sobrino (19)***

***"The case was always political ... They weren't killed for their money,
they were killed for their ideas ... They were killed by the Armed Forces."
Dr. Ruben Zamora (20)***

The State Department referred to the Moakley memo as "just accusations" and said "hard evidence is necessary." (21) Guerrilla radio suggested the Bush Administration "leaked the names to the press ... as a sign to the Armed Forces not to continue boycotting the negotiations." (22) The Democratic Convergence announced it will support the request of the Jesuits for an investigation by the Assembly, "a la Watergate or Contra-gate." Ruben Zamora explained, "If nothing happens with this case it will be a reaffirmation of impunity." (23) Zamora and others suggested that Minister of Defense Ponce should be asked to step down or should resign during the investigation. "That's what would happen anywhere else in the world." (24) Interviewed by UNIVISION, Joe Moakley said, "the ball is in the Salvadoran court now." (25)

The allegations against General Ponce open up the question of leadership of the military during the transition stage following a cease-fire agreement. Ponce was considered very acceptable by the U.S. Embassy, the Tandonia and possibly even by the FMLN during that delicate period. These charges weaken him, and therefore weaken the position of the Tandonia, while strengthening the hand of younger officers who are pushing for the retirement of Ponce and other members of the High Command. End-of-the year promotions and retirements are under discussion and this increased tension inside the institution could cause further difficulties at the negotiation table.

Colonel Mauricio Vargas was asked about the Jesuit and El Mozote cases and the prestige of the Armed Forces. "Look," he responded, "a lot of problems are going to come out, but I believe that if we move toward reconciliation we can put aside some individual interests ... because if not, I believe the transition is going to complicate things for all Salvadorans." (26)

"Our guns are silent and will only be heard in defense of our combatants or our territories ... The truce moved the entire nation toward peace ... The point now is not to win the war but to win the peace."

Gerson Martinez, FMLN Political Committee (27)

The FMLN unilateral truce went into effect at midnight November 16, but the Armed Forces continued deploying large numbers of troops, particularly in Chalatenango, Morazan and the northern Guazapa area where the Atlacatl Battalion, First Brigade and Panther Battalion continued to operate. On November 19, Colonel Hector Lovo of the Air Force said his aircraft were only flying re-supply missions. "We should give the truce a chance, but we are ready and waiting." (28) Ruben Zamora called on President Cristiani to assume his role as Commander-In-Chief and order the army to suspend all operations: "A unilateral truce cannot be sustained for long without a clear definition from the government ... Cristiani saluted the truce and the military did just the opposite ... Who's in charge?" (29)

In Mexico on November 19, Schafik Handal outlined the actions of the military since the truce was declared and demanded the government take reciprocal steps. (30) The following day, Urban Commandos issued a statement condemning military operations in FMLN zones as "a serious provocation to our forces." (31) FMLN Commander Leonel Gonzalez noted, on the morning of November 21, that it was "very difficult" to maintain the truce. He accused sectors of ARENA, the business community and the army of blocking advances and said Colonel Elena Fuentes of the First Brigade "has been the most aggressive." (32)

"Beginning today there are no offensive Air Force operations."

President Alfredo Cristiani (33)

"Words and good intentions are not enough."

FMLN Commander Francisco Jovel (34)

President Cristiani and Minister of Defense Ponce met with the press following a religious service in San Miguel on November 21. The President announced the suspension of both aerial bombing and the use of heavy artillery. "These are not reciprocal measures," he insisted. "The objective is to create favorable conditions for negotiations." The President denounced several incidents of violations of the truce reported by COPREFA, and called on the FMLN to "evade" combat situations. "We know perfectly well when they want to evade combat they can. They have been doing it for eleven years." (35)

In Mexico, the General Command responded immediately, calling the government announcement insufficient. "This is only a de-escalation on their part," said Schafik Handal, "a way to continue fighting." He insisted the FMLN will continue only with defensive operations "and allow time for them to reciprocate." (36) The FMLN Political Committee in the capital also criticized the announcement. "In any war the infantry is determinant," said Gerson Martinez, "and any continuation of the war at this point is an attack against peace." (37)

"Monseñor Romero said 'basta ya' to the repression ... Now, Salvadorans are saying 'basta ya' to all military activity."

Jesuit, Jon Sobrino (38)

Troop concentrations continued in Guazapa and other FMLN zones throughout the week. In Morazan, Colonel Oscar Leon Linares declared his troops will continue operating, "especially in Perquin" and called the truce mere propaganda: "They just want to gain time to resupply and reorganize, but we're not going to stop working, we have a constitutional duty ... and our operations are always defensive." (39) General Ponce announced "Plan Oro," a massive deployment of troops to protect the coffee harvest, but President Cristiani again insisted the FMLN can "evade" government forces. He explained that troop movements in Guazapa are "only relief operations" and accused the FMLN of "once again" bringing up the issue of zones and territorial control. "There are no zones here," he declared, "This is one single country and the Armed Forces will continue patrolling nationally, that is their responsibility." (40)

According to the FMLN, on November 24 soldiers of Military Detachment #1 fired twenty-five grenades into the repopulation of San Antonio Los Ranchos, Chalatenango, damaging houses and animals. The army admitted that fighting occurred in the area and claimed six guerrillas and two soldiers were killed. (41) The FMLN insists the truce will be maintained as long as possible and maintains that any decision to initiate operations will be subject to serious analysis. FMLN field commander Walter Funes warned however, "If it is determined they are using our truce for military advantage, we will have to make a political decision to respond." (42)

On November 21, the Ambassadors of Mexico, Venezuela, Spain and Colombia traveled around the central area of the country at the request of ONUSAL. According to Mexican Ambassador Bassols, with "small exceptions," the FMLN is "complying fully" with the truce. (43)

*"There are crucial decisions and a difficult stretch ahead."
Dr. Oscar Santamaria (44)*

*"It's a little premature to think of a cease-fire in three weeks."
Dr. Ruben Zamora (45)*

The United Nations Security Council elected a new Secretary-General, Boutros Ghali of Egypt, to replace Javier Perez de Cuellar on January 1, thereby increasing pressure to reach a cease-fire agreement by the end of the year. Following a one-week recess, talks were renewed on November 25, in San Miguel de Allende located to the north of Mexico City, apparently due to shortage of hotel space in the capitol as the holidays approach. The Democratic Convergence's representative to COPAZ, Dr. Victor Valle, emphasized "optimism is a requirement now," (46) and some political figures have even begun debating where a cease-fire agreement should be signed (New York, Mexico or El Salvador) as well as who should be invited to the ceremony. Bishop Rosa Chavez, in Mexico City to participate in COPAZ, suggested that a December 15 date is still possible. (47) Ruben Zamora, however, believes that a mid-December cease-fire is "premature ... Many things have to be resolved, things that take time ... maybe in February." (48)

*"This will be the last round ... Let's see what they give and receive."
Schafik Handal (49)*

According to FMLN spokesperson Roberto Cañas, this round could last three weeks. He said the most "complex" points of discussion will be the PNC and reduction of the Armed Forces. If agreements are reached on these issues, the agenda will move first to economic/social items, then to cease-fire agreements and, finally, to a schedule of implementation. (50)

The New York Agreement stipulated that COPAZ must be implemented immediately following a cease-fire. Government and FMLN delegates to the Commission, political party leaders and Bishop Rosa Chavez all met for three days this week in Mexico City to finalize draft legislation to legalize the Commission which will be mandated to supervise and verify agreements. COPAZ is also mandated to prepare legislation which will allow benefits and pensions for war-disabled FMLN combatants and to oversee the implementation of the National Civil Police. Dr. Victor Valle reported that the climate of the meeting was "harmonious and optimistic." (51) The FMLN temporarily withdrew its demand that COPAZ meet inside El Salvador, and Dr. Valle elaborated on the issue: "our perception is that it will happen soon. The FMLN showed great maturity by not making that demand." (52) The Commission will have direct access to President Cristiani and "very close relations" with the United Nations, according to Dr. Fidel Chavez-Mena of the PDC. (53)

Roberto Angulo, the ARENA President of the Assembly, requested a private meeting with the FMLN before the COPAZ session in Mexico. (54) FMLN Commander Francisco Jovel was asked the next day about the discussion and would say only that Angulo "wanted direct information" from the FMLN on the negotiations. (55)

CPDN and Intergremial leaders also traveled to Mexico this week to meet with the FMLN. One point of discussion was the necessity for mechanisms to implement and empower the Economic/Social Forum established by the New York Agreement. As negotiations continue to focus on the military, civilian sectors are increasingly concerned that final agreements could be reached without any resolution to the fundamental economic and social factors which led to the war.

*"The PNC could be the Trojan Horse of the FMLN."
General Juan Rafael Bustillo (56)*

*"There are traitors in the Free Enterprise System."
Kirio Waldo Salgado (57)*

Political space available to publicly oppose the negotiations has been reduced to such an extent that only a few extreme right voices are being heard. Conservative analyst Kirio Waldo Salgado criticized "a strong, powerful sector of the oligarchy" as traitors who support the dialogue. He said it was "very painful" to see this "little group ... supporting, applauding [the negotiations]." (58) General Bustillo warned that government negotiators must act "cautiously" or the PNC would become the "Trojan Horse" of the FMLN. Even Bustillo, long opposed to negotiations, admitted however that "peace is not only achieved with arms but also an attempt must be made at the negotiation table." He warned ONUSAL to be "more realistic ... so that people do not continue thinking that their reports lean more in favor of the real enemies of peace." (59)

NEWS BRIEFS

- Conservative lawyers' associations continued to criticize changes to the judicial system, but one highly respected jurist applauded the constitutional reforms. "I don't belong to the FMLN," said Dr. Francisco Lima, "but I celebrate them for having achieved what we lawyers never could — reforms to the judicial system." (60)
- This week, the Minister of Justice quietly announced that the Commission for the Investigation of Criminal Acts (CIHD) will be "demilitarized." The U.S.-funded Commission will be transferred from the Executive Branch to the Attorney General's office. Military officers will be replaced by "experienced civilians," and the Commission's scientific laboratory will be moved from the Ministry of Defense to the Ministry of Justice. (61)
- On the morning of November 25, unidentified persons attempted to kidnap a bodyguard of Dr. Ruben Zamora. The incident occurred in El Carmen, San Martin, just east of the capital. A shootout ensued and one of the perpetrators was killed. According to Dr. Zamora, the deceased assailant had two weapons but no identification. (62)

SOURCES: 1. EL MUNDO, 11/19/91; 2. Radio YSU, 11/19/91; 3. Interview, 11/21/91; 4. NEW YORK TIMES, 11/17/91; 5. Radio YSU, 11/19/91; 6. EL MUNDO, 11/19/91; 7. TV 2, 11/19/91; 8. TV 12, 11/20/91; 9. DIARIO DE HOY, 11/22/91; 10. TV 12, 11/22/91; 11. DIARIO DE HOY, 11/19/91; 12. IBID.; 13. TV 12, 11/18/91; 14. DIARIO DE HOY, 11/19/91; 15. TCS, 11/19/91; 16. DIARIO DE HOY, 11/21/91; 17. TV 12, 11/21/91; 18. TV 12, 11/25/91; 19. TV 12, 11/22/91; 20. TV 12, 11/20/91; 21. TV 12, 11/18/91; 22. Radio Farabundo Marti/INSISTEM, 11/19/91; 23. TV 12, 11/20/91; 24. IBID.; 25. TV 2.6, 11/19/91; 26. TCS, 11/19/91; 27. Radio YSU, 11/21/91; 28. TV 2, 11/19/91; 29. TV 12, 11/20/91; 30. TV 2, 11/19/91; 31. Radio YSU, 11/20/91; 32. Radio YSU, 11/21/91; 33. TV 12, 11/21/91; 34. EL MUNDO/NOTIMEX, 11/22/91; 35. TV 12, 11/21/91; 36. Radio YSU, 11/21/91; 37. IBID.; 38. TV 12, 11/22/91; 39. IBID.; 40. IBID.; 41. Radio YSU, 11/25/91; 42. Interview, 11/24/91; 43. EL MUNDO, 11/23/91; 44. Radio YSU, 11/24/91; 45. TV 12, 11/20/91; 46. Radio YSU, 11/24/91; 47. Radio YSU, 11/21/91; 48. TV 12, 11/20/91; 49. DIARIO DE HOY/AP, 11/25/91; 50. Radio YSU, 11/25/91; 51. Radio YSU, 11/24/91; 52. IBID.; 53. TV 12, 11/25/91; 54. Radio YSU, 11/21/91; 55. TV 2, 11/22/91; 56. DIARIO DE HOY, 11/24/91; 57. TV 12, 11/22/91; 58. TV 12, 11/22/91; 59. DIARIO DE HOY, 11/24/91; 60. TV 12, 11/20/91; 61. TV 2, 11/21/91; 62. TV 12, 11/25/91.