

EL SALVADOR CERTIFICATION

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 28, 1982

● Mr. MOAKLEY. Mr. Speaker, today I rise to express my outrage at the

Reagan administration's certification of El Salvador. Never in my recollection has any previous administration so dangerously combined an ignorance of history with a total misreading of current reality as have President Reagan and his advisors in their policy toward El Salvador. It is hard for me to understand how anyone who has lived through the tragedies of Vietnam and Iran could be so anxious to send American military aid to a government with such a total disrespect for human rights.

The Foreign Assistance Act of 1981, conditions certification of El Salvador on, among other things, that "the Government of El Salvador is making a concerted effort to comply with internationally recognized human rights." Clearly, in light of the reports of Roberto D'Aubuisson's (Chairman of Constituent Assembly in El Salvador) horrendous record on human rights—such a certification cannot be made in good faith. In addition, it has been reported that Mr. D'Aubuisson has begun dismantling many of the essential land and economic reforms.

Mr. Speaker, the United States should be working for and urging a negotiated settlement in El Salvador and should not be sustaining the present/extremist regime with arms. I intend to, once again, join with my colleagues in an effort to call for the suspension of military aid to El Salvador and to declare the President's certification "null and void" in that it is not in compliance with the laws set forth in the Foreign Assistance Act of 1981.

Mr. Speaker, I recently received an informative and disturbing report on human rights conditions in El Salvador since the March elections from Amnesty International. I would like to submit this report to the RECORD for the benefit of my colleagues.

AMNESTY INTERNATIONAL CONCERNS IN EL SALVADOR FOLLOWING THE ELECTIONS FOR A CONSTITUENT ASSEMBLY HELD ON MARCH 28, 1982

In the period following the elections for a constituent assembly held on March 28, 1982, reports of human rights violations involving the official security forces continue unabated. Between March 28 and May 19, 1982, for example, Amnesty International initiated appeals on behalf of 50 persons who are reported to have "disappeared" in El Salvador in the aftermath of the elections (see attachment.) In all cases, the individuals were abducted by armed men, sometimes in military uniform and in some cases in plain clothes. As far as Amnesty International is aware, none of the individuals have been acknowledged by the Salvadorian authorities to be under arrest, although in several cases witnesses are reported to have seen them being taken to National Police headquarters. Amnesty International is gravely concerned about the safety of these individuals.

It should be noted that these cases reflect only a small percentage of the volume of reports of human rights violations which have been brought to the attention of Amnesty International, but are indicative of Amnesty International's concerns that non-combatants from all sectors of society continue to be victims of human rights violations at the

hands of the official military and paramilitary squads.

Based on such reports, it is the assessment of Amnesty International that there has been no improvement in the human rights situation in El Salvador in recent months.

Amnesty International has been monitoring the human rights situation in El Salvador for a number of years and has consistently drawn attention to human rights violations carried out since the government of General Carlos Humberto Romero came to power. Amnesty International has repeatedly appealed to the authorities under the succession of ruling juntas which followed the overthrow of that government in 1979 to investigate and account for the arbitrary detentions and thousands of cases of "disappearances" and probable murder. The government has systematically failed to exercise due diligence in attempting to bring those responsible to justice. In no single instance, to Amnesty International's knowledge, have the authorities issued a satisfactory response to inquiries concerning these human rights violations.

The security forces in El Salvador continue to be regularly involved in carrying out a widespread and systematic program of torture, "disappearance," and individual and mass killings of men, women and children. Testimonies received by Amnesty International from a variety of sources suggest unequivocally that all branches of the Salvadorian security forces, whether nominally military, military police, or paramilitary, have been implicated in human rights violations which have occurred on such a scale that they constitute a gross and consistent pattern of human rights abuses.

The security forces' involvement in massive human rights abuses is clearly in direct violation of internationally and regionally accepted standards for the protection of human rights as guaranteed under the Salvadorian constitution, and as set out in such documents as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its Optional Protocol, and the American Convention on Human Rights.

These instruments contain provisions protecting such basic rights as the right to life, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, and the right to a fair trial, and which prohibit discrimination on such grounds as age or political affiliation. Violations of these most basic guarantees are Amnesty International's precise concerns in El Salvador.

Amnesty International considers that where a government encourages or allows private persons or groups to commit acts which constitute abuses of human rights, that government remains responsible for such acts, by virtue of its willful failure to protect human rights to which it is committed by its own constitution, and by virtue of the regional and international conventions and standards to which it has subscribed, as well as by the rules of international law.

Further, Amnesty International is aware that these human rights violations in El Salvador are occurring at a time of civil conflict between guerrilla groups and the Salvadorian government. We are also aware of reports of crimes having been committed by non-governmental opposition forces. However, analysis of all available data suggests that the majority of the reported violations, including torture, "disappearance," and deliberate, cold-blooded killings, have been carried out by the security forces, and have been directed against people not involved in guerrilla activities. We note that all of the human rights instruments referred to above also stipulate that even in time of war gov-

ernments may not derogate from their commitment not to subject anyone to arbitrary deprivation of life or torture or other cruel, inhuman or degrading treatment.

Given the gravity of the human rights situation, Amnesty International has repeatedly called upon the government of El Salvador to implement the following recommendations which Amnesty International believes would contribute to the promotion and protection of human rights.

(1) To undertake measures to halt the illegal operations by security forces and other government agents so as to put an end to the indiscriminate persecution of political, religious and social leaders and members of the rural population.

With respect to organizations that monitor human rights, to assure complete autonomy in the exercise of their activities, as well as the integrity of their officials.

(2) To initiate investigations into allegations of human rights violations and to bring those responsible to justice and to make public such steps taken by the government in accordance with constitutional guarantees and international commitments.

(3) To permit the International Committee of the Red Cross full access including to places of imprisonment.

(4) To account for all prisoners and individuals listed as "disappeared" and to make public a complete list of all those detained in order to clarify the number and location of prisoners.

(5) To observe international and national standards for the protection of human rights as defined by international and regional conventions to which El Salvador is party, as well as by provisions in its own legislation. ●

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— compliance with internationally recognized principles of human rights.

— gaining meaningful control over military factories.

— bringing to justice those involved in the killing of the clearhouse.

add another —

Solange

180 days —

- dialog; lead reform process
- establishing a dialogue - open + dem. electoral process.