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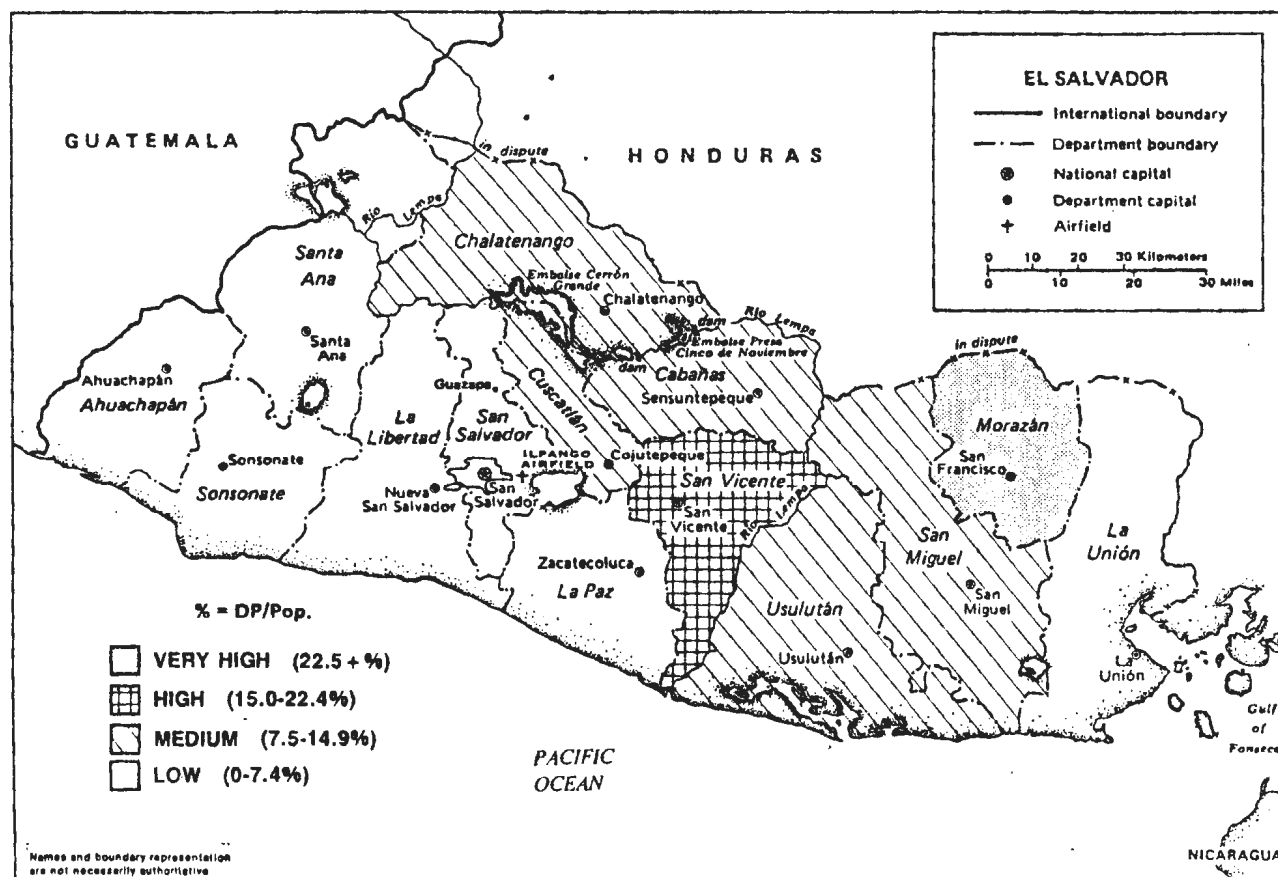
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EL SALVADOR: Distribution of Displaced Persons

Cont.)
Anicia

DEPARTMENT	DISPLACED PERSONS (DP) (x 1,000)	POPULATION 1986 (x 1,000)	DP/POP. (%)
San Salvador*	68.2	1,049	6.5
Morazan	67.9	230	29.5
San Vicente	34.9	222	15.7
San Miguel	49.9	464	10.7
Chalatenango	28.4	253	11.2
Usulután	59.8	428	14.0
La Libertad	25.6	416	6.2
Cabañas	22.8	193	11.8
Cuscatlán	17.9	219	8.2
La Paz	19.2	267	7.2
Sonsonate*	4.9	344	1.4
La Unión	17.0	331	5.1
Santa Ana*	1.7	477	0.4
Ahuachapán*	0.9	258	0.3
TOTAL	419.1	5,151	8.1



6753 9-86 STATE (IN/RIE)

Source: Data on displaced persons is from CONADES Census and Program Report - 1986 except for those departments marked with an * for which 1984 data was used. 1986 population figures used here are extrapolated from 1980 estimates by the US Census, using a geometric growth rate of 1.4 percent (the last census in El Salvador was in 1971).

Guatemala's Transition Toward Democracy

Public
Information
Series



United States Department of State
Bureau of Public Affairs
Washington, D.C.

November 1986

*The following was prepared in the
Bureau of Inter-American Affairs.*

Central America's most recent transition from military to civilian rule took place on January 14, 1986, with the inauguration of Vinicio Cerezo as President of the Republic. Cerezo, the candidate of the Christian Democratic Party, is the first civilian to be elected president of Guatemala since 1966.

The transition was exemplary: three free and competitive elections between July 1984 and December 1985 led to the writing of a new constitution and the election of Cerezo. Receiving more than 1 million votes in a runoff for the presidency, Cerezo obtained two-thirds of the votes against a civilian candidate representing the center-right.

In leading Central America's newest democracy, President Cerezo and his government must now overcome a legacy of decades of officially condoned violence and guerrilla insurgency, socioeconomic ills, and estrangement from the international community.

A Tragic History. From the 1944 ouster of strongman General Jorge Ubico and the 1944-54 decade of "social revolution" to the military governments and organized guerrilla warfare that lasted from the 1960s through the first half of the 1980s, Guatemalan life has been marked by violence against both individuals (assassinations, kidnappings, and intimidation) and society (military coups, electoral fraud, and a bloody insurgency). Major sectors of society—the military, business, political parties, labor, and Indian communities—fragmented into mutually antagonistic forces. Major social problems—skewed income and land distribution, disparities in the quality of life between Indian and non-Indian, and growing numbers of landless and jobless—have increased the intensity and human costs of the conflicts.

National Reconciliation. One of President Cerezo's fundamental concerns is to bring the Guatemalan nation back together after years of guerrilla war and polarizing violence. One of the last acts of the military government was a general amnesty for acts of political violence, including guerrilla activities, that took place between March 1982 and January 1986. Shortly after taking office, Cerezo said he would be prepared to discuss the reincorporation of guerrillas into the political life of Guatemala. Some guerrillas are evidently willing to talk, but others continue to conduct armed attacks in parts of the highlands and Peten Department.

Prospects for national reconciliation have been strengthened by improvements in the human rights situation and by the return from abroad of many

Guatemalans who previously feared for their lives. The Social Democratic Party (PSD) competed openly in the elections, winning representation in the National Congress, currently led by the Christian Democratic Party of Guatemala (DCG). As in neighboring El Salvador, the political opening is producing a rejuvenation of labor and cooperative movements, the restoration of autonomy to university life, and renewed dialogue between the government and the private sector.

Human Rights. Politically motivated deaths have dropped steadily. U.S. Embassy reports show a decline in such deaths from an average of 350 per month in 1981, to under 50 in 1985, to fewer than 13 per month in the first 6 months of 1986. The number of disappearances has also dropped, from a high

OTHER TRANSITIONS IN CENTRAL AMERICA

Three That Succeeded

Costa Rica. Since the 1948 revolution that demilitarized the country, Costa Rica has had regularly scheduled elections and peaceful transfers of power to opposition parties. The most recent election on February 2, 1986, resulted in victory for Oscar Arias of the National Liberation Party.

Honduras. Military rule ended with the election of Roberto Suazo Cordoba on November 29, 1981. Liberal Party candidate Jose Azcona's election on November 24, 1985, marked the first transfer of power between two democratically elected civilian presidents in Honduran history.

El Salvador. In 1979, a reformist coup began the transition from military rule. In 1982, a constituent assembly was elected by an overwhelming popular turnout in the face of guerrilla vio-

lence. On May 6, 1984, Jose Napoleon Duarte, a Christian Democrat, was elected president in a hotly contested runoff election against Roberto D'Aubuisson of the National Republican Alliance.

One That Failed

Nicaragua. In July 1979, Anastasio Somoza was replaced by a coalition junta pledged to democracy. By March 1981, the last democratic junta members had been forced to resign and a Soviet-supplied military buildup had already doubled the size of Nicaragua's military. On January 2, 1984, Daniel Ortega was elected president in an election in which opposition parties were harassed and denied access to the media and campaign materials—a pattern strikingly reminiscent of the Somoza election of 1974.

of 35 per month in 1984 to 8 per month during the first half of 1986. There is no indication that the Guatemalan Government is involved in current cases. In fact, there is no clearcut case of an individual being killed or kidnaped for political activities or beliefs. In his recent address to the UN General Assembly, President Cerezo stated that, under his government, "no party or popular organization can complain of repressive actions, disappearances, torture, or murder of any of its members." The OAS [Organization of American States] Human Rights Commission stated in its annual report released in late September that: "There is little doubt that during the first seven months of his [Cerezo's] administration there has been a perceptible change [*sensible cambio*] in the human rights situation."

Declines in politically related violence have not been matched by similar declines in common criminal violence. A monthly average of 150 criminally related murders, another 200 serious physical assaults and robberies, and 500 stolen cars make Guatemala one of the most violent societies in the world. Cerezo recognizes the importance of ending human rights abuses and criminal violence. The Constitution mandates the establishment of a human rights ombudsman, and the government is assigning a high priority to professionalizing the National Police. Investigative and protective capabilities are being strengthened to support the independent judicial process and to help establish confidence in the legal process after decades of extrajudicial violence. In June 1986, President Reagan forwarded to Congress a certification on human rights and political conditions in Guatemala that recognized improvement and enabled the United States to respond favorably to a written request from President Cerezo for nonlethal military assistance, the first U.S. military aid for Guatemala since 1977.

International Activity. In October 1986, President Cerezo received promises of \$300 million or more in aid from Belgium, Spain, Germany, France, and Italy. The aid covered activities ranging from economic development to help for professionalizing the National Police. During this highly successful tour of Western Europe, and in prior visits to Mexico, Central America, Venezuela, and the United States, Cerezo found growing recognition of Guatemala's democratization process. Declaring himself a "fanatic of democracy," Cerezo advocates regular elections and has proposed the establishment of a

Guatemala in Brief

Population. Guatemala is Central America's most populous country, with 8.5 million inhabitants living in an area about the size of the state of Tennessee (42,000 sq. miles). Just over half of the population belong to largely non-Spanish speaking Indian communities, primarily in the country's northwest highlands.

Economy. In 1985, gross domestic product (GDP) was more than \$11 billion; per capita GDP was \$1,300; and the rate of inflation was 30%. Agriculture remains the mainstay of the economy and of exports (coffee, meat, cotton, bananas), but Guatemala has developed a light industrial capacity. International debt was \$2.6 billion in 1986, and debt service payments totaled 30% of 1985 export earnings.

Impact of Regional Problems. When President Cerezo took office, Guatemala had a negative growth rate and faced reduced demands for traditional exports and low levels of investment, tourism, and credit. At least \$1 billion in Guatemalan assets had been transferred out of the country through capital flight, and the value of the national currency, the quetzal, had slipped to a historic low. Insurgencies in El Salvador and Nicaragua and other regional problems had greatly weakened the Central American Common Market, of which Guatemala had been a leading beneficiary.

directly elected Central American parliament. Guatemala is hosting several regional and international meetings, including functions related to the OAS, the European Community (EC), and the Contadora process, thus effectively ending Guatemala's international isolation.

Policy Initiatives. Reactivation of the Guatemalan economy, which has suffered relatively little from guerrilla attacks and which has the strongest private sector in Central America, has become a top priority for the Cerezo government. In June 1986, Cerezo implemented an economic stabilization program developed through extensive dialogue with private sector representatives. Exchange rates were adjusted pending complete unification. Price stabilization measures were put into effect. Guatemala is discussing a standby program with the International

Monetary Fund (IMF), which appears favorably impressed by Guatemala's economic stabilization efforts. After 5 years of economic stagnation, there is hope that inflation could slow in 1986, followed by positive economic growth in 1987. Although more time and additional measures are likely to be needed, the Cerezo government seems to be on the right track—and has the support of Guatemalan business and labor, of the international financial institutions, and of many foreign governments, including that of the United States.

Guatemala-U.S. Relations. A strong, active, and democratic Guatemala improves democratic prospects throughout Central America. Secretary of State Shultz reported to the President in July 1986 that the success of the democratic transition in Guatemala demonstrates the importance of fully meeting the levels of U.S. assistance recommended by the Kissinger commission. (See "The U.S. and Central America: Implementing the National Bipartisan Commission Report," Department of State Special Report No. 148, August 1986.)

The United States supported the transition from military to civilian government. Total U.S. assistance (development, financial, food, and military) rose from \$32 million in fiscal year (FY) 1984 to \$103 million in FY 1986. U.S. assistance has ranged from rural development projects in the Indian highlands, support to help offset trade imbalances, improving the electoral system, and modernizing and professionalizing the investigative capabilities of judicial institutions, to providing training and nonlethal equipment to the armed forces. This assistance is an important U.S. policy instrument to support democratic ideals and institutions in general and the civilian rule of President Cerezo in particular.

Guatemala is still struggling against violence, a lingering insurgent threat, socioeconomic ills, and institutional frailties. The United States will continue to support Guatemalan efforts to strengthen democratic institutions and the rule of law, to promote economic development and social progress, and to encourage the professionalization and responsible orientation of the armed forces and police. These are goals that unite the United States and Guatemala with each other and with other democratic nations. ■

Q: The bombing of certain areas of El Salvador is so common that even Archbishop Rivera Damas came close to being the victim of Air Force bombs in January.

A: Your question appears to be based on the New York Times article on January 13. That article inaccurately portrays the Archbishop's statement on bombing. The Archbishop's homily of January 12 stated: "I heard the detonation of two bombs several kilometers away." The assertions of "indiscriminate bombing" were made not by the Archbishop but by the civilians he met, whom the New York Times article elsewhere reports were almost all supporters of the guerrillas. Given the guerrilla interest in halting air strikes against them, it is not surprising that their supporters would say they were afraid of indiscriminate bombing.

An Associated Press report, datelined January 13 from San Salvador, Auxiliary Bishop Rosa Chavez is quoted as denying guerrilla assertions, aired on a Radio Venceremos broadcast January 7, that the Archbishop had to seek cover as a result of Air Force bombing. The Archbishop is also quoted as denying the guerrilla version, adding that the bombs exploded about 10 kilometers from his location.

H/A

INDISCRIMINATE ATTACKS BY AIR FORCE

Q: The Salvadoran Air Force continues to devastate the countryside and kill and injure civilians with its indiscriminate bombing of areas in which both guerrillas and civilians are present.

A: The claim that widespread bombing injures and kills civilians indiscriminately and destroys their property is often made but infrequently supported by evidence. Recently, critics of the Salvadoran Government have claimed that bombing during the Guazapa operation was "indiscriminate" and that many civilians suffered as a result. They have invoked the name of the Archbishop and other Church figures in support of their argument. In fact, Church leaders, while expressing concern for the civilians on Guazapa have not accused the government of any atrocities as a result of this operation. In contrast to Washington and New York-based critics, Salvadoran Church figures have gone to the area of this operation, have seen the treatment of the civilians in the area, have met with military officials and have worked to assist those displaced by the fighting not simply criticize imagined abuses against them.

- America's Watch told me (1)

Although we do not maintain that mistakes have never occurred, we are convinced that the Salvadoran military is making every effort to avoid harm to civilians from aircraft operations.

When, last August, the village of El Ocotal was mistakenly bombed, the Salvadoran Air Force immediately admitted responsibility. General Bustillo, chief of the Air Force, visited El Ocotal to express his regrets on behalf of the military and the government, and to award compensation to family members of those killed or injured.

In a December 20 New York Times article, James LeMoyné reported that, in a visit through 11 villages in a zone of heavy combat, at least 8 civilian non-combatants had been killed "in various parts of the country" from Air Force attacks, including that of El Ocotal mentioned above. Although the death of non-combatants is always regrettable, eight deaths in almost five months, including a case which the government has acknowledged as a mistake, indicates a genuine effort not to harm non-combatants. This is especially true in view of the guerrillas' use of non-combatants' homes and fields not only for shelter, but also as protection during combat. In the same article, Mr. LeMoyné also noted that "It is often not possible for reporters to determine the precise circumstances of bombing and rocketing by the Air Force in zones of heavy combat." Therefore, he was forced to rely for his story on the testimony of "villagers [who] described themselves as longstanding rebel supporters."

Our overflights and after-action visits, our reviews of aircraft flight logs, our knowledge of Salvadoran command-and-control procedures, and our conversations with Salvadoran pilots and their commanders indicate that they have taken President Duarte's rules of engagement to heart and are adhering to them. (Synopsis of ROE attached.)

We know of numerous instances when Salvadoran pilots have broken off combat or foregone bona fide targets because of the presence of non-combatants in the area.

The last helicopter casualty in El Salvador, with one pilot killed and another wounded, occurred when it was hit by ground fire while flying low to verify that a target did not include civilian non-combatants.

UNHRC RAPPORTEUR'S CONCLUSIONS

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Q: What are the conclusions of the Special Rapporteur of the United Nations Human Rights Commission?

A: The Special Rapporteur of the UNHRC, Professor Pastor Ridruejo, concluded in his March 1986 report on human rights conditions in El Salvador that:

"... the Government remained firmly committed to a policy of respect for human rights."

He also stated that:

"The Salvadoran Army is endeavoring to conduct the war in a more humanitarian manner than in the past and is therefore not pursuing a policy of indiscriminate bombing, although in a few cases air and mortar attacks are causing civilian casualties."

Prof. Pastor's report noted the attempted disruption of the March 31, 1985 legislative elections by the guerrillas and their policy of economic sabotage. On the latter question, the report expressed "deep concern with these attacks, which help undermine the country's already weak economy and seriously compromise important economic, social and cultural rights of the Salvadoran people." In a November 26 address to the General Assembly's Third Committee, the Special Rapporteur expanded on his report by lauding the continuing democratization in El Salvador and the Government's commitment to improving human rights observance.

On December 14, the United Nations General Assembly passed a resolution on El Salvador noting "the Government of El Salvador is continuing its policy of attempting to improve the condition of human rights." On March 12, the 42nd Human Rights Commission in Geneva passed a resolution recognizing "with satisfaction that the question of the observance of human rights forms an important part of the policy of the present government of El Salvador."

YEAR TO DATE	158	235	759
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YEAR TO DATE 1985	218	259	768
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(A) THIS FIGURE INCLUDES DEATHS WHICH, BECAUSE OF UNCLEAR CIRCUMSTANCES, WE CANNOT CONFIDENTLY DISMISS AS BEING PURELY CRIMINAL IN NATURE, BUT WHICH MAY WELL BE UNRELATED TO POLITICAL VIOLENCE.

THE KILLING REPORTED AS PERPETRATED BY GUERRILLAS IS:

-- ON JULY 28 A WAREHOUSE MANAGER ADMITTED TWO MEN TO HIS HOUSE IN ZACATECOLUCA, LA PAZ DEPARTMENT, BELIEVING THEY WERE GOVERNMENT TROOPS, AND SHOWED THEM WHERE HE KEPT TWO GUNS. THEY TOOK THE GUNS, SHOT HIM IN FRONT OF HIS YOUNG GRANDSON AND NEPHEW, AND LEFT LEAFLETS OF THE FMLN-FOR.

THE KILLING REPORTED AS POSSIBLY PERPETRATED BY GUERRILLAS ARE:

-- A MAN WAS SHOT IN HIS HOUSE IN TEHUISTE ARRIBA, NEAR SAN JUAN NONUALCO, LA PAZ DEPARTMENT. THE ARMED FORCES PRESS OFFICE (COPREFA) ATTRIBUTED THE KILLING TO THE GUERRILLAS BUT GAVE NO DETAILS. REPORTED JULY 19.

-- A PEASANT WAS SHOT TO DEATH IN THE VILLAGE OF ESPINO ABAJO, NEAR ZACATECOLUCA, LA PAZ DEPARTMENT. COPREFA ATTRIBUTED THE KILLING TO THE GUERRILLAS BUT GAVE NO DETAILS. REPORTED JULY 22.

-- A 12-YEAR-OLD GIRL WAS KIDNAPPED BY PRESUMED GUERRILLAS FROM HER HOUSE NEAR NUEVA ESPARTA, LA UNION DEPARTMENT. HER FAMILY FOUND HER BODY THE NEXT DAY; SHE HAD APPARENTLY BEEN RAPED AND STRANGLED. REPORTED JULY 30.

-- A MAN WAS SHOT TO DEATH IN THE VILLAGE OF CONCEPCION COROZAL, NEAR SAN MIGUEL, SAN MIGUEL DEPARTMENT. COPREFA ATTRIBUTED THE KILLING TO THE GUERRILLAS BUT GAVE NO DETAILS. REPORTED JULY 31.

THE KILLING REPORTED AS PERPETRATED BY UNKNOWN ASSAILANT IS:

-- ON JULY 28 RESIDENTS IN KILOMETER 7 OF THE NORTHERN TRUNK HIGHWAY, NEAR JILINGO, SAN SALVADOR DEPARTMENT, HEARD SHOTS AND THE SOUND OF A VEHICLE. IN THE MORNING, THEY FOUND THE BODY OF A YOUNG MAN WITH BULLET WOUNDS AND CUTS APPARENTLY INFLICTED BY A RAZOR. REPORTED JULY 29.

THE KILLING REPORTED AS PERPETRATED BY THE ARMY/SECURITY FORCES IS:

-- ON JULY 27 A UNIFORMED SOLDIER AND A MAN IN CIVILIAN CLOTHES ENTERED A NEIGHBORHOOD BAR IN THE VILLAGE OF LA LUZ, NEAR POTRERILLOS DEL MATAZANO, OFF THE SANTA ANA-SONSONATE HIGHWAY. THE SOLDIER SHOT ONE MAN TO DEATH AND WOUNDED THREE OTHERS.

2. STATISTICAL BREAKDOWN BY LOCATION, OCCUPATION, SEX AND AGE FOR CIVILIAN VICTIMS OF POLITICAL VIOLENCE:

A. LOCATION

- SAN SALVADOR	1
- LA PAZ	3
- LA UNION	1

SUBJECT: VIOLENCE REPORT FOR JULY 16-31, 1986

1. PRESS REPORTS FOR THE PERIOD JULY 16-31, 1986, INCLUDE THE FOLLOWING POLITICAL DEATHS (A):

BY GUERRILLAS	1
POSSIBLY BY GUERRILLAS	4
BY EXTREME RIGHT	0
POSSIBLY BY EXTREME RIGHT	0
BY UNKNOWN ASSAILANT	1
CIVILIANS KIA	0
BY CIVIL DEFENSE	0
BY ARMY/SECURITY FORCES	1
TOTAL POLITICAL DEATHS (A)	7

CRIMINAL DEATHS:

BY UNKNOWN ASSAILANT	28
BY KNOWN ASSAILANT	10
TOTAL CRIMINAL DEATHS	38
GUERRILLA KIA	48
MILITARY KIA	7

DEATHS ATTRIBUTABLE TO POLITICAL VIOLENCE (A)

TOTAL	CIVILIAN	MILITARY	GUERRILLA
THIS PERIOD	7	7	48
SAME PERIOD 1985	13	8	30
LAST PERIOD	15	5	34

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- SAN MIGUEL 1
- SANTA ANA 1

B. OCCUPATION

- FARMWORKER 2
- WAREHOUSE MANAGER 1
- STUDENT 1
- UNKNOWN 3

C. AGE

17 AND UNDER	18 TO 35	36 AND OVER	UNKNOWN
1	2	1	3

D. SEX

- MALES 6
- FEMALES 1

3. GUERRILLAS TAKEN PRISONER OR ARRESTED BY THE ARMED FORCES: 13, PLUS 12 MASAS.

4. GUERRILLA COMBATANTS WHO TURNED THEMSELVES OVER TO THE ESAF: 3

5. ACTS OF WAR OR TERRORISM:

A. MINES

TOTAL CIVILIANS KILLED BY MINES PLANTED BY THE GUERRILLAS: 0; BY THE ESAF: 0; UNKNOWN: 0.

CIVILIANS WERE WOUNDED BY GUERRILLA-PLACED MINES AS FOLLOWS:

-- TWO MEN, A WOMAN, AND A CHILD WERE WOUNDED WHEN THEY SET OFF GUERRILLA-PLANTED MINES IN THE VILLAGE OF LOS RAMIREZ, NEAR ARCATAO, CHALATENANGO DEPARTMENT, AND IN THE VILLAGE OF GUALORA, NEAR JUCARAN, USULUTAN DEPARTMENT. REPORTED JULY 29.

-- A MAN LOST HIS RIGHT FOOT WHEN HE SET OFF A MINE NEAR JIQUILISCO, USULUTAN DEPARTMENT. REPORTED JULY 30.

-- ARMY DEMOLITION EXPERTS DEACTIVATED GUERRILLA MINES IN CULTIVATED FIELDS AND PASTURES IN THE DEPARTMENTS OF USULUTAN, SAN MIGUEL, MORAZAN, CHALATENANGO, CUSCATLAN, CABANAS, AND SAN VICENTE.

B. MILITARY ENGAGEMENTS: 33

-- THE ESAF CONDUCTED THE FOLLOWING COUNTERINSURGENCY OPERATIONS DURING THIS PERIOD: "OPERATION LT. RICARDO ALBERTO CHAVEZ CARRENO" IN CHALATENANGO; "OPERATION GUARDIANS OF THE GULF 3" IN USULUTAN; "OPERATION HERSON CALITO" IN USULUTAN; "OPERATION SOLDIER MANUEL DE JESUS RODRIGUEZ" IN CABANAS; AND OPERATIONS IN MORAZAN, SANTA ANA, SAN MIGUEL, AND SAN VICENTE DEPARTMENTS.

C. TERRORISM AND SABOTAGE:

-- THE GUERRILLAS DOWNED POWER POLES IN THE DEPARTMENTS OF CUSCATLAN, SAN SALVADOR, SAN MIGUEL, USULUTAN, AND

SAN VICENTE.

-- FOUR FAMILIES FLED THEIR HOMES IN TIZATE, NEAR SESORI, SAN MIGUEL DEPARTMENT, WHEN THE GUERRILLAS GAVE THEM FOUR HOURS TO LEAVE BECAUSE THEY COULD NOT PAY THE "WAR TAX" THE GUERRILLAS HAD DEMANDED. REPORTED JULY 16.

-- GUERRILLAS GATHERED THE RESIDENTS OF SAN JUAN DEL MOSCO, SAN MIGUEL DEPARTMENT, AND DEMANDED FOOD AND CLOTHING, THREATENING TO KIDNAP THE VILLAGE YOUTHS IF THEIR DEMANDS WERE REFUSED. REPORTED JULY 16.

-- A GROUP OF GUERRILLAS SET UP A ROADBLOCK BY THE VILLAGE OF TAHUILAPA, NEAR METAPAN, SANTA ANA DEPARTMENT, AND DEMANDED "WAR TAX" FROM TRAVELLERS. REPORTED JULY 16.

-- ON JULY 17 THE GUERRILLAS BLEW UP A GAS TANK AT A GAS STATION ON THE OUTSKIRTS OF APOPA, SAN SALVADOR DEPARTMENT.

-- GUERRILLAS ATTACKED THE "ZACAMIL" COOPERATIVE FARM NEAR AHUACHAPAN, IN AHUACHAPAN DEPARTMENT, WOUNDING TWO MEN AND STEALING THE COOPERATIVE'S MONEY. REPORTED JULY 19.

-- A GROUP OF GUERRILLAS DYNAMITED A SIX-INCH WATER LINE SUPPLYING THE TOWN OF CHINAMECA, SAN MIGUEL DEPARTMENT, WITH DRINKING WATER. REPORTED JULY 19.

-- IN SAN FRANCISQUITO, NEAR SAN FRANCISCO GOTERA, MORAZAN DEPARTMENT, THE GUERRILLAS DESTROYED HEAVY MACHINERY BEING USED FOR ROAD REPAIR. REPORTED JULY 19.

-- THE GUERRILLAS ATTACKED THE "SANTA BARBARA" FARM NEAR SAN SEBASTIAN SLATRILLO, SANTA ANA DEPARTMENT, STEALING MONEY FROM THE OFFICE AND THE EMPLOYEES. REPORTED JULY 20.

-- A SALVADORAN ARMY SERGEANT AND TWO SOLDIERS WERE ARRESTED FOR ROBBING MOTORISTS AND PASSENGERS ON THE NORTHERN TRUNK HIGHWAY NEAR GUAZAPA, SAN SALVADOR DEPARTMENT. THE ROBBERIES WERE REPORTED JULY 22 AND

23; THE ARRESTS WERE REPORTED JULY 30.

-- GUERRILLAS DESTROYED AN ELECTRICAL SUBSTATION IN ATEOS, LA LIBERTAD DEPARTMENT, ON JULY 21.

-- GUERRILLAS ENTERED THE VILLAGE OF SAN JORGE, IN SAN MIGUEL DEPARTMENT, STEALING MONEY, SHOES, AND A TAPE RECORDER FROM VARIOUS HOUSES. REPORTED JULY 24.

-- IN A PRE-DAWN ACTION, THE GUERRILLAS ATTACKED THE PRISON IN ILOBASCO, CABANAS DEPARTMENT, ON JULY 24. NONE OF THE PRISONERS ESCAPED.

-- ON JULY 22 THE GUERRILLAS HELD THE FIREMEN OF APOPA, SAN SALVADOR DEPARTMENT, AT GUNPOINT WHILE THEY STOLE THE FIREFIGHTING EQUIPMENT AND CLOTHING.

-- THREE TRAIN MECHANICS AND TWO PASSENGERS WERE INJURED WHEN A TRAIN WAS DERAILED BY A GUERRILLA-PLANTED EXPLOSIVE IN SOYAPANGO, SAN SALVADOR DEPARTMENT, ON JULY 24.

-- GUERRILLAS ATTACKED THE CIVIL DEFENSE POST AND THE "ACAHUAPA" COFFEE MILL IN SAN CAYETANO ISTEPEQUE, SAN VICENTE DEPARTMENT, AND DYNAMITED ELECTRIC POLES IN THE AREA ON JULY 26. THERE WERE NO INJURIES.

PAGE 03 OF 03

-- NEAR THE VILLAGE OF CUTUMAY CAMONES, IN SANTA ANA DEPARTMENT, THE GUERRILLAS SET UP A ROADBLOCK AND ROBBED DRIVERS AND BUS PASSENGERS. REPORTED JULY 28.

-- ON JULY 30 THE THIRD BRIGADE EVACUATED FAMILIES OF PEASANTS FROM THE VILLAGES OF EL POTOSI AND MANAGUARA AFTER THE GUERRILLAS HAD THREATENED TO KILL THE PEASANTS IF THEY CONTINUED FARMING WITHOUT CONTRIBUTING A PORTION OF THEIR HARVEST TO THE "REVOLUTIONARY CAUSE."

CIVILIAN DISAPPEARANCES (A)

-- THIS PERIOD 10

-- LAST PERIOD 9

-- YEAR TO DATE 96

(A) "CIVILIAN DISAPPEARANCES" INCLUDES THOSE PERSONS WHO HAVE DISAPPEARED FOR UNKNOWN REASONS. THEY MAY HAVE LEFT THEIR HOMES VOLUNTARILY, OR THEY MAY HAVE BEEN ABDUCTED BY AN UNKNOWN ASSAILANT, IN THE ABSENCE OF WITNESSES.

THE ABDUCTIONS PERPETRATED BY UNKNOWN ASSAILANTS ARE:

-- THREE FARMWORKERS WERE KIDNAPPED FROM THE "HACIENDA VIEJA" FARM NEAR SAN JOSE LAS FLORES IN CHALATENANGO DEPARTMENT. THE ARMED FORCES PRESS OFFICE (COPREFA) ATTRIBUTED THE KIDNAPPINGS TO THE GUERRILLAS BUT GAVE NO DETAILS. REPORTED JULY 16.

-- A FARMWORKER WAS KIDNAPPED FROM THE VILLAGE OF LOS CHILAMATES, NEAR NUEVA CONCEPCION, CHALATENANGO DEPARTMENT. COPREFA ATTRIBUTED THE KIDNAPPING TO THE GUERRILLAS BUT GAVE NO DETAILS. REPORTED JULY 29.

-- A FARMWORKER WAS KIDNAPPED FROM THE VILLAGE OF SANTA BARBARA, NEAR GUAZAPA, IN SAN SALVADOR DEPARTMENT. COPREFA ATTRIBUTED THE KIDNAPPING TO THE GUERRILLAS BUT GAVE NO DETAILS. REPORTED JULY 29.

6. THIS REPORT IS BASED ON VIOLENCE REPORTED IN THE SALVADORAN PRESS, GUERRILLA ACKNOWLEDGEMENTS OF ACTS OF VIOLENCE AS REPORTED IN THEIR OWN MEDIA, AND OTHER SOURCES. IT IS INTENDED ONLY, AND IN COMPARISON WITH PAST REPORTS, TO PROVIDE AN INDICATOR FOR TRENDS IN VIOLENCE OVER TIME. EMBASSY SAN SALVADOR DOES NOT ENDORSE THE FIGURES HEREIN AS REFLECTING THE PRECISE NUMERICAL LEVEL OF VIOLENCE. ****

El Salvador's Economic Refugees

Study Finds Few Threatened on Return; Critics Dispute Methodology

By Jay Mathews
Washington Post Staff Writer

LOS ANGELES—Challenging an important axiom of the growing Sanctuary Movement in this country, an independent survey of Salvadoran refugees forced to return home has found few instances of physical harm or threats against them as a result of civil strife.

The movement, sustained by hundreds of churches and scores of communities, helps bring Latin American refugees into the United States and protect them once they are here. Movement workers contend, contrary to the U.S. position, that Salvadorans are deserving of legal political asylum.

According to the survey of 3,812 refugees by the Intergovernmental Committee for Migration, most Salvadorans deported for illegal entry into the United States during a 13-month period that ended Dec. 31 said they came here to find work, not to escape death squads or other political persecution. Of those surveyed on their return to El Salvador, the ICM report said, 35 "alleged they had problems relating to their security." Four reported deaths were found to be unrelated to political violence.

Gregory Lagana, spokesman for the State Department's Bureau of Inter-American Affairs, said the report confirmed U.S. estimates of the Salvadoran situation. He said critics of the U.S. deportation policy had charged "that anyone who comes back from the United States is politically suspect, which is absurd."

Officials of several human rights organizations opposed to the U.S. position criticized the survey's methodology and suggested that returnees were not frank with ICM interviewers.

Holly Burkhalter, Washington representative of Americas Watch, a private human rights organization, noted that 44 percent of the returnees passing through the San Salvador airport over a 13-month period could not be contacted later because they had given incorrect or incomplete addresses or had left the country again. Because such people were the most likely to be fleeing war and persecution, Burk-

tion's efforts to assist returned Salvadorans, the report provides the most systematic and direct evidence to date of the fate of the returned refugees. The Salvadorans have become an intense political issue in the United States, but until now experts on both sides have relied on scattered case histories and indirect evidence.

More than 300 churches and several national religious denominations have joined the Sanctuary Movement, which helps illegal Salvadoran refugees avoid capture by immigration officials. Eight movement leaders were convicted of felony conspiracy or smuggling charges May 1 in Tucson after insisting that, as Christians, they had to try to protect people from the threat of death or persecution.

The U.S.-backed Salvadoran government is fighting a Marxist-oriented guerrilla movement. Each side has accused the other of atrocities. The fighting has displaced as many as 400,000 people in a country with a population of 4.7 million, although U.S. and Salvadoran officials say the situation is improving.

ICM, a 34-year-old refugee relief organization supported by 32 governments, set up reception facilities for U.S. deportees in El Salvador's capital, San Salvador, and at its airport in December 1984 at the request of the Salvadoran and U.S. governments. Gretchen Bolton, ICM's chief of mission in Washington, said the effort was financed by a \$250,000 grant from the State Department.

ICM offered each returnee food, temporary lodging and transportation to their homes, or assistance in finding an embassy that might help them migrate to another country. Each was given questionnaires to return over the next four months, the ICM report said.

Of 4,822 people who returned from the United States from Dec. 1, 1984, to Dec. 31, 1985, ICM was able to keep track of 3,812, or 79 percent, some for as long as eight months. The report said 1,887 returned questionnaires, and 1,925 were contacted in person, or through relatives and friends.

The report cautioned that because the survey was voluntary, the results cannot "be considered as a

ognition of general trends" among returnees who could be located.

Both in initial and follow-up contacts, "the large majority" of returnees said their "primary motives" for going to the United States were the "poor economic situation in El Salvador and the wish to find employment abroad." U.S. officials have said that the vast majority of Salvadorans are "economic refugees not entitled to political asylum."

The report said ICM tried to help with the legal emigration of 13 of the 35 returnees who complained of possible persecution. Two succeeded, seven awaited official decisions and four were rejected as being economic refugees, it said. Of the other 22, nine were thought to have solved their political problem or not to have had any; six had left the country on their own (as had about 23 percent of all the returnees studied), and ICM had lost contact with the other seven.

As of Dec. 31, 1985, ICM has reports that four returnees had died: two by natural causes, one in a bar fight and the fourth while committing a robbery.

Patrick Burns of the Federation for American Immigration Reform said his organization endorses the ICM study. It also supports the State Department in its opposition to a bill by Sen. Dennis DeConcini (D-Ariz.) and Rep. John Joseph Moakley (D-Mass.) to suspend Salvadoran deportations.

Supporters of the legislation acknowledge that they have only the stories of individual refugees to support their attempt to protect the Salvadorans.

An attempt to computer-match the names of 8,500 Salvadoran returnees from 1981 to 1983 with later atrocity reports showed at least 112 likely victims, said Carol Wolchok, American Civil Liberties Union political asylum project director. Several connections were later verified by State Department and private investigators, she said.

Peggy Hutchison, one of the convicted Tucson Sanctuary leaders, said she sees little in the ICM report to change her mind about what is happening in El Salvador. Frightened Salvadorans, she said, would have treated the ICM interviewers like government officials.

HA

Q: How do you explain the apparent contradictions between your statements about the treatment of civilians during the Guazapa operation and those of Salvadoran Church figures?

A: There are no apparent contradictions between Administration statements and those of Salvadoran Church figures on this issue. Initial Church statements expressed concern for the civilians on Guazapa; they were not denunciations. We shared that concern and closely monitored the operation and the treatment of non-combatants. Our conclusion that the concerns of the Church were being met and that civilians were not abused were based on direct observation of conditions on Guazapa.

There are numerous examples illustrating that those leaving Guazapa were well treated. San Salvador Auxiliary Bishop Rosa Chavez stated in his homily of January 26 that he had received "unconfirmed reports" that a thousand civilians were surrounded in two villages northeast of the Guazapa volcano. On January 27, he celebrated mass on Guazapa mountain where he was able to witness that these reports were unfounded. He made no reference to reports of abuse in his next homily, on February 2. On the contrary, while expressing continued concern for civilians who might still be hiding on the volcano, he noted that many had already been safely evacuated by the armed forces. Reading from Archbishop Rivera Damas' prepared statement, Bishop Rosa spoke about the 16 civilians who had taken refuge in the National Cathedral to protest the operation on Guazapa. He said:

"According to Radio Venceremos and a publication by ANDES June 21, this is a takeover. As Archbishop I condemn takeovers of churches, which have meant profanation of sacred places, disruption of worship, and the generation of doubt among the faithful. Besides, they are not necessary because today there are other modes of political expression with relative personal security. I ask, therefore, that the occupiers leave and that everyone respect this temple."

In February, some Guazapa area residents took refuge in Carrizal Church. In his March 9 homily, San Salvador Archbishop Rivera y Damas stated:

"... more than 160 people, most of them women and children who had left Guazapa and sought refuge in El Carrizal Church in the north of Cnaltenango department, were transferred on March 6. This humanitarian work was made possible thanks to the High Command's understanding and the effective assistance of the International Committee of the Red Cross."

Q: How do you explain the promotion of two officers who are well-known human rights violators, Dennis Moran and Ricardo Pozo?

A: We are aware of the allegations against Col. Moran and Lt. Col. Pozo and believe that some of these may be credible. Despite the absence of hard evidence against them, we publicly criticized their promotions. We can understand but do not necessarily agree with the Salvadoran Government's argument that in the absence of evidence against them their routine time-in-grade promotions could not be withheld. We do support the Salvadoran Government's decision to continue the overseas assignments of both of these officers.

I would add that the activities of which the two officers you mention and others are suspected do not continue. The government has worked to enforce the rule of law and democratic government, and the results are reflected in dramatically lower levels of violence. The government remains committed to eliminating the abuses of authority which were committed by some elements of the Salvadoran armed forces in the past. In a case in which there has been proof of criminal activity by military officers, such as that of the recently disbanded kidnapping ring, the Salvadoran Government took strong and effective action against those involved.

HA

Q: President Duarte's record on human rights is badly undermined by the massacres which took place early in his administration in Cabanas department.

A: The claim of a massacre by the Salvadoran military of almost 70 people in July 1984 in Cabanas department is characteristic of the compliant credulity of much of the organized criticism of the Salvadoran government. On July 25 the clandestine guerrilla radio broadcast the allegation of a "Christian base community" of a massacre by army troops at Los Llanitos several days before.

On the basis of photographs and a report by an unnamed "collaborator," Tutela Legal, the San Salvador archbishopric's legal assistance office, claimed that it had confirmed that a massacre had taken place. U.S. Embassy officials reviewed the photographs which purported to document the massacre. They consisted of about 15 photographs taken from several angles of apparently five to seven bodies of men and possibly one woman in their twenties or thirties. One U.S. reporter visited the site in September and, on the basis of interviews with residents of the area, concluded that government troops had massacred civilians. The same reporter, however, described the residents as hard-core Popular Liberation Forces (FPL) civilian organized masas who were vocal about their political sympathies. The New York Times journalist who visited the site of the alleged massacre reported that "the villagers' account has not been confirmed, and it may be colored by their sympathies for the guerrillas." He also stated in his report: "It was not possible to say how many people died at the site or how they died." Doubt had been cast on the allegation of a massacre by Archbishop Rivera Damas himself who, in response to the guerrillas' request that he denounce the alleged killings, noted in his homily on August 5 that the people should "take care not to allow themselves to be fooled by names (of people) who undersign pronouncements or denunciations, for example, Christian communities."

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Q: Decree 50 continues to permit harassment of those opposed to the government as well as numerous abuses of prisoners.

A: Under Decree 50, which governs national security cases, prisoners should be brought before a judge within fifteen days of arrest, for determination of charges or release. If the prisoner is charged, the instructional judge has 60 days to complete his investigation and turn the case over to a trial judge, who in turn has 43 days to complete the trial and hand down a decision. In practice, these deadlines are frequently not met, because of legal impediments or because of administrative inefficiencies. Processing of Decree 50 cases was halted in May 1985 when insurgents assassinated the sole trial judge handling those cases.

Salvadoran arrest procedures require that the prisoner be taken directly to the local brigade or police headquarters and registered. Typically, the arrest report written at that time will include a medical examination. The family of the prisoner is immediately notified of the detention, as are several human rights organizations and the Roman Catholic Church. The prisoner can be detained and interrogated for eight days before visitors are permitted.

SIGNIFICANCE OF PRESENCE OF ABUSIVE OFFICERS IN MILITARY

Q: What is the significance of the presence in the armed forces of these and other officers accused of abuses?

H/A

A: The unresolved cases of abuse of human rights points at the problem of the judicial system in El Salvador and its evident inability to provide justice in more than a few cases. The Salvadoran government recognizes that, for its actions to be truly effective against those who have engaged in violence, the judicial system must be able to bring those guilty of crimes to justice. I believe that if the problem is to be resolved, if the judicial system is to be strengthened so that it can deal with criminals from every quarter, our support should go to those who have demonstrated their commitment to improving the lives of Salvadorans and rebuilding their country. Those democrats chosen by the people to lead their country need our support in order to rectify their country's problems.

TUTELA'S CORRECTION OF PAST MISTAKES?

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Q: The mistakes which Tutela Legal made in the past have been corrected.

A: In 1984, Tutela Legal announced it would change its methodology. Nevertheless, its accounting of the violence in El Salvador continues to be skewed by its willingness to accept uncritically personal "testimony" from anyone alleging government or military abuse of human rights. The director of Tutela Legal continues to justify the acceptance of allegations from any quarter which claims government abuse by insisting that "the people do not lie to the Church." This in the face of repeated instances which clearly demonstrate that even if the people do not lie to the Church, the guerrillas and their supporters willingly and frequently do.

Political violence continues to decline sharply, except for terrorism by the insurgents. Embassy figures indicate that political violence against civilians has declined from some 800 per month in 1980 to fewer than 30 per month in 1985. "Death squad" assassination has declined dramatically. In contrast to previous years, no rightist group claimed responsibility for any political murder during 1985; assassinations in which the perpetrator advertises responsibility are now largely the work of the left. The insurgents claimed responsibility for many murders in 1985, including those of six U.S. citizens and seven others gunned down in a San Salvador restaurant in June.

Embassy political violence figures for 1985 follow. These figures are based on violence reported in the press, including the guerrilla media, and other sources. They are an index and should not be taken as absolute values. The "political violence by unknown assailant" category includes deaths which, because of unclear circumstances, cannot confidently be classified as criminal, but which may not be political in nature.

<u>Perpetrator</u>	<u>Number</u>	<u>Percentage</u>
By guerrillas	152	45
Possibly by guerrillas	33	10
By extreme right	3	1
Possibly by extreme right	13	4
By unknown assailant	80	24
By civil defense	4	1
By army/security forces	9	3
Civilians killed by army in battle	41	12
Total	335	100

The policy of the government is clearly opposed to loss of civilian life as a result of military action by government forces. Complaints of abuse by the security forces have been reduced by unifying command of the three police services under a Vice Minister for Public Security, by issuance of standard operating arrest procedures, and by human rights instruction for police and Armed Forces members. The Armed Forces continue to be accused of human rights violations, but the number of such allegations is much lower than in the past. There were no allegations of massacres by the Armed Forces in 1985.

Accusations of indiscriminate bombing continue, but no convincing evidence to substantiate them has been brought forward. The rules for airborne combat promulgated by President Duarte in 1984 remain in force and are observed. Guerrilla-placed mines resulted in the deaths of at least 29 civilians and in injuries to more than 100 others.

THE ROLE OF THE CHURCH

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The Catholic Church in El Salvador continues to play a key role as a trusted and credible intermediary between the Government and the FDR/FMLN guerrilla forces. Archbishop Arturo Rivera Damas and other Church leaders accept the legitimacy of the Duarte Government, but have maintained the independence and authority of the Church that allow it to act as an intermediary. Church leaders have been outspoken in insisting on respect for the rights of non-combatants and that both sides work toward a peaceful solution to the conflict.

The Church was instrumental in securing the release of President Duarte's kidnapped daughter Ines and remains an important informal channel between the government and the insurgents. In this role, however, the Church is forced to make concessions to the left, such as its continued support for the leftist human rights propaganda of Tutela Legal.

However, the basic position of the Church is clear. In an August pastoral letter, the eight Salvadoran bishops gave their views on the conflict and examined the impediments to its peaceful resolution. They stated in the letter:

"We have, on one side, a constitutional government, endorsed by the massive turnout at the voting urns in four successive elections, which have been practically a repeated 'referendum' in favor of democracy; and, on the other side, are the FDR/FMLN, who arrogate a representativity of the people which they cannot certify and who, in addition, resort to violence and sabotage as an essential component of their struggle, thus placing themselves in a position which we cannot approve."

Q: How does the Catholic Church view the conflict, particularly the legitimacy or illegitimacy of the guerrilla insurgency?

A: An editorial of December 8 summarized the Church's views on the conflict. In the article, the Church described the conditions of injustice which prevailed in El Salvador for decades as the root of the conflict and the reason why some took up arms against the system. It went on to note that the "guerrillas lost their cause and evidently their popular support" with the advent of social and economic changes. The editorial continued:

↓ "The actions of the extreme left against the national economy, with grave repercussions for our people, caused them to lose their credibility and sympathy. The revolution thus ceased to be popular. The guerrillas no longer tried to claim the people who, to the contrary, had been given positive hope in the reforms of the social order and, above all, with the democratic experience of elections. It is important to note that in this fight of two armies, representing two ideologies, the people now have demonstrated their preference. Their presence at the voting booths and their response to the call of elections, are indicative of the popular will."

Q: Why is the government of President Duarte unable to put an end to the activities of rightist death squads?

A: The charge that "death squads" linked to the government continue to murder many Salvadorans is another false but persistent claim made by those engaged in justifying their conclusion that the Salvadoran government continues to violate human rights. Claims that ten to 20 death squad killings each month can be attributed to the government are stated as indisputable fact. The claimants consistently fail to alert the reader to the fact that killings which cannot be otherwise identified are assumed to be the responsibility of government supported death squads. Inexplicably, reports on conditions in a country which even in times of peace and relative prosperity had one of the highest murder rates in the world reflect no victims of ordinary crimes.

In addition, even though the Americas Watch January 1985 report acknowledged that "targeted political assassinations by the guerrillas resemble death squad killings," the reports ignore the possibility that murders which are attributed to agents of the government may be the work of revolutionary terrorists. The case of three students killed in 1985 is illustrative. Tutela Legal instinctively concluded that the assassinated students were victims of death squads. It was later revealed that they were killed by leftist terrorists when one of the students was identified as a member of an association supportive of the Salvadoran armed forces.

Law

Top Five Asylum - Generating Countries
in Various Categories

FY- 1985

Applications Received

1. Nicaragua	(5025)
2. Iran	(2734)
3. Cuba	(2684)
4. El Salvador	(1661)
5. Poland	(976)

FY-1986 (through May 1986)

Applications Received

1. Nicaragua	(4710)
2. Cuba	(1590)
3. El Salvador	(1518)
4. Iran	(1477)
5. Poland	(630)

Grants of Asylum (Individuals)

1. Iran	(2779)	1. (4087)
2. Poland	(451)	3. (549)
3. Nicaragua	(408)	2. (557)
4. Ethiopia	(187)	4. (210)
5. Romania	(110)	6. (113)
6. El Salvador	(74)	5. (129)

Grants of Asylum (Individuals)

1. Iran	(869)	1. (1166)
2. Nicaragua	(683)	2. (811)
3. Poland	(296)	3. (366)
4. Ethiopia	(120)	4. (145)
5. Romania	(91)	5. (113)
6. El Salvador	(40)	7. (58)

QUESTIONING OF TUTELA LEGAL FIGURES

H A

Q: Why do you question the figures on human rights abuses in El Salvador which are published by well-known organizations such as Americas Watch and Amnesty International?

A: Critics' claims of government sponsored political killings are based on figures obtained from Tutela Legal. Tutela's figures have been demonstrated to be inaccurate in the past and remain inaccurate. Last year we provided information to the Congress which cast serious doubt on the reliability of Tutela Legal's figures on political violence. We demonstrated that, contrary to Tutela officials' statements that their information is based on personal testimony, many incidents were taken directly from newspaper accounts. The times, places, and number of victims in almost every case were identical in the newspaper account and in Tutela's copy. The consistent and revealing difference between the two accounts was that, while in the newspapers the victims were identified as guerrillas, in Tutela Legal's version the reported guerrillas were inexplicably and falsely identified as civilians. Tutela admits it does not have the resources to verify its claims; we have seen no inclination to even carry out a spot check.

Q: Can you cite a specific instance of a false allegation made by Tutela Legal?

A: The most striking example of Tutela Legal's habit of manipulating the facts to defame the government was its account of the December 31, 1983 engagement at El Paraiso in Chalatenango department. The events of December 31-January 1 consisted of an attack by several hundred guerrillas against the isolated army headquarters. In the process of overrunning the garrison, the guerrillas killed 75 soldiers and captured over 100. In a press release on this defeat the Army exaggerated in claiming that it had killed 250 guerrillas during the engagement. Tutela Legal took this published Army figure of guerrilla casualties and reported it as an Army atrocity against 250 unidentified civilians. A defeat for the government was turned into an atrocity by the government. Tutela Legal's claim was a blatant falsehood; the combat at El Paraiso was purely military activity in which no civilians were involved on either side.

CHURCH RESPONSE TO GUERRILLA ABUSES

1-1A

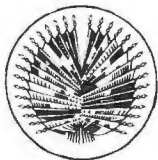
Q: Has the Archbishop or other Church figures spoken out against violations of human rights by the guerrillas?

A: The Church has actively stated its concerns about actions in which civilians are killed or threatened. On April 15 Archbishop Rivera Damas denounced the guerrillas' murder of 21 people at Santa Cruz Loma on April 8. The Archbishop condemned the guerrillas for capturing and then executing unarmed members of the town's civil defense and then attacking a house inhabited by women and children. He added that this was a human rights violation that raised doubts among the people about the guerrillas' commitment to pursue dialogue. In June, the Church newspaper, Orientacion, issued a strong condemnation of the June 19 massacre of 13 people including six U.S. citizens. The editorial stated:

"In view of the bloody event perpetrated in the Zona Rosa and claimed by the FMLN, there is room to ask ourselves whether there are still some guerrillas or if perhaps they are not bandits and terrorists who will make the promised revolution. What is happening guerrillas? Have you invoked the spirits of Trujillo, the Somozas, the Duvaliers, Batista, and Stroessner? The terrorist has neither name, nor ideology, nor belongs to any social class...once he has killed he continues killing for its own sake and for the pleasure of seeing men, women and defenseless children fall."

Church authorities have repeatedly condemned the indiscriminate land mine warfare of the FDR/FMLN, most recently in the Easter homily on March 30, 1986. Archbishop Rivera Damas made note of the maiming of a man and two of his children and stated, "the indiscriminate use of these devices cannot be justified." In his February 9 homily, Rivera Damas called upon the FMLN "not to place mines where the civilian population passes through." The Archbishop added that in the majority of cases "the victims of the explosions of these mines are innocent." The guerrillas, however, have not desisted from these attacks despite criticism from the Church.

ORGANIZATION OF AMERICAN STATES



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it was possible to link in this period to the Chilean Security Forces. The stringent restrictions on freedom of expression reflected in the closing of six publications, the persecution of two editors, and the closing of two foreign news agencies have only aggravated the serious limitations imposed on this right during the period considered. The arrest of five priests and the expulsion of three may be considered an intensification of the campaign against the Church, which has also been noted during the period covered by this report. The persecution of prominent opposition politicians and the arrest of some of them, continues the continuous harassments to which they have been subject. The statements of the Head of State on the need to expel persons engaged in the defense of human rights from the country or to imprison them, results in the extremist types of behaviour noted in this period.

However, in the opinion of the Commission, what most clearly reflects the application of the provisions of the state of siege in the present situation is the use the Government is making of the reprehensible activities of extremist groups in order to adopt measures against human rights that far exceed those required in order to identify the extremists they seek and to sanction them pursuant to the law thereby affecting persons unrelated to any of these groups.

The gravity of the facts laid out in this section oblige the IACHR to reiterate, in the most energetic terms, the necessity of the Chilean Government to put the institutional mechanisms in place to reestablish, as soon as possible, the enjoyment of representative democracy. The Commission is convinced that this is the only system which provides the means to confront the serious threats which hover over Chilean society and to overcome the divisions which today appear to deepen, since only in a democracy is it possible to reach agreements between representative political sectors and the fundamental institutions to establish an order of peace and justice without which respect for human rights cannot be achieved.

EL SALVADOR

Year after year the IACHR has been submitting reports to the OAS General Assembly on the state of human rights in El Salvador and has been closely monitoring the most significant events affecting human rights in that Republic, especially with effect from 1978 when, as a result of an on-site observation that year, it prepared a special report on the Situation on Human Rights in El Salvador.

During the period covered by this report, the Commission has noted a significant change in the relations of the Government of El Salvador with it. Communications with the IACHR that were virtually suspended by the

Salvadorean authorities have been reestablished, and replies have begun to be received to requests for information made by the Executive Secretariat of the Commission concerning reports alleging violations of human rights by the Armed and Security Forces of El Salvador. The Government of El Salvador has also begun to cooperate with the Commission in investigating the cases submitted to it and has even granted its consent for a Special Commission of the IACHR to visit the country in order to investigate on the spot the status of 33 cases in which the requested information had not been supplied; in addition, the Government authorized the Special Commission to investigate on the spot Case 9621 relating to the status of 521 political male and female prisoners who are at present incarcerated in the La Esperanza prison in the Canton of San Luis de Mariona (males) and in the Center for the Rehabilitation of Women in Ilopango, alleged victims of violations to their right to freedom and personal integrity and to the judicial guarantees of due process and prompt administration of justice.

There is a consensus--and this has been repeatedly stated by the IACHR in its earlier reports--that the principal problem confronting the El Salvador is the internal, fratricidal war that has already caused so many deaths, so much destruction, and multiple violations of the human rights of its population, and which has resulted in the prolongation year after year of a state of emergency that entail, the suspension of constitutional rights. In this context the Commission deems it advisable to mention first the efforts that have been made and continue to be made to return the country to peace and social harmony through discussions between the forces involved in the conflict. The first round of these conversations took place on October 15, 1984 in the City of La Palma, and the second round of conversations was held on November 30 of the same year in Ayaguayo; the third was in preparation, as on earlier occasions, with the mediation of the Catholic Church through Monsignor Arturo Rivera y Damas, the Archbishop of San Salvador. As on earlier occasions, and in spite of the difficulties which have emerged, the Inter-American Commission on Human Rights endorses the hopes expressed by the Salvadorean people who yearn for peace, justice, and the full observance of human rights, and it hopes that the efforts to ensure it will not be discontinued or frustrated.

Therefore the state of human rights is deeply affected by the state of war in El Salvador. However, the Commission notes that substantial progress has been made in the observations of human rights during the period covered by this report. There has been a considerable reduction in the number of forced disappearances of persons and of the activities of death squads, as well as a decrease in the indiscriminate bombardments of civilian population uninvolved in the conflict, which has brought with it a reduction in the number of deaths among that civilian population. This has made it possible for a large number of displaced persons to return to El Salvador.

In addition, the Commission has found that, San Salvador the capital city is almost completely peaceful and now appears to be almost free of

acts of violence such as the appearance on the streets of mutilated bodies, as noted by the Commission in earlier reports.

The Commission has also been informed by the Government of the compulsory report the Security Forces must send at the time they arrest a person to the International Committee of the Red Cross, the Legal Protection Agency of the Archbishopric, and the Government Commission on Human Rights. This measure parallels the increased supervision the humanitarian and human rights institution can now exercise over the behavior of security agencies and the treatment of prisoners held incomunicado under Decree Law 50, who can now be regularly visited from the eighth day of their detention onwards in order to verify that they are still alive, report to their family members on their arrest, ascertain whether they have been mistreated or tortured and directly report to the authorities on such events.

The Inter-American Commission on Human Rights deems it fitting to acknowledge and highlight the enormous importance of the role in the defense and protection of human rights and the humanization of the conflict and respect for international norms of humanitarian law that has been, and is being played, by the Catholic Church of El Salvador and the International Committee of the Red Cross.

Despite the changes during the period covered by this report, the Commission must also refer to other facts that seriously affect the observation of human rights. They are:

With respect to the right to life, the figures supplied to the Commission by reliable sources show that, despite what is stated above, the result of violence and of the war in a single period of six months between January and June 1986 were as follows:

Deaths in the civilian population attributed to the Armed Forces	36
Deaths in the civilian population during military operations	2
Deaths in the civilian population caused by bombardments	3
Deaths in the civilian population caused by mines	36
Arrested and subsequently missing	52
Deaths caused by death squads	24

With respect to what are called indiscriminate bombardments of the non-combattent civil population, about 4,000 government troops, supported by the Air Force, launched a special counterinsurgency operation known as "Operation Fénix" in February 1986. It was carried out in the immediate neighborhood of the Guazapo Volcano, about 40 kilometers to the north of San Salvador, in an area that is very sensitive because of its proximity to the capital city and is considered to be a redoubt of the guerrillas of the Farabundo Martí for National Liberation Front (FMLN). Because of it, the Commission received numerous communications denouncing further

bombardments and indiscriminate military attacks against the civilian population.

In this regard, the Catholic Church issued a public statement through Father Jesús Delgado who, speaking on behalf of the Archbishop of San Salvador, Monsignor Arturo Rivera y Damas, stated in his sermon on Sunday February 23, in the Cathedral, that the Church had evidence, in the case of "Operation Fénix", that the insurgents had endeavoured to return the displaced farmers to their farms those who had been forced to emigrate by government forces because they were suspected of cooperating with the guerrillas, despite the announcement that a military operation would be carried out and that their families had informed the priest who visited them that they had received those orders from the FMLN and had been pressured to resist the army offensive. In the same sermon, which was widely commented on in the Salvadorean press, the representative of the Archbishop stated that the Army was complying with the appeals of the Church to respect the civil rights of the displaced families and had permitted officials of the International Committee of the Red Cross to visit and assist them.

With respect to military operations in combat areas, which entail bombardments by the Armed Forces against the infrastructure of the civilian population living in a disputed area or controlled by guerrillas whom it supports or aids, the Commission has received contradictory versions; but in the opinion of the Commission, the fact that the civilian population is suffering the effects of the war, and worse still, that it expects to be used or manipulated by either of the contending groups is extremely delicate and to be condemned.

The Commission cannot fail to refer as well to the serious and painful problem of horrible deaths and amputations caused by the explosion of mines sown both by the Army and by the guerrillas in the fields and on the roads in the areas in dispute, with complete disregard for the lives and personal safety of the civilian population living in those areas. As a result of this extremely irrational strategy, hundreds of Salvadorean citizens have been killed and thousands have been mutilated for life. The victims include soldiers and guerrillas and even innocent children of the rural population of El Salvador. The Inter-American Commission on Human Rights is of the opinion that the humanization of the conflict in this area would be a major advance.

With respect to the right to personal freedom, the right to personal integrity and the judicial guarantees of due process and of prompt administration of justice, which were the subject of special consideration during the on-site observation carried out by the Special Commission of the IACHR last August, the Commission cannot at present make any useful judgment on the findings. That will be done when its investigations are concluded. It is only fair to emphasize that they are being carried out

with the full cooperation of the political, military, and security authorities of El Salvador.

Nevertheless, with respect to the way in which Decree Law 50 is affecting some of these rights, which has been dealt with in various studies and analysis of different segments of Salvadorean society, the Commission would like to offer some judgments on that legislative measure which is having a negative impact.

In the view of the Commission, the period for investigation by public security institutions, which has been increased to 15 days, pursuant to Article 12, paragraph 2, is a harmful abuse of the human rights of the persons held for trial, especially if account is taken of the fact that the provisional detention may be based solely on the evidence presented by the public security bodies and that the judge is not required to check that evidence until 15 days after provisional detention has been ordered.

Furthemore, pursuant to Article 16 of the above-mentioned Decree Law 50, the accused may appoint a lawyer only when he receives notification of the provisional arrest order which means in practice that he will not have any legal counsel during the period of administrative arrest and of the faster period for investigations set by the military examining magistrate, which periods could be extended up to 90 days. This lack of legal advice during the first part of the trial, in which decisive evidence may be produced against the person accused, could seriously affect the right to defense.

Accordingly, the Commission deems it advisable for the Government of El Salvador to revise the text of the above-mentioned Decree 50 to make it consistent with the guarantees inherent in due process, which El Salvador is internationally required to respect.

With respect to the situation of human rights institutions during the period covered by this report and even since 1984, the Commission has received information that neither the Legal Aid Office nor the new Office of Legal Protection of the Archbishopric of San Salvador--which earlier had been subject to harassment--have been attacked or prosecuted during the period.

However, the Commission has also been informed that in early June, human rights activists of the El Salvador human rights commission and the Mothers organizations "Marianella Garcia Villas" and "Monsignor Oscar Arnulfo Romero" began to be arrested and were accused of being influenced or manipulated by the Democratic Revolutionary Front (FDR) of issuing misinformation about matters relating to human rights, and of protecting members of the guerrilla forces. During the early weeks of May 1986, the offices of those groups were subject to supervision and attacks. The Armed Forces organized military search operations in the area, when on May

8 María Teresa Tula de Canales, an activist of the "Monsignor Oscar Romero" Mothers Committee, was arrested. It is alleged that when interrogated she had been forced to disclose the names of other members of her group. After two days in captivity she released free in a park in San Salvador. Twelve days later she was again arrested by individuals in civilian clothes and kept incomunicado in the main barracks of the Treasury Police, transferred to the Ilopango prison and again released at the end of September.

During the second half of May, nine activists, officials and employees of the Human Rights Commission, the Mothers Committee and of another group of family members were arrested. Some are still detained and at the disposal of the military courts and others have been released.

Two of the persons who were arrested, well-known members of the Human Rights Commission, announced their resignation from this human rights group from the premises of the Treasury Police and publicly accused their colleagues of using their organization as a cover for the insurgent FMLN. Similarly, Janeth Alfaro accused other human rights groups of the Catholic and Protestant Churches. Subsequently, other prisoners stated that they had been forced to back up the statements of Janeth Alfaro and her sister.

Although the findings of the on-site observation carried out by the Special Commission of the IACHR in El Salvador do not appear in this report, since they are part of the investigation under way on cases that are still being processed. It should be emphasized that that observation was possible because of the positive change of attitude on the part of the Government of El Salvador concerning the Commission, since in the past that Government had failed to cooperate with the Commission and to provide it with information on cases brought to its attention.

The activities of the Special Commission during its visit to El Salvador are dealt with in the second chapter of this report. In any event, the Commission would like to state that, as a result of the visit, the Government of El Salvador has undertaken to investigate and provide information on all the files awaiting a reply and have given assurances that it will continue to cooperate with the work of the Inter-American Commission on Human Rights.

To sum up, during the period covered by this report, the Commission has found that significant progress has been made in El Salvador in the observance of human rights, although there are undoubtedly important restrictions and limitations on the full exercise of those rights.

The right to life continues to be that most affected primarily, although not exclusively, because of the armed conflict that has been going on in El Salvador for years.

In that regard, the Commission must again express its hope that the discussions between the Government and the insurgent groups will lead to a solution that will not involve the use of force. Nevertheless, the Commission notes that the depth of the problems to be solved and the sharp antagonisms that still affect Salvadorian society will demand long and continuing efforts if peace is to be achieved.

GUATEMALA

In the last years, the Inter-American Commission on Human Rights has given special attention to the situation of human rights in Guatemala given the serious violations which have occurred and the generalized violence in the country. As a result, the Commission has processed hundreds of complaints in which serious violations of human rights have been alleged, particularly in reference to the right to life, and has published three special reports on the situation of human rights in Guatemala: the first one (OEA/Ser.L/V/II.53 doc.21, rev. 2), approved on October 13, 1981, refers to the situation of human rights in that country up to that date; the second (OEA/Ser.L/VII.61, doc.47), approved on October 5, 1983, is dedicated to the situation of those rights starting on March 23, 1982, date of the "coup d'état" from which General Efraín Ríos Montt emerged as President, to August 8, 1983, date on which he was overthrown by General Oscar Humberto Mejía Víctores; and the third (OEA/Ser.L/V/II.66 doc.16), approved on April 9, 1986, refers to the period of General Mejía Víctores Government up to January 16, 1986, date on which his administration ended.

On final approval of the third special report, the Commission reiterated to the new Government of Guatemala the recommendations made in its previous reports on the need to investigate and sanction, with full force of the law, those responsible for illegal executions, forced disappearances of individuals, arbitrary arrests, tortures and other offenses against human rights.

In the present section about Guatemala, the Commission will refer to the democratically elected Government headed since January 14, 1986 by Lic. Vinicio Cerezo Arévalo .

The immediate precedents set on reestablishing democracy in Guatemala were: the convocation of the electoral process in which the National Constituent Assembly was elected on July 1, and established on August 1, 1984; the approval, by that Assembly, of the new Constitution of Guatemala on May 31, 1985; the approval of the new Electoral Law on June 3 of the same year; the convocation of presidential, legislative and municipal elections on the following day; and the holding of general elections, with first and second rounds set for November 3 and December 3, 1985, respectively.

SALVADOR AIR ROLE IN WAR INCREASES

Number of Government Craft Is Said to Double in Year

By JAMES LeMOYNE

Special to The New York Times

SAN SALVADOR, July 16 — El Salvador's Air Force has come to play an essential role in the Government's war against leftist rebel forces and has almost doubled in size in the last year, according to both United States and Salvadoran officials.

The number of bombs and rockets used in combat is increasing, and American-provided helicopter and AC-47 gunships are now commonly deployed against guerrilla units.

Some Western officials contend that the army might have lost the war without the sharply increased air power provided by the United States in recent years, especially a new fleet of helicopters used to place troops rapidly in rebel areas.

In the last year, the air force appears to have used its new muscle mostly in concentrated attacks on areas regarded by the Government as guerrilla strongholds.

Such attacks have become the focus of criticism of the Salvadoran Government. Several human-rights organizations have accused the Salvadoran Air Force of bombing civilians in guerrilla areas and of trying to drive rebel supporters into refugee camps.

The rebel Farabundo Martí National Liberation Front has also mounted a broad propaganda campaign both at home and abroad aimed at curbing the air force. Rebel officials said in recent interviews that the air force had hurt the rebels and forced them to adopt more defensive tactics.

The extent and legality of bombing and strafing by the air force are among the most difficult issues to resolve in El Salvador's five-year-old civil war. The questions raised by both critics and supporters of the Government are complicated, and evidence for firm answers is not easy to come by.

Most reports of air attacks come from battlefields where army ambushes and guerrilla mines make access for reporters all but impossible. Witnesses are usually highly partisan. Government officials universally de-

fend the air force. Much testimony condemning bombing comes from peasants who identify themselves as rebel supporters.

Determining the circumstances of a reported attack is difficult. The guerrillas regularly use isolated villages as bases and fight the army when it comes through on sweeps.

In interviews in the last week with recent arrivals at three Salvadoran refugee camps, peasants from four villages in Morazán Department, as well as Roman Catholic church and international relief officials, indicated that at the least, the fear of being bombed by the air force was part of the daily life of those who remain in areas where there is frequent fighting.

Fewer Civilians Being Killed

The interviews also indicated that the air force had become more accurate and more careful in its bombing in most parts of the country and that fewer civilians were being killed or wounded. An international relief official, who has no ties to either the Government or the United States Embassy and who has been critical of the air force in the past, said he would no longer describe its attacks as indiscriminate.

But 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 the rebels.

There is also a handful of reports of incidents in other parts of the country in which civilians who are not rebel supporters say they were attacked by aircraft without proper cause.

Although there have been several reports in the United States citing the use of napalm against civilians and rebels in El Salvador, none of those interviewed in recent weeks mentioned napalm or burning explosives. Salvadoran military officials have confirmed that they have napalm but have contended that it has not been used.

Salvadoran and United States officials strongly denied in interviews that villages or civilians had been bombed in the last year. They contended that the refugees' accounts of air attacks either represented accidents of war or form part of the rebel propaganda campaign against the air force.

"The policy is, you don't bomb villages, you don't kill civilians," an American official said.

The air force once appeared to make little effort to avoid hitting civilians. In 1983 and early 1984, Salvadoran pilots, considered among the most politically conservative groups in the military, bombed several towns in what were reported by both reporters and reliable witnesses to be indiscriminate attacks against defenseless civilians. Accounts of seemingly random attacks on peasants in rebel areas were common.

In an attempt to end such incidents, President José Napoleón Duarte issued stricter rules of engagement for the air force last September. The rules require that the military high command approve all air attacks and that targets be clearly identified as military objectives by army spotters. Civilians are not to be fired on.

Region's Most Powerful Force

The stricter rules came as the air force was assuming its new role at the forefront of the war against the rebels. Today, the number of combat aircraft easily gives El Salvador the most powerful air force in Central America.

According to figures provided by the United States Embassy, the air force now has 43 combat Hughes UH-1 helicopters, 6 Hughes 500 helicopter gunships, 2 AC-47 gunships, at least 10 O-2 spotter planes that fire rockets and 9 A-37 jet bombers.

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. In addition, it fired between 500 and 600 2.75-inch rockets each month.

This year, the air force is dropping an average of 60 500-pound bombs and 75 750-pound bombs each month, according to the embassy, an increase in the largest bombs being used. The number of 2.75-inch rockets fired has risen to about 975 a month. Many more machine-gun bullets are being fired from the newly provided gunships.

The increased use of air power is part of new army tactics that depend on inserting troops by helicopter into rebel areas, according to United States and Salvadoran officials. Often such attacks are accompanied by bombardment and strafing of landing zones and of rebel defenders, they said.

A spokesman for the Army, Maj. Carlos Armando Aviles, contended in an interview that the air force was observing the new rules issued by President Duarte. He denied that the air force was bombing or strafing villages or that it was using bombing to drive rebel supporters into refugee camps.

The army's present policy, he added, is to round up and remove civilian guerrilla supporters from rebel areas so as to avoid firing on them during battles and also in order to keep them from aiding the guerrillas.

The policy of picking up rebel supporters seems to be in effect. There have been no accounts of army massacres in guerrilla areas for almost a year. Instead, the army in the last few months has captured more than 300 peasants who back the rebels, according to international relief officials in El Salvador. The peasants are normally sent to refugee camps or move in with relatives living in the cities, the officials said.

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AIR ROLE...Continued

More than 20 recent refugees from the Guazapa volcano area contended in interviews, however, that the war from the air was still a considerable threat to peasants in that zone. The refugees, all of whom described themselves as rebel supporters, said they had fled from the villages of Mirandilla, El Zapote, El Corozal, Las Delicias and Platanares because the air force often bombed in or near their villages.

Say Rebels Use Villages

Both Salvadoran and American officials said that the villages named by the refugees were used as bases by rebel units and that the army fights regularly in the area. They denied that the villages had been bombed.

The refugees maintained that several peasants in the area had been killed in air attacks in the last year. Reina Isabel Ardón, 29 years old, said an air attack last month killed three residents of the village of El Zapote: Bertina Landaverde, Pedro Rivera and Adrian Rivera.

Mrs. Ardón arrived in the Domus Marie Catholic Church refugee camp here last week after fleeing from her village of El Zapote on the Guazapa volcano, a major guerrilla base.

"We could not stand the bombing," she said. "We had four years of suffering."

A reporter could not confirm the accounts.

Exposed Fires Avoided

When told that the Government had said that it never bombed villages, Alicia Landaverde, 28, from the village of Platanares, replied: "It's a lie. There are plenty of bombs."

The peasants said that they took cover in underground shelters whenever planes or helicopters approached and that they also took care not to hang up clothes in the open or to expose cooking fires, lest they attract the attention of pilots.

The refugees said they had all left the Guazapa area in the last two months. They were interviewed in the Bethania, Domus Marie and Basílica refugee camps in or near the capital.

Witnesses who are not rebel supporters have also recounted incidents in which the air force appears to have violated its rules of engagement prohibiting attacks on civilians.

María Adela Rivera and three of her children were killed in April by what appeared to be an air force bomb or rocket that hit their house during a rebel attack near the town of San José Guayabal. Mrs. Rivera's husband was wounded in the attack. He gave sworn testimony to the Roman Catholic Church's legal aid office that his family had been killed by an air attack and church investigators visited the site of the attack almost immediately.

Major Aviles, the army spokesman, disputed the testimony laying responsibility on the air force. He contended that a rocket fired by the rebels might have caused the deaths.

In two instances, reporters have been fired on by planes in circumstances where it appears they could

have been clearly identified as non-combatants.

Two months ago, a reporter was forced to jump for cover from a taxicab when a jet strafed the road to the town of Suchitoto, near Guazapa volcano. The reporter had been stopped by rebels shortly before the attack, but he said no rebels were present when the plane dived on his taxi.

In a separate incident, a different reporter said she was the target of a rocket and strafing in February while walking with another reporter on a road in a rebel area in Cabañas Province. She said that there were no rebels present at the time and that neither reporter was wearing military clothing.

When guerrillas attacked the town of Suchitoto last year, reporters found rocket fragments in at least 10 homes on the outskirts. The owners of the homes, who were not rebel supporters, said they believed the air force had hit their houses. No one was hurt.

A Western official who looked into the attack at Suchitoto said it appeared to him that the air force had hit the houses. He described the incident as an accident.

In contrast to the accounts of refugees from the Guazapa area, four reporters who traveled two weeks ago to the rebel zone in Morazán Department, over 125 miles northeast of the capital, found no recent accounts of civilians who had been wounded or killed there by bombing.

Villagers from Meanguera, San Fernando, Perquín and Sabanetas said

that no civilians had been killed by air attack in their areas in the last year, but that that appeared to be partly because of good luck. Peasants spoke of near misses, including a strafing run in the village of El Volcancillo that they said nearly hit a peasant family.

Some of the villagers seemed more sympathetic to the rebels than others. But all said that despite the absence of recent casualties, they remained afraid of air attack.

An investigator for Americas Watch, a New York-based human rights group, took testimony last month from a peasant who said he had fled from a hamlet near the town of Joateca, also in Morazán Department. The peasant said at least five villagers had been killed by what he believed to be an air attack in March. The testimony was taken in the Colomoncagua refugee camp in Honduras.

Other accounts of bombing in Morazán are more difficult to pin down. A group of peasants from the area came to the capital two weeks ago to protest army attacks and bombing. One of the places they cited as unjustly attacked was the village of Rancho Quemado.

Peasants interviewed in Morazán two weeks ago told reporters, however, that Rancho Quemado was a guerrilla base. They said the air force had bombed it a month ago but had not hit their village, which was about a mile and a half away from the rebel base. They added that the rebels had told them to go to the capital to condemn the bombing, but that they had refused.

MIAMI HERALD

14 JULY 1985

Pg. 1

War for minds opens new front in Salvador

By TIM GOLDEN
Herald Staff Writer

SAN SALVADOR — With assistance from the Reagan administration, the CIA and a Venezuelan firm, the Salvadoran government is waging a propaganda war that some officials believe will help deal a final, fatal blow to guerrillas.

Instead of bombs and bullets, the government's arsenal in this war includes leaflets dropped over rebel-held areas, posters and radio

spots, televised interviews with guerrilla defectors and widespread dissemination of captured rebel documents.

It's a battle whose importance has risen sharply as the 6-year-old military conflict has declined in intensity, with government forces seizing the battlefield initiative and the guerrillas falling back into a war of ambushes and hit-and-run attacks.

Rebels have shifted their strategy from quick victory to a war of attrition, requiring a massive re-

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NEW YORK TIMES 8 July 1985 Pg.4

The Rebels Give Show In Salvador

By JAMES LeMOYNE

Special to The New York Times

PERQUIN, El Salvador, July 5 — Peasants carried signs condemning aerial bombing, a revolutionary priest spoke of "the oppressed" and guerrillas dressed as clowns pranced through political skits before a crowd of young children.

The setting was this small, often-fought-over village, which is the center of leftist rebel operations in northeastern El Salvador. A delegation of Americans arrived here Thursday at the invitation of the rebel high command to meet both guerrilla leaders and the local population.

The unusual encounter offered an insight into the complexity and bitterness of a civil war that defies the simple black and white descriptions so often given by Government and rebel officials.

'Something Really Happy'

In the center of the town square a rebel clown clapped and chortled that

he wanted to hear a "happy song, something really happy." Another clown quickly agreed and broke into a ditty about the four senior army officers killed when rebels in the area blew up their helicopter last year.

The next verse began, "Hey Ronald Reagan, the guerrillas downed a little plane the other day, and in it were three agents of the C.I.A., ha ha ha ha ha ha."

"Now that really is happy," the first clown said, telling the children to sing along.

As soon as the American visitors rolled into town, 126 miles northeast of San Salvador, the capital, more than 300 peasants walked around a corner chanting slogans broadcast by two men with microphones reading from a script: "Bombs no, medicine yes, bombs no, schools yes."

War's End Is Their Hope

The peasants followed along, but one group got mixed up and began chanting, "Bombs no, medicine no, schools no," until corrected by a leader.

Asked why they had walked in from all over the northern part of the department of Morazán, several peasants said they had been told by the rebels to demonstrate for the visitors. But they also fervently expressed a hope that the war would soon.

The rebel Farabundo Martí National Liberation Front has made aerial bombardment by the Salvadoran Air Force

CONTINUED BELOW

a centerpiece of its propaganda against the Government of President José Napoleón Duarte. The Salvadoran Air Force has bombed towns and killed civilians several times in the past, but the Government has asserted that new rules of engagement have sharply reduced civilian casualties.

No Recent Casualties

The peasants in this region, which suffered heavy and indiscriminate bombardment in 1983, seemed to back up the Government's contention. Villagers from Meanguera, San Fernando, Perquin and Sabanas all said that while the air force had bombed in the area, they knew of no civilian casualties from air attack in the last year.

But two peasants said that in the village of Volcancillo two months ago a strafing run had narrowly missed members of a peasant family hiding in their home. Other stories of near-misses indicated that bombing near civilian areas still goes on frequently enough to badly scare villagers.

But peasants did not criticize only the Government. They spoke instead of a war they cannot escape that leaves them caught between two armed forces, each of which claims to be fighting for them.

"We want to be independent, not with one side or the other," said Alcides Sorto, 33 years old, from Sabanas. His wish was not granted this month.

According to Mr. Sorto and three other villagers from Sabanas, 18 miles north of Perquin, the army forced them to leave their homes three weeks ago because they were near a guerrilla camp. But when they tried to take away their possessions, the villagers said, the guerrillas kept them from doing so, saying they had to return to Sabanas. The guerrillas also required the male villagers to work on roads and raise crops for the rebels one day a week, they said.

The delegation of Americans came from southern California, representing private groups concerned about the war in El Salvador. The opportunity to judge what was happening in El Salvador proved not to be so simple on a one-day visit to a rebel-held town with rebel guides.

A guerrilla supporter took the delegates on a tour of houses reportedly destroyed by the air force. There was no shortage of examples. A number of buildings in Perquin appeared to have been bombed by the Government over a year ago in attacks that drove out the civilian population and did nothing to endear the army to the villagers.

Rebel Film Team on Hand

But the first building the rebel guide showed the visitors was the mayor's office, a perforated heap of rubble. Bombs had destroyed the office, the guide said. He made no mention of the current rebel campaign to burn mayors' offices around the country in

which over 30 buildings have been destroyed, the last one two days ago.

When a rebel soldier standing guard nearby was asked about the "bombed" mayor's office in Perquin, he told reporters that in fact the guerrillas had blown the building to pieces in 1982 in an attack on the army unit stationed there. The American delegation checked the rebel's account and found it to be true.

A rebel camera team filmed the peasants' demonstration and the arrival of the American visitors, which one rebel with a loudspeaker called "a great gain" for the guerrillas.

Rebel Chief Gives Interview

Joaquín Villalobos, the senior military commander of the Farabundo Martí National Liberation Front, referred to the Government's "extermination" of rebel supporters in the capital in 1980 and 1981 as a justification for the war he is generally credited with planning and helping sustain.

It was the first interview Mr. Villalobos had granted American reporters and one of the few he has ever given.

Time, he said, was on the side of the rebels and there was nothing the Reagan Administration could do about that.

"What does the Administration plan to do when it is just a year before its term is up and El Salvador is not settled?" he asked. "What plan will they propose? Send troops?"

ARTICLE BY RABBI DAVID SAPERSTEIN FOR NJC BULLETIN

Max Gr̃een's assertion (in your August 1986 Bulletin) that rabbis and lay Jews assisting Central American refugees have been naively manipulated by the Sanctuary Movement demeans the intelligence and integrity of people whose work embodies Judaism's highest values.

The Sanctuary Movement and its Jewish component differ from the picture painted by Green in five distinct ways. First, he dismisses the movement's assertion that individuals in El Salvador and Guatemala face persistent human-rights problems. However, though there has been progress in some areas, in others (e.g. the plight of political prisoners and the military's attacks on civilian targets in leftist-controlled areas) the situation continues to deteriorate. As Amnesty International reported: "Despite periodic fluctuations in the level of human-rights violations [by the Salvadoran security forces] since President Duarte assumed power, the pattern of human-rights violations has not dramatically changed." Green also ignores other Central American countries whose refugees the Sanctuary Movement assists, such as Guatemala, where, by all measurements, the human-rights situation has dramatically deteriorated over the past several years.

Secondly, Green argues that those refugees who enter the U.S. legal process are given a fair hearing. In fact, this administration, which treats these individuals as economic refugees and denies the existence of political or human-rights problems in El Salvador, makes it virtually impossible for

refugees to win political asylum. In 1984-85, political asylum was granted to only 74 refugees out of 2,373 who applied.

Most importantly, the systematic denial of asylum has prevented the vast majority of the estimated 600,000 Salvadoran refugees in the U.S. from taking the risk of applying for asylum. In constant fear of deportation, they appeal to people of conscience to assist them in their struggle for safety and freedom.

Third, Green maintains that returning refugees face no danger. He cites the Intergovernmental Commission on Migration and the American Civil Liberties Union. Yet, the Commission itself wrote that the findings cannot "be considered as a scientific data-base upon which to construct definitive analyses." As to the ACLU, in 1985 Congressional testimony--two years after Mr. Green's citation--it identified 112 likely cases of governmental persecution of deported refugees, including 52 political murders, 47 disappearances and 13 unlawful arrests.

Fourth, Green condemns the use of the Holocaust analogy in the discussion about sanctuary. He seems to be arguing that because the Holocaust was a unique event, there are no lessons to be drawn from it that apply to non-Holocaust situations. Nothing could be further from the truth. One can believe that El Salvador is infinitely different from Nazi Germany and still believe that the Holocaust teaches us that we may not stand idly by while people are sent off by our government to danger and possibly to their deaths.

As Nobel Peace Prize winner Elie Wiesel has taught us:

"indifference always helps the oppressor and never the victim."

Until the issue of the safety of the refugees is resolved, the Jewish community will likely play an active role in the Sanctuary Movement. I am proud that the organized Jewish community actively supported the DeConcini-Moakley legislation to suspend deportations to El Salvador and Guatemala until the plight of returning refugees could be carefully studied and their safety secured. It is a shame that the National Jewish Coalition did not use its political influence to work with the rest of the Jewish community to ensure that the U.S. not return refugees to countries where they will be endangered.

Finally, Green maintains that the rabbis involved in the Sanctuary Movement are "naifs," manipulated by the Chicago Religious Task Force. No one familiar with the Sanctuary Movement could agree. Those rabbis who work in the Sanctuary Movement have done so primarily because they responded these refugees with compassion and out of an age-old religious commitment to help the stranger and the alien. And if, out of that encounter with refugees, some rabbis also oppose U.S. policy, it is not because of manipulation but because of testimony they have heard of attacks, not only by the left, but primarily by the government forces, supplied with U.S. arms which all too frequently target civilian populations.

My own organization, the UAHC, has long believed that reducing the Central American dispute solely to the question of militarily rebuffing Soviet expansionism--as the administration would do--is to fundamentally misperceive the nature of the

conflict. What is at stake are hundred-year-old struggles for land-reform, for the right to organize and for political freedom. Only when the United States provides, in the minds of those people, a persuasive alternative to communism for economic and political reform will we deter the expansion of Soviet influence.

To ignore the basic nature of the dispute is to play into the hands of the Soviets and allow them to manipulate the frustration and the despair of Central Americans for their own purpose.

But whatever our political disagreements, I would hope that Green agrees that those rabbis who have helped needy Salvadoran refugees sometimes, in the face of great personal risk, deserve respect and praise. Their deeds demonstrate an acceptance of our tradition which commands us to care for the stranger and to heed the cries of the refugees.

"If we are only for ourselves, what are we?"

1. I do not know about Amnesty International but I consider a more than 95% reduction in violent civilian deaths in five years a very dramatic change. As far as Guatemala is concerned, the House Appropriations Committee has reported in its Foreign Aid Conference Report that "President Cerezo (democratically elected) is doing his utmost to bring violence and common crime under control." And, moreover, he is succeeding; the State Department reports, for example, that "paramilitary groups and so-called death squads are inactive in Guatemala now."
2. As I explained, the reason why a small percentage of Salvadoran refugees are granted political asylum is that very few are political refugees.
3. An ACLU representative testified in federal court that the organization had "abandoned (its) study" because it had no particulars on any deportee. On the other hand, the Intergovernmental Commission on Migration does have the particulars on 70% of those returned between December 1, 1984 and December 1, 1985, and has found that none of them has met a violent political death. In fact, it has been four years since any organization has named even one deportee who has been assassinated upon his return to El Salvador!
4. If the holocaust is "infinitely" different, as I believe it is, from the situation in El Salvador then it is obscene to discuss the two as if they are analogous as is the wont of the Sanctuary leaders. Those who continue to utter those obscenities certainly do not deserve our respect.



REPRINT

Two Perspectives on Asylum in the United States.

The U.S. Committee for Refugees invited Laura Dietrich and Arthur Helton to present their perspectives on U.S. asylum policy. Their responses follow.

U.S. Asylum Policy

Laura Jordan Dietrich

The asylum policy of the United States is a straightforward one. The United States is morally committed to grant asylum in accordance with our laws to individuals who demonstrate a well-founded fear of persecution in their own country because of race, religion, nationality, or membership in a particular social group or political opinion. America's openness to refugees—people fleeing from persecution in other parts of the world—is one of this country's most cherished traditions; it has been enshrined in our national law. America is a signatory to the 1967 United Nations Protocol relating to the Status of Refugees; our own Immigration and Nationality Act, as amended by the Refugee Act of 1980, implements the substance of this Protocol, and forms the basis for our judicial and legislative procedures on asylum and refugee admission questions. An individual physically present in the United States may apply for asylum in this country; every application is given a careful review. The burden of proof rests with the applicant, who must demonstrate a well-founded fear of such persecution to be eligible for asylum in the United States. Our record of fairness and generosity is beyond dispute. In fiscal year 1985 alone, America issued immigrant visas to 567,000 persons and admitted some 70,000 refugees.

At the same time, U.S. asylum policy makes distinctions that are critical to our own country's well-being as well as to the prospects of those individuals around the world seeking protection from persecution. One distinction is that the United States cannot grant asylum to people who are not individually targets of persecution, but who suffer from general conditions in their own countries of war, civil unrest, or economic crisis; nor, even, can America grant asylum solely because applicants live under communist regimes or other kinds of dictatorships. If America were ever to broaden the definition of a

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The Refugee Act's Unfulfilled Asylum Promise

Arthur C. Helton

Five years after the passage of the Refugee Act of 1980, its mandate that uniform and neutral standards be used in the asylum adjudication process remains unfulfilled. Rather, the Act's mandate is subservient to foreign and domestic policy considerations which continue to dominate asylum decision making. This article will discuss how the standards and practices used by immigration authorities in the asylum process, including alien interdiction and detention programs, violate domestic and international law and jeopardize the very right to apply for asylum. Finally, specific recommendations will be offered for improving the administration of asylum law in the United States, with a view toward depoliticizing the process and ensuring prompt and fair adjudications.

The United States has traditionally proclaimed a generous and compassionate approach to refugee problems. The accomplishments of our refugee policies, however, have varied widely. In practice, refugees fleeing communist-dominated regimes traditionally have been favored over those fleeing other repressive and authoritarian regimes, particularly those with which the United States has dealings. Differential treatment has also occurred in applying the standards for refugee recognition, with some nationalities facing virtually insurmountable burdens of proof.

To remedy the inequities, Congress enacted the Refugee Act of 1980, which established a uniform and non-ideological standard for determining refugee eligibility. Congress intended this standard to be compatible with the international obligations of the United States under the United Nations Protocol relating to the Status of Refugees. Central to the Act was a statutory definition of *refugee*, which conformed to that of the Protocol. Hence, a refugee was defined as a person who has a "well-founded

fear of being persecuted" based on race, religion, nationality, political opinion, or social standing. The Protocol definition was incorporated to excise ideological bias from the law and to facilitate the granting of refuge to aliens in this country by requiring only that they prove a well-founded fear of persecution.

In accordance with the Act, the "well-founded fear" standard was adopted to determine claims for asylum and claims for withholding deportation. Prior to the 1980 Act, immigration authorities applied the more restrictive "clear probability" of persecution standard to determine whether or not to withhold the deportation of an alien who would face persecution in his or her homeland. Even though Congress emphasized that it wished a uniform nonideological standard through the enactment of the Refugee Act, immigration authorities after 1980 continued to follow the clear probability standard in deciding requests to withhold deportation. The stringency of the standard has been demonstrated repeatedly in the cases.¹

Despite the clear congressional intent to establish a uniform standard for determining refugee status consistent with the Protocol, the Supreme Court in *INS v. Stevic*² recently affirmed the use of the clear probability standard for determining eligibility for withholding deportation. The Court, however, declined to decide upon the standard to be used in determining eligibility for asylum. Nevertheless, Justice Stevens, writing for the majority, suggested that to qualify for asylum under the well-founded fear standard, an alien must prove but a "reasonable possibility" of persecution, a standard more generous than being required to prove clear probability of persecution. Consistent with the Supreme Court's decision, most lower courts addressing the issue have held that the well-founded fear standard to be applied in asylum claims is less stringent than the clear probability standard.³ The issue will likely be resolved conclusively by the Court in the near future.

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Ideology also continues to dominate asylum decision-making, translating into ready grants of asylum for applicants who fled communist-dominated regimes and into far less generous grants to those with which the United States has good relations, irrespective of their human rights records. This imbalance is blatantly apparent in the overseas admission program. Although the United States agreed to admit up to 70,000 refugees in 1985—above and beyond the normal immigration ceiling of 270,000—only 3,000 of these refugees could come from Latin America, 5,000 from the Middle East, and 3,000 from Africa. The remaining 59,000 were reserved for individuals from the Soviet Union, Eastern Europe, and Indochina. The ceiling for 1986 is the same, with 1,000 numbers being reallocated to the Middle East.

Actual admissions are even more disproportionate. While more than one million people have fled El Salvador and Guatemala, only 93 Salvadorans and no Guate-

malans were admitted as refugees in 1984. In 1985, there have been no Salvadorans or Guatemalans admitted as refugees.

Ideological discrimination also confronts those asylum seekers who manage to enter the country. In 1984, only 1 percent of the Guatemalan, 2 percent of the Salvadoran, and 6 percent of the Haitian cases decided received political asylum. In sharp contrast, 52 percent of the Bulgarian, 51 percent of the Russian, 49 percent of the Polish, and 40 percent of the Romanian cases received political asylum, all involving persons fleeing communist-dominated regimes. This imbalance is again reflected in the statistics for 1985. For example, only 3 percent of the Salvadoran and about 1 percent of both the Haitian and Guatemalan cases decided received political asylum. However, 73 percent of the Libyan, 59 percent of the Romanian, 57 percent of the Czechoslovakian, and 46 percent of the Russian cases received political asylum.⁴

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Domestic policy considerations have encroached upon the asylum area, as well. U.S. immigration authorities have sought to deter asylum applicants by intercepting them on the high seas and returning them to their home countries before they reach our shores, by imprisoning them once they arrive, and sometimes depriving them of a fair opportunity to present their claims.

By exchange of diplomatic letters and presidential proclamation in September 1981, the United States initiated an interdiction program which permits Coast Guard vessels to intercept and board Haitian flag and other vessels, and to make inquiries to determine if passengers are undocumented Haitians bound for the United States. If so, they can be returned to Haiti, provided they are not political refugees. They do not have access to counsel to assist in their identification as refugees.

The only country with which an agreement has been made in the interdiction program is Haiti. Approximately 6,000 Haitians now have been intercepted under the program. Aside from a few who required immediate medical treatment, not one has been permitted to seek refugee status in the United States, and all have been returned to uncertain fates in Haiti.

Interdiction represents a radical departure from normal inspection and inquiry procedures which afford an alien the opportunity to present his or her case, through counsel, to an immigration judge. As to refugees, interdiction runs afoul of the obligations under the domestic withholding provision and its international correlative, Article 33 of the Protocol relating to the Status of Refugees—to refrain from refoulement. This is the duty not to expel or return a refugee to borders where his life or freedom would be threatened because of race, nationality, membership in a particular social group, or political opinion.

In the summer of 1981, the United States embarked upon a new alien detention policy. Prior to 1981, traditional administrative practice regarding the detention of

aliens seeking admission to the United States, at least since the close of Ellis Island in 1954, had been to release them absent a demonstrable security risk or likelihood of absconding.⁵ This practice applied to arriving aliens with or without a passport or visa, as well as to applicants for political asylum in the United States.

The liberal release practice changed dramatically in the summer of 1981. In particular, Haitians who arrived in Florida during that summer were immediately confined without consideration of whether they were security risks or likely to abscond. In October 1982, the Service published alien detention regulations in response to challenges to the Haitian detention program, which provide for the detention of arriving aliens without valid travel documentation (passport and/or visa). The approach taken was one of equal mistreatment for all. Release is limited, irrespective of nationalities, to persons of advanced or tender age, those with medical conditions, or beneficiaries of a relative petition.

International experience has demonstrated that asylum seekers frequently flee persecution in their home countries without a valid passport or visa.⁶ Indeed, it would make little sense for a person fleeing persecution to seek a passport or exit visa from the persecuting authorities. A detention program that focuses upon undocumented aliens falls heavily upon asylum seekers and raises a host of troubling legal questions. A measure which burdens some asylum seekers with imprisonment and which penalizes them from petitioning for asylum would violate the right to pursue asylum and the right not to be penalized or unnecessarily restrained in their movements under the Refugee Act and the Protocol.

Despite the questionable legality of the detention policy, the United States government is preparing to increase significantly its capacity to detain aliens, including asylum applicants. Towards this end, Congress has purchased a site and has allocated \$77 million for the building of a 1,000-bed detention center in Oakdale, Louisiana. Oakdale is a town with a population of 7,000, including five practicing lawyers. After completion of the facility, scheduled now for March 1986, the INS will be able to hold close to 5,000 aliens, which almost doubles its current national detention capacity. The operation of this facility has been challenged, in part, on grounds that the detainees will inevitably be denied their rights to counsel in immigration proceedings.

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The manner in which the law has been administered has also deterred arriving aliens from applying for asylum. Often, asylum seekers are denied a fair opportunity to present their claims, and fair consideration of those claims once presented. In the context of Haitian and Salvadoran cases, federal courts have found numerous instances in which INS employees have sought to coerce or mislead aliens into not applying for asylum or into abandoning their claims once filed.⁷

The prevalence of domestic immigration policy considerations in the asylum process is recognized in an internal 1982 INS report which explains that while "refugees and asylees must both meet the same statutory definition . . . the standard appears to be less strict for refugees overseas than it is for asylum applicants in the United States."⁸ Differentiating between asylees and refugees in this fashion contravenes the neutral principles for decision making established by the Refugee Act.

The United States is not immune from the world-wide phenomenon of large numbers of displaced persons and refugees moving across borders, and shortly upon its enactment, the 1980 Act was sorely tested in this regard. Statistics provided by the INS indicate that in fiscal year 1980, 15,955 aliens arrived in the United States and applied for political asylum. The numbers, moreover, continued to mount. In 1981, 63,202 aliens applied for asylum, and in 1982, 37,202 applied. In 1983, however, only 8,423 asylum cases were filed. The number of applications again escalated somewhat, with 24,295 aliens applying in 1984, and 16,622 applying in 1985.⁹

While asylum cases still have a relatively low priority in the INS, the agency has been able to decide more cases. Information provided by the Service shows that 598 applications were completed in 1980, 4,521 in 1981, 12,064 in 1982, and 9,798 in 1983. Although 40,622 cases were decided by the INS in 1984, it is impossible to determine how many of these cases have received a final disposition. Applicants who have been denied asylum have a right to renew a claim before an immigration judge. About 11,000 cases were filed in those courts in 1985. Consequently, only a relatively small percentage of the 32,344 asylum cases that were denied in 1984 have been finally adjudicated. In 1985, 18,757 cases were decided.¹⁰

In contrast to the rate of processing asylum claims, the Service in 1981 received 1,880,000 petitions and applications for various immigration benefits and completed processing with respect to 1,770,000 of those matters.¹¹

Additionally, the INS has invested only minimal resources into the development of the asylum adjudication process. Despite the large numbers of asylum petitions filed over the past five years, there are presently only 20 to 25 INS officers who process asylum claims on a full-time basis. Furthermore, the INS has held only three in-service programs for some of its asylum officers, and only two programs have been held for immigration judges.

Since the Refugee Act of 1980 sought to introduce fair and ideologically neutral standards into the asylum process, the lack of instruction on asylum standards has had an especially pernicious effect. Absent training and the development of any independent expertise, asylum officers and immigration judges are forced to rely almost exclusively upon the required "advisory" opinions of the Department of State regarding whether or not the applicant has a well-founded fear of persecution. In the words of an INS adjudicator: "I would never, never overrule the

State Department."¹²

This excessive reliance on State Department opinions violates the applicants' due process rights, because the advisory opinions ordinarily constitute findings of ultimate fact by the State Department, providing no meaningful hearing. It also violates their rights under the Refugee Act of 1980, because the advisory opinions improperly introduce foreign policy considerations and political bias into the asylum process. The State Department is dedicated to furthering our foreign policy interests, and that mandate influences the nature of the asylum decisions it proposes by taking into account the consequences to foreign policy. The information upon which the advisory opinions are based is ordinarily disclosed neither to the asylum seeker nor to the immigration adjudicator. Consequently, the ideological allocation of asylum continues in practice under the Refugee Act, and the principal vehicles through which this distortion is accomplished are the State Department "opinions."

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There are means by which the Refugee Act's unfulfilled promise can be kept. The following recommendations offer specific methods for returning to asylum seekers the fair treatment upon which the Act is premised.

The new alien interdiction and detention programs violate the rights of refugees, as does overly restrictive application of the refugee standard. The focus of reform should not be on deterrence, which is designed to encourage refugees to return to or stay in their home countries and run the risk of persecution. Rather, the focus should be on establishing a fair and expeditious asylum adjudication system.

Traditionally, immigration judges have come from the ranks of the INS. Judges inculcated with the law enforcement ethos of the INS sometimes lack sensitivity to the rights of aliens. Immigration judges, therefore, should be recruited from outside, as well as from inside, the INS.

Also, immigration judges and other immigration adjudicators should be instructed in the law and history of human rights and refugees. In addition to initial instruction, adjudicators should be exposed to different perspectives through creative in-service training programs. This ongoing training should involve groups such as the office of the United Nations High Commissioner for Refugees (UNHCR), the international organization charged with supervising the compliance of state parties with the Protocol, as well as nongovernmental advocates of the rights of asylum seekers. While modest efforts in this regard have recently been attempted, much more time and attention is warranted.

The State Department should not provide opinions on the ultimate question to be decided in individual cases—whether the alien has a well-founded fear of persecution. Such conclusory pronouncements simply serve to con-

tinue the practice of ideological allocation of asylum which the Refugee Act of 1980 was designed to change. Should the State Department wish to make information on general country conditions available to the immigration adjudicator, then that information should be revealed to the INS, as well as to the alien and his or her counsel. Only through such disclosure can proper weight be given to the position of the State Department.

One desirable procedural safeguard in the review of agency asylum determinations is formal involvement in the process by UNHCR. Such a role would depoliticize the process and encourage independent review of asylum determinations.

The role of UNHCR in the determination of refugee status varies from country to country.¹³ In Belgium, the minister of foreign affairs has delegated refugee determination to UNHCR, while in Italy, Somalia, and Tunisia, UNHCR is one of the decision makers in the process. In seven other countries, UNHCR is represented on an advisory commission that interviews applicants and makes recommendations to the final decision maker. In Spain, UNHCR is consulted before a decision on refugee status is made, and in Austria UNHCR may express its views prior to a decision.

Other countries facilitate UNHCR oversight of the refugee determination process by various methods. For example, UNHCR is informed of all applications for refugee status in Austria, Greece, and New Zealand, while in West Germany, a UNHCR representative may attend applicant interviews with the federal official who decides on applications. A formal role for UNHCR in the United States would serve to rationalize a now overly politicized asylum process.

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In conclusion, despite the enactment of the Refugee Act of 1980, the integrity of the right to asylum in the United States is threatened. The Act continues to be subverted through the legally questionable practices of interdiction, detention, and unfairness in the adjudication process. The right to apply for asylum itself is under attack. We hear often of a "crisis" in asylum in America. That crisis, however, lies not in the increasing numbers of asylum seekers, but in whether the right of asylum can withstand the expedient policy solutions which until now have governed the process. Full and fair implementation of the Refugee Act requires the depoliticization of the asylum process, the recognition of the uniform Protocol standard, serious commitment of resources, and above all, the acknowledgement of the minimal individual rights and dignity of asylum seekers. Only then will the promise of the Refugee Act be fulfilled.

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Footnotes

1. See, e.g., *McMullen v. INS*, 658 F.2d 1312, 1319 (9th Cir. 1981).
2. 104 S.Ct. 2489 (1984).
3. See, e.g., *Bolanos-Hernandez v. INS*, 749 F.2d 1316 (9th Cir. 1984); *Youkhanna v. INS*, 749 F.2d 360 (6th Cir. 1984); *Carvajal-Munoz v. INS*, 743 F.2d 562 (7th Cir. 1984). Cf. *Sotto v. INS*, 748 F.2d 832 (3d Cir. 1984).
4. These statistics are available from the Central Office of the Immigration and Naturalization Service.
A State Department spokesperson has recently suggested that the currently low approval rate for Nicaraguan refugees seeking asylum in the United States contradicts the notion that ideology is an important element in asylum decision making. *N.Y. Times*, Wednesday, October 2, 1985, A26:3. This example, however, is not so much a testament to the nonideological character of asylum decision making, as to the confluence of foreign policy and domestic immigration policy. Approval rates for Nicaraguans have traditionally been rather high since the fall of the Somoza regime, including, in 1981, a rate of 41 percent and, in 1982, a rate of 26 percent. These grants of asylum mainly concerned individuals fleeing from the newly established Marxist regime. As the character of the refugees has changed, however, approval rates have fallen—for 1984, about 13 percent, and for 1985, 9 percent. This is not due to reformation in the asylum area. Rather, domestic immigration considerations have become dominant, and overly restrictive standards are utilized to discourage the arrival of large numbers of "feet people" from areas of relative proximity. This is an element of the prejudice also faced by other Central Americans and Haitians seeking asylum.
5. *Leng May Ma v. Barber*, 357 U.S. 185 (1985).
6. Office of the United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status* (1979) at para. 106.
7. *Orantes-Hernandez v. Smith*, 541 F.Supp. 351 (C.D. Cal 1982); *Nunez v. Boldin*, 537 F.Supp. 578 (S.D. Tex.), *appeal dismissed*, 629 F.2d 755 (5th Cir. 1982).
8. *INS, Asylum Adjudications: An Evolving Concept and Responsibility for the Immigration and Naturalization Service* 54 (June and December 1982) (hereinafter, *Asylum Adjudications*) at 62.
9. See note 4, *supra*.
10. See note 4, *supra*.
11. 1981 Atty Gen. Ann. Rep. 160.
12. *Asylum Adjudications* at 62.
13. Note on Procedures for the Determination of Refugee Status Under International Instruments, U.N. doc. A/Ac. 96/INF.152/Rev.3 (1981).

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refugee in this manner, then literally hundreds of millions of people around the world could be considered to be eligible for U.S. asylum or refugee admissions. In order to safeguard the national interest—as well as the interest of people who are in special need of protection—we have to make careful determinations on an individual basis about persons admitted as refugees or granted asylum.

The 1951 United Nations Convention and the 1967 Protocol, subscribed to by the United States and by 94 other countries, provide a clear definition of a refugee: a person who

...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or,

owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

A refugee, in other words, is someone who has been singled out for persecution for one of five specified reasons. For example, virtually everyone in the Soviet Union is oppressed by government restriction, but Soviet Jews may be especially harshly treated because of their religious ancestry. Jews who flee from the Soviet Union have shown that they have suffered persecution or that they would almost surely be singled out for harsh treatment if returned to their homeland. The same is true for other groups, like the Vietnamese "boat people" who fled their country after the communist takeover in 1975. The United States admitted many of these people as refugees, as the great majority had been subject to persecution or would be persecuted, often because of their affiliation with the overthrown South Vietnamese government; had America turned these people away, they would have suffered grave punishment on returning to their own country, or else deprivation, illness, and death at sea as they drifted from one place to another rather than return to persecution in Vietnam.

On the other hand, there is the case of a young Nicaraguan who flees from his country and presents himself to U.S. immigration authorities. He disagrees with his country's policy and bitterly resents the government's abridgment of freedoms; it may even be true that a close friend or a family member has been imprisoned, or worse, for a political offense. The economy is in a poor state, and the man is impoverished. He refuses to serve in the Nicaraguan military and fears he will be punished for his refusal. This man is languishing in his own country and would like to make a life in this country. Is he eligible for refugee status, and for asylum in the United States?

According to the law, he probably is not unless he can show that he, individually, would be singled out for persecution. Few people would dispute the man's story, or would deny that it represents the state of affairs in Nicaragua today. Even so, the general conditions of poverty, of political oppression, and of civil unrest are not—under U.S. or international law—grounds for granting asylum. On the contrary, the law does not provide that asylum be given to an individual who is seeking an escape from conditions that every other citizen of his or her country faces—no matter how deplorable the conditions, and no matter how U.S. policy may oppose or condemn the conditions. Rather, the law says clearly that asylum can be given only to individuals, not to entire nations; in order to be eligible for it, an individual has to show that he is a special target of persecution, or would likely be a target of persecution if returned to the country of nationality.

Unfortunately, in Nicaragua and in other countries, oppressive treatment and desperate conditions are vis-

ited not just on individuals or groups, but on entire populations. The United States is sensitive to these problems, and is addressing them every day in its foreign policy. This country is continually engaged in political and diplomatic efforts which oppose oppression and aim to reduce violence and poverty. The plight of nations can best be resolved by political and diplomatic activity. In contrast, asylum and refugee measures are capable only of aiding individuals.

Another distinction that exists in America's asylum and refugee programs—also arising out of law—is the distinction between refugees and economic migrants. This is confusing to many Americans, for reasons of our own national heritage. For centuries, America built itself up with unlimited immigration. People came to this country to escape the oppressive conditions in the Old World, and also to make better lives for themselves; political, religious, social, and economic motives were closely intertwined. Early in the twentieth century, American lawmakers realized that the country had overreached its capacity for absorbing immigrants freely, and that a fair and sensible immigration policy would have to be developed. Since that time, the United States has limited the number of immigrants and refugees who are admitted annually.

America has been true to its heritage of offering protection to individuals suffering from persecution through the political asylum process, as well. Anyone who is physically present in the United States and can show that he or she is a victim of persecution, or has a well-founded fear of persecution, may be granted asylum. It is important to note the distinct difference between asylum and immigration. Asylum is neither an extension of, nor an addition to, the immigration program; it is a special and narrow provision that the law makes for individuals in exceptional instances.

A great number of people who apply for asylum in the United States each year are not refugees—that is, not people who are seeking to escape persecution. Rather, they are economic migrants, people who are hoping to make a better life in America than they can in their country of origin. Many applicants, when they ask for asylum, indicate that they have no fear of persecution—they fail, in other words, even to claim the condition on which asylum must legally be based.

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The United States offers a tempting prospect to people throughout the world—and, particularly, to people in our own hemisphere—whose nations are afflicted with poverty and civil unrest. They see in the United States a chance for a better life. In recent years, hundreds of thousands, if not millions, of people have tried to leapfrog over our immigration procedures and over their fellow countrymen who are attempting to conform to such procedures. The great majority of these people have crossed our borders illegally; many of these people, and some who entered legally, have tried to remain in the

United States by claiming asylum.

A particularly troubling instance is that of the large numbers of people who have come here from El Salvador—one of the poorest nations in Central America, and the most densely populated nation in the hemisphere. It has also been torn apart by civil strife; sporadic violence and strife continue to this day. Since 1982, more Salvadorans have applied for asylum in the United States than have people of any other nationality.

Without question, many of the Salvadorans who have sought asylum in the United States have done so to escape the terrible conditions in their homeland. Relatively few have been able to demonstrate that they were, as individuals, a target of persecution—although, in 1984, approvals of Salvadoran asylum claims ranked fourth in the world in actual numbers by nationality group. In the same year, El Salvador ranked first among Central American countries in immigrant visas issued. Over 8,000 visas were issued, more than double the next highest Central American country. More than 20,000 visitor visas were issued to Salvadorans last year as well.

The migration of Salvadorans to the United States, however, predates the outbreak of civil strife in 1979. Before that year, an estimated 250,000 Salvadorans were living in the United States as illegal aliens. (That number is estimated to be at least half a million today.) They have come, overwhelmingly, for economic reasons. In fact, the preponderance of Salvadoran asylum applicants today have not claimed fear of persecution in their applications and state “no” to questions asking if they have ever been harassed, threatened, detained, or harmed in any way. In answer to the question, “Why did you come to the United States?” the vast majority simply say they came to the United States to work because “things are bad” in El Salvador. The historical pattern of migration between El Salvador and the United States is so well established that persons legally admitted to this country travel back and forth to visit relatives, even in the midst of the conflict in that country.

Many other indications confirm that Salvadorans are by and large economic migrants. An exit poll during last year's elections in El Salvador conducted by the Spanish International Television Network found that more than two-thirds of all Salvadorans respond “yes” to the question, “Would you move to the United States to work if given the chance to do so?” Salvadorans in the United States send home an estimated \$30 million *every month*. What can that mean, but that many Salvadorans are working here to support their families at home? A recent profile of 794 Salvadorans returned from the United States found that 688 were male, 624 were single, and 716 were between the ages of 18-35. Without a doubt, they were mostly single young men trying to earn money in the United States.

The U.S. government is deeply concerned with the political and economic problems of El Salvador. The Reagan administration has done much to encourage the

growth of democracy and stability in that country. Since the democratic elections in 1983—a process supported by the United States—civil violence has dwindled to a tiny fraction of what it had been a few years before (civilian deaths attributed to violence have declined from 9,000 in 1980 to 770 in 1984). The country has also experienced some modest economic growth. The United States will continue to have a constructive impact through political and aid programs in El Salvador itself; abandoning our asylum and immigration policies to allow any Salvadoran simply to stay in this country would create a special policy for one nationality group and would do considerable harm to the integrity of established admissions programs.

Even so, America's processing of asylum claims with respect to nationals of El Salvador and other countries is under fire from both Left and Right. In recent years, the "sanctuary" movement has sheltered illegal Salvadoran aliens, in churches and in private homes, on the grounds that the Salvadorans cannot receive fair treatment from American authorities and that—because the Salvadorans have already come to America—they would face certain persecution, and possibly death, if they returned to El Salvador. How reasonable are these arguments?

Every individual who applies for asylum, whether he entered legally or illegally, receives careful consideration and has extensive rights of appeal under the law. Each individual applies to a district director of the Immigration and Naturalization Service (INS) or to an immigration judge or both. The State Department's Bureau of Human Rights and Humanitarian Affairs reviews virtually every application and renders a nonbinding advisory opinion to the INS in each case. The INS then acts on each application. INS actions can be raised to the U.S. Board of Immigration Appeals, and then to a U.S. Court of Appeals. Any alien in the United States can apply for asylum, and there is no penalty for a frivolous application. The United States has received an unprecedentedly large number of asylum applications in recent years; because no applicant is required to leave the country while his or her application is being considered and because of multiple opportunities for administrative or judicial review, the simple act of applying can buy the individual a good deal of time in the United States—in some cases, two or more years.

The United States must grapple with the same problems of fraudulent and abusive applications that many other industrialized nations are dealing with. This trend has also been discussed at international meetings and is of great concern to all countries with long-established traditions of receiving refugees. In this country, entire batches of asylum applications are filed, word for word, exactly the same, with only the name changed. Aliens may file completely blank applications, knowing that under our laws, each will be examined on a case-by-case basis, an opinion will be rendered by the State Department, and full rights of subsequent review and appeal will be given.

In the Seattle region—one of the most active in the sanctuary movement harboring Salvadorans—no asylum applications were received by the INS district director from Salvadorans in 1983; in 1984, only one was received, which was granted. It would seem, then, that sanctuary organizers in Seattle have not gone the extra mile to obtain the full protection of law for the Salvadorans they are sheltering.

The sanctuary movement, it should be noted, is not the only group in America that has expressed unhappiness over U.S. asylum policy. Various conservative groups have criticized the United States for not approving more asylum applications from communist or communist-dominated countries, such as Nicaragua or the Soviet Union, itself. The sanctuary movement would like the United States to approve more Salvadorans because it disapproves of U.S. policy in El Salvador; conservatives want more approvals from communist countries because they think asylum should be granted as a group to anyone fleeing communism, and that neglecting to do so is inconsistent with our foreign policy. Nevertheless, our law does not say that asylum shall be granted on the basis of U.S. foreign policy, but on the basis of one standard applicable to all. In fact, former section 203(a)(7), which was removed from U.S. law on March 17, 1980, had stated that a refugee was a person with a well-founded fear of persecution fleeing "any communist or communist-dominated country. . . ." The United States applies its asylum laws fairly and impartially, and, so doing, is criticized by both Left and Right.

Regarding the Salvadorans in this country, some people argue that, even if the Salvadorans can't be given asylum, we should at least postpone their deportations until the situation in El Salvador stabilizes; in other words, that they should be granted the privilege of "extended voluntary departure," or EVD, an indefinite temporary suspension of deportation.

The administration believes EVD would not be appropriate for several reasons. Salvadorans who are deported back to their own country by the United States are not targeted for persecution, contrary to what is often claimed. Going to the United States is such a customary part of Salvadoran life that no stigma is attached to it. In the most recent U.S. embassy survey of about 500 Salvadoran deportees, there was not a single report of physical abuse or murder of a deportee because of his prior stay in the United States, nor did anyone interviewed suggest that he knew of such a practice. Many deportees could not be located because they had given fictitious or incomplete addresses, and 39 people had already returned illegally to the United States. Despite the problem in locating some deportees, the study simply does not suggest a pattern of targeted persecution of the deported Salvadorans. In February 1985, the Archbishop and the Tutela Legal, the human rights office of the Archdiocese of El Salvador, were asked whether they believed there was a pattern of persecution of deportees. They replied that they did not. Salvadorans have been interviewed at the airport in El

Salvador, in the U.S. embassy, and after they have returned to their homes. U.S. government officials have never met anyone who thinks he or she is a target for having been in the United States.

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A grant of EVD to Salvadoran aliens in the United States would have a severe undermining effect on our immigration laws, as well as on the asylum process. El Salvador is still a troubled country, but conditions are improving. If there were a pattern of persecution against those returning from the United States, we would have cause to be greatly concerned. But if the only reason we would allow them all to stay in the United States is that they would face the same conditions as the five million other citizens of El Salvador, then we have no grounds under our law for allowing them to stay. To allow all Salvadorans to stay here would misrepresent the United States respect for orderly admissions and the asylum process, and would surely invite even greater attempts at illegal settlement in this country, both by Salvadorans and by others. A grant of EVD now would make it much more difficult to send Salvadorans back home several years later, at a time when they would have established firm ties, than to enforce the law now, fairly and without delay.

United States policy toward the Salvadorans in this country, and toward all people who seek asylum here, is firmly in accord with U.S. law—and our international treaty obligations. Our law strikes a balance between generosity to people fleeing persecution, and our nation's own capacities and requirements. If everyone is a refugee, then no one is a refugee. The purpose of our law is not to exclude people, but to make it possible for the United States to protect those people who need protection the most: individuals who have a well-founded fear that they will suffer persecution. The United States cannot use its asylum policy as a means of solving problems elsewhere in the world. Our country's political and diplomatic responses, along with foreign aid, are a more appropriate means to effect positive changes and to improve conditions where they can be improved. A sensible, well-grounded asylum policy, such as the one we now have, is fully consistent with those goals.

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Who Are Sanctuary Refugees? The Answer Bothers Washington

By ROB HUESCA

While I was living in Mexico last year my work brought me into contact with a group of sanctuary activists. They were a handful of Americans providing a small link in the underground railroad between Central America and the United States.

As a sympathizer with their cause I volunteered to work with them, but their cool response to my benevolent offer left me startled. Rather than embracing the opportunity to enlist a new worker, they politely thanked me, saying they would be in touch if they had any assignments.

Eventually I was contacted and interviewed several times, but never told very much about the organization. They solicited my response to hypothetical situations, and asked if I understood the legal dangers of being a part of the sanctuary movement. We always discussed the program in person, and only surreptitiously over the telephone. Later I learned that they had researched my character through interviews with friends and acquaintances known to the group.

Finally I was asked to escort a refugee family to the border. We were to ride the same bus, but I was not to sit next to them. I was strictly an observer. If any member of the family was detained by immigration officials, I was to report his or her whereabouts to an anonymous sanctuary worker, whose telephone number had been given to me.

The precautions and stealthy meetings seemed excessive, but they have justified themselves this month in the wake of the indictment of 16 sanctuary workers and the arrest of more than 60 refugees. Now I understand the detailed screening given not only to volunteers but also to refugees.

As I became more involved with the sanctuary group I learned exactly who the refugees are and where they come from. To begin with, refugees are always referred to the group by teachers, or church or union workers from their countries. After extensive interviews, only endangered refugees and potential political activists are extended sanctuary. Those bound for the United States in flight from poverty are not given aid. They have to demonstrate political persecution and voice opposition to American involvement in their countries. Furthermore, they have to express a willingness to relate their experiences publicly on arriving in the United States.

What seemed to me to be an arcane and unfair selection process finally makes sense. The U.S. government has cracked down on this solidarity movement and denied political asylum to the bulk of its members. It is not that they represent an economic inconvenience, but a political danger. They threaten to discredit further the Reagan Administration's Central American policy.

They are the friends and relatives of those who have been "disappeared" by right-wing death squads. They are the villagers who have been bombarded in a war fueled by the United States. And they are committed to tell of their experiences throughout this country. It is this first-hand testimony that scares the Reagan Administration, for these tales have a far sharper effect than the most poignant editorial or massive demonstration.

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The Catholic Church in Nicaragua

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Nicaragua's Catholic Church, as the spiritual guide of the country's overwhelmingly Catholic population, occupies a position of influence unequaled in potential even by the Sandinista regime. It is precisely this strength that explains why the Church has become a chief target for suppression by the Sandinistas. Despite official Church advocacy of the rights of Nicaraguans during the struggle against Somoza, including intervention on behalf of imprisoned Sandinista leaders, Church-state relations in the post-revolutionary period have progressively deteriorated. The Catholic hierarchy's outspoken defense of human rights, encouraged by the Sandinistas when directed against the abuses of the Somoza government, are now labeled by the Sandinista regime as counterrevolutionary political interference. The assault on organized religion that is part of the evolution of every totalitarian state has now emerged unambiguously in Nicaragua.

The regime's hostility toward the traditional Catholic Church was first clearly apparent in the Sandinista's sponsorship of a so-called popular church rival for the loyalty of Nicaragua's Catholics. The popular church accepted without reservation the Marxist-Leninist goals of the Sandinistas and was prepared to advocate state policies not only to the domestic audience but, more importantly, to international visitors flocking to Nicaragua for a glimpse of the "new society." The popular church, staffed largely by liberation theologians gathered by the regime, has never succeeded in enlarging its small circle of adherents and is rejected by both the Nicaraguan Catholic Church and the Vatican. It has benefited, however, from the powerful patronage of the regime. The regime, in turn, encourages the politically permeated rhetoric of popular church clergy attacking the traditional Church. Such rhetoric is used by the regime as "evidence" that the Church's authority is rejected by the public.

Conflicts between the Church and the regime are increasing. As early as 1983, the Nicaraguan Catholic Bishops' Conference issued a pastoral letter discussing the moral difference between legitimate military service in defense of a nation's sovereignty and the

illegitimacy of Sandinista-forced conscription in service to a totalitarian ideology. The assault on the Catholic Church entered a new, more threatening stage in September 1985, when the Sandinistas violated an earlier unwritten agreement with the Church by drafting 11 seminarians at gunpoint. Reaction from Catholic Church officials and the public was immediate and forceful: in the town of Rivas, all the churches closed their doors, and the people took to the streets to demonstrate against the action. The power of the Church to mobilize the deep, but normally latent, animosity toward the regime clearly alarmed the Sandinistas. Two weeks later, a new state of emergency was declared which provided the "legal" authority for further drastic action against the country's opposition, in particular the Catholic Church.

To date, the Sandinistas have:

- Closed permanently the Catholic radio broadcasting facility, *Radio Catolica*;
- Banned publication of the Church newsletter, *La Iglesia*;
- Banned all outdoor Masses and instituted controls over Mass said by Cardinal Obando outside Managua;

- Denied the Church all access to television for the broadcast of services;

- Prohibited unofficially the mention of Cardinal Obando's name by the media except in pejorative terms;

- Carried out systematic and widespread arrests and interrogation of Catholic lay activists, including their roundup on allegations of anti-Sandinista conspiracy;

- Conducted an incessant official media campaign of slander against Church officials;

- Declared illegal all Church social welfare activities;

- Confiscated Church property, including the Cardinal's seal and baptismal records;

- Declared a ban on further entries of foreign clergy to replenish Church ranks;

- Expelled a number of foreign clergy assigned to Nicaraguan churches; and

- Interrogated and threatened with expulsion large numbers of other foreign priests.

In a challenge not only to the Church but to the civil rights of Nicaraguan citizens, the Sandinistas imposed forced exile on two leading Church authorities, Bishop Vega and Monsignor Carballo. Other native-born Church authorities, in particular Cardinal Obando, continue to be threatened with actions such as imprisonment or expulsion.

The Sandinistas' campaign to silence, to isolate, and eventually to discredit and even destroy the Catholic Church was predictable. Communist regimes invariably lay claim to a monopoly on truth and to the undivided loyalty of those they oppress. The Catholic Church, unresponsive to the dictates of a civil power, is thus an intolerable obstruction to the consolidation of a monolithic state. The Sandinistas have declared the Church's defense of both the spiritual and temporal rights of the Nicaraguan people to

be "an act of treason" and have increasingly challenged the traditional religious authority of Cardinal Obando and the Vatican.

The self-serving arguments offered by the Sandinistas to justify this repression cannot stem their growing loss of international support. The Catholic Churches of Latin America and the United States have rallied to the defense of their Nicaraguan brothers, and the Vatican has condemned the actions against the Church. The drama, however, is far from over. For the Nicaraguan Church, religious oppression is a current reality. No doubt the future will bring not only a tightening noose around Church officials but, as in so many other Communist states, systematic harassment and intimidation of those loyal to the Church. ■