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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Situation of human rights in El Salvador

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the situation of human rights in El Salvador, prepared by Professor José Antonio Pastor Ridruejo, Special Representative of the Commission on Human Rights, in accordance with paragraph 11 of Commission resolution 1983/29 of 8 March 1983.

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ANNEX

Interim report on the situation of human rights in El Salvador
prepared by the Special Representative of the Commission on
Human Rights

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I. INTRODUCTION

1. At its thirty-fifth session, the General Assembly adopted resolution 35/192 on the situation of human rights and fundamental freedoms in El Salvador on 15 December 1980, by 70 votes to 12, with 55 abstentions. In this resolution the General Assembly expressed deep concern at the grave violations of human rights and fundamental freedoms in El Salvador and deplored several aspects of the situation of human rights in that country. In addition, it requested the Commission on Human Rights to examine, at its thirty-seventh session, the situation of human rights in El Salvador. The text of the resolution is as follows:

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights,

"Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

"Noting that all Governments have an obligation to respect and promote human rights in accordance with the responsibilities they have undertaken under various international instruments,

"Bearing in mind resolution 19 adopted on 30 July 1980 by the World Conference of the United Nations Decade for Women,

"Dismayed by reports of human rights violations in El Salvador and especially by the death of thousands of persons and the climate of repression and insecurity prevailing in the country, which favours terrorism by paramilitary groups and enables it to be engaged in with impunity,

"Deeply shocked by the vile assassination of Archbishop Oscar Arnulfo Romero, a prestigious personality, outstanding for his defence of the human rights of the Salvadorian people, and by the persecution of Salvadorian figures such as Monsignor Arturo Rivera Damas, Apostolic Administrator of the Archdiocese of San Salvador,

"Gravely concerned about the unknown fate of many persons detained by the authorities,

"Profoundly indignant at the assassination of Mr. Enrique Alvarez Córdova, President of the Revolutionary Democratic Front of El Salvador, as well as of five other members of the Executive Committee of that Front, perpetrated on 27 November 1980 in San Salvador,

"Considering that the supply of arms and other military assistance will serve to aggravate the situation in that country,

"1. Expresses its deep concern at the grave violations of human rights and fundamental freedoms in El Salvador;

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"2. Deplores the murders, disappearances and other violations of human rights reported in El Salvador and requests the Salvadorian authorities to take prompt action to curb the reprehensible activities of paramilitary groups;

"3. Urges the Government of El Salvador to take the necessary steps to ensure full respect for human rights and fundamental freedoms in that country and to guarantee the safety of Monsignor Arturo Rivera Damas, Apostolic Administrator of the Archdiocese of San Salvador, whose life is in danger;

"4. Appeals for a cessation of violence and for the establishment of full respect for human rights in El Salvador;

"5. Calls upon Governments to refrain from the supply of arms and other military assistance in the current circumstances;

"6. Requests the Commission on Human Rights to examine, at its thirty-seventh session, the situation of human rights in El Salvador."

2. The situation in El Salvador was considered by the Commission on Human Rights at its thirty-seventh session under item 13 of the Commission's agenda, entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories". After the debate on this item, the Commission adopted resolution 32 (XXXVII) on the violation of human rights in El Salvador. In this resolution, the Commission requested its Chairman to appoint, after consultations within the Bureau, a Special Representative of the Commission whose mandate would be to investigate the reports about murders, abductions, disappearances, terrorist acts and all grave violations of human rights and fundamental freedoms which had taken place in El Salvador, based on information from all relevant sources and to report on his findings to the Commission on Human Rights at its thirty-eighth session. It further requested the Special Representative of the Commission to submit an interim report to the General Assembly at its thirty-sixth session. The text of the resolution is as follows:

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights,

"Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

"Noting that all Member States have an obligation to promote and protect human rights and to carry out responsibilities they have undertaken under various international human rights instruments,

"Recalling that in its resolution 35/192 of 15 December 1980, the General Assembly stated its deep concern about the serious violations of human rights and fundamental freedoms in El Salvador and requested the Commission on Human Rights to examine, at its thirty-seventh session, the situation of human rights in that country,

"Deeply disturbed by the continuing reports about murders, abductions, disappearances, terrorist acts and all grave violations of human rights and fundamental freedoms in El Salvador,

"Deeply alarmed by the armed clashes in El Salvador and by the climate of violence and insecurity prevailing in the country,

"Mindful of the rules of international law, as contained in article 3 of the Geneva Convention of 12 August 1949, which are applicable to armed conflicts not of an international character and which require the parties to the conflict to apply a minimum standard of protection of human rights and of humane treatment,

"1. Expresses its deep concern at the grave violations of human rights and fundamental freedoms in El Salvador;

"2. Deplores the murders, abductions, disappearances, terrorist acts and all grave violations of human rights and fundamental freedoms reported in El Salvador;

"3. Calls upon all parties to bring about a peaceful settlement and to seek an end to acts of violence in order to end the loss of lives and the suffering of the people of El Salvador;

"4. Recalls that in its resolution 35/192 of 15 December 1980 the General Assembly calls upon Governments to refrain from the supply of arms and other military assistance in the current circumstances;

"5. Urges the Government of El Salvador to take the necessary steps to ensure full respect for human rights and fundamental freedoms in the country;

"6. Emphasizes that the people of El Salvador have the right, as soon as appropriate conditions have been established, to establish a democratically elected Government, in an atmosphere free from intimidation and terror, and to determine their own political, economic and social future, free from outside interference;

"7. Requests its Chairman to appoint, after consultations within the Bureau, a Special Representative of the Commission whose mandate will be:

"(a) To investigate the reports about murders, abductions, disappearances, terrorist acts and all grave violations of human rights and fundamental freedoms which have taken place in El Salvador, based on information from all relevant sources;

"(b) To make recommendations as to what steps the Commission could take to help to secure the enjoyment of human rights and fundamental freedoms, including economic, social and cultural rights;

"(c) To report on his findings to the Commission on Human Rights at its thirty-eighth session;

/...

"8. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

"9. Invites the Government of El Salvador as well as all other parties concerned to extend their co-operation to the Special Representative of the Commission;

"10. Requests the Special Representative of the Commission to submit an interim report to the General Assembly at its thirty-sixth session;

"11. Decides to continue the examination of the situation of human rights in El Salvador with high priority at its thirty-eighth session."

3. In fulfilment of the mandate conferred on him by the Commission on Human Rights, the Special Representative submitted a preliminary report to the General Assembly (A/36/608, annex). On 16 December 1981, the General Assembly adopted, by 68 votes to 22 with 53 abstentions, resolution 36/155, the text of which is as follows:

"The General Assembly,

"Recognizing the permanent validity of the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights,

"Conscious of its responsibility to promote and guarantee the maintenance of those principles and to contribute to ensuring respect for human rights and fundamental freedoms for all,

"Reiterating once more that all Member States have an obligation to protect human rights and fundamental freedoms and to fulfil in this respect the obligations they have undertaken through the various international instruments in this field,

"Recalling its resolution 35/192 of 15 December 1980, in which, among other things, it expressed deep concern of the violations of human rights and fundamental freedoms in El Salvador, especially in view of the death of thousands of persons and the climate of repression and insecurity which prevailed in that country and deplored the assassinations, disappearances and other serious violations of human rights in El Salvador,

"Reiterating the appeal made by the General Assembly in that resolution for the cessation of violence and the re-establishment of full respect for human rights in El Salvador and for Governments of all States to refrain from supplying arms and lending other forms of military assistance in the current circumstances,

"Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981, approved by the Economic and Social Council in its decision 1981/47 of 8 May 1981, in which the Commission noted the persistence of the climate of violence and insecurity which prevails in El Salvador,

"Endorsing the appeal to the Salvadorian parties involved, made by the Commission on Human Rights in its resolution 32 (XXXVII), to arrive at a peaceful settlement and put an end to violence in order to prevent further loss of lives and to alleviate the suffering of the people of El Salvador,

"Taking note of resolution 10 (XXXIV) of 9 September 1981, adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission stated that only respect for article 25 of the International Covenant on Civil and Political Rights will assure to the Salvadorian nation, through the participation of all its political forces, the full exercise of its fundamental rights in establishing a democratically elected government, but also noted that at the present time these conditions do not exist in El Salvador,

"Having studied the interim report on the situation of human rights and fundamental freedoms in El Salvador, prepared by the Special Representative appointed by the Commission on Human Rights, which confirms the seriousness of the situation prevailing in El Salvador and, among other things, provides evidence on the general attitude of passiveness and inactivity of the present Salvadorian authorities with respect to the constant human rights violations in that country,

"Noting that the situation in El Salvador, as clearly shown in the interim report of the Special Representative, has its root causes in internal political, economic and social factors,

"1. Reiterates its deep concern for the situation prevailing in El Salvador and the suffering of the Salvadorian people;

"2. Requests once more the Salvadorian parties involved to arrive at a negotiated political solution in order to establish, in an atmosphere free from intimidation and terror, a democratically elected government;

"3. Deeply deplores all acts of violence and all grave violations of human rights and fundamental freedoms, and regrets in particular the persistence of a situation in which governmental paramilitary organizations and other armed groups continue to act with total contempt for the life, security and tranquillity of the civilian population;

"4. Draws the attention of all parties concerned to the fact that the rules of international law, as contained in common article 3 of the Geneva Conventions of 12 August 1949, are applicable to armed conflicts not of an international character and requests the parties involved to apply a minimum standard of protection to the affected population;

"5. Reiterates its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military support, so as to allow the political forces in that country to restore peace and security;

"6. Affirms once more that it is incumbent only on the Salvadorian people to exercise their right to determine freely their political status and freely pursue their economic, social and cultural development and to establish the conditions and undertake the changes most adequate to their aspirations as a people and as a nation without external interference of any kind;

"7. Urges the Government of El Salvador to adopt the necessary measures to ensure full respect for the human rights of its population in all their expressions, primarily by creating conditions which could lead to a political solution to the present crisis through the full participation of all representative political forces in that country;

"8. Urges the parties concerned to co-operate and not interfere with the activities of the humanitarian organizations which are dedicated to alleviating the suffering of the civilian population in El Salvador;

"9. Requests the Commission on Human Rights at its thirty-eighth session thoroughly to examine the situation in El Salvador on the basis of the final report of the Special Representative of the Commission on Human Rights;

"10. Decides to maintain under consideration, during its thirty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine anew this situation in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council."

4. The Special Representative submitted his final report to the Commission on Human Rights, 1/ presenting it personally to the Commission on 4 March 1982. On 11 March 1982, the Commission adopted by 25 votes to 5 with 13 abstentions, resolution 1982/28, the text of which is as follows:

"Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories: situation of human rights in El Salvador"

"The Commission on Human Rights,

"Recognizing the permanent validity under all circumstances of the principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights,

"Reaffirming once again that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken through the various international instruments in this field,

"Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures in order to restore respect for human rights and fundamental freedoms,

"Recalling that in its resolutions 35/192 of 15 December 1980 and 36/155 of 16 December 1981, the General Assembly expressed its deep concern for the situation of human rights in El Salvador, especially in view of the death of thousands of people and the climate of repression and insecurity prevailing in that country,

"Recalling also its own resolution 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador,

"Having carefully examined the report of the Special Representative, which confirms the persistence to this date of murders, abductions, terrorist acts and all grave violations of human rights and fundamental freedoms in El Salvador, perpetrated by governmental paramilitary organizations and other armed groups,

"Noting in particular that the Special Representative, while noting the difficulties currently standing in the way of a normal functioning of justice in El Salvador, underlines the general attitude of passivity and inactivity on the part of the present Salvadorian authorities with regard to the constant violations of human rights in that country,

"Endorsing resolution 10 (XXXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which states that only respect for article 25 of the International Covenant on Civil and Political Rights will assure to the Salvadorian nation, through the participation of all its political forces, the full exercise of its fundamental rights in establishing a democratically elected government,

"Bearing in mind that the situation in El Salvador, as clearly shown in the report of the Special Representative, has its root causes in internal political, economic and social factors, and that conditions in El Salvador for the effective exercise of civil and political rights, as contemplated by the Sub-Commission, do not exist at the present time,

"Reiterating its appeal to the Salvadorian parties involved, made in its resolution 32 (XXXVII), to reach a peaceful settlement and put an end to violence in order to prevent further loss of lives and alleviate the suffering of the people of El Salvador,

"1. Commends the Special Representative for his report on the situation of human rights in El Salvador;

"2. Expresses its deepest concern at the deteriorating situation in El Salvador, at the continued violations of human rights and at the resulting suffering of the Salvadorian people, and regrets that the appeals for the cessation of violation made by the General Assembly, the Commission and the international community in general, have not been heeded;

"3. Affirms that it is incumbent only on the Salvadorian people to exercise its right to determine freely its political status and freely pursue its economic, social and cultural development and to establish the conditions and undertake the changes most adequate to its aspirations as a people and as a nation without direct or indirect external interference of any kind;

"4. Reiterates the appeal made by the General Assembly to the Government of El Salvador to work together with all representative political forces in El Salvador towards a comprehensive negotiated political solution in order to establish, in an atmosphere free from intimidation and terror, the appropriate conditions for the establishment of a democratically elected Government;

"5. Draws again to the attention of all Salvadorian parties concerned that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 on the laws of war, are applicable to armed conflicts not of an international character and requests all parties to the conflicts to apply a minimum standard of protection of human rights and of human treatment to the civilian population;

"6. Recalls that in its resolution 36/155 the General Assembly reiterated its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military support, so as to allow the political forces in that country to restore peace and security;

"7. Calls upon all Salvadorian parties concerned to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population in El Salvador;

"8. Strongly urges the Government of El Salvador to take the necessary steps to ensure full respect for human rights and fundamental freedoms in the country;

"9. Decides to extend the mandate of the Special Representative for another year and requests him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-seventh session and to the Commission on Human Rights at its thirty-ninth session;

"10. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

"11. Calls upon the Government of El Salvador as well as all other parties to extend their co-operation to the Special Representative of the Commission;

"12. Decides to consider the question of human rights in El Salvador at its thirty-ninth session as a matter of high priority."

5. In fulfilment of the mandate contained in the above-mentioned resolution of the Commission on Human Rights, the Special Representative submitted his interim report to the General Assembly 2/ and presented it personally to the Third Committee on 29 November 1982.

6. On 17 December 1982, the General Assembly adopted resolution 37/185, the text of which is as follows:

"Situation of human rights and fundamental freedoms
in El Salvador

"The General Assembly,

"Guided by the principles embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights,

"Conscious of its responsibility in all circumstances to promote and encourage respect for human rights and fundamental freedoms for all,

"Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to carry out the responsibilities they have undertaken under various international human rights instruments,

"Determined to remain vigilant with regard to violations of human rights wherever they occur and to take measures to restore respect for human rights and fundamental freedoms,

"Recalling that, in its resolutions 35/192 of 15 December 1980 and 36/155 of 16 December 1981, it expressed deep concern at the situation of human rights in El Salvador, especially in view of the death of thousands of people, the climate of violence and insecurity prevailing in that country and the impunity of paramilitary forces and other armed groups,

"Bearing in mind Commission on Human Rights resolution 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, and resolution 1982/28 of 11 March 1982, whereby the Commission extended the mandate of the Special Representative for another year and requested him to report, inter alia, to the General Assembly at its thirty-seventh session,

"Taking note of resolutions 10 (XXXIV) of 9 September 1981 and 1982/26 of 8 September 1982 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Taking note with grave concern of the interim report of the Special Representative of the Commission on Human Rights, in which the unabated continuation of a climate of violence and insecurity in El Salvador with armed clashes, acts of terrorism and unbridled, large-scale and grave violations of human rights, as well as the failure of the judiciary to fulfil its duties to uphold the rule of law, are confirmed,

"Observing that the elections which were held in El Salvador in March 1982 have not led to the cessation of violence or to any improvement in the situation of human rights and fundamental freedoms in that country,

"1. Expresses its deepest concern at the continued and unbridled violations of human rights and at the resulting suffering of the Salvadorian people, and regrets that the appeals for the cessation of violence made by the General Assembly, the Commission on Human Rights and the international community in general have not been heeded;

"2. Again draws the attention of all Salvadorian parties concerned to the fact that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 on the laws of war, are applicable to armed conflicts not of an international character and requests all parties to the conflict to apply a minimum standard of protection of human rights and of human treatment to the civilian population;

"3. Notes that the situation in El Salvador, as is clearly shown in the report of the Special Representative of the Commission on Human Rights, has its root causes in internal political, economic and social factors, and that conditions in El Salvador for the effective exercise of civil and political rights do not exist at present;

"4. Reaffirms the right of the Salvadorian people freely to determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror from all parties;

"5. Regrets that the Government of El Salvador has not responded to suggestions to initiate, through available channels, contacts to negotiate a peaceful settlement with all representative political forces in that country;

"6. Calls again upon the parties in El Salvador to seek an end to all acts of violence in order to end the loss of life and the suffering of the people of El Salvador;

"7. Reiterates its appeal to the Government and other political forces in El Salvador to work together towards a comprehensive negotiated political solution in order to bring about a peaceful settlement and appropriate conditions for the establishment of a Government through free and unhampered elections, in an atmosphere free from intimidation and terror;

"8. Reiterates its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the political forces in that country to restore peace and security and to permit the establishment of a democratic system;

"9. Strongly urges the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies, including its security forces and other armed organizations operating under its authority or with its permission;

"10. Urges the judiciary in El Salvador to assume its obligation to uphold the rule of law and to prosecute and to punish those found responsible for assassinations, acts of torture and other forms of cruel, inhuman or degrading treatment;

"11. Reiterates its appeal to all Salvadorian parties concerned to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population, wherever these organizations operate in El Salvador;

"12. Calls again upon the Government of El Salvador as well as all other parties concerned, to continue to co-operate with the Special Representative of the Commission on Human Rights;

"13. Requests the Commission on Human Rights at its thirty-ninth session to continue to examine, as a matter of high priority, the situation in El Salvador on the basis of the report of its Special Representative;

"14. Decides to keep under consideration, during its thirty-eighth session, the situation of human rights and fundamental freedoms in El Salvador, in order to examine this situation anew in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council."

7. The Special Representative submitted his final report 3/ to the Commission on Human Rights, presenting it personally to the Commission on 28 February 1983. On 8 March 1983, the Commission adopted by 23 votes to 6, with 10 abstentions, resolution 1983/29, the text of which is as follows:

"The Commission on Human Rights,

"Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under various international instruments,

"Determined to remain vigilant with regard to violations of human rights wherever they occur and to take appropriate measures to restore respect for human rights and fundamental freedoms,

"Recalling that, in resolutions 35/192 of 15 December 1980, 36/155 of 16 December 1981 and 37/185 of 17 December 1982, the General Assembly has repeatedly expressed its deepest concern for the continuous violations of human rights and fundamental freedoms and the suffering of the Salvadorian people, which are caused by the climate of violence and insecurity prevailing in that country,

"Recalling also its own resolution 32 (XXXVII) of 11 March 1981, in which the Commission decided to appoint a Special Representative on the situation of human rights in El Salvador, and resolution 1982/28 of 11 March 1982, whereby it extended the mandate of the Special Representative for another year, requesting him inter alia to report to the General Assembly at its thirty-seventh session,

"Having carefully examined the report of the Special Representative, 1/ which confirms the continuation of grave, massive and persistent violations of human rights and fundamental freedoms in El Salvador, the failure of the judiciary to fulfil its task of upholding the rule of law and the impunity of paramilitary forces and other armed groups,

"Taking note of resolutions 10 (XXXIV) and 1982/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Observing in the conclusions in the report of the Special Representative that, contrary to all expectations, the situation of human rights in El Salvador has not changed since his previous report to the Commission, precisely because of the persistence of the grave civil conflict which continues to exist in that country,

"Reiterating its appeal to all Salvadorian parties involved, as expressed in its resolutions 32 (XXXVII) and 1982/28, to reach a negotiated peaceful settlement and to cease all acts of violence in order to end the loss of lives and the suffering of the people of El Salvador,

"Alarmed at the recent reports of bombings and indiscriminate rocketing of urban areas in El Salvador, which are not military targets, such as in the city of Berlín in the department of Usulután,

"1. Commends the Special Representative for his report on the situation of human rights in El Salvador;

"2. Expresses its deepest concern that, as noted in the report of the Special Representative, violations of human rights of the most serious nature continue in El Salvador and that as a result the people of El Salvador continue to suffer, and deplores that appeals for the cessation of violence made by the General Assembly, the Commission and the international community in general have not been heeded;

"3. Declares once more that the rules of international law, as contained in article 3 common to the Geneva Conventions of 12 August 1949 on the laws of war, are applicable to armed conflicts not of an international character, such as the present conflict in El Salvador, and requests all Salvadorian parties involved to apply a minimum standard of protection of human rights and of human treatment to the civilian population;

"4. Notes that the situation in El Salvador, as clearly shown by the Special Representative in his two reports thus far submitted to the Commission, has its root causes in internal political, economic and social factors, and reaffirms the right of the Salvadorian people to freely determine their political, economic and social future without interference from outside and in an atmosphere free from intimidation and terror;

"5. Reiterates once more its appeal to all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance, so as to allow the political forces in that country to restore peace and security and the establishment of a democratic system;

/...

"6. Regrets that the Government of El Salvador has not responded to suggestions to initiate, through available channels, contacts to negotiate a peaceful settlement with all representative political forces in that country and to seek an end to all acts of violence in order to end the loss of lives and the suffering of the people of El Salvador;

"7. Affirms that, as clearly shown in the report of the Special Representative, the situation existing in El Salvador demands that all Salvadorian parties concerned work together towards a comprehensive negotiated political solution in order to bring about the appropriate conditions for the full exercise of civil, political, economic, social and cultural rights and for the establishment of a Government elected through free and unhampered elections;

"8. Endorses the strong appeal made by the General Assembly in its resolution 37/185, urging the Government of El Salvador to fulfil its obligations towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies, including its security forces, and other armed organizations operating under its authority or with its permission;

"9. Urges the competent authorities in El Salvador to establish the conditions necessary to enable the judiciary to uphold the rule of law and urges further the judiciary to prosecute and punish those responsible for acts of violence and for violations of human rights and fundamental freedoms;

"10. Calls again upon all Salvadorian parties to co-operate fully and not to interfere with the activities of humanitarian organizations dedicated to alleviating the suffering of the civilian population wherever these organizations operate in El Salvador;

"11. Decides to extend the mandate of the Special Representative for another year and requests him to present his report on further developments in the situation of human rights in El Salvador to the General Assembly at its thirty-eighth session and to the Commission at its fortieth session;

"12. Requests the Secretary-General to give all necessary assistance to the Special Representative of the Commission;

"13. Calls upon the Government of El Salvador as well as all other parties to extend their full co-operation to the Special Representative of the Commission;

"14. Decides to consider the question of human rights in El Salvador at its fortieth session as a matter of high priority."

8. In view of the fact that, in his previous reports to the Commission, the Special Representative referred to the human rights situation in El Salvador during the last quarter of 1979 and the years 1980, 1981 and 1982, this report will deal primarily with the situation prevailing during the months that have elapsed in 1983. The Special Representative wishes to point out, however, that there is a

continuity between his earlier reports and the present report, which should therefore be considered in the light of those reports.

9. In drafting this report, the Special Representative used information furnished by the Government of El Salvador and other Governments, intergovernmental and non-governmental organizations and other pertinent information concerning the situation of human rights in El Salvador.

10. The Special Representative considered that the report would greatly benefit from continuation of the co-operation extended to him by the Government of El Salvador in the drafting of his earlier reports, and to this end he sought from the Government, through its Ambassador to the international organizations at Geneva, authorization to revisit the country in September 1983. On 6 July 1983, the Ambassador informed the Special Representative that the Government had authorized his visit, but in his personal capacity and not as representative of the Commission on Human Rights, since the Government still had reservations of a legal nature concerning his mandate.

11. As in 1981 and 1982, the co-operation given to the Special Representative by the Government of El Salvador was full and open. The Salvadorian authorities not only granted the Special Representative extensive facilities and freedom of action and movement for the fulfilment of his mandate in the country, but also provided him with copious information and held frank conversations with him. The Special Representative once again expresses his gratitude for this co-operation, to which he attaches great importance.

12. Other sectors of the country, including the Church, human rights organizations, private associations and individuals, and left-wing opposition forces likewise gave substantial and valuable assistance in the preparation of the report. The Special Representative expresses his appreciation for this co-operation also.

13. The Special Representative arrived in El Salvador on Sunday, 11 September, and remained in the country until Saturday, 17 September. During his visit, he had interviews with the following authorities: His Excellency Mr. Alvaro Magaña, President of the Republic; Mr. Fidel Chávez Mena, Minister for Foreign Affairs; General Carlos Eugenio Vides Casanova, Minister of Defence; Mr. Ramiro Arturo Méndez Azahar, Minister of Justice; Mr. Manuel López Sermeño, Minister of the Interior; Mr. Carlos Aquilino Duarte, Minister of Education; Mr. Hugo Carrillo, Vice-President of the Constituent Assembly; Dr. Avila Moreira, Acting President of the Supreme Court of Justice; Mr. Mario Adalberto Rivera, Attorney-General of the Republic; Mr. Jorge Arturo Argueta, Director of the Salvadorian Institute for Agrarian Reform (ISTA); Colonel Galileo Torres, President of the Financiera Nacional de Tierras Agrícolas (FINATA - National Organization for the Financing of Agricultural Land); Mr. Alejandro Gómez Vides, Under-Secretary for Foreign Affairs; Mr. Ricardo Alfredo Maita, President of the Central Council for Elections, accompanied by other members of the Council; Colonel Reynaldo López Nuilla, Director of the National Police; Colonel Arístides Montes, Director of the National Guard; and Colonel Nicolás Carranza, Director of the Rural Police.

14. In San Salvador, the Special Representative also had interviews with: Monsignor Revello, President of the Episcopal Conference and member of the Peace Commission; Monsignor Rosa Chávez, auxiliary archbishop of San Salvador and adviser to the archdiocesan Commission for Justice and Peace; members of the Human Rights Commission (governmental) of El Salvador; Mr. Ernesto Arvizú Mata, President of the Amnesty Board; Mrs. María Julia Hernández, director of the archdiocesan Legal Protection organization; Mr. Juan Vicente Maldonado, Executive Director, National Association of Private Entrepreneurs (ANEP), accompanied by two other members; Mr. José Antonio Morales Erlich, Christian Democrat Party; and His Excellency Mr. Raúl Molina Cañas, Vice-President of the Republic, in his capacity as a member of the National Conciliation Party. The Special Representative also had interviews with diplomatic representatives of other countries accredited in El Salvador, and with Salvadorian private citizens.

15. During his stay in El Salvador, the Special Representative visited, among other places: the detention cells at the headquarters of the National Police, National Guard and Rural Police in San Salvador, where he was able to talk to political prisoners on a completely confidential basis; the women's prison at Ylopango and the men's prison at Mariona, where he also had confidential talks with the leaders of the Committee on Political Prisoners of El Salvador (COPPES); the premises of the International Fair in San Salvador, where certain persons benefiting from the Amnesty Act were housed; the Caritas Camp for Displaced Persons at San Vicente; the farming village of San Lorenzo, in the Department of San Vicente, which had suffered particularly heavily in the conflict, and in which he spoke to local inhabitants; and San Salvador Military Hospital, where he had confidential talks with guerrilla fighters being treated there.

16. In Mexico City, the Special Representative had interviews with: Mr. José Armando Oliva Muñoz and Mr. Sergio Inestrosa, of Christian Legal Aid; Mr. Roberto Lara Velado, President of the (non-governmental) Human Rights Commission of El Salvador; representatives of the Marianela García Villas Committee of Relatives for the freedom of persons detained or missing for political reasons in El Salvador (CODEFAM); Dr. Miguel Angel Saenz Varela, a leading member of the Committee of Health Professionals (COPROSAL); Mr. Héctor Dada, of the National Revolutionary Movement (MNR); Mr. Héctor Oqueli and Mr. Salvador Zamalloa of the Political and Diplomatic Commission of the FDR-FMLN; and several former political prisoners who had moved to Mexico after being granted an amnesty.

17. Among the persons with whom the Special Representative had talks in Washington were: Ambassador Richard Stone, Special Envoy of the President of the United States; Mr. Henry Kissinger, President of the Bipartite Commission for Central America, established by President Reagan in July 1983; Mr. Edmundo Vargas Carreño, Executive Secretary of the Inter-American Commission on Human Rights; and Miss Heather Foote of the Washington Office on Latin America.

18. In New York, the Special Representative had conversations with the local representative of the Political and Diplomatic Commission of the FDR-FMLN and with Miss Karen Parker, a United States national and author of a study on the observance of the Geneva Conventions and Protocols in the Salvadorian conflict.

19. As in the preceding year, in September 1983, senior authorities of the Republic of El Salvador assured the Special Representative of their concern to improve the situation of human rights in the country. The Special Representative has no doubt about the sincerity of these sentiments and he fervently hopes that they will be put into practice effectively and promptly. The Special Representative considers that some of the measures adopted during the current year by senior political authorities in El Salvador, which will be mentioned in this report, meet that concern. Nevertheless, taking into account all the information received, the Special Representative is obliged to say that, sadly, serious and massive violations of human rights, and particularly of the fundamental right of the individual - the right to life, continue to occur in El Salvador.

20. Some of the measures adopted by the Salvadorian political authorities to improve the situation of human rights are worth mentioning in this report. The Special Representative will refer below to these measures, outstanding among which, in his view, are the efforts of the Human Rights Commission (governmental) established under the Apaneca Pact 4/ and the implementation of the Amnesty and Rehabilitation of Citizens Act proclaimed by the Constituent Assembly of El Salvador in Decree Law No. 210 of May 1983.

21. The rules of procedure of the Human Rights Commission were laid down by Decree No. 30 5/ of 1 December 1982 of the Executive Power of the Republic of El Salvador. In the preamble to this decree, it is stated that "one of the objectives of the Government of national unity enshrined in the basic platform of government is to achieve the full validity of human rights, for which purpose the Commission has been established"; in fulfilment of its functions, the Commission may receive and deal with complaints, institute inquiries where appropriate, contact State officials, authorities or individuals, and receive evidence concerning the facts of which it is aware (article 16); it may request the Office of the Attorney-General of the Republic, ministries, courts, security bodies and other State agencies to institute procedures for investigating situations or cases within its knowledge (article 18); it may have access to detention centres, prisons, barracks and military installations, for the purpose of inquiring into the whereabouts of persons allegedly detained (article 20); in extremely serious cases or in situations that may affect the fundamental rights of any person subjected to detention, it may request action by senior State authorities (article 21); and it is required to undertake study and promotional activities in order to further respect for human rights (articles 28 et seq.).

22. According to the information on the activities of the Human Rights Commission given to the Special Representative during his visit to the country, 6/ this organization considered 504 complaints during the first six months of 1983, with the following results: 45 persons detained in military establishments were released; 91 missing persons were found in various military centres; 36 persons who considered their personal or family safety to be threatened preceived protection; the Commission succeeded in having brought before the courts persons suspected of having committed three murders; it arranged for 152 persons benefiting from the Amnesty Act to be received by the Governments of Canada, Australia and Belgium; it gave assistance to foreigners detained in military establishments and informed the relevant diplomatic missions of their detention; and it conducted campaigns in

various sectors and institutions - including the armed forces and security bodies - for the promotion and protection of human rights. Independently of these activities, the Commission undertook an intensive investigation into the Las Hojas massacre, to which reference will be made later in this report and about which it submitted a confidential report to the President of the Republic. Lastly, as stated in the report of the Americas Watch Committee, 7/ while they have no effect on political murders by the security forces, which constitute the crucial human rights problem in El Salvador, the Commission's efforts do play a modest role with respect to another important problem: disappearances following abduction by the security forces. The Committee's report says it also appears possible that, by taking an interest in an abducted person, the Commission may help to save his life or mitigate any torture to which he may be subjected.

23. On 16 May 1983, the Amnesty and Rehabilitation of Citizens Act, contained in Decree No. 210 of the Constituent Assembly and promulgated on the initiative of the Acting President of the Republic, 8/ entered into force. Under this Act, an amnesty is granted to all civilian nationals who, up to the date of its entry into force, have participated as principals or accomplices in political offences or ordinary offences connected therewith, whether or not proceedings against them have been instituted (article 1). Amnesty is granted to: (a) armed insurgents against the Government of the Republic or persons who have participated in other political offences or ordinary offences connected therewith, who voluntarily avail themselves of the benefits of the Act and are not imprisoned; (b) persons who are awaiting trial for an offence or offences for which the maximum penalty for each offence does not exceed four years, and who are serving or have served six months' imprisonment; (c) persons in respect of whom an executable sentence has been handed down for the offences referred to under (b) above (article 3). The Act establishes an Amnesty Board composed of three members, one of whom, who acts as Chairman, is appointed by the Peace Commission, another by the Human Rights Commission, and another, who acts as secretary, by the Ministry of the Interior (article 4). The Act also establishes a Committee for the Rehabilitation of Amnestied Persons, the purpose of which is to take any urgent and necessary steps to guarantee the life, health, maintenance and employment of those concerned.

24. With respect to the implementation of the Amnesty Act, according to information given to the Special Representative in San Salvador by Mr. Arvizu, Chairman of the Amnesty Board, 9/ 1,137 persons had benefited from the amnesty; of these, 554 were political offenders and 583 armed insurgents. The Amnesty Board and the Rehabilitation Committee for Amnestied Persons have instituted specific programmes giving immediate attention to persons who voluntarily avail themselves of the benefits of the Act; they are providing material assistance to more than 500 adults and 200 children who have been housed in the pavilions of the International Fair. With the co-operation of the Intergovernmental Committee for Migration (ICM) and certain Governments, migration programmes for amnestied persons have been put in hand; under these programmes 131 ex-prisoners and 159 members of their families have left for Canada, 44 ex-offenders and 52 family members for Australia, and 8 ex-offenders and their families for Belgium. Mr. Arvizu told the Special Representative that arrangements were being made for other amnestied persons to travel to the United States, the Federal Republic of Germany, Sweden and Norway. The Special Representative was able to talk freely, in the International Fair pavilions at San Salvador, with a group of some 15 amnestied persons, who told

him that they had deserted from guerrilla organizations and hoped to go abroad; they also said that they were being well treated and were staying voluntarily at the Fair premises in order to avoid possible attacks by death squads or the guerrillas themselves.

25. However that may be, the Special Representative received information 10/ that, shortly after the Act entered into force, some amnestied prisoners were rearrested and subsequently murdered. The competent Salvadorian authorities told the Special Representative that these were not amnestied persons but persons released by judicial decision outside the scope of the Amnesty Act, and that the arrest and murder had been carried out by unidentified groups.

26. Another development showing the concern of the Salvadorian political authorities for human rights 11/ is the report on the prohibition, by legislative decree of the Constituent Assembly, of all armed paramilitary groups, whether of the left or right. The Special Representative sincerely hopes that this provision can be effectively implemented, since such implementation would be an important step towards improved respect of human rights in El Salvador.

27. The Special Representative also wishes to mention the personal opinion expressed by authorized ecclesiastical circles in El Salvador to the effect that the channels of communication between those circles and the authorities of the Republic had improved in recent months and that that improvement had enabled certain particular cases to be satisfactorily resolved.

28. Another sign of the greater sensitivity of the Salvadorian authorities to respect for human rights is the organization of educational campaigns on the subject. In addition to the above-mentioned activities of the Human Rights Commission, reference should be made to the instruction being given to teachers, which is in turn to be imparted to their pupils. In this connection, the Minister of Education told the Special Representative that the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948, constitutes a compulsory subject in teacher training.

29. The Special Representative also wishes to refer to the "Handbook on normal operative procedure for operations undertaken by the Armed Forces", a copy of which was handed to him by the Minister of Defence of El Salvador. The Handbook represents an extension to all the armed forces and security bodies of the former regulations for the National Police; 12/ in the Handbook it is established as a general principle that a prime objective of operations shall be to "ensure respect for the laws, moral principles and inviolability of human rights". Individual provisions of the Handbook elaborate on this principle for specific situations. The Special Representative sincerely hopes that the Handbook will be most scrupulously observed by all members of the armed forces and security forces in El Salvador.

30. To sum up, the Special Representative takes note of the declared intention of the Salvadorian authorities to improve the situation of human rights in the country, and finds that there have been some practical demonstrations of this intention. Taking account of the overall situation of human rights in El Salvador

during the months that have so far elapsed in 1983, it should nevertheless be observed that there is a considerable gap between these intentions on the part of the Government and its ability to achieve results. This divergence probably reflects various political trends and views within the bodies exercising power in El Salvador.

II. GENERAL POLITICAL SITUATION

31. It is public knowledge that the situation of generalized civil violence has unfortunately continued in El Salvador during the months that have elapsed in 1983. Accordingly, the Salvadorian authorities have continually extended the state of siege which was decreed on 6 March 1980 and was lifted only on the occasion of the elections in March 1982.

32. The Special Representative does not consider that his mandate calls for a complete and detailed account of political and military developments in El Salvador. Suffice it to say that the Government of National Unity which emerged from the elections of 28 March 1982 has continued in power in El Salvador during the part of 1983 that has already elapsed. There have been very few changes in the Government, the most important being the replacement on 18 April 1983 of General José Guillermo García as Minister of Defence by General Carlos Eugenio Vides Casanova, the former head of the National Guard. The latter post was taken over by Colonel Arístides Montes. Another change that should be mentioned has been the replacement of Colonel Francisco Moran by Colonel Nicolás Carranza as head of the Rural Police.

33. The Special Representative has been informed of two important political developments which, owing to their direct relationship with the question of human rights, call for special consideration. These are the proposal to hold fresh elections and for a dialogue between the Government and the left-wing opposition forces.

34. With regard to the future elections, according to press reports, 13/ the President of El Salvador officially announced on 30 July 1983 the enforced postponement until the first quarter of 1984 of the presidential elections initially scheduled for December 1983. In conversations on the subject in San Salvador with the President and members of the Central Council for Elections, the Special Representative was informed of the measures taken in preparation for the forthcoming elections, and in particular the compilation of a complete and accurate electoral roll; he was told that from 15 February 1984 onwards the technical requirements for holding new elections would be fulfilled. The special Representative also learned that, according to a transitional provision of the draft constitution, it is the Constituent Assembly which decides on the character of the elections. Furthermore, in conversations with representatives of the various political parties currently active in El Salvador, he observed the great interest these parties were taking in the election.

35. With regard to the dialogue with the left-wing opposition, recommended by the Special Representative in his previous report, 14/ there are reports, reliably confirmed to the Special Representative, that representatives of the FDR-FMLN met

at the end of August in Bogotá with the Salvadorian Peace Commission set up under the Apaneca Pact, in the presence of Mr. Belisario Betancourt, the President of Colombia. Later, other representatives of these fronts met at San José, Costa Rica, with the Special Envoy of the President of the United States, Mr. Richard Stone, in the presence of Mr. Luis Alberto Monje, the President of Costa Rica. According to those reports, however, in both conversations a radical difference of views emerged on the question of the election; the left-wing opposition would agree to stand for election only if it was given a guarantee by a government of national conciliation in which it would participate and if the guerrilla fighters were incorporated in units of the armed forces. These conditions were unacceptable to the Salvadorian Government.

36. According to later press reports, 15/ on 30 September 1983 a further meeting between the El Salvador Peace Commission and representatives of the FDR-FMLN was held in Bogotá. According to this source, the latter rejected the proposal that they should participate in the election scheduled for next year and submitted three counterproposals: that negotiations should continue with a view to forming a new Government to supervise the elections, that a national debate should be held on the situation in the country and that the next meeting should be held in El Salvador.

37. The Special Representative welcomes the fact that it has been possible to embark on some type of dialogue and expresses his fervent hope that it will contribute to a genuine improvement of the human rights situation in the country.

III. THE SITUATION WITH REGARD TO THE ENJOYMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

38. As stated by the Economic Commission for Latin America (ECLA), 16/ "in 1982 Salvadorian economic activity declined for the fourth consecutive year, on this occasion by 5 per cent, measured by GDP, and there continued to be varying degrees of imbalance, especially in the balance of payments, the budget and employment. Even allowing for the fact that some of the population emigrated for economic and other reasons, the per capita product declined by almost one third between 1978 and 1982 (from \$510 to \$360 in 1970 United States dollars), which represented a retrogression to the situation of over 20 years ago ... Furthermore, although it is difficult to state precisely the extent of complete unemployment, it may be asserted that it affected about one third of the work force, in spite of emigration".

39. ECLA also points out the adverse effects of the Salvadorian conflict on the economy and the doggedness with which various private economic agents have maintained their activities, without which the situation would be even more desperate. It refers to the steady decline of private investment, the outflow of foreign exchange, the emigration of entrepreneurs and professional personnel, physical damage to the infrastructure and the continual shrinking of the market, all of which have severely affected productive activity.

40. In his previous reports, the Special Representative referred at length to the agrarian reform programme undertaken by the Revolutionary Government Junta. 17/

The agrarian reform comprised three phases, concerning which the following information should now be added.

41. With regard to the first phase - affecting farms of over 500 hectares, according to information given to the Special Representative by senior members of the Salvadorian Institute for Agrarian Reform (ISTA), 18/ the number of parcels of land affected is 438, with a total area of 219,832 hectares; there are 32,300 direct beneficiaries and 193,900 beneficiaries in all. One hundred and forty-three landowners have already received compensation and settlement is pending in the case of a further 183.
42. According to information given personally to the Special Representative in El Salvador, execution of the second phase of the agrarian reform, affecting farms of between 125 and 500 hectares, continues to be deferred.
43. With regard to the third phase - assignment and transfer of agricultural land to those who work it as provided for under Decree No. 207 of the Revolutionary Government Junta, according to information given to the Special Representative in San Salvador by the Financiera Nacional de Tierras Agrícolas (FINATA), 19/ as at 26 August 1983, 68,234 requests had been received; there had been 53,848 direct beneficiaries and 323,088 beneficiaries in all; 119,540 hectares had been assigned; 44,405 provisional deeds of ownership and 3,167 final deeds had been issued, and compensation had been paid for 6,333 plots.
44. With regard to the implementation of Decree No. 207, the Special Representative has read in the San Salvador press 20/ the complaints of the Farming Enterprises Board to the management of FINATA that employees of the latter were encouraging the take-over of land not subject to the Decree, with the object of enabling the intruders later to claim the relevant benefits under the Decree. According to this report, the director of FINATA rejected the accusations, maintaining that it was bogus peasant associations who were encouraging the illegal seizures; the director of FINATA undertook to ensure that the law was scrupulously complied with.
45. The Special Representative has also received information about cases in which peasants benefiting from the agrarian reform have subsequently been dispossessed. According to The Guardian, 21/ such cases have occurred in the west of the country. The same source 22/ reports the announcement by the Salvadorian Trade Union - a peasants' organization - that more than nine peasants who had benefited under the agrarian reform had subsequently been evicted by the former owners or members of the army.
46. The Special Representative also wishes to draw attention to the report which appeared in the international press 23/ that on 27 September 1983 some 15,000 people - 11,000 peasants and 4,000 members of the Christian Democrat Party - held a march in San Salvador in support of the agrarian reform programme. According to this report, articles 103, 104 and 105 of the draft constitution could create a serious setback in the agrarian reform programme since they would allow the large landowners to divide up their estates among members of their families, thus reducing the size of individual plots and evading the scope of the laws in

force. The purpose of the march was reported to be to call on the Constituent Assembly to support the process of reform and to call for an end to violence and for increased respect for human rights.

IV. THE SITUATION WITH REGARD TO RESPECT FOR CIVIL AND POLITICAL RIGHTS IN EL SALVADOR

47. For the reasons explained in greater detail in his previous reports to the Commission on Human Rights, 24/ the Special Representative considers that, in view of the consistent pattern of gross violations of civil and political rights of all kinds in El Salvador, it is inappropriate to conduct a detailed, casuistic review of each of the events reported in the light of the specific provisions of the domestic and international legal instruments which are binding on the Republic of El Salvador in this area. He has felt it preferable to adopt a different method, namely, classification which takes comprehensive account of the most serious violations and the actual circumstances in which these violations take place. This classification, which in no way implies any rigid distinctions between the various categories, is as follows: (1) murders; (2) torture and cruel, inhuman or degrading treatment; (3) abductions and disappearances; (4) political prisoners; (5) attitude of Salvadorian criminal justice; (6) human rights violations attributed to the guerrillas.

1. Murders

48. Regrettably, the Special Representative has continued to receive a great deal of information concerning political murders of civilian non-combatants in El Salvador. The Special Representative is fully aware of the difficulty of accurately determining the exact number of crimes of this kind and considers that this difficulty is due to a variety of causes. The first is the unfortunately very great magnitude of the figures involved. The second is that in many cases information on murders comes to light only when bodies are found and it is thus very difficult to determine by whom and how they were committed and even whether they were really prompted by political motives or were simply ordinary murders. There is also the fact that a regular army and a guerrilla organization are engaged in armed conflict and it may sometimes be difficult to determine whether those killed are civilians or combatants. The Special Representative considers that this is an area in which figures must be treated with great caution, since there is no way of being sure that the reported figures for political murders of civilians are completely reliable; the discrepancies between the lists provided by the various sources clearly indicate the need for circumspection.

49. According to a cable dated 23 June 1983 sent directly from Mexico to the Special Representative by the Human Rights Commission of El Salvador (non-governmental), between 1 January and 15 June of this year the number of people murdered was 2,707. The breakdown is as follows: in January 672; in February 350; in March 440; in April 759; in May 342; and between 1 and 15 June, 144.

50. On the other hand, according to Christian Legal Aid, 25/ during the period 1 January to 30 June 1983 there were 2,823 arbitrary executions of civilians, responsibility being attributed to members of the armed forces (1,657 executions),

irregular paramilitary groups (1,052 executions) and civil defence organizations (114 executions). This source compares the figures with those for previous periods: in the first six months of 1982 2,958 executions of civilians were recorded and in the second six months, 2,907. Hence, according to this source, generally speaking the figures remain substantially the same.

51. The above figures are similar to those provided by other sources. According to the Americas Watch Committee, 26/ the archdiocesan Legal Protection Office recorded 2,527 murders of non-combatant civilians by security forces and associated paramilitary forces during the first six months of 1983. This represents an increase on the 2,340 murders recorded by Legal Protection in the last six months of 1982. In addition, Legal Protection recorded 326 disappearances after abductions with violence during the first six months of 1983, and since this source presumes that those who do not reappear after 15 days are dead, it combines the figure for disappearances with that for murdered civilian non-combatants, giving a total of 2,853.

52. In respect of July 1983, Christian Legal Aid 27/ states that it has received information about the non-judicial execution of 434 non-combatant civilians, for which members of the armed forces, paramilitary groups and the civil defence organization were reported to be responsible. Legal Protection 28/ gives a figure of 424 murders. In August 1983, according to Legal Protection, 318 murders were attributable to the army, the civil defence organization and unidentified paramilitary squads. 29/

53. However, other sources give lower figures for political murders of civilians. Thus, according to information communicated personally to the Special Representative by the Human Rights Commission of El Salvador (governmental), during the first six months of 1983 the number of non-combatants who were victims of political violence was 968, for which the breakdown is as follows: 222 murders as a result of terrorist acts; 27 as a result of military operations; 676 as a result of acts by unidentified persons; and 43 attributed to unidentified organizations. According to the same source, in July 1983 the number of civilian victims of violence was 235 (46 through terrorist activities and 189 as a result of acts by unidentified persons); during August, the number of civilians murdered was 80 (12 as a result of terrorist acts and 68 as a result of acts by unidentified persons).

54. According to information submitted to the Special Representative by the United States Embassy in El Salvador 30/ based on press reports, during the first eight months of 1983, 1,286 civilians were murdered for political reasons, the figures being broken down as follows: 143 by guerrillas; 435 by unknown assailants and 708 found dead. This figure is lower than that given by the same source for the period 1 January-15 September 1982, which was 2,333 persons. 31/

55. The Special Representative finds it very difficult to decide whether the number of murders to date during 1983 shows a downward trend as compared with 1982. All he can say is that, according to Legal Aid and the archdiocesan Legal Protection Office, the number of murders has not greatly changed; however, according to information collected by the United States Embassy in El Salvador,

there is a downward trend; information supplied by the Human Rights Commission of El Salvador (governmental) reveals nothing on this matter since the organization did not exist in 1982, and hence did not give any information. Subject to these clarifications and reiterating the need for caution mentioned at the beginning of this section, the Special Representative notes with regret that the number of civilians murdered for political reasons in El Salvador continues to be very high. This is, unfortunately, the feature of the human rights situation in El Salvador which causes the greatest concern.

56. Apart from these overall figures, the Special Representative wishes to refer to some particularly striking cases of massacres and murders of human rights leaders and political leaders. This is naturally not a complete account but only a selection of events.

57. The Special Representative first wishes to refer to the massacre perpetrated in the canton of "Las Hojas", Department of Sonsonate, and for that purpose will make use of the information furnished to him by the Human Rights Commission of El Salvador (governmental). 32/ From the investigation undertaken by the Commission, it appears that in the early hours of the morning of 22 February 1983 members of the armed forces from the Sonsonate detachment, accompanied by a number of civilians, forced 18 peasants to leave their homes and subsequently murdered them on the banks of the river Cuyuapa, although one witness states that the local people believe 74 persons were killed. It should be noted that, according to the statement of one witness, the reason for these killings was a dispute over the route to be taken by a road through the land of an indigenous co-operative to which the murdered men belonged. This witness said that, faced with the opposition of the members of the co-operative to the road, the person concerned accused the indigenous inhabitants of being subversive, thus giving the army a reason to intervene. The Human Rights Commission brought the facts to the attention of the Office of the President of the Republic and the Attorney-General with results that will be mentioned later when dealing with the general situation of Salvadorian justice.

58. Another killing about which the Special Representative has received information was perpetrated on 7 May 1983 at about 8.30 p.m. on the road to San Luis de Mariona (20 kilometres north of San Salvador). According to information received from the Archdiocesan Legal Protection Office and Christian Legal Aid, at the place and on the date mentioned members of the armed forces machine-gunned nine people whom they had dragged out of their homes in Mejicanos (a district in San Salvador), subsequently finishing them off with revolver shots. One of them, however, was not finished off by revolver and hence was not killed. He was subsequently picked up by members of the International Committee of the Red Cross (ICRC) and taken to hospital, where he made a statement. Legal Protection provided the Special Representative with a copy of his testimony. 33/

59. In his previous reports, 34/ the Special Representative referred to the murder of human rights leaders. On this occasion, he is particularly grieved to record the report of the death of Mrs. Marianela García Villas, President of the Human Rights Commission of El Salvador (non-governmental), with whom he had talks on previous occasions.

60. According to an official report issued by the Armed Forces of El Salvador on 8 April 1983 about the death of Mrs. Marianela García Villas, which was made available to the Special Representative by the Salvadorian Ambassador to the international organizations at Geneva, an armed forces military patrol travelling between the canton of Palacios and Tenango, near La Bermuda, on 14 March 1983, with the mission of locating extremists in order to protect CEL workers, made contact with subversive elements and a fight lasting one hour ensued, with the result that 21 subversives and 1 soldier were killed. When the bodies of the subversives were being inspected, that of a woman was found with features uncommon among Salvadorians. She was carrying photographic equipment, for which reason it was first thought - and it was so reported - that she was a foreign journalist, since papers in Dutch were found on her. In view of the uncertainty about her identity, the body was sent to San Salvador, where it was ascertained from a post-mortem examination of her fingerprints that she was Marianela García Villas. In the same report, it is stated that Mrs. García Villas was known as "Commandante Lucía" and that she was a member of the subversive movement. It was also stated that she had entered Salvadorian territory illegally.

61. On the other hand, according to information supplied on 15 March 1983 by the Press Committee of the Armed Forces (COPREFA), "a man and a woman, presumed to be foreign journalists, were found among the dead when a military patrol was attacked in the La Bermuda area, Suchitoto, by a group of terrorists". This report adds that the woman was a Caucasian and was carrying photographic equipment, and the man was black, but neither could be identified because they were carrying no papers. 35/ In the report on the following day, 16 March 1983, COPREFA said that Marianela García Villas was one of the terrorists killed in the La Bermuda area, where she was travelling as Comandante Lucía; the report added that a large number of documents were found on her. 36/

62. According to information from Legal Aid, 37/ Judge Quinto de Paz of San Salvador, in identifying the corpse, stated: "(There were) multiple gunshot wounds in the chest, with partial severance of the upper right arm owing to these injuries; also many wounds on the thighs; I am of the opinion that multiple gunshot wounds were the obvious and direct cause of her death". On 16 March, a Legal Aid team examined the corpse and issued the following statement: "The corpse has a large-calibre bullet wound on the side of the chest, i.e. in the lower part of the right armpit, apparently from an explosive projectile, since it has affected the tissue of internal organs in the pectoral region and the jaw-bone on the right-hand side. The bullet wound has been bandaged in order to maintain the shape of the body. The anterior and interior surfaces of the arm and the anterior wall of the armpit on the right side have been damaged by the impact of the bullet. There are large-calibre bullet wounds in both thighs, presumably from explosive projectiles which caused considerable damage to the tissue of the internal organs at the knee-cap level. The bones in this area are fractured and a large wound is covered with a dressing. The anterior and interior faces of the right thigh are completely covered by a hematoma. The back of the left hand has a third-degree burn and on the left cheek there is slight grazing and a burn; it is difficult to determine the cause of these injuries and whether they occurred before or after death. Minor injuries include marks caused by splinters of some explosive device over the whole of the frontal and pectoral region, but it was not possible to establish whether

there were signs of gunpowder markings". To sum up, in the view of Christian Legal Aid, the violent death of Mrs. García Villas occurred in the same circumstances as innumerable unlawful executions (political murders) and indiscriminate large-scale military actions against the non-combatant civilian population in disputed rural areas.

63. The Fédération Internationale des droits de l'homme (FIDH) 38/ gives an account of the return of the mission of inquiry, headed by Mr. Antonio García, a Spanish lawyer, and also composed of Mrs. Katz and Mrs. Zumestein, who collected a large amount of documentation and testimony during a stay of 10 days in Latin America. From the inquiry it appears that, contrary to the official version, Mrs. García Villas was captured alive on the night of 14 March and taken by helicopter to San Salvador Military College, no doubt in order to be interrogated; it was after this session that her body received the bullet wounds and mutilation. This is also the version given by the Human Rights Commission of El Salvador (non-governmental). 39/

64. However, the opinion of the Americas Watch Committee, 40/ based on interviews conducted in El Salvador, is that Marianela García Villas had returned legally to El Salvador, where she had begun an inquiry into the use of chemical weapons. To that end, she went to an area close to the town of Suchitoto, where she wanted to collect statements from residents and take photographs. Finding herself in a difficult situation during a bombing attack, she joined a group of displaced persons who were heading towards Suchitoto. Apparently thinking that the refugees were guerrillas, an army patrol ambushed them and in the shooting which followed Marianela was killed. The Americas Watch Committee says it has not found any confirmation of the version that Mrs. García Villas was captured alive and subsequently executed.

65. The Special Representative wishes to record that he has received many letters from private individuals and humanitarian organizations denouncing the death of Mrs. García Villas and calling for an exhaustive inquiry. He has also received a letter from the Ambassador of Sweden to the United Nations at Geneva stating that his Government is interested in the clarification of the circumstances of the death and that Mrs. García Villas was highly respected in Sweden for her idealism and the efficient manner in which she was conducting her mission under very adverse conditions. 41/

66. The Special Representative has also received reports of the murders of political leaders. Thus, according to the Americas Watch Committee, 42/ the Christian Democrat Mayor of El Carmen, Department of Cuscatlán, was murdered in April 1983 by security forces operating in that region. According to the same source, during the week 6-12 June 1983, two Christian Democrat politicians and a secretary of the United Federation of Salvadorian Trade Unions were abducted by security forces.

2. Torture and cruel, inhuman or degrading treatment

67. According to information received by the Special Representative, persons detained by the armed forces or security bodies have on occasion been subjected to torture and cruel, inhuman or degrading treatment. There are also reports that certain persons have been tortured before being murdered.

/...

68. In the opinion of Christian Legal Aid, recorded by the Americas Watch Committee, 43/ those who survive abduction by the security forces are invariably tortured; torture is not practised in Mariona Prison (for men) or in Ylopago Prison (for women), but in the days immediately following the abduction while the prisoners are in the custody of the security forces who seized them. This conclusion of Legal Aid, the Americas Watch Committee report adds, concurs with statements made by former political prisoners. The Special Representative places on record the fact that some of the testimony given before him by former political prisoners does refer to torture in these circumstances.

69. Christian Legal Aid 44/ reports that between 1 January and 30 April 1983, 75 cases of physical torture and cruel or degrading treatment were recorded; according to the same report, 18 cases of beheading were recorded in the central zone of El Salvador alone and in the same zone there were 10 cases of murdered women who had previously been raped. The same source 45/ states that it examined, over the period 1 January-30 July 1983, as many of 175 bodies of people arbitrarily executed which showed unmistakable signs of torture prior to death; during the months of April, May and June, 32 decapitated bodies were examined.

70. The Centre for Human Rights has received a letter dated 19 May 1983 from the American Association for the Advancement of Science forwarding a copy of the report from the medical fact-finding mission which visited the country from 11 to 15 January 1983. The conclusions of the report are as follows: "The mission team found evidence that health professionals have been singled out for harassment, 'arrest' and 'disappearances' because of their professional duties, notably providing medical assistance to all those who request it". Furthermore, "the mission found evidence which strongly suggests that torture and other forms of cruel, inhuman and degrading treatment are carried out on a routine basis by security forces during interrogation of suspected political offenders. These forms of physical and psychological abuse include the application of electric shocks and burns to the body, forced standing for long periods of time, rape and sexual abuse, severe beatings and the withholding of food and drink or sleep for extended periods of time".

3. Abductions and disappearances

71. The Special Representative continues to receive information about abducted or arrested persons, many of whom are reported as missing. He again wishes to observe in this connection that the figures must be treated with the greatest caution. This must be done, firstly, because subsequent to their arrest or abduction the bodies of such persons are sometimes found and those cases are counted as murders. In other cases, it is discovered that persons abducted are alive in detention centres belonging to the armed forces or security bodies and these are counted as political prisoners. In still other cases, the abducted persons are released. Finally there are cases in which those abducted are not found, presumably because they have been murdered and their bodies hidden; only then can reference properly be made to disappearances. The Special Representative has considered it necessary to give these explanations before including in his report information on figures concerning abductions and disappearances which, in many cases, overlap with those for murders and political prisoners.

72. According to a cable dated 23 June 1983 addressed to the Special Representative from Mexico by the Human Rights Commission of El Salvador (non-governmental), 345 persons were detained in premises belonging to the army and security forces between 1 January and 15 June of this year. This figure is broken down as follows: 40 in January, 41 in February, 52 in March, 55 in April, 107 in May and 50 between 1 and 15 June.

73. According to later information from Christian Legal Aid, 46/ over the period 1 January to 30 June 1983, 554 cases of arbitrary arrest were recorded; in 535 cases the armed forces were responsible and in 19 the guerrillas. It is also stated that during the same period 324 persons disappeared. To these figures should be added the 40 arrests reported by Legal Aid for the month of July 1983 47/ and a further 25 for the month of August. 48/

74. According to the Americas Watch Committee report, 49/ which collects data from the Archdiocesan Legal Protection Office, 326 persons disappeared during the first six months of 1983 after being abducted by security forces and paramilitary groups. These figures have been added to those for murders. It is reported that altogether 541 persons were abducted, 215 of whom reappeared, the majority in Mariona Prison or on National Police premises.

75. In July 1983, Legal Protection 50/ reported the arrest of 78 persons, of whom 19 reappeared, 2 were subsequently found murdered and 57 disappeared.

76. The Human Rights Commission of El Salvador (governmental) gives figures for the months of July and August 1983. 51/ According to this source, in July there were 23 cases of disappearance and 41 of abduction; in August there were 11 cases of disappearance and 23 of abduction.

77. Finally, according to information submitted by the United States Government, 52/ based on press reports: "civilian disappearances ... during the first half of 1983 continued at about the same rate as during the last six months of 1982, about 39 per month. Elements of the government security forces are believed to have been involved in or responsible for many of these disappearances. In some cases, the individuals were later found to be in government custody; in other cases, rightist and leftist terrorist groups are believed to have been responsible".

4. Political prisoners

78. According to information supplied to the Special Representative by the Minister of Justice of El Salvador, 53/ the number of political prisoners under his Ministry's authority on 14 September 1983 was 421, of whom 53 were women being held in Ylopango Prison and 368 were men being held in Mariona Prison. The Special Representative notes that these figures are lower than those issued on 18 September 1982, 54/ when the total number of prisoners under the Ministry's authority was given as 629, including 61 women in Ylopango and 561 men in Mariona. The application of the Amnesty and Rehabilitation of Citizens Act is undoubtedly the cause of this decrease in numbers.

79. With regard to political prisoners detained in the headquarters of the security forces, the respective chiefs gave the Special Representative the following figures. On 12 September 1983, four political prisoners were being held in the detention cells of the Rural Police. 55/ On the same date there were 23 detainees in the headquarters of the National Police. 56/ Detainees in the headquarters of the National Guard numbered 13.

80. The Special Representative visited Mariona Prison for men, which was, generally speaking, well ventilated and clean. There he talked privately with leaders of the Salvadorian Political Prisoners' Committee (COPPE), namely, Mr. Jorge Alberto Artigas Bonilla (who said he had been detained for 3 years and 20 days), Mr. Salvador Castro Riveros (who said he had been detained for 10 months) and Mr. José Luis Hernández Sarmiento (who said he had been in prison for 10 months). The Special Representative also visited the Ylopango Prison for women which in addition to being well ventilated and clean had a garden. There he talked privately with leaders of COPPE in the prison, specifically Mrs. Isabel Quesada, Mrs. Irma Soto, Mrs. Yoseti Rubio, Mrs. Ana Raquel Cruz Vazquez and Mrs. Sonia Aguiñada Carransa, who stated they had been detained for six months, three months, two months, one year and nine months respectively. All these prisoners - men and women - said that they had "won" certain privileges, such as being locked up only at night, being able to work and drink drinking water and, in the case of Ylopango Prison, being allowed to display ideological propaganda in the quarters allocated to political prisoners. The Special Representative was able to examine this propaganda.

81. The Special Representative had private interviews with several political prisoners in the detention cells of the headquarters of the three security forces. In the headquarters of the Rural Police, he spoke with a Costa Rican national, Mr. Julio S. Romero Talavera, who said he had been detained on 25 January 1981 as a mercenary pilot suspected of having helped the guerrillas. Mr. Romero was confined to a room in which he had a television set provided by the ICRC; he told the Special Representative about his restlessness and anxiety at the long time that had elapsed without his being brought to trial.

82. In Mexico City, the Special Representative talked with former political prisoners who had been released under the Amnesty.

83. Some of the people interviewed told the Special Representative that for some time there had been no torture of political prisoners in Ylopango or Mariona, but torture did indeed occur during interrogations in secret centres of the armed and security forces and in secret prisons. According to statements made to the Special Representative, the torture was sometimes physical and sometimes psychological. Some political prisoners also complained that the time-limits specified in Decree No. 507 had not been complied with.

84. The Special Representative was reliably informed that, as in previous years, ICRC representatives were able freely to visit the various detention centres. Some former political prisoners, however, told him that there were secret detention centres about which the ICRC had not been informed and in which, therefore, it could not carry out its work. These former prisoners said that it was precisely in these secret places that torture was practised.

85. Lastly, the Special Representative would recall the information relating to the implementation of the Amnesty and Rehabilitation of Citizens Act mentioned in the introduction to this report, under which 554 political prisoners have been released.

5. Attitude of Salvadorian criminal justice

86. In his previous reports, 57/ the Special Representative expressed his concern at the general inactivity and passivity on the part of Salvadorian criminal justice in the face of the violations of human rights, although he acknowledged the difficulties arising from the situation of generalized violence and noted certain attempts to give fresh impetus to judicial activities. With regard to the months that have elapsed in 1983, the information received on the subject is not exactly encouraging nor does it give grounds for optimism. In the following paragraphs, the Special Representative will describe and analyse this information.

87. In a document handed to the Special Representative by the Attorney-General of the Republic on 16 September 1983, 58/ it is stated that during 1982, of the 807 cases brought to trial, 132 were found guilty and 675 were acquitted. The high number of acquittals was explained by the intimidation of jurors. The Special Representative has been unable to find out how many of these completed proceedings related to ordinary offences and how many to politically-motivated violations of human rights of the type which come within his mandate and are documented in this report, but he thinks that the great majority relate to ordinary offences. In any case, even on the unlikely assumption that all or nearly all the guilty verdicts - 132 - related to violations of human rights, this figure bears no reasonable relationship to the large number of human rights violations which the Special Representative is morally certain were committed up to 31 December 1982.

88. In the view of the Special Representative, this conclusion is supported by other data contained in the Attorney-General's report, which makes express mention of 10 cases that are described as being "of international relevance". However, although there is considerable pressure for such cases to be promptly concluded, a verdict of guilty has been returned in only one of them and the judge concerned has yet to impose a sentence; this is the case of the murder by a cantonal commander of a seminarist in November 1981. In two recent cases in which the accused belong to a leftist organization - the murder of Colonel Albert A. Schaufelberger III on 25 May 1983 and that of Deputy René Barrios Amaya on 18 June 1983 - according to the Attorney-General's report, the presumed offenders have been arrested and proceedings are for the time being following their normal course. The proceedings against Mr. Roeder, accused of crimes of abduction committed in December 1981, have reached the trial stage and, according to the Attorney-General, the jury will shortly be asked to consider its verdict. In another case of murder which took place on 26 August 1983 and in which the victim was retired Colonel José Larios Cuevas, the proceedings are at the investigation stage and the presumed perpetrators have not been found. In two cases of murder in which the victims were United States nationals - the four nuns killed on 4 December 1980 and the United States trade-union advisers killed on 3 January 1981, proceedings are continuing, although at a rate which appears excessively slow. The proceedings relating to the "Las Hojas" massacre on 22 February 1983 are, according to the

Attorney-General's report, at the judicial investigation stage. Lastly, the Attorney-General reports that proceedings are also being instituted in connection with the death on 17 March 1982 of the four Dutch reporters and the death on 14 June 1983 of Marianela García Villas. The impression given by the Attorney-General's report on the last two cases is that proceedings are at a standstill; in both of them it is stated that investigation is difficult or impossible.

89. The Special Representative expresses sincere thanks to the Attorney-General of the Republic of El Salvador for his co-operation, although he cannot conceal a certain uneasiness at the fact that he has not received information about the institution of proceedings in very many other cases of violations of human rights in which the victims were ordinary Salvadorian citizens. The Special Representative considers that this is a matter where cases should not be singled out, regardless of the international pressure exerted in respect of some of them. From the human rights standpoint, all cases should receive equal attention and treatment by the judiciary.

90. The Special Representative has received information from other sources about some of the cases mentioned in the Attorney-General's report. In connection with the proceedings relating to the murder on 4 December 1980 of the four American nuns, the Special Representative would refer to the resolution adopted on 30 June 1983 by the Inter-American Commission on Human Rights, 59/ which deplores "the delay and the denial of justice which means that, in spite of the time which has elapsed, it has so far not been possible to bring to trial and punish the perpetrators of the murders and outrages committed against the American nuns ...".

91. With regard to the proceedings instituted in connection with the "Las Hojas" massacre, the Special Representative wishes to place on record the serious irregularities complained of in the document issued by the Human Rights Commission of El Salvador (governmental). According to this information, 60/ valid up to 22 July 1983, the regular judge at Sonsonate court, who was the investigating magistrate for the proceedings, had asked for extended leave, and his surrogate had not yet (the killings occurred on 22 February 1983) announced any important decision such as the arrest or prosecution of those suspected of being responsible for the massacre. Moreover, the court has instituted proceedings against the father of one of the victims for the attempted murder of one of the presumed perpetrators of the massacre. And what is more, according to this information, the court has even ordered the detention of this man, while the presumed murderer of his son remains at liberty.

92. As in the previous year, the military authorities of El Salvador have provided information to the Special Representative about the institution of judicial measures and the adoption of disciplinary measures against members of the army and security forces. Thus, according to information given to the Special Representative by the Salvadorian military authorities, 61/ during 1983, 78 cases of ordinary offences committed by members of the armed forces have resulted in proceedings being instituted by various judges and courts, the number of persons charged being more than 78 since in some cases several people have been charged. However, no mention is made in this report of the stage the proceedings have reached.

93. Another document handed to the Special Rapporteur by the Salvadorian military authorities 62/ contains information for the first part of 1983 about 211 cases in which members of the armed forces and security bodies have been subjected to disciplinary measures or judicial proceedings have been instituted against them for various offences and crimes. The Special Representative believes that this report also covers cases mentioned in the report referred to in the previous paragraph. He would point out that the report likewise does not mention the stage judicial proceedings have reached and that it is difficult to determine which cases relate to ordinary crimes and which to politically-motivated crimes.

94. Without any doubt the Salvadorian authorities themselves are not satisfied with the way the system of criminal justice is functioning and they have for precisely this reason embarked on a process of reform with the object, according to explanations given to the Special Representative during his visit to the country, of instituting a system which will function rapidly and effectively. Inter alia, it is intended that it should be equipped with adequate means of investigating facts. The Special Representative would like to refer in this connection to Decision No. 96 of the Supreme Court of Justice, adopted on 9 September 1983, a copy of which was given to him by the acting President of the Supreme Court. Under this decision, a commission was set up to draft preliminary proposals for the reform of the Penal Code and the Code of Penal Procedure within a period of five months from the time when the members of the commission assumed their functions. In addition, the Special Representative learned in San Salvador that the President of the Republic intended to set up another commission to study other aspects of criminal justice reform; this commission was to work in close collaboration with the first-mentioned commission. The Special Representative welcomes these attempts at reform and fervently hopes that they will be rapidly translated into effective results so that criminal violations of human rights do not go unpunished.

6. Human rights violations attributed to the guerrillas

95. The Special Representative has received information from various sources about the murder of non-combatants by the armed left-wing organizations. He again wishes to state that, for the reasons given in paragraph 48, it is very difficult to determine accurately the precise figures for this type of crime. Consequently, the figures under this heading too should be treated with considerable circumspection, since it is impossible to be certain that they are completely reliable; the discrepancies between the lists provided by various sources clearly indicate the need for caution.

96. According to the Americas Watch Committee report, 63/ Legal Protection has recorded, during the first six months of 1983, 46 cases of murder of civilians by the guerrillas; most of the deaths were said to be caused by guerrilla attempts to hold up buses on main roads; a smaller number appeared to be executions of civilians regarded as collaborating with the army in repressive actions. In July 1983, according to Legal Protection, guerrillas were responsible for eight murders of civilians; 64/ according to the same source, 65/ guerrillas were also responsible for five murders in August 1983. Thus, taking into account the previous figures, the total number of murders of non-combatants attributed to guerrillas during the first eight months of 1983 was 59.

97. Other sources give higher figures for civilians murdered by guerrillas to date in 1983. Thus, according to the Human Rights Commission of El Salvador (governmental), 66/ during the first six months of 1983, 222 civilians were killed as a result of guerrilla action. In July 1983, the number of murders was reported to be 46 and on August 12, from which it appears that in the first eight months of 1983 the total number of murders was 280. The number of murders in the first six months of 1983 attributed to the guerrillas by the Salvadorian military authorities exceeds 250. 67/ The figure supplied to the Special Representative by the Embassy of the United States in El Salvador, 68/ based on press reports, was 143 civilians murdered by the guerrillas in the first eight months of 1983; this figure is lower than that given by the military authorities and by the Human Rights Commission (governmental) but higher than that given by Legal Protection.

98. The Director of the National Police of El Salvador gave the Special Representative a selective list of murders by the guerrillas of government officials and members of the diplomatic corps, banks, commercial enterprises and other representative organizations of the Salvadorian people. 69/ For 1983, this list includes the following murders: Deputy René Barrios Amaya, murdered on 28 June 1983, the murder being attributed to members of the FPL; Mayor Eleazar Cruz Iraheta, murdered on 4 April 1983 by an unidentified group; Professor Elías Miguel Castro Miranda, murdered on 30 January 1983 by an unidentified group; Professor Carlos Angel Hernández Coreas, murdered on 29 April 1983 by an unidentified group; Professor Rosa Isabel Benitez de Argueta, murdered on 14 July 1983 by an unidentified group; retired Colonel José Larios Cuevas, murdered on 26 August 1983, the murder being attributed to the FPL; and Vittorino Andretto, an Italian engineer, murdered on 23 August 1983 by an unidentified group.

99. The Special Representative also wishes to refer to the murder of Colonel Albert Schaufelberger, United States military adviser, who was shot in his car on 25 May 1983 in the vicinity of the Central American Catholic University. According to information from the Government of El Salvador and the international press, the FPL has claimed responsibility for this murder. 70/

100. In a note dated 4 October 1983 from the Permanent Mission of El Salvador to the United Nations at Geneva addressed to the Centre for Human Rights, an account is given of a guerrilla attack on the village of Tenancingo in the Department of Cuscatlán on 24 and 25 September 1983, in which "a large number of civilians were killed, considerable damage was done to property, and the population, including many children, elderly persons and women, left for neighbouring villages". The report adds that during the attack, "... two officers, Second Lieutenant José Humberto Guzmán Lara and Captain Tomás A. Calvo Alfaro, were abducted and have since been missing". 71/

101. The Special Representative has received information that the guerrilla organizations have also made a number of arbitrary arrests in 1983. The information varies according to the source and the Special Representative would once again mention the need for caution in considering figures.

102. According to Legal Aid, during the first six months of 1983 the guerrillas were responsible for 19 cases of arrests of this type. However, the information on the subject provided by the Government of El Salvador to the Special

Representative 72/ contains higher figures, stating that in the first eight months of 1983 over 300 persons were abducted by guerrillas. The Special Representative wishes to point out that, according to this list, some of those abducted were members of the army or security bodies; he would also emphasize that in some cases the persons abducted were reported to have been released.

103. An allegation of a different sort against the armed guerrilla forces is that on occasion they forcibly recruit young men. Thus the Americas Watch Committee 73/ "through independent sources ... has ascertained that such recruitment does occasionally take place in areas controlled by the FMLN. We also heard", the report adds, "that, at least in some cases, these actions were later reversed and the young men were allowed to return to their homes". In El Salvador, private individuals assured the Special Representative that forced recruitment of that kind had indeed occurred.

104. Furthermore, the Special Representative has received a great deal of information about the continued systematic sabotage by the guerrilla forces of the economic infrastructure of the country. An exhaustive list of such attacks during the months that have elapsed in 1983 has been provided by the Salvadorian Government, 74/ but the Special Representative thinks that this list would be much too long and detailed to reproduce in this report. He considers it preferable to quote some of the abundant reports on the subject contained in the international press and other sources, and subsequently to provide information on the estimated value of the damage done.

105. Thus, El País reported on 17 May that the guerrilla forces "... exploded five bombs which destroyed two pylons and three posts of the high-tension power lines, blacking out several districts of the capital. Furthermore, the guerrillas claimed that they had seriously damaged the large sugar refinery at Injiboa". 75/

106. According to The Times of 30 March 1983, the guerrillas blew up a power pylon in San Vicente and blacked out most of the eastern portion of El Salvador for about six hours. They had previously left half of the country blacked out by sabotaging power lines at the end of February. 76/

107. In attacks against the transport system in Suchitoto at the beginning of April, the guerrillas stopped passengers and demanded payment of a "war tax". 77/

108. According to government information contained in the bulletin Seinform of 11 April 1983, 78/ between 6 and 7 April subversive elements besieged and subsequently invaded San José Cancastèque in the Department of Chalatenango. When invading the town, the attackers engaged in all kinds of looting, destroyed the archives of the local town hall, desecrated the church, from which they removed sacred objects, and raped women.

109. According to a later bulletin dated 14 April 1983, 79/ in the city of San Miguel terrorist groups carried out attacks on the warehouses and installations of the Department of Town Planning and Architecture, the Chaparranistique refinery, the Cadena Central broadcasting station, the San Miguel Co-operative Transport Association and private houses, causing property damage estimated at several million colones.

110. The International Herald Tribune reported that during the week of 15 April, in the Department of San Miguel, guerrillas blew up "about 20 trucks" which were carrying medical supplies to Honduras. 80/
111. The government bulletin Seinform 81/ reported on 18 April that 14 heavy trucks had been blown up at 1.10 a.m. on 17 April at the Diana Works, situated at kilometre 70 on the road to Candelaria de la Frontera, north-east of the city of Santa Ana.
112. According to a report in The Times of 21 April 1983, guerrillas attacked a farm owned by former President Fidel Sánchez Hernández and blew up power pylons near Santa Ana, the second largest city in El Salvador.
113. According to the same source, during the month of April "... the guerrillas attacked a food-processing plant in Santa Ana (western El Salvador) belonging to a member of the Constituent Assembly, and in San Miguel (eastern El Salvador), they wrecked a sugar refinery, a bus terminal and two warehouses. They also attacked a gold mine in the eastern department of La Unión, killing 10 soldiers, causing damage estimated at \$1 million and stealing an unknown quantity of dynamite".
114. Several articles 82/ reported guerrilla attacks in three eastern provinces on 3 April 1983. It was reported that in these attacks the guerrillas blew up six bridges, including a bridge in El Amatillo which links El Salvador with Honduras. According to reports, residents of the towns of El Amatillo and Santa Rosa de Lima, along the Honduran border, expressed fear that the destruction of the bridges could lead to collapse in trade between Honduras and El Salvador, as well as prevent shipments from other Salvadorian cities reaching them. It was reported in the International Herald Tribune of 2 May 1983 that in the guerrilla attack on the town of El Amatillo, "rebels killed 9 policemen and 11 civilians, and according to reports 9 of those killed were sleeping truck drivers who were trapped inside their vehicles when the rebels rolled sticks of dynamite underneath them". According to another source, eight soldiers and eight civilians were killed. 83/ At least 20 trucks were reported destroyed in the attack, including trucks from Honduras and Guatemala. 84/ The attack severed the Pan American Highway, the main road link among Central American countries. Several factories in the area along the Honduran border were also reported badly damaged by guerrilla forces. In the attack on the town of Santa Rosa de Lima, guerrillas were reported to have looted a bank and jewellery shops. 85/
115. The International Herald Tribune reported on 30 April that guerrillas had burned eight buses on the Pan American Highway in San Miguel, 70 miles east of San Salvador.
116. According to a report in El Mundo of San Salvador, 86/ the Armed Forces Press Committee announced on 2 May that at the Moncagua turn-off in San Miguel on the Pan American Highway, groups of subversives had stopped and destroyed six buses operating on interdepartmental and international routes. The report stated that, while one group of extremists were engaged in destroying the buses, others robbed the drivers and passengers of their money, clothing and other belongings, saying that it was not a hold-up but "payment of the war tax". According to the same

source, 87/ a number of subversives attacked the installations of the Duralita de Centro América plant situated at kilometre 27 on the San Salvador-Sonsonate road. The extremists stole 7,000 colones in cash and a vehicle belonging to the plant.

117. On 4 May, El Mundo reported officials of the El Salvador National Railway as stating that a bridge had been blown up and destroyed. As a result of this further attack on the railway system, it was estimated that railway traffic to the eastern part of El Salvador would be brought to a standstill for approximately 10 days.

118. The Salvadorian press reported that on 4 May, in the Department of Santa Ana, groups of extremists simultaneously set off four high-power bombs (according to another source, five bombs) which destroyed four or five posts and transformers of the electric lighting system. 88/ El Mundo reported that on the same date four bombs were exploded by extremists in the Department of San Vicente, destroying electric lighting installations. 89/

119. Terrorist action destroyed the Esso Apopa petrol station on the Quezaltepeque turn-off in the Department of La Libertad. The damage was estimated at some 300,000 colones or approximately \$120,000. 90/

120. The Salvadorian press 91/ reported that, according to the Armed Forces Press Committee, a peasant had been murdered by a group of extremists in the canton of Tecomatepe de San Pedro Perulapañ when he was attending the wake of a friend. The Press Committee had also reported the destruction of a motor rail car of FENADES (El Salvador National Railways) which was stopped by extremists in the canton of San Juan, Jiquilisco district, Usulután. The extremists forced the occupants to leave the car and, after having stolen tools and equipment, they exploded an incendiary bomb which destroyed it totally.

121. The guerrillas attacked a coffee plantation in the Department of San Miguel (some 150 kilometres east of the capital), burning 37,000 quintals of coffee ready for export. Damage was estimated at \$1 million. They also blew up a number of power pylons, blacking out the four eastern departments: Morazán, La Unión, San Miguel and Usulután. 92/

122. According to reports in El País, in a guerrilla attack on the town of Cinquera the guerrillas summarily executed at least 16 civilians and caused the death of about 100 civilians. In another town close to Cinquera it was reported that the guerrillas machine-gunned a bus carrying soldiers and peasants, killing 10 of them. 93/

123. According to The Times, a large guerrilla force dynamited a key bridge on the Pan American Highway, the main route through El Salvador. They also dynamited power pylons nearby, leaving 1.6 million people without electricity in eastern El Salvador. 94/

124. The microwave system in the telecommunications centre at El Pacayal in the Department of San Miguel was blown up by subversive groups on 6 June, cutting communications between El Salvador and the rest of Central America. The Salvadorian Government reported that in the attack modern telephone, telex, television and telegraph equipment was destroyed. 95/

125. It was reported in the international press that on 8 July 1983 guerrillas attacked the town of Nueva Grande, 62 miles east of San Salvador, where, according to inhabitants, "5 of the 16 people killed had their hands tied behind their backs, were then stood against a wall and shot". According to witnesses, "the five were civil guards who ran out of ammunition and surrendered". According to one source, the Defence Ministry was reported as saying that 12 civil defence guards were shot. According to one report, about 250 leaflets were reported to have been left behind signed by the Popular Liberation Forces. 96/

126. According to information provided to the Special Representative during his visit to the country by the National Association of Private Entrepreneurs, 97/ the estimated cost of the damage caused by guerrilla acts of sabotage during the period 1979 to 1983 was as follows: agricultural sector: 1,400,694,730.00 colones (\$US 560,277,892.00); commercial and industrial sector: 265,314,634.00 colones (\$US 106,125,853.60); economic infrastructure: 321,043,650.00 colones (\$US 128,417,460.00). This gives a total of 1,987,053,014.00 colones (\$US 794,821,205.60).

127. In a document given to the Special Representative, the FDR-FMLN 98/ "accepts responsibility for having carried out, as part of its military campaigns, acts of sabotage against communications, power supply systems, production of export goods, etc. ..., but denies that such activities are terrorist acts. They are military operations because such installations are in reality military objectives, although some of them appear to be civilian property". The FDR-FMLN maintains that roads, bridges, telecommunication systems and electrical installations "fall clearly under the heading of military objectives", within the meaning of Additional Protocol I to the 1949 Geneva Conventions and, although it recognizes that these activities are harming the economy of the country, it alleges that without doubt the group mainly responsible for the current economic decline is not the FMLN but the Salvadorian oligarchy. The document quotes an inquiry conducted by the Embassy of the United States in El Salvador according to which, the total cost of direct damage caused by the war (not only by the FMLN) amounts to \$US 446.3 million, private capital remitted abroad by the oligarchy has been approximately \$1 billion".

128. Furthermore, a representative of the FDR-FMLN explained to the Special Representative that, in the current state of siege, acts of sabotage against the economy constituted a means of expressing the views of those fronts.

V. THE SITUATION OF REFUGEES AND DISPLACED PERSONS

129. As in his previous reports, the Special Representative proposes to report on the situation of the many Salvadorian citizens who have been obliged to leave their homes, either in order to move to other parts of the country (displaced persons) or to seek refuge in other countries (refugees). The Special Representative considers that the violence prevailing in El Salvador is an important, but not the only, cause of these mass exoduses, since with regard to emigration in particular he agrees with ECLA 99/ that it is due not only to non-economic factors but also to economic factors.

130. According to information supplied to the Special Representative by the National Commission for Assistance to Displaced Persons (CONADES), 100/ displaced persons numbered 262,231 on 31 August. The Salvadorian Minister of the Interior informed the Special Representative of the measures taken by the Government to cope with the needs of these persons. In addition, the Special Representative visited a camp for displaced persons in the town of San Vicente; the camp receives assistance from a religious organization and the harsh minimum-subsistence conditions of the persons living there were readily apparent.

131. With regard to Salvadorian citizens who have sought refuge abroad, according to a letter addressed to the Special Representative by the Office of the United Nations High Commissioner for Refugees (UNHCR), 101/ as at 31 July 1983 there were 244,000 Salvadorian refugees in the countries of Central America and Mexico; of these 7,000 were in Belize, 10,000 in Costa Rica, 18,500 in Honduras, 120,000 in Mexico, 17,500 in Nicaragua and 1,000 in Panama. Of this total only 35,141 are reported to be receiving assistance. It is further stated in the letter that of this number 3,000 refugees entered the above-mentioned countries in 1983 and that the sources of the figures were governmental.

132. In addition, according to the report by Americas Watch, 102/ some 500,000 Salvadorians have travelled to the United States of America since October 1979.

VI. RESPECT FOR HUMAN RIGHTS IN THE COURSE OF ARMED CONFLICTS

133. The Special Representative considers it appropriate to recall that the Republic of El Salvador is a party to the four Geneva Conventions of 12 August 1949 and to the Additional Protocols of 10 June 1977. He considers that article 3 of each of the above-mentioned Conventions, together with Protocol II, which relates to the protection of the victims of non-international armed conflicts, are applicable to the conflict in El Salvador.

134. In this connection the report of the Americas Watch Committee 103/ states that when the regular armed forces of El Salvador use Cessna A 37 B Dragonfly aeroplanes against the zones controlled by the FMLN, no effort is made to minimize damage or to distinguish between military and civilian objectives, although the Committee acknowledges that because of the nature of the war in El Salvador it is unusually difficult to minimize damage to the civilian population.

135. More detailed information on this matter is supplied by Christian Legal Aid. 104/ According to this source, during the period January-June 1983 there were 37 large-scale military operations which very seriously affected sizeable groups of the civilian population, mainly non-combatants in the agricultural sector. It adds that certain mainly rural parts of the territory have been heavily bombed by air and by land, without any attempt at discrimination.

136. The report of the Americas Watch Committee 105/ further states that in 1983 "the Salvadorian security forces continue to persecute doctors and other health professionals suspected of providing medical care to activists in the FMLN or the

FDR or to other opponents of the Government. In this, the Salvadorian security forces persist in violating established principles of international humanitarian law that recognize the responsibility of doctors and other health professionals to provide medical care to all". The impression of the Americas Watch Committee was reiterated to the Special Representative in Mexico City by Mr. Miguel Angel Sáenz Varela, a Salvadorian and a member of the Professional Committee of El Salvador (COPROSAL).

137. With regard to the treatment by the Salvadorian military authorities of guerrilla fighters captured in combat, it is maintained in the document communicated to the Special Representative by the Political and Diplomatic Commission of the FMLN-FDR 106/ that "the armed forces of the régime are not accustomed to take prisoners of war". The Special Representative has heard this opinion expressed in other media. Nevertheless, when he asked the Salvadorian military authorities about the treatment of captured guerrillas, the reply was that after interrogation they were held in Mariona prison and that some of them had benefited from the amnesty act. The military authorities further stated that, in all events, the number of guerrillas captured in combat was not large because in most cases they would fight courageously until their last gasp. However that may be, the Special Representative wishes to state that at San Salvador Military Hospital he had occasion to visit two recently-captured guerrilla fighters who were receiving medical attention; both said that they were being well treated. The presence of these two guerrilla fighters in this hospital indicates that there are cases in which the Salvadorian regular army respects the lives of prisoners and even extends humanitarian treatment to them. Nevertheless, the Special Representative is unable to determine the number of such cases.

138. With regard to the treatment by the guerrilla forces of soldiers of the regular army captured in combat, the Special Representative drew attention in his previous report 107/ to various cases in which the FMLN released soldiers under the auspices of the International Committee of the Red Cross (ICRC). A representative of the Political and Diplomatic Commission of the FDR-FMLN told the Special Representative that the guerrilla forces were persisting in their policy of releasing captured soldiers, although recently such soldiers had not been released through ICRC, but directly and shortly after capture. According to the representative quoted, that change of policy was prompted by the difficulties faced by the FMLN in providing for the material needs of prisoners over a long period.

139. In any case, the Special Representative has received reports that during the months of 1983 which have already elapsed the guerrilla forces have on at least three occasions murdered members of the Salvadorian regular army who had surrendered.

140. According to the report of the Americas Watch Committee, 108/ the first incident of this nature occurred on 5 May 1983 at Cinquera Cabañas, where 16 members of the Civil Defence of El Salvador who had surrendered to FMLN forces were executed by them. A representative of the Political and Diplomatic Commission of the FDR-FMLN who gave an interview to the Special Representative in New York did not deny that at the place and on the date in question incidents of that nature had occurred, although he alleged in defence of the FMLN that the civilian population

had been subjected to severe repression and that moreover it had been lured to Cinquera by the army itself in order to deter the FMLN from attacking; in those circumstances, the FMLN had taken into account the sufferings and feelings of the civilian population.

141. According to the report by the Americas Watch Committee, 109/ a second case of execution by guerrilla forces of regular soldiers who had surrendered occurred at Quebrada Seca on 25 May 1983. The Special Representative had occasion to speak about this incident in the barracks in the town of San Vicente, near Quebrada Seca, with a captain and two sergeants - one of them a medical sergeant - of the United States military adviser corps. These men said that at 6 a.m. on 25 May a military truck arrived at San Vicente barracks from Quebrada Seca carrying three civilians who had been wounded in the ambush at Quebrada Seca, and that at 10 a.m. on the same day two more trucks arrived at the barracks with the bodies of 42 soldiers who were identified by their companions. The United States military advisers added that 33 of the bodies bore bullet wounds on the head with gunpowder marks which indicated that they had been shot at close range, and that their hands were tied. According to the testimony of the Salvadorian soldiers who collected the bodies, 25 of them had been laid in line and that, of course, all of them had been stripped of their regulation uniforms. A representative of the Political and Diplomatic Commission of the FDR-FMLN, speaking to the Special Representative, denied that the guerrilla forces had committed these acts.

142. Lastly, according to the Americas Watch Committee, 110/ "subsequent to the Americas Watch visit to El Salvador, and therefore not independently checked by us in connection with this report, newspaper accounts appeared on yet another series of executions by guerrilla forces following a battle. At Nueva Granada, guerrillas are said to have executed either eight civil defence members, according to Radio Venceremos, or five, according to townspeople".

VII. CONCLUSIONS

143. After examining and conscientiously evaluating the foregoing information, the Special Representative is in a position to offer some conclusions which reflect his personal convictions. It should be pointed out, however, that owing to the terms of his mandate and the nature of the investigation made, these convictions do not relate to concrete and specific acts or events, but to the general situation of human rights in El Salvador during the months which have elapsed in 1983. In fact, because of the massive character of the allegations of human rights violations in El Salvador during these months, the Special Representative has been unable to undertake the necessary investigations in order to try to ascertain the facts in each of the many cases about which he has received information.

144. With regard to economic, social and cultural rights, the Special Representative considers that, generally speaking, the situation described in his previous reports 111/ remains unchanged, although in this context he takes into account the serious economic difficulties being experienced by El Salvador, owing, inter alia, to the situation of generalized violence. In any event, the Special Representative considers that the situation with regard to these rights cannot

improve overnight but only through a gradual process of reforms, including agrarian reform, which requires among other things a climate of genuine social peace. The Special Representative also notes with concern that the systematic attacks by the guerrilla forces on the economic infrastructure of the country, even though portrayed as being aimed at military objectives, seriously jeopardize the future enjoyment by the Salvadorian people of economic, social and cultural rights of particular importance.

145. With regard to civil and political rights, the Special Representative is morally convinced that, regrettably, during the months which have elapsed in 1983 and precisely because of the continuing serious civil conflict and the situation of armed confrontation afflicting El Salvador, serious, massive and persistent violations have continued; particularly alarming and disturbing are the large number of political murders of non-combatants. In his previous report, 112/ the Special Representative concluded that the number of murders of this kind committed in 1982 showed a decline of 50 per cent in relation to the preceding year. In the present report, and given the fact that the figures must be considered with due circumspection, the Special Representative can only say about the months already elapsed in 1983 that according to some sources this trend has been maintained and that according to others the decline has been accentuated. In any event, in view of the magnitude of the figures communicated for these months in 1983, it may be concluded that the situation with regard to human life in El Salvador continues to be very serious. As to responsibility for the violation of civil and political rights, the Special Representative considers that it must lie with members of the armed forces and security bodies, paramilitary organizations of the extreme right presumably connected with, or tolerated by, members of the armed forces and security bodies, and left-wing guerrilla organizations; however, there are indications that the violations involving attacks on the life, physical integrity, liberty and security of persons are largely attributable to members of the State apparatus and violent groups of the extreme right, but also to the guerrilla organizations, whereas the acts of sabotage against public and private property are mainly due to the last-mentioned organizations.

146. The Special Representative continues to believe that the capacity of the Salvadorian judicial system to investigate and punish violations of human rights is notoriously inadequate. The large number of violations reported is not in reasonable proportion to the figure for proceedings instituted. Moreover, such proceedings are extremely slow, as is demonstrated by the fact that in the few proceedings initiated in the most notorious cases no action has been taken beyond the investigation phase or no sentence has been pronounced. The Special Representative takes note of the difficulties which exist in this connection and of the attempts to reform the system of criminal justice; he considers these attempts laudable and hopes that they will be reflected in effective and immediate practical results.

147. With regard to the continuing armed clashes between the regular army of El Salvador and the guerrilla organizations, the information received causes the Special Representative to take the view that, although in some cases both sides have extended humanitarian treatment to captured combatants, providing them with medical attention and even releasing them, on other occasions their conduct has not

conformed to the most basic requirements of humanitarian law applicable in armed conflicts, as in the particular case of indiscriminate attacks on the civilian population by the armed forces or the murder by the guerrilla organizations of soldiers who have surrendered. Because of the difficulty of securing information on this matter, the Special Representative is for the moment unable to reach more precise conclusions.

148. As was the case last year, the Special Representative has noted in senior authorities in the Republic of El Salvador a sincere desire to improve the human rights situation in this country and has even found that this desire has in some cases clearly manifested itself in practice; such manifestations have included the promulgation and execution of the Amnesty and Security of Citizens Act, the establishment and activity of the Human Rights Commission, and the efforts to establish civil peace through dialogue with the left-wing opposition. These achievements are commendable in themselves and the Special Representative wishes to place this on record, although taking into account the overall situation with regard to respect for human rights, he considers that there is an appreciable gap between these intentions and the ability to achieve results, a gap which has very complex causes and which probably reflects the existence of various political trends and leanings within the bodies exercising power in El Salvador.

149. Lastly, there is no doubt that, in accordance with the 1962 Constitution declared in force by Decree No. 3 of the Constituent Assembly and the international instruments binding on El Salvador in respect of human rights, the authorities of the Republic cannot be denied the power to adopt emergency measures in the light of the violence prevailing in the country. But neither these instruments nor the most elementary moral imperatives rooted in any normal conscience would allow inprescriptible fundamental rights of the individual, including in particular the right to life, to be violated under the pretext of emergency measures.

VIII. RECOMMENDATIONS

150. In view of the concern expressed by the Government of El Salvador and other interested sectors at the violations of human rights, and bearing in mind in particular the quintessential character of the right to life and the fact that violations of that right are irreversible, the Special Representative again recommends most emphatically that both sides should urgently take adequate steps to put an end to attacks on human life.

151. The Special Representative further considers that the establishment of civil peace is a vital prerequisite for respect for civil and political rights and for the gradual improvement of the situation with regard to economic, social and cultural rights. He therefore once again urges the Government of El Salvador and the left-wing opposition to take appropriate measures in order to bring peace to the country. In this connection, both sides should endeavour to ensure that in as short a time as possible the dialogue initiated provides means of saving the lives of Salvadorian citizens and establishing in El Salvador peaceful, democratic and pluralist coexistence.

152. With regard to the future elections, the Special Representative recommends that the Government of El Salvador should adopt measures which will enable all parties to participate without distinction, in such a way that in particular the lives, physical integrity and freedom of all candidates, especially those belonging to the left-wing opposition, are safeguarded.

153. In addition, the Government and political bodies of El Salvador should be recommended to adopt the following measures:

(1) The repeal of all legislative and other measures that are incompatible with the rules enunciated in the international instruments binding on the Republic of El Salvador in respect of human rights, and in particular the repeal of Decree No. 507 of 3 December 1980 containing the special law on procedure applicable to the offences provided for in article 177 of the 1962 Constitution;

(2) The exercise by the Government of real and effective control over all members and units of the armed forces and security bodies and over all types of armed individuals and organizations, in order to ensure that they behave in conformity with the rules enunciated in the international instruments binding on the Republic of El Salvador in respect of human rights, including the Geneva Conventions of 1949 and the 1977 Protocols;

(3) The adoption by the Government and competent authorities of El Salvador of relevant measures to prevent, investigate and punish rapidly and effectively violations of human rights, including the possible dismissal of civilian officials and heads, officers, non-commissioned officers and other members of the armed and security forces who have committed such violations. These measures should include the reform of the system of criminal justice, both substantive and procedural and with regard to the investigation of facts, in order that criminal violations of human rights may not go unpunished;

(4) The execution and extension at all levels of mass campaigns to promote respect for human rights;

(5) The continuation and extension in a genuinely human, social, democratic and pluralist spirit of the necessary administrative and social reforms, including agrarian reform, so that the people of El Salvador may enjoy to the fullest extent possible the economic, social and cultural rights proclaimed in the international instruments binding on the Republic of El Salvador.

Notes

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2/ A/37/611, annex. Interim report on the situation of human rights and fundamental freedoms in El Salvador, submitted to the General Assembly on 22 November 1982 by Professor José Antonio Pastor Ridruejo in fulfilment of the mandate conferred under Commission on Human Rights resolution 1982/28.

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- 21/ The Guardian, 9 June 1983.
- 22/ The Guardian, 13 August 1983.
- 23/ The New York Times, 28 September 1983.
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