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AMERICAS WATCH

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May 29, 1987

★
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Mr. David Shark
Office of GSP Subcommittee
Office of US Trade Representative
600 17th St. NW
Washington, DC 20506

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Dear Mr. Shark:

This is to specify that the Americas Watch requests a review of the labor rights situation in El Salvador pursuant to Section 502(b)(8), and 502(c)(7) which state, respectively,

"...the President shall not designate any country a beneficiary developing country under this section ..if such country has not taken or is not taking steps to afford internationally recognized workers right to workers in the country (including any designated zone in that country.)

"In determining whether to designate any country a beneficiary developing country under this section, the President shall take into account -- whether or not such country has taken or is taking steps to afford to workers in that country ... internationally recognized worker rights."

Sincerely,

Holly Burkhalter

★
Juan E. Mendez
DIRECTOR
WASHINGTON OFFICE

Holly J. Burkhalter
WASHINGTON
REPRESENTATIVE

Jemera Rone
COUNSEL



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PETITION TO THE US TRADE REPRESENTATIVE TO REVIEW THE LABOR RIGHTS RECORD OF EL SALVADOR

May 29, 1987

The Americas Watch, a New York-based human rights monitoring organization, hereby requests that the Office of the Trade Representative review the GSP status of El Salvador pursuant to Subsections 502(b) and 502(c) of the Trade Act. The particular criteria we believe to be applicable are the right of association and the right to organize and bargain collectively. El Salvador's labor record should be reviewed because government actions, particularly killings, jailings, and harassment of labor union members and leaders impede the right of Salvadoran workers to organize freely. A statement of why we believe this to be the case follows:

Salvadoran labor unionists have been victimized and targeted by death squads affiliated with the armed forces or by uniformed soldiers themselves. Over 50,000 Salvadoran civilians have lost their lives in the past seven years, in the course of severe government repression and counterinsurgency warfare. According to the Salvadoran labor confederation FENASTRAS, 8,239 Salvadoran trade unionists were either murdered, abducted, disappeared, or wounded between 1979 and 1981. 264 members of ANDES, the Salvadoran teachers union, were killed, 44 disappeared, and 33 were arrested as political prisoners from 1979 to 1983. Government decrees dissolved other unions, such as the Electrical Workers Union (STECEL) and jailed its members. Peasant organizations are also victimized: 18 bodies were found of an estimated 74 members of the Indian peasant union ANIS who were murdered by government troops in February 1983, because of a land dispute with a local landlord.

Abuses continued even after the election of a civilian president in 1984. According to a university source, in the first half of 1985, there were five unionists assassinated, nine captured, one disappeared and three physically attacked.

* A Summary of recent abuses against labor:

-- On May 2, 1987 the decapitated body of Antonio Hernandez Martinez, Secretary General of the National Association of Farmworkers, ANTA, was found. According to the union, he had been abducted by soldiers several weeks previously. The human rights office of the Catholic Archdiocese of San Salvador confirmed the union's account.

-- In March, 1987, 350 members of the Poultry Workers Union struck for higher wages. Soldiers occupied two farms, and searched and forcibly evacuated the workers. Under military pressure, the unionists accepted a settlement.

-- On May 1, 1987 Edwin Vargas, a member of the Coffee Industry Union and Julio Garcia Lucero, a member of the Bakers Union were detained by armed men in civilian clothes. Their union claims that they are being held by the 2nd Brigade of the army in Santa Ana. The government denies holding the men; they remain disappeared. DSS
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-- On March 26, 1987, three members of the Salvadoran Telecommunications Workers Association (ASTTEL) were jailed. No evidence was presented against them other than coerced confessions of stealing used cables. The union has said that the action was taken to harass union activities.

-- On March 23 and 24th, 1987, Construction Industry Workers president Ladislao Ramirez was detained by National Police on the day of a labor and peasant union march to commemorate the death of Archbishop Oscar Romero. He was released without charges.

-- On March 23, 1987 Leonardo Beltran, secretary of the Candy and Pasta Industries Union (SIDPA) was taken from his home by soldiers. Other SIDPA unionists struck to demand his release. Beltran was interrogated by the Army before his transfer to the National Police. He was released without charges on March 26.

-- In April 1986, 4 members of the Transport and Related Industries Union (STINTS) were taken into custody by plainclothes National Guardsmen. One of the men was reported to have been tortured. A fifth trade unionist, the secretary of the Union of Urban Housing Workers was detained in March 1986 and later released.

-- On May 6, 1986, Jose Aristides Mendez, Secretary General of the postal workers association ANEPES, was shot and killed during a labor dispute. The killings were blamed by the government on a rival union, SUCEPES, and two SUCEPES members were charged with the crime and imprisoned. SUCEPES denounced the detentions as a "smokescreen" and the judge who investigated the case against them found that there was no reliable evidence against them. They remain in jail nonetheless.

-- On July 7, 1986, Febe Elizabeth Velasquez, Secretary of FENASTRAS (now a member of the Executive Committee of the UNTS) was captured by the Treasury Police. FENASTRAS organized a march on her behalf and President Duarte ordered her release as a goodwill gesture to the union on July 11th.

-- Following their participation in a May 1, 1987 march, three members of ASIA, the Salvadoran Democratic Association of Indians, were reportedly detained by the Arce Battalion while returning to their home in Sociedad, Morazan. They were released after 3 days.

Peasant unions and cooperative movements have been particularly targeted in the past year:

-- The treasurer of the San Carlos Cooperative was assassinated along with three other people on April 8, 1987 when armed men in civilian clothes threw a grenade into the house of the treasurer, Daniel Ortiz. Prior to the killing, 12 union officers and members had been detained and released.

-- Carlos Alas, a member of the Agua Zarca Cooperative who was detained in October 1986 was released, but Daniel Cuellar, another cooperative member arrested with him remains in detention. According to Cuellar, the soldiers who interrogated him when he was arrested told him that all FEDECOOPADES members were "terrorists" and said that they were going to get rid of all FEDECOOPADES cooperatives. (Interview with Americas Watch staff, May 1987.)

-- On February 21, 1987, Jose Alfonso Lopez Ramirez, local secretary of his cooperative, affiliated with FEDECOOPADES, was taken from his home and has since disappeared. Diss 46

-- Seven members of FEDECOOPADES were arrested and detained by the National Police in December 1986. (They have since been released.)

-- 14 members of FEDECOOPADES were arrested and held by the army on March 22, 1987. On March 16, 1986, three members of another cooperative were arrested. On March 25, 1987 the leader of the cooperative, Jose Luis Calderon, was detained by police. Although most of the cooperative members were later released, one remains disappeared. Diss 47

-- On February 6, 1987, soldiers from the Atonal Battalion arrested 11 civilians, including the treasurer of the El Nuevo Agricultor cooperative, and stole 10,000 colones. Although those arrested were released after several days and the money was returned, the cooperative treasurer, president, and other cooperative leaders were intimidated by the soldiers and have left the area.

No officers or soldiers guilty of abuses against labor unionists have ever been convicted and punished: Abuses against

trade unionists and others continue in El Salvador in part because the government has never taken judicial action against any member of the armed forces who committed abuses against Salvadoran civilians. (Several National Guardsmen convicted of killing 4 U.S. churchwomen were convicted and sentenced.) One important case involving the assassination of 2 U.S. labor advisors and a Salvadoran peasant union leader in 1981 is still unresolved, in spite of abundant evidence of military involvement in the deaths. Although the "triggermen" in the killings have been convicted, the intellectual authors of the crimes go unpunished. In 1984, the Supreme Court cleared a Salvadoran Army officer who ordered the killings. According to the New York Times of November 19, 1984, "In Washington, a State Department official said American investigators believed that 'substantial evidence exists against Lieutenant Lopez Sibrian' and that there was 'no reasonable basis' for the Salvadoran Supreme Court's decision."

→ Impediments on the right to organize and participate in union activity: In spite of the fact that the Salvadoran constitution and the labor code grant the right to organize and form a union, various statutes make union activity difficult. For example, previous authorization is required before strikes are legal. Accordingly, most strikes are not legal, and are frequently broken up, and the participants harassed, jailed, or fired. "Sympathetic" strikes are banned under Article 207 of the labor Code, as is trade union participation in "of any political party". Peasant unions were not legal until the 1983 constitution was enacted but the provision granting agricultural workers the right to form unions has not been incorporated into the secondary legislation, which, under the constitution, was to have been enacted within one year after the constitution came into effect.

Emergency decrees legalize strike breaking, arrests, and military occupation of union facilities: On November 22, 1985, President Duarte made a major statement on labor and the economy and announced government measures to prevent work stoppages and strikes. The measures included the use of the security forces to prevent occupation of buildings and removal of striking workers, the dismissal or suspension of strikers, and the possible militarization of public services. Even before the announcement, however, the military had frequently been used to break up labor strikes and demonstrations, such as incident in June 1985 when hundreds of army and policemen stormed and occupied a hospital where union workers were on strike.

More recently, on December 17, 1986, coffee pickers affiliated with SITAS and FENOCOA began a work stoppage demanding better pay. Soldiers arrested six union leaders, militarized the area and ended the work stoppage. During a June 1986 strike at a clothing factory by members of the IUSA (United Industries of El Salvador) union, the National Guard attempted to enter the factory and roughed up several women workers, one of whom was pregnant, who resisted them. According to the

Salvadoran newspaper El Mundo, June 6, 1986, a group of soldiers and National Guardsmen entered the plant, brandished the weapons, and threatened to fire tear-gas. Striking workers were not permitted access to food and water or toilet facilities. Five women strikers were hospitalized. The demoralized workers left the factory, and hundreds of IUSA workers were subsequently laid off.

* * *

Supplemental information on labor rights abuses is attached.

Settling into Routine

Human Rights Abuses
in
Duarte's Second Year

May 1986



*Eighth Supplement to the Report
on Human Rights in El Salvador*

responsible for the disappearance, capture or assassination of any leader or member of the National Unity of Salvadoran Workers (UNTS).¹¹⁵

1. Human rights abuses against and harassment of the Salvadoran labor movement

The Human Rights Institute of the Central American University Jose Simeon Canas (UCA) has compiled the following information about human rights abuses against and harassment of the Salvadoran labor movement from September 1985 to mid-February 1986, as of March 2, 1986:

September

National Police

Rafael Antonio Ayala, SETA, FENASTRAS member, beaten

National Police

Rosa Emelina Leiva, FESTIAVTSCES member, captured; released October

Treasury Police

Manuel Sanchez, SNTITSC, FENASTRAS, secretary general of local: house search

National Police

Luis Armando Genoves, ANDES, former member Executive council, detained 9 days

Treasury Police

Pedro Pablo Dubon and Maria Isabel Torres de Dubon, ANDES, captured and held two and a half months

Treasury Police Carlos Humberto Taboada
Represa, ATRAMSA, captured,
still in jail

October

Treasury Police Mario Antonio Rosales
Argumedo, ATRAMSA, cap-
tured and held three months

Treasury Police Jose Pedro Rivera Castillo,
ANDES, captured and still jailed

National Guard Martin Quintero Garcia, ANTA,
captured and held for three
months

Treasury Police Victor Manuel Martinez,
SUCEPES president, captured
and held 10 days

Treasury Police Purificacion Chicas Villalta,
SUCEPES, captured and held
one day

November

National Police Eleuterio Hernandez Iraheta,
SETA, secretary of Finances,
captured and held 8 days

National Police Jose Americo Fuentes, SETA,
captured, held 8 days

Treasury Police

Humberto Centena, ASSTEL,
Secretary of National and
International Relations, captured
and held one day; sons Jose
Vladimir Centeno and Jaime
Ernesto Centeno captured and
still held, accused of notorious
kidnapping of Col. Avalos

National Police

Mauricio Cruz Alvarez,
ASSTEL, International Calls,
Secretary General, released after
two days

National Police

Sergio Rodriguez Rodas,
ASSTEL, International Calls,
Recording Secretary, released
after two days

National Police

Juan de Dios Montes Escamilla,
ASSTEL, international Calls,
released after two days

National Guard

Sara Gomez de Martinez,
ANDES, husband Mario Alberto
Martinez, three children ages 16
to 18; released at various times a
few weeks or months after
capture

December

Freddy Merlos, STISS, captured
with wife and son, released soon
after

Treasury Police Daniel de Jesus Moline, ATRAMSA, Treasurer, released in same month

Treasury Police Santos Mateo Melendez, Association of Health Ministry Workers (CTS), still held

January

Second Brigade Luis Humberto Ramirez Gonzalez, SICAFE, Secretary of Conflicts, Subsection Beneficio INCAFE, still jailed

Second Brigade Oscar Eduardo Orellana Barrera, SICAFE, Secretary General, Subsec., Empresa Beneficio Montealegra, still jailed

Sofia Irene Lopez de Orantes, SICAFE. Beneficio Capex, still jailed

Sixth Detachment, National Police Jorge Mendez Marquez, SICAFE, Beneficio Buenavista, still jailed

Treasury Police Jose Domingo Ayala, Sindicato de la Construccion Gen. de Trabajadores, SGTICSCES, still jailed

February

Treasury Police Aminta Nohemy Santamaria Garcia, Asociacion of Health Ministry Workers, (CTS), still jailed

Treasury Police Gregorio Aguilon Ventura, Sec. Gen. of Union of Bread Industry, still jailed

E. Freedom of Assembly

The December 1985-January 1986 March for Peace in Central America, held by a group of Central Americans joined by Europeans and North Americans, was set upon by a mob in Costa Rica; received with open arms in Nicaragua; refused permission to enter Honduras; and harassed by the military at every step in El Salvador.

The foreigners attempting to enter El Salvador in early January to take part in the march had little success in getting in. The march's Salvadoran supporters, however, had prepared to conduct their own march for peace within El Salvador, with or without the marchers arriving from abroad.

The harassment of this Salvadoran march by the military was reported by UPI:

Some 400 participants in the "International March for Peace" began their return trip to the capital following two military commanders' refusal to allow the activists to stay in their provinces.

The marchers, including about 150 children and elderly participants, slept in their buses or on the Panamerican Highway outside the City of San Miguel 70 miles east of the capital after military commanders refused to allow them to disembark.

WAITING FOR JUSTICE

TREATMENT OF POLITICAL PRISONERS
UNDER EL SALVADOR'S DECREE 50

MARCH 1987



INTERNATIONAL HUMAN
RIGHTS LAW GROUP

Appendix A

1. Cooperativists

Daniel Cuellar is the President of the Agua Zarca Cooperative, and a member of the cooperative federation, FEDECOOPADES. His testimony appears below. (Interviewed, Mariona Prison, October 23, 1986)

On October 4, 1986, Daniel Cuellar, 51, and another member of Agua Zarca and FEDECOOPADES, went together to Sonsonate. Shortly after their arrival at the Sonsonate bus terminal around 7:30 a.m., they were captured by five soldiers in civilian clothing. Daniel Cuellar was thrown onto the floor of a vehicle face down, blindfolded, a foot was placed on his neck and he was kicked in the ribs. He was taken to a basement near the Sonsonate army base where he was kept for the next 10 days. (Applicable regulations required that he be turned over to a security force after seventy-two hours.)

During that time, he says, "They treated me like an animal. I heard other people crying out. They said if I didn't tell them everything, they would kill me because nobody knew where I was." He was hit in the stomach. They grabbed him by the throat and by the hair and hit his head against the wall. For two days he was forced to stand with his arms up behind him. During those two days they constantly came to throw water on him. He was kept handcuffed and blindfolded and repeatedly picked up by the hair and hit. They threatened to capture and kill his family if he didn't tell "everything."

During the interrogation period, he was kicked in the stomach. His interrogators tightened their hands around his throat, choking him. He was kicked in the testicles and in the

chest. His hands were cuffed behind him and his arms forcibly lifted from behind.

He was hardly allowed to sleep during the entire 10 days. When he could no longer endure the pain, he asked them to go ahead and kill him. His eyes still bother him from being tightly blindfolded. During the 10 days he spent in this basement, the blindfold was only removed so that they could take his picture and once to bathe him.

For three days he was not given food. After that, food came once a day. Sometimes they would say, "Today you don't have the right to eat." One corporal took pity on him and brought him food and water when no one else was around. When he was being forced to stand with his arms up behind him, this corporal would also let him sit down when the others were not around.

The interrogators asked about leaders of FEDECOPADES and about another member of FEDECOPADES, arrested on October 12. They said they had information about all the FEDECOPADES leaders. He insisted that FEDECOPADES was a humanitarian institution trying to help campesinos develop cooperatives and that he could not turn in innocent people. His interrogators said he was a "big terrorist." They asked him about the cooperative promoters and asked who coordinated them. He said the role of a promoter was to do perfectly legal work related to the cooperatives and cooperative education. It seemed to be a major crime to be a cooperative president and education promotor and to be a member of FEDECOPADES. They insisted that FEDECOPADES was a project of the FPL (Popular Forces of Liberation). The soldiers said they had information that all FEDECOPADES leaders were terrorists and that they were going to get rid of all FEDECOPADES cooperatives.

They questioned him about his role in urging people to attend the October 4 UNTS (National

Unity of Salvadoran Workers) march in favor of resuming the dialogue between the Government and the FMLN-FDR. He said that as a cooperative promotor he had brought people for the march because it was in favor of a just cause - ending the war. His interrogators insisted that the march was to support the terrorists.

During the 10 days he spent with the soldiers in Sonsonate he was never permitted to talk to the ICRC or representatives of any other humanitarian institution. He was forced to sign some papers but he does not know what they said.

After 10 days he was transferred to National Police headquarters in Sonsonate. They took down some basic information there and then transferred him to the National Police in San Salvador. He was held in Santa Tecla because National Police headquarters downtown was seriously damaged in the October 10th earthquake. In Santa Tecla he was interrogated through the night and the following day. They asked him about his work in FEDECOPADES. He again insisted that it was a humanitarian institution designed to help campesinos in cooperatives. They said FEDECOPADES was encouraging people to take up arms and that they were just terrorists. He was not beaten at the National Police, but they threatened to give him more physical abuse if he did not admit the accusations they made. While he was in Santa Tecla, he was able to speak to the ICRC representative and tell how he had been treated.

On Tuesday, October 21, someone read aloud the charge against him: that he was an active collaborator with the FPL. He was told to sign this document after which he was transferred to Mariona Prison where he is being held as a political prisoner.

NOTE: Mr. Guellar was held by military

forces for seventeen days (although Decree 50 only allows for a fifteen-day period of administrative detention). He remains in Mariona Prison as of March 1, 1987.

2. Unionists

Four leaders of the National Transportation Union were detained in March and April 1986. Below are testimonies of two of these men. (Interviewed, Mariona Prison, April 17, 1986.)

a. Maximiliano Castro Navas -- Mr. Castro Navas, 39 years old, is Secretary of Organization of the National Transportation Union. He was arrested on April 2, 1986, at 9:30 a.m. near the Mercado Cuartel in downtown San Salvador. His captors were six National Guardsmen dressed in civilian clothes, who threw him into a microbus with polarized windows. He was thrown on the floor, blindfolded, handcuffed and taken directly to the headquarters of the National Guard.

They began the interrogation by asking him what organization (of the FMLN) he belonged to. They accused him of being involved in the kidnapping of Duarte's daughter, the burning of the Statistics and Census office, and the death of a policeman. He denied all their accusations.

He has been a member of the National Transportation Union for 18 years and has served as a union leader during most of those years. He has previously been arrested on four occasions: by the National Police in 1977 (he was held for over one month), 1979 (a few days), and 1980 (2 days). In 1982 he was picked up by the Treasury Police and held for 10 days. All of these arrests were related to labor disputes. He has never been convicted of anything.

His captors said that the unions were manipulated by the FMLN. For three days and two

nights, he was kept blindfolded, handcuffed, standing, without food or water, and without being allowed to go to the bathroom. On three occasions his interrogators beat him -- on his neck, shoulders, back and stomach -- for about 15 minutes at a time. They also threw him against the wall. Two of these beatings took place during the first three days and nights. The sleep deprivation led him to have terrible hallucinations. The interrogations were constant during those first days. His legs went numb from standing and he suffered from extreme thirst. To keep him awake, they made noises and rattled the door to the cell. Finally, he fainted and they took him to a cell to give him food and water. He was allowed to rest one night. They they again made him stand.

The day after he fainted, he saw a nurse because he was having kidney pains (from the lack of water). He was given four pills and allowed to have some water. After that he spent five more days without standing and without eating or drinking.

On April 14 he was transferred to Mariona. The day before he was transferred, he had to sign a declaration that he wasn't allowed to read. On April 14, he was finally able to talk to the (government) Human Rights Commission and the ICRC. This was 11 days after his capture. Previously, he had been aware that they were in the building, but they had not been allowed access to him.

NOTE: Mr. Castro Navas was released in the prisoner exchange of February 2, 1987.

b. Antonio Campos Mendoza -- Mr. Campos Mendoza, age 54, has been a union member and leader for many years. He was on the Transportation Union's governing board and, at the time of his arrest, was a local leader of Route 28, a San Salvador bus route.

He was arrested on Friday, April 4, at 10:20 a.m. while at work. His captors were four National Guardsmen in civilian clothes who identified themselves as Guards and told him to get inside a white pickup, face down.

They searched his house the same day and found two books published by the Catholic University of Central America that someone had loaned him for his daughter's use in school. Campos Mendoza was told by an intelligence officer of the Guard that "With these books, you'll go to jail for 30 years."

His interrogation began when an interrogator came up behind him and said, "Now we will begin work," and hit him hard on both ears with the palms of his hands. His ears are still ringing.

His interrogation was conducted while he was blindfolded and under a hot light. He sweated but was permitted no water. They told him that he could have water and anything else he wanted, including money, if he confessed to certain crimes. They accused him of the kidnapping of Ines Duarte and of planning a bank robbery. He said he was innocent of everything.

In National Guard headquarters he was kept in a small cubicle with a mirror for eight days, from April 4-11. During that time, he was not provided food or water. He was kept standing the whole time, and his feet swelled up painfully and turned almost black. He still has a hard time walking.

He was threatened with death as well. They showed him a machete and told him they would use it to cut his throat, as they have cut the throats of others. They threatened that they would take him and his family together to the port of La Libertad and cut their throats -- they would all die together.

He did not see the International Committee of the Red Cross until April 16, two days after he arrived in Mariona Prison.

NOTE: Mr. Campos Mendoza was released on February 2, 1987 as part of a prisoner exchange.

3. Human Rights Workers

Lengthy portions of testimonies given by two members of the Nongovernmental Human Rights Commission of El Salvador (CDHES), on June 12, 1986, are included below because they give substantial information about current interrogation practices.

a. Miguel Angel Montenegro -- Mr. Montenegro, 26, along with Reynaldo Blanco, was captured on May 29, 1986, at 5:20 p.m. when they were leaving the CDHES office. Two microbuses pulled up with armed men dressed in civilian clothes. They were immediately handcuffed and kerchiefs were put over their eyes. Then they were forced to lie down on the ground and were searched. Their captors communicated by radio saying that they had them. Then they said "Put them in quickly so nobody sees them." They were taken to what they later learned was the headquarters of the Treasury Police.

At the Treasury Police headquarters, Montenegro was required to take off all his clothing and was given shorts to wear. He was handcuffed and blindfolded. He was asked his name, where he worked and his pseudonym. He asked what security force was holding him and his captors said he would find out later.

He was taken to an interrogation room and asked for his personal data. They said they knew he belonged to the FPL (Popular Forces of Liberation) and said he should admit the charge

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