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United States Department of State

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Washington, D.C. 20520

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MAY 13 1991
U.S. DEPARTMENT OF STATE

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Dear Senator Cohen:

I am writing in response to your letter of March 27, 1991, which expresses the concerns of your constituent about the shutdown of a United States Army Helicopter, respect for human rights, and the fairness of the March 10 legislative and municipal elections in El Salvador.] PP

As mentioned in our previous response to Ms. Roberts, the helicopter was flying low to avoid surface to air missiles and was subsequently hit by small arms fire. Although the FMLN may not have recognized the helicopter as a United States Army helicopter in the air, once down there was no mistake that the crewmen and the aircraft were American. The aircraft was marked and the airmen were wearing United States uniforms. One of the crewmen was over six foot tall with blonde hair and the other crewmember was Black -- there are almost no Blacks in El Salvador. Finally, neither crewman spoke much Spanish.

As was also stated in our previous response, the helicopter was following a route considered most likely to avoid entering zones of major military conflict. United States military helicopters serving in El Salvador have no role in combat nor any role in supporting Salvadoran armed forces. Therefore, the helicopter would not have been engaging in combat activity as the FMLN initially stated and on January 3, the FMLN retracted its claim that the helicopter had opened fire at people on the ground.

The Administration deplors equally the savage murder of Jesuit priests and of American noncombatants and insists that justice be done in both cases. With regard to the Jesuit case, the United States has repeatedly informed the Salvadoran Government that we will not be satisfied with the outcome of this case until all those responsible for this heinous crime are brought to justice. The Administration continues to follow developments in this case very closely and expects the Salvadoran Government to investigate all relevant facts. The United States Government is doing everything possible to ensure that the murders are professionally and thoroughly investigated and that the perpetrators are convicted and punished.

EXCISE

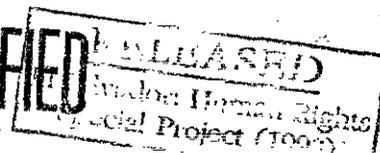
The Honorable
William S. Cohen,
United States Senate.

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9/21/93 CC/11/SIO

Department of State IS/PFC/GDR El Salvador GP Date CC:1 Wd 1 MAY 16
Declassified under FOIA () in part; X in part;
portions withheld classified () in part; X in part;
law enforcement () in part; X in part;

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The Administration insists on the same justice in the case of the three U.S. servicemen whose helicopter was shot down by FMLN guerrillas in El Salvador on January 2, 1991. As far as the United States is concerned, there are only two possible venues in which this case can be tried: either the Salvadoran or United States constitutional legal system. The United States Government will not accept judgement passed down by FMLN guerrillas on their own members. In the Jesuit case, the FMLN and world public opinion have insisted that the Salvadoran Armed Forces could not investigate itself. The FMLN must be held to the same standard.

When the President determined on January 15 that the portion of military assistance withheld from El Salvador should be restored, he did so in response to FMLN actions. The President determined that the FMLN had violated the conditions set forth in the legislation, in particular, attacks on civilian targets during the November-December military offensive and the importation of significant quantities of lethal military assistance. However, in making this decision he ordered that obligation of the money to El Salvador be delayed for sixty days. The President called for intensive and accelerated negotiations to achieve a political agreement and a cease-fire by March 15. While the negotiations narrowed the gap, the FMLN was not interested in intensifying and accelerating the process in order to reach a cease-fire at the earliest possible date.

Now that the sixty day deadline has expired, the United States Government may decide to release the portion of withheld military assistance to the Government of El Salvador. In making a decision, the United States Government will take into account the security requirements for the defense of the democratically elected Government of El Salvador, the progress made toward a thorough and professional investigation and prosecution of the Jesuit murders, and the progress in negotiations toward a political agreement and a cease-fire.

Human rights continue to be a major concern to this Administration. El Salvador has made progress in the respect of human rights during the 1980s, but we are also aware that more needs to be done, and we continue to press the government to that effect. Human rights violations by members of the military are now the exception rather than the rule and represent unauthorized behavior rather than an institutionalized activity. This is a result of an increased training emphasis on respect for human rights. The process of change in El Salvador remains incomplete, but progress has been made towards reducing human rights violations and achieving political maturity while keeping the extremes at bay.

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With regard to your constituent's concerns about the March 10 elections, the Organization of American States, Freedom House, the Southwest Voter Research Institute, the Center for Democracy, and the National Republican Institute sent a total of 393 people to observe elections in 260 municipalities. The head of the Organization of American States (OAS) observer mission issued a statement which says that no "notorious" cases of intimidation or coercion were reported and that reported irregularities were insufficient to affect the voting. The most serious problem occurred in Santa Tecla, a municipality south of San Salvador, where the ballots for mayor were printed without the Democratic Convergence party symbol. The Central Elections Council (CCE), OAS observers, and others settled on rescheduling municipal elections in Santa Tecla for March 17, allowing the CCE time to print new ballots. Voting for assembly deputies, however, went according to plan in this municipality. In essence, voting took place in a tranquil climate.

The Administration firmly believes that the road to peace lies through negotiations. Therefore, the United States fully supports the UN-mediated negotiations between the Government of El Salvador and the guerrilla forces of the FMLN. We provide military assistance to the Government of El Salvador in the hope that the FMLN will recognize the futility of continued aggression and negotiate in earnest for an immediate cease-fire and a peaceful settlement to this decade-old war.

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Your ~~constituent~~ can be assured that the Administration will continue to do everything in its power to ensure justice in the Jesuit case and to ensure the respect for human rights by both sides in El Salvador. We will continue to press both sides to negotiate in earnest for an immediate cease-fire and peace. A peaceful end to the conflict in El Salvador is a goal that we all share and support.

Thank you for your interest in El Salvador and I hope this letter has been responsive to the concerns of your constituent.

Sincerely,

of
Janet G. Mullins
Assistant Secretary
Legislative Affairs

Enclosure: Correspondence Returned.

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El Salvador Human Rights
Special Project (1998)

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