

**Challenges to Peace and the Electoral Process:  
Report of a Congressional Delegation to El Salvador**

**December 6, 1993**

From November 19 to 24, 1993, a delegation of U.S. Congressional aides, academics, and an independent consultant traveled with staff members of Hemisphere Initiatives and the Washington Office on Latin America (WOLA) to El Salvador to assess the current state of the electoral process and recent reports of politically motivated violence.

**I. THE DELEGATION'S VISIT**

The delegation's visit coincided with a crucial moment in the Salvadoran peace process and electoral process. The trip was timed to review the end of the voter application phase of the registration process on November 19, and the official opening on November 20 of the presidential campaign period leading to general elections in March 1994. Those elections will be historic: they are the first in which the Farabundo Martí National Liberation Front (FMLN) guerrillas will participate as a political party, and they are viewed as critical to the consolidation of the 1992 Peace Accords that ended El Salvador's 12-year civil war. Only once every fifteen years are elections held simultaneously for presidential, legislative and municipal offices; 1994 will be one of those years.

The delegation's visit also closely followed the killing of two mid-level FMLN leaders in October, which along with the killing of other activists of the FMLN and the governing ARENA party, has sparked fears that a wave of political violence might jeopardize the peace process. Although the initial purpose of the visit was to examine the elections process, political violence aimed at activists from across the political spectrum became an important focus of the delegation.

The delegation included:

**Sharon Waxman**, Legislative Assistant to Sen. Frank Lautenberg (D-NJ)

**Chip Gardiner**, Legislative Director for Rep. Jim Oberstar (D-MN)

**Professor Terry Lynn Karl**, Director, Latin American Studies Center, Stanford University

**Rev. Robert Drinan, S.J.**, Professor, Georgetown University Law Center

**Mara Miller**, Author and Consultant

**Dr. George Vickers**, Director, Washington Office on Latin America

**Dr. Jack Spence**, President, Hemisphere Initiatives

**Chuck Call**, Associate, Washington Office on Latin America

**Rachel Garst**, Interpreter

The delegation met with representatives of all major political parties, the Head of the United Nations Mission and other U.N. staff members, the U.S. Ambassador and Embassy staff, presidential candidates, the Salvadoran Minister of the Presidency, elections authorities, independent analysts, and non-governmental human rights and voter education organizations (a complete list of meetings is attached). The delegation also observed elections registration efforts in Nueva San Salvador, observed campaign events in the western province of Ahuachapán, and visited the Computer Center of the Supreme Electoral Tribunal.

## **II. THE DELEGATION'S CONCLUSIONS AND RECOMMENDATIONS**

The delegation's experiences are described below, organized under corresponding recommendations.

***Recommendation #1.*** The full weight of the U.S. government should be placed behind efforts to put an end to death squads and other illegal armed groups in El Salvador. The United States should support the work of the investigative "Joint Group" established by agreement between the United Nations, the Salvadoran government, the FMLN and other political actors to investigate the continued existence and activity of illegal armed groups.

The U.S. should urge the Salvadoran government to promptly name its representatives to the Joint Group, and should offer full support to the effort, including technical assistance and any documents that may be appropriate. Decisions about the release of U.S. economic assistance should reflect the formation and progress of this body.

The members of the delegation were struck by the view among all sectors with whom we met, across the political spectrum, that recent killings of apparent political motivation were of the highest level of seriousness and that they could undermine the peace process. Although the delegation encountered different opinions about whether recent violence represented a shadow over the peace process or its most fragile moment to date, all sectors described as "serious" the increased level of political violence. FMLN representative Salvador Samayoa told the group that the FMLN's chief concern related to the elections is the possibility of increased violence against candidates and activists, and stated that over the past two months FMLN party members have felt more fear and exercised greater security measures than at any time since the signing of the Accords. The delegation heard other accounts of apparently political killings and threats, and of credible fears that such violence could lead to an atmosphere of fear and intimidation that might keep voters away from the polls and undermine the validity of the elections.

The need for investigation of recent crimes was a theme the delegation heard repeatedly. Opposition parties and human rights monitors conveyed their belief that right-wing death squads had stepped up their activities, pointing especially to the death-squad characteristics of the killing of FMLN Assembly candidate Francisco Velis on October 25. Some ARENA representatives and analysts believe that apparently political deaths might be due to the recent proliferation of common crime. Nevertheless, every single political force stressed the importance of in-depth

investigations to get to the bottom of recent deaths of members of the FMLN and ARENA. U.S. Ambassador Alan Flanigan and his staff echoed the importance of such investigations.

While the delegation was in El Salvador, negotiations brokered by the U.N. Mission in El Salvador (ONUSAL) resulted in an agreement on the formation of a "Joint Group" to investigate the continued existence of illegal armed groups. According to representatives of the Salvadoran government and ONUSAL, this group will be comprised of a representative of ONUSAL's Human Rights Division, by the Salvadoran Ombudsman for Human Rights (a quasi-governmental post created under the Accords), and by two independent persons to be named by the Salvadoran government. The Joint Group's investigations would be supported by an international investigative team, and evidence it uncovered could be used to support prosecutions in the Salvadoran justice system.

However, as of December 1, the date the Joint Group was to have begun operating, the composition and mandate of the Joint Group had not been announced. Based on the delegation's experience, we strongly believe that the commencement and carrying out of the Joint Group's work should be expedited and carefully monitored by the United States and the rest of the international community. Its work is likely to be critical to both the consolidation of peace and the creation of an open climate for campaigning during the electoral period.

***Recommendation #2. A critical component of U.S. support for the investigation of political violence is the prompt further declassification of all U.S. documents that might be relevant, including Justice Department documents related to Salvadoran death squad activity.***

The delegation arrived in El Salvador ten days after 12,000 declassified documents were released at President Clinton's direction by the U.S. Department of State, the Central Intelligence Agency and the Defense Intelligence Agency. The reaction to the release of those documents was varied. ARENA party representatives, for example, expressed worries that the release of the documents was deliberately timed to undermine ARENA's campaign, and the conservative daily newspapers adopted a similar viewpoint. Many others, including opposition parties and human rights monitors with whom we met, welcomed the release of the documents, and believe that they should be carefully examined for evidence about illegal violence during the 1980s and into the present.

Representatives of the Christian Democratic party and of the FMLN believed that Assistant Secretary Alexander Watson in his mid-November visit to El Salvador appeared to distance the United States from the substance of certain documents released, which had the effect of undermining any statements he made on political violence. These party officials had been expecting a clear, unequivocal condemnation of recent violence against political figures. Ambassador Flanigan pointed out to the delegation that Assistant Secretary Watson delivered a strong message against political violence, but the Ambassador also acknowledged that this message was diluted by the Salvadoran press' focus on Mr. Watson's statements questioning the credibility of sources of some of the declassified documents.

In the delegation's discussions of the Joint Group's slated work, representatives of the United Nations, of opposition parties, and of the Archdiocesan Legal Aid office all expressed the importance of having access to the recently declassified documents, and to other U.S. documents that may have relevance to investigations of crimes committed since the Accords were signed. In particular, the FBI's investigations of alleged Miami-based financing of death squads during the 1980s was mentioned as potentially being of importance.

The delegation strongly feels that the U.S. government is in a unique position to aid the efforts of the planned Joint Group through the release of Justice Department documents and other documents that may be of relevance to the Joint Group's work but have not yet been declassified. Given our country's deep involvement in El Salvador over the past dozen years, the United States has a particular responsibility in this area.

**Recommendation #3.** In accord with USAID's current policy, U.S. economic support funds should be conditioned upon the Supreme Electoral Tribunal's (TSE) progress in meeting its goal of getting voter I.D. cards (*carnets*) into the hands of all qualified voters who applied for such cards. Meeting this goal will mean:

- (a) resolving processing backlogs; this will probably require extending the December 19 processing deadline;
- (b) ensuring that any deadline extension will not deprive citizens of the 20 days stipulated in the Electoral Code to check the electoral registry for their names; and
- (c) resolve gaps and deficiencies in the TSE archives of birth certificates so that no qualified voter is rejected.

The delegation found that, despite disagreements over the progress of the TSE Registration Plan as of the November 19 application deadline, a significantly large number of citizens did apply for a voter I.D. card (*carnet*), and the progress made in the previous ten weeks was much greater than the relatively slow-moving process of the prior months.<sup>1</sup>

**The TSE and Registration.** During the group's visit, the TSE announced that it had registered 785,153 persons since July 1993. According to TSE figures, *carnet* applications sharply increased from 59,748 in July and August, to 440,769 in the two-month period of September-October, to 284,565 between November 1 and 19. As members of the Board of Vigilance (*Junta de Vigilancia* -- comprised of the eleven political parties and set up by law to oversee elections issues) pointed out to the delegation, at least 15% of these applications represent modifications of data on *carnets* already held, and an unknown number represent duplicate applications.

It was apparent to the group that the TSE, with the critical assistance of international

---

<sup>1</sup> Issues surrounding voter registration are analyzed in greater detail in Hemisphere Initiative's November 1993 report, *El Salvador Elections '94: Voter Registration Progress and the Tasks Ahead*.

agencies and Salvadoran NGOs, has taken extraordinary measures to promote registration and has significantly improved its performance. The delegation was told in various meetings that international pressure, including the hold on U.S. economic support funds placed by Representative Obey and carried on by USAID, played an important role in stimulating efforts by the Salvadoran government and the TSE. Following Congress' hold on aid, President Cristiani called a meeting with all political parties to resolve issues surrounding voter registration.

**The Challenges Ahead for the TSE.** The delegation heard in several meetings that, with the completion on November 19 of the registration phase of the TSE Plan, the onus is now on the TSE to resolve technical problems that might impede the delivery of these voting cards. Over the past four months, over 650,000 Salvadorans applied for their voting cards, and as one U.S. official told the delegation, "The people have done their job; now it is the Supreme Electoral Tribunal's turn to do theirs."

Despite the progress we found in numbers of applicants, the delegation discovered significant challenges to the TSE's meeting its goal of getting *carnets* into the hands of as many applicants as possible before the March 12 deadline for distribution of *carnets*. Less than one-fourth (167,292) of the 673,649 *carnets* slated for delivery in the eight-month period beginning in mid-July had been delivered halfway through that period, as of November 9.

First, we found widespread consensus that the TSE would be unable to meet its December 19 legal deadline for validating and processing all applications for *carnets*. Officials of the TSE Computer Center told the delegation that they expected to have to process around 490,000 applications between November 19 and December 19. However, those officials reported that they are currently processing no more than 240,000 applications per month, making it clear that extraordinary efforts will have to be made to process the pending applications even with a one-month extension. The delegation concluded that extending the December 19 deadline would be helpful and necessary.

Second, while practically all sectors feel that an extension by the National Assembly of the Dec. 19 deadline is unavoidable, we found that if excessive in length, this extension could jeopardize other important steps in the process. Under law the TSE must publish for 20 days beginning on December 30 the electoral registry containing the names of all voters who have been issued a *carnet*. This commitment is viewed as critical to ensuring that duly registered voters are not turned back from the voting tables because of an error on the part of elections authorities. Unfortunately, pushing back the processing deadline may delay preparation of the final registry. We believe that citizens should have at least the legally required 20 days to check the registry for their names before the elections and to have any errors corrected, and that it is particularly important that the TSE initiate in January as planned its publication of preliminary registry listings.

Third, the delegation found that governmental problems with filing birth certificates could deny fully eligible citizens their right to vote on election day. It is possible that applicants for *carnets*, even if they have fulfilled all requirements and presented their identity card (*cedula*) and

their birth certificate to TSE authorities, may still be rejected if the TSE does not have their birth certificate on file in its offices. Indeed, many citizens -- approximately 30% of new applicants - -who have birth certificates on file in mayor's offices, but not at the TSE headquarters, are being turned away (The delegation happened upon a frustrated citizen in this situation during its visit to Nueva San Salvador). This problem is further complicated by the fact that the FMLN burned many mayor's offices during the war.

TSE magistrates and staff assured the delegation that they have stepped up efforts to resolve this dilemma by sending teams out to mayoral offices to search for the birth certificates of specific applicants. ONUSAL staff are contributing to this effort as well. However, it is not clear that current efforts will be sufficient, or whether previous applicants who were rejected will benefit from these efforts.

***Recommendation #4.*** The United States should continue to support the involvement of Salvadoran and international non-governmental organizations (NGOs) in education efforts and observation activities related to the elections, especially those which have a proven track record in collaborating with U.N. documentation programs to date. Such assistance should be provided with as much flexibility and speed as reasonable, and should maximize the voice and role of those NGOs in the electoral process.

Members of the delegation met with a consortium of five Salvadoran civic education NGOs that estimated they had some 500 promoters in the field, supported by funding from the U.N. High Commission for Refugees (UNHCR), European governments, and USAID. Several NGOs reported that funding from USAID, while helpful, was the most complicated, time-consuming, and difficult to acquire. They expressed concern about a short-term funding gap since all their current funding ended at the end of November. The groups understood there was agreement in principle for NGOs to assist future TSE efforts in two ways: to alert citizens whose *carnet* application has been approved and to distribute voter rolls in time for citizens to correct relevant information before the March 20 elections.

In addition, the delegation met with representatives of USAID who indicated that a total of \$300,000 would be distributed to Southwest Voter Research Institute and some twenty Salvadoran NGOs. TSE President Zaldívar acknowledged to the delegation the positive role played by Salvadoran NGOs and confirmed the TSE's intention to work with NGOs in the coming months.

***Recommendation #5.*** The Supreme Electoral Tribunal (TSE) and the international community should take steps to ensure that the views of the Board of Vigilance are taken into consideration in the TSE's decisions regarding the electoral process and that the Board receives its required resources.

The Board of Vigilance, comprised of representatives of all political parties, was established under the Peace Accords in part to give new and small parties representation in the

electoral process. The Supreme Electoral Tribunal does not represent all political parties. The Board was to provide recommendations on TSE practices, and in practice has overcome ideological differences to operate largely by consensus. In the delegation's meetings with the Board of Vigilance, we found that their recommendations have gone unheard and that their relations with the TSE are strained. TSE magistrates confirmed that the TSE has not provided any of the funding to the Board of Vigilance as required by law. During our meetings with the Board all parties were represented, and none dissented from the general dissatisfaction with the exclusion of the Board's views from TSE decisions regarding the electoral process.

### **III. DELEGATION OBSERVATIONS: PLACING THE ELECTIONS IN THE CONTEXT OF PEACE**

The delegation's examination of the elections process and of how political violence might affect the elections underscored not only the importance of the international community's role in these areas, but also the links between these issues and the broader process of peace and reconciliation in El Salvador. In particular, the delegation was struck by the number of meetings in which pending elements of the peace process -- the consolidation of a new civilian police, the transfer of lands to ex-combatants, and judicial reforms -- were mentioned as important and critical to the ability of future office-holders to govern effectively and preserve the peace. Across the political spectrum, concerns about the international community's withdrawal from El Salvador after the elections were manifest. We share the observations of several analysts that the elections are one part of an ongoing peace process, and that the international community must remain engaged and vigilant of other facets of that historic process.

## DELEGATION ITINERARY: NOVEMBER 19-24, 1993

### FRIDAY-SUNDAY

ONUSAL Representatives, Visit to Department of Ahuachapán  
Salvador Samayoa, FMLN Political Commission  
David Holiday, Americas Watch  
Observation of Electoral Registration in Nueva San Salvador  
Observation of Campaign Kick-Off Rallies: Christian Democratic Party, Democratic  
Convergence  
Visit to TSE Computer Center  
Regional, Local Candidates of Democratic Convergence, Dept. of Ahuachapán  
Catholic Mass, Mexicanos Parish, San Salvador  
Reception with U.S. press, U.S. Embassy officials, NGO representatives, party members, etc.

### MONDAY

U.S. Ambassador Alan Flanigan  
Jim Carragher, Political Counselor  
Debbie Kennedy, Director of Office of Democratic Initiatives, USAID Mission  
Kathleen List, Political Officer  
Mario Valiente, ARENA Deputy and Candidate for Mayor of San Salvador, and  
René Figueroa, ARENA Deputy, Candidate for Reelection  
Dr. Abrahám Rodríguez, Businessman/Analyst  
Ricardo Valverde, CAPEL (Center for Electoral Assistance and Promotion, Inter-American  
Institute of Human Rights)  
Visit to Central American University (UCA)

### TUESDAY

David Escobar Galindo, Independent Analyst  
Dr. Augusto Ramírez Ocampo, Head of Mission, ONUSAL  
Dr. Diego García Sayan, Head of Human Rights Division, ONUSAL  
Dr. Francesca Manca, Electoral Division, ONUSAL  
Dr. Fidel Chávez Mena, Presidential Candidate, Christian Democratic Party  
Lic. María Julia Hernández, Director, *Tutela Legal*  
Magistrates of Supreme Electoral Tribunal (TSE)  
Board of Vigilance  
Consortium of Civic Education NGOs

### WEDNESDAY

Dr. Armando Calderón Sol, Presidential Candidate, ARENA  
Dr. Oscar Santamaría, Minister of the Presidency  
Oscar Pérez, Radio Farabundo Martí FM