

**amnesty international**

# **EL SALVADOR**

**'DEATH SQUADS' — A GOVERNMENT  
STRATEGY**



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## **'DEATH SQUADS' — A GOVERNMENT STRATEGY**



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### **EL SALVADOR: 'DEATH SQUADS' - A GOVERNMENT STRATEGY**

#### **ERRATA**

Please note that all page cross-referencing in the report should be read as one page earlier than appears in the text. For example, where on page 5 the text says "see the case of José Alas Gómez, p. 43", this should be read as "...p.42".

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## PREFACE

Amnesty International has been concerned over the past year at the escalation of torture, "disappearances" and extrajudicial executions in El Salvador, carried out by uniformed and plainclothes "death squads" (clandestine paramilitary groups). Killings by these squads are now the most alarming aspect of the human rights situation in the country.

Tens of thousands of people from all sectors of Salvadorian society were killed or "disappeared" as a result of action by these squads and other government forces in the early 1980s. "Death squad"-style killings declined in number after 1984, when civilian President José Napoleón Duarte came to office. However, such killings, which Amnesty International considered to be extrajudicial executions, continued on a lesser scale in subsequent years and escalated in the course of 1987. An estimated dozen bodies per month showing "death squad"-style mutilations were found along El Salvador's roadsides that year leading the United Nations' (UN) Special Representative on El Salvador to point to the rash of killings in his January 1988 report to the February-March 1988 Session of the UN's Commission on Human Rights.

There has been a further alarming rise in the killings in 1988. Tutela Legal, the human rights monitoring body of the Archdiocese of San Salvador, estimated that there had been roughly as many "death squad"-style "disappearances" and murders in the first three months of 1988 as in all of 1987.

Victims have included trade unionists and members of cooperatives, human rights workers, members of the judiciary involved in efforts to establish criminal responsibility for human rights violations, returned refugees and displaced persons, and released political prisoners. Some of the killings and "disappearances" have been carried out by uniformed police and military units, others by unidentified gunmen in civilian clothes. The forces responsible include the military and the security services and gunmen working with them. The "death squad" style is to operate in secret, but to leave mutilated bodies of victims as a means of terrifying the population. The ordinary citizen has no protection when threatened with the anonymous violence of the "death squad": there can be no recourse to the police or military when they themselves carry out "death squad" killings.

During the 1980s Salvadorian governments have customarily claimed that "death squad"-style killings are the work of extremist groups beyond government control. In a 1984 publication Extrajudicial Executions in El Salvador: Report of an Amnesty International Mission to examine post-mortem and investigative procedures, Amnesty International reviewed the evidence concerning "death squads" and concluded that they were made up of regular police and military personnel, often operating in plain clothes but under the orders of superior officers. The assessment was based on the examination of hundreds of individual testimonies from victims and witnesses of human rights violations and other sources described in this report. On-the-spot inquiries were conducted by Amnesty International in El Salvador and in nearby countries with

large numbers of Salvadorian refugees in 1981, 1983, 1984 and on two occasions in 1987.

This report looks at the current human rights situation in El Salvador, particularly at the resurgence of "death squad" killings, and presents some of the evidence that Amnesty International has collected which identifies these forces as an integral part of the official security apparatus.

Amnesty International believes the failure of the Salvadorian authorities to investigate in depth and make public the facts behind "death squad" killings and "disappearances" and to bring those responsible to justice, has allowed perpetrators of past abuses to act with impunity, creating a climate conducive to further abuses.

Amnesty International is again asking for prompt and impartial investigation into every allegation of "disappearance", torture or unlawful killing and that the methods and findings of such investigations should be made public. It is important that remedial measures be undertaken in cases where official wrong-doing is found, even if officials responsible cannot be identified. Where individual culprits are identified, they should be brought to justice. The government should also ensure that all members of the military and security forces are trained in and abide by internationally agreed standards.

Victims have included trade unionists and members of cooperatives, human rights workers, members of the judiciary involved in efforts to establish criminal responsibility for human rights violations, returned refugees and displaced persons, and released political prisoners. Some of the killings and "disappearances" have been carried out by uniformed police and military units, others by unidentified gunmen in civilian clothes. The forces responsible include the military and the security services and gunmen working with them. "Death squad" style is an operative in secret, but to leave mutilated bodies of victims as a means of terrifying the population. The ordinary citizen has no protection when threatened with the anonymous violence of the "death squad". There can be no reliance on the police or military when they themselves carry out "death squad" killings.

During the 1980s Salvadorian governments have consistently refused such "death squad" style killings and the work of extremist groups before government control. In a 1984 publication *Extrajudicial Executions in El Salvador*, Report of an Amnesty International Mission to examine past human rights violations, Amnesty International reviewed the evidence concerning "death squads" and concluded that they were made up of regular police and military personnel often operating in plain clothes but under the orders of superior officers. The assessment was based on the examination of thousands of individual testimonies from victims and witnesses of human rights violations and other sources described in this report. On-the-spot inquiries were conducted by Amnesty International in El Salvador and in nearby countries with

# 1 AMNESTY INTERNATIONAL'S LONG-STANDING HUMAN RIGHTS CONCERNS IN EL SALVADOR

Amnesty International has for many years shared worldwide concern at reports of human rights violations in El Salvador, including arbitrary arrest, torture, "disappearance" and extrajudicial execution <sup><1></sup> of people from all sectors of society perceived to be in opposition to government policies. Amnesty International's analysis of all available information, including thousands of individual case studies, the testimony of witnesses and victims, and statements by former security force officials has shown a persistent pattern of gross human rights violations by the Salvadorian armed forces.

Forces involved include all branches of the Salvadorian security apparatus, including the navy, air force and army and the security services, -- including the National Guard, the National Police and the Treasury Police. Personnel from these units have carried out torture and extrajudicial execution and have been responsible for "disappearances", both while in uniform and in plain clothes, in the guise of so-called "death squads". Reports have also been received of the involvement of local civilian defence patrols in such abuses.

Amnesty International is aware that "death squad" and other abuses in El Salvador have occurred in the context of civil conflict. Opposition forces have also been accused of kidnappings and execution-style killings. As a matter of principle Amnesty International condemns all torture or execution of prisoners by anyone, including opposition groups. The organization makes this policy clear in its public material, including successive Annual Report entries on El Salvador.

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<1> Amnesty International uses the term "extrajudicial executions" to describe unlawful and deliberate killings carried out by governments or with their acquiescence. These killings take place outside any legal or judicial framework. They are to be distinguished from accidental or "panic" killings by law enforcement officials and from killings by members of the security forces for personal reasons or because of intoxication. Extrajudicial killings are also distinct from killings that occur as a direct consequence of a violent engagement between parties to an armed conflict - for example, the killing of civilians in cross fire or during assaults on defended military positions. Amnesty International would consider as an extrajudicial execution, however, the deliberate killing during armed conflict of any individual manifestly helpless, whether a civilian singled out for his or her political sympathies or a combatant incapacitated by wounds or one who has surrendered.

## 2 AMNESTY INTERNATIONAL'S CURRENT HUMAN RIGHTS CONCERNS IN EL SALVADOR

The rise in reported extrajudicial executions has included both killings through covert operations by "death squads" and actions by regular, uniformed military units. In a wave of incidents in 1988 uniformed military forces detained people who then "disappeared" or summarily executed non-combatant civilians whom they later said had died in combat or had been the victims of guerrilla attacks.

More than a dozen relatives and other villagers said they witnessed the capture by the Salvadorian army of Mario Cruz Rivera (16), Félix Antonio Rivera (25), and Sebastián Gutiérrez (18), on 25 February 1988. Witnesses said they watched the next day as the three were forced to run barefoot through a burning field and then as two of them were stabbed to death. The bodies of two of the men were exhumed in late May under the direction of a Danish forensic pathologist, a member of the Committee of Concerned Forensic Scientists for the Documentation of Human Rights Abuses. He found that the ears and nose of Mario Cruz Rivera had been sliced off along with his ring finger. The skull of Félix Antonio Rivera had been crushed and his thumbs cut off. His ears were missing and one of his legs had been shattered. The pathologist believed the injuries had been inflicted before the victims were killed, yet the commander of the army brigade with jurisdiction in the area said that in the battle report for the day the men died, troops reported killing two "subversives" at the place where the two were stabbed to death "in a fire fight". The third man is still missing.

Amnesty International is also concerned at evidence that both police and military continue to use torture in the interrogation of those suspected of political offences. Torture of political prisoners has long been practised in El Salvador. In 1985 a study was carried out at La Esperanza prison, Mariona, then the principal detention facility in the San Salvador area for men held on politically-related charges, by the independent human rights monitoring group Socorro Jurídico Cristiano (SJC), Christian Legal Aid. The study found that of 342 prisoners who had entered the prison between June 1984 and February 1985, only two said they had not been tortured or ill-treated.

Amnesty International has independently recorded hundreds of testimonies from those who have survived arrest and torture. Former prisoners and those still in custody have described beatings, sexual abuse, use of drugs, mock executions, and being burned with sulphuric acid. Other evidence, including statements from former military and security officials and clinical medical evidence obtained through examination of ex-prisoners by Amnesty International doctors has been consistent with allegations made by the victims. According to their testimonies, prisoners are routinely tortured during the initial phase of incommunicado detention in security force and military installations throughout the country. In the early 1980s, torture allegedly also took place after detentions had been acknowledged and detainees transferred to recognized detention centres. Then, security units reportedly regularly entered the prisons where political detainees were held and beat them,

in some cases removing them for renewed torture in security force installations.

In recent reports prisoners have described a new emphasis on severe psychological pressure, including increased use of drugs and extended sleep deprivation, but the organization has continued to receive regular and credible accounts of the physical torture of detainees. Gerardo Hernández Torres, a baker, was found dead in his prison cell at La Esperanza in the early hours of 16 December 1987, four days after his arrest. He had been detained by soldiers of the army's Atlacatl counter-insurgency battalion on 12 December, and on the following day was transferred with two other prisoners, first to the barracks of the First Infantry Brigade in the department of San Salvador and then to National Police headquarters in San Salvador. According to testimony given by the other two prisoners, Hernández Torres was badly beaten at both places and forced to take pills which made him hallucinate and babble. On 15 December, he was transferred to Mariona prison, where he died in the early hours of the following day.

Other prisoners believed to have been in security force or military custody have also apparently been tortured to death (see the case of José Alas Gómez, p. 43). In recent months detaining forces have reportedly dumped the bodies of unacknowledged detainees who die in custody as if they had been "death squad" victims.

Amnesty International welcomed the release in November 1987 of more than 400 prisoners held in long-term untried detention on politically-related charges. The releases took place under an October amnesty issued in partial compliance with the Central American Peace Agreement signed by El Salvador in August. Amnesty International was concerned however that the amnesty effectively closed the books on all political crimes committed by official forces, with only two exceptions - the murder in 1980 of Archbishop Oscar Romero <1> and that of human rights leader Herbert Anaya Sanabria in 1987 (see pp. 39 - 41, and pp. 34 - 35). The organization was concerned that the measure might have been interpreted by police and military as a signal that they could return with impunity to the "death squad" solution to political opposition and dissent.

Amnesty International also continued to seek an explanation as to why 14 long-term political prisoners were not released but transferred to common law detention centres throughout the country where their legal status remained unclear. Amnesty International has also been concerned at new arrests, on apparently politically-related charges, of people imprisoned outside San Salvador under conditions which do not conform to the UN Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International has noted that the special investigatory commissions announced by President Duarte since he came to office in June 1984 to inquire into past violations have made little or no progress. Members of these

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<1> Archbishop Oscar Arnulfo Romero was murdered by a gunman - whom investigations have since linked to the military (See pp. 39 - 41) - as he said mass in San Salvador in March 1980.

commissions with whom Amnesty International's March 1987 delegation spoke professed ignorance of relevant information long in the public domain. <1>

Finally, Amnesty International has been concerned that draft legislation put forward in March 1987 which would have ameliorated many aspects of Salvadorian emergency legislation which the organisation believes have contributed to human rights violations, was not adopted. Instead, further emergency legislation was placed on the statute books to govern proceedings in cases of political detainees should another state of siege be declared. The measure, Decree 618 of March 1987, continues to permit extended pre-trial detention and the admission of extrajudicial statements (out-of-court confessions), procedures which Amnesty International believes facilitated human rights violations under the emergency measures (Decree 507 of December 1980 and Decree 50 of February 1984) which preceded it.

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<1> For example, a member of the special Comisión de Investigación, Commission on Investigations, established by the President in August 1984 to look into cases including the December 1980 murder of US journalist John Sullivan, maintained that the latter's body had never been identified. In fact, as noted in Amnesty International's 1984 report on extrajudicial executions in El Salvador, a US forensic expert had concluded in February 1983 that a corpse recovered in El Salvador and returned to the US for burial by the family was that of John Sullivan "beyond all reasonable doubt".

### 3 REVERSION TO THE "DEATH SQUAD" STRATEGY

Nineteen eighty-seven saw the purported re-activation of a number of El Salvador's most notorious "death squads". In June 1987, for example, the re-emergence of the Ejército Secreto Anti-comunista (ESA), Secret Anti-communist Army, was announced in a communiqué on an ESA letterhead addressed to, and published by, the newspaper Diario El Mundo. It warned, "You will soon receive news of actions of our urban commandos." In the same month leaflets in the name of the "Maximiliano Hernández Brigade" threatened a number of university staff, warning that they must leave the country or die. Other such announcements in 1987 and 1988 were followed by waves of "death squad"-style killings reminiscent of the early 1980s, when the "death squads" of the security forces operated daily. Tutela Legal recorded 21 "death squad"-style killings in the first 11 weeks of 1988, and declared that it was not talking about the return of the "death squads", because "they had never disappeared".

Among those who have voiced concern at the escalation in "death squad" killings is José Antonio Pastor Ridruejo, Special Representative of the UN Commission on Human Rights, charged with monitoring the human rights situation in El Salvador. His January 1988 report to the Commission concluded:

"There are indications of a definite resurgence of "death squad" activities, and at least one source attributes summary executions and other serious human rights violations to those squads. The Special Representative does not rule out the possibility that their activities may be tolerated by individual members of the State apparatus".

The situation has also given rise to grave concern in the Roman Catholic church whose spokesmen have repeatedly called on the government to stop "death squad" action. Mgr. Rivera y Damas, Archbishop of San Salvador, has publicly expressed concern that human rights violations are on the rise, and in a February homily, Auxiliary Archbishop Rosa Chávez declared "The Church raises its voice to state vehemently: Things cannot go on like this." He asked, "Who is or are behind such macabre events, and what do they want by carrying out actions that remind us of times of the regime of General Romero, <1> a situation which made Mgr. Romero say, 'Mine is the sad duty of going to collect bodies.'" Following the "death squad"-style killing of three day labourers at San José Guayabal (See p. 24), Mgr. Rosa Chávez told foreign journalists and human rights workers that "The 1st Brigade [the military unit named as responsible for the killings] has a very ugly history; it has always killed people. What's new is the way they did it, leaving the bodies at the Puerta del Diablo [Devil's Doorway, Panchimalco jurisdiction, south-east of the capital, a well known 'death squad' dumping ground, see p. 10]. They're doing it to send a message that it's the 'death squads'."

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<1> General Carlos Humberto Romero, no relation to Mgr. Romero, became president in 1977 amid widespread allegations of fraud and gross abuse of human rights. He was overthrown in a military coup in October 1979.

Recently, even the government's own human rights commission (Comisión de Derechos Humanos de El Salvador-gubernamental) declared, "The horror of the violence of the past is increasing, threatening to plunge us into a bloodbath of uncontrollable and disastrous consequences."

### 1.1 Who Runs the "Death Squads"?

"Death squads" frequently make their appearance when governments are involved in counter-insurgency operations or are moving to crush an opposition movement before it can gain strength. As in El Salvador, their victims are those suspected of opposing the authorities, or having the potential to do so. The targets of "death squads" may also be members of ethnic, religious or cultural groups who, because of their origins, are suspected of disaffection or disloyalty. The use of the "death squad" strategy - murder through domestic covert action - serves as a short-term solution to both peaceful dissidence and armed opposition, while allowing governments to avoid accountability for criminal acts. Once established, however, as the persistence of the "death squad" option in Central America since the late 1960s has shown, the formula is rarely abandoned. Even after an insurgency appears to have been controlled, "death squad" killings may become a permanent feature of a security system. The elimination of real or perceived government opponents, even when not ordered by the armed forces' high command, is often allowed by discretionary powers delegated to the lower ranks and so will rarely be the subject of judicial investigation or prosecution.

Whether or not they carry them out, "death squad" threats terrify and deter real or potential critics of the government or supporters of the opposition. Dumping mutilated corpses of victims in public places, publishing death lists in the local press and sending people invitations to their own funerals are all intended to terrorize.

Even their names are chosen to instil fear. Some of the names devised for Salvadorian "death squads" in recent years have included Ejército Secreto Anti-Comunista (ESA), Secret Anti-Communist Army; Escuadrón de la Muerte (EM), Death Squad; Mano Blanca, White Hand; Brigada Maximiliano Hernández Martínez, Maximiliano Hernández Martínez Brigade, named after the Salvadorian general who ordered the massacre of an estimated 30,000 peasants in 1932 in the wake of an uprising; and Unión Guerrera Blanca (UGB), White Warriors' Union. <1>

"Death squads" that carry out kidnappings and assassinations are

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- <1> A communiqué was issued in June 1977 in the name of the UGB that characterized the Salvadorian Jesuit community as "communist" and threatened all Jesuits with death if they did not leave the country by 21 July 1977. It also claimed responsibility for the March 1977 murder of Roman Catholic priest Rutilio Grande, widely known for his support of peasant groups organizing to press for improvements in living conditions.

particularly terrifying when those responsible are known to be members of the police and army, because there is no one to turn to for protection. In El Salvador, as in other countries where the strategy has been used, successive administrations have claimed the "death squads" to be independent, extremist groups of the left and right, which the government was unable to control. However, after examination of the available evidence, Amnesty International has concluded that the Salvadorian "death squads" are simply used to shield the government from accountability for the torture, "disappearances" and extrajudicial executions committed in their name. The squads are made up of regular army and police agents, acting in uniform or plain clothes, under the orders of superior officers.

### **3.2 How the "Death Squads" Operate**

Members of Salvadorian "death squads" customarily wear plain clothes and make use of trucks or vans with tinted windows and without number plates. They are chillingly efficient. Victims are sometimes shot from passing cars, in broad daylight and in front of eye-witnesses. At other times, victims are seized in their homes or on the streets and their bodies found abandoned far from the scene. Some join the long list of the "disappeared" and are never heard of again. Often attacks and abductions have taken place in close proximity to major police or military installations, or under the gaze of uniformed security personnel who made no effort to intervene on the victim's behalf.

Bodies are dumped along roadsides in full view of the public, or in body dumps (botaderos de cadáveres). One notorious body dumping ground is a lava bed about 20km north of the capital, called El Playón. Skulls and skeletons of bodies devoured by birds of prey, scattered between decomposing rubbish were a common sight there in the late 1970s and early 1980s. In 1982, SJC stated that during that year at least 250 bodies had been found at El Playón. It fell into disuse as a "death squad" dumping ground for some years until January 1988, when another unidentified body was found there.

Another well-known dump is La Puerta del Diablo (Devil's Doorway), Panchimalco, a tourist site 20km south-east of the capital. Recently bodies have started to reappear at this site (see p. 8). Unless they can be identified and there is eye-witness evidence as to who detained the victim, bodies recovered from this and other dumping grounds simply appear amongst the statistics of "death squad" killings.

Among methods used by the Salvadorian "death squads" to intimidate their victims is the publication of threats in advertisements in the national press. For example, threats were made against members of the Asociación General de Estudiantes Universitarios Salvadoreños (AGEUS), General Association of Salvadorian University Students, as reported in the Salvadorian press in July 1987, while in March 1988 El Mundo reported that it had received a communiqué from the so-called Gremio Anti-comunista Salvadoreño (GAS), Salvadorian Anti-communist Guild. This declared that "Salvadorians have traditionally been anti-communist" and "have affiliated themselves to opposition political parties" which are "nationalist, anti-communist and anti-internationalist". The

communiqué said that GAS intended to "act alongside the armed forces", to "punish" those, particularly trade unionists or politicians, who "interfered in the forthcoming elections". (These texts are reproduced in the Appendix).

In a 1983 press conference in London, University of El Salvador Rector Miguel Angel Parada said that similar advertisements placed in the name of "death squads" and which threatened named university personnel had arrived at newspaper offices bearing the stamp of the army press office Comité de Prensa de la Fuerza Armada (COPREFA). In 1981, the fiction of the "death squad"/military distinction was eroded when COPREFA issued a list of 138 people, most of them living openly in the capital, whom it described as "traitors". The same list had earlier been made available to Salvadorian newspapers in the name of a "death squad". Amnesty International called on the Salvadorian Government to guarantee the safety of those named on COPREFA's list, fearing that publication of the list served as official sanction for the murder of individuals identified as opponents of government policy.

Of those named on the 1981 COPREFA list, several were later known to have been killed or "disappeared". They included Marianella García Villas, then President of the Comisión de Derechos Humanos de El Salvador, (no-gubernamental) (CDHES), non-governmental Human Rights Commission of El Salvador, who was killed in March 1983. Also named were Guillermo Ungo and Rubén Zamora, (longtime President and Vice-President of the Frente Democrático Revolucionario, (FDR) Revolutionary Democratic Front, the political representation of the Salvadorian opposition; Roberto Cuéllar, (founder of the SJC); and Héctor Bernabé Recinos, a trade unionist later tortured and imprisoned without trial for four years. Many on the list went into exile in fear of their lives.

Official statements in other media accusing an individual of belonging to or sympathising with the armed opposition movement also appear to give a green light for "death squad" action to eliminate the branded person. Such statements are often interpreted by human rights monitoring organizations in El Salvador as death warrants. Mario Zamora, a member of the Christian Democrat Party, a former Attorney General and brother of FDR leader Rubén Zamora, was shot dead in his bathroom in February 1980, two days after Major Roberto D'Aubuisson <1> labelled him on Salvadorian television as a guerrilla collaborator. At that time, Major D'Aubuisson appeared weekly on Salvadorian television announcing the identity of "subversives" who often fell victim shortly afterwards to the "death squads".

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<1> Major D'Aubuisson is a US-trained army officer who was Assistant Chief of Salvadorian Intelligence until the 1979 coup. Founder of the right wing Alianza Republicana Nacionalista (ARENA), Nationalist Republican Alliance Party, and subsequently President of the Salvadorian Congress, Major D'Aubuisson has been described by Robert White, former US Ambassador to El Salvador, as "a pathological killer", and is widely known as "Major Soplete" ("Major Blowtorch"), because of his alleged involvement in "death squad" operations.

EL COPREFA SE DIRIGE AL PUEBLO SALVADOREÑO

**\*\*PUEBLO SALVADOREÑO: LOS RESPONSABLES DEL TERRORISMO EN EL SALVADOR Y EL DESPRESTIGIO DE NUESTRA PATRIA EN LA COMUNIDAD INTERNACIONAL SON LOS TRAIDORES SIGUIENTES:**

\*\*ANTHONY JIMME HANDILL, SALVADOR CAYTANI CARPIS CERNES (A) MARCIAL, MELITO ANITA MONTES (A) ANA MARI, JOAQUIN VILLALBOS RUEDA, JORGE MCLAUDEL, LEONCIO PICHANTE, EDUARDO SANCHEZ CASTANEDA (A) FERNAN CORTIQUERO, JOSE ALBERTO RAMOS (A) ALFONSO LARA, MARCO FERNANDO AGUIRRE CARRANZA, MIGUEL MARTINEZ, JESUS SARAVIA, VALENTIN SADI VILLALTA, RODOLFO GOMEZ ARIAS, JOSE ALBERTO HENRIQUEZ VILLACORTA (GUATEMALTECO), SONIA MEDINA ESCOBAR, SANTOS LINDO RAMIREZ MELJIPAR, RODOLFO MARIANO JIMENEZ YDA, BLANQUEO REYD, FRANCISCO ENILIO TORO SANDOVAL, GREGA RAMIREZ GALAN, JOSE MARCELO RODRIGUEZ DIAZ, GUILLERMO MARIN DINO REYD, MARCELO GARCIA VILLAS RODRIGO ROCA, HECTOR REYNARD REYNOL, NORMA SUEVARA, MARISOL AGALINDO, OSCAR EDUARDO BONILLA, FABIO CASTILLO, FIGUEROA, JOSE MARCO LOPEZ ALVARENGA, FABIO ABDELA HANUALL, JOSE ANTONIO LOPEZ CAMALES (TIBORO), JOSE GUADALUPE CALLES, JOAN JOSE MARTINEZ, HANDEY DORTANTILLA, CARLOS GOMEZ, MARCO A. PORTILLO, ROMAN MAYORCA QUIROZ, FRANCISCO DIAZ, MAURICIO SILVA A., RAFAEL ALFREDO MELJIPAR ARIN, ROGER IGNACIO ZAPORA RIVAS, ERNESTO RAMIRO GUATEMALA, RAFAEL TORRES VELAZO, CESAR MARTI, HECTOR GONZALEZ, SALVADOR ARILES PENATE, JOSE MIGUEL SANCHEZ GONZALEZ, MIGUEL VENTURA, MIGUEL ALAS, INOCENCIO ALAS, FABIAN ANITA TORRES, LUIS BULTRAGO, YUTON RAFAEL VALLE MONTERROSA, HECTOR SILVA JORIELLO, FRANCISCO PARIAGA, HECTOR AGENT, EDUARDO COLIMONES, RICARDO SALVADOR SANCHEZ LEIRA, JOSE ENRIQUE FLORES, GABRIEL GALLEGO VALDEZ, BENITO DE JESUS TOVAR SERNANO, CARLOS ARSUETA, LUIS DIAZ, JESUS DELSADO, PLACIDO ERODZIN BEROZ (ESPANOL), OSCAR ARACUA, TONITO ALFREDO MONTE, FERNANDO RIVAS, CARLOS REYD, FABIO CASTILLO, JORGE ALIZ, VALENTIN MARTINEZ, MARIO VASQUEZ, ROBERTO LULLIAN, HIRIS MARTINEZ, LUIS ALONSO YSARA FERRERINO AUGUSTO MENDEZ, ROBERTO LARA VELAZO, IVAN ORLANDO ESCOBAR, APARICIO PAZ, JACOB SAFATAN, ERNESTO FLORES, ALFREDO CUSTO GUATEMALA, FERNANDO GUARDADO GUARDADO, WILMARDO CRUZ MELJIPAR, CARLOS GUILLERMO ARSUETA, JOSE FERNANDEZ, CARLOS GOMEZ, MARCELO CRUZ CRUZ, RICARDO BUENO NAVAPETE, ALEJANDRO FIALLOS, JORGE VLAZMIR CRUZ, IGNACIO ELACURIBARCAACACENEA (ESPANOL), LUIS DE GONZALEZ (ESPANOL), MIGUEL ANGEL SAENZ YARELA, JOSE OMAR GONZALEZ, JOSE CESAR CASTRO MELLOS BAUL, EDUARDO HUNZON BERTO, MELTON BAZDI, MARIO FLORES MACALL, CARLOS GALLARDO ACELUNO, LUIS FELIPE CATIVO BURGOS, RODRIGO AMONTO VELASQUEZ CAMERO, MARIO SALAZAR PAL FENTE, JUANITO KRISTOFER LARIN, VICTOR ANHUEL GUTIERRA, WILMARDO GONZALEZ PEDRANT, CARLOS RAMIR (A) CARLOS CUCHILLA, JOSE ROBERTO CIA, TOMAS GUERRA RIVAS JOSE DOMINGO RIVERA OLIVA, JORGE ALVARADO AIRANLEY CASTRO, JOSE INOCENTE GUERRERO, MIGUEL CELINA VILLALBOS, JOSE ALBERTO LOPEZ FLORES, MANUEL ORRESTES MOSADA, CESAR GILBERTO MARTINEZ CARRANZA, RAFAEL ATILIO HANSON, RAUL PADILLA YELA, ROBERTO CASTELLANOS CALVO, JOSE MARCO ARSUETA, ENRIQUE CAMPOS REALES, GUSTAVO PINEDA MARCHELLI, RAFAEL MELJIPAR, CHOTO, JOSE NAPOLEON GONZALEZ, MIGUEL ANGEL FLORES MACALL, DANILLO ANTONIO VELADO SANCHEZ, ROSA EULA ALVARENGA (AMPA DE CAPELANDO), DOMENICO LINDO RAMIREZ, CLARA DE LEONORA DE PADILLA YELA, PEDRO ANTONIO MARCIA CLARITOS, ANTONIO AUGUSTO MAGARA SANCHEZ RIVAS, JOAN ANTONIO DIAZ YELAYA, FRANCISCO OTYDIO VILLALFIERTE ALVARADO, LORREL GOMEZ VIDES Y GENEL QUEZADA MUJER.

**\*\*LOS TERRORISTAS DEL "FDR" Y DEL "FMLN" HAN ENAJENADO LA MENTALIDAD DE NUESTRA JUVENTUD Y NINEZ, CON LA AYUDA DE MERCENARIOS SANDINISTAS, CUBANOS Y DE OTRAS NACIONALIDADES, QUIENES CON SU CRIMINAL CONDUCTA HAN PROVOCADO MISERIA, DESEMPLEO Y ZOZOBRA A LA CIUDADANIA SALVADOREÑA EN GENERAL. (SIC)**

**\*\*POR ELLO, LA FUERZA ARMADA, EN CUMPLIMIENTO DE SU MISION CONSTITUCIONAL DE DEFENDER AL PUEBLO SALVADOREÑO, PERSEGUE INCESANTEMENTE A TODOS LOS TRAIDORES A LA PATRIA, PARA QUE PUDAN CUENTAR DE LOS GRANDES DANOS OCASIONADOS A NUESTRA PATRIA\*\***

COPREFA (Comisión de Prensa de las FFAA).

A list issued in 1981, first in the name of the "death squads", and later by the Army Press Office. It describes 138 people as "traitors". A number of them later "disappeared" or were killed in circumstances suggesting official involvement.

### Translation

"To the Salvadorian People: Those traitors responsible for terrorism in El Salvador and for bringing the country into disrepute internationally are the following:" [List follows]

"The terrorists of the 'FDR' and of the 'FMLN' have alienated the minds of the young and very young, with the help of Nicaraguan and Cuban mercenaries and those of other nationalities, who through their criminal conduct have provoked misery, unemployment and anxiety among the Salvadorian community in general. Because of this the Armed Forces, complying with their constitutional mission to defend the Salvadorian people, incessantly tracks down all those traitors to the country, to pay for all the great harm they have done." COPREFA (Armed Forces Press Commission).

Threats in the name of "death squads" are also made by telephone or in anonymous notes, warning intended victims to leave the country or stop their activities. Coffins have sometimes been delivered to the homes of people targeted for intimidation and an atmosphere of terror created by the "death-squad"-style of killing and mutilating victims in the most macabre way. Victims are customarily found mutilated, decapitated, dismembered, strangled or showing marks of torture (such as burns or machete wounds) or rape.

Salvadorian "death squads" have also reportedly struck abroad in an apparent effort to intimidate exiled fellow countrymen. In July 1987, fear swept Salvadorian exiles in the US when several people active in the refugee community reported receiving death threats. One was Father Luis Olivares of Our Lady Queen of Angels parish in Los Angeles, a priest active in assisting Central American refugees, who received a note with the initials "E.M." - Escuadrón de la Muerte, "Death Squad" - printed on it. A Salvadorian refugee in Los Angeles reported being raped and tortured on 6 July by men she believed to have been Salvadorian and another woman reported threats on her telephone answering machine. The US Federal Bureau of Investigation (FBI) announced that it would initiate investigations.

### **3.3 The Legal Framework: A Smokescreen for Official "Death Squad" Activities**

Emergency legislation has facilitated "death squad" "disappearances" and killings. Decree 507 of December 1980 and Decree 50 of February 1984 provided for long periods of incommunicado detention and the admissibility as evidence of extrajudicial declarations made during these periods. Decree 507 allowed for up to 180 days incommunicado detention, during which a suspect's imprisonment need not be acknowledged - a provision which analysts described as "legalization of disappearance". In 1984, Decree 50 reduced the period of legalised "disappearance" substantially, to 15 days, but Amnesty International feared that in maintaining provisions for prolonged unacknowledged incommunicado detention it continued to provide a judicial framework conducive to human rights violations, including torture, "disappearance" and extrajudicial execution. Its successor, Decree 618 of March 1987 remains on the books to be applied in the event of a new state of siege, and reproduces almost in their entirety the clauses of Decree 50 which assisted successive governments to obscure their own accountability for abuses by attributing unacknowledged arrests to "death squads". <1>

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- <1> Salvadorian and other jurists with whom Amnesty International has discussed the matter agree that permitting the use of extrajudicial confessions as a basis for decreeing provisional detention, as permitted by Decree 618, virtually ensures that the security forces will attempt to get such a declaration in almost every case. Such declarations almost invariably include admissions, (difficult to disprove), to the all-purpose charge of "subversive association". Since corroborative evidence is rarely sought, the admissibility of such statements as "evidence" [and the conditions under which they may be obtained, particularly incommunicado detention, and the fact that the two persons required to witness the declaration may have been the interrogators], provide in Amnesty International's view the pre-conditions for the use of torture. Any resulting deaths in unacknowledged custody can then be blamed on "death squads".

Detention techniques and routine procedures used by the Salvadorian police and military also help obscure "death squad" action. Hundreds of individual accounts given to Amnesty International by prisoners eventually freed directly by their plainclothes abductors, or after having been transferred to the custody of the uniformed security forces, tell of arrests carried out in a manner that in legal terms is indistinguishable from kidnapping. Victims have told of being seized without warrant by heavily armed men in plain clothes who refused to identify themselves or their agency. Sometimes captors claimed to represent an "independent death squad" but were subsequently shown to be members of the security services.

Detainees were not told where they were detained or where they were to be taken. One former detainee interviewed by Amnesty International in a displaced persons camp in March 1987 told how she had been arrested on 4 January 1985, when a bus in which she was travelling was stopped by men in four cars with tinted windows. According to her account, as she was dragged from the bus and forced into one of the cars, she repeatedly asked who they were but was told only, "You'll find out." In the car she was blindfolded and her interrogation began. She was taken to an isolated spot which appeared to be a rubbish dump and was told she too was to be dumped there, then stripped and raped by her interrogators. Later she was taken to another unidentified place she believed to have been the headquarters of the National Police, and held incommunicado there for 11 days. She was then transferred to Ilopango women's prison near San Salvador. It was only when the International Committee of the Red Cross (ICRC) saw her there one month after her arrest that her detention became known. She still does not know which force was responsible for her initial detention.

A Salvadorian human rights worker arrested in May 1986 told Amnesty International of similar treatment. Seized in Mejicanos, San Salvador by armed men in plain clothes, he was taken blindfolded for interrogation. When he asked where he was and who was detaining him, he was simply told, "You will never know." He later learned that he had been arrested by the Policia de Hacienda (Treasury Police).

Such practices are in violation of international standards for the protection of human rights. They also contrast with regulations which the Salvadorian Defence Ministry has told human rights groups are in force. These state that arrests are to be carried out by uniformed personnel, except in exceptional circumstances or when security considerations require otherwise. Even in cases where security force personnel carry out arrests out of uniform, the Armed Forces procedures manual specifies that they are to identify themselves (Guías de Procedimientos Operativo Normal de la Fuerza Armada, Anexo A, Otras Medidas y Disposiciones 21 October 1983). Failure to do so, as seems to be the norm in El Salvador, enables "disappearances" and killings to be blamed on "death squads".

Further succour for "death squad" activities appears to have been given by amnesties granted to security personnel, including that declared in October 1987 in partial fulfilment of the terms of the Central America Peace Agreement. The amnesty led in November to the release of over 400 untried political prisoners. It also appeared to preclude prosecution of gross violators of human

rights, whether or not they had been charged. The amnesty measure formalized the effective impunity enjoyed by police and military personnel responsible for past abuses, and contributed to the current climate in which, "death squad" killings are once again on the increase.

by their physical... security forces... in legal terms... of being served without warrant... refused to identify themselves... represented an independent death squad... members of the security services.

Prisoners were not told where they were being taken or where they were to be taken. The former detainee interviewed by Amnesty International in a displaced persons camp in March 1987 told how she had been arrested on 4 January 1987 when a bus in which she was travelling was stopped by men in dark suits with printed windows. According to her account, as she was dragged from the bus and forced into one of the cars, she repeatedly asked why they were but was told only "you'll find out". In the car she was blindfolded and her interrogator began. She was taken to an isolated spot which appeared to be a wooded area and was told the car was to be dumped there, then stripped and raped by her interrogators. Later she was taken to another unidentified place and told to have sex with the headquarter of the National Police, and had intercourse there for 11 days. She was then transferred to a prison where she was told that only when the National Police Committee of the Red Cross (1987) saw her one month after her arrest had they been released from prison. She still does not know which force was responsible for her arrest or detention.

A Salvadoran human rights worker arrested in May 1986 told Amnesty International of similar treatment. Detained in El Salvador, the worker was armed men in plain clothes, he was taken to a military base for interrogation. When he asked where he was and who was taking him, he was simply told "you will never know". He later learned that he had been arrested by the Policía de Hacienda (Treasury Police).

Such practices are in violation of international standards for the protection of human rights. They also conflict with specific provisions of the American Declaration of the Rights and Duties of Man, which states that arrest and detention must be carried out by a judicial authority, except in exceptional circumstances of which security considerations require otherwise. Even in cases where security force personnel carry out arrests out of uniform, the Armed Forces and security forces must identify themselves to the arrested person. A United Nations Human Rights Committee report of 1987 states that the police should be identified to the arrested person and that the arrested person should be informed of the reasons for his arrest and of his rights. A United Nations Human Rights Committee report of 1987 states that the police should be identified to the arrested person and that the arrested person should be informed of the reasons for his arrest and of his rights.

Further evidence for such practices is reported to have been given by Amnesty International to a report by personnel, including a police officer, in 1987 in partial fulfillment of the terms of the Central American Agreement. The amnesty law in November of the release of over 400 political prisoners. It also suspended the prosecution of past violators of human rights.

#### **4 THE EVIDENCE**

The "death squad" strategy makes it difficult to break through the barriers of official secrecy in order to detail evidence of direct or indirect involvement of the military or security forces in killings, "disappearances" and the terrorization of the population as a whole. The full picture of government responsibility for mass political killings has emerged gradually. Evidence has accumulated from individual cases, the impunity with which perpetrators act, the arms and information at their disposal, the government's or military's public praise for "untraceable" "death squads", and the testimony of defectors. On a few occasions - usually in "symbolic" cases such as those in which foreign nationals are victims (see for example pp. 38 - 39) - official investigations have been initiated, but they have rarely been conclusive.

Evidence examined by Amnesty International has included testimonies from victims and witnesses to human rights violations, data collected by foreign and local clergy, doctors and other medical personnel, journalists, diplomats and by international delegations who have visited the country regularly, including the UN Special Representative on El Salvador. Amnesty International has also made regular visits to the country, including two in 1987. Salvadorian human rights groups and other human rights monitors in the country, including those linked to the Roman Catholic and other churches, have compiled an enormous body of information on individual cases. Other sources routinely examined by Amnesty International include El Salvador's government-influenced press, material made public by the governmental Human Rights Commission and declarations by current and former government and military officials.

Some of the most telling testimony about the real identity of the "death squads" has come from the Salvadorian police and military. Internal disputes have sometimes led defectors and those still in service to break the "code of silence" about "death squads". They have given information about human rights violations, including supposed "death squad" murders, which they claim to have witnessed, participated in, or ordered.

##### **4.1 Defectors' Testimony**

A former Salvadorian army sergeant now living in the United States recently admitted his involvement in a "death squad":

"Early in 1980 I volunteered to join what is referred to in El Salvador as a 'death squad'. However, in my experience the death squad has no independent existence outside the Salvadorian military and security forces. It is simply a form of duty which these military personnel are ordered to carry out while not in uniform. Within the military, these operations are not referred to as death squads but simply as missions. I have personal knowledge of many experienced soldiers who volunteered for these missions. I myself volunteered for one such mission in March 1980.

I then received verbal orders from a National Guardsman to take part in an operation involving a 37-year-old man in a suburb of San Salvador. An army colonel coordinated the operation. The man was captured and tortured for two hours, but gave no information. He said that he knew he would be killed anyway, so he had no reason to talk. I did not participate in the torture, but I witnessed it. After the soldiers were finished torturing him they shot him and stole his watch."

In April 1981 a former Salvadorian army doctor, who had treated many Salvadorian army members injured when carrying out "death squad" activities, testified to the US Congress:

"It is a grievous error to believe that the forces of the extreme right, or the so-called death squads, operate independently of the security forces. The death squads are made up of members of the security forces and acts of terrorism credited to these squads, such as political assassinations, kidnappings and indiscriminate murder, are, in fact, planned by high-ranking military officers and carried out by members of the security forces."

In a series of interviews carried out in August and September 1983, a defector from the Treasury Police told Amnesty International about the secret killing missions undertaken by specially-trained police units. He stated that those assigned to kill specific individuals dressed in civilian clothes to carry out their missions and obscure their identities. Often, he said, they dressed in a particular way in order to be able to approach their targets. Those assigned to carry out killings in the university for example, would dress like students, carry notebooks and wear spectacles. Special books were used by these agents to hide the guns they carried when on such assignments. Sometimes agents wore bandanas or carried literature to suggest that they were members of the opposition.

Another former Salvadorian "death squad" member, a former National Police officer also now in the United States, said in an affidavit in December 1986:

"In November or December of that year [1980], my superiors told me that I was assigned to the job of arresting people wanted by my government for subversive activity. I accepted this job and I was given photographs and descriptions of people wanted by my government, and their addresses as well, but I was not furnished with the names of these people. At that point I told my superiors that I simply couldn't do this kind of work because it was against my conscience and moral beliefs. I had changed my mind because I had learned that many times when people were taken in this manner and delivered to the police, the arrested people disappeared, and frequently their dead bodies turned up later. My superiors became angry with me when I refused this job [I was] dismissed from the police service. . . .

[Later]. . . Someone from the Salvadorian army visited my home. He compelled me to accompany him to. . . . There the major told me that he needed my service and that he was going to change my name. . . . I felt I was not being asked to volunteer for something; my services were being recruited under duress, and that I would be jailed or killed if I didn't

agree to accept this work. I did not express opposition, because I felt instinctively that my life was on the line...

He introduced me to two undercover, or plainclothes officers. He told me that these persons were my new associates on the job. He said 'They are your father, mother, child, they are your everything.' He then said 'No questions.' I was told that I was now a member of a government death squad. I felt extremely depressed, because I was told, also, that when one was inducted into this kind of service, there was no turning back. From that moment my life changed completely. I could not see my wife and children any more except for five minutes in the middle of the night or during the early morning. My wife and children were placed under surveillance.

One day I was ordered to go to a certain address in ... We seized and put him [the victim] into his own car and my superior told us 'I have a good place for this man.' He was talking about a dry well located near a cross roads leading to the barrio [district] of Las Placitas in San Miguel. There was a fence and a wire gate surrounding the dry well.

There were four of us and he had his arms tied behind him and he was blindfolded. He was taken inside the gate at the well, and he was thrown into the well alive. He fell to his death, because the well was very deep. My superior told me there were more than 15 dead bodies at the bottom of the well.

When I saw that, I told my superior that I had understood my job to be the gathering of information; that it was not my job to murder people, or to participate in a murder. My superior and three other men grabbed me and hit me in the face with a pistol. Even so I said to [his superior] 'I don't want to work with you any more.' He said to me at that point 'What do you mean, you don't want to work with us, do you love your wife and kids? If you love them you will work with us, or we will kill your wife and kids.'

I fled the country ... with no documentation at all. I went to Mexico and finally managed to enter the United States illegally."

In June 1988 Amnesty International received testimony from a recent defector who had served eight years in the Treasury Police. He does not wish his identity to be known as he fears for family members who remain in El Salvador. He gave detailed information on a series of "death squad" operations in El Salvador, involving the "disappearance" and extrajudicial execution of scores of people, including an entire village football team. He said that the seizures, which were constantly denounced as having been carried out by "heavily armed men in plain clothes", were carried out by "none other than members of the death squads, that is the Special Services or Section 2 of each one of the security forces". [(S-2) or (G-2) is the intelligence division]. Their activities were, he said, part of the military's counter-insurgency strategy designed to sow mistrust and confusion and so control the civilian population.

He explained that they were recruited among members of the services who exhibited unquestioned loyalty to the service and their superiors. He gave the names of those he said were responsible for specific violations, and outlined the operational command structure. His testimony included the locations,

addresses and telephone numbers of what he described as Treasury Police "death squad" safe houses in San Salvador. He told of cases in which people had been murdered to cover up earlier Treasury Police crimes, or for motives of robbery or land acquisition, and in which false evidence had been planted to suggest that victims had been members of the guerrilla opposition or had been killed by guerrillas. He also described occasions when Treasury Police "death squad" members had been murdered because they knew too much about covert activities. He said he had been forced to leave the country because he was being followed by "death squad" members, whom he named, and who he believed had orders to eliminate him because he had refused to participate in a number of "death squad" operations. He refers, for instance to an incident in which a former Treasury Policeman was found murdered in his home in January 1982 and adds "...[He] was killed because he knew many things that could damage Commander S., since he had been his confidant...".

#### **4.2 Official statements**

High-ranking government or military officials have admitted publicly and privately to the use of the "death squads". According to a document described as a "declassified confidential communication" of 15 January 1982 from the US Embassy in San Salvador to the US Department of State:

"In addition to civilians we believe that both on-and off-duty members of the security forces are participants. This was unofficially confirmed by right-wing spokesman Maj. Roberto D'Aubuisson who stated in an interview in early 1981 that security force members utilize the guise of the death squads when a potentially embarrassing or odious task needs to be performed".

In May 1987, El Salvador's Minister of Defence told foreign journalists that "the death squads had yet to be completely dismantled".

Official support for the creation and use of "death squads" is also confirmed by documents dating from the 1960s and 1970s when the system was introduced in El Salvador. These include counter-insurgency manuals used by Salvadorian forces, articles in Salvadorian military journals and written orders in which the use of paramilitary forces and "death squad" techniques are recommended. <1>

<1> In mid-1988 another such document emerged which was described by sources in El Salvador as an order from the National Guard to the Treasury Police. It called on the Treasury Police to "undertake a thorough search" for Vitelio Noll Ramirez and José Raúl Henríquez Cabezas, who were described as "troublemakers" in the trade union at the Ministry of the Treasury. The document added that from midnight a strict and permanent watch should be kept over the two persons named and, "at an appropriate moment", those receiving the orders would "take action against them, using whatever means, including making them 'disappear'". This order should be carried out so that these individuals cannot damage the government's image, and strict watch should be kept over any acts that they carry out both inside and outside the country".

The official journal of the Salvadorian army's School of Command and General Staff (Revista de la Escuela de Comando y Estado Mayor, Manuel Enrique Araujo) has repeatedly referred to the organization of "counter-terror" units to fight the armed opposition using the same organization, propaganda and tactics which the military ascribe to anti-government guerrillas. In 1963, for example, an article by an officer, later to become Chief-of-Staff, advised the creation of a variety of types of "government guerrilla forces" which could, he wrote, be organized spontaneously, could be sponsored by local political bosses (jefes) or other influential citizens, or could be organized as "commandos", "on the basis of army units". In the opinion of the author, Major (later Colonel) Manuel Alfonso Rodríguez, such "government guerrillas" organized on behalf of the government and under the supervision of the armed forces had an advantage over regular forces because "regular warfare is the procedure in which the contenders submit to laws. In contrast, irregular warfare is not subject to laws, anything is possible".

Articles by Salvadorian officers emphasized that aspects of counter-insurgency organization and tactics potentially damaging to the armed forces' reputation must be concealed from the public, in order that responsibility for counter-insurgency operations could be denied. Major Roberto Monge, writing in the same journal in 1966, described the methods still used by Salvadorian "death squads" when he observed that rapid and secret actions by government-supported "counter-guerrillas" could be expected to create uncertainty and terror, as "they are all actions that strike directly at the adversary...and then those that carry them out immediately disappear, creating a kind of phantom presence".

#### 4.3 The Survivors

Testimony concerning the "death squads" has also come from the rare survivors of attempted "death-squad"-style killings. Through their testimony, the anonymity of the perpetrators is broken; one result being that victims may become dangerous eye-witnesses - so dangerous, that assailants have sometimes returned to hospitals where their victims were recovering in attempts to silence them forever.

A well-documented case is that of José, whose full name is withheld for his safety. He was detained at his home in the early 1980s by heavily armed men in plain clothes who threw him in the back of a Toyota pick-up truck and covered him with canvas. He was interrogated and tortured at two centres, the second of which he believed to have been Treasury Police headquarters. Although blindfolded most of the time, he heard military titles being used, and on one occasion was able to see military uniforms. On the eighth night of his captivity, he was taken out with two other prisoners, blindfolded and handcuffed, and driven to a roadside where he was shot in the head and left for dead. When he regained consciousness the next morning, he found he was lying alongside the two others, who were dead. Like them, his handcuffs and blindfold had been removed. Passers-by took José to hospital where he underwent an operation, but the bullet in his head could not be removed. José states that nurses hid him when men in uniform came asking for "the one that has just arrived". After his discharge from hospital, José fled the country. Once

safely in exile he gave information concerning his ordeal to an Amnesty International doctor who examined him, found him coherent and confirmed that a bullet was lodged in his head.

In June 1987, four peasants from different villages in the department of Chalatenango were found by local villagers, near death from deep stab wounds to the throat. Taken to Hospital Rosales in San Salvador, three testified from their hospital beds that they had been separately arrested on 13 June by uniformed soldiers of the 4th Infantry Brigade, each on suspicion of



Three peasants from Chalatenango in hospital, their throats heavily bandaged, after their seizure by uniformed soldiers on 14 June 1987. They were interrogated, had their throats slit and were left for dead, as though they had been killed by "death squads".

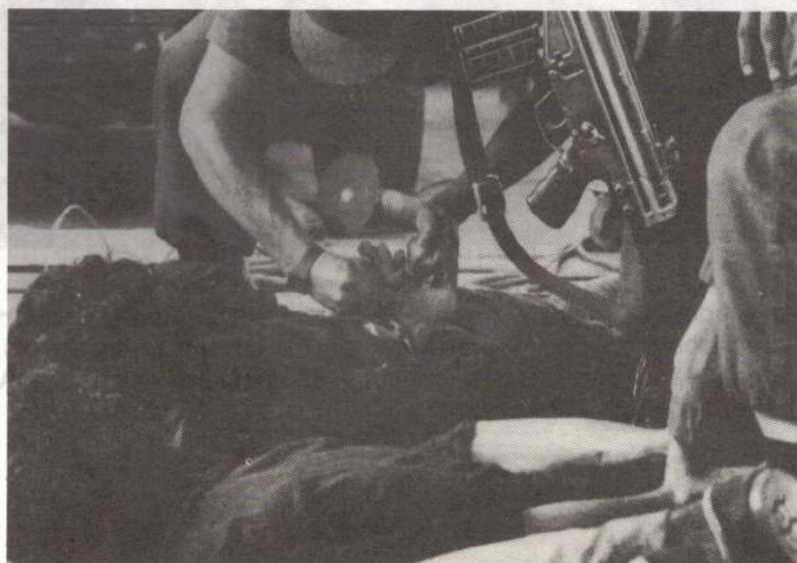
collaborating with the guerrillas. According to the peasants' testimony, the soldiers beat them, slit their throats and left them for dead, as if they had been "death squad" victims. A fourth man was also interrogated, slashed in the neck and left for dead. He left the country as soon as he was able.

#### 4.4 Eye-witness Testimony

There has also been eye-witness testimony to detention by uniformed military and security personnel of people later found dead. In one extraordinary case in 1980, two young men, Manuel Alfredo Velásquez Toledo and Vicinio Humberto Bassaglia, were seen being taken into custody by the National Guard. Photographs were taken of their detention which show the National Guard binding the young suspects and tying their thumbs behind their backs - the traditional method of restraint used by the security forces - and then turning them over to men in plain clothes. Five days later their corpses were found, showing clear marks of torture.

In June 1987 peasants José Pilar Rivera Romero, Cristino Machado, Santiago Coreas, Candido Rodriguez, and Andres Mejía Roque - all from the Department of San Miguel - were found dead. The armed forces at first claimed they had killed five "terrorists" - but later attributed the killings to guerrillas. There is extensive information available, including eye-witness testimony to the young men's arrest and the report of the forensic doctor who examined them, that the five were taken into custody by troops of the Arce Battalion, tortured, and shot at close range, before being thrown down the well from which their bodies were recovered. The army subsequently again changed its version of events and claimed the five had been killed in combat.

José Arturo Arévalo Rivera, a 28-year-old student and employee at his brother's medical clinic was killed in December 1987. He had been seized on 25 December 1987 by heavily armed men in plain clothes in the department of La Libertad. According to eye-witnesses, one of his captors was serving with the Artillery Brigade headquarters in the town of La Libertad. The family presented a writ of habeas corpus on 5 January but his arrest was not acknowledged and on 26 January a body exhumed in San Juan Opico was identified by the family as being that of José Arévalo.





The photograph on p. 21 and the above photograph show the arrest on 30 October 1980 of Manuel Alfredo Velásquez Toledo and Vinicio Humberto Bassaglia. The two young men were arrested by the National Guard who are shown binding the young suspects before turning them over to men in plain clothes. Five days later their corpses were found showing clear marks of torture.



Exhumation of the body of José Arturo Arévalo Rivera on 26 January 1988. He had been seized in December in the department of La Libertad by heavily armed men; eye-witnesses identified one of his captors as serving with the Artillery Brigade in La Libertad.

Also in January 1988, day labourers José Luis Cornejo Calles (27), Manuel de Jesús Santamaría (also reported as Manuel Angel Santamaría Raymundo) (27) and José Javier Santamaría Medina (about 14), were seized on their way home from a religious festival in San José Guayabal, Cuscatlán department. According to eye-witnesses, they were taken away in a truck by armed men, some of whom wore green, army-style shirts. Their tortured bodies, blindfolded and with their thumbs tied behind their backs were found on 1 February in La Puerta del Diablo (Devil's Doorway). Foreign diplomats and Catholic church leaders have laid the blame for this "death squad" killing too, at the door of the Salvadorian armed forces. Auxiliary Archbishop Rosa Chávez stated clearly in his 7 February 1988 homily that "According to information compiled by our office [Tutela Legal], the captors were men in plain clothes and uniformed soldiers of the 1st Artillery Brigade's counter-insurgency section known as the PRAL [Patrulla de Reconocimiento de Alcance Largo, Long-range Reconnaissance Patrol]. They drove a pick-up covered with a canvas. It was also established that the military were accompanied by a guerrilla deserter whom they used to point out people who live in this zone of conflict." Shortly before his killing, José Luis Cornejo had reportedly been offered money by a member of PRAL in exchange for acting as an informer on guerrilla activities in the area, but he had refused to do so.



A relative identifies the mutilated bodies of recent victims of "death squad"-style killings in El Salvador. Investigations by foreign diplomats and church groups appear to have confirmed the families' claims that the victims, who included a young boy, were detained on 21 January by the First Artillery Brigade as they returned from a local religious festival.

In his 7 February homily, Mgr. Rosa Chávez mentioned another recent case, that of Juan Alberto Guevara, pulled from his home by soldiers in the presence of witnesses in the department of La Libertad along with his nine-year-old retarded son José Adelmo. The father's dead body was found later, but the boy is still missing.

Three men from Soyapango, San Salvador were last seen alive by family and friends when they were captured in or near their homes on 14 April 1988 by armed men in military uniforms. They were seized from a neighbourhood which is regularly patrolled by the Air Force, and witnesses say that the Air Force had indeed carried out a patrol in the area that day. When their families went to the local Air Force base to ask for them, they were first told that their relatives were there. However, three men in civilian clothes then came and talked to the sergeant who had given the information, and he then told the women that their missing husbands were not at the base. The bodies of the three were discovered on 16 April, with opposition literature scattered nearby, and were identified by relatives on 21 April. Mgr. Rosa Chávez denounced the case in his 24 April homily, in which he concurred with the families' charges that uniformed military had captured the murdered men. The three had been involved in a dispute with a local landowner who had recently expropriated the sand-pits from which the men had earned their living. They had also been involved in local efforts to construct a school and secure light and water services in their neighbourhood.

#### **4.5 Equipment and Tactics**

In addition to cases where witnesses have seen men in uniform carry out abductions or killings later attributed to phantom "death squads", or where perpetrators in plain clothes have been positively identified as members of the military, eye-witnesses or survivors have sometimes been able to identify their assailants as members of the armed forces by their equipment, such as military boots, and submachine-guns.

On other occasions "squads" were armed with information to assist them in their search for suspects, such as trade union registration lists, which had been filed with the government, or photographs from government files that had been submitted for official identity documents. In most of the reported cases these lists and photographs could only have been obtained from official sources. The frequent appearance of bodies with their thumbs tied behind their backs, or showing marks suggesting they had been bound in such a way, also suggested official responsibility.

#### **4.6 The Victims**

All sectors of Salvadorian society have been the target of "death squad"-style killings, and sometimes it has been difficult to establish what drew victims to the attention of the "death squads." In one macabre case in 1981 the victims were two clowns, a trapeze artist and seven other performers from a travelling circus. All were found floating face down in a swimming pool on the outskirts of El Salvador's second largest city, Santa Ana. The corpses were bullet riddled,

with faces disfigured by gunshots inflicted at close range. A statement in the name of the "Maximiliano Hernández Martínez Brigade" claimed responsibility for their deaths. The motive is unknown.

In a great many cases the choice of victim has been indicator of who lies behind the "death squads". Those targeted have been members of groups perceived to be in opposition to the government, or to represent a nucleus around whom such opposition could coalesce, including students, trade unionists, members of cooperatives, church workers and peasants.

#### **4.6.1 Teachers and academics**

Teachers and academics have long been a target of "death squad" attacks. According to a 1982 report of the teachers' union, Asociación Nacional de Educadores de El Salvador (ANDES), National Union of Salvadorian Teachers, 305 teachers or academics were killed, 50 "disappeared" and some 8,000 had to leave the country between 1980 and 1982. Often such killings followed public statements by educationalists or academic groups criticizing government economic or social policies or coincided with government accusations that the universities were centres of subversion.

A prominent victim was Felix Ulloa Martínez, President of the Geneva-based World University Service (WUS) and former Rector of the National University of El Salvador (UES), who died in October 1980 after a machine-gun attack in San Salvador. Ulloa's name had previously appeared on several anonymous death lists.

Over a three month period in 1983, Amnesty International drew attention to a further nine "disappearances" and five apparent extrajudicial executions of staff at the National University and the Universidad Centroamericana "José Simeón Cañas" (UCA), Central American University "José Simeón Cañas". The violations followed a series of death threats issued in the names of a number of "death squads," including the "Maximiliano Hernández Martínez Brigade"; the Comando Anticomunista de Salvación Universitaria, (Anti-communist Command for the Salvation of the University), which announced it was dedicated to "eradicating communists from the University"; a hitherto unknown phantom group calling itself the Sociedad General de Trabajadores Universitarios (General Society of University Workers); and the ESA, which had already claimed responsibility for a series of bomb attacks at the National University. Eighteen such bomb attacks took place at UCA between 1979 and 1983. The police claimed they were unable to identify the perpetrators.

The wave of "death squad" attacks on the universities in 1983 appeared designed to forestall the re-opening of the National University, closed in June 1980 when government forces attacked the campus and killed an estimated 40 people. Re-opening was formally approved by the government in 1983, but was first obstructed by repeated detention of the university's representatives on the commission that was to supervise re-opening, and then countermanded by presidential order. The attacks occurred in conjunction with a series of raids carried out at universities by uniformed military personnel during which arrests

of university staff were made and one man died - allegedly the result of falling from a window.

The National University has since been reopened, but both government denunciations and "death squad"-style attacks on university personnel and students have continued. Filomena Claros de Majano, secretary at the Ministry of Education, third year law student at the National University and member of the executive of the Law Students' Association, was, for example, detained on 3 January 1984 by armed men in plain clothes who pushed her into a Land-Rover with tinted windows. She was never seen again. She had reportedly received an anonymous letter on 16 December 1983, advising her to stop her "subversive activities".

On the evening of 7 May 1986, shots were fired at the office of the Dean of the Economics Faculty of the National University where a meeting of the faculty's board was taking place. Earlier that day, hooded armed men had openly entered the university campus. In an anonymous telephone call, the Dean, Lic. Carlos Henríquez, is said to have been threatened with death unless he left the country within three days.

On 15 June 1987, the "Maximiliano Hernández Martínez Brigade" re-surfaced, when a communiqué was issued in its name listing 14 university teachers and students it said would be executed unless they left the country within 24 hours. The communiqué, which referred to the National University as having been "converted into a sanctuary for the communists" was published in the newspaper, Diario de Hoy. Although those named on the list were not attacked, subsequent incidents directed at the academic sector included the killing on 14 August 1987 of José Antonio Menjivar Flores, economics professor at the UCA, and the arrest that month of teacher Blanca Rosa Méndez de Benítez. Blanca Rosa Méndez was taken into custody by government agents in plain clothes in the presence of witnesses. A body which appeared several days later was thought to be hers, but was never positively identified. A government investigation was promised into the circumstances of her apparent arrest and murder, but Amnesty International has received no information as to whether it was carried out and what its findings may have been.

On the afternoon of 8 June 1988, university student leader and actor Narciso de la Cruz Mendoza was freed along with members of the Sumpul theatrical group and the musical group El Indio of the trade union Federación Nacional Sindical de Trabajadores de El Salvador (FENASTRAS), National Federation of Salvadorian Workers. They had been seized a short time earlier from a guest house by a "death squad" which warned them that they were under threat of death because of their involvement in political theatre.

#### **4.6.2 Trade unionists**

Leaders and members of El Salvador's trade union movement have been targets of "death squad" attacks for many years. According to FENASTRAS, between 1979 and 1981, 539 trade unionists were detained, 1,875 "disappeared" and 5,123 were killed. Many of the detentions and murders were attributed to the "death

squads". Large-scale killings and "disappearances" continued through 1983, resulting in the dismemberment of the Salvadorian labour movement. Those who survived were forced into hiding in El Salvador, into exile or had to cease trade union activities. Despite continued repression, much in the name of the "death squads", there have since been attempts to re-organise the trade union movement.

A recent upsurge in street demonstrations and strikes by private and public sector workers has been accompanied by a rise in killings and "disappearances" of trade unionists. Protests have centered on dismissals of striking trade unionists, demands for wage increases and union allegations that the government has failed to improve living conditions. Protesters have also demanded to know the fate of "disappeared" trade unionists, and have called for investigations into killings of union members and the release of detainees arrested for trade union activities. Renewed attacks upon trade unionists have often followed public criticism by the unions of government economic or labour policies, or appear to have been a reaction to the formation of new non-governmental unions or confederations. Often, "death squad"-style attacks have followed public claims by the government or private enterprise that the leadership of independent trade unions is associated with the armed opposition.

A wave of "disappearances" and apparent extrajudicial executions of trade unionists followed a June 1985 speech by President Duarte. He declared that "Strikes, on the pretext of labour demands, have a background of indisputable political orientation ... what cannot be accepted is that these [trade union] channels be used and the needs of the people manipulated...". At about the same time, the president of the state-run water service told reporters that, "The armed groups are attempting to carry out their war inside state institutions, through infiltration and manipulation of some members."

The statements were followed by scores of arrests, kidnappings and apparent extrajudicial executions of members and leaders of trade union groups which had recently broken from the government-sponsored union federation and joined forces with independent trade unions. In a number of cases in 1985 and 1986 trade unionists were arrested, coerced through physical and psychological torture into signing statements "admitting" involvement with "subversives" and released, only to be seized and murdered days later. A number of those killed had earlier been named on lists published in the name of "death squads". In other cases, people taken into custody by plainclothes "death squads" were later turned over to uniformed security forces and transferred to official detention centres.

In 1987 incidents included the case of Antonio de Jesús Hernández Martínez, Secretary General of the Asociación Nacional de Trabajadores Agropecuarios (ANTA), National Association of Agricultural and Livestock Workers. According to testimony given to Tutela Legal, he was seized on 19 April by soldiers of the Cuzcatlán battalion of the Third Infantry Brigade, and his body, showing apparent marks of torture, found later that month near San Luis de la Reina, in the department of San Miguel.

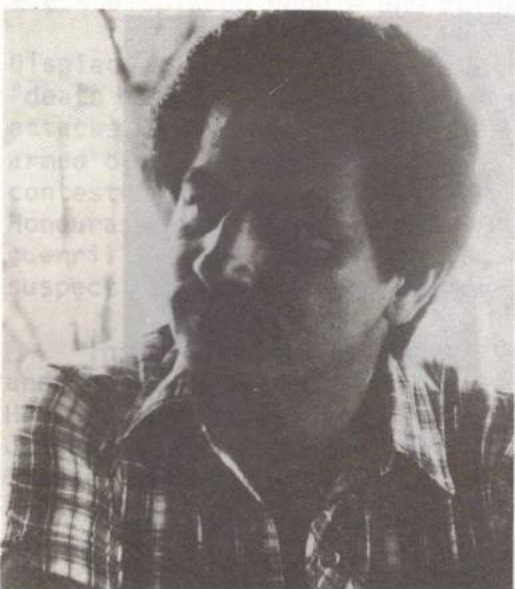
On 1 May 1987 two young members of the Sindicato de la Industria del Café (SI-CAFE), Coffee Industry Union at the Montealegre Coffee Plant, were seized by armed men in plain clothes together with Julio Ernesto García Lucero, aged 18, a baker and member of the Sindicato de Panificadores (Bakers Union). The three were returning from Labour Day demonstrations in Santa Ana. Their captors were reportedly driving a white Cherokee-type van with tinted windows. Local people were able to identify two of their captors from descriptions given by witnesses; one was known to be an agent of the Second Infantry Brigade. Residents of Santa Ana said that the man in question had "broken the necks" ("dezpezcuezado") of many local people. The Commander of the Second Infantry Brigade reportedly confirmed to family members that this agent had been out "patrolling" in a white van on the day of the boys' "disappearance", but said he had not detained anyone, as he had not been given orders to do so. The Commander also reportedly acknowledged privately that the three had been detained at the Brigade's barracks. When their families visited the barracks, however, their detention was denied.

A judge appointed by the Supreme Court to investigate the case was allegedly refused access when he went to the barracks to look for them. A witness to the detention who had been imprisoned at the barracks in early 1986 reported that prisoners had been hidden in a tunnel there when the International Committee of the Red Cross (ICRC) or other human rights monitoring groups came in search of prisoners. He stated that he had been removed from the barracks and hidden in the boot of a car when an ICRC delegation had come looking for him. <1> To Amnesty International's knowledge no independent human rights agency has been permitted to inspect the site.

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- <1> Amnesty International has numerous testimonies from people who say they were hidden when the ICRC arrived to inspect security force installations. A released prisoner interviewed by Amnesty International's March 1987 delegation to El Salvador said he was hidden while the ICRC visited National Guard headquarters at a time when he was still visibly suffering the effects of the torture. Employees at military and security force bases have also testified about the concealment of prisoners. Amnesty International's March 1987 delegation was told of the case of a 19-year-old secondary school student, Miguel Angel Rivas Hernández, from Ilopango, San Salvador department, who has been missing since he was taken into custody in the presence of witnesses by a uniformed military patrol on 29 November 1986. Testimony taken by the delegation suggests he was arrested by an air force unit, possibly after being denounced as a "subversive" by a soldier with whom a local boy (his family denies it was Miguel) had had a fight at a local dance. Convincing accounts from a variety of sources, including security force clerical staff, suggest he was held for two months by the air force before being transferred to National Guard headquarters in San Salvador. The transfer was allegedly arranged in order to obstruct the persistent efforts of his family and local human rights groups to locate him.



Miguel Angel Rivas Hernández. Secondary school student, missing since he was arrested by a uniformed armed forces patrol in the presence of witnesses on 29 November 1986. He has reportedly been seen in custody by security force clerical staff but the authorities continue to deny that he was ever detained.



On 1 September 1987, Jorge Salvador Ubau Barrientos, Secretary General of the Comité Coordinador de Trabajadores Universitarios (CCTU), Coordination Committee of University Workers, and a worker at the National University, was seized in San Salvador by heavily armed men in plain clothes who forced him into a pick-up with tinted windows. Although eye-witnesses recorded the licence plate numbers of the car involved, there has been no official explanation for his "disappearance". He is still missing.

On 7 June 1988 Domingo Morales (22), disputes secretary of a sub-section of the construction workers union, was seized from his home. His dead body was found shortly afterwards, 14 kms north of the capital.

#### 4.6.3 Members of Cooperatives

An upsurge in human rights violations against members of cooperatives, particularly peasants who have tried to form agricultural cooperatives took place in 1986. Abuses including arbitrary arrest, torture and long-term, untried detention, followed a more public posture by members of cooperatives, particularly those in the Confederación de Asociaciones Cooperativas de El Salvador (COACES), Confederation of Cooperative Associations of El Salvador, formed in 1984. Members of COACES, and other cooperatives increasingly began to join trade unionists in public marches and demonstrations protesting against government economic and land-use policies. In 1985, government officials publicly accused such activists of allowing themselves to be used by extremist groups, and a number of "death squad"-style attacks followed.

According to testimony given to Amnesty International's March 1987 delegation, 32-year-old cooperative member José Alfonso López Ramírez was detained on 21 February 1987 outside his home in the cantón of San José las



Angel López, a member of the directorate of the El Barillo Cooperative in the department of Cuzcatlán, has also "disappeared". Eye-witnesses said that on 16 September 1987 he was seized by uniformed members of the 5th Military Detachment based in Cuzcatlán. Shots were subsequently heard, but his body has never been found nor his detention acknowledged. Soldiers passing through the area appeared to have been angered by Angel López's singing of songs he had composed on social issues.

Flores, El Congo, Santa Ana department, by armed men in civilian clothes. Before being taken away, José López told his family they were "from the authorities". José López is a member of the security committee (*junta de vigilancia*) of the agricultural cooperative "La Divina Providencia", which is affiliated to the Federación de Asociaciones Cooperativas de Productos Agropecuarios de El Salvador (FEDECOOPADES), the Federation of Agricultural and Livestock Products Cooperatives of El Salvador. A writ of habeas corpus was submitted to the Supreme Court on 19 March 1987 by his mother. She also wrote to President Duarte, asking whether her son was alive, that those responsible for his arrest release him, and that if he had committed a crime, he be tried accordingly. To Amnesty International's knowledge she has received no response concerning her son's fate. José López, who has been lame since childhood and walked only with the aid of crutches, remains "disappeared".

Amnesty International has compiled a list of 68 human rights violations directed against cooperative workers over the first nine months of 1987, including arbitrary detention, torture, armed attacks upon families, and rape.

#### **4.6.4 Displaced people and returned refugees**

Displaced people and those who assist them have also been recent targets of "death squad"-style murders. Many refugees and displaced people have fled army attacks on civilians in areas the military believed to be sympathetic to the armed opposition or to be helping them. They have taken refuge in areas not contested by the government and opposition or in UN-run refugee camps in Honduras which the authorities claim offer "safe havens" for Salvadorian guerrillas. Those who attempt to return to their homes are automatically suspect, and many have been subjected to human rights violations.

In 1986 Amnesty International learned of 17 refugees who had been arrested and interrogated, sometimes under torture, about their experiences in exile in Honduras. They were held for varying periods in untried detention. On 23 January 1987 Abel Dubon Castro (52), a shoemaker who had lived in the Mesa Grande refugee camp in Honduras between 1980 and 1983, "disappeared" after being abducted from his home in Ilopango, San Salvador department, by men in plain clothes believed to be members of the security forces. He had been abducted on a previous occasion but reappeared shortly afterwards.

Between January 1985 and March 1986 Amnesty International recorded the arrest of five people working with church-run centres for the displaced. In June 1986, five more church workers assisting the displaced received anonymous death threats. A sixth was arrested by the National Police and threatened with reprisals against his family if he did not reveal supposed connections between the armed opposition, the displaced and church-run agencies which assist returned refugees and displaced persons. In November 1987, Miguel Angel del Tránsito Ortiz, a church worker and watchman at the convent of Carmelite Missionaries in Plan del Pino, a poor suburb of San Salvador, was shot dead while on night-duty. His attackers reportedly attempted to force their way into

the church compound but fled when nuns raised the alarm. Church staff at Plan del Pino had been the target of a number of searches and attacks, apparently due to their involvement in community projects, including the running of a clinic which had aided some displaced people, but which the military labelled a "clandestine clinic for the guerrillas".

In January 1988 one man was wounded when uniformed soldiers opened fire on displaced persons living in San José Calle Real, a church-run camp near San Salvador. Several days later, foreign and Salvadorian assistance workers at the site, which can only be reached via a military check-point, were physically assaulted as they left the camp by heavily armed men in plain clothes believed to be government agents. Their assailants told workers they would be killed if they did not stop their work.

#### **4.6.5 The Judiciary, Human Rights Workers, Journalists**

Jurors, judges, lawyers and human rights workers involved in efforts to establish responsibility for crimes carried out in the name of "death squads" have been primary targets for "disappearance" and extrajudicial execution. The International Commission of Jurists (ICJ) has summarized the situation as follows: "The judiciary has been made impotent by fear, while magistrates who have attempted to investigate crimes attributed to the security forces or right-wing groups have been immediately attacked, and several of them have been murdered."

One macabre incident occurred in 1981 when a judge involved in a controversial case in the San Salvador area opened his front door to find the severed heads of five relatives on his doorstep.

Convictions of five National Guards were eventually obtained in the case of the four US churchwomen murdered in 1980, but two judges involved in the early stages of the case quit after threats to their lives. The judge who eventually heard the case suspected that his brother's murder was an attempt to warn him off, and the lawyer defending one of the convicted guardsmen later said he was forced to take part in a cover-up to prevent senior officers being indicted. According to the lawyer's account, he was abducted by National Guardsmen in civilian clothes, tortured at National Guard headquarters and released only after pressure from the US Embassy and the ICRC. The lawyer left the country shortly afterwards and was treated in Los Angeles for broken ribs. Earlier, his brother had been arrested and a brother-in-law abducted - all part, he says, of pressure to ensure his collaboration in the cover-up.

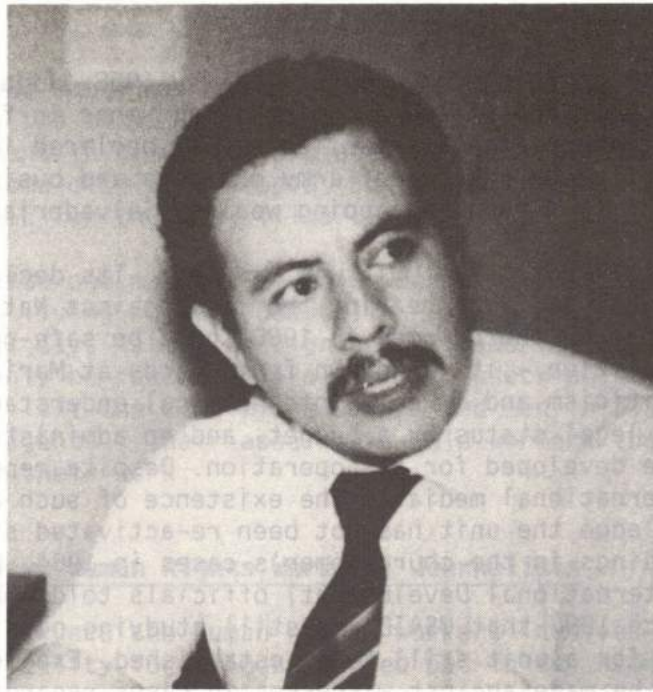
Amnesty International's June 1987 delegation to El Salvador was told by the few lawyers who handle political detention or "disappearance" cases that they receive constant death threats by letter and by telephone in the name of "death

squads", accusing them of being communists. In May 1988 Judge Jorge Alberto Serrano Panameño was shot and killed at point-blank range in front of his home by gunmen in plain clothes. Two days earlier he had declared inadmissible the request for amnesty filed by a group of army officers and businessmen who face charges of involvement in a ring kidnapping wealthy Salvadorians for ransom.

In 1984 a Judicial Protection Unit was created. Its declared purpose was to ensure that the judge and jury hearing the case against National Guards accused of killing four US churchwomen in 1980 would be safe-guarded. Its performance and composition - it was drawn from guards at Mariona Prison - were subjected to much criticism and Amnesty International understands that it was never awarded either legal status or a budget, and no administrative or procedural rules were developed for its operation. Despite repeated references in the local and international media to the existence of such a unit, to Amnesty International's knowledge the unit has not been re-activated since the conclusion of proceedings in the churchwomen's cases in 1984. USAID (United States Agency for International Development) officials told Amnesty International in March 1987 that USAID was still studying possible training and selection procedures for a unit still to be established. Explicit threats of reprisal continue to be made against witnesses in cases regarding the alleged involvement of official personnel in human rights violations, but no further measures for the protection of witnesses or the judiciary are known to have been implemented.

Monitors who investigate and record human rights abuses have also been frequent targets of arbitrary arrest, "disappearance" and extrajudicial execution. All four founding members of the non-governmental CDHES, founded in 1978, had been murdered by 1983 - victims of extrajudicial execution. Speaking of these and other incidents, Roger Errera, the French delegate to the Human Rights Committee (established pursuant to the UN International Covenant on Civil and Political Rights of 1966), told the Committee in 1983 that, "It is impossible to consider [abuses against human rights workers] as an unfortunate series of accidents, isolated incidents or events attributable to local circumstances. It might well be wondered, therefore, if they were the result of official policy which had been deliberately conceived and knowingly carried out at all levels." Amnesty International believes these attacks on human rights workers in El Salvador have been a consequence of government policy.

Abuses directed at human rights workers have continued. In October 1987, Herbert Anaya Sanabria, coordinator of the CDHES, was killed as he prepared to take his children to school. His murderers wore plain clothes and used silenced firearms. A student who confessed to complicity in the killing later retracted his confession saying it had been made under duress while he was held for 12 days in incommunicado detention on an unrelated charge in December 1987.



Herbert Anaya Sanabria

In May 1986, Herbert Anaya had been arrested with a number of other human rights workers. He was held without trial until February 1987. The following month his 65-year-old father was arrested and interrogated about his son's work, and succeeding months saw several bombings of the offices of local rights groups and continued surveillance of the CDHES offices. On a number of occasions groups of uniformed security agents accompanied by heavily armed men in plain clothes attempted to force their way into the CDHES, and Herbert Anaya and other workers received anonymous death threats. In October 1987, just before the Anaya killing, another Salvadorian human rights worker was arrested and interrogated for 12 days about the members of the CDHES and other Salvadorian human rights groups; she was told that Herbert Anaya was to be the next to be killed.

In February 1988 two other members of the CDHES and a US journalist were briefly detained by soldiers of the Atlacatl counter-insurgency battalion in the San Pablo Tacachico area, La Libertad. They attributed their release from Treasury Police headquarters the next morning to the fact that their transfer there had been witnessed by journalists alerted to their arrest. They had gone to the area to investigate the discovery of 10 bodies, mutilated "death squad"-style. Two women victims had been painted red and their breasts had been cut off. The CDHES has not been able to re-enter the area to renew its investigations.

Serious investigative journalism on human rights questions has been difficult and dangerous and independent news media in the country have virtually ceased to function. Both Salvadorian and foreign journalists who have reported information unfavourable to the armed forces or attempted to visit areas to investigate reports of army or police abuses against civilians, have been subjected to harassment, intimidation, short-term arrest, "disappearance" and extrajudicial execution. Ten were known to have died in 1980 alone. They

included the managing director and a photographer of a Salvadorian journal which had refused to practice self-censorship, both seized in July by the security forces and later found disembowelled and hacked to pieces. Foreign journalist casualties that year included four Dutch reporters killed in disputed circumstances in March, and a Mexican journalist seized by the security forces and killed in August.

The failure of military prosecutors to bring charges and the courts to proceed in the numerous cases of political murder attributed to military and security personnel is itself an indicator that the military acts in question were within the broad parameters of military policy. That the military court system has not served to bring to justice military and security personnel responsible for gross human rights abuses suggests an armed forces policy to award immunity from prosecution to personnel who commit crimes within the context of measures to control subversion and insurgency.

Salvadorian law also excludes the conviction of an accomplice. Some reliable evidence suggests alleged participation in a crime, a provision which has been used to exclude key witnesses in the very few cases against military personnel that have come to trial in civil courts. (See for example, pp. 25-26, Appendix B, the efforts to establish responsibility for the murder in 1980 of Archbishop Oscar Romero, and pp. 28-30 regarding investigations into the killing of two US labour advisers and their Salvadorian counterparts in 1980.) From this provision appears to be derived a policy to exclude a certain number of army officers and other subordinates of high-ranking officers from prosecution. Introduced in 1978 to make certain the evidence submitted in certain cases was circumstantial, however, to secure passages of the legislation, Christian Democratic members of the assembly compromised with the military party closely associated with the armed forces. The result was the provision should be restricted to cases of kidnapping, extortion and third party kidnapping. A number of army officers alleged to be responsible for the 1981 "death squad" killings in El Salvador were thus protected from conviction on the basis of circumstantial evidence.

That charges because of the change in jurisdiction of accountability on the grounds of just war in the kidnapping case in other cases the assembly's authority extending to testimony and the transfer of judicial personnel of potential witnesses seem to have been intended to prevent successful prosecution of political personnel already serving his for human rights violations. In the case of the murder of the two US labour advisers, one of the accused army officers was transferred to a foreign embassy post abroad.

The failure of the Salvadorian authorities to bring a single high-ranking official to justice for crimes committed in the name of the death squads is probably the most concrete evidence of official complicity in the 1980s. Only the case of Alfredo Rodriguez for the kidnapping of national of actions. Only the case of Alfredo Rodriguez for the kidnapping of national of actions.

## **5. THE COURTS AND THE MILITARY: OBSTACLES TO EFFECTIVE INVESTIGATION**

Inquiries into responsibility for human rights violations in El Salvador have been hampered by aspects of the Salvadorian judicial system and by its blatant manipulation by the authorities. Under Salvadorian law, military and security personnel can only be tried in military courts. The only way round this has been to dismiss those implicated temporarily from active service so they can stand trial in a civil court. The procedure has been invoked in a very few cases, almost exclusively concerning foreigners.

The failure of military prosecutors to bring charges and the courts to proceed in the numerous cases of political murder attributed to military and security personnel is itself an indicator that the criminal acts in question were within the broad parameters of military policy. That the military court system has not served to bring to justice military and security personnel responsible for gross human rights abuse suggests an armed forces policy to award immunity from prosecution to personnel who commit crimes within the context of measures to combat subversion and insurgency.

Salvadorian law also excludes the confession of an accomplice as admissible evidence against alleged participants in a crime, a provision which has been used to exclude key evidence in the very few cases against military personnel that have come to trial in civilian courts. (See for example pp. 39 - 41 regarding the effort to establish responsibility for the murder in 1980 of Archbishop Oscar Romero, and pp. 38 - 39 regarding investigations into the killings of two US labour advisers and their Salvadorian colleague in 1980). Even this provision appears to be politically flexible: in order to prosecute army officers and others suspected of kidnapping for profit, a special bill was introduced in 1986 to make accomplice evidence admissible in certain circumstances. However, to ensure passage of the legislation, Christian Democratic members of the assembly compromised with ARENA (a political party closely associated with the armed forces) which insisted the provision should be applicable to cases of kidnapping, extortion and drug trafficking, but not murder. A number of army officers alleged to be responsible for the 1981 "death squad"-style killings of US labour advisers were protected from conviction on that charge because of the clause on exclusion of accomplice evidence. Ironically, the same officers were later charged, but not convicted, on the basis of just such evidence in the kidnapping case. In other cases the apparently arbitrary exclusion of testimony and the transfer of judicial personnel or potential witnesses seem to have been intended to prevent successful prosecutions of official personnel allegedly responsible for human rights violations. In the case of the murder of the two US labour advisers for example, one of the accused army officers was transferred to a foreign embassy post abroad.

The failure of the Salvadorian authorities to bring a single high-ranking official to justice for crimes committed in the name of the "death squads", is probably the most compelling evidence of official responsibility for these actions. Only in cases of killings notable for the prominence or nationality of

the victims have the most superficial investigations been deemed necessary.

Murders of tens of thousands of Salvadorian citizens have gone without even a semblance of investigation. Witnesses to abductions or killings have recorded licence numbers of vans used by "death squads". But the authorities have then refused to make public the identity of institutions or individuals to which the vehicles were registered. Over five days in 1981, some 80 young people and children were found decapitated in Santa Ana. A Mexican journalist reported that they had been beheaded by security agents at a nearby meat processing plant, but even then no official inquiries or explanations were forthcoming. Instead after death threats and several attempts on his life, the journalist was himself forced to take refuge in the Mexican Embassy and then to flee El Salvador.

Mgr. Rosa Chávez recently denounced a series of new "disappearances" and killings in his Sunday homilies and attributed them to the armed forces. The response of the judicial authorities to whom the cases had been assigned for investigation was to demand that the archbishop provide them with further details on the cases. He replied, "It is grotesque that those who are responsible for the investigation claim that we are the ones to do it...It is the duty of the judicial institutions to carry out investigations...They make such a show about wanting full and speedy justice but never produce any results."

#### **5.1 Two Flawed Investigations: The murders of two US Labour Advisers and of Archbishop Oscar Arnulfo Romero**

Even in the rare cases, mostly involving US citizens, in which convictions of lower-level security personnel have been obtained, few of those found guilty have remained in custody, and moves to prosecute senior officials who ordered the killings have been blocked.

In January 1981 two US advisers of the American Institute for Free Labour Development (AIFLD) and José Rodolfo Viera, head of the Salvadorian Agrarian Reform Institute, were shot dead in the restaurant of the Sheraton Hotel in San Salvador. The Salvadorian had received a series of death threats. Dining there that evening were two businessmen widely reputed to have funded covert "death squad"-style operations and the Head of the Intelligence Section of the National Guard, his second-in-command, and an army captain. Two of the army officers were close associates of former intelligence chief Major Roberto D'Aubuisson. Their bodyguards, who were members of the National Guard, were posted at the door.

In 1982 the bodyguards were detained and in pre-trial testimony said they had carried out the killings on the orders of the army officers dining at the Sheraton. In February 1986, five years after the event and following persistent pressure from the US government and sustained international interest, the bodyguards were tried and sentenced to 30 years' imprisonment. At the time of their conviction the case had been considered both in El Salvador and abroad as a test of the government's ability and political will to investigate and prosecute armed forces personnel named as responsible for "death squad" killings. The prosecutor reportedly told the jury that the trial was not only of

the two defendants but also of the "National Guard's death squad". However, despite the accumulation of what US human rights and labour groups considered overwhelming evidence against them, all efforts to prosecute the businessmen allegedly involved in the murders and the officers who apparently ordered them have been obstructed. The court declined to accept, for example, the sworn testimony of the wife of a former US military attaché to San Salvador, who said that one of the officers involved, a D'Aubuisson aide, had told her of his part in the murders. He warned her that he would kill her children if she talked, and she reportedly received further death threats when she came forward. On 19 December 1987 the two subordinates held for the killing of the labour advisers were released from prison under the October amnesty.

Another of El Salvador's most notorious "death squad"-style killings was that of Archbishop Oscar Romero, killed with a single bullet as he was saying mass at the Hospital of Divine Providence in San Salvador on 24 March 1980. Despite the establishment of a special government commission to inquire into the murder <1>, and the accumulation of evidence from non-governmental investigations which points to those who planned and carried out the assassination, the killing remains unresolved.

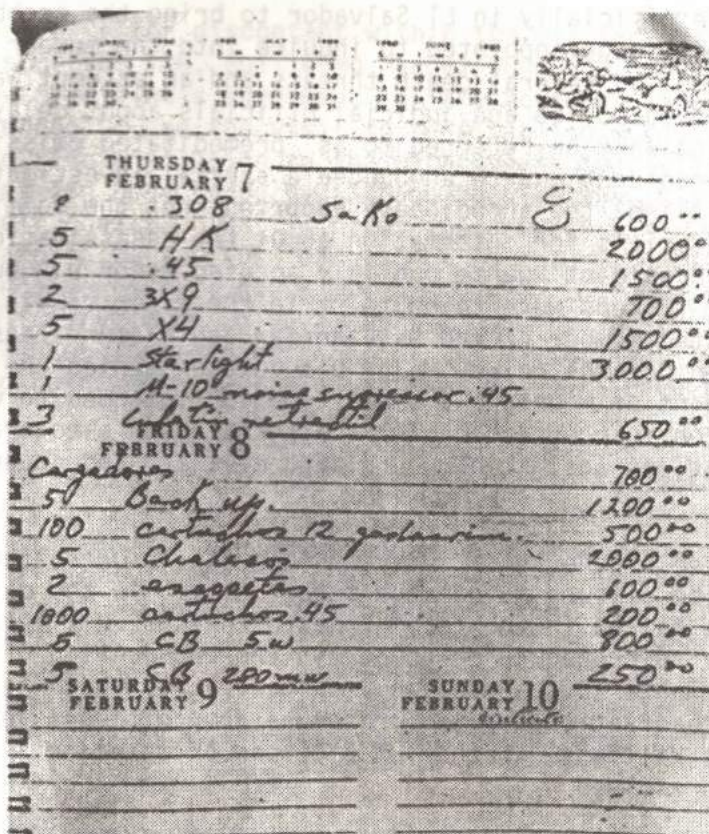
The archbishop had received repeated death threats, and had been the intended victim of a series of bomb attacks. He had nonetheless continued to use his Sunday homilies to read out the names of those arrested, murdered and who had "disappeared" in the previous week. He called on the government to stop "concealing for the sake of international public opinion the bloody fate of the people", and shortly before he died wrote to US President Jimmy Carter asking the United States not to provide military assistance which could be used to perpetrate human rights abuses in El Salvador. In his last sermon, the archbishop antagonized the military and its supporters further when he appealed directly to enlisted men instructed to carry out killings not to obey orders.

Evidence concerning those responsible and their motives began to accumulate shortly after the assassination. A notebook belonging to one of

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<1> When President Duarte was elected in June 1984, he promised investigations of all reported human rights violations as well as inquiries into a number of cases which had occurred before he returned to office (he had presided over a military-civilian junta from March 1980 to March 1982). These included the murders of Archbishop Romero in 1980, those of the two US labour advisers and the head of the Salvadorian land reform program in 1981, and a number of mass killings of civilians in subsequent years. In 1985 a US-funded judicial reform program established another commission, the Comisión de Investigación de Hechos Delictivos, Commission for the Investigation of Criminal Acts. This was to look into a number of cases that were considered "symbolic" or "significant". Despite the pledge of substantial foreign assistance funding for these bodies and the subsidiary technical units developed under them, there has been little progress in cases assigned to them.

Major D'Aubuisson's bodyguards, was seized six weeks after the killing, when the major was detained by troops loyal to a dissident senior officer (later relieved of his command). The notebook contained detailed information on under-cover operations controlled by Major D'Aubuisson. It also had details on the requisition of a sniper rifle equipped with a "starlight" telescopic sight, and personnel and travel arrangements apparently related to the killing of the archbishop and other covert "death squad"-style operations. The notebook recorded the names of the military personnel alleged to have planned the archbishop's assassination, that of the alleged assassin, and details of payments made to them the day after the killing. In 1982 the US Department of State, which had been carrying out its own investigation, learned that a D'Aubuisson aide had told US diplomatic staff that he had not only been involved in the killing of the US labour advisers and José Rodolfo Viera, but that he had "personally planned and had two others assist him with the killing of Archbishop Romero".



THURSDAY FEBRUARY 7			
8	308	5x40	600.00
5	HK		2000.00
5	45		1500.00
2	3x9		700.00
5	X4		1500.00
1	Starlight		3000.00
1	M-10	moine superior 45	
3	Cortadores		650.00
FRIDAY FEBRUARY 8			
50	Back up		700.00
100	cortadores 12	gordiner	1200.00
5	Chalasis		500.00
2	anaguetas		2000.00
1000	cortadores 45		600.00
5	CB	SW	200.00
5	SB	200.00	800.00
SATURDAY FEBRUARY 9		SUNDAY FEBRUARY 10	
			250.00

A page from a notebook confiscated from Captain Alvaro Rafael Saravia, an aide of Major Roberto D'Aubuisson, lists the purchase of weapons and ammunition of the type used in the assassination of Archbishop Oscar Romero in March 1980. The notebook was seized when Major D'Aubuisson was briefly detained six weeks after the killing.

In July 1980 the offices of Socorro Juridico Cristiano in San Salvador were raided by the security forces and files on the Romero case, including testimony

implicating the military, were taken. Continuing investigations in El Salvador and abroad by journalists and human rights monitoring groups have turned up much more evidence. Sources have included Major D'Aubuisson's pilot and a US Embassy informant in El Salvador, whose testimony was summarized before the US House of Representatives Western Hemisphere Subcommittee in February 1984 by a former US Ambassador to El Salvador, Robert E. White. According to the latter, this informant also named the National Guards eventually convicted of the killings of the four American churchwomen. The source confirmed information available from other sources, alleging that Major D'Aubuisson was the man behind the archbishop's murder, and gave further detailed information concerning the man believed to have shot the archbishop. This individual was apparently in the habit of bragging about his involvement in "death squad" operations and plainclothes police are reported to have killed him in 1981, in order to stop him talking.

Little was done officially in El Salvador to bring the archbishop's killers to justice. The first judge appointed to inquire into the murder fled the country. He had received several death threats and an attempt was made on his life when he questioned police and judicial officials about delays in the initial inquiries and what he referred to as "premeditated omissions". Some five months after President Duarte announced a special investigatory commission to look into the killing, the archdiocese reported that the commission had not yet asked church officials for information about the assassination. Then suddenly, in 1987, President Duarte publicly accused Major D'Aubuisson of being behind the killing. Steps were taken to strip the major of his judicial immunity as an elected member of the Salvadorian legislature, essential if he was to be prosecuted for the crime. Major D'Aubuisson denied the charges, accusing the President of mounting a smear campaign intended to weaken the right-wing opposition in preparation for the forthcoming electoral campaign, and made his own accusations against highly placed military and government officials.

However, because of the sensitivity of such disclosures, few believe the investigation will be allowed to advance much further. In the past, all such investigations have failed in the face of death threats, killings and a blunt refusal by the army to prosecute or to permit the prosecution of officers involved in human rights abuses. The army certainly has shown no visible shift in its policy of steadfast refusal to prosecute army officers for their part in "death squad"-style killings, whether US citizens or Salvadorian priests, and the case remains unresolved.

## 6 WHY THE RETURN TO THE "DEATH SQUADS"?

Renewed "death squad"-style killings have occurred as the armed forces high command has expressed open opposition to the policies of President Duarte. The president's discussions with civilian leaders of the FDR, (negotiating on behalf of the guerrilla opposition, the Frente Farabundo Martí para la Liberación Nacional (FMLN), Farabundo Martí National Liberation Front), were bitterly opposed by the armed forces. The assassination of human rights leader Herbert Anaya Sanabria in October 1987 was widely interpreted as an attempt to hamper these negotiations and indeed caused the FDR-FMLN to break off the latest round of peace talks with the government. President Duarte's grave illness, first reported in mid-1988, has been another factor affording the armed forces even greater control over counter-insurgency policies.

A further cause for discontent within the military was the visit of the exiled leaders of the FDR, Guillermo Manuel Ungo and Rubén Zamora, which took place with the president's agreement in late November 1987. The FDR leaders said they intended to use the visit to re-establish a political presence for the FDR <1> and to find a solution to the eight-year-old civil war. On 8 November 1987 two bodies had been found by a roadside with the initials "FDR" written in red ink on their chests. The timing of these murders was widely interpreted as an explicit warning to the FDR leaders not to return to El Salvador. Ungo and Zamora also received direct death threats during their visit. While they were doing a radio interview on 26 November 1987 the radio station reportedly received a telephone call in the name of the Maximiliano Hernández Martínez Brigade saying both would be killed if they did not leave the country.

Dr Mario Reni Roldán, Secretary General of the Partido Social Demócrata (PSD), Social Democrat Party, also reported receiving death threats in November 1987, apparently in response to a recently announced PSD alliance with the FDR. The first threat came via two armed men who reportedly burst into his clinic and told him that if he did not stop what he was doing he would be next in line after Herbert Anaya. He then received a phone call in which he was warned, "We already told you that you're next and the next time we won't be warning you."

In November 1987 most of the more than 400 long-term untried political prisoners in El Salvador were released under the terms of the October amnesty.

<1> Six prominent FDR leaders, including its president, former Minister of Agriculture Enrique Alvarez Cordoba, were detained on 27 November 1980 when, as troops surrounded the area, plainclothes agents broke into El Salvador's Jesuit High School, the Externado San José de la Montaña, where the FDR was holding a press conference. The tortured bodies of the six leaders were found in roadside ditches within 24 hours of their arrest. The government denied responsibility, attributing the murders to extremist forces outside their control. Zamora and Ungo left El Salvador in 1981 following the murder in February 1980 of Zamora's brother Mario, and threats to their own lives.

This reportedly also angered elements among the military, which have argued that release of prisoners detained by the armed forces undermines the conduct of the war.

Several people arrested since the amnesty have reported that both at the time of their detention by uniformed military personnel and later, while being interrogated at military barracks, they were told they were going to be taken to El Playón and killed as, the soldiers said, "there were no longer any political prisoners". A woman detained in November 1987 has testified that she was threatened several times with being taken to El Playón, but after a fortuitous visit by the government Human Rights Commission to the barracks where she was being held soldiers of the Atlacatl Battalion told her that she had "been lucky", and that if the Commission members hadn't come, she would have been taken the next day, Sunday, to El Playón. She was released, but shortly afterwards her brother, José Angel Alas Gómez was arrested and tortured by the soldiers of the same Atlacatl Battalion. He too was released, but seized again a few days later by the Treasury Police. His mutilated body was discovered shortly afterwards in a car. The Treasury Police announced that Alas Gómez had died of a heart attack, but photographs of his body appear to show burns, severe lacerations to the testicles, severe bruising of the head and face and bleeding from the mouth and nose. The day after her brother's tortured body was found, a unit of the Atlacatl Battalion returned to put the woman's home under surveillance. She now fears for her life.



José Alas Gómez. Although the Treasury Police announced that he had died of a heart attack after his arrest in January 1988, his mutilated body showed severe injuries, including bruising to the head and face and bleeding from the mouth and nose.

The few prisoners left at Mariona Prison after the amnesty were also told they were to be transferred to El Playón when security forces raided the prison

on 19 December. Some were in Treasury Police uniform, others, believed to be from the National Police, wore black uniforms with black bandanas covering their faces. The prisoners were beaten and one, Manuel de Jesús Araujo Sánchez, died - allegedly in a fall from a roof - before the others were dispersed to prisons throughout the country.

The military also object to the lapsing of the state of siege and its emergency legislation in 1987 and the formal re-establishment of constitutional guarantees which limit administrative detention to 72 hours. (Previously, the law permitted the military to hold suspects in secret, unacknowledged detention for 72 hours before turning them over to the security services. They in turn could keep them for a further 15 days in incommunicado administrative detention before acknowledging the detention and either consigning the detainees to a recognized detention centre or releasing them.)

Salvadorian government officials, foreign diplomatic personnel and officials of international humanitarian agencies offered Amnesty International's March 1987 delegation several explanations for the routine practice of prolonged interrogation beyond the 72 hour limit in military establishments. They all explained that the military consider that 72 hours is not long enough for them to extract information from suspects. In addition, more time was required for the security forces to obtain confessions which would justify the suspects' continued detention. Torture was also a factor: outright physical torture would leave marks which would still be visible if a maltreated prisoner was transferred into acknowledged detention within 72 hours. If the subject should die while being interrogated, the fact that detention need not have yet been acknowledged makes it possible for bodies to be abandoned and deaths blamed on "death squads". This, Amnesty International was told by one foreign diplomat, "could only be expected in time of war", when information was a military necessity, and the military could not be expected to forego procedures necessary to extract it.

One source attributed the renewed use of the "death squad" method to "contradictions between the armed forces and the Christian Democrat Party, the party in power". According to him, the armed forces' view was that "they capture people, send them to Mariona and within three days Duarte gets them out". He said that the military had therefore concluded that "it is better to kill or disappear those they detain".

Released prisoners are particularly at risk of murder by "death squads"; Amnesty International knew of four such killings in 1987 before the October amnesty. Following the releases in November, further reports of human rights violations against released prisoners were received by Amnesty International. María Anselma Hernández, released under the amnesty, was re-arrested on 4 January 1988 by soldiers of the Fourth Military Detachment at San Francisco Gotera. Her detention has not been acknowledged and she has "disappeared". José Edilberto Espinoza Abrego, also a former political prisoner, was seized on 21 January 1988 by men in plain clothes and never seen again. On 25 March 1988 armed men in plain clothes shot dead former political prisoner Oscar Leonel Corado Martínez in a public bus. He had been released from La Esperanza prison on 16 September 1987 after his lawyer obtained a stay of proceedings. (See also

Human rights violations directed against released prisoners and their families, AI Index AMR 29/44/87.)

In March 1988 ARENA, known in El Salvador as the "party of the 'death squads'", made a very strong showing in elections to the National Legislature. The poll result has been widely interpreted as rejection of President Duarte's efforts to combine a degree of reform with victory in the military's counter-insurgency efforts. Most army officers who hold battlefield commands have reportedly long pressed the government to disregard human rights criticism on the grounds that such concern tied their hands in military conflict and in efforts to suppress those organizing for more radical reform. They are thought to have interpreted the ARENA victory as giving a green light to return to "death squad" policies.

## **CONCLUSIONS**

- (1) "Death squad"-style killings and "disappearances" by the government's uniformed and plainclothes armed forces are again increasing and are now the principal human rights problem in El Salvador. Torture continues, too, often involving mutilation and often carried out in conjunction with extrajudicial execution.
- (2) Tens of thousands of people have been the victims of extrajudicial execution and "disappearance" by El Salvador's armed forces since 1980. The annual number of victims declined after 1984 but killings and "disappearances" have not stopped. None of the armed forces officers responsible have been brought to justice, most remain in positions of command.
- (3) The rise in "death squad"-style actions outlined in this report began in 1987 and increased dramatically in the first months of 1988 after the release of most of El Salvador's recognized political prisoners under the terms of the Central America Peace Agreement. Amnesty International is concerned that individuals who might previously have been detained as prisoners of conscience have now become targets for extrajudicial execution or "disappearance".
- (4) The Government of El Salvador continues to evade accountability for "death squad"-style killings and "disappearances" by its uniformed and plainclothes military and security services. These openly illegal actions by the armed forces are routinely attributed to "death squads", which the government maintains act independently and cannot be apprehended. Other deliberate killings of prisoners have been falsely reported by armed forces spokesmen to have been a consequence of armed clashes with opposition forces.
- (5) The testimony of armed forces personnel, the details of thousands of case studies and other information examined by Amnesty International leads to the conclusion that actions attributed by authorities to "death squads" are routinely carried out by regular units of the armed forces which include

the military and the security services, and by special intelligence units that incorporate civilian gunmen under their supervision and control. Some individuals publicly identified as civilian "death squad" personnel have continued to work openly with armed forces units. They have had effective immunity from prosecution and have held credentials as armed forces auxiliaries, as plainclothes agents of the diverse intelligence divisions or members of the legal, paramilitary civil defense system. Evidence of clashes between independent "death squads" and the armed forces has not come to the attention of Amnesty International and leaders and personnel of such bodies are not known to have been detained.

- (6) Statements by government officials and in government media that attack named individuals and leaders of legal labour, human rights and other institutions as sympathetic to the insurgent movement have often preceded the murder or "disappearance" of these individuals. Authorities have not convincingly and publicly condemned anonymous death threats, killings attributed to "death squads" or the open advocacy of "death squad" methods by private individuals and political groups supporting their use as a counter-insurgency tactic of the armed forces.
- (7) Efforts by El Salvador's independent and church-run human rights organizations to investigate these killings have been hampered by the harassment, intimidation, imprisonment, torture, mutilation, extrajudicial execution and "disappearance" of their members. Domestic human rights workers have been endangered by frequent public denunciations in the news media by civilian government and military officials, who accuse them of aiding illegal opposition groups.
- (8) Announced investigations by government bodies and the judiciary into reported extrajudicial executions and "disappearances" have failed to result in public statements clarifying these abuses and with few exceptions have failed to result in prosecutions of armed forces personnel. The few special commissions established under the present government to investigate highly publicized cases in which the semblance of an inquiry has become a political necessity such as the murder of Archbishop Oscar Arnulfo Romero and the murders of American citizens have also failed to produce full and public findings.
- (9) The military court system in El Salvador has routinely failed to prosecute military personnel accused of involvement in torture, "disappearance" and extrajudicial execution. The exclusive jurisdiction of the military courts over members of the armed forces provides a shield behind which armed forces personnel commit grave crimes with impunity.
- (10) In exceptional cases in which military court jurisdiction has been waived - notably the murder in 1981 of two American labour advisers and their Salvadorian colleague - civilian courts have been intimidated and proceedings obstructed by lack of cooperation by the armed forces.

## RECOMMENDATIONS

Amnesty International is deeply concerned at the rising level of extrajudicial executions and "disappearances" in El Salvador. It believes there are a number of measures which the Salvadorian Government needs to take to return the country to the rule of law.

- (1) The government should take immediate action to halt the "death squad"-style detentions, "disappearances", torture, mutilations and killings.
- (2) The government should publicly condemn all "death squad"-style detentions and killings, whoever the victims may be. The government should publicly condemn as a crime every instance in which threats of "death squad" killings are made, particularly when such threats are published in the state or private news media.
- (3) The government should outlaw the secret, unacknowledged detention of political suspects. Detainees should be held only in publicly recognized places of detention and information on their whereabouts should be made available immediately to the civil courts, the relatives of detainees and their lawyers.
- (4) The government should require the armed forces high command to halt "death squad"-style detentions, "disappearances" and extrajudicial executions and to establish and publicize procedures and rules for arrest, interrogation and the custody of suspects which prevent and make punishable torture and secret detention. Armed forces officers failing to take effective action to halt extra-legal action of subordinates should be removed from positions of authority.
- (5) Officers accused of responsibility for extrajudicial execution, murder under Salvadorian law, and for torture and "disappearance" should be dismissed from the armed forces and removed from positions of influence over potential witnesses until the case is resolved by the civilian courts.
- (6) Chain-of-command responsibility for extra-legal actions of subordinates should be reinforced in law. Superior officers of those responsible for gross abuse of human rights should answer for such acts under the law unless they have taken every reasonable measure to prevent them. Arguments that gross abuses occur as a consequence of ill-trained or indisciplined personnel rather than on orders should be rejected until there is evidence that security personnel are actively discouraged from committing gross human rights abuse and are punished by their superiors when they occur.
- (7) Chain-of-command responsibility of officers of the regular military and security services should be publicly clarified particularly as it relates to civilian auxiliary forces such as civilian defence patrols. Officers of the uniformed services should be held accountable for the actions of all civilian forces under their supervision and command.
- (8) The military court system in El Salvador has routinely failed to discipline

military and security personnel accused of involvement in torture, "disappearance" or murder. The exclusive jurisdiction of the military courts over members of the armed forces of El Salvador has provided a shield behind which armed forces personnel commit grave crimes with impunity. The armed forces high command should be held accountable for the paralysis of the military court system in the prosecution and conviction of armed forces personnel responsible for gross crimes which violate fundamental human rights and for obstruction of the civil courts in the few cases in which jurisdiction has been waived.

- (9) The government should take steps to ensure effective compliance with international norms specific to police and military institutions. In particular, the government should ensure that the armed forces respect the standards contained in the four Geneva Conventions on the Protection of Victims of War, of August 1949, in particular Article 3 common to the four Conventions which concerns situations of armed conflict not of an international character. Among other provisions, Article 3 forbids "murder of all kinds".
- (10) Amnesty International recognizes that the armed forces of El Salvador have internal regulations, the Guía de Procedimientos Operativos Normal de la Fuerza Armada, that appear to be in compliance with international standards. The regulations specify that all arrests, except in exceptional circumstances, are to be carried out by uniformed personnel and that detaining personnel should always identify themselves. Amnesty International also notes that the armed forces have published educational material concerning international human rights standards for use by military and police personnel. It has observed, however, that provisions that should protect rights are not observed. Adherence by military and security units to the Salvadorian Defence Ministry's own regulations, and to the international standards described in the human rights material published by the armed forces for the use of its personnel is a necessary step toward observance of basic human rights norms.
- (11) Internationally agreed standards to which the government should ensure compliance by the security services include the United Nations Code of Conduct for Law Enforcement Officials of December 1979. Of particular relevance to El Salvador is Article 8 which states that officials shall "to the best of their capability, prevent and rigorously oppose any violations of law and human rights", and, if they have reason to believe that a violation of the code of conduct has occurred, "shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power".

Situations that should be reported would include those in which members of the armed forces witness an extrajudicial execution but fail to do anything to apprehend the perpetrators; in which members of the security forces fail to take adequate measures to disarm or detain suspected criminals; and in which members of the military, police or civilian organizations working with them in any way hinder efforts to bring suspected criminals to justice.

- (12) The accession by the Government of El Salvador to such international instruments as the International Covenant on Civil and Political Rights, the Geneva Conventions and their Optional Protocols and the American Convention on Human Rights are laudable. However, the government must now ensure that all members of its military and security services act in accordance with the relevant provisions of these instruments. Amnesty International also urges that the Government of El Salvador ratify and enforce the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

The above recommendations are based on Amnesty International's long-term and continuing human rights concerns in El Salvador. It is Amnesty International's belief that they should be implemented to restore respect for human rights and the rule of law in the country. The organization notes in conclusion, however, that the most essential element in any effort to return to respect for the rule of law is genuine commitment by the constituted authorities of the country to ensure that human rights and fundamental freedoms are protected and that those who abuse them are brought to justice.

## APPENDIX

El Ejército Secreto Anticomunista, ESA, ha hecho llegar a EL MUNDO un comunicado con el membrete de dicha organización, y firmado por el

Comandante Aquiles Baires, Jefe de la Sección Política Militar del ESA, en el cual se desmiente que se haya enviado otro comunicado donde se ame-

naza a 14 universitarios y aclara "que nunca se han identificado con la Brigada Maximiliano Hernández Martínez".

El anterior comunicado

llegado a este periódico, no tenía ningún membrete ni firma. El comunicado del ESA recibido hoy dice:

"Ejército Secreto Anti-

comunista".

"San Salvador, 16 de junio de 1987.

"Por este medio queremos dejar plasmado, que el comunicado hecho llegar

An article published in March 1988 in the Salvadorian newspaper *El Mundo* which reproduces a communiqué from the "Salvadorian Anti-communist League" threatening those, particularly trade unionists or politicians, who "interfered in the forthcoming elections".

## "Gremio Anticomunista Salvadoreño" enfrentará boicot contra comicios

El "Gremio Anticomunista Salvadoreño", GAS, nos hizo llegar hoy un comunicado en el cual dice que enfrentará en legítima defensa a los comandos urbanos del Frente Farabundo Martí para la Liberación Nacional, FMLN, a fin de que los "terroristas-comunistas" no entorpezcan el evento electoral del domingo, en una acción que es contra el pueblo y no contra el Gobierno y su partido, el PDC.

El texto del comunicado es el siguiente:

"El Gremio Anticomunista Salvadoreño (GAS) ante la amenaza del paro al transporte y bloqueo del proceso electoral, considera esta acción, de parte de los terroristas comunistas del FMLN, como el peor de los insultos al pueblo salvadoreño y no contra el gobierno y la alta dirigencia del PDC.

"El proceso electoral tiene que ser libre en todo

el esplendor de la palabra y obras, y nadie tiene el menor de los derechos a bloquearlo o tratar de impedirlo porque cae en delito contra la Constitución y es la Fuerza Armada la única llamada a contrarrestar estos actos que coartan la libertad de los salvadoreños.

"El Gremio Anticomunista, GAS, sabe que por tradición el pueblo salva-

doreño es y será anticomunista, y los salvadoreños que nos hemos afiliado a un partido político de oposición, como PAISA, LIBERACION, ARENA, AD, PCN, POP y PAR, somos todos de ideología democrática y nacionalista; anticomunistas y anti-internacionalistas de corazón, por principios indestructibles.

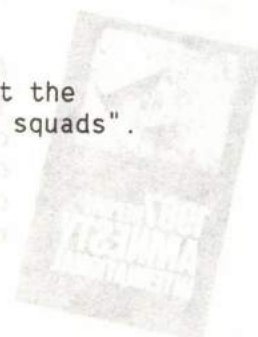
"Ante la gravedad de

los sucesos que se suceden, el Gremio Anticomunista Salvadoreño GAS, hace saber al pueblo, gobierno y Fuerza Armada, que tomará como suyo el derecho de legítima defensa y se organizará en frentes urbanos contra la agresión comunista, como una determinación patriótica, propia de hombres libres, para salvar a El Salvador.

"Señores terroristas-co-

munistas del FMLN-FDR; señores de la Embajada de Estados Unidos y naciones amigas; Fuerza Armada de El Salvador: el pueblo salvadoreño saldrá a votar el próximo domingo 20 de marzo, y ésta será la fecha memorable de la creación del más grande de los frentes que luchan en todos los campos contra el comunismo. Todos juntos velaremos porque se lleve a cabo limpiamente, el proceso electoral. Cuidaremos urnas y vigilemos el escru-

El *Mundo* article June 1987 reporting on death threats against the university sector in the name of one of El Salvador's "death squads".



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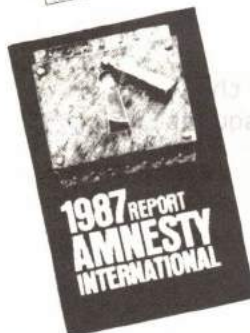
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### **EL SALVADOR: 'DEATH SQUADS' — A GOVERNMENT STRATEGY**

A renewed surge of killings by so-called "death squads" has been the most alarming aspect of the human rights situation in El Salvador in the past year. These clandestine paramilitary groups achieved notoriety in the early 1980s when they claimed responsibility for the murder and "disappearance" of thousands of people from all sectors of Salvadorian society. Their activities later declined, but are once again on the rise. Although the abuses have not reached the levels of the early 1980s, human rights groups in El Salvador report that there were as many "death squad"-style "disappearances" and murders in the first three months of 1988 alone as in all of 1987. Recently the civilian government's own human rights commission declared, "The horror of the violence of the past has broken out again, threatening to drown us in a bloodbath of uncontrollable and disastrous consequences."

Victims are people perceived to be opponents of the government. They include members of cooperatives, trade unionists, human rights workers and judges.

The Salvadorian Government maintains that "death squad"-style killings are the work of extremist groups beyond its control. However, there is overwhelming evidence to suggest that the squads are made up of regular troops and police — that they form an intrinsic part of the security apparatus.

This report reviews the evidence collected by Amnesty International from a wide range of sources, including Salvadorians who have witnessed "death squad" activities, the rare survivors of "death squad" attacks and former squad members themselves. It concludes that the failure of the authorities to investigate the resurgence of the "death squads" and bring those responsible to justice has created a climate conducive to further abuses. The report notes that the violations are occurring in a context of continuing civil strife.

Nonetheless, it considers that it is the responsibility of the authorities to ensure that human rights violations are speedily and impartially investigated, that culprits are punished and that members of the armed forces and security services are trained to abide by international human rights standards.

