

EXTERNAL (for general distribution)

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**EL SALVADOR: KILLING OF FRANCISCO CRUZ MENJIVAR,
SALVADORIAN REFUGEE RETURNED FROM HONDURAS**

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Francisco Cruz Menjivar, a 30-year-old Salvadorian refugee who had recently returned to El Salvador after ten years of exile in Honduras, was killed on 30 March 1991 during a military operation by soldiers of the Atlacatl Battalion near the repatriate community of Nueva Trinidad, Chalatenango, near the Honduran border. Francisco Cruz had returned to El Salvador only eight days earlier, as part of the voluntary repatriation of refugees from the Mesa Grande camp in Honduras.

Residents of the community reported that at 5am that morning Francisco Cruz Menjivar and several other villagers were bathing and washing their clothes near the community's water tank, situated outside the settlement, when they heard gunfire in the distance. Anxious for their safety, the villagers decided to go back to the settlement, but Francisco Cruz stayed behind to finish bathing.

Residents saw a column of 60-70 uniformed soldiers near the settlement, and at around 6.30am three armed and uniformed Atlacatl soldiers passed through Nueva Trinidad. Some residents claimed to have heard Francisco Cruz Menjivar being interrogated and threatened, pleading with soldiers not to kill him. Other residents confirmed that they had heard a single burst of gunfire near the settlement around 6.30am.

At 9am the villagers found the body of Francisco Cruz Menjivar in the bushes about 500 meters from the settlement, in the direction from which they had heard gunfire. The body had multiple bullet wounds, including a large wound in the forehead surrounded by tattooing (powder burns), indicating he may have been shot in the head at close range. Missing from his trouser pocket were two thousand colones (about US\$ 250) that the family had received from the United Nations High Commission for Refugees (UNHCR) to assist their repatriation.

Several days after the killing military sources quoted in the Salvadorian press claimed that Francisco Cruz Menjivar died in crossfire during armed confrontations between the army and the Frente Farabundo Martí para la Liberación Nacional (FMLN), the Farabundo Martí National Liberation Front. However the victim's family and other residents of Nueva Trinidad strongly refuted allegations that there had been an armed confrontation, stressing that there was no FMLN presence in the area that day.

BACKGROUND

The Cruz Menjívar family, like thousands of other Salvadorians, went to Honduras from Chalatenango in the early 1980s, fleeing fierce repression by the army as it carried out counter-insurgency operations in the area. The countryside around Nueva Trinidad was the scene in 1981 of a massive anti-insurgent operation by the Atlacatl Battalion and other army units, during which several hundred Salvadorian refugees were massacred as they attempted to flee across the Sumpul river into Honduras.

Since 1987, the refugees in Honduras have returned home in waves of repatriations mostly supervised by the UNHCR. But communities of repatriated refugees in El Salvador continue to suffer harassment, ill-treatment and intimidation at the hands of the Salvadorian military, who repeatedly accuse these communities of being strategic bases for the FMLN.

The US-trained Atlacatl Battalion has been linked to the killings of hundreds of non-combatants in the early 1980s. The almost total impunity enjoyed by the perpetrators has contributed to the persistence of such atrocities to this day, as was illustrated by the November 1989 murder of six Jesuit priests and two staff at the Universidad Centroamericana (UCA) in San Salvador, for which members of the Atlacatl Battalion are now standing trial.

AI'S CONCERN

Amnesty International is appealing to the Salvadorian government to carry out a thorough and impartial investigation into the killing of Francisco Cruz Menjívar and to bring to justice those responsible for his death, should he be found to have been extrajudicially executed. AI is urging that the government comply with the Agreement on Human Rights signed by the government and the FMLN in July 1990. This Agreement, which restates existing Salvadorian law, states that priority shall be given to the investigation of killings and disappearances and to the identification and punishment of the guilty parties. The Agreement also included a provision guaranteeing the political and social rights of returned refugees.

" Every necessary step shall be taken immediately to avoid any action or practice which involves an attack on the life, integrity security and freedom of the individual...

Displaced persons and returnees ...shall be guaranteed the freedom to exercise their political and social rights within the framework of the country's institutions"

Agreement on Human Rights July 1990

"..eight days after arriving here they killed my son. Today the Armed Forces say he was a guerrillero, that's not true, because here the whole community knows him. They did it on purpose.." [a los ocho dias de estar aquí, asesinaron a mi hijo. Hoy la fuerza Armada dice que el era guerrillero, eso es falso, porque aquí toda la comunidad lo conoce, ellos lo hicieron a proposito..]

Mother of Francisco Cruz Menjívar