

# amnesty international

## EL SALVADOR

### CONTINUED DETENTION WITHOUT TRIAL OF JORGE MIRANDA ARÉVALO

JANUARY 1989

SUMMARY

AI INDEX: AMR 29/04/89

DISTR: SC/CO/GR

Jorge Miranda Arévalo was arrested in December 1987 on charges of having tried to flatten the tires of a soft drink delivery van. While in virtually incommunicado detention for 12 days he made an extrajudicial confession (to the security forces and not to a judge) to involvement in the murder in October 1987 of Salvadorian human rights leader Herbert Anaya Sanabria. On 19 February 1988 he retracted his confession saying it had been made under mental and physical duress. However, he is still being held in connection with the killing of Herbert Anaya, and there appears to have been no further progress in the legal proceedings against him since he made his original extrajudicial confession. Meanwhile his lawyers have pointed to a great many inconsistencies in his original confession, between that confession and other statements made by him and between his purported confession and the physical evidence available.

Amnesty International is concerned that there has apparently been no progress in the investigation into Herbert Anaya's killing since Jorge Miranda made his extrajudicial confession to involvement in it. It is also concerned that Jorge Miranda is still untried in detention almost one year after he retracted his original confession, that he is reportedly not permitted access to his family and lawyers without prison guards being present, and that human rights groups that have attempted to interview him in prison have been refused access to him.

This summarizes a 3-page document, El Salvador: Continued Detention without Trial of Jorge Miranda Arévalo, (AI Index: AMR 29/04/89), issued by Amnesty International in January, 1989. Anyone wanting further details or to take action on this issue should consult the full document.



EXTERNAL (for general distribution)

AI Index: 29/04/89  
Distr: SC/CO/GRAmnesty International  
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January 1989

**EL SALVADOR:****CONTINUED DETENTION WITHOUT TRIAL OF  
JORGE MIRANDA AREVALO**

As explained in CASA 01/88, Jorge Miranda Arévalo was arrested on 23 December 1987 for allegedly having tried to flatten the tires of a soft drinks delivery van. According to the Salvadorian authorities, while being questioned in connection with this charge, he made a voluntary extrajudicial confession (e.g. made to the security forces rather than to a judge) to involvement in the murder on 26 October 1987 of human rights leader Herbert Anaya Sanabria. Herbert Anaya had been shot and killed by men in plain clothes using silencers on their guns as he prepared to drive his children to school. Neither the official security forces nor the armed opposition admitted responsibility for his murder. However, according to Jorge Miranda's confession, a guerrilla group of which he said he was a member had ordered him to act as look-out while two other members of the group carried out the killing of Herbert Anaya. He stated that the group had decided to eliminate Herbert Anaya because they believed he had collaborated with the government when held in untried detention between May 1986 and February 1987 on charges of collaboration with the armed opposition. He said he knew his two accomplices by their first names only, but nonetheless the police claimed to have been able to determine their identities on that basis alone. Jorge Miranda was then said to have identified the two from photographs shown him of two guerrillas who had allegedly died in combat with the army in the period between Herbert Anaya's murder and before Jorge Miranda's arrest.

Jorge Miranda's ratified his confession to the Herbert Anaya killing before a judge on 4 January 1988, after he had been held in virtually incommunicado detention for 12 days. (Under Salvadorian law administrative detention should not exceed 72 hours. A suspect should then be presented before a judge and determination made that there is a case to answer, or should be released.) Jorge Miranda has since stated that he had no access to a lawyer during the 12 days he spent in incommunicado detention, and that he was only able to see his family for short periods and then in the presence of guards.

On 18 February 1988, he retracted his confession claiming that it had been made under duress; he said that he had been subjected to extended sleep deprivation, that continued threats had been made against him and his family, that he had been injected three times while blindfolded with an unknown substance, and that he had been gagged with cloth impregnated with lime. It also emerged that a large payment had been made to him (12,000 colones, worth at that time around US\$ 2,400), just prior to his 4 January declaration before the judge, purportedly in return for information he had given about supposed arms caches. Miranda's family have stated that he had been home in bed at the time of the crime, and the school where he was studying has made documents available, including attendance records and the actual exam taken, which appear to support Jorge Miranda's assertion that on the day of the murder he had been sitting exams.

Furthermore, his lawyers have pointed out a great many internal contradictions within the confession itself and between the confession, and other statements made by the accused, and between the confession and physical evidence available on the killing. At one point for example, he states that Herbert Anaya's car (the human rights leader was shot in a parking lot as he was getting into the car to take his children to school)



had four doors, when in fact it was reportedly a two-door vehicle. In his confession, he gave details concerning the dates and times when he allegedly kept the Anaya home under constant surveillance. However attendance records from his school show that he was attending classes on the days in question. Similarly, he says in his confession that after the killing he went to his home to hide and then a week later met with his supposed accomplices at a bus stop. He gave another version of events to journalists who interviewed him in prison in January 1988 according to which he didn't leave the house until five days after the killing when an accomplice came to congratulate him on a job well done.

In addition, the version given in Jorge Miranda's confession and in the official "reconstruction" of the murder, that the victim was shot from the front do not accord with the forensic report which states that there were five entry wounds on the back of the victim's body. Finally, Jorge Miranda's lawyers have expressed concern that the polygraph test taken by Jorge Miranda which has been cited as evidence against him was apparently administered after the suspect had been maltreated and threatened while undergoing a five-hour interrogation. Aside from the fact that lie detector tests are generally considered unreliable, Jorge Miranda's lawyers have suggested that these would not be suitable circumstances in which to administer such a test, and that any results of such a test should therefore be considered questionable. In any case, Amnesty International understands that results from lie detector tests would not be considered evidence by the Salvadorian courts. Amnesty International also understands that the results of the test have not been made available to Jorge Miranda or his lawyers, making it difficult for his defense counsel to respond to whatever information may have been elicited from the test and to assess the conclusions apparently drawn from it.

Finally, Herbert Anaya's wife has stated that when a team of police officers came to her home after her husband's murder to recreate the circumstances of the killing, a neighbour recognized one of the policemen as one of the two armed men she had seen in the parking lot just before Herbert Anaya was slain there. She further stated that neighbours who witnessed the killing have said they did not recognize Jorge Miranda as one of the assailants.

Because Jorge Miranda has since withdrawn his original confession, because of the internal contradictions within it, the discrepancies between it, other statements made by the prisoner and the physical evidence available on the case, and noting other information made available by relatives and witnesses, Amnesty International believes there is reason to doubt whether Jorge Miranda's extrajudicial statement is sufficient evidence on which to conclude that Jorge Miranda was indeed involved in the murder of Herbert Anaya. And, other than his supposed confession, Amnesty International understands that that the government's case, that Herbert Anaya was killed by the armed opposition, is virtually unsubstantiated. According to Jorge Miranda's lawyers, the dossier of supposed evidence to this effect basically consists of statements made by police officers that Herbert Anaya had met with a group of students including one guerrilla leader at the university in the days immediately preceding his death. According to the police statements, at this meeting Herbert Anaya refused to carry out an order from the armed opposition; this refusal, it is claimed, was a principal reason that the opposition decided to have Herbert Anaya killed. However, according to the lawyers acting for Jorge Miranda, the names given in the dossier were not those of students but of staff at the university, and none of them had been questioned by the police in connection with the Anaya murder.

Given the inconclusive nature of this evidence and the doubts cast on the veracity of Jorge Miranda's original confession, Amnesty International does not consider Herbert Anaya's murder to have been satisfactorily resolved. Furthermore, the history of abuses directed against Herbert Anaya and his family, including his own arrest and alleged torture in May 1986, subsequent threats and intimidation directed at him by official security force personnel following his release, and the short-term detention of his 65-year-old father in March 1987, coupled with repeated accounts of



security force harassment of other human rights monitors, constitute in Amnesty International's view cause for concern that official forces may have been responsible for his killing. For all of these reasons, Amnesty International believes it incumbent on the authorities to continue in-depth inquiries into the killing of Herbert Anaya in order to establish the true perpetrators of his murder and bring them to justice.

The organization is also concerned that Jorge Miranda continues to be held on the basis of a confession which he has since withdrawn, and that there appears to have been no progress in the legal proceedings against him despite the fact that he has now spent well over a year in untried detention. Furthermore, although just prior to and immediately following his retraction he was reportedly visited on a number of occasions by unidentified people and supposed journalists whom he says tried to persuade him not to withdraw his confession, since his retraction, he is reportedly held in virtual isolation. He is now unable to receive visits from his lawyers or his family without the presence of a guard, and a series of human rights groups which have attempted to interview him at Mariona prison where he is now held have been refused access to him.