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SITUATION OF HUMAN RIGHTS IN EL SALVADOR

STATEMENT SUBMITTED BY AMNESTY INTERNATIONAL TO THE  
UNITED NATIONS COMMISSION ON HUMAN RIGHTS in JANUARY 1985

1. In his inaugural speech on 1 June 1984, President José Napoleon Duarte stated that he intended to "fight openly and tirelessly to control abuse of authority and the violence of the extremes, the death squads, and all the problems of injustice and power they represent". Subsequently the President announced on several occasions his intention to ensure that the military and security forces do not continue to exceed their authority. He also announced his intention to investigate a number of past human rights abuses. Amnesty International has welcomed the above statements but wishes to inform the Commission of its continuing concerns in El Salvador.

Continuing violations

2. Since the new government came to power Amnesty International has continued to receive reports of individual death-squad style extrajudicial executions and "disappearances", as well as larger scale killings of non-combatant civilians said to be carried out by members of the military and security forces.
3. There have been numerous reported cases of "disappearances" of persons following unacknowledged detention by the military or security forces. In some cases the detention was subsequently acknowledged, in others the victim was later found dead. Examples of such death squad style killings include those of students Walter Sandóval and Jorge Hernández in September 1984, and of Rutilio Leiva, also in September 1984. In October 1984 14 year old Boris King Montes was abducted from his home by heavily armed men in civilian clothes and subsequently found dead. Only three days earlier he had been arrested by the National Guard on his way home from school and interrogated about alleged links to the armed opposition. His body was found with a note to his father, warning him to stop his work with the Salvadorian Peasants Union. In November 1984 Reverend David Ernesto Fernandez Espino, a prominent Lutheran pastor, was found dead near San Miguel with signs of extensive torture. He had last been seen in a vehicle accompanied by two men in uniform.
4. Examples of killings of non-combatant civilians by the Salvadorian military include the reported killing of approximately 70 civilians during July 1984 in a number of small villages in the provinces of Cabañas and Chalatenango. According to sworn testimonies by survivors, the soldiers



tortured some of their victims before shooting them. Amnesty International has also received allegations that soldiers of the Atlacatl batallion were responsible for the extrajudicial execution of unarmed civilians in the Gualsinga river area of Chalatenango on 30 August 1984. Human rights reporting groups in El Salvador stated that they had collected the names of 34 people who had died but they feared that the death toll could be much higher.

Measures by the government

5. The government has announced a number of measures to curb abuses of the military and security forces and to keep these forces under control. It has removed from active duty certain officers who had been repeatedly linked to the death squads. It has disbanded the intelligence section of the Treasury Police, a unit consistently implicated in reports of the illegal detention, torture, and murder of suspected opponents of the government. And it has placed El Salvador's three security forces under the command of a Vice-Minister of Defence, with the stated aim of making these forces more directly answerable to the government.
  
6. In the view of Amnesty International the continuing incidence of extrajudicial executions and "disappearances" committed by the military and security forces demonstrates that further measures are required. The mere dismissal or transfer to positions abroad of officers implicated in serious human rights violations is an inadequate response to such violations which is unlikely to prevent further abuses. Persons responsible for human rights abuses should be properly charged and brought to justice. The conviction in August 1983 of a civil defence commander for the murder of a seminary student and the conviction in May 1984 of five National Guardsmen for the 1980 murders of four US churchwomen remain the only known instances in which military or security personnel have been successfully prosecuted for human rights violations.
  
7. The government has announced a number of measures to promote investigation of human rights abuses. It has established special commissions to investigate some of the more notorious extrajudicial executions in El Salvador in recent years. It has also announced that a new Institute of Criminal Investigations would be created which would be staffed by specialized professional personnel, including a detective unit and forensic experts. At the same time, the governmental Human Rights Commission which began functioning in 1983 has continued its activities.
  
8. Amnesty International believes that in order to ensure their effectiveness, details need to be made public as to how these investigative bodies actually operate, including their precise terms of reference and powers. To Amnesty International's knowledge no information has thus far been made public as to any findings those investigative bodies may have made, either in the



specific instances announced by the President or with respect to the thousands of Salvadorians who have "disappeared" or have been subjected to apparent extrajudicial executions in recent years - this in spite of undertakings by the President to committees formed by family members of such persons that their cases would be investigated.

9. The government has continued to conduct criminal proceedings against persons suspected of crimes against the state under the provisions of Decree Law 50 of February 1984. Amnesty International is concerned that torture and other cruel, inhuman or degrading treatment against detainees is facilitated by the lengthy periods of incommunicado detention permitted by this decree. For example, the decree appears to permit law enforcement agencies to hold a suspect for 15 days before bringing him/her before a military examining magistrate. It also appears to permit a total of 33 days before the suspect may have access to independent legal advice.

#### Conclusions

10. The new government has announced a number of measures with the stated purpose of bringing the military and security forces under control and of promoting investigations of past human rights abuses. Nonetheless "disappearances", individual extrajudicial executions and mass killings of non-combatants by the military and security forces have continued to occur on a large scale. Since the new government came to power, there have been no known prosecutions for human rights abuses committed by military or security personnel which have led to convictions. The institutional framework enabling torture, extrajudicial executions and "disappearances" continues to exist.

11. Amnesty International is aware that the official military and security forces are faced with an armed opposition. The organization has received reports of individual execution-style killings committed by opposition groups. Amnesty International, as a matter of principle, condemns the torture or execution of prisoners by anyone, including opposition groups. However, such abuses do not relieve the government, as it seeks to restore order or, as the case may be, win the armed conflict, from the obligation to respect fundamental norms of international law.

12. In April 1984 Amnesty International submitted to the Salvadorian authorities its report "Extrajudicial executions in El Salvador: report of an Amnesty International mission to examine post-mortem and investigative procedures in political killings." The report was made public in May 1984. It contained detailed recommendations regarding government responsibilities with respect to military, security and paramilitary units; judicial reform; forensic examinations; protection of independent human rights monitoring groups; and the functioning of the governmental Human Rights Commission. The report was re-submitted in November 1984 along with a letter outlining Amnesty International's continuing concerns in El Salvador since the new government came to power, but no reply has been received.