

amnesty international

EL SALVADOR

FORENSIC AND OTHER EVIDENCE CONCERNING THE KILLING OF JURG WEIS AND TWO SALVADORIAN COMPANIONS

MARCH 1989

SUMMARY

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Jürg Weis, a Swiss theologian and activist on Central American issues, was killed in El Salvador on 22 August 1988, along with Salvadorian Carlos Mauricio Linares Magaña and another unidentified Salvadorian. According to a statement released by the Salvadorian Ministry of Defence on 23 August, the three were "extremists" killed in a "confrontation with national police agents" who were carrying out a routine patrol in Cabañas department. After a preliminary examination in El Salvador where the doctor concluded that massive head wounds had been caused by a gunshot, and other wounds by wild animals, the body of Jürg Weis was flown back to Switzerland where two autopsies were carried out. In September, an independent European delegation visited El Salvador to inquire into Jürg Weis's death. It spoke with the police patrol who allegedly killed the three in combat, and local officials as well as top police and military officers. Amnesty International has studied the delegation's report, the reports on the two autopsies done in Switzerland as well as the certificate of death prepared by local officials in El Salvador, and the medical report prepared by the Salvadorian doctor. The findings of the European delegation, combined with the results of the two autopsies, cast grave doubts on the government's version as to how Jürg Weis died and give rise to concern that government forces may have been responsible both for his murder and for attempting to cover it up. Amnesty International believes that there is now sufficient information available to make it possible for genuine inquiries to establish the manner in which he died. It is calling on the Salvadorian government to initiate in-depth inquiries into the deaths of Jürg Weis and the two Salvadorians who died with him, and to bring those responsible to justice. It believes that all similar incidents, when noncombatant civilians appear to have been victims of extrajudicial executions at the hands of the police or military, should also be fully investigated and those responsible brought to justice.

This summarizes a seven-page document, El Salvador: Forensic and other evidence concerning the killing of Jürg Weis and two Salvadorian companions (AI Index: AMR 29/08/89) issued by Amnesty International in March 1989. Anyone wanting further details or to take action on this issue should consult the full document.

NOTE: The complete report of the European delegation (which includes reports of the two autopsies done in Switzerland) is available from the Central America Secretariat, a Central American support group in Switzerland with which Jürg Weis had been affiliated. Their address is:

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(It exists to date in German and Spanish)

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FORENSIC AND OTHER EVIDENCE CONCERNING THE KILLING OF
JÜRG WEIS AND TWO SALVADORIAN COMPANIONS

Jürg Weis, a Swiss theologian and activist on Central American issues, was killed in El Salvador on 22 August 1988. According to a statement released by the Salvadorian Ministry of Defence on 23 August, he was one of three "extremists" killed in a "confrontation with national police agents" who were carrying out a routine patrol near the hamlet Las Flores, Cabañas department. Local military and police officials said the police patrol was searching the area because local villagers had told them of the presence nearby of armed "elementos subversivos" (subversive elements) who had been involved in "strange activities." Police agents allegedly involved in the clash stated that the battle lasted around one hour after which they found the bodies of two Salvadorians (one of them unidentified, the other named as Carlos Mauricio Linares Magaña) and that of Jürg Weis in a cornfield. In a video made by the Salvadorian military, Jürg Weis's body was shown lying next to a rifle. It had allegedly been found hot and smoking after the combat. However, friends and associates of Jürg Weis said that it was inconceivable that Jürg Weis would have carried arms or engaged in combat.

According to the Salvadorian doctor who examined the body and the secretary of the local justice of the peace in nearby Ilobasco who certified the cause of death, the head had been damaged by a bullet wound, and the body and head had been mutilated, in their opinion by wild animals. However, others who viewed the body later stated that they observed no indication that the damage to the head had been caused by a bullet, and suggested that the wounds to the head and body may have been caused by stabbing or otherwise deliberately inflicted. They included the honorary Swiss consul who saw the body at the place where it was found, and workers at the funeral home who embalmed it.

At the time of Jürg Weis's death, Amnesty International telexed Salvadorian president Napoleón Duarte, expressing its concern at the conflicting assessments as to how Jürg Weis had died, and its belief that it was vitally important to take further steps to establish the manner of his death. The organization noted that his death had occurred in the context of a number of recent incidents in which foreigners travelling in El Salvador had been detained by the Salvadorian armed forces and publicly denounced by government officials as "subversives" or accused of aiding the armed opposition before being expelled from El Salvador. For example, on 16 August, only days before Jürg Weis died, the newspaper La Prensa Gráfica reported that the head of the Salvadorian Joint Chiefs of Staff, General Adolfo Blandón had made a statement warning about the presence in the country of professional foreign agitators who, according to the general, had entered the country under the cover of belonging to international

humanitarian agencies or to work on projects such as aid to refugees, but whose real objective was to provoke sedition. Amnesty International asked that steps be taken to ensure the physical integrity of all persons in Salvadorian territory including foreign visitors there. It expressed concern that public statements by armed forces spokesmen and other official characterizing foreigners in general and specific visitors in particular as "subversive" could serve to place the lives of all visiting foreigners in danger.

After certification of death procedures had been completed in El Salvador, Jürg Weis's body was taken back to Switzerland where an interim autopsy was carried out on 30 August, and a second full autopsy in November. From 18-25 September, a delegation visited El Salvador to conduct an inquiry into his death. It was made up of colleagues who had worked with Jürg Weis in European solidarity work; Jannis Sakellariou, a European parliamentarian; and a number of independent professionals including Hermann Schmidt, a scientist at the Max Planck Institute in the Federal Republic of Germany and Jean Théoleyre, a retired admiral who is also a member of Christian Action for the Abolition of Torture. The delegation interviewed a series of Salvadorian officials including General Adolfo Blandón, then Head of the Combined Command of the Chiefs of Staff; General Carlos Vides Casanova, Minister of Defence; Colonel Mauricio Guzmán Aguilar, Head of the National Police; Colonel Carlos Rolando Herrarte, Commander of the Second Military Frontier Detachment (DM2) in Sensuntepeque; Major Chávez Cáceres, Head of Operations of DM2 in Sensuntepeque (whose ranking as S3 indicated that he reported directly to the Joint Chiefs of Staff); Lieut. Ortiz, Chief of the national police post in Ilobasco at the time of Jürg Weis's death; and Colonel Torres, Head of COPREFA, the armed forces press agency. The delegation was also able to interview the members of the police patrol that the Salvadorian authorities said had been involved in the clash in which Jürg Weis died and the local medical and civil authorities in Ilobasco who had been the first to examine Jürg Weis body and who had then issued both a medical report and a certificate of death. The findings of the delegation were made public in their report "El asesinato del suizo Jürg Weis, [The murder of Swiss citizen Jürg Weis]", issued in January 1988.

Amnesty International has studied the delegation's report, the reports on the two autopsies carried out by Dr. R. Dirnhofer, as well as the certificate issued by the local justice of the peace, and the medical report prepared by the Salvadorian doctor who examined Jürg Weis's body before it was returned to Switzerland. Examination of these materials reveals numerous discrepancies in the accounts given by the local officials, by the patrol, by their superior officers and by top Salvadorian military officials concerning the killings, and between these accounts and the physical evidence available on the killing. These are discussed below. The findings of the delegation, combined with the results of the two autopsies cast grave doubts on the government's version as to how Jürg Weis died and give rise to concern that government forces may have been responsible both for his murder and for attempting to cover it up.

Results of the autopsies:

- Wounds while the victim was still alive

Because of the state of decomposition of Jürg Weis's body by the time it was examined in Switzerland and because it had been embalmed and the internal organs removed in El Salvador, the examining pathologist in Switzerland, Dr. R. Dirnhofer of the Institute of Legal Medicine of the University of Basel, could not make definitive findings on a number of points which he investigated. However, his report did reach the following conclusions:

"The body displays, besides wounds caused by gun-shots, other forms of violence as well, caused by sharp-edged as well as blunt instruments. Based on the fractures [of the ribs] and multiple excoriations on the skin, it can be inferred that violence by such instruments was applied to the body not only on one occasion, but repeatedly."

With respect to the gunshot wounds found on Jürg Weis's back, the pathologist considered that there were at least nine, and that the heavy bruising around them indicated that they had been inflicted while the victim was still alive. Dr. Dirnhofer found nine gunshot wounds on Jürg Weis's back, which were sustained while he was alive. The report noted that because formalin had been used to embalm the body, it was not possible to glean information from the skin around the wounds, which would allow an estimate of the probable range at which the gun-shot wounds had been inflicted. However, it went on to say that "If we take the overall picture of the gunshot wounds into consideration, especially the fact that the wounds are fairly close to each other, it is very likely that the shots were fired at short range."

When he attempted to ascertain the direction at which the shots had been fired, the pathologist again stated that he was hampered by the effect the embalming fluid had had on the tissue surrounding the bullet wounds and by the absence of internal organs, but that "based on the overall picture, the direction of the shots must have been from the upper left slightly downwards to the lower right side," and that the shots could have been fired while the victim was upright (although he would have fallen after the first several shots), but also could have been fired as he lay on the ground.

With respect to wounds to the right shoulder and right front thorax, the pathologist concluded that the blows which led to the wounds had been "inflicted repeatedly," and that "from the forensic point of view it is impossible to say whether the person was lying down or still standing when this happened," but that "From our experience of forensic medicine... we think it is more likely that he was lying down." He further found that "the violence must have been inflicted while alive as we found massive internal bleeding." The pathologist rejected the hypothesis that these wounds could have been inflicted by animals such as dogs as had been suggested by local officials, as their claws would have been too large to inflict the wounds found, and would not have caused the extensive internal bleeding which his examination identified. No complete prints of the object causing the wounds were found on the thorax, but the pathologist stated that "the wounds could have been caused by slashing and beating with the butt of a gun, although it could of course have been some other slashing instrument."

In examining the apparent stab wound to the left front of the thorax, the examiner concluded that it had been inflicted when the victim was still alive, with great force and had possibly struck the heart.

His general conclusion was that "three forms of violence were inflicted on the body of Jürg Weis while alive: gunshots in the back, slashing, or blows with a blunt instrument to the upper front thorax and an incision in the left front of the thorax. Due to the removal of the internal organs, it is difficult to determine the order in which the violent actions took place."

He found no indication of electric shock having been applied or of blows to the genital or anal areas, or to the hands or feet. He found no evidence that the victim had incurred any wounds trying to defend himself from his attackers.

- Post mortem wounds

The pathologist found that skin had been stripped off the neck and face of the victim, that the ears were missing, as was part of the cranium, and that the spinal marrow had been cut by a sharp instrument and the brain removed. On the basis of a full examination he concluded that the wound to the head could not have been a gunshot wound, and that all of the post mortem wounds were "unmistakably inflicted by man."

Mission findings

The September delegation visited the site of the supposed confrontation. They found that the cane field from which the patrol says they shot and killed Jürg Weis was lower than the corn field in which Jürg Weis's body was found, making it difficult to understand how the shots had been inflicted in combat from the upper left downwards as the pathologist had found. (One of the Salvadorians also sustained wounds most likely to have been incurred if he had been upright or on his back, again, neither likely as a combat position. The configuration of the five bullet wounds reportedly sustained by the other Salvadorian is not known.)

The mission also found it telling that the members of the patrol who allegedly killed Jürg Weis claim that they never actually saw him, but still managed to place nine shots in him. Furthermore, the patrollers both claimed that they didn't see their assailants, but also that the first round fired at them, which they say mortally wounded their commander, was fired at a distance of 5 metres by the Swiss. In neither version is it explained why the nine shots inflicted on him appeared to have hit Jürg Weis in the back. The knife wound incurred before death was also not consistent with the patrol's story that they found Jürg Weis already dead. In addition, while the patrol claimed that combat had lasted for one hour (from 2.00 to 3.00pm), local inhabitants told the mission delegates that they had heard shots lasting about 10-20 minutes only. Furthermore, the mission was unable to find the number of shells in the area where the combat had allegedly taken place, which they would have expected to find had an hour long clash actually occurred there. (The official version of events spoke of the recovery of some shells, but only in the cornfield where the bodies of Jürg Weis and the two Salvadorians were found and not in the cane field into which Jürg Weis and his companions were supposedly firing. Because of all of these inconsistencies, considering the physical

evidence available, and noting the findings of the examining pathologist, the delegates who investigated Jürg Weis's death suggested in their mission report that in fact the gunshot wounds may have been inflicted after the victim had already been taken into custody and maltreated, and that he was then killed with a burst of shots as he lay on the ground.

The investigators also found contradictions between various of the officials as to how the police patrol happened to be in the area. According to General Blandón and Colonel Torres, the police unit was carrying out a regular patrol along a road known to be heavily used by the armed opposition, when they were stopped by civilians who told them about strange incidents and movements of "subversive elements" at some distance from the road. According to the patrol members however, they had been hearing about unexplained movements in the area from the peasants for some time, and were actually looking for scattered mines when they chanced upon Jürg Weis and the two Salvadorians who died with him.

The mission which inquired into Jürg Weis's death pointed out that if the patrol's version were correct, that they had news of subversives in the area some days before, then it was surprising that a simple police patrol was sent along a known opposition route. Further, if it was true as the patrollers said, that just before they reached the cornfield they split into two groups in order to carry out a pincer operation, then again, this was inconsistent with the idea that the patrol had simply been in the area carrying out a random search for mines. The delegation's report suggests that this story may have been contrived by military officials to try and convince the delegation the police were engaged in a normal patrol and had not been acting under superior orders.

The mission delegates also found discrepancies in the story given them by the patrollers and military officials that the commander of the patrol had been mortally wounded in the supposed combat. From the beginning, army statements and a report by the chief of the national police regarding the affair stated that a policeman had been wounded in the encounter, and that the patrol had been commanded by a corporal. In addition, in initial conversations in El Salvador with General Blandón and with the national police, the delegation was again told that a policeman had been wounded, and that they could interview not only the wounded man, but also the commander of the patrol. Only later were they told by Colonel Guzmán that the man had suddenly died on 10 September (that is, before the delegation arrived in the country,) and that the wounded man had been the commander. Despite repeated requests the delegates were unable to obtain a complete report of his death, and suggested that the idea of the mortally wounded commander had been introduced by military and police officials to support the idea that there had been combat, and to prevent them from discovering who had actually commanded the action in which Jürg Weis was killed.

There were also discrepancies between the story told by the patrollers and the military officials as to when the supposed exchange of fire occurred and concerning their movements afterwards. The patrollers reported that after the combat ended at 3.00pm, they inspected the cornfield where the bodies lay, found the identification papers of two of the dead men, and collected their arms. Then, they say, they withdrew fearing meeting further "subversives" and in order to have their wounded commander treated. Only then, they say, did they report the combat to the national police post in Ilobasco, some half an hour or so after the clash was over. Lieut. Ortiz also claimed that the conflict was reported to him half an hour after it

ended, that is at 3.30pm, that he then went immediately with a squad of eight men in the direction of the combat, and met the patrol on the road at approximately 4.30pm. Then, he says, he inspected the site of the supposed battle and left the area. The mission delegates query this version, wondering why, if the leader of the patrol had been wounded, and if they feared more subversives in the area, that the patrol waited one half hour to withdraw and ask for reinforcements, and why Lieut. Ortiz returned immediately, rather than reinforcing the patrol. Another discrepancy emerged when the patrollers said that they had already sent their wounded commander to hospital by the time they met Lieut. Ortiz and his patrol, while Lieut. Ortiz claimed that he ordered that the wounded man be sent to hospital when he met up with the patrol. Another discrepancy was uncovered when Lieut. Ortiz claimed to have gone to inspect the site before informing any higher-ups what had occurred, while Major Chávez claimed that Lieut. Ortiz had been under orders to stay and guard the body. Furthermore, Colonel Herrarte and Major Chávez from the military detachment at Sensuntepeque claimed to have been informed of the clash in which a foreigner had died between 4.30 and 5.00pm. However, national police commander Colonel Guzmán told the delegation that he had been informed of the incident "immediately after it happened", "between 2.30 and 3.00pm").

Both Lieutenant Ortiz (who claims he arrived on the scene at 4.30 pm) and the patrollers claimed that when they saw Jürg Weis's body, it was still intact, but with wounds to the back of the skull, which in their opinion had been caused by gun-shots. According to Lieut. Ortiz, Colonel Rolando Herrarte, and Major Chávez, it was only when reinforcements arrived at the scene at 7pm that the body was discovered to have had the face mutilated and the head destroyed. They suggest, therefore, that the body was mutilated between 5pm and 7pm when the body was unguarded. They suggested that the guerrillas had returned and attempted to obscure the identity of the victim since according to them, it was well-known that the guerrillas always deny the presence of foreigners in their ranks. The mission delegates' analysis of these discrepancies suggests the hypothesis that Lieut Ortiz had been operating under orders when he went out to inspect the site where Jürg Weis had been killed and that it may have been at this point that the mutilation of the body took place. The mission delegates considered that the discrepancies in the times and movements reported by the various military officials reflected attempts by top military officials to cover up the role the military hierarchy may have played in ordering the killing of Jürg Weis. They also suggested that the confusion as to at which point various officials were informed of the incident were part of the effort to absolve the military command at Sensuntepeque for any responsibility for Jürg Weis's death. They pointed to Lieut. Ortiz's transfer from his post at Ilobasco after only 12 days there as suggesting that he may have played a key role in the incident.

The delegates also remarked that they were not permitted to interview the patrol members without the presence of senior military officials, who constantly intervened and in other ways influenced the patrollers' testimony. When the patrol members became too confused, they said that Major Chávez simply told them not to answer, as "it was not an interrogation." The delegation also noted that when questioned regarding the times at which the supposed clash took place, and when Lieut. Ortiz appeared on the scene, the patrol members appeared to give identical rote answers to their questions. Again, they concluded that this suggested that an important objective of the apparent cover-up was to make it appear that the patrol had not been acting under orders, and that higher-ups in

Sensuntepeque were not informed of Jürg Weis's death until some hours after it had taken place.

Finally, the delegation considered that Jürg Weis may have been under surveillance since he entered El Salvador. They base this suggestion on conversations with migration officials who told them there had been pressure from higher up to prolong Jürg Weis's visa without the usual checks being carried out. In any case, the mission report points out that control of foreigners in El Salvador is strict, and the authorities may have been particularly interested in monitoring Jürg Weis's movements because of his well-known activities on behalf of Central America in Europe. Officials may also have been aware of his previous visits to in El Salvador, when he had visited political prisoners in Mariona Prison on a number of occasions. He was also accredited as a journalist, and had been briefly detained in 1986 when he tried to photograph a military barracks. Whether Jürg Weis was under surveillance in El Salvador or not, Minister of Defence Vides Casanova admitted to the delegation that the Salvadorian government had no proof that Jürg Weis had joined the guerrillas. To the contrary, the delegation pointed out that he had only recently renewed his visa before his death, and suggested that he would not have done this if he had actually intended to join the armed opposition.

The mission report noted that steps taken by the Salvadorian authorities since Jürg Weis had been killed had been initiated largely in response to pressure from the delegation, and appeared directed more toward covering up his killing than at genuine efforts to determine who had been responsible for his death and how it had occurred. They found for example that certain steps that should have been taken were a genuine investigation intended were not undertaken. For example, no effort had been made to identify any prints that may have been on the arms allegedly used by Jürg Weis and the two Salvadorians who died with him. Similarly, no examination had been done of the bullets removed from his body. Instead, the video was produced showing the weapon near his body, (Lieut. Torres admitted to the delegation that the "still smoking" arm had been placed next to Jürg Weis's body for filming of the army video made after his death, and agreed that the arms were actually found strewn about the corn field), and the military quickly issued a statement accusing him of being a subversive, all apparently part of a propaganda exercise to obscure the manner in which Jürg Weis had died, and absolve official forces from what may have been a pre-meditated murder.

Amnesty International's Concerns

- Amnesty International is concerned at the many discrepancies between the official version of how Jürg Weis and his two Salvadorian companions were killed and the physical and other evidence available on their deaths. The organization believes that as a result of the two autopsies done on Jürg Weis's body in Switzerland and because of the information uncovered by the independent European delegation which visited El Salvador in September to inquire into the incident, that there is now sufficient information available to make it possible for genuine inquiries to establish the manner in which the three were killed. The organization is calling on the Salvadorian government to initiate in depth inquiries into the deaths of Jürg Weis, Carlos Mauricio Linares Magaña and the other Salvadorian found along with them, and into all similar incidents when noncombatant civilians appear to have been the victims of extrajudicial execution at the hands of the security services.