



CENTRAL AMERICA SPECIAL ACTION (CASA)

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E L S A L V A D O R

10 February 1984

Further information on CASA 22/83 (AMR 29/34/83)

THE COTO FAMILY AND OTHERS

1. Marco Antonio COTO VEGA, aged 27, law student, working with displaced persons and refugees at the San Roque refugee centre in San Salvador
2. Dina Isabel RODRIGUEZ ZAVALITA DE COTO, aged 28, wife of the above, mother of three-year-old twin daughters, working as the only medical doctor at the San Roque refugee centre in San Salvador
3. Gustavo Adolfo ZELADA RAUDA, teacher in charge of the health education program for refugees at the San Roque refugee centre in San Salvador
4. Roxana Guadalupe FUNES MONTALVO, aged 24, working as a teacher on the education program for refugees at the San Roque refugee centre in San Salvador

Marco Antonio Coto Vega was reportedly arrested on 27 July 1983 while on his way to the San Roque refugee centre where he worked. He was allegedly detained by four armed men and taken away handcuffed and blindfolded in a brown microbus with smoked glass windows. He was taken to the National Police headquarters where he is reported to have been interrogated while being subjected to electric shocks. He was asked about the food he had been to order for the refugee centre that day. According to his own testimony, "I answered that it was for the people of San Roque. They asked me whether the people who hand over the food are organized, whether they were members of the ERP* and if the place I had gone to for the food was a cover-up for some other organization... They asked me which priests were collaborating with the guerrillas, where in the Archbishopric arms were kept, which nuns collaborated and what their names were... They told me, "We want names, houses and work timetables"." When he did not answer, his captors reportedly threatened to kill his family. During his interrogation, Marco Antonio Coto Vega said that he heard people speaking English and others translating for them. After 16 days of questioning by the National Police, he was transferred to "La Esperanza" men's prison in Mariona.

* ERP = Ejército Revolucionario del Pueblo, People's Revolutionary Army, one of the armed Salvadorian opposition groups

On 28 July 1983, armed men went to Marco Coto's home and arrested his wife, Dr. Dina Isabel Rodríguez Zavaleta de Coto, her 54-year-old mother, Carmen Herrera Zavaleta, her 18-year-old niece Ana Silvia Méndez Zavaleta, and the Coto couple's three-year-old twin daughters Margarita and Maristella. The men, some in plain clothes and some in uniform, identified themselves as members of the armed forces. The women were taken to the National Police headquarters and the children to the Centro de Observación de Menores, Juvenile Observation Centre. The twins were released on 11 August, reportedly following the personal intervention of President Magaña, with whom their case had been raised by a US delegation visiting the country at the time.

Also on 29 July 1983, National Police agents detained four other people as they were leaving the San Roque refugee centre where they had been delivering food supplies. The four arrested were: Gustavo Adolfo Zelada Rauda, Roxana Guadalupe Funes Montalvo, both teachers at the centre, and Alberto Rivera Contreras and Eduardo Armando Parada, both drivers working for the San Salvador Archbishopric, which runs the refugee centre. All four were taken to the National Police headquarters.

Roxana Guadalupe Funes Montalvo was reportedly put in a cell with Dr. Dina Rodríguez. While being held there, the International Committee of the Red Cross visited the cells but the two women were allegedly moved elsewhere so that they would not be seen. Dr. Rodríguez claims that she was asked similar questions to those asked of her husband: "They asked me where the arms and the stores were. I replied by asking why there should be arms in the refuges. And they replied: "Because we know that there are 500 armed men in San Roque." They asked me what Father Tavo's* name was, who was (Monsignor) Rosa Chávez*, and what connection he had with the organization... On Wednesday 10 August they only asked me about the Archbishopric: whether Tavo was organized and since when, whether Monsignor Rosa Chávez was organized and since when, whether Monsignor Riveras (y Damas)** knew that these priests were organized; whether the arms were kept in the stores..."

Roxana Guadalupe Funes Montalvo and Gustavo Adolfo Zelada Rauda were also reportedly asked similar questions. Both were allegedly given electric shocks and both also stated that English-speaking people were present during their interrogation.

On 10 August 1983 the Press Office of the National Police issued a communiqué stating that Marco Antonio Coto Vega, Dina Isabel Rodríguez Zavaleta de Coto, Gustavo Adolfo Zelada Rauda and Roxana Guadalupe Funes Montalvo had been brought before a juez militar de instrucción, military investigating judge. The precise charges against them were not given although the police said that large quantities of subversive propaganda had been found and accused the four of belonging to the ERP. The communiqué went on to allege that the San Roque refugee centre, where all four worked and which is run by the San Salvador Archbishopric, was being used to distribute food and other supplies to the guerrillas. It also alleged that Dina Rodríguez was in charge of obtaining medical supplies for the guerrillas and of providing medical attention to ERP members injured in confrontations with the security forces.

The communiqué also acknowledged that Alberto Rivera Contreras, Eduardo Armando Parada, Carmen Zavaleta Herrera and Ana Silvia Méndez Zavaleta had also been arrested but that they had been released without charge.

* Priests working at the Archbishopric and/or the refugee centre

** Archbishop of San Salvador

Following their appearance before the military judge, Marco Coto and Gustavo Zelada were transferred on 11 August to the main prison for male political prisoners in Mariona, known as La Nueva Esperanza, New Hope, and the two women, Dina Rodríguez and Roxana Funes, were taken to the main prison for women political prisoners at Ilopango.

In a letter dated 8 November 1983 to a CASA participant, the US Ambassador in San Salvador, Thomas R. Pickering, stated the following with regard to Marco Antonio Coto Vega and his wife Dina:

"The Embassy has been informed by the National Police that Marco Antonio Coto Vega was arrested on July 27 and is accused of being a coordinator of the "People's Committee" of the People's Revolutionary Army (ERP), a guerrilla group. His case has been consigned to a military court and he is being detained in Mariona Prison. His wife, Dra. Dina Isabel de Coto, was arrested on July 29 and is accused of being in charge of the medical units of the ERP. Her case has been consigned to a military court and she is being detained in the Women's Prison in Ilopango.

"Under the circumstances, the Embassy is obliged to allow the Salvadorian justice system to carry these cases to their conclusion without interference other than our continuing expressions of interest that justice be done in all such instances.

"Please be assured that respect for human rights is a central U.S. objective in El Salvador, one we actively pursue every day. In our view, the present government of El Salvador shares this objective and is making progress towards its achievement."

Amnesty International's Concerns

Under Decree 507 of 3 December 1980, the security forces may hold those suspected of terrorism or other activities considered treasonable or seditious for up to 15 days in incommunicado detention, during which a military judge decides whether or not there are grounds for the continued detention of the person concerned. If so, the case is passed to the jurisdiction of a juez militar de instrucción, military investigating judge, who has to decide, within a period of 180 days after the detainee's arrest, whether the person should be freed or transferred to the civilian courts for further prosecution. At the time when the case is passed to the military investigating judge, the detainee is normally transferred from the place of incommunicado detention (usually a police station or military barracks) to Mariona Prison, if male, or to Ilopango Prison, if female. No formal charges are preferred at this stage; an investigation is initiated by the military judge into the possibility of eventually bringing the detainee to trial on certain accusations. In practice, many political prisoners are detained for longer than the 180 days permitted under Decree 507 without being formally charged or tried, some for over three years. Amnesty International is not aware of any political prisoners who have been tried and sentenced since the introduction of Decree 507. Furthermore, at no stage in the proceedings is the defendant or his/her lawyer permitted to be present.

Amnesty International is also concerned at reports that Marco Antonio Coto Vega, Gustavo Adolfo Zelada Rauda and Roxana Guadalupe Funes Montalvo were tortured with electric shocks while in the custody of the National Police and that Dina Isabel Rodríguez Zavaleta de Coto was beaten and threatened that her children's hands would be cut off if she did not cooperate.

Amnesty International does not know whether or not Dr. Rodríguez Zavaleta has treated ERP guerrillas as accused by the authorities. However, any charge based on the fact that medical treatment has been provided to wounded combatants would conflict with the United Nations Principles of Medical Ethics adopted by the UN General Assembly in December 1982 which states: "Under no circumstances should a person be punished for carrying out medical activities compatible with medical ethics regardless of the person benefitting therefrom." Similarly, Article 10 of Protocol II to the 1949 Geneva Conventions, which has been ratified by El Salvador, states that "under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics."

Further Recommended Actions

5 APPEALS PER SECTION ONLY

Further appeals should be sent to the authorities listed below with the following points:

- requesting what stage the proceedings against Marco Antonio Coto Vega, Dina Isabel Rodríguez Zavaleta de Coto, Gustavo Adolfo Zelada Rauda and Roxana Guadalupe Funes Montalvo have reached, given that the 180-day investigation period has now expired;
- seeking assurances that internationally accepted standards for a fair trial be adhered to in any proceedings against them;
- requesting their immediate release unless formal charges are preferred and they are brought to trial;
- expressing concern at reports that Marco Antonio Coto Vega, Gustavo Adolfo Zelada Rauda and Roxana Guadalupe Funes Montalvo were subjected to electric shocks and that Dina Isabel Rodríguez Zavaleta de Coto was beaten and threatened while in the custody of the National Police; request that a full investigation take place into these allegations and that those responsible be brought to justice;
- expressing concern that Dr. Dina Rodríguez may be charged with providing medical attention to ERP members, referring to the UN Principles of Medical Ethics as quoted above.

Please try to organize some appeals from members of the medical and teaching professions.

Appeals to:

Dr. Ramiro Arturo Méndez Asahar (Minister of Justice)
Ministro de Justicia
Ministerio de Justicia
3a Avenida N. y 11a Calle Poniente
San Salvador, El Salvador

Coronel Carlos Reynaldo López Nuila (Head of the National
Director General de la Policía Nacional Police and member of the
6a Calle Oriente governmental Human Rights
San Salvador, El Salvador Commission)

Sr. Marcos Alfredo Valladares Melgar
Director General
Dirección General de Centros Penales
y de Readaptación
Ministerio de Justicia
3a Avenida N. y 11a Calle Poniente
San Salvador, El Salvador

(Head of the Directorate
of Prisons)

Copies to:

Socorro Jurídico Cristiano
"Arzobispado Oscar Romero"
Apartado Postal 294
San Salvador, El Salvador

(Independent Legal Aid Office)

Dr. Mauricio Ernesto Ponce
Presidente del Colegio Médico
de El Salvador
Final Pasaje No. 10
Colonia Miramonte
San Salvador, El Salvador

(President of the Medical
Association)

Please check with the International Secretariat if sending appeals after
30 April 1984.