

amnesty international

EL SALVADOR

VIOLATIONS AGAINST CHURCH WORKERS: UPDATE

FEBRUARY 1990

SUMMARY

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There have been significant developments in the cases mentioned in the document El Salvador: Violations against church workers since the state of siege (AMR 29/33/89), issued by Amnesty International in December 1989.

On 19 January 1990, eight soldiers, including a colonel, were charged in connection with the murder in November 1989 of six Jesuit priests, their cook and her daughter at the Central American University (UCA) in San Salvador. Progress has been made in the investigations, but there are serious irregularities, including the alleged ill-treatment of witnesses, the withholding of evidence by officials involved in the investigations and indications that the killings may have been ordered by senior officers who have not been brought to justice. Amnesty International is asking for the government investigation commission to continue working on the case and to determine chain-of-command responsibility for the crime.

In the light of persistent allegations of military involvement in extrajudicial killings and other human rights violations under the present and previous administrations and considering the failure of the military and civilian judicial systems to bring to justice the senior officers responsible, Amnesty International believes the government should establish a commission of inquiry to determine the degree of military complicity in such violations of human rights.

There are also disturbing reports that many of the church workers detained in November were tortured and ill-treated. Members of religious organizations engaged in social welfare are still arbitrarily arrested and face brief unacknowledged detention and torture.

This summarizes a seven-page document, El Salvador: Violations against church workers - update (AI Index: AMR 29/09/90), issued by Amnesty International in February 1990. Anyone wanting further details or to take action on this issue should consult the full document.

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EL SALVADOR **VIOLATIONS AGAINST CHURCH WORKERS - UPDATE**

INVESTIGATIONS INTO THE UCA KILLINGS

Following the murder of six Jesuit priests, their cook and her daughter at the Universidad Centroamericana (UCA) on 16 November 1989, the government of President Cristiani announced its intention to investigate the killings and to bring to justice those responsible, even if these were found to be members of the military. In a telex to President Cristiani, Amnesty International urged the government to make public the results of the investigation and the methods by which they were reached and to bring to justice those responsible.

The government mandated the Comisión Investigadora de Hechos Delictivos, the Criminal Investigation Commission to investigate the killings with the requested assistance of detectives from Spain, Britain, Canada and the United States. The Commission was established with US funding in 1985 to look into cases human rights cases considered "symbolic" or "significant". Despite initial allegations by the authorities that the attack had been carried out by members of the Frente Farabundo Martí de Liberación Nacional (FMLN), the Farabundo Martí National Liberation Front, the president announced on 8 January that the investigative commission had found evidence of military involvement. A special commission of honour, consisting of high-ranking military personnel and lawyers, was then set up by the government to assist the commission and in order to determine responsibility.

The arrests

On 19 January 1990, a colonel, two lieutenants and five lower-ranking military officials were charged in connection with the killings. A ninth suspect deserted the army in December 1989 and is still at large.

The colonel, Guillermo Alfredo Benavides Moreno, is the director of the Escuela Militar Gerardo Barrios, the Gerardo Barrios Military School, and was the officer in charge of the troops patrolling the university area that night. The other suspects are all members of the Batallón de Infantería de Reacción Inmediata "Atlatcatl", the "Atlatcatl" Immediate Reaction Infantry Battalion, an élite US-trained counter-insurgency unit, which had carried out a raid on the Jesuits' residence at the UCA two days before the killing. The Atlatcatl battalion has been linked by human rights groups to hundreds of political killings in the 1980s.

Ricardo Zamora, the judge presiding over the case in the civilian Fourth Penal Court, ruled that there was sufficient evidence against the eight soldiers to hold them in custody pending further legal proceedings. The prosecution and the defence have up to 120 days from the date the suspects were charged to gather evidence and witnesses, after which the judge must rule if there are sufficient grounds to bring the case to trial.

Irregularities in the investigation

The governmental investigative commission linked the killings to the military following the analysis of ballistic and other evidence, including the testimony of witnesses. It determined that the weapons used were M-16 rifles such as those issued to the Atlacatl battalion. Key information implicating Colonel Benavides was allegedly given to a US military adviser by another Salvadorian colonel in late December. However, the US adviser apparently withheld the information from his superiors for 11 days. The informant was then publicly identified and subsequently detained for a short period, in contradiction to the government's pledge to protect and reward anyone who came forward with information.

Salvadorian church and human rights groups denounced the harassment of another key witness by US and Salvadorian officials during the investigations. Lucia Barrera de Cerna, the housekeeper at the Jesuit residence, originally claimed she had been woken by the sound of gunfire at 1.00am of 16 November and had seen individuals in camouflage uniform in the residence. She was subsequently interrogated by US and Salvadorian officials working with the investigative commission in Miami, United States, who allegedly coerced her into stating that she had seen nothing and that she had been asked to fabricate her story by Tutela Legal del Arzobispado, the Catholic Church's Legal Aid Office, which had published a report linking the military to the killings. In subsequent interviews with human rights groups, Lucia Barrera confirmed she had altered her testimony following insinuations by her interrogators that she would be extradited to El Salvador unless she did so.

Lawyers defending the suspects say that all eight have denied any role in the murders and presented an appeal to have them freed for lack of evidence. They allege that the judge's ruling was based on statements given by the soldiers under psychological pressure from the investigators and without the presence of defence lawyers. In these statements, two lieutenants are reported to have admitted receiving orders from Colonel Benavides to kill Ignacio Ellacuría, the Rector of the UCA, and to leave no witnesses. The defence claims that the statements are invalid, since according to them, the statement of one defendant cannot be used to convict another. The defence motion was rejected by the judge on 29 January.

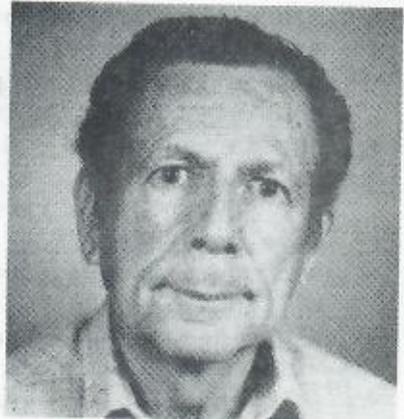
Several Salvadorian officials, as well as human rights and Jesuit spokespeople, have expressed grave doubts that those charged include the intellectual authors of the crime. They argue that the troops who carried out the killings must have passed through military checkpoints, yet there appears to be no record of their movements that night, indicating that they were acting with the complicity of other army officers and personnel. Despite indications that the extent of high-level complicity has not been determined, both President Cristiani and Major Roberto D'Aubuisson, founder of the ruling ARENA party, have stated publicly that there will be no further arrests of the military in connection with the murders.



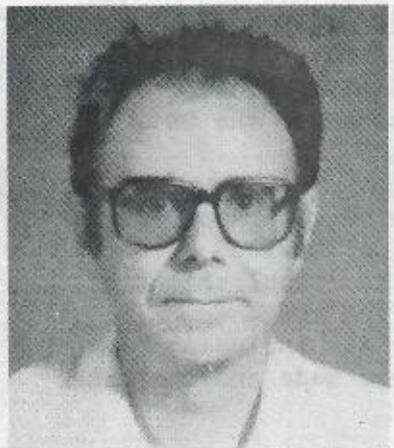
Amando López Quintana, S.J.
6, II, 1936- 16 XI, 1989



Ignacio Ellacuría, S.J.
9, XI, 1930 - 16 XI, 1989



Joaquín López y López, S.J.
16, VIII, 1918 - 16 XI, 1989



Juan Ramón Moreno Pardo, S.J.
29, VIII, 1933 - 16 XI, 1989



Ignacio Martín-Baró S.J.
7, XI, 1942 - 16 XI, 1989



Segundo Montes Mozo, S.J.
15, V, 1933 - 16 XI, 1989



Elba Julia Ramos
5, III, 1947 - 16 XI, 1989



Celina Maricet Ramos
27, II, 1973 - 16 XI, 1989

The failure of previous investigations

Colonel Benavides is the highest-ranking officer of the Salvadorian military to be formally charged in connection with human rights violations since the outbreak of the 11-year-old civil war. No military officer has ever been convicted in such a case, despite evidence that in the past decade thousands of people were victims of human rights violations committed by the military acting in uniform or in the guise of "death squads".

Even in the rare cases in which lower-level security force personnel have been convicted, few of those found guilty have remained in custody and moves to prosecute senior officials alleged to have ordered the killings have been blocked and full chain-of-command responsibility has never been established.

Investigations appear to have been initiated only in cases of killings notable for the prominence or nationality of the victims, or when there has been increased international pressure on the government to curb human rights violations. The arrest of nine members of the Fifth Infantry Brigade in March 1989 in connection with the September 1988 killing of ten peasants in San Francisco coincided with serious threats of a US congressional cut in military aid to El Salvador. The arrest of Colonel Benavides and seven others also comes at a time when US military aid, currently estimated at \$1.4 million a day, is being debated in the US congress.

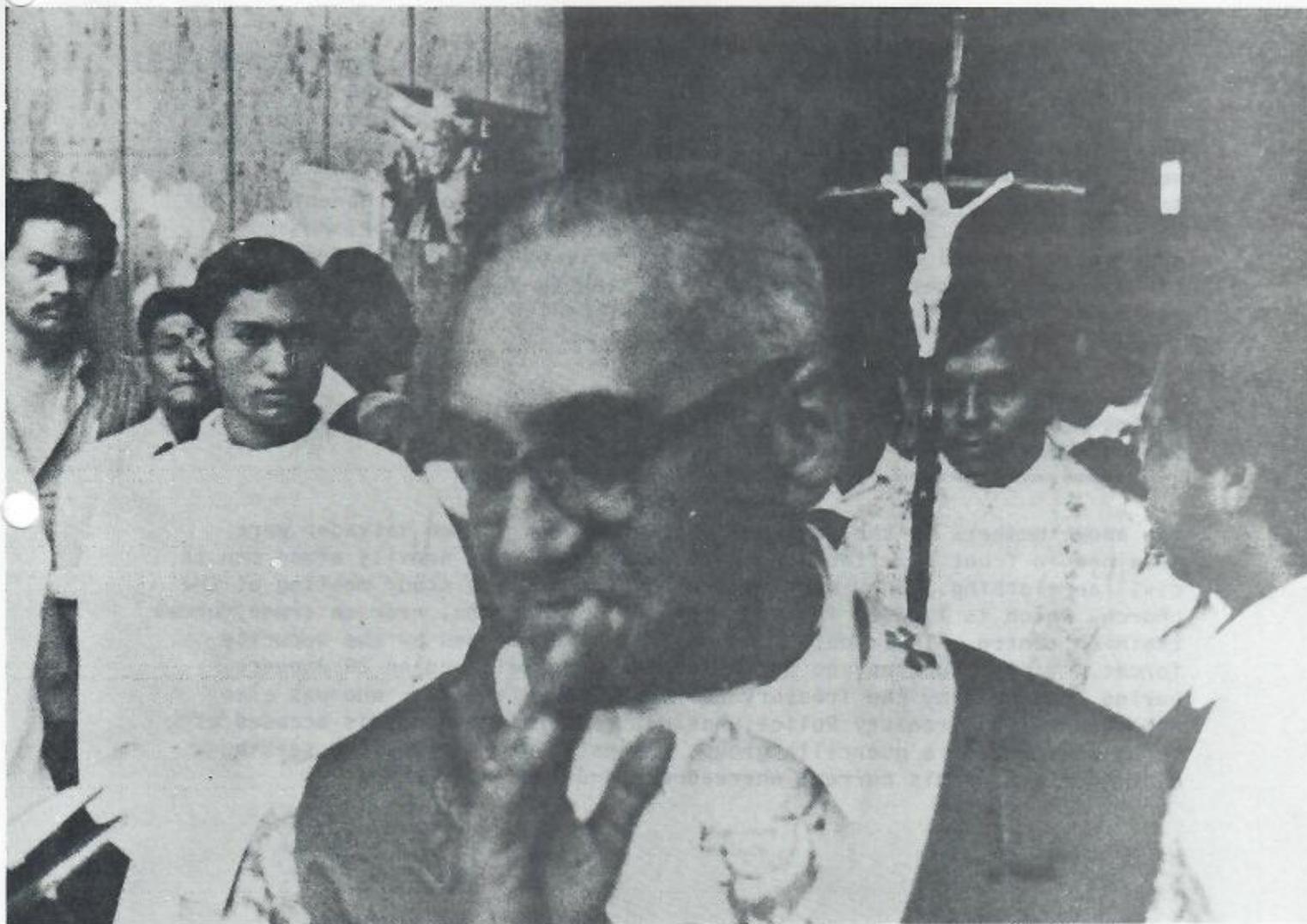
Nobody has been brought to trial for the killing of Archbishop Oscar Romero, shot dead as he was saying mass at the Hospital of Divine Providence in San Salvador on 24 March 1980. Despite the establishment of a special government commission to investigate the killing and the accumulation of evidence implicating top military officials including Major D'Aubuisson, a former intelligence chief, no arrests were made and the case remains unresolved.

Two members of the National Guard were tried and sentenced to 30 years' imprisonment in February 1986 for the 1981 killing of two US labour development advisors and of the Salvadorian head of the Agrarian Reform Institute. Despite overwhelming evidence against them, all efforts to prosecute the officers believed to have ordered the murders have been obstructed. The testimony of a key witness implicating superior officers was dismissed by the court and she became the target of repeated death threats. The two subordinates held for the killings were released from prison under a general amnesty in October 1987.

Despite assurances by President Cristiani that the bombing of the National Trade Union Federation of Salvadorian Workers (FENASTRAS) offices in October 1989, which left ten dead, would be exhaustively investigated, the inquiry appears to have made little progress. FENASTRAS members, doubting the government's commitment to the investigation, refused to participate in the official investigative commission and to allow the investigators onto their premises. Military authorities claimed that the union had accidentally let off one of its own explosives. Tutela Legal del Arzobispado, which was called to testify on the case in December, carried out its own investigation which concluded that those responsible were "death squads" linked to the military.

On 10 January 1990 the Salvadorian media reported the arrest of Pablo Salvador Cárcomo, who allegedly confessed during interrogation by the Treasury Police to participation in at least eight killings widely attributed to the FMLN, including the murder of Minister of the Presidency Rodríguez Porth in June 1989 and of the former head of the Supreme Court, Francisco Guerrero on 28 November. Pablo Cárcomo was also said to have confessed to coordinating the FENASTRAS bomb attack.

There are strong indications pointing to possible military involvement in the attack. The FENASTRAS offices had been raided and attacked by military personnel on several occasions in 1989 prior to the bombing, and its members had been frequent targets of arrest, accusations and threats. Eye witnesses claim to have seen members of the National Police running away from the offices of COMADRES, the Committee of Mothers of the Disappeared, shortly before a bomb explosion at these offices on the same day as the FENASTRAS attack. Amnesty International is seeking clarification of the circumstances in which Pablo Cárcomo's confession was extracted, since in numerous cases in the past detainees accused of crimes attributed to the FMLN have been forced to confess under torture.



Archbishop Oscar Arnulfo Romero - shot dead while celebrating mass on 24 March 1980. Ten years after his death, his killers have still not been brought to justice.

FURTHER CASES OF HUMAN RIGHTS VIOLATIONS AGAINST CHURCH WORKERS

Teresa del Rosario CASTRO CACERES

A housekeeper for the staff of the Lutheran World Federation in San Salvador, she was detained near the legal aid office of the Lutheran church in the district of San Miguelito, San Salvador, on 30 November 1989.

She was held for days at the headquarters of the Treasury Police, where she was allegedly raped and beaten. She was two months pregnant at the time of her detention, and suffered a miscarriage as a result of torture. She was transferred to Ilopango women's prison where she is currently being held. The Lutheran church is one of many denominations which have suffered raids, threats and arbitrary arrests since the state of siege was imposed.

Marina Isabel PALACIOS

A member of the Comité Cristiano Pro-Desplazados de El Salvador (CRIPDES), the Christian Committee for the Displaced of El Salvador, she was reportedly detained on 19 January in the centre of San Salvador by armed men in civilian clothing. Her detention was not acknowledged until several weeks later, when it was revealed that she had been held by members of the Batallón de Honor de la Policía Nacional, the Battalion of Honour of the National Police. She was transferred to Ilopango women's prison and is apparently accused of being a "terrorist delinquent" ("delincuente terrorista"). Amnesty International is seeking further information regarding her legal situation and state of health.

Victor Manuel FUENTES Carlos Armando AVALOS Inocente GARAY

The above members of the Emmanuel Baptist Church in San Salvador were detained in front of witnesses on 25 January 1990 by heavily armed men in civilian clothing. They were returning from a bible study meeting at the church, which is located in the barrio of San Jacinto, near an armed forces training centre. Their detention was not acknowledged by the security forces. Victor Fuentes and Carlos Avalos were released on 29 January, having been held by the Treasury Police. Inocente Garay, who was also detained by the Treasury Police, has not been released and is accused of being a member of a guerrilla group. Amnesty International is seeking clarification of his current whereabouts and legal situation.

UPDATE ON PREVIOUSLY REPORTED CASES

Juan Antonio QUIÑONES	Alex Antonio TOBAR FLORES
Luis SERRANO LORENTE	Randolfo CAMPOS BENAVIDES
Luis Gustavo LOPEZ MAGAÑA	José Candelario AGUILAR ALVAREZ
José Horacio GUZMAN RIVAS	Julio Cesar CASTRO RAMIREZ
José Eduardo SANCHEZ CASTILLO	

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Eight of the above-named members of the Episcopalian church, who were detained on 19 and 20 November 1989, were released in December and early January. Julio Cesar Castro was released in mid-February.

All are members of CREDHO, the social service program of the Episcopal Church. After being held by the National Guard, they were taken to Mariona prison. From here, they were transferred in late December along with most of the political prisoners in Mariona to the prison in Santa Ana, in the western part of the country. Such transfers are frequently reported and make access difficult for the prisoners' relatives and lawyers.

All nine were accused of involvement in the FMLN attack on the Chief of Staff headquarters on 30 October 1989. Father Luis Serrano, Juan Antonio Quiñones and several of the other CREDHO members were beaten while in detention and Amnesty International feared that any evidence used against them may have been based on confessions obtained under duress.

In a letter written to his family from Santa Ana prison, Luis Serrano described how his interrogators made clear that they knew he was innocent of the charges but had questioned him for five days regarding the activity and funding of CREDHO and other church relief organizations, which they accused of channelling funds to the FMLN.

Estela CRUZ BUSTAMANTE
José SANTANA LOPEZ
Santiago de Jesús VASQUEZ

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The above-named church workers at the Colonia 22 refugee project in San Salvador were arrested following a raid by the Treasury Police on the parish church of Ciudad Credisa, Soyapango, on 30 November 1989. Colonia 22 is a refugee centre housing many of the Salvadorian refugees who have returned from Honduras. Refugees, people displaced by the war and humanitarian groups working with them have been frequent objects of human rights violations by military personnel who suspect them of being sympathetic to the FMLN.

All three were severely beaten, threatened and kept blindfolded and without sleep while in detention at the Treasury Police headquarters. Estela Cruz was reportedly subjected to torture with the capucha, a rubber hood impregnated with lime. Santiago Vásquez was released in early December and was said to be in very poor health as a result of his ill-treatment. José Santana was released from prison on 31 January and Estela Cruz on 6 February 1990. All three had been accused of collaborating with the FMLN during the recent FMLN offensive. The judge presiding over the case ruled that there was insufficient evidence to continue holding them. Amnesty International is seeking further details regarding their ill-treatment and current medical situation.