

EXTERNAL (for general distribution)

AI Index: AMR 29/12/86
Distr: SC/CO/GR

March 1986

Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

EL SALVADOR : DETENTION OF BRIGIDO BELTRAN SANCHEZ
AND OTHER RECENT APPARENTLY ARBITRARY ARRESTS
OF LAY CHURCH AND REFUGEE WORKERS
=====

Brigido Beltrán Sánchez, aged 58, is an agricultural worker and lay catechist. He was reportedly detained by uniformed soldiers from the military base No. 5 of Cojutepeque and the National Guard while taking part in a peace-march (Marcha de la Paz en El Salvador) on 4 January 1986, on the Panamanian highway between the towns of Cojutepeque and San Martín, department of Cuscatlán.

The previous day a group of 300 marchers began the march in El Salvador, in support of an international peace march (Marcha por la Paz en Centroamérica). The international march had begun in mid-December 1985, and had intended to pass through all the countries of Central America, but had been refused entry into El Salvador. During the Salvadorian march, participants travelling by bus were reportedly stopped and had their documents checked at a number of military check-points set up along their route. During one such search, in the department of Cuscatlán, a member of the National Guard boarded the bus and checked the identity papers of all the passengers. Brigido Beltrán was on this bus and when his papers were checked he was asked to accompany a member of the National Guard off the bus. Amid protests by the other peace marchers, Brigido Beltrán was taken to National Guard headquarters in San Salvador.

Brigido Beltrán was held in incommunicado detention for a period of ten days before he was transferred to La Esperanza Men's prison in Mariona, where the majority of male political prisoners are held. There on 19 January 1986, Beltrán gave a testimony to a local Salvadorian human rights group concerning his arrest and detention. In his testimony, which has been made available to Amnesty International, Beltrán stated that upon arrival at National Guard headquarters in San Salvador, he was ushered into a dark room. There he was blindfolded, kicked and threatened by one of the guardsmen, who said "...I'm going to kill him and that will make six that I've killed, just in the New Year...I'm going to skin him." ("...Este vo lo voy a matar y con este va van a ser seis los que mato, sólo en este año nuevo y lo voy a hacer pelado."). During the ten days at National Guard headquarters, he claims to have been constantly beaten during interrogation, threatened with death, deprived of sleep and made to stand or squat for hours on end. Beltrán states that by Monday 6 January, he was mentally and physically demoralized, could not answer the questions put to him by his interrogators and was constantly fainting. It was then, he

states, that he was given two bitter-tasting pills and coffee

"...they told me they were giving me these so that I could rest - with these pills the aching in my body and in my head would go and I would feel well. From this point on I had a feeling of great happiness... I began to bring to mind past times when I visited several villages as a catechist...I did not know who was with me or to whom I was talking; all I remember is that everything I said was being taken down throughout the night..."

("...me las dieron para descansar según me dijeron y que con esas pastillas se me iba a quitar el dolor del cuerpo y dolor de cabeza y que me iba a poner bien. Desde este momento sentí una gran alegría y una gran memoria y comencé a recordar tiempos pasados cuando visitaba varios cantones catequizando...yo no sabía con quién estaba ni con quién platicaba, lo único que recuerdo es que todo lo que yo decía lo iban anotando toda la noche...").

Brigido Beltrán stated that the effects of the pills took two days to wear off and that on 12 January he was forced to sign a paper accusing him of killing in 1978 several leaders of the rural paramilitary group then known as Organización Democrática Nacional, (ORDEN) National Democratic Organization. <1> In his testimony Beltrán states that on Tuesday 14 January, the commander at the headquarters where he was being held gave orders for him to be transferred to Mariona Prison "because so much fuss had been made about a shit like this" ("...porque por una mierda habían hecho tanta propaganda...").

BACKGROUND

According to further information made available to Amnesty International in connection with Beltrán's recent arrest, he, his family and other members of their local community have been subjected to long-term harassment and intimidation since 1977, apparently because of their legal activities in connection with the comunidades eclesiales de base (CEB), (Christian base communities). <2> The first such government action directed against Beltrán's family and other members of his CEB took place in 1977 in Monte San Juan, jurisdiction of Cojutepeque, department of Cuscatlán, when members of the rural paramilitary group ORDEN along with members of the

<1> ORDEN a civilian paramilitary organization was founded in 1968 by General José Alberto Medrano. It was formally prohibited by Decree Law 12 after the overthrow of General Carlos Humberto Romero in 1979, but has continued to operate since then under a different name.

<2> These communities were set up in many countries in Latin America following the Second Episcopal Conference of Latin American bishops held in Medellín, Colombia in 1966, where the bishops called upon the church to "promote grassroots organizations" as a forum for bringing people together to organize and solve their own problems at local level. These communities are self-determining and elect their own leaders, who take the form of catechists (lay teachers). Successive Salvadorian administrations since then have seen the base communities as a nuclei of opposition to the established authorities and the communities have been the target of continued human rights violations, including "disappearance" and extrajudicial execution. (See also p. 4 regarding recent human rights violations directed against church lay workers and catechists).

National Guard detained 39 people. They included Brigido Beltrán's wife and eight children, the youngest of which was one year old. They were all reportedly detained because of their membership in the comunidades eclesiales de base. National Guardsmen who detained the family were particularly looking for Brigido Beltrán, the catechist of his community, who was not at home at the time of the arrests, and who later fled the area to avoid capture. The family afterwards reported being taken to basement cells in the town of Tenancingo where they were subjected to torture, including having plastic bags placed over their heads to the point of near suffocation. After three days, all the children were released except for the eldest daughter, who along with Brigido Beltrán's wife was transferred to Cojutepeque and from there to the headquarters of the National Police. Beltrán's wife was released after fifteen days, but the daughter who was reportedly raped at the hands of the National Police, was transferred to Ilopango women's Prison in San Salvador, and released a month later.

In the months that followed the family was kept under constant surveillance. Members of ORDEN and the security forces raided the family home several times, looking for Brigido Beltrán, and on several occasions beat up family members, on one occasion injuring one of his sons. Relatives of the family also reportedly suffered similar harassment. In 1979, a large groups of men entered the Monte San Juan area, threatening to kill the entire Beltrán family, but the family was alerted and fled the area. During the invasion seven people from the area were reported killed as well as thirteen people from outlying areas, including the husband of Beltrán's eldest daughter, who herself survived the attack after receiving several machete wounds. While undergoing hospital treatment for her wounds an attempt by members of the National Guard to capture her was foiled by the hospital staff who were able to hide her. Such incidents continued in succeeding years. In November 1983, for example, Brigido Beltrán's wife was again detained in Tenancingo and held for a month accused of collaboration with the guerrillas and released without charge.

As a result of Brigido Beltrán's detention the family has once again been forced to leave their home, due to threats and intimidation by security forces.

GENERAL BACKGROUND

Amnesty International has for a number of years been concerned about massive human rights violations, including arbitrary arrest and prolonged detention without trial, torture, "disappearances", and individual and mass extrajudicial executions. In the context of a continuing civil conflict, the administration of President José Napoleon Duarte has also maintained, as had its predecessors, that non-combatant civilians in the Salvadorian countryside had been abducted or killed by the armed opposition, or had been active oppositionists or their supporters who had died in armed confrontation with the military. Amnesty International has concluded, however, that the majority of such abuses against non-combatant civilians have been carried out by forces under the authorities' control. In all but a few known instances, the many thousands of human rights violations which have occurred in recent years in El Salvador have gone uninvestigated and their perpetrators unpunished.

Since President José Napoleón Duarte assumed office in June 1984, Amnesty International has continued to receive reports of human rights violations, including arbitrary arrests, "disappearances", torture, death squad-style killings and extrajudicial executions of non-combatant

civilians. Such violations, however, appear to be now taking place on a more selective basis against persons suspected of being in opposition to the present government or of being sympathetic to those that are. Particular targets in recent months have been trade unionists, church lay workers, human rights activists and those working with refugees.

Torture of political prisoners while in unacknowledged detention has continued to be reported in the context of Decree Law 50 of 24 February 1984, "Lev de Procedimientos al Suspenderse las Garantias Constitucionales" (Law of Proceedings Applicable upon the Suspension of Constitutional Guarantees). This Decree allows law enforcement agencies to hold a suspect for a period of 15 days in administrative detention - a period during which s/he is not allowed access to legal counsel - before bringing him or her before a military examining magistrate.

Decree Law 50 further stipulates that proceedings may be initiated against defendants simply on the basis of denunciations and admits extrajudicial confessions which are reportedly frequently obtained under torture, as evidence against the prisoner.

Amnesty International believes that this Decree, <1> permits arrest and detention procedures which facilitate human rights abuses, including "disappearance" and torture, particularly during the 15 days of incommunicado detention.

In recent months Amnesty International has noted an apparent increase in what has been described to the organization by both former and current prisoners as psychological torture, including the use of drugs, used both on its own and in conjunction with physical torture.

Other recent cases of apparent arbitrary arrests of lay church workers and refugee workers

As noted lay church and refugee workers appear to have been particular targets of human rights violations in recent months. On 22 January 1986 Eleuterio Landaverde, a catechist and health promotor in charge of the Ecumenical Food Program attached to the Archdiocese in San Salvador, was reportedly detained in his home village of Sumpul Avelares, San Fernando, department of Chalatenango by members of the armed forces and subsequently transferred to National Police headquarters in Chalatenango. He was released without charge on 6 February 1986. His detention was reportedly related to his activities as a catechist and health worker, attached to the Archdiocese.

On 19 February 1986, 21 year old Oscar Orlando Alvarez Salguero, was reportedly detained at his home in the Lourdes Parish of Santa Tecla, Department of La Libertad by uniformed members of the Salvadorian armed forces. Oscar Alvarez is a staff employee of the Social Secretariat of the Archdiocese of San Salvador, the office for the displaced and refugees of the Archbishop. He is also an active member of the "Nuestra Señora de Lourdes" Christian base community and serves as community representative in

<1> which governs proceedings against persons over the age of 16 accused of offences against the state, applicable while the current State of Siege is in force, which has been re-imposed regularly in El Salvador since it was first declared in March 1980.

the Archdiocese council.

Oscar Alvarez was first taken to the National Police Training Centre in Santa Tecla, and held until 23 February, when he was transferred to National Police headquarters in San Salvador. On 1 March he was transferred to La Esperanza men's prison in Mariona, where at the time of writing he remains detained. Amnesty International does not have information on the precise charges against Oscar Alvarez.

On 26 February 1986 Carlos Armando Arce, a 21 year old student working with a church run medical centre for refugees "Nuestra Señora de Lourdes" in La Libertad department, was reportedly detained by two armed men in plain clothes believed to be members of the National Police. He was reportedly subsequently taken to the National Police Training Centre at Santa Tecla. Carlos Arce is also a catechist in the Lourdes Parish "Nuestra Señora de Lourdes" Christian base community. At the time of writing, Carlos Arce reportedly remains in detention. (See UA 52/86, AMR 29/11/86 of 5 March 1986).

Because of the long-term pattern of human rights violations, including arbitrary arrest directed at persons, particularly lay catechists and refugee workers, because of their church and refugee related activities, Amnesty International is concerned that these arrests may also have stemmed from the legal non-violent activities of Oscar Orlando Alvarez Salguero and Carlos Armando Arce.

Amnesty International Concern

Amnesty International is concerned that the recent arrest of Brigido Beltrán Sánchez is the latest in a series of incidents directed at him, his family and other members of their local community, reportedly because of their legal activities in connection with the Christian base communities. The organization is asking for information as to the exact charges against him and if his arrest is the result of his activities as a catechist. Amnesty International considers him to be a prisoner of conscience and requests he be immediately released.

Amnesty International is further asking for a full and independent investigation into the alleged torture of Brigido Beltrán, while in incommunicado detention at the National Guard headquarters, and that, if verified, those found to be responsible be brought to justice.

Amnesty International is also concerned that Brigido Beltrán Sánchez appears to have been imprisoned on the basis of a statement which, according to the testimony made available was signed as a result of torture, and asking that no such extrajudicial statements obtained under torture be used as evidence against the prisoner, as stipulated in Art. 12 of the United Nations Declaration Against Torture of 1975, which states: "Any statement which is established to have been made as a result of torture or other cruel, inhuman or degrading treatment may not be invoked as evidence against the person concerned or against any other person in any proceedings." (Spanish text: "Ninguna declaración que se demuestre que ha sido hecha como resultado de tortura u otros tratos o penas crueles, inhumanos o degradantes podrá ser invocada como prueba contra la persona involucrada ni contra ninguna otra persona en ningún procedimiento.")

Amnesty International is asking that the physical integrity of the Beltrán family be respected along with the physical integrity of Brigido Beltrán while in detention.

Amnesty International is also concerned, that Oscar Orlando Alvarez Salguero and Carlos Armando Arce may have been arbitrarily arrested because of their legal non-violent church and refugee activities. If this were the case, Amnesty International would also consider that they were prisoners of conscience and would ask for their release. The organization is also therefore, concerned to establish the exact charges against them and would ask that their physical integrity be respected while in detention.
