

EXTERNAL (for general distribution)

AI Index: AMR 29/12/88
Distr: CO/GR + rel. SC

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

30 June 1988

EL SALVADOR

FOUR CASES OF EXTRAJUDICIAL EXECUTION BY THE SALVADORIAN ARMED FORCES

I. INTRODUCTION

Amnesty International has noted an alarming increase in extrajudicial executions <1> in recent months in El Salvador. In some instances, available evidence clearly suggests that members of the Salvadorian armed forces were the perpetrators of the crimes. In other cases these killings have been attributed to the so-called "death squads" whom the authorities claim are independent, extremist groups of the right and left who are beyond government control. Amnesty International has concluded, however, that these squads are customarily made up of police and military personnel, acting in plain clothes but under the order of superior officers.

During the late 1970's and early 1980's security forces and the so-called "death squads" operated with impunity in El Salvador. Although a marked decline in "death squad" activities, apparently as a result of international pressure, was noted during the early years of the administration of President José Napoleón Duarte (elected in June 1984), a wave of incidents reminiscent of the early 1980's are again being reported from El Salvador. The re-activation of the "death squads" appears to be in response to a number of political initiatives by the Salvadorian government. These include ongoing peace negotiations involving the FDR-FMLN (Frente Democrático Revolucionario, Revolutionary Democratic Front and its military wing, the Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front), and the release in November 1987 of most of the remaining 400+ long-term untried political prisoners in El Salvador. They were released under the terms of an amnesty approved at the end of October, in partial fulfillment of the conditions set by the peace plan for Central America, signed by El Salvador in August 1987. The peace plan intended to achieve peace in the region, included a call for

<1> Amnesty International uses the term "extrajudicial executions" to describe unlawful and deliberate killings carried out by government or with their acquiescence. These killings take place outside any legal or judicial framework. They are distinct from killings that occur as a direct consequence of a violent engagement between parties to an armed conflict.

amnesty which was to contain provisions to guarantee the inviolability of life and physical safety of those to whom it was applied. This move reportedly angered the military, where some elements maintain they are unable to fight a war if their government then proceeds to release those whom they took prisoners.

Since the state of siege and its emergency legislation lapsed in 1987 and constitutional guarantees were re-established, administrative detention periods were limited to 72 hours. This limitation on the length of time permitted for the interrogation of prisoners has been countered by an increase in unacknowledged detentions and an upsurge in "death squad"-style killings. Evidence strongly suggesting military involvement in such human rights violations has been supported by statements attributed to Salvadorian officials that the military consider the 72-hour-period does not allow them sufficient time to extract the military intelligence they seek from captured suspects. They have therefore reportedly opted to retain prisoners in military installations throughout the country for prolonged interrogations. Anybody who dies in custody can simply be abandoned in "death squad"-style. In other cases the military have apparently simply resorted to executing suspected "subversives" or those suspected of collaborating with them and have either abandoned the bodies in "death squad"-style or claimed that their victims died in combat or had been the targets of guerrilla attacks.

The November 1987 amnesty also effectively closed the books on all political crimes that may have been committed by the police or military, with only two exceptions: the murder in March 1980 of Archbishop Oscar Romero and the killing in October 1987 of human rights leader Herbert Anaya Sanabria. Amnesty International is not in principal opposed to amnesties or pardons for people convicted of human rights abuses, provided that an accounting has been made and the facts brought to light. Failing to do so may give those responsible a sense of impunity which in turn could contribute to a climate conducive to further human rights violations.

II. FOUR CASES OF EXTRAJUDICIAL EXECUTION

1. CERRITOS CASE

José Arnoldo Cerritos (25), Vicente Cerritos Torres (56) and Arturo Navarro García (31), three sand excavators (areneros) from Soyapango, San Salvador, were reportedly detained by uniformed soldiers, in the presence of witnesses, on 14 April 1988. Their bodies were found in an advanced state of decomposition in a ravine in cantón Comalapa, jurisdiction of San Juan Talpa, La Paz department, some 30 kms from the place where they had been captured. They were exhumed on 21 April on the order of the justice of the peace. The three bodies, dressed only in their underwear and showing gun-shot wounds, were identified by family members.

Auxiliary Archbishop Mons. Rosa Chávez subsequently stated in a Sunday homily that "All available evidence received by the Archbishopric points in the same direction: the captors appear to be members of the armed forces".

2. TEPEMECHIN CASE

During the night of 25 February 1988 uniformed soldiers reportedly detained Sebastián Gutiérrez (18) at his home in the village of Tepemechin, cantón El Tablón, in the department of Morazán and early the following day also detained Mario Cruz Rivera (16) and Félix Antonio Rivera (25). According to relatives and villagers from the area, the three men were taken to a place by the Tepemechin River where Mario Cruz Rivera and Félix Antonio Rivera were forced to run barefoot through a burning field (zacatera) before being mutilated and killed. Sebastián Gutiérrez was led away and remains missing. Félix Antonio Rivera's elderly father, who was reportedly badly beaten at the time of his son's arrest, died several days later, apparently of a heart attack.

The bodies of the two men were exhumed at El Tablón in late May under the direction of a Danish forensic pathologist who is a member of the Committee of Concerned Forensic Scientists for the Documentation of Human Rights Abuses. He reportedly found that the ears and nose of Mario Cruz Rivera had been sliced off along with his ring finger and that the skull of Félix Antonio Rivera was crushed and his thumbs cut off. His ears were missing and one of his legs had been shattered. The pathologist believed that the injuries had been inflicted before the victims were killed. Yet the Commander of the army brigade with jurisdiction in the area said that in the battle report for the day in question, troops reported killing two "subversives" in a "fire-fight".

In response to inquiries initiated by Amnesty International members on 11 March regarding the "disappearance" of Sebastián Gutiérrez and the killing of Félix Antonio Rivera and Mario Cruz Rivera, Defense and Public Security Minister General Carlos Eugenio Vides Casanova, replied on 7 April that Sebastián Gutiérrez was not and had never been detained and that it had not yet been possible to identify those responsible for the death of Félix Antonio Rivera and Mario Cruz Rivera. No further replies have been received.

3. SAN JOSE GUAYABAL CASE

- Daylabourers José Luis Cornejo Calles (27), Manuel de Jesús Santamaría [also reported as Manuel Angel Santamaría Raymundo] (27) and José Javier Santamaría Medina [about 14], were seized late on 31 January 1988 while on their way home from a religious festival in San José Guayabal, Cuscatlán department. According to eye-witnesses, the three men were taken away in a truck by armed men, some of whom wore green shirts. Their tortured bodies, blindfolded and with their thumbs tied behind their back [the customary form of restraint used by the security forces], were found on 1 February in La Puerta del Diablo [Devil's Doorway], Panchimalco jurisdiction, south of the capital. La Puerta del Diablo is a place formerly widely used by the "death squads" as a body dump. Shortly prior to his killing, José Luis Cornejo had reportedly been offered money by a member of the Patrulla de Reconocimiento de Alcance Largo (PRAL), a counter-insurgency unit of the 1st Infantry Brigade, in exchange for acting as an informer on guerrilla activities in the area, but he had refused to do so.

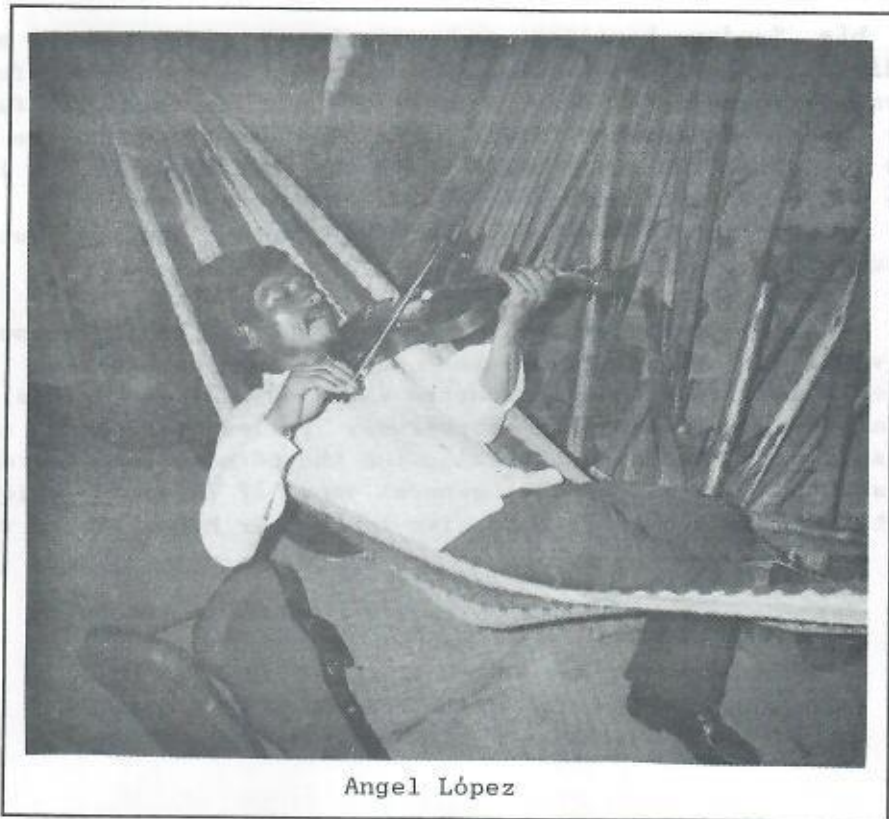


Mourning relative of one of the three murdered people from San José Guayabal (February 1988).

Foreign diplomats as well as the Catholic church have laid the blame for this "death squad" killing at the door of the Salvadorian armed forces. In his 7 February 1988 homily Auxiliary Archbishop Mons. Rosa Chávez said that "According to information compiled by our office [Oficina de Tutela Legal del Arzobispado - Legal Aid Office of the Archbishopric], the captors were men in plain clothes and uniformed soldiers of the 1st Infantry Brigade, PRAL section; they drove a pick-up covered with a canvas. It was also established that the military were accompanied by a guerrilla deserter whom they used to point out people who live in this zone of conflict."

4. ANGEL LOPEZ

According to eye-witnesses, Angel López, a 35-year-old member of the directorate of the El Barillo Cooperative in the department of Cuzcatlán, was seized on 16 September 1987 by uniformed members of the 5th Military Detachment based in Cuzcatlán and led away. Shots were subsequently heard but his body has never been found nor his detention acknowledged. He remains "disappeared" and is believed to have been killed. Those who knew Angel López have stated that soldiers passing through the area appeared to have been angered by Angel López' songs on social themes which he composed himself. The soldiers had repeatedly ordered him to stop singing but Angel López continued to sing and whistle his songs, accompanying himself on the violin.



Angel López

III. INVESTIGATIONS INTO EXTRAJUDICIAL EXECUTIONS

Inquiries into responsibility for human rights violations, including extrajudicial executions, have repeatedly been hampered in El Salvador by the intimidation of those who would normally be involved in attempts to establish responsibility for such crimes, including jurors, lawyers and judges. Another factor has been the apparent interference in the work of the judiciary by the Salvadorian authorities, such as the transfer of judges involved in sensitive cases, and selective application of rules of evidence. (For example, under Salvadorian law, evidence of an accomplice to a crime cannot be used as evidence against others who participated in the crime. This provision has been used to exclude key evidence in the few cases where security force personnel have been brought to trial on charges of having carried out the extrajudicial execution of non-combatant civilians. However, when the government wished to bring charges against military men allegedly involved in a kidnapping for profit ring, the rule was altered to allow such evidence in cases of kidnapping, extortion and drug trafficking, but not murder. Lack of political will to establish responsibility for human rights violations including extrajudicial executions has also been a key factor obstructing inquiries. It has only been in very few cases - usually in "sensitive" cases involving foreign nationals - that investigations have been initiated. Even then, only a very few superior security agents have been brought to justice, while the superior officers who apparently gave them the orders to kill or "disappear" suspected "subversives", have remained untouched. Meanwhile, human rights violations directed against tens of thousands of Salvadorian citizens have gone uninvestigated and remain unresolved. Recently, when Mons. Rosa Chávez denounced a series of new "disappearances" and killings

in his Sunday homilies and attributed them to the armed forces, the judicial authorities to whom the cases had been assigned for investigation then demanded that Mons. Rosa Chávez provide them with further details on the cases. He replied "It is grotesque that those who are responsible for the investigation claim that we are the ones to do it ... It is the duty of the judicial institutions to carry out investigations ... They make such an outcry about wanting full and speedy justice but provide so few results."

Amnesty International believes that it is the responsibility of the Salvadorian authorities to carry out exhaustive and impartial investigations into all reported extrajudicial executions, including those detailed above, and has repeatedly called for such inquiries. The organization believes that allowing the perpetrators to remain immune from prosecution may encourage a general sense of impunity which in turn can contribute to a climate conducive to further human rights violations

* * * *

INVESTIGATING THE UNLAWFUL EXECUTIONS

Investigating the Unlawful Executions

The investigation of human rights violations is a complex task. It requires the cooperation of various institutions, including the judiciary, the executive branch, and the legislature. The investigation should be thorough and impartial, and should take into account the views of all parties involved. The investigation should also be timely, and should be completed as soon as possible. The investigation should be conducted in a manner that is consistent with the principles of human rights, and should be subject to public scrutiny. The investigation should be conducted in a manner that is consistent with the principles of human rights, and should be subject to public scrutiny. The investigation should be conducted in a manner that is consistent with the principles of human rights, and should be subject to public scrutiny.