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Human rights violations directed against trade unionists

Amnesty International is concerned about frequent reports of human rights violations committed against leaders and members of trade unions in El Salvador. Trade unionists have been victims of detention without warrant, periods of detention beyond the constitutional maximum, torture and ill-treatment, "disappearance", and extrajudicial executions, carried out by all branches of the Salvadorian security forces, operating both in uniform and in plain clothes in the guise of the so-called "death squads". In a number of recent incidents uniformed military personnel have detained people who then "disappeared", or have summarily executed non-combatant civilians, when they later said had died in combat or had been victims of guerrilla attacks. Civil defence members have also been regularly implicated in such abuses. (See "El Salvador - "Death Squads" - A Government Strategy", October 1988, AI Index: AMR 29/21/88). Although the Salvadorian Constitution permits the security forces to hold detainees for investigation for up to 72 hours, this limit is frequently exceeded and people may be held for days or weeks before being committed for trial or released. During this time they are frequently not allowed access to family or lawyers, and families are often not able to obtain information on their whereabouts. There are frequent reports of torture and ill-treatment in custody during this period. Many of the organizations whose members have been victims of human rights violations are seen by the authorities as being closely linked to armed opposition groups; human rights abuses against them occur in the context of armed conflict. This document gives brief details of human rights violations against leaders and members of trade unions, together with information about attacks on their offices carried out by the security forces. The cases are only a sample of incidences of violations of human rights; this document is not intended to be a comprehensive record of all cases.

Trade unions

Over the last decade, leaders and members of El Salvador's trade union movement have been frequent targets of repression, including detentions, torture, "disappearance" and extrajudicial executions. Following large-scale killings and "disappearances" in the early 1980s, many trade unionists were forced into exile or to cease union activities. Despite continued occurrences of human rights violations directed against trade unionists, the movement has re-organized and in recent years El Salvador has seen numerous street demonstrations and strikes by private and public sector workers. The umbrella group Unidad Nacional de los Trabajadores Salvadoreños (UNTS), National Union of Salvadorian Workers, was formed in February 1986 and has strongly opposed economic austerity measures, as well as urging a negotiated settlement to El Salvador's ten year civil strife. Protests have centred on dismissals of striking trade unionists, demands

for wage increases, and protests that the government has failed to improve living conditions. Trade unionists have also demanded to know the fate of their "disappeared" colleagues and have called for investigations into killings of trade union members, as well as the release of detainees arrested for trade union activities. The increased mobilization has been met by accusations of extremism and further repression.

The Salvadorian legal system incorporates provisions to safeguard against unlawful arrest and detention. Apart from exceptional situations, including when someone is caught in the act of committing an offence, detentions must only be carried out with a judicial warrant or written order from another authority (Constitution article 13, Code of Penal Procedure articles 241-3). Armed forces guidelines allow for arrests of people suspected of subversive activity, although its members should be in uniform when carrying out an arrest, or should identify themselves. After arrest, the Salvadorian Constitution allows for a period of up to 72 hours of investigative detention before the detainee is passed to a competent court or released (Constitution article 13).

According to information received by Amnesty International, these guarantees are routinely violated - detainees are not shown written warrants nor told the reasons for their detention; detainees frequently complain of violent abduction during which neither they, nor witnesses, are able to identify their captors. The 72 hour limit for investigation is frequently exceeded and during this time there are reports of torture and other cruel, inhuman or degrading treatment.

Trade unionists subjected to periods of imprisonment which exceeded the constitutional maximum of three days before being released without charge have included the following:

- on 26 January 1989, Alfredo Palacios Lemus, social assistance secretary (secretario de asistencia social) of the construction workers' union and Margarita Navarro, public relations secretary (secretaria de relaciones), of the Izalco textile workers' union, were detained by members of the Air Force and taken to the Air Base at Ilopango. They were later transferred to the Treasury Police where, according to information received, they were beaten and ill-treated while detained. Alfredo Lemus was reportedly taken to hospital suffering from fractures of the legs and had to undergo an abdominal operation. They were both released on 15 February 1989.
- on 16 March 1989, Juan José Hueso, organizational secretary of FENASTRAS and secretary of the textile and cotton industry trade union STITAS, was detained by National Police as he was leaving the FENASTRAS offices. He was questioned, apparently in connection with accusations of arms trafficking, but released on 3 April;

Some trade unionists have "disappeared" after arrest. On 1 May 1987, Edwin Ernesto Vargas Aguilar aged 20, Luis Armando Lemus Urrutia aged 24, members of the Sindicato de la Industria del Café (SI-CAFE), Coffee Industry Union, at the Montealegre Coffee Plant, were seized, together with Julio Ernesto Garcia Lucero, aged 18, a baker and member of the Sindicato de Panificadores (Bakers' Union) who has a brother in SI-CAFE, by armed men in plain clothes. The three were returning home to Chalchuapa from Labour Day demonstrations in Santa Ana. Their captors were reportedly driving a white Cherokee-type van with tinted windows, and were identified by local people as members of the Second

Infantry Brigade. This type of vehicle is customarily used by the Salvadorian security forces when acting in plain clothes in the guise of the so-called "death squads". A judge appointed by the Supreme Court to investigate the case after a writ of habeas corpus was filed on their behalf by family members, was allegedly refused access to prison cells at the Second Infantry Brigade. The whereabouts of the three have not been known since and the authorities continue to deny their detention.

On 12 July 1988 Eliseo Córdova Aguilar vice-president of the trade union cooperative at the Instituto Salvadoreño del Seguro Social, Sindicato de Trabajadores del ISSS (STISSS), Union of Workers of the Salvadorian Institute of Social Security, was abducted at 8 pm near his home in the Reparto Llano Verde, jurisdiction of Ilopango, San Salvador department. Two other people were abducted with him, a lawyer, Dr. Celestino Hernández, and an unnamed woman. The abduction was carried out by two armed men in plain clothes, wearing hoods, who took all three away in Eliseo Córdova's car. The car was driven by the assailants to the cantón (hamlet) of El Estino, San Martín, Cuzatlán, where Dr. Hernández and the woman were released and Eliseo Córdova was transferred to another vehicle, which was driven off to an unknown destination. The two people who were released reported that the abductors questioned Eliseo about his trade union activities and referred to his involvement in the STISSS strike of the previous year. Relatives and colleagues of Eliseo Córdova believe his captors were members of the Treasury Police; fellow-trade unionists reported that he was seen in detention at the Treasury Police headquarters shortly after his abduction. However, Treasury Police have denied that they are detaining him and he remains "disappeared".

Mateo Diaz Bernal, aged 19, reportedly went missing on 20 February 1989 at around 6am on his way to work in the Colonia La Rabida in San Salvador. He is a bricklayer and disputes secretary (Secretario de Conflictos) of the Sindicato de Obreros de la Industria de la Construcción (SOICSCES), Construction Industry Workers' Union. Although there were no witnesses to his detention, members of the National Guard were seen watching his house prior to 20 February.

Amnesty International appealed for investigations into the fate of these "disappeared" trade unionists, with no response.

Other trade unionists have been victims of apparent extrajudicial executions by the security forces or "death squads". On 7 June 1988 Domingo Morales disputes secretary of a sub-section of the construction workers' union Sindicato de Obreros de la Construcción (SOICES), was shot dead in his home in the cantón (hamlet) Camotepeque, Nejapa at 6.30 in the morning by four unidentified men. He was 22. Following his funeral the next day, five members of the Comisión de Despedidos y Desempleados de El Salvador (CODYDES), Commission of Dismissed and Unemployed Workers of El Salvador, were reportedly arrested leaving the FENASTRAS offices in San Salvador. They were taken by armed men dressed in plain clothes who handcuffed, blindfolded and threatened them. They were taken to the headquarters of the National Police where they were interrogated about CODYDES and other trade union organizations. They were released the following afternoon.

Trade union offices have also been a frequent target of attacks. On 22 February 1989, at about 4.15 in the morning, the FENASTRAS offices were the target of a dynamite attack in which considerable damage was done. On 16 February 1989, at about 3.40 in the morning, the building housing the offices of UNTS (National Union of Salvadorian Workers), El Salvador's largest anti-government union, was bombed, wounding one person and causing serious damage to the offices. The Maximiliano Hernández Martínez Brigade (a right-wing death squad) claimed responsibility for the attack.

Raids and searches of trade union offices without judicial warrant are also commonplace. On 19 April 1989, anti-riot police and soldiers entered the offices of the Federación Unitaria Sindical de El Salvador (FUSS), United Trade Union Federation of El Salvador, and CODYDES, searched them and arrested 15 people. This followed a similar raid earlier in the day on the building which houses the Comité Cristiano Pro-Desplazados de El Salvador (CRIPDES), Christian Committee for the Displaced of El Salvador). (An estimated 500,000 people have become displaced after fleeing their places of origin, often following indiscriminate army attacks upon the civilian population in their area during the course of El Salvador's ten year civil strife.) The building was surrounded by anti-riot police and soldiers from mid-afternoon until about 11.30 pm, when the security forces entered the building, searched it, and took out all the people who were in it, believed to be around 70, mostly displaced people, including children. Some, including a man allegedly recovering from surgery, were reported to have been beaten at the time of their arrest. Following the raids, the police claimed that they found in the buildings a number of rudimentary weapons such as sticks with heavy objects on the end, one contact bomb, a small amount of powder such as is used in making explosives, and nails of the kind used to puncture tyres. All but eight of those detained were released a few days later, although there were reports that they had been tortured and ill-treated in custody: beatings; prolonged periods of forced standing; sleep deprivation; not being given food or drink; and that the women were raped. Amnesty International issued urgent appeals on behalf of the detainees, and urged full investigations into the allegations of torture.

These arrests took place in the context of a renewed clamp-down on popular and trade union organizations. This followed widespread guerrilla activity since the 19 March general election victory of the right-wing Alianza Republicana Nacionalista (ARENA), Nationalist Republican Alliance party. The armed opposition groups which form the coalition called the Frente Farabundo Martí para la Liberación Nacional (FMLN), Farabundo Martí Front for National Liberation, had sought unsuccessfully for the elections to be postponed in order for them to present their own candidate and mount an electoral campaign. In April there were two attacks on high-level government officials: on 14 April sticks of dynamite were hurled at the house of vice-president-elect Francisco Merino, injuring the friend of one of his children who was in the house. Mr Merino was out of the country at the time. On 19 April, Roberto García Alvarado, the Attorney General, was killed when a bomb was thrown at his car. No one claimed responsibility for either incident.

Amnesty International continues to seek investigations into cases of "disappeared" and extrajudicially executed trade unionists. The organization believes that it is of the utmost importance that independent investigations be carried out into all killings which circumstances suggest may have been extrajudicial executions, and all cases of political "disappearances". Allowing perpetrators to remain immune from prosecution may contribute to a sense of impunity on the part of those responsible for the abuses and thereby make it more likely that similar human rights violations are committed in the future. Amnesty International is also concerned about numerous cases of reported torture or ill-treatment and urging that the physical integrity of those detained be guaranteed.