



# CENTRAL AMERICA SPECIAL ACTION (CASA)

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AMNESTY FOR POLITICAL PRISONERS  
IN EL SALVADOR

On 4 May 1983 the Salvadorian Constituent Assembly unanimously approved the Ley de Amnistía y Rehabilitación Ciudadana, Law of Amnesty and Citizen Rehabilitation. The law, which went into effect on 16 May 1983 and has a time limit of 60 days, is applicable to civilians accused of minor offences punishable by less than a four-year sentence and who have already spent six months or more in prison. The law also invites the opposition forces in conflict with the Salvadorian Government to lay down their arms and return to civilian life. It does not apply to foreign nationals or members of the armed forces. A special three-person committee has been set up to administer the amnesty. The Junta Gubernamental de Amnistía, Governmental Amnesty Junta, as it is called, consists of one representative each of the governmental Peace and Human Rights Commissions and the Ministry of the Interior. Its chairperson, lawyer Ernesto Arbizu, has reportedly stated that the committee will not deal with cases in which the trial proceedings have already started. In such cases, it will be the task of the military judges in charge of the proceedings to decide whether those being tried are entitled to apply for release under the amnesty law.

The Salvadorian authorities have also established a Comité de Rehabilitación de Amnistiados, Rehabilitation Committee for those who take up the Amnesty, which is made up of representatives of the Ministries of Defence and Health, the Comisión Nacional de Asistencia a la Población Desplazada (CONADES), the National Commission for Aid to the Displaced Population, and the Instituto Salvadoreño de Transformación Agraria (ISTA), Salvadorian Institute of Agrarian Transformation. The task of this committee is reportedly "to take measures that may be urgent or necessary to guarantee the lives, health, nourishment and employment" of those who take up the amnesty. Each person is to receive a copy of the law and a document identifying him/her as being a beneficiary of the amnesty.

To date, Amnesty International has received reports that up to 500 political prisoners have been released under the terms of the amnesty law. An estimated 800 political prisoners were being held in acknowledged



detention in El Salvador prior to the announcement of the amnesty. Several thousand others have "disappeared" over the past few years and are believed to be either held in secret detention centres or to have been killed by members of the security forces. According to Salvadorian law (decree 507), detainees must be brought before a juez militar de instrucción, examining judge, within fifteen days of their arrest. The judge may then remand the detainee in custody for up to 180 days pending secret investigation. Even if insufficient evidence is found to justify the continued detention of the prisoner, the judge may order the person to be held for a further period of up to 120 days for reasons of security. As far as Amnesty International is aware, none of those released under the amnesty had been formally tried and sentenced, despite in many cases having been held for periods exceeding the permitted pre-trial detention period, i.e. 300 days. Similarly, none of the estimated 200 to 300 remaining political prisoners are known to have been tried and sentenced.

Concern has been expressed by human rights groups within El Salvador regarding the safety of those who have been released, many of whom have reportedly expressed the desire to leave the country for fear of their lives. Reports have been received that the first few prisoners to be released under the amnesty refused to leave the prison unless the International Red Cross was present, for fear of being abducted and/or killed by members of the security forces or paramilitary groups. Amnesty International has also received reports that a number of released prisoners have been threatened and even killed since their release. One report, for example, states that two young men who were released from prison in early May 1983, Manuel de Jesús Orellana Morán and Pedro Antonio Chamal, were killed by uniformed men near Mejicanos, just north of San Salvador, on 9/10 May. Two other men who had benefitted from an amnesty decree passed two years ago, Pablo Roberto Torres and Nelson William Solano, were also reportedly abducted on 31 May 1983 and later found dead on the road from Via del Triunfo to Santiago de María in Usulután.

Mauricio Mazier, a Christian Democrat deputy in the Constituent Assembly, is reported to have expressed concern during the debate in the assembly on the amnesty law that it offered no security to those who took it up "as long as death squads, who drag humble workers, peasants and honest people from their houses at night, remain in existence". He reportedly went on to say that the governmental Human Rights Commission was aware that "many human rights violations are caused by uniformed elements of the army." Subsequent reports indicate that Mazier was threatened in a leaflet, purporting to come from the Ejército Secreto Anticomunista (ESA), Anti-Communist Secret Army, which was attached to the body of a young man found in the carpark of a hotel in the centre of San Salvador, which carried signs of torture. The leaflet warned that Mazier would meet the same fate because of the statements he had made.

Reports from many sources indicate that the Salvadorian security forces, together with paramilitary squads acting with their explicit or implicit warrant, continue to be responsible for a gross and consistent pattern of human rights abuses, including torture, "disappearances" and individual and mass killings of non-combatant civilians.

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