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EL SALVADOR HUMAN RIGHTS VIOLATIONS DIRECTED AGAINST RELEASED PRISONERS AND THEIR FAMILIES

BACKGROUND

At the beginning of 1987, there were known to be more than one thousand political prisoners in El Salvador. Those in acknowledged detention were held principally at La Esperanza men's prison in Mariona and at the Readaption Centre for Women (Centro de Readaptación de Mujeres) at Ilopango. Few, if any, had been tried and many had been held in untried detention for periods of four, five and up to six years. However, since then, the political prisoners population has been steadily decreasing. On several occasions, groups of prisoners have been exchanged for those held in guerrilla hands; 57 prisoners were freed in this way in early February 1987 in exchange for Col. Napoleón Avalos, head of El Salvador's Civilian Aviation, who had been in opposition hands. Others have reportedly gained their freedom not through judgement by the Salvadorian courts (Amnesty International (AI) knew of few, if any cases of those released whose cases had actually passed through the legal procedures before their release), but upon payment of sizeable sums of money by their families or others to judicial and other officials; others have been released on legal technicalities. By the beginning of October 1987, those known to be in acknowledged detention on political charges were estimated to number over 500.

In response to the substantial number of such irregular releases, police, military and civil patrol units, acting both in uniform and in plain clothes, but under superior orders, have reportedly taken the law into their own hands on a number of occasions. According to reports and direct testimony received by AI, such units have attempted to intimidate released prisoners into leaving the country; in some instances freed prisoners have been killed, the victims of apparent extrajudicial executions carried out by official personnel who opposed their release. AI's March and June 1987 delegations to El Salvador were told of such human rights violations directed against prisoners whose release had been ordered by the judiciary on grounds of insufficient evidence, despite explicit orders from high level military officials that they were not to be released. AI was told by released prisoners and lawyers of other cases where, despite the fact that all available evidence indicated that detainees were totally innocent of the charges against them, prisoners were only released after several years in detention upon payment of large sums of money to judicial or other officials by their families or others. Although released, such persons had not had the opportunity to prove their innocence, as their cases never moved beyond the initial "fase de instrucción" (initial inquiries stage), which should under the emergency legislation, which had led to their arrest, have been completed within a maximum of 93 days after the initial

detention. Upon release, they too, as well as their families have also reportedly been the object of harassment and human rights violations by military or police officials who remain convinced that they were involved in the subversive activities of which they were accused, but never convicted.

AI has also received information on prisoners who state that they were threatened with reprisals against them and their families if they didn't agree to serve as "orejas" ("ears", term used for army and security force informers) once they were released. One former prisoner, for instance, stated to AI that while in Treasury Police custody, she was threatened that her family would be captured and tortured in front of her if she did not collaborate and accept the accusations against her, and that they would "disappear". Others state their release was obtained in exchange for their agreeing to work as orejas. If they do not follow through by providing information to the security forces, they can then be in danger of further threats, harassment and human rights violations from them.

ABUSES DIRECTED AGAINST RELEASED PRISONERS AND THEIR FAMILIES

Ex-political prisoners have reported that, once released, they live in constant fear of being arbitrarily re-arrested or of "disappearing", that they receive anonymous death threats or that they are under constant surveillance at their home and places of work. In June 1987, several recently released prisoners told a visiting AI delegation that they had noticed unmarked radio patrol cars with polarized windows circling their homes, and had received a series of threatening anonymous phone calls. In another case, soldiers surrounded the house of a released female prisoner for several days before detonating a bomb outside. A woman imprisoned in Ilopango women's prison in early 1987 had her house ransacked the day before her announced release. Other released prisoners have stated that they were photographed or were followed in the streets upon leaving prison. As a consequence of such incidents, several former political prisoners have been forced into hiding for fear of their lives or have attempted to flee the country.

AI also knows of several instances where released prisoners have been victims of apparent extrajudicial executions only days after their release or after having received anonymous threats. It is, therefore, quite common for released political prisoners not to return to their places of origin. They seek protection in camps for the displaced or flee to areas out of government control or seek asylum abroad for themselves and their families.

Abuses such as described above have led those who monitor human rights in El Salvador to state that political prisoners often feel "safer in goal" than when they are free. Some prisoners also appeared to have refused to leave prison, even though they had been issued a release order, or only agreed to leave if accompanied by their lawyer, a member of a human rights group or international humanitarian organization.

Below follow a series of specific incidents in which former political prisoners and/or their relatives are reported to have suffered human rights violations of concern to AI:

- 1) On 6 August 1987, Amnesty International sent a telex to President Duarte, expressing its serious concern at reports of renewed threats directed at Herbert Ernesto ANAYA SANABRIA and Reynaldo Leonidas BLANCO ROJAS, members of the Comisión de Derechos Humanos de El Salvador (no-

gubernamental) (CDHES), non-governmental Human Rights Commission of El Salvador. The threats were said to have come from the Policía de Hacienda (Treasury Police) and from plain clothes security police who had been observing the CDHES office in San Salvador and who had periodically entered the building to threaten workers there. Threats against the two men were also said to have been broadcast over a recently appeared radio calling itself "Radio Libertad". At the same time, the national press and TV publicised police and Armed Forces press releases accusing the two men of being members of the Frente Farabundo Martí para la Liberación Nacional (FMLN), Farabundo Martí National Liberation Front, El Salvador's armed opposition coalition. At the time of writing, no reply has been received from the Salvadorian authorities.

Herbert Anaya and Reynaldo Blanco were among seven human rights workers who were arrested between 26 and 29 May 1986 following allegations made by a former CDHES member that human rights groups in El Salvador were infiltrated by the armed opposition (for further information on these cases, see Allegations of Torture of Human Rights Workers, AMR 29/59/86 of 24 October 1986). Anaya and Blanco were imprisoned in La Esperanza men's prison. They were subsequently released in an exchange of 57 political prisoners for Col. Omar Napoleón Avalos, former Head of Civil Aviation, who was being held by the armed opposition forces.

Anaya's 65-year-old father Rafael López Anaya García, was arrested on 4 March 1987 and, according to Herbert Anaya, was interrogated about his son's work and released two days later. Herbert Anaya linked his father's arbitrary detention directly to his own human rights work.



Herbert E. Anaya Sanabria



Reynaldo L. Blanco Rojas

2) Baltazar CASTRO FLAMENCO, a 29-year-old jornalero (casual labourer), was imprisoned in La Esperanza prison from August to December 1985. The accusations against him are not known. He was reportedly detained again on

3 February 1987 and taken by members of the paramilitary Brigada de Defensa Civil (Civil Defense Patrol) to the house of his cousin, who was then also temporarily detained but who was set free later that night. Baltazar Castro's cousin stated that after he had returned home, he heard three shots and when he went out the following morning to the place where he had been set free, he found the bodies of Baltazar Castro and of one other man, both with gunshot wounds to the head.

3) Miguel Angel CORVERA SALINAS, an 18-year-old campesino (peasant) from Tecoluca, San Vicente department, married with a three-month-old baby, was arrested at his home on 13 December 1984. He was imprisoned in La Esperanza men's prison and released on 27 February 1985. Two months later, on 10 April 1985, he was shot dead in Apopa, reportedly by members of the Civil Defense. According to the testimony received by AI in mid-1985, a sister and two brothers of Miguel Corvera had also recently been killed (circumstances in which they died were not specified). The person giving the testimony, now in exile abroad, stated that he himself narrowly escaped death when, following his detention in 1979, he was tortured and later taken to the side of a ravine and hit on the head. He fell as if dead and rolled down towards the sea, grabbing hold of some rocks which miraculously prevented him from falling to his death. Relatives still living in El Salvador at the time, wrote to him in exile "... one day, we'll be together again, that is if we don't die before that..." ("... algún día vamos a estar juntos, si no nos morimos antes...")

4) Rolando Alberto BORJA TRINIDAD, who was active in the Comunidades Eclesiales de Base (CEB), Christian Base Communities [1], was arrested in April 1983 and released in February 1985. On 12 January 1987, he initiated steps to obtain a visa in order to leave El Salvador. He returned to San Salvador on/about 20 January to finalize his travel arrangements, expressing fears for his life because he was being followed. He was shot dead that very day by two men who chased him onto the campus of the University of El Salvador (UES).

5) Miguel (also reported as Manuel) Antonio GONZALEZ HERNANDEZ, campesino from Tenancingo, was arrested on 15 June 1986 and is said to have been tortured while in detention. He was transferred to La Esperanza men's prison on 30 June 1986 on accusation of providing supplies to the guerrillas and was released on 13 January 1987. In March 1987, he was pulled out of his home in Santa Cruz Michapa, near Tenancingo, Cuscatlán department, by four armed men in plain clothes and was found dead the following day.

[1] These communities were set up in many countries in Latin America following the Second Episcopal Conference of Latin American bishop 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.

6) José E. (who asked that his identity not be made public), was active in a student movement and spent more than two years in La Esperanza men's prison. He was accused of belonging to the armed opposition. According to his testimony, the day after his release in the second half of 1986, an attempt was made on his life but he managed to escape. When another attempt was made three months later, he and his family decided it was time for them to leave the country. They are now living in exile abroad.

AI'S CONCERNS

Because of the indications that regular military and police personnel have been responsible for recent harassment and human rights violations directed against released prisoners, AI is asking the Salvadorian authorities for exhaustive and impartial investigations into the circumstances surrounding these incidents and is urging that those responsible for such acts be brought to justice without further delay. AI is also calling upon the authorities to exercise their responsibility to protect the physical integrity of released political prisoners and their families.

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