

EXTERNAL (for general distribution)

AI Index: AMR 29/46/85  
Distrib : CO/GR/PG + rel SC

11 November 1985

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

EL SALVADOR  
=====

**MODESTO RODRIGUEZ ESCOBAR**  
=====

Modesto RODRIGUEZ ESCOBAR, aged 24, is Secretary General of the Federación Sindical de Trabajadores de la Industria del Alimento, Vestido, Textil, Similares y Conexos de El Salvador (FESTIAVTSCES), Trade Union Federation of Salvadorian Food, Clothes, Textile and Related Industries Workers, and Secretary General of the Sindicato de Trabajadores de la Industria Avícola, Huevos, Conexos y Similares de El Salvador (STIAHCSES), Union of Poultry, Egg and Related Industries Workers of El Salvador.

He was reportedly detained in Apopa, San Salvador department, on 4 July 1985 by heavily armed men in plainclothes after leaving a meeting with members of the Sindicato de Empresa Trabajadores de Refinería de Azúcar Salvadoreña (SETRAS), Salvadorian Sugar Refinery Workers Union, with whom he had been trying to find a solution to their labour dispute, and was taken to a secret bartolina (cell) of the Policia de Hacienda (Treasury Police) where he was kept in incommunicado detention for seven days. According to a testimony which Rodriguez transmitted to the executive board of his trade union, it was during this period that he was beaten, given electric shocks and "constantly threatened with death as happened to Santiago Hernández". <1> He also states that he was kept blindfolded and handcuffed and was taken out in a car and asked to identify people which his security force captors accused of belonging to leftist political organizations. When he returned without having identified anybody he was, according to his testimony, beaten so heavily that he lost consciousness on several occasions. He further states that on the eighth day of his detention, he received a visit from the International Commission of the Red Cross (ICRC) and from the governmental Human Rights Commission to whom he testified about the torture to which he had been subjected.

Then, still according to Rodriguez' testimony, followed three days of interrogation without beatings. He believes that on the 12th day of his detention he must have been drugged because two days later "they read out a declaration to me in which I acknowledged responsibility for a series of political crimes against the government, and stated that I had declared this" ("me leveron una declaración donde me responsabilizaban de una serie de cargos políticos contra el gobierno, manifestándome que eso era lo que yo había declarado"). Rodriguez claims, however, that he was not guilty of the crimes listed in this declaration and that he, after initial refusal,

-----  
<1> Secretary General of the Federación Unitaria Sindical de El Salvador (FUSS), United Trade Union Federation of El Salvador. Reportedly abducted on 25 September 1983 on his way to the FUSS Congress in San Salvador. His body found was found on 7 October 1983, together with a communiqué by the Maximiliano Hernández Brigade, one of El Salvador's so-called death squads.

was eventually forced to sign under renewed torture.

Modesto Rodriguez Escobar's detention was reportedly not officially acknowledged until he was transferred to La Esperanza men's prison in Mariona, San Salvador department, 15 days after his arrest.

Amnesty International is asking the Salvadorian authorities for a full and independent investigation into the torture Modesto Rodriguez claims to have been subjected to and that those responsible be brought to justice. The organizations is also inquiring into the exact charges against him and is appealing that no extrajudicial statements be used as evidence against the prisoner, as stipulated in Art. 12 of the United Nations Declaration Against Torture of 1975: "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."

#### BACKGROUND

President José Napoleón Duarte assumed power in El Salvador following elections held in March and May 1984. He stated in his inaugural speech on 1 June 1984 that he intended to "fight openly and tirelessly to control abuse of authority and the violence of the extremes, the death squads, and all the problems of injustice and power they represent". He subsequently declared on several occasions his intention to ensure that the military and security forces did not continue to exceed their authority and his intention to establish bodies to investigate a number of specific past human rights abuses and to receive complaints from the public concerning abuses of authority on the part of members of the security forces.

Amnesty International has welcomed the above statements on a number of occasions, including in a letter which Amnesty International's Secretary General addressed to President Duarte on 6 November 1984. Secretary General Thomas Hammarberg's letter also stated, however, the organization's belief that the measures taken by the authorities to implement President Duarte's stated intentions remained unsatisfactory and that in the vast majority of reported violations of human rights, their perpetrators have remained immune to genuine investigations and prosecution.

A disturbing indicator that the steps taken by the authorities under President Duarte have thus far proved inadequate has been the continued reports received by Amnesty International of human rights violations including torture, "disappearance" and extrajudicial execution, which the government has repeatedly claimed to be the work of "death squad" extremist groups of the left and right and which were out of government control.

Amnesty International is aware that these abuses have occurred in the context of civil conflict between government and armed opposition forces. The organization has also received reports of execution-style killings and of kidnappings by the armed opposition forces. Amnesty International, as a matter of principle, condemns the torture or execution of prisoners by anyone, including opposition groups.

However, on the basis of its collection and analysis of information, received from a variety of sources on thousands of individual cases, the organization has concluded that the vast majority of the abuses were inflicted on non-combatant civilians by forces under the authorities'

control, and that the so-called "death squads" are in fact composed of members of the Salvadorian security and military forces acting under direct orders of superior officers.

Victims have included people from all sectors of Salvadorian society, suspected of being political oppositionists. Amnesty International has noted that trade unionists appeared to be particular targets in recent months.

Recent human rights violations against the trade union movement have taken place in the context of renewed public action by trade unionists, including strikes and street demonstrations. Among their demands have been the re-appearance of "disappeared" trade unionists, an investigation into the killing on 2 May 1985 of two trade unionists, Francisco Fuentes Ayala and Mauricio Alcides Díaz, demilitarization of plants and a solution to economic problems.

#### LEGAL CONTEXT

The torture of political prisoners while in unacknowledged detention has occurred in the context of Decree Law 50 of 24 February 1984. 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 defense or legal counsel - before bringing him/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, particularly during the 15-day-period of incommunicado detention, as evidence against the prisoner.

Amnesty International believes that this Decree, which regulates the treatment of political prisoners and which is applicable while the current State of Siege is in force, permits arrest and detention procedures which facilitate human rights abuses, including "disappearance" and torture, particularly during the 15 days of incommunicado detention.

\* \* \* \* \*