

EXTERNAL (for general distribution)

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EXTRA 16/93

18 February 1993

EL SALVADOR: Possible Reintroduction of the Death Penalty

The Legislative Assembly (parliament) in El Salvador is currently debating a motion to ratify a 1991 constitutional reform which would allow the reintroduction of the death penalty for certain crimes in peacetime. The motion was presented by , Alianza Republica Nacionalista, ARENA (ruling party) members in response to a recent wave of violent crime. Reports suggest that there may be a vote on the motion today, 18 February 1993.

On 17 February Amnesty International wrote to the president of the Legislative Assembly, Dr. Luis Roberto Angulo Samayoa, calling on him to do all he could to prevent the ratification of any reform which would extend the application of the death penalty. Amnesty International has also lobbied the individual Assembly deputies of all parties to urge them not to ratify the reform. Further urgent pressure on the Assembly and government authorities is requested at this crucial stage.

BACKGROUND INFORMATION

At present the death penalty is only applicable for certain crimes such as spying and treason, committed during international war. A motion reforming the constitution to allow the extension of the death penalty to the peacetime crimes of murder, patricide and cases of robbery, kidnapping, rape and arson resulting in murder, was approved by the outgoing Legislative Assembly in April 1991. This reform had not come before the current assembly, which took office the following month, for ratification until now. Constitutional reforms must be ratified by two consecutive legislative assemblies before they become effective.

Although the motion has been presented by members of ARENA, the head of the Supreme Court is reported to have stated that the reintroduction of the death penalty would violate international conventions on the protection of human rights. The Minister of Justice and the Archbishop of San Salvador have also both stated their opposition to the motion publicly.

Amnesty International opposes the death penalty in all cases without exception, as it considers it to be an extraordinarily cruel, inhuman and degrading punishment and a violation of the right to life as upheld in the Universal Declaration on Human Rights. The ratification of this reform would also constitute a clear contravention of the American Convention on Human Rights, which prohibits the extension of the use of the death penalty to cover crimes to which it is not currently applicable (article 4.2).

RECOMMENDED ACTION: Please send telegrams/telexes/faxes IMMEDIATELY IF POSSIBLE either in Spanish, English or in your own language:.

- expressing concern about the motion to ratify the constitutional reform approved in 1991 which would extend the scope of the death penalty. Point out that, if ratified by the Legislative Assembly, this reform would be a serious retrograde step in violation of the American Convention on Human Rights, which prohibits state parties from extending the death penalty to crimes which do not currently carry it.

- respectfully urge that all steps are taken to prevent the motion being passed, and stating Amnesty International's reasons for totally opposing the death penalty.

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- welcoming the fact that El Salvador abolished the death penalty for peacetime offences under the 1983 Constitution and calling on the government to remain within the worldwide trend towards abolition of the death penalty. You may point out that, since 1989, an additional 13 countries worldwide have abolished the death penalty for all offences.

APPEALS TO

1) Vice Minister of the Presidency

Lic. Ernesto Altschul

Viceministro de la Presidencia

Telegrams: Viceministro Presidencia, San Salvador, El Salvador

Faxes: +503 22 91 09

Telexes: 30344 RS SAL

Salutation: Sr. Viceministro

2) President of the Legislative Assembly

Dr. Luis Roberto Angulo Samayoa

Presidente de la Asamblea Legislativa

Telegrams: Presidente Asamblea Legislativa, San Salvador, El Salvador

Faxes: +503 71 53 90

Telexes: 20532 CEDICESAL

Salutation: Sr. Presidente

3) Foreign Minister

Dr. José Manuel Pacas Castro

Ministro de Relaciones Exteriores

Telegrams: Ministro Relaciones Exteriores, San Salvador, El Salvador

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Telexes: 20179 RREE SAL

Salutation: Sr. Ministro

4) Justice Minister

Dr. René Hernández Valiente

Ministro de Justicia

Telegrams: Ministro Justicia, San Salvador, El Salvador

Faxes: +503 23 26 11

Telexes: 20599

Salutation: Sr. Ministro

COPIES OF YOUR APPEALS to the following newspapers and radio station:

Newspapers:

Diario Latino

Faxes: + 503 71 09 71

Diario El Mundo

Faxes: + 503 71 43 42

Proceso

Faxes: + 503 73 35 56

Diario Hoy

Faxes: + 503 22 54 82

Radio station:

Radio Cadena Sonora

Faxes: +503 26 87 43

and to diplomatic representatives of El Salvador accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 February 1993.