

EXTERNAL

AI Index: AMR 29/09/96

EXTRA 154/96

Death penalty

3 October 1996

EL SALVADOR Possible reintroduction of the death penalty

The Legislative Assembly (parliament) in El Salvador is about to debate a motion which would reintroduce the death penalty for certain crimes.

The motion is being presented by members of the *Alianza Republicana Nacionalista*, ARENA, Nationalist Republican Alliance (ruling party) allegedly in response to a perceived increase in criminal activity in the country. Similar reforms were proposed in 1991 (debated in 1993) and 1995 and defeated (see EXTRA 16/93, AMR 29/02/93, 18 February 1993; further information AMR 29/03/93, 23 February 1993; and UA 118/95, AMR 29/01/96, 25 May 1995).

Should this proposal be approved, El Salvador would be violating its international commitments, as it is party to the American Convention on Human Rights which states in Article 4(3): "The death penalty shall not be re-established in states that have abolished it."

BACKGROUND INFORMATION

The death penalty was abolished in El Salvador in 1983 for all but exceptional crimes. Under article 27 of the 1983 Constitution it can only be imposed during times of international war on those convicted of certain offences defined in the Military Code, such as treason, desertion, espionage and sedition.

The reform needs, in the first instance, to be approved by a majority of 43 votes (out of 84 deputies). It must then be ratified by two-thirds of the next Legislative Assembly (56 votes). General elections for President, Vice President and deputies are due to take place in El Salvador in March 1997.

Amnesty International opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing deep concern about the proposed constitutional reform to reintroduce the death penalty in El Salvador;
- stressing that the death penalty is not effective in combating crime, mentioning that various studies undertaken on the subject have shown that it does not have a deterrent effect;
- noting that El Salvador would be infringing its international commitments if the proposal is approved by the Legislative Assembly; quote Article 4 of the American Convention on Human Rights ratified by El Salvador in June 1978;
- calling on members of the Legislative Assembly, through its president and vice-president, to oppose any attempt to reintroduce the death penalty in El Salvador.

APPEALS TO:

Please organize equal numbers of appeals to addresses 1 and 2 (ruling party and opposition)

- 1) **President of the Legislative Assembly**

Señorita Gloria Salguero Gross
Presidenta de la Asamblea Legislativa
Honorable Asamblea Legislativa
Centro de Gobierno
San Salvador, El Salvador

Telegrams: Presidenta Asamblea Legislativa, San Salvador, El Salvador

Faxes: +503 271 1143

Salutation: Señor Presidente de la Asamblea Legislativa

2) Vice president of the Legislative Assembly

Señora Ana Guadalupe Martínez
Vice Presidenta de la Asamblea Legislativa
Honorable Asamblea Legislativa
Centro de Gobierno
San Salvador, El Salvador

Telegrams: Vice Presidenta Asamblea Legislativa, San Salvador, El Salvador

Faxes: +503 271 0517

Salutation: Señor Vice Presidente de la Asamblea Legislativa

COPIES TO:

1) Human Rights Organizations

Señores
Comisión de Derechos Humanos de El Salvador (CDHES)
Urbanización La Esperanza, Pasaje 1, No.119
San Salvador, EL SALVADOR

Señores
Centro de Promoción de los Derechos Humanos "Madeleine Lagadec"
Colonia Jardín, Pasaje 6, Casa No. 12
Mejicanos, EL SALVADOR

2) Daily newspapers

Diario Latino
6ª Avenida Norte 325
San Salvador, El Salvador

La Prensa Gráfica
3ª Calle Poniente N° 130
San Salvador, El Salvador

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 3 November 1996.