

EXTERNAL (for general distribution)

AI Index: AMR 29/10/93

Distr: UA/SC

27 April 1993

Further information on EXTRA 31/93 (AMR 29/04/93, 17 March 1993) and follow-ups: AMR 29/05/93, 19 March 1993, AMR 29/06/93, 22 March 1993, AMR 29/07/93, 23 March 1993 and AMR 29/08/93, 29 March 1993 - Legal Concern

**EL SALVADOR: Supreme Court to hear legal challenge against  
amnesty law for human rights violators**

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The amnesty law passed by the Salvadorian government in March 1993, which exempts from prosecution those responsible for human rights violations prior to 1992, has been legally challenged before the Supreme Court.

On 21 April 1993, a Salvadorian non-governmental human rights group presented a petition (*recurso de inconstitucionalidad*) to the Supreme Court challenging the Ley de Amnistía General para la Consolidación de la Paz, (General Amnesty Law for the Consolidation of Peace) as unconstitutional.

The petition, presented by the Comisión de Derechos Humanos de El Salvador no gubernamental (CDHES - Non-governmental Human Rights Commission), argues that the law violates several articles of the Constitution, including those relating to the applicability of amnesties to political crimes by government officials and the obligation of the state to abide by international human rights standards which it has ratified.

A Supreme Court ruling against the amnesty law could eventually lead to the repeal of the law, something Amnesty International has been calling for since the law's approval on 22 March. Such a ruling would send a strong message that impunity will not prevail.

**BACKGROUND INFORMATION**

Amnesty International considers that, by allowing the perpetrators of brutal crimes to avoid accountability, the amnesty law shows a blatant disregard for the rights of victims and their relatives to know the truth and for the state's obligation to bring to justice those responsible, rights and obligations which are set down in the Salvadorian constitution and international law.

Amnesty International also considers that the law has seriously undermined the recommendations of the Truth Commission, a UN-appointed body which in March 1993 found government forces responsible for human rights violations committed on a massive scale during the period of armed conflict (1979-1982). The Supreme Court was criticised by the Commission for its role in furthering impunity for human rights violators. The Commission also held the opposition FMLN responsible for a number of extrajudicial executions.

The amnesty law has been widely condemned by different sectors, including the political opposition and the churches. The UN and the EEC have also voiced criticism, as have some individual foreign governments. Nevertheless the law has been put into effect since 31 March.

The FMLN has criticized the apparently unequal application of the law; although FMLN members who committed human rights abuses appear to be covered by the law, several FMLN members convicted of killing US nationals have in practice been excluded from the amnesty on the grounds that international treaties override the amnesty law in cases where the victims have diplomatic status.

The day after the amnesty law came into force, a colonel and lieutenant sentenced last year for the 1989 murder of six Jesuit priests, their housekeeper and her daughter, were the first to be released under the terms of the law. The only senior-ranking

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officials ever to have been convicted for human rights violations, they had served 14 months in prison.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in Spanish, English or your own language:**

In appeals to all those listed below:

- expressing grave concern at the approval of the Ley de Amnistía General para la Consolidación de la Paz in March 1993 and noting that a *recurso de inconstitucionalidad* was recently presented to the Supreme Court;
- stating your view that, by preventing human rights violators from being prosecuted, the law violates principles set forth in international law and the Salvadorian constitution, and is a serious step backwards in the process of national reconciliation begun by the 1992 peace accords;
- urging that the amnesty law be repealed;

In appeals to the Supreme Court ONLY and INSTEAD of the third point above:

- urging that the Court declare the law unconstitutional, so as to allow past abuses to be investigated, the full truth to emerge, and those responsible to be brought to justice, in compliance with El Salvador's obligations under international law.

**APPEALS TO:**

1) Supreme Court Judges responsible for constitutional issues:

Sres. Jueces de la Sala de la  
Constitucional  
Corte Suprema de Justicia  
Centro de Gobierno "José Simeón Cañas"  
San Salvador, El Salvador

**Telegrams: Sala Constitucional, Corte  
Suprema, San Salvador,  
El Salvador**

**Telexes: 20343**

**Faxes: + 503 71 49 32**

**Salutation: Sres. Jueces**

2) Minister of Justice:

Dr. René Hernández Valiente  
Ministro de Justicia  
Ministerio de Justicia  
Av Masferrer No 612-b  
Colonia Lomas Verde, San Salvador  
El Salvador

**Telegrams: Ministro Justicia, San  
Salvador, El Salvador**

**Telexes: 20179, 20599**

**Faxes: + 503 23 26 11**

**+ 503 98 0315 (Ministry of  
Foreign Affairs)**

**please put "favor transmitir al  
Ministro de Justicia"**

**Salutation: Sr. Ministro**

San Salvador, El Salvador

**Telegrams: Secretario Nacional de  
Comunicaciones, San Salvador,  
El Salvador**

3) National Communications Secretary:

Lic. Ernesto Altshcul  
Secretario Nacional de Comunicaciones  
Casa Presidencial

**Faxes:** + 503 81 42 09

**Salutation:** Sr. Secretario

4) Commission for the Consolidation of Peace  
(Body overseeing implementation of peace  
accords):

COPAZ

Asamblea Legislativa

6a Planta, Edificio Centro de gobierno

San Salvador, El Salvador

**Faxes:** + 503 71 35 88

**Salutation:** Señores

**COPIES TO:**

Human Rights Organization:

CDHES

Urbanización La Esperanza

Pasaje 1, No 119

San Salvador, El Salvador

Opposition Newspaper:

Diario Latino

23 Ave Sur No 225

Apartado Postal 368

San Salvador, El Salvador

**Faxes:** + 503 71 09 71

Radio Station:

Radio Cadena Sonora

Diagonal Principal 1322

San Salvador, El Salvador

**Faxes:** + 503 26 54 91

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 4 June 1993.