

**EXTERNAL (for general distribution)**

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**Further information on EXTRA 31/93 (AMR 29/04/93, 17 MARCH 1993) - and follow-up(s): AMR 29/05/93, 19 March 1993, AMR 29/06/93, 22 March 1993, AMR29/07/93, 23 March 1993, AMR 29/08/93, 29 March 1993, and AMR 29/10/93, 27 April 1993 - Legal concern**

**EL SALVADOR: Supreme Court rejects legal challenge against  
Amnesty Law for human rights violators**

The Salvadorian Supreme Court has rejected petitions by human rights groups challenging the legality of the recent Amnesty Law for human rights violators. This decision is another blow for victims of human rights abuses, their relatives and groups working on their behalf, who seek repeal of the Amnesty Law.

The General Amnesty Law for the Consolidation of Peace, approved in March, protects from prosecution all those responsible for carrying out or covering up human rights abuses committed in the context of the civil war (1980-1992). It specifically covers those mentioned by name in the March 1993 report of the Comisión de la Verdad (Truth Commission), a body appointed by the United Nations to investigate certain human rights abuses committed during the war.

Immediately after the law was passed, petitions were presented to the Supreme Court by three non-governmental human rights groups, challenging the law as unconstitutional. The petitions argued that the law violates the Salvadorian Constitution, including the obligation of the State to abide by international human rights standards which it has ratified. The Salvadorian Government's Human Rights' Counsel also criticised the Amnesty Law and urged that the petitions before the Supreme Court be heard "fully respecting all guarantees of due process".

However, in what appears to be an abdication of its constitutional powers, the Court concluded on 20 May 1993 that it was not authorised to make a decision on the Law's unconstitutionality. It argued that "the judiciary does not have jurisdiction over purely political questions". In reaction, one of the human rights groups involved said, "This ruling, with its absurd legal arguments, wipes out the rule of law".

**BACKGROUND**

The Amnesty Law has resulted in the release of the few members of the military ever prosecuted for political killings, including those imprisoned for the massacre of six priests at the Universidad Centroamericana in 1989. Several political prisoners, members of the opposition FMLN, accused of killings, were also released. The Law will prevent any investigation to establish into who was responsible for the thousands of human rights abuses during the war, and to bring them to justice. 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.

The Law has seriously undermined the recommendations of the Truth Commission which found government forces responsible for human rights violations committed on a massive scale during the period of armed conflict (1979-1982). The government has yet to implement many of the Commission's recommendations, which included reform of the judiciary, a detailed inquiry into the "death squads", and the creation of a compensation fund for victims of human rights violations and their families.

Amnesty International is concerned that the Amnesty Law sends the message that human rights violators are immune from prosecution. The same day as the Court's ruling, police opened fire on a demonstration of disabled former combatants of the army and FMLN, which took place outside the Presidential Palace. At least one demonstrator was killed. The Human Rights' Counsel concluded that the police had used excessive force.

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Three days after the Court's ruling, a member of the left-wing Democratic Convergence was the victim of abduction, torture and attempted killing by unknown assailants operating in the manner of the notorious "death squads" (see UA 175/93, AMR 29/11/93, 28th May 1993).

Amnesty International has been calling for the repeal of the Amnesty Law since its approval on 22 March. A Supreme Court ruling against the Amnesty Law could eventually have led to the repeal of the law and would have sent a strong message that impunity will not prevail.

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

- expressing disappointment at the Supreme Court's rejection of the petition presented by human rights groups against the Ley de Amnistía General para la Consolidación de la Paz;
- stating your view that, by preventing human rights violators from being prosecuted even before an investigation has been carried out, the law violates principles set forth in both the Salvadorian Constitution and international law;
- voicing concern that the Court's ruling demonstrates the traditional weakness of the Salvadorian judiciary in tackling the impunity with which human rights abuses have been committed in El Salvador;
- expressing concern that instead of complying with the recommendations of the Truth Commission, the government, in passing the Amnesty Law, has seriously undermined the Commission's recommendations and presented an obstacle to human rights protection in the future;
- urging the government to repeal the Amnesty Law immediately, so as to allow past abuses to be investigated, the full truth to emerge and those responsible to be brought to justice.

**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**

2) President of the Legislative Assembly:  
Dr. Luis R. Angulo Samayoa  
Presidente, Asamblea Legislativa  
6a Planta, Edificio Centro de Gobierno  
San Salvador, EL SALVADOR  
**Telegrams: Presidente, Asamblea Legislativa, San Salvador, El Salvador**  
**Telexes: 20532 Cedice sal**  
**Faxes: + 503 71 53 90**

**Salutation: Sr. Presidente**

**Salutation: Sres. Jueces**

3) National Communications Secretary:

Lic. Ernesto Altschul

Secretario Nacional de Comunicaciones  
Casa Presidencial  
San Salvador, EL SALVADOR  
**Telegrams: Secretario Nacional de  
Comunicaciones, San Salvador, El Salvador**  
**Faxes: + 503 81 42 09**

**Salutation: Sr. Secretario**

**COPIES OF YOUR APPEALS TO:**

Human Rights Organization:  
CDHES, Urbanización La Esperanza  
Pasaje 1, No 119  
San Salvador, EL SALVADOR

National Counsel for the Defence of Human  
Rights:

Dr. Carlos Molina Fonseca  
Procurador para la Defensa de los Derechos  
Humanos  
Procuradía para la Defensa de los Derechos  
Humanos, Edificio AMSA, 535  
5a calle Pte y 9a Av Nte  
San Salvador, El Salvador  
**Faxes: + 503 71 2886**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 29th July 1993.

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: Senores**

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**