

# **amnesty international**

## **EL SALVADOR**

### **Amnesty International's Continuing Concerns**

MARCH 1991

SUMMARY

AI INDEX: AMR 29/02/91

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Reports of human rights violations have persisted since Amnesty International published its report **El Salvador: Killings, Torture and "Disappearances"** in October 1990. Although Salvadorian human rights groups noted a drop in the number of abuses during the second half of 1990, their reports and information gathered from other sources show that the government is still failing to fulfill its commitments to respect human rights. A number of extrajudicial executions and other human rights violations have also been reported during the first two months of this year, some of them in the run-up to legislative and municipal elections which took place on 10 March. There have also been reports of several extrajudicial executions by the armed opposition group **Frente Farabundo Martí para la Liberación Nacional, FMLN**, the Farabundo Marti National Liberation Front during the past six months.

Amnesty International's October report, which contained 34 recommendations for safeguarding human rights, was submitted to the government before its publication. To date the organization has received no response other than a letter from the then Minister of Justice in November. In it he said that he shared Amnesty International's concern for human rights, but the letter did not address any of the issues or cases in the report, focussing instead on an FMLN attack on a prison in October 1990.

The attached document gives an update on the human rights situation based on a selection of the cases which have been reported to the organization since the government and the FMLN signed the Agreement on Human Rights in July 1990 under the auspices of the United Nations. The Agreement committed both parties to preventing "disappearances" and other human rights violations, as well as allowing for the setting up of a UN verification mission to monitor human rights once a ceasefire to the armed conflict had been agreed. A delegation of human rights, police and military experts,

headed by a UN official travelled to El Salvador on 13 March as a preliminary step to look into the possible functioning of such a mission.

This report summarizes a nineteen-page document (8610 words), *El Salvador: Amnesty International's continuing concerns* (AI Index: AMR 29/02/91), issued by Amnesty International in March 1991. Anyone wanting further details or to take action on this issue should consult the full document.

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM**

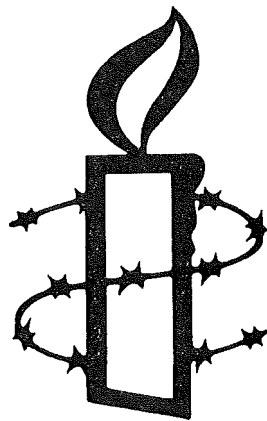
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## Amnesty International's continuing concerns

Reports of human rights violations have persisted since Amnesty International published its report **El Salvador: Killings, Torture and "Disappearances"** in October 1990. Although Salvadorian human rights groups noted a drop in the number of abuses in the second half of the year, their reports and information gathered from other sources show that the government is still failing to fulfill its commitments to respect human rights. A number of extrajudicial executions and other human rights violations have been reported during the first two months of this year, some of them in the run-up to legislative and municipal elections which took place on 10 March. There have also been reports of several extrajudicial executions by the armed opposition group **Frente Farabundo Martí para la Liberación Nacional, FMLN**, the Farabundo Martí National Liberation Front in the last six months.

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This document gives an update on the human rights situation based on a selection of the cases which have been reported to the organization since the government and the FMLN signed the Agreement on Human Rights in July 1990 under the auspices of the United Nations, and in particular since the publication of Amnesty International's October report. The Agreement on Human Rights committed both parties to preventing "disappearances" and other human rights violations, as well as allowing for the setting up of a UN verification mission to monitor human rights once a ceasefire to the armed conflict has been agreed. A delegation of human rights, military and police experts headed by a UN official travelled to El Salvador on 13 March as a preliminary step to look into the possible functioning of such a mission.

## "Death squad" Killings

Amnesty International's report **El Salvador: Killings, Torture and "Disappearances"** documented the increase in extrajudicial executions by "death squads" linked to the Armed Forces between January and August 1990. Although the number of killings attributed to "death squads" dropped between September and November compared to earlier in the year, at least nine people were killed between 29 November 1990 and January 1991. Some of the bodies found showed signs of torture and in many cases identity documents had been removed to prevent identification.

54-year-old **Oscar Armando Martínez** was a member of the Miramar Arriba farming cooperative in Candelaria de la Frontera, Santa Ana which was being divided up into individual plots of land. Peasant associations and cooperatives are critical of this process, known as **parcelización**, which they see as reversing changes made as a result of agrarian land reform programmes. Sr. Martínez left the cooperative with a friend on 22 January 1991 to attend a feast day celebration but never returned. The following day the body of a man was found in a ravine by a local road. The head was completely disfigured with cuts, the face completely destroyed and the eyes poked out. There were also cuts on the abdomen and arm. The personal identity card had been removed and the body was initially buried as an unidentified person. However, it was subsequently exhumed by judicial order and identified by relatives as that of Oscar Martínez.

The body of 20-year-old student **Maty Concepción Argueta Sorto** was found, partially clothed, on 29 November in a San Salvador street. Her identity documents had been removed, and she had several stab wounds in the face, as well as signs that she had been strangled. Reports indicate that in the days before the killings a vehicle with dark windows was often parked, at the time her classes ended, outside the place where she studied, suggesting that she may have been under surveillance prior to the killing.

On 24 December, the headless body of man, aged between 36 and 40, was discovered dumped in the grounds of a cemetery in Ahuachapán. The body also had wounds in the back. A knife [corvo] was found nearby. About a week later, on 3 January, the bodies of two men aged about 22 and 30 were found dumped by a roadside in the department of La Paz. Their throats had been slit, and both showed signs of having been tortured. Other bodies have reportedly been dumped in the same location in the past. Another corpse, that of a naked man, was found floating in a river in San Salvador Department on 4 January. **Tutela Legal**, the legal aid office of the Archbishopric of San Salvador, concluded that he had been murdered between five and eight days earlier and that he had been killed before being thrown in the river as there was no water in his lungs. A forensic report showed signs of a brain haemorrhage,

bruising on the chest and a fractured rib. A fifth unidentified body was found on 6 January in San Salvador, showing damage to the head. In all cases, the victims appear to have been killed in places other than where their bodies were found, one of the characteristics of such killings.

Amnesty International is investigating the cases of **Heriberto Robles García** and his wife **Vilma Palacios**, who was six months pregnant at the time. The two were shot dead when two unidentified gunmen fired machineguns at them from a passing vehicle in the centre of San Salvador on 21 February 1991. Although the incident occurred in an area with considerable police presence the killers were able to escape. Heriberto Robles was a member of the opposition **Unión Democrática Nacional**, UDN, National Democratic Party and was candidate for councillor in the municipality of Ciudad Delgado in the 10 March legislative and municipal elections. Also killed, in another incident apparently related to the elections, was 19-year-old **Salvador López**, a member of the opposition **Convergencia Democrática**, Democratic Convergence (CD) party and nephew of a CD candidate for local elections in Metapán. Salvador López was killed with a machete in the middle of the night on 11 February. In an exceptional move, a member of a local military patrol was arrested and charged with the murder. The candidate himself, **Juan Ramón Herrera** is reported to have received death threats subsequently.

Another case which the organization is looking into is that of 42-year-old **Vilma Chávez**, member of the **Asociación Nacional de Educadores de El Salvador**, ANDES, El Salvador National Teachers' Association. She was found strangled in her home on 21 October. There were no witnesses to the killing and no items of value were taken from her home. Although the full circumstances of the murder are unclear, the fact that numerous trade union leaders and other activists have been killed in the past has led to serious fears that she was executed on account of trade union activities.

### **The El Zapote Massacre**

At about 23.00h on 21 January people living in the rural community of El Zapote, department of San Salvador were woken by dogs barking. In the following two hours approximately, a group of armed men wearing black uniforms, their faces covered, ransacked five houses in the locality and cold-bloodedly murdered fifteen people, including a 14-year-old girl and a 68-year-old man. Three of the victims were shot

dead. Others were stabbed repeatedly - nine of the bodies examined by **Tutela Legal** had between seven and 19 stab wounds. Eighteen children, some of whom witnessed the killings, were orphaned as a result. Those killed were:

**Venancio Aragón Ortíz**, 45, his daughter **Rosa Lilián Aragón Ventura**, 26 and son **José Omar Aragón Ventura**, 21, **Rosa Delmy Santos Hernández**, 18; **Lázaro Aragón**, 30, **María Eugenio Aragón Ortíz**, 40, her daughter **Maritza Aragón**, 20, and son **Herbert Cesar Aragón López** 18; **Ismael Aragón**, 68; **Emelina Aragón**, 40, **Eugenio Dimas Beltrán**, 30; **María Aracely Quijano**, 40, her husband **Jerónimo Santos Morales**, 32, and daughter **Rosa Delmy Aragón Santos**, 14, **Jesús Aragón Ortíz**, a 60-year-old woman.

The full circumstances, motives and facts surrounding the killings are still unclear. Initial statements by the armed forces expressed condolences to members of the military allegedly related to the Aragón family. This was interpreted by some as implying that these links could have been the motive for the killings. However, **Tutela Legal** subsequently pointed out that only one of the soldiers named was in fact a relative. In addition, a subsequent FMLN communique stated that one of those killed was an FMLN combatant and that at least two other members of the family had been collaborators with the FMLN.

Official reports allege that the killings were the result of a feud between the Aragón family and another local family, the Vásquez'. Investigations were initiated into the case by the **Comisión Investigadora de Hechos Delictivos**, Criminal Investigations Commission, with its special investigations unit made up largely of military personnel, and on 7 February it was announced that three suspects had been identified, two of them former members of the army "discharged because they were FMLN infiltrators." On 17 February, the civilian judge assigned the case announced that Natividad and María Cristina Vásquez had been arrested and that they had confessed to helping plan and carry out the killings with four men. The two women, who were presented to the press, reportedly said they were "obliged" to accompany the killers and that one of them was forced to identify the houses where the Aragón family lived. They also said they were warned that they would be killed if they denounced what had happened.

One of the four men, former First Brigade soldier Rafael de Paz Vanegas was arrested on 21 February in San Salvador. Official reports said that two other suspects, former First Brigade soldier Armando de Paz Vanegas and former Civil Defence member Jesús Vanegas Alvarenga who were with Rafael de Paz at the time of his arrest escaped but were also subsequently arrested. The three were due to be brought before a judge on 25 February and are thought to have been transferred to prison. They are reported to have been shown on television confessing to the murders. The fourth man

alleged by the authorities to have participated in the killing has not yet been arrested to Amnesty International's knowledge.

Salvadorian human rights organizations and the Roman Catholic church have been deeply critical of the official inquiry and insist that investigations must focus on the possible involvement of active members of the 1st Infantry Brigade. Following its own investigations which included interviews with witnesses, **Tutela Legal** issued a report outlining a number of factors which had led them to believe the military were involved, including the fact that the perpetrators were heavily armed and were wearing military-style uniforms, some of which appeared to have a kind of insignia; the fact that El Zapote is only about a kilometer away from an electricity substation which is under permanent military guard, and it was from the direction of the substation that the killers came and went; and the fact that the area is heavily patrolled by First Brigade soldiers. In addition, early next morning, uniformed 1st Brigade soldiers arrived to investigate what had happened even though the family and neighbours from the vicinity had not apparently alerted them to the killings.

A key witness in the case, the grandmother of some of the victims who is currently under church protection, said that she could tell those responsible were soldiers because of their bearing and because she had seen soldiers the day before, including at the house of a member of the Vázquez family. She said she had given this information in a statement to a local court. According to reports, she also alleged that someone who said he was the judge in charge of the case had subsequently visited her at her home and tried to pressurise her into changing her statement. However, the judge denied that he had done so, leaving open to speculation the identity of the person responsible for the visit. To Amnesty International's knowledge, none of the 1st Brigade soldiers on duty in the area on the night of the killing have been called to testify in court so far.

## **Other Possible Extrajudicial Executions**

16-year-old FMLN combatant **José Villanueva Argueta**, who was dressed in civilian clothing and reportedly unarmed at the time, was arrested by uniformed soldiers of the 3rd Brigade in the Cantón Los Abuelos, Morazan on 10 September 1990. Several soldiers stood on his back and neck while they were tying his hands together. They took him away and shortly afterwards a round of machinegun fire was heard. Witnesses who saw him being taken away said that he had visible signs of having been beaten. His body was found the next day. Also killed was Spanish doctor **Begoña García Arandigoyen** who worked at an FMLN field clinic. The Armed Forces alleged that she had died on 11 September during an armed confrontation between the FMLN and the military. However, UN Special Representative on El Salvador Professor Pastor



Ridruejo, in his October 1990 report, stated that the nature of the shot in the neck suggested that she had been killed after being captured. Other reports also supported the conclusion that she had been shot dead at close range, and not from a distance as alleged initially by the authorities.

21-year-old peasant farmer **Alberto Hernández Lemus** left his home in the jurisdiction of San José Cancasque, department of Chalatenango on 15 February 1991 to purchase some cattle. On his way home that afternoon he was stopped by members of the Atlacatl Battalion and his identity papers checked. Shortly afterwards a round of machinegun fire was heard. Alberto Hernández died of bullet wounds to the back and head. Military officials said that he was a member of the FMLN carrying a gun and had died in a confrontation. However, local residents denied this. Although there was a confrontation between the military and the FMLN it is reported that this took place a kilometer away from where Alberto Hernández was killed. Although there were no witnesses to the shooting of Alberto Hernández, Amnesty International believes the case should be fully investigated to establish those responsible.

### **Killing of Captives by the FMLN**

On 2 January 1991, an FMLN patrol shot down a helicopter carrying US military personnel near the village of Lolotique, some 75 miles east of San Salvador. Chief Warrant Officer Daniel Scott died instantly, but Private Earnest Dawson and Lieutenant Colonel David Pickett were still alive, though injured, when the helicopter crashed. A preliminary forensic report by US military personnel recorded that one of the men died of four bullet wounds to the face, the other of a single shot to the head.

Although initial statements by the FMLN stated the two subsequently died of injuries sustained in the crash, it later admitted that FMLN members could have been responsible for killing them and announced that it had detained two FMLN combatants. In a statement issued on 8 January, the FMLN said that if it were established that the men had acted outside the FMLN's "norms of justice in wartime" it would "proceed with all the rigour of the war norms that it upholds." [actuará con todo rigor, conforme a nuestras normas de justicia de guerra]. An FMLN commander also stated that the men would not be handed over to the Salvadorian judicial authorities because the system "does not correspond with the aspirations of the people."

Amnesty International condemns the extrajudicial execution of detainees by both governments and armed opposition groups, including in the context of armed conflicts. The organization is also concerned about the reported execution of a former soldier by a group of eight FMLN members in October 1990. After capturing 26-year-old **Salvador Araña Martínez**, the FMLN members are said to have taken him to a farm

and summoned all those who lived there out of their homes. They made the detainee lie face down, accusing him of killing a worker on another farm. He was then shot four times in the back.

## "Disappearances"

Although not in large numbers there have been some reports of "disappearances" following arrests by military or police since July 1990. Of particular concern is the pattern of abductions by armed men in plainclothes in security-force-style operations, most of which took place in the middle of the night. The Agreement on Human Rights drew particular attention to the need to prevent "disappearances" and also banned the carrying out of arrests at night, except in cases of **flagrante delicto**. There is still no news of the whereabouts of **Cristino Lobos Membreño**, arrested on 31 July 1990 whose case was featured in Amnesty International's report last year. Among the other individuals whose cases Amnesty International is looking into and who are feared "disappeared" are:

- **Romeo Alvarado Castillo**, a 14-year-old FMLN member arrested in the cantón Buena Vista, department of San Vicente, on 31 July by uniformed members of the 5th Infantry Brigade who took him away to an unspecified destination. He had been injured in combat shortly before his arrest.
- **Pascual Martínez**, arrested 25 July 1990 in Cacaopera, Morazán by soldiers of the 4th Military Detachment (DM4) who accused him of being a member of the FMLN. Soldiers at the DM4 barracks told his family he was not being held there and there has been no news of his whereabouts since.
- **José Escobar Rivas**, 38-year-old baker, arrested at about 6.30h in San Salvador on 14 September 1990 by armed men in plainclothes. Four men, who said they were police agents, forced him into a white Toyota pick-up truck outside his home without indicating where they were taking him.
- **Amílcar Salinas Portillo**, 15, and his brother **Victor Manuel Salinas Portillo**, 21, were arrested on 23 November 1990 by uniformed soldiers of the 1st Brigade at their home in Apopa, San Salvador. The soldiers had gone to the house asking for Victor Manuel, and once they had identified him took his brother away too.
- **José Jorge Rivera**, 33-year-old tradesman, arrested at 01.00h on 12 November 1990. A group of armed men in plain clothes broke into his home and took him away in a white vehicle to an unknown destination.

- **José Hernández Martínez**, 40-year-old day labourer, arrested at his home in the Cantón Montepeque, San José Guayabal, department of Cuscatlán at about midnight on 21 November 1990 by armed men in civilian clothes.
- 20-year-old student **Luis Francisco Galindo** was abducted at midnight on 16 July 1990 by heavily armed men in plain clothes, their faces covered with handkerchiefs. The men forced their way into his home in San Salvador and made the occupants lie face down on the floor, threatening to kill them if they moved. They then searched the house on the pretext of looking for weapons. After about ten minutes, when they didn't find anything, they grabbed Luis Galindo by the neck and forced him into a jeep. Two months later, his whereabouts was still unknown.

In response to a request for information on these cases, the governmental Human Rights Commission told Amnesty International in February 1991 they had no record of any of the arrests either in its central or regional offices and requested further details.

Information is also still emerging about cases from previous years which were not reported at the time the events took place. In November 1990, for example, reports were received of the "disappearance" of two men, **José Portillo Manzano** and **Isidro Portillo Fernández**, who had been arrested on 3 December 1980 on their way to work in Tonacatepeque, department of San Salvador by National Guardsmen. Also reported was the "disappearance" of **José Luis Recinos Beltrán** who was taken away from his home in Quezaltepeque, department of La Libertad on 21 September 1981. Three heavily armed men in plainclothes with their faces covered searched his home before taking him away to an unknown destination. Thousands of people were reported "disappeared" in the early 1980s - other cases were never denounced at the time through fear of reprisals.

### **Unacknowledged arrests and other violations of detention procedures**

In spite of new guidelines for detention procedures issued to military personnel and other members of the security forces following the signing of the Agreement on Human Rights in July 1990, Amnesty International has received repeated reports of the violation of these procedures, thereby severely limiting the effectiveness of safeguards. Many arrests have been carried out without judicial warrant. Military units, which have no powers of arrest except in cases of **flagrante delicto** have frequently carried out arrests, and have repeatedly failed to hand over the detainees to police immediately as they are required to do. Some of the arrests have been carried out by armed police in plain clothes who did not identify themselves properly at the time of the arrest. Furthermore, a number of detainees have been held beyond the legal 72-hour limit by which time they should be handed over to a judge or released. Reports indicate, for

example, that 23-year-old **José Romero Orellana** was held for 23 days by the Treasury Police before being transferred to prison on 6 January 1991 accused of "subversive association". Peasant **Valentín Ramos** was reportedly arrested at his home by soldiers from the Third Military Detachment on 18 January 1991 and held for eight days before being released. He was never taken before a judge. (See section on Torture below.) **Wilfredo Escobar Cabrera**, a 27-year-old pharmacist's assistant was arrested on 24 August 1990 by two men in plainclothes who identified themselves as members of the National Police and who took him away in a pick-up truck with private number plates. He was taken to the National Police headquarters where he was reportedly interrogated continuously. He alleged he was beaten all over his body and the capucha, a lime impregnated hood, was placed over his hood several times. As of 5 October 1990, he was allegedly still in the National Police headquarters and had not been taken to court.

Many detainees continue to be held, sometimes for several days, without any information being given to relatives as to their place of detention, resulting in their temporary "disappearance". Two members of the recently repopulated Los Angeles Cooperative in the department of La Paz "disappeared" for seven days following their arrest in January 1991 by members of the Atonal Battalion. The Battalion denied they were holding them when relatives went to try to find them. They were released on 10 January. The arrest of student activist **Roberto David Palma** was never acknowledged. He was reportedly forced into a vehicle in San Salvador on 17 October 1990 by two armed men in plain clothes. In spite of a **recurso de exhibición personal**, similar to a **habeas corpus** petition, presented to the courts, he remained "disappeared" until his release on 5 December, when he was abandoned, without his identity card, by a roadside. He said that throughout the period of his detention he was held in two buildings which he believed were private premises, one of them possibly a farm [finca], and repeatedly interrogated about his student activities and alleged links with the FMLN. He alleged that he was threatened with death and shots were fired by his ears. His captors never identified themselves.

In spite of instructions banning incommunicado detention many detainees were not given access to their relatives, human rights organizations or lawyers until either their release or their transfer to prison. Both the Agreement on Human Rights signed by the Government and the FMLN in July 1990 and the new guidelines for detention procedures contained clauses requiring that detainees be given immediate access to legal counsel. The non-governmental Human Rights Commission, **Comisión de Derechos Humanos de El Salvador**, CDHES, reported in its annual report for 1990 that it knew of no case where a detainee had been given access to a lawyer during the period of military or police custody.

Although Amnesty International has not had the opportunity to examine in detail the

work of the Office of Information on Detainees set up in August 1990, an initial evaluation by **Socorro Jurídico Cristiano**, Christian Legal Aid office, concluded that "the office does not have the capacity to provide the information about arrests with the immediacy that was intended - sometimes there is a delay of a week or more...Its creation was not accompanied by [the necessary] administrative measures and law reforms to oblige the authorities responsible for the arrest to provide the relevant information, and there are no sanctions for failing to provide the information. As a result, the army, security forces and judges are not fully complying with the internal instructions issued by the Supreme Court. The immediate consequence is that the records are neither complete and nor absolutely reliable." Amnesty International remains seriously concerned that military units are not required to present lists of arrests to the office, in view of the fact that many of the arrests reported to the organization are carried out by military personnel.

## **Torture**

Testimonies and other information available to Amnesty International show that torture and ill-treatment is still being used to intimidate, to extract information or force detainees to collaborate in other ways. Explicit provisions were included in the Agreement on Human Rights and the July operational guidelines banning the use of torture. The following cases, including that of a minor, are among those reported to Amnesty International since the publication of its report last October:

- 33-year-old peasant farmer **Valentín Ramos** was arrested at about 5.00h on 18 January 1991 by soldiers of the Third Military Detachment (DM3) at his home in Ciudad Martín Baró, Morazán. According to his testimony, he was taken to a rural hamlet [caserío] in the department of La Unión where he was held until that night when he was taken by helicopter to the DM3's headquarters. There, he said, he was blindfolded, beaten in the stomach and back and threatened with death. His captors threatened to hang him and take out his eyes and tongue, and he was accused of being an FMLN member, which he denied. He said he was interrogated until about 4.00 in the morning and then allowed about two hours rest before the beatings and interrogation resumed. He was then taken to the mountains, dressed as soldier and with his face painted black, for three days before being taken back to the barracks and then released on 25 January.
- On 16 January 1991 peasant **Ricardo Osmaro Escobar López**, 32, was arrested near his home in Tejutepeque, department of Cabañas. He was reportedly taken away by National Guardsmen in plain clothes, who accused him of being a member of the FMLN and of exploding a bomb. At the local National Guard post, blindfolded, "they put a hood over me...I felt I was suffocating because they gagged my mouth. They suspended me from my genitals. They threw me to the floor and jumped on my body. They beat

me in the stomach. When I couldn't take any more I accepted their accusations." The next day he was transferred to cells in the Municipal Offices in Ilobasco. "They carried on interrogating me. They took me out three times in the middle of the night, beating me each time. The last time, they sat me in an electric chair, as they gave me electric shocks. My heart felt as if it was stopping and I fainted for about a minute." On 21 January he was taken before a judge but held for a further two days before being released with the warning that he must vote for ARENA in the elections.

- A 46-year-old man (name withheld) was arrested on 13 December in Morazán while on his way home from church. He was reportedly held in the countryside for several days and eventually taken to a military barracks. While in the countryside, he was repeatedly threatened with death and soldiers went to fetch shovels as if to dig a grave and give him the impression he was going to be buried. He was also beaten in the chest, head and other parts of his body and reportedly needed medical treatment on his release.

- A 70-year-old man (name withheld) was arrested by soldiers in Sensembra, Morazán on 7 November 1990 while attending the burial of a child in the local cemetery. Forced into a vehicle, he was taken to a military barracks where he was blindfolded, and subjected to the **capucha**, a rubber hood, until he nearly suffocated. He was beaten and pulled by the hair and warned that if he did not admit to collaborating with the FMLN he would be taken to police and made to appear in the press as a collaborator. He eventually accepted the accusations through fear, and was released two days later.

- 33-year-old Gudiel Gómez, a member of the **Asociación Nacional de Trabajadores Agropecuarios**, ANTA, National Association of Farmworkers, was arrested on 6 December 1990 in Tejutepeque, department of Cabañas by local police who accused him of disseminating FMLN propaganda. While held in police custody he was reportedly beaten and subjected to the **capucha**.

- Fourteen-year-old **Herson Alfredo Rivera** was arrested by the National Guard in the department of La Libertad on 9 September 1990, together with his elder brother, and accused of belonging to the FMLN. They were threatened and beaten, and then taken to a National Guard detention centre. There, according to reports, Herson Rivera was kicked in the chest and stomach, and punched several times. He was threatened with rape - his captors started to remove his trousers as if to do so. A knife [yatagan] was placed at his neck and he was told his throat would be slit if he didn't admit he was an FMLN member. Pressure was applied to his throat so that he could hardly breathe. His arms, which had been tied behind his back, were pulled upwards, and he could hear his brother crying in a nearby room. He was held blindfold throughout the night. The CDHES reported in their annual report that in spite of the fact that he still had signs of

beatings when transferred to a juvenile detention centre no investigations were carried out into his ill-treatment. He was eventually released.

- Human rights sources in El Salvador reported that a ten-year-old epileptic girl (name withheld) from Morazán was raped by a soldier from the 4th Military Detachment (DM4) on 15 September 1990 while her guardian was in hospital. The soldier visited her house while she was away and asked the children present where their father was. He accused their parents of being guerrillas and is then said to have raped the girl. When she started having convulsions later her grandmother took her to see a doctor who confirmed that she had been raped.

- **Ramón Alvarado Calderón** was held and interrogated for about an hour near a rubbish dump on 10 October 1990. During that time, soldiers kicked him repeatedly and beat him with a rifle butt, breaking his arm as a result. They subsequently threw him on the floor and bent the broken arm backwards. He was threatened with death by a soldier who took the safety catch off his gun, placed his foot on the side of Alvarado's face and held the gun at his neck.

- **Gonzalo Quinteros Villanueva** was reportedly arrested on 22 December 1990 in San Vicente by National Police agents in plainclothes. At the National Police headquarters he was reportedly beaten to force him to give information about the FMLN. He was released on 26 December.

- A 23-year-old man arrested on 20 August 1990 in the department of Usulután was taken to a military barracks and interrogated about links with the FMLN. He was transferred to the National Police where he was again interrogated and beaten all over his body because he refused to confess to being a combatant. After being taken before a judge, where he accepted the charges, he was transferred to prison.

- 25-year-old **Ever Antonio Vargas Miranda** was arrested by a uniformed soldier and two men in plainclothes on 27 July 1990 as he left Santa Ana prison where he had been visiting a friend. He was held incommunicado for three days during which time he was allowed no access either to his family or legal representation. He was taken to the headquarters of the 2nd Brigade for two days, where, according to his testimony, he was held blindfolded and handcuffed, kicked and beaten, and submerged in water. He was reportedly given electric shocks, and suspended from the arms. He was questioned repeatedly about weapons, threatened he would be killed if he denied the accusations against him, and not allowed to sleep for two days. He was eventually transferred to a National Guard headquarters and then taken before a judge who ordered his transfer to Santa Ana prison.

● Initial reports have also been received that several trade unionists and their supporters were beaten with batons at the time of their arrest on 15 and 16 March. They were arrested when National Police tried to dislodge strikers and break up demonstrations in support of a strike by workers at the Treasury Ministry (Ministerio de Hacienda.) Among the victims were Tomás Montenegro, who was beaten while lying on the ground during a demonstration by Treasury Ministry workers, and Mateo David Sánchez Elias, a member of the Committee of Relatives of Political Prisoners and the "Disappeared" (CODEFAM).

### **Irregularities in proceedings against political prisoners**

Approximately 200 detainees are currently being held in prison accused of politically motivated offences. While most have been arrested in the last two years, a number of detainees have been held since 1988 or before and are still awaiting trial. Although Amnesty International has not examined the court records of most of the political detainees, the organization believes that the circumstances of arrest and detention of many of them may have seriously undermined their right to a fair trial.

Many of the detainees were tortured before being transferred to prison and in a number of cases, alleged they were coerced into signing extra-judicial confessions, sometimes without knowing the contents of the statements, or into signing blank sheets of paper. The forcible signing of self-incriminatory statements contravenes a number of provisions contained in the American Convention on Human Rights and the International Covenant on Civil and Political Rights, both of which have the status of law in El Salvador. Twenty-year-old student **Sonia Menjivar Fernández**, also a housing worker [promotor de vivienda] of the Santa Urusal Parish, was arrested at a bus stop in San Salvador by National Police on 19 August 1990. She alleged she was constantly interrogated. She was given no food and not allowed to sleep. She was threatened her family would be killed, and she was made to strip in front of her interrogators. She was also made to do strenuous exercises while her hair was pulled. Her captors forced her to sign documents which she was not allowed to read. On 22 August 1990 she was transferred to Ilopango women's prison accused of terrorist activities and subversive association.

Amnesty International also received the testimony of **Nelson David Hernández García**, who is among the detainees who reportedly signed a confession in police custody without knowing its contents. He was arrested in San Salvador on 5 August 1989 by uniformed members of the **Centro de Instrucción de Transmisiones de la Fuerza Armada**, CITFA, the Centre For Transmissions Instruction of the Armed Forces, who accused him of being an FMLN member. His thumbs were tied together and he was taken to the CITFA barracks. There his clothes and personal documents



were removed, he was blindfolded, handcuffed and taken to an interrogation room. He was beaten on his back, stomach, chest and feet, and hung from the ceiling by his handcuffed hands several times. The next day he was taken to National Police headquarters in San Salvador where he was constantly interrogated. A woman there reportedly stood on his testicles, causing him to urinate blood. He was examined by someone he took to be a doctor and who gave him some pills. After being forced to sign a "confession" he was taken, on 8 August 1989, before a judge and transferred to prison. The judge subsequently acquitted him but the Attorney General's Office appealed against the decision and as of January 1991 he was believed to be still in detention in Santa Ana prison on charges of subversive association and terrorist activities.

In some cases detainees alleged that they ratified extrajudicial statements before a judge through fear or pressure from police, who are often nearby when the detainee appears in court. **María García Rivera**, for example, said that she accepted the accusations of arms possession and "terrorist" acts before a judge because police had warned her she would be killed on her way back from court if she didn't. She had been arrested by military personnel in July 1989, blindfolded, beaten, and threatened with a gun and a knife which was passed over her throat, before being handed over to Treasury Police, who also reportedly beat her. **Mauricio Barrera Ardón** alleged that when he was taken to court in May 1990 police agents threatened to kill him if he refused to ratify the statement they had drawn up on his behalf. When he tried to deny its contents in court, a policeman standing behind him pulled his hair and discreetly hit him in the back, so he ratified the statement. He alleged that while held in police custody after his arrest by armed men in plainclothes on 1 May he had been beaten, denied food and sleep for five days, and had his head submerged several times in water. It was only on his way to court five days later, when his blindfold was removed, that he discovered who was responsible for his abduction. He is currently being held in Santa Ana prison.

None of the detainees currently in prison, to Amnesty International's knowledge, had access to legal counsel prior to their first appearance in court or made their initial statements before a judge in the presence of a lawyer, thereby severely restricting the right to defence. This is particularly serious as it is often on the basis of these initial statements that detainees are transferred to prison. In his testimony, FMLN member **Carlos López Ocampo**, who was arrested in July 1990, stated: "they took me to the Fifth Criminal Court of San Salvador. Once there, I requested to speak with humanitarian organizations in order to obtain a lawyer, but I wasn't allowed to. I was obliged to make statements without the assistance of counsel, without knowing my rights (not one official explained or read them to me), and in an atmosphere of physical and psychological coercion - I was surrounded by soldiers from the Treasury Police, standing no more than one or two meters away while I was making my statement."

Amnesty International believes that all political detainees, whatever the nature of the accusations against them, have the right to a fair trial. It also believes that the Salvadorian authorities should carry out a speedy and impartial review of the legal proceedings against political detainees and that anyone found to be held without legal basis should be released. An investigation should also be carried out into any irregularities which may have been committed in the arrest or detention of political detainees, and anyone found responsible sanctioned accordingly.

### **Investigations into human rights violations**

Sunday 24 March 1991 marks the eleventh anniversary of the murder of Archbishop Romero, who was shot dead as he was saying mass. As with thousands of other human rights violations over the past decade, those responsible have enjoyed absolute impunity. Apart from the recent setting up of an Institute for Legal Medicine to improve forensic work, there is still little evidence to suggest that the Salvadorian authorities are taking steps to carry out investigations and to systematically bring to justice those responsible for human rights violations. The lack of any results in investigations in the vast majority of cases which have been presented to the authorities contrasts sharply with assurances they have given that they are taking measures to punish those responsible. By November 1990, for example, an autopsy requested in April 1989 by two prosecuting attorneys [fiscales específicos] assigned the case of teachers' union member and women's activist **María Cristina Gómez** had still not been carried out. **María Cristina Gómez** had been abducted by armed men in civilian clothes from the school where she worked on 5 April 1989. An hour later her body was found near a cemetery, showing bullet wounds, cuts in her back and marks which witnesses said looked like acid burns. Her mouth had been gagged, and one of her eyes was swollen. There has also been no progress in the case of the seven young men shot dead by soldiers in Cuscatancingo in November 1989, or in investigations into any of the "disappearance" cases mentioned in **El Salvador: Killings, Torture and "Disappearances"**.

In response to letters written by Amnesty International members about some of the killings and "disappearances" referred to in its October and other reports the Army High Command said it was carrying out investigations but no results have been reported. In response to letters about the case of **Erick Romero Canales**, who "disappeared" following his arrest in November 1989, the High Command [Estado Mayor de la Fuerza Armada] indicated in January 1991 that there is no record of his arrest either by military or other security forces, alleging that he must therefore have either been arrested with false identity papers or gave a false name when arrested. However, the fact that Erick Romero was visited by his mother when held overnight at a local military checkpoint before being taken away and that she spoke to local military personnel about him raises serious doubts about these allegations. The High Command also alleged that he has been

seen by neighbours visiting his home, and suggested that he has joined the FMLN. It accused him and his family of "using the situation to discredit the Armed Forces, particularly abroad." [estar usando la situación, para fines de desprestigio de la Institución Armada, principalmente en el extranjero.] Amnesty International is seriously concerned about the continued "disappearance" of Erick Romero and the authorities' failure to clarify his whereabouts after his arrest.

In another case, that of cooperative president **Roberto Vásquez**, killed in April 1990, the High Command stated in September that on the basis of a judge's report it had been ascertained that a confrontation between the FMLN and the army had taken place, that Roberto Vásquez had gone out to talk to the FMLN and been killed in the crossfire. However, the letter gave no indication that another judge who was subsequently assigned the case was continuing his investigations and that members of the DMIFA had not yet been questioned by the court. A list of DMIFA soldiers on duty the night of the killing was presented to the court towards the end of the year but as of early January, to Amnesty International's knowledge, none had been summoned to give statements to the judge. Cooperative members present during the military operation denied that there had been a confrontation. The Army High Command also sent to some Amnesty International members lists of military personnel who are alleged to have been arrested for having committed offences. However, the lists do not contain enough information to ascertain whether any of those listed were being held for having committed human rights violations. In response to similar information in the past, Amnesty International requested details of cases of military personnel under investigation for human rights violations but never received a reply.

Investigations into the murder in November 1989 of six Jesuit priests, their cook and her daughter have continued. In December 1990 Judge Ricardo Zamora announced that eight soldiers and Colonel Benavides had been committed for trial for their role in the killings. The case is one of the rare instances where military personnel have been committed for trial for human rights violations, but there is still concern that the intellectual authors of the crime have not yet been identified. Two of the prosecuting attorneys [fiscales específicos] assigned the case resigned in December, alleging that their action had been limited by the Attorney General's Office, for example being banned from being present when certain witnesses testified and from cross-examining others. They were also critical of initial police investigations which they alleged failed to pursue certain lines of enquiry which could have led to the identification of others involved in planning or carrying out the killings.

On 26 October 1990, **Tutela Legal** and the "Segundo Montes" and other communities presented a complaint to the Court of First Instance [Juzgado de Primera Instancia] in San Francisco Gotera, Morazán, concerning the massacre known as "El

Mozote" which occurred in December 1981. Although the precise number of victims has not been established, hundreds, possibly more than a thousand, of peasants, including children, were reportedly systematically killed in a military operation carried out over a two week period in the hamlet of "El Mozote" and other nearby communities in the department of Morazán. Witnesses said that members of the US-trained elite Atlacatl Battalion were responsible.

In her testimony, Rufina Amaya, the only survivor from the "El Mozote" hamlet [caserío], who managed to escape by hiding behind some trees and who lost her husband and four children in the massacre, recounted:

"They locked us, the women, in some houses, and the men in a church. We were kept locked up all morning, and at about 10 or 11 o'clock we saw that they were killing all the men in the church. First they shot them with machine-guns. Then they cut their heads off. From about 2.00 onwards they started taking out the women, as they had finished killing the men. They took me out at about 5.00 to kill me...I didn't want to go. They left the children locked up. They took my eight-month-old daughter from my arms...and they took me with the other women to be killed. I was the last....They said that the brigade had been sent to kill people, that they were going to kill them because they were guerrillas. They set many people alight. A child was sobbing inside one of the fires. A man came up and said to a soldier "you didn't kill that child properly." Then he went away and shot him again. The child didn't cry any more."

Witnesses who visited the site of the massacre reported seeing piles of as many as forty corpses, including children with their throats cut, machine gunned and burnt, and pregnant women with their bellies cut open. About 25 young women were said to have been taken to nearby hills where they were raped before being killed. [See **Justice Denied: A Report on 16 Unresolved Human Rights Cases in El Salvador**, published by the Lawyers Committee for Human Rights in 1986.]

An army spokesman at the time of the killings described the allegations of military involvement as "totally false" and said that the massacre had been "invented by subversives."

## **Intimidation and harassment of human rights and other organizations**

There have been numerous incidents over the last few months in which have amounted to harassment and intimidation against human rights and other non-

governmental organizations, some instigated by the authorities, others anonymously in "death squad" style.

In February 1991, an article appeared in the pro-government newspaper **Diario de Hoy** which alleged that **Tutela Legal**, the **Comité Permanente del Debate Nacional**, CPDN, Permanent Committee for National Debate, the Lutheran church, the trade union UNTS and other groups were part of the organic structure of the FMLN. The report was based on a diagram alleged to have been released by the Ministry of Planning. Although the Ministry subsequently announced that the employee who sent the report had been dismissed, the allegations were not retracted and were reportedly repeated on television by another government official. UNTS leader Mario Cabrera responded that "This kind of attack concerns us. It condemns many people to death and justifies any kind of attack or assassination." Similar allegations of FMLN links have been made in the past against these organizations. A trade union leader arrested in July 1990 said in his testimony that he was accused of belonging to the FMLN and that police accused named representatives of **Tutela Legal**, political and trade union leaders of receiving direction for their work from the FMLN. Treasury Police interrogated him repeatedly about where they lived, the places they visited, and future activities they had planned. His captors threatened that if he didn't collaborate he would never leave the place where he was being held.

Allegations of links with the FMLN have frequently been used as a pretext for targeting these organizations. On the pretext of looking for ammunition used by the FMLN, police and military carried out a series of illegal searches in November 1990, without judicial warrant, of the offices of numerous trade unions and humanitarian groups working with repatriate communities. Although nothing was confiscated, the names and addresses of many workers were taken down by police and military.

On 31 January 1991, a communiqué was published in a newspaper by a group calling itself the General Maximiliano Hernández Martínez Squad warning of death squad plans to exterminate trade unionists, church leaders, opposition politicians and others. Death threats have been frequently issued as a form of intimidation in El Salvador. In September 1990, for example, Archbishop Rivera y Damas denounced that he had been receiving anonymous death threats. "In spite of the threats and pressure on myself and my Auxiliary Archbishop, Monseñor Rosa Chávez, the church will not be silent against the attacks and excesses committed in El Salvador," he said, pointing to the strong links between the death-squads and the Armed Forces. Trade unionists such as Juan Huevo, and others also reported receiving anonymous threats towards the end of last year, and in January 1991, the coordinator of the women's organization **Coordinadora Nacional de la Mujer Salvadoreña**, CONAMUS, Salvadorian Women's National Coordinating Committee, reported receiving threatening telephone calls. She said that six men drove

around her house in the early hours of the morning of 25th January shouting her name and that on 7 February her house was raided by unidentified individuals. Nothing was stolen but some of her property was damaged. The CONAMUS offices were also reported to be under surveillance.

In February 1991, the printing presses and other equipment of the independent newspaper **Diario El Latino** were destroyed in an arson attack which its editor attributed to "dark forces which have always tried to prevent the exercise of free press in El Salvador." The government promised a full investigation, dismissing accusations of military involvement as "irresponsible speculation." Employees said the offices appeared to have been searched first as documents and photographs had been taken away. Prior to the attack the newspaper, which reports on a broad range of political perspectives, had been receiving anonymous threats. Last year armed men in civilian clothing tried unsuccessfully to kidnap one of the newspapers' workers.

Also attacked were the offices of the Democratic Convergence in Usulután on 31 January. Reports indicate that explosives were thrown at the building from a passing vehicle causing extensive material damage but no injuries. The Democratic Convergence is one of the opposition groups which participated in legislative and municipal elections on 10 March.