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El Salvador: No amnesty for human rights violations

The deportation of a former general accused of torture and extrajudicial executions during El Salvador's internal armed conflict should be an opportunity for the Salvadoran State to fulfil its obligation to investigate cases of grave human rights violations that occurred during the armed conflict.¹

General Eugenio Vides Casanova the Director General of El Salvador's National Guard from 1979 to 1983, when he became Defence Minister, a role he held until 1989, was deported from the USA to El Salvador, after a Florida immigration judge ruled in February 2012 that he should be sent back to El Salvador for his role in the grave human rights violations committed by the security forces during the country's internal armed conflict (1980-1992).

However, the 1993 Amnesty Law (Law of General Amnesty for the Consolidation of the Peace), which to date remains in place denies access to justice to victims of the grave human rights violations that occurred during the 12 year armed conflict (1980-1992) when over 75,000 people were killed.

Already back in 2000 El Salvador's Constitutional Chamber of the Supreme Court issued a ruling declaring that the Amnesty Law is not applicable in cases of protection and defence of fundamental rights². Furthermore, according to the Salvadoran Human Rights Ombudsperson, the lack of enforcement of the Constitutional Chamber judgment has been one of the factors behind the impunity suffered by the victims³.

In 2012 the Inter-American Court of Human Rights ordered the Salvadoran state to ensure that the Amnesty Law does not represent an obstacle to the investigation, identification, prosecution and eventual punishment of those suspected of criminal responsibility.⁴

El Salvador's Amnesty Law is not in accordance with international law and is also an

¹ See Amnesty International News Story, 7 March 2012 US ruling against Salvadoran ex-General a 'huge' victory for victims

<https://www.amnesty.org/en/articles/news/2012/03/us-ruling-against-salvadoran-ex-general-huge-victory-victims/>

² Decision issued on September 26, 2000, in case files 24-97 and 21-98.

³ More information available at: <http://www.pddh.gob.sv/menupress/menuprensa/647-procurador-pide-a-la-cidh-que-haga-un-energico-llamado-al-estado-salvadoreno-para-superar-impunidad-por-violaciones-graves-de-derechos-humanos-durante-el-conflicto-armado>

⁴ Inter-American Court of Human Rights. Case of the Massacres of El Mozote and nearby places v. El Salvador. Judgment of October 25, 2012. Page 123.

affront to the thousands of victims of human rights abuses and their families. It is time now to repeal it and to permit that all the cases of torture, rape, killings and enforced disappearances that took place during the conflict in the 1980's, are investigated and all those suspected of criminal responsibility be brought to trial.