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El Salvador: The Supreme Court ruling is an affront to victims

Amnesty International today emphatically rejected the recent ruling by the Supreme Court of Justice in El Salvador that the 1993 Amnesty Law is constitutional.

The Supreme Court ruling is totally unacceptable because it leaves thousands of victims of torture, "disappearance" and summary execution with no means of seeking truth, justice or redress.

The ruling came in response to appeals which had been pending for over two years and confirms that, in accordance with the exception to the Amnesty Law contained in article 244 of the Salvadorean Constitution, no amnesty, commutation or pardon can be applied between 1989 and 1994. However, the vast majority of human rights violations covered by the 1993 Amnesty Law occurred between 1980 and 1989. According to the report of the El Salvador Truth Commission, "over 75% of serious incidents of violence were concentrated in the first four years of the decade [the 1980s]".

"The fact that the Supreme Court of Justice is allowing some cases to go before the Salvadorean courts and others not is an affront to the victims and their relatives," the organization said. "Given the gravity and scale of the human rights violations committed in El Salvador between 1980 and 1992, there can be no question of immunity or amnesty being granted or of a time limit being put on bringing cases to court," Amnesty International added.

Not to punish those responsible for the torture, "disappearance" and murder of thousands of people, including children, women and old people, during the armed conflict in El Salvador would be to deny the importance of truth and justice and would lead to further abuses.

The decision of the Supreme Court of Justice that the 1993 Amnesty Law is constitutional contradicts the underlying principles of human rights enshrined in international law.

Once again Amnesty International emphasises that El Salvador is obliged to investigate all human rights violations, past and present, and to prosecute and pass sentence on those responsible.

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