

AMNESTY INTERNATIONAL

Public statement

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El Salvador: Demonstrators victims of anti-terrorist legislation

Amnesty International is deeply concerned at the use of anti-terrorist legislation against thirteen demonstrators who are leaders of social organizations. The reaction of the authorities would appear to indicate improper and disproportionate use of the Special Law against Acts of Terrorism (*Ley Especial contra Actos de Terrorismo*) which was approved by the Legislative Assembly in September 2006. In this instance, the organization fears that those concerned were arrested to punish them for their involvement in legitimate acts of protest and to prevent similar such acts in the future.

On 2 July 2007, during protests in Suchitoto at the imminent announcement by President Elías Antonio Saca of a national policy on the decentralization of a number of services, including water, the police used rubber bullets and teargas to put down demonstrators. About 30 demonstrators, including four members of the Association for the Development of El Salvador (*Asociación para el Desarrollo de El Salvador, CRIPDES*), were reportedly arrested as they were on their way to join the demonstration. Several of them later reported that they were subjected to physical and psychological ill-treatment at the time of arrest and on the way to the police stations where they were held.

According to international human rights standards, this was a lawful demonstration and that is why Amnesty International is concerned that the Special Law against Acts of Terrorism should have been applied to the accused. It is also concerned about the current situation of the thirteen detainees since they are reportedly being held with convicted prisoners, many of whom were found guilty of violent offences.

Amnesty International recognizes that the authorities have the right and responsibility to take whatever steps may be necessary to maintain public order as long as such duties are performed without contravening the international human rights standards that the Salvadorian State has a duty to respect. It should be noted that the Inter-American Commission on Human Rights, among other regional and international bodies, has called on member States to “take into account relevant commitments under all international human rights instruments to which they are bound”¹ when dealing with situations in which the fight against terrorism has been invoked.

The enactment and implementation of provisions such as the Special Law against Acts of Terrorism, to the extent that they contravene principles relating to fundamental rights and were they to be used to criminalize acts and individuals unjustifiably, would constitute a kind of misuse of the rules.

Amnesty International is calling on the authorities, as a matter of urgency, to abide by international human rights standards – implementation of which, according to article 144 of the Salvadorian Constitution, prevails [over domestic legislation] – and undertake immediate, impartial, objective and thorough investigations. Given all of the above, Amnesty International

believes that any charges that impair the lawful exercise of fundamental rights should be dropped and anyone facing such charges should be released.

¹ First recommendation of the Inter-American Commission document entitled "Report on Terrorism and Human Rights" (OEA/Ser.L/V/II 116, Doc. 5 rev. 1 corr. October 2002)

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