

AI INDEX: AMR 29/01/00
11 January 2000

El Salvador: The rule of law does not exist if there is impunity

Amnesty International today welcomed a report by the Inter-American Commission on Human Rights (IACHR) which clearly demonstrates that the 1993 Amnesty Law is unlawful.

“Lasting peace and the genuine rule of law can never be founded on injustice or impunity,” Amnesty International said.

The IACHR report clearly reminds the Salvadorian State of its obligation to annul (“set aside”) the Amnesty Law, to take all necessary measures to clarify the cases of human rights violations that occurred during the period of armed conflict and to ensure that those responsible are brought to justice.

Under international law, El Salvador has a duty to investigate all human rights violations - past or present - and to prosecute and pass sentence on those responsible.

“The Amnesty Law is incompatible with those international obligations. The Government of El Salvador must immediately adopt whatever measures are necessary to comply with international law,” Amnesty International stressed.

However, the organization expressed its deep disappointment at the negative response of the Salvadorian Government to the recommendations contained in the IACHR report on the murder of the Jesuit priests in 1989.

“This kind of negative response can lead to a weakening of the Inter-American system of human rights protection,” said Amnesty International.

The Amnesty Law, which was passed in 1993 in the course of the peace process, denies all victims of human rights violations - as well as their relatives - the fundamental right to justice and full redress.

Additional information

The IACHR report is in keeping with the observations made by the United Nations Committee on Human Rights in 1994 when it expressed “*grave concern over the adoption of the Amnesty Law, which prevents relevant investigation and punishment of perpetrators of past human rights violations and consequently precludes relevant compensation. It also seriously undermines efforts to re-establish respect for human rights in El Salvador and to prevent a recurrence of the massive human rights violations experienced in the past.*”

In 1993, in the Vienna Declaration and Action Plan, the UN stressed that all

governments have a duty to “*abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law.*” END.../

For further information or to arrange an interview, please call Soraya Bermejo, Press Officer: +44 171 413 5562 Website: <http://www.amnesty.org>