

EL SALVADOR

Open Letter to the Presidential Candidates

On 21 March this year, the people of El Salvador will elect the country's next President of the Republic. Amnesty International is writing to the presidential candidates to state its concerns and to urge them to include the issue of human rights explicitly in their government programs. It is also calling upon the candidates to make a public commitment towards protecting the human rights of the people of El Salvador, as respect for these rights has a bearing on all aspects of public life and they are an essential requirement for achieving human dignity.

Amnesty International is an international human rights movement working to uphold the rights enshrined in the Universal Declaration of Human Rights. It has over one and a half million members in more than 100 countries around the world. Amnesty International is independent of any government, political ideology, economic interest or religious belief. Its only interest is the impartial protection of human rights, both civil and political as well as economic, social and cultural.

Amnesty International would like to make the following recommendations to the candidates in relation to impunity, public security, the independence of the judiciary and the functioning of the Office of the Human Rights Procurator, and violence against women.

- **Encourage and support the formation of a National Search Committee to continue the task of finding the “disappeared” children**

The disappearances that took place during the period of armed conflict have not yet been clarified. In particular, Amnesty International would like to highlight the cases of the thousands of girls and boys who disappeared during this period, and the efforts of mothers, fathers and relatives to find them, faced with evidence that many are still alive.¹ To date, these families' requests to create a National Search Committee have fallen on deaf ears. Nor has the State taken responsibility for investigating these cases and punishing those responsible, despite the fact that disappearances are ongoing crimes not subject to the statute of limitations until the victim has been found.

- **Abolish the General Amnesty Law for Consolidation of Peace (*Ley de Amnistía General para la Consolidación de la Paz*)**

The United Nations Human Rights Committee and the Inter-American Commission on Human Rights have urged the government of El Salvador to abolish the General Amnesty Law for Consolidation of Peace, approved on 22 March 1993, because it prevents those responsible for human rights violations during the war from being investigated and punished. This law also violates the international instruments to which El Salvador is a State party. And yet the law remains in force, preventing victims from obtaining justice.

¹ See El Salvador: Where are the “disappeared” children? AI Index: AMR 29/004/2003, at www.amnesty.org/library

- **Implement the recommendations of national and international human rights institutions**

The Inter-American Commission on Human Rights of the Organization of American States has concluded, in its resolutions on the cases below, that the State violated, among other things, the right to life and the legal rights of family members, and that it failed to comply with the obligation to identify and punish those responsible. Similar resolutions have been issued by the Office of the Human Rights Procurator. And yet, even in cases as symbolic as the murder of Monsignor Oscar Arnulfo Romero y Galdámez, the six Jesuit priests, Ignacio Ellacuría, Amando López Quintana, Joaquín López y López, Segundo Montes Mozo, Ignacio Martín Baró and Juan Ramón Moreno Pardo, and Elba Julia Ramos and Celina Maricet Ramos, who were murdered at the same time, impunity has prevailed.

- **Strengthen the justice system, ensuring an end to impunity for past and present cases**

Necessary measures must be taken to strengthen the working of the judicial system in order to ensure that past and present cases of human rights violations are resolved and that the goal of turning it into an efficient system, serving the Salvadorean people appropriately, can be achieved.

- **Abolish the Anti-Maras Act (*Ley Anti Maras*)**

This law contravenes the Salvadorean Constitution² and the international human rights treaties³ to which El Salvador is a State party. The Constitution of the Republic of El Salvador guarantees, among other things, the right to freedom, to equality before the law, to freedom of association and peaceful assembly. The Anti-Maras Act impinges on these rights. The law is based on mistaken, untenable premises such as, for example, the need to penalize people on the basis of their appearance and social background.⁴ One issue of particular concern is the treatment of children, as this law envisages the possibility of laws relating to adults being applied to minors, with such a decision being taken subjectively by civil servants.

- **Respect the independence of the judiciary**

Members of the judiciary were the target of verbal attacks on the part of members of the Executive when judges refused to implement the Anti-Maras Act, legislation that violates national and international law. Judges must enjoy the necessary conditions for them to carry out their duties.

- **Respect and support the work of the Office of the Human Rights Procurator**

This institution has played an essential role in protecting human rights in El Salvador. The presidential candidates must agree to take appropriate measures to ensure that this institution

² Articles 144, 35, 168 1º, 192 2º, 194 II 1º.

³ Convention on the Rights of the Child, International Covenant on Civil and Political Rights, American Convention on Human Rights

⁴ See El Salvador: Open Letter on the Anti-Maras Act AI Index: AMR 29/009/2003, at www.amnesty.org/library

is endowed with the necessary resources to operate. They must also ensure that, when the time comes, the process to elect the new Procurator is transparent, expeditious and not distorted by party political interests. The protection of human rights must prevail at all times.

- **Combat violence against women**

Given the hundreds of complaints of physical, sexual and psychological violence against women and girls that are being reported to government institutions and non-governmental organizations, Amnesty International urges the candidates to:

- Take the necessary measures to ensure that the Law against Domestic Violence (*Ley contra la Violencia Intrafamiliar*) becomes an effective tool for preventing, punishing and eradicating domestic violence, in accordance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).
- Implement a method for systematizing the complaints of violence that are received by the different State institutions and non-governmental organizations and ensure they are expedited and resolved.
- Ensure that members of the police force, judiciary and any official involved in the process of receiving complaints of violence against women have received the necessary training to deal with victims in an appropriate manner and ensure that complaints are investigated rapidly and satisfactorily.
- Maintain open and frequent communication with women's non-governmental organizations in El Salvador, consider and respond to their proposals and criticisms on gender, relevant legislation and other issues.
- Promote ratification of the Optional Protocol to the UN Convention on the Elimination of all Forms of Discrimination Against Women as soon as possible. The authority of the Committee for the Elimination of Discrimination against Women will thus be recognised, making it possible, once domestic remedy has been exhausted, or if the application of such remedy is unreasonably prolonged or unlikely to bring effective relief, for victims or their representatives to submit complaints to the Committee.

We trust that all the presidential and vice-presidential candidates, along with the future government of El Salvador, will be open to engaging in dialogue with Amnesty International on the protection of human rights in the country.

Yours faithfully,

Irene Khan
Secretary General