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Investigation Of Unionist's Murder Denounced As A Return To El Salvador's Repressive Past

by LADB Staff

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On Nov. 5, a US union organizer of El Salvadoran origin, Gilberto Soto, was murdered in Usulután while visiting family. He was about to meet with port workers to document abuses of their labor rights by a Danish shipping company. He was working in conjunction with the Sindicato de Dinamarca (SID) and the International Brotherhood of Teamsters (IBT).

Soto worked in the US organizing port workers. Salvadoran authorities discounted the premise that the murder was related to these activities, concentrating instead on the theory that his mother-in-law arranged it. Suspects were soon rounded up, but further investigation has led to charges of police abuse of those suspects and a cover-up.

Police chief Ricardo Menesses told the media that Soto's mother-in-law, Rosa Elba Zelaya de Ortiz, "took it upon herself to contract assassins to commit the act because of alleged family problems." Prosecutor Rodolfo Delgado added, "We have against her the statement of the 'subcontractor' through whom the money to pay the assassins was obtained. We have consistent evidence from witnesses to the act, admissions from the perpetrators, and, regarding the intellectual authorship, the testimony of two accomplices has helped us."

An airtight case in need of ventilation

Delgado went on to describe an impressive, perhaps airtight case, with ballistic evidence, suspects in custody, confessions, and even a gang link; two of the suspects are alleged members of Mara 18, one of the gangs that brought needed traction in last year's presidential elections (see NotiCen, 2003-08-28). Combating gang violence was an important plank in the campaign platform of President Antonio Saca. But there was also contradictory evidence. The suspects later denied culpability and had alibis. Two were at work at the time of the shooting; one was out of town, far from the scene.

The mother-in-law said she had neither reason nor money to carry out the crime. "I feel clean, I don't know these boys. I don't know why they accuse me. I'm innocent," she said at an event where the police presented the accused to the media along with the accusers, Gerbert Joel Ramirez, Santos Sanchez Ayala, and Mario Jaime Ortez. Menesses took a step back, telling reporters that the investigation is ongoing and there are other suspects.

But he maintained the murder was not political. "With the detention of these six people (two were not presented and their names not released), the political motive is discarded," he insisted. The family-squabble theory, however, was not playing well in the US.

Soto's family in the US accused Salvadoran police of having been negligent and of contaminating the crime scene. The Teamsters union was offering a US\$75,000 reward for information, and a ten-member delegation composed of teamsters, a priest, and US Rep. Linda Sanchez (D-CA) landed in San Salvador the first week in December to investigate. Coinciding with their arrival, Salvadoran human rights groups and local Jesuits began to charge the government with abetting the impunity with which the justice system is frequently accused.

Justice gone retrograde

Roberto Burgos of the Instituto de Derechos Humanos de la Universidad Centroamericana (IDHUCA) reminded people that the US delegation was familiar with the country's record. Placing Soto's death in a historical context, the lawyer said, "There is a vacuum in the administration of justice, and there is a vacuum in its auxiliary organizations charged with criminal investigation. So what stands out is a system of impunity still worrisome at the international level. Following this situation, we will see commissions like that of [the late] Rep. Joe Moakley (D-MA), which came to investigate the case of the Jesuits (1989) and which arrived at the intellectual authors of the crime."

The US delegation met with Foreign Relations Minister Francisco Lainez, Fiscal General Belisario Artiga, and other officials. Lainez reportedly told them that the government had not, in fact, abandoned the possibility that the crime might have been motivated by Soto's mission. The Teamsters came away from their investigations unimpressed. Their official statement reported that the country's Procuradora para la Defensa de los Derechos Humanos (PDDH) Beatrice Alamanni de Carrillo told them the police were preventing her from monitoring the investigation and reviewing evidence.

The IBT's Port Division director Chuck Mack said, "Without transparency, we remain skeptical of the government's case so far." Union skepticism has been apparent since Nov. 16, when IBT president James P. Hoffa and AFL-CIO president John Sweeney met with El Salvador's Ambassador to the US Rene Leon to "solicit help in pressuring the Salvadoran authorities to intensify the investigation of the murder."

Government denounced

Now, as Carrillo probes further, doubts are deepening. She issued a report that the local press called "broad and alarming." In the report, she denounced the government's refusal to investigate political motives for the murder of the union leader whose presence in El Salvador spelled possible trouble for the private sector, not only there but also in the rest of the Central American countries where he had planned to open similar inquiries into the treatment of port workers and truck drivers. Carrillo's investigations have suggested, and she has charged, that the alleged culprits in the attack, those in custody, had been tortured by police to extract confessions and statements. Police and prosecutors have denied engaging in these practices, thought by many to have been eliminated in the country.

The PDDH report said, "They were held incommunicado for several hours and taken to desolate locations where they were subjected to illegal interrogations and to physical and psychological

torture. The torture consisted of acts that preferably left no major physical damage." Among the techniques were "asphyxia, sexual molestation, and grave threats of death."

For two weeks after their apprehension, the PDDH was not allowed access to the accused individuals. The denunciation named agents of the Division Especial contra el Crimen Organizado (DECO) as the offending parties in the handling of the suspects. Carrillo also singled out the Procuraduria and the court that has jurisdiction for having sanctioned the illegal procedures and for failing to investigate allegations of torture.

The report states that the PDDH stepped in and ordered medical examinations of the complainants, with the result that evidence of mistreatment and sexual abuse was found. It charges that "all the relevant information on which the accusations were made against those today under arrest was based on secret or confidential informants, that is, on sources of information whose veracity or mere existence cannot be verified. They are witnesses or informants without faces, before whom one cannot exercise any guarantee of defense or of corroboration of their legitimacy."

These charges have summoned up, says the media coverage, popular memory of "the selective homicides that occurred during the military dictatorships in power for most of the past century, unleashing repression and conducting a civil war that lasted 12 years (1982-1992), leaving 75,000 dead, 8,000 disappeared, and untold numbers tortured, orphaned, and widowed."

For the situation of human rights in the country, Carrillo told reporters the more immediate problem is that the way this case has been handled "is another expression of the failure of the justice system in our country." Whatever memories the case brings up for the oft-beleaguered people of El Salvador, for the PDDH, "We are not looking for drama, we are seeking the rule of law, and it pains us that our country continues giving proof that it respects neither the law nor the Constitution." Carrillo said the case reveals an "interest in shutting everyone's mouth."

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