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Court Acquits Police Officers Accused of Extrajudicial Killings in El Salvador

by Benjamin Witte-Lebhar

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Haunted still by decades of inaction on human rights abuses committed during its brutal civil war (1980-1992), El Salvador is also proving itself unable—or unwilling—to tackle new cases of lawlessness by state agents, this time in the context of a government-ordered crackdown on criminal street gangs.

Never has that been more apparent than on Sept. 22, when a judge in the city of Santa Tecla acquitted eight members of a special operations police unit—the Grupo de Reacción Policial (GRP)—in connection with the shooting death of a young employee of a coffee-farm. The victim, 20-year-old Dennis Hernández Martínez, was one of eight people killed in a March 2015 raid on a property called San Blas, near San José Villanueva in the department of La Libertad. Six suspected gang members and a teenage girl (the girlfriend of one of the gang members) also died.

Police described the events at San Blas as an *enfrentamiento*, a catch-all term meaning “engagement” or “shootout” that security forces use to describe any kind of violent encounter with gangs, known locally as *maras* or *pandillas*. But in an exposé published three months later by the independent, award-winning news site *El Faro*, journalists Roberto Valencia, Óscar Martínez, and Daniel Valencia Caravantes told a very different story. Using forensics evidence, witness testimony, photos, and other materials, *El Faro* painted the picture of a commando-style ambush involving summary executions and evidence planting ([NotiCen, Aug. 13, 2015](#)).

The office of El Salvador’s human rights ombudsman, the Procuraduría para la Defensa de los Derechos Humanos (PDDH), looked into the matter as well, and in April 2016, backed *El Faro*’s account. Among the more compelling pieces of evidence was the fact that only three of the 314 bullet casings found at the scene came from guns found near the victims’ bodies. This was a police massacre, not a back-and-forth shootout, David Morales, then head of the PDDH, concluded.

Only then did the Fiscalía General de la República (FGR), the Salvadoran attorney general’s office, finally decide to pursue the case. But rather than treat it as a massacre, prosecutors focused their case only on the death of Hernández Martínez. That meant ignoring the other seven victims, including Sonia Guerrero, 16, who begged for her life before being shot in the mouth, according to Hernández Martínez’s mother, Consuelo, who wasn’t in the room with the girl but was close enough to hear the events as they transpired.

“The attorney general, Douglas Meléndez, accepted the police version that it was a shootout,” *El Faro* argued in a Sept. 26 editorial. “He ignored the evidence of the girl’s execution, and a year-and-a-half after the events, decided to pursue a case against eight police officers—three of them on the lam—for a single bullet: the one that killed Dennis. He turned a massacre into a single murder. He turned a criminal group, which killed and covered it up, into a single gun with a single finger on the trigger.”

That, as last month's ruling proved, doomed the San Blas case from the beginning. The presiding judge, Cruz Pérez Granados, agreed with prosecutors that Hernández Martínez had no gang affiliation, that he neither had nor knew how to use a gun, and that he was summarily executed without even trying to fight back. But the judge also said that the prosecution—by failing to demonstrate which of the GRP men pulled the trigger, by failing to identify, in other words, who the specific murderer was—made it impossible for him to convict. Without an obvious culprit, Pérez Granados said, his only choice was to absolve all of the implicated officers.

The FGR chastised the judge afterward for releasing the police officers. But for others, including the journalists at El Faro who dedicated so much time and effort to the case, the attorney general's office has only itself to blame. Douglas Meléndez had an opportunity and a responsibility, the news site argued in its editorial, to shore up El Salvador's disintegrating rule of law and send the message that vengeance, no matter how serious the gang threat is, shouldn't supersede justice. "But he didn't do it," the piece reads. "In a critical moment for the country, the prosecutor failed."

Mounting evidence

The San Blas massacre, as it came to be known, is arguably the most publicized rights-abuse case to emerge in El Salvador since early 2015, when President Salvador Sánchez Cerén first launched his gloves-off crackdown on the gangs ([NotiCen, Jan. 29, 2015](#)). But it is by no means the only one.

In early September, a pair of human rights groups—the Servicio Social Pasionista (Passionist Social Service, SSPAS) and the Instituto de Derechos Humanos de la Universidad Centroamericana (Institute of Human Rights of the Central American University, IDHUCA)—presented a report to the Inter-American Commission on Human Rights (IACHR) noting, among other things, that between 2014 and 2017, enfrentamientos between gangs and security forces produced nearly six times as many suspected gang-member casualties (1,415) as police and military deaths (238). IACHR Commissioner James Cavallaro described the discrepancy as troubling, and added, "With figures like these, it's about some clashes and many cases of execution."

Police and military officials have also been accused in recent months of participating in so-called "death squads." In June, authorities arrested members of one such group and accused them of committing 36 murders between 2014 and 2016 ([NotiCen, July 6, 2017](#)). And on Sept. 19—just three days before the San Blas ruling went public—IDHUCA activist Arnaú Baulenas, in an article by the Spanish news agency EFE, accused police of running "clandestine jails" in which suspected gang members are kept incommunicado for weeks and even months without any formal record of ever being arrested.

"Unfortunately, I can affirm, based on several cases we're involved in, that clandestine jails exist in El Salvador," Baulenas said. "It seems like [security forces] are repeating certain patterns of behavior that existed during the civil war."

Post-amnesty proceedings

Interestingly, the accusations come at a time when the Sánchez Cerén administration has also been turning its attention to abuses committed during the country's internal conflict between US-backed security forces and the Frente Farabundo Martí para la Liberación Nacional (FMLN) guerrilla coalition. The war left an estimated 75,000 dead and thousands more missing. It was also marked by atrocities such as the El Mozote massacre of 1981, when soldiers butchered upwards of 800 civilians

—many of them children—in and around the northern hamlet of El Mozote ([NotiCen, Jan. 17, 2013](#)), and the execution-style killings in 1989 of six Jesuit priests, their housekeeper and her teenage daughter on the UCA campus in San Salvador, the Salvadoran capital ([NotiCen, Dec. 11, 2014](#)).

When the war finally ended 25 years ago, the FMLN—much as the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia, FARC) guerrillas are in the process of doing right now ([NotiSur, Sept. 22, 2017](#))—reestablished itself as a formal political party. It won the presidency for the first time in 2009 behind Mauricio Funes (2009-2014), a former television and political moderate, and secured a second term, albeit barely, with Sánchez Cerén's narrow victory in the 2014 elections ([NotiCen, March 20, 2014](#)).

Sánchez Cerén, a former teacher and leading guerrilla commander during the conflict, has paid homage, on several occasions, to war-era rights victims. And just two weeks ago, he announced the creation of a special commission to investigate cases of missing persons from the war era. "In this way, we reaffirm our deep commitment to the victims of forced disappearances in the country and to ensuring that this sad chapter in our history is not repeated," he said.

Rights groups and victims organizations applaud such gestures but say that to really move forward, El Salvador needs to hold the surviving perpetrators of crimes accountable. For more than two decades, an amnesty law rushed into place in 1993 by the conservative government of Alfredo Cristiani (1989-1994) shut the door on that possibility ([NotiCen, April 11, 2013](#)). But in July of last year, El Salvador's top tribunal, the Corte Suprema de Justicia (CSJ), voided the controversial amnesty law ([NotiCen, July 28, 2016](#)). Months later, the decision led a judge to launch proceedings against several former military officials implicated in the El Mozote massacre. And earlier this year, a San Salvador judge officially reopened a decades-old case regarding the 1980 assassination of revered Archbishop Óscar Arnulfo Romero ([NotiCen, June 22, 2017](#)).

Observers are also keeping a close eye on efforts to prosecute the perpetrators of the 1989 Jesuit murders. A judge in Spain would like to try the case there, but in order for proceedings to advance, at least one of the many Salvadoran military men implicated in the massacre must be present.

The most likely candidate is retired Army colonel Inocente Orlando Montano Morales, who served as El Salvador's vice minister of defense at the time of the killings and later moved to the US ([NotiCen, Oct. 11, 2012](#)). Montano Morales was jailed in the US in 2013 for immigration violations and has been fighting extradition to Spain ever since. A lower court judge approved his extradition in February 2016. The ex-colonel's lawyer delayed the process by filing a writ of habeas corpus, but in late August, another US magistrate dismissed the measure. Montano Morales then filed a stay of extradition, but on Sept. 29, that too was rejected.

If Montano Morales is eventually sent to Spain, he's unlikely to be joined by any of his former colleagues. In late August, just after Montano Morales' habeas corpus writ was denied, El Salvador's CSJ decided to freeze arrest warrants against 13 other men implicated in the killings. In an earlier ruling, the court opted against extraditing four additional suspects.

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