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Salvadoran Government Releases Men Convicted Of Killing U.S. Citizens; Washington May Withdraw Aid For Judicial Reform

by Deborah Tyroler

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In the last week of December, US officials learned that a Salvadoran court had released two former National Guardsmen convicted of murdering two US land reform advisers and a Salvadoran official on Jan. 3, 1981. They were convicted as criminals charged with murder, rather than being charged with a political offense by a special military tribunal. The appellate court ruling apparently occurred on Dec. 19, and also closed the case against Eduardo Avila, a cashiered captain believed to have ordered the killings. The attorney general, backed by the US, appealed the ruling, but the appeal was rejected. The ruling and release of Jose Dimas Valle Acevedo and Santiago Gomez Gonzalez came hours before the courts went on a three-week recess. The US Embassy, which monitored the case closely since it began, says it did not learn of the prisoners' release until a report surfaced in the local press this week. The three murder victims were Michael Hammer of Potomac, Md., and Mark Pearlman of Seattle, and Jose Rodolfo Viera. Pearlman and Hammer were advisers with the American Institute for Free Labor Development, affiliated with the AFL-CIO. Viera headed the nation's land reform program. They were killed in the coffee shop of the Sheraton Hotel in San Salvador. The US Embassy issued an official protest on Jan. 1 after it learned that the convicted killers of two US advisers had been pardoned under a broad-based amnesty law approved by the National Assembly this fall. In a Dec. 30 statement, the State Department said, "We are concerned and indignant...Given this situation we intend to review the level and type of assistance that we are giving to the Salvadoran judicial branch." At a Dec. 31 news briefing, Department spokesperson Phyllis Oakley said that "review of those aspects of the judicial reform project in El Salvador which relate to assistance to the judiciary itself is a possible response" to the release of the two convicted murderers. A total of \$14.1 million has already been allocated by the US over a three-year period to support the judicial reform project in El Salvador. The program includes a unit to protect witnesses and judges involved in controversial cases; an advisory commission to recommend changes in the nation's archaic judicial system; a commission for criminal investigations; and, judicial training. In 1987, some 200 Salvadoran judges went to the United States for training. Some human rights advocates argue that El Salvador's new amnesty law is yet another indication that President Jose Napoleon Duarte's government is not seriously pursuing a commitment to punish persons guilty of human rights abuses. The legislation was approved under the auspices of complying with the regional peace treaty which calls for amnesty applied to political crimes. The Salvadoran amnesty law is instead being used to grant immunity to the few persons who have been convicted of murder, torture and other abuses. Government officials say the only amnesty that made political sense was one that offered a pardon for all political crimes, whether committed by leftists or rightists or army soldiers in the civil war. Critics say the government knew it could not meet its pledge to prosecute army officers, and the peace accord amnesty provision became a convenient means to avoid the whole question. Next, foreign and national human rights organizations argue that nothing in international law or the peace accord requires the pardon of convicted killers of civilian non-combatants. For instance, in a recent statement Americas Watch said that it was difficult to see how

the cause of peace or human rights was served "by an amnesty law that forgives murderers of non-combatants." A leading international human rights official in San Salvador quoted by the New York Times (01/02/88) said: "The law sets a terrible precedent...Basically all the government's promises to prosecute human rights violations have been forgotten." According to human rights officials, the amnesty law is believed to have led to the release of more than 400 political prisoners accused of being leftist guerrillas. The numbers are not precise, they say, because no one has verified how many political prisoners went free. The amnesty law has two exceptions: persons involved in the 1980 slaying of the Roman Catholic archbishop, and anyone accused of involvement in kidnapping for profit. Among the many notorious cases of human rights abuse in recent years that can be covered by the amnesty are four that Duarte specifically pledged he would prosecute before leaving office. First, is a massacre of peasants carried out by the Army at a cooperative known as Las Hojas in 1983. Between 19 and 70 peasants were believed to have been shot dead after soldiers tied their hands behind their backs. The attorney general demanded in September that the commander of the army unit responsible for the massacre, Col. Elmer Gonzalez Araujo, be detained for the killings. Under the amnesty, the colonel has been released. In an interview last year, Gonzalez said that his men had killed "only 17 peasants and they were subversives shot in a firefight." The colonel did not respond when asked how those supposedly shot in "a firefight" were found dead with their hands tied behind their backs. Soldiers suspected of shooting five peasants and dropping them in a well in the village of Los Palitos in May 1987, and the soldiers accused of slitting the throats of four peasants in Chalatenango last June, will not be tried, under the terms of the amnesty. On Jan. 1, President Jose Napoleon Duarte said he would enforce the amnesty law despite US protests over the release of two former Guardsmen. "The amnesty law is based on the premise of pardon and forgiveness. In the search for peace in this nation we must pardon those who have done wrong." (Basic data from Washington Post, 12/31/87; New York Times, Washington Post, 01/02/88)

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