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## Legislature Declines to Charge Deputy

*by LADB Staff*

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The Legislative Assembly decided not to proceed against one of its deputies arrested during a violent bus strike in February. At first, the focus was on the apparent illegal arrest of Deputy Orlando Arevalo and the subsequent violent invasion of the Assembly by riot police. But the deputies, led by the governing Alianza Republicana Nacionalista (ARENA), decided not to take action against either the police or Arevalo, even though there was no evidence against Arevalo in the first place.

Police arrested Arevalo for "inciting the masses to cause public disturbances" during the transportation strike. Arevalo, a member of the conservative Partido de Conciliacion Nacional (PCN) a longtime ARENA ally, was arrested Feb. 13 following a meeting with bus owners in which he expressed his support for the strike. Bus owners had called the shutdown to protest a government order forcing them, as of Feb. 8, to renovate their fleets, replacing buses that were more than 15 years old. The government said the plan was intended to take 780 old buses off the streets to modernize service and cut down on the number of traffic deaths involving buses. The government also proposed eliminating the fuel subsidies it pays to operators.

Bus owners blamed the government for the strike, which they said was a "technical" strike not meant to stop bus service. They said they were afraid that if their buses went out on the streets the government would yank them out of service and the owners would be fined for not complying with the new regulations. The strike led to violence as some small operators continued working. Some of their vehicles were attacked and burned, and 70 people were arrested.

After nine days, the strike ended when the Assembly gave the operators two more years to get rid of their old buses, despite President Francisco Flores' vows that he would not give in to the operators. Police claim deputy was behind strike Arevalo, who left ARENA to join the PCN, told the owners he opposed the proposal to extend the deadline by two years. He said it was a strategy to get the owners to accept the repressive conditions of the Transportation Ministry. As he left the meeting, police arrested him and held him at a police station.

The Assembly was outraged when heavily armed riot police invaded the Assembly and turned Arevalo, handcuffed, over to Assembly president Walter Araujo for possible punitive action. The Assembly can remove immunity from deputies charged with grave offenses, exposing them to prosecution. In the process of delivering Arevalo, police beat reporters and television-camera operators as well as several deputies and Assembly employees. Arevalo's arrest united all parties in the Assembly in expressions of indignation.

Deputies of the Farabundo Marti para la Liberacion Nacional (FMLN) and PCN started a movement to have police chief Mauricio Sandoval fired and to oust Assembly president Araujo, who admitted having asked for police presence in the Assembly. Arevalo filed a complaint with the human rights

prosecutor (Procuraduria para la Defensa de los Derechos Humanos, PDDH) against Sandoval for unlawful arrest in violation of his constitutional right to immunity and for the humiliating treatment he received from police while in custody. Human rights prosecutor backs deputy In the PDDH report on the incident, human rights prosecutor Beatrice de Carrillo said Arevalo's arrest violated his right of free movement and interfered with his legislative functions. Furthermore, the arrest usurped the investigative authority of the prosecutor's office, she said.

Of special interest was the report's commentary on the strike itself. De Carrillo said the chief victims in the strike were the bus riders. She said they paid through their inconvenience for the government's failure to guarantee public transportation even though it knew the strike was coming. The PDDH report also criticized the two-year extension, which means riders will have to use buses that are more than 17 years old until they are replaced. The Assembly's failure to consult the public in its decision to extend the deadline "should serve as a frame of reference in electing our deputies in the next elections," said the report.

Justifying the arrest was a report to Sandoval from the investigative unit Division Elite contra el Crimen Organizado (DECO), which had conducted surveillance on Arevalo. The report concluded that Arevalo was the brains behind the strike, basing that conclusion on his meeting with bus owners and a visit he paid to those who were arrested during the disturbances.

Police officers questioned by a special Assembly committee looking into the arrest said the proof of Arevalo's guilt was that he made telephone calls to the strike leaders. The proof of that was that the strike leaders had received telephone calls. Under questioning, however, they admitted that they did not know who placed the calls. Sandoval was unable to give the committee any evidence against Arevalo. One deputy said, "It's a joke to say that he [Arevalo] is the intellectual author and that they caught him red-handed."

### *Police chief gets off with reprimand*

Despite the PDDH report and the unconvincing evidence justifying the arrest, few Assembly deputies were willing to support a resolution asking for Sandoval's resignation. Many ARENA deputies even said they approved of the arrest. The committee's report to the full Assembly recommended that Sandoval apologize to the Assembly for the police invasion of Feb. 13, that Araujo apologize to the deputies for not having taken steps to avoid the confrontation, and that President Flores instruct Sandoval not to arrest any more deputies. The committee also found that the police had acted within their rights, having sufficient reason to arrest Arevalo. But it recommended that the Assembly not take steps to punish Arevalo or relieve him of his immunity. Since the committee was not instructed to consider the issue of punishing Arevalo, the inclusion of this recommendation raised speculation that it was a move by ARENA members on the committee to trade Arevalo for Sandoval and Araujo.

The Assembly voted March 14 to accept the report, Arevalo's own party joining with ARENA in voting to end the matter. La Prensa Grafica reported that ARENA had offered to drop the nonexistent case against Arevalo and give the Assembly presidency to the PCN in exchange for PCN votes against firing Sandoval and Araujo.

-- End --