



OPEN LETTER TO THE EL SALVADOR ATTORNEY GENERAL

CRIMES AGAINST HUMANITY AND WAR CRIMES COMMITTED DURING THE ARMED CONFLICT MUST BE INVESTIGATED WITH HIGH PRIORITY

Washington, DC and San Salvador, El Salvador, March 15, 2019.

Raúl Melara Morán
Attorney General
Office of the Attorney General
El Salvador



Dear Attorney General Melara:

In our capacity as members of human rights organizations and victims groups of the armed conflict in El Salvador, we are writing to you to express our interest in your office undertaking the important task of investigating the most serious crimes (torture, forced disappearances, mass executions, rape, among others) that were committed in the context of the armed conflict that ended in 1992, in accordance with the institutional policy adopted in December 2016 regarding the matter.

As you know, when the Amnesty Law for the Consolidation of Peace was declared unconstitutional in July 2016, the legal obstacles that once impeded establishing criminal consequences for those who committed war crimes and crimes against humanity became null.

After that declaration, in December 2016, the Attorney General's office created a group of special prosecutors to investigate cases related to the armed conflict. Two years later, in December 2018, the policy on criminal prosecution¹ came into effect after the undersigned presented it as a proposal with technical support from the Regional Office for the UN High Commissioner for Human Rights. This document provides the roadmap for the Attorney General's Office to obtain results from the investigation and adjudication on this issue. It also demands action from the office to be reparative and to avoid causing damage to the victims.

We urge you take into the account the obligations of the State – through the Attorney General's Office – to bring about justice for the most serious crimes committed (war crimes and crimes against humanity). We also demand that these judicial processes – which have been stagnant – be fast-tracked to convict those responsible, with respect for the rule of law and the obligations of the State. These criminal acts occurred more than 30 years ago, therefore, there is a high risk of relevant evidence being lost, as many witnesses and victims are now elderly, chronically ill, or have already passed away.

For this reason, we request that you:

1. Implement the approved policy on the prosecution of cases from the armed conflict;
2. Maintain and strengthen the group of special prosecutors to investigate cases on the armed conflict;
3. Move forward with the investigation and processing of high priority cases, identifying the responsible individuals, and consequently presenting indictments and evidence, in coordination with the litigants representing the victims;
4. Continue the dialogue with the undersigned organizations, as well as other civil society organizations.

It must be considered that when the State is not committed to pursuing criminal consequences for those who, under color of law, have violated human rights in the recent past, the current efforts to strengthen any aspect of a culture of legality will be vitiated by uncertainty and instability. The victims who suffered serious violations of their human rights are still the victims in the present because they are being denied justice. Precisely for this reason, it is important to highlight the lessons from international experience in this field: the impunity of the past poisons any action to recover the security, economic viability, and political stability of a nation.

¹ LINK: <http://escuela.fgr.gob.sv/wp-content/uploads/libros/politica-de-persecucion-penal-crimenes-de-guerra.pdf>

Lastly, we express our continued effort in collaborating on this proposed work agenda.

Respectfully,

- Febe Elizabeth Vasquez Association (ASOFEBE)
- Human Rights Association, Legal Tutelage “Dr. María Julia Hernández Asociación Pro-Búsqueda de Niñas y Niños desaparecidos
- Salvadoran Association for Human Rights (ASDEHU)
- Human Rights Commission of El Salvador (CDHES)
- Family Members of Human Rights Violations Victims Committee “Marianella García Villas” (CODEFAM)
- Mothers of Prisoners and Politically Disappeared Persons Committee (COMADRES)
- Christian Mothers and Family Members for the Defense and Promotion of Human Rights Committee (COMAFAC)
- Concertación Monseñor Romero
- Comunicándonos Foundation
- Cristosal Foundation
- Foundation for Studies for Law Application (FESPAD)
- Washington Office on Latin America (WOLA)
- The Madeleine Lagadec Center for the Promotion of Human Rights (CPDH)