

General allegation

105th session (2 – 6 March 2015)

El Salvador

52. On 30 March 2015, the Working Group transmitted information received from credible sources concerning obstacles encountered in the implementation of the Declaration, in particular on those faced by families of disappeared persons when attempting to clarify the fate or establish the whereabouts of relatives.

53. The source raised concerns that the amnesty law was still in force and that the definition of the crime of enforced disappearance in the Penal Code allows for the possibility of it being committed without intent. According to the source, the implementation of the law on access to information had not led to effective results.

54. The sources pointed out that the majority of complaints regarding serious human rights violations, war crimes and crimes against humanity submitted to the Public Prosecutor failed to lead to effective investigations clarifying the facts of cases or to judicial proceedings.

55. The sources welcomed the strengthening of the special unit of the human rights prosecutor within the office of the Public Prosecutor, which may obtain evidence through investigations and exhumations. It is hoped that this may lead to the prosecution and sanction of those responsible for enforced disappearances and other international crimes during the armed conflict. The sources also welcomed a decision by the Constitutional Chamber regarding an amparo proceeding recognizing the violation of the right to access to justice and of the right to truth of victims of the massacre of the canton San Francisco Angulo in Tecoluca, San Vicente.

56. It has been alleged that a full reparation policy is lacking and that institutions active in this field operate without an adequate budget.

57. The sources alleged that, even after the election of the Frente Farabundo Martí para la Liberación Nacional, no substantive change has been witnessed in the Government's dialogue with civil society, and no case of enforced disappearance has been resolved by the authorities.