

General allegation

106th session (6 – 15 May 2015)

El Salvador

39. The Working Group received from credible sources additional information on issues previously raised (A/HRC/WGEID/105/1, paras. 52-57), as well as on new elements concerning obstacles encountered in the implementation of the Declaration.

40. In particular, the Working Group received information regarding alleged passivity and failure to complete the due and diligent investigation of multiple cases of enforced disappearances, with no guarantee of respect for or participation in the investigation of relatives of missing persons. The Working Group refers to complaints filed in 2006 to the Office of the Attorney General and then through habeas corpus before the Supreme Court by relatives of persons who had disappeared during the armed conflict. The Supreme Court issued resolutions urging the Office of the Attorney General to undertake the necessary actions regarding the allegations. Reportedly, in 2014, the Office discovered that it had no documentation regarding allegations from 2006; as a consequence, the families of the victims themselves were forced to provide documentation to the authorities. Although the cases were assigned to the homicide unit, no other steps have been taken to appoint more police investigators to the cases.

41. Other sources provided information on the obstacles faced by disappeared migrants and their families. The sources referred to 350 cases of disappearance of migrants en route from El Salvador to the United States of America, during which the migrants were allegedly victims of disappearance, killings or executions in the territory of Mexico. In the light of the institutional difficulties faced by victims' relatives when searching for their loved ones, the sources reported that a transnational mechanism should be created to facilitate access to justice for victims of disappearance and their families. Sources also indicated that El Salvador does not offer families the necessary support. In this regard, the Office of the Attorney General reportedly responded in some cases that it could not accept complaints of missing migrants in Mexico since the events had occurred in the territory of that country. The sources expressed concern for the families who do not have the resources to file complaints in Mexico in order to receive information about their missing relatives.

42. Lastly, the sources submitted information to the Working Group concerning current cases of enforced disappearance of persons that seemed to indicate new modalities of disappearances. The disappearances have allegedly continued in a context of violence and impunity, despite the signing of the Peace Accords of Chapultepec in 1992. According to the sources, organized crime is also responsible for the level of violence currently witnessed in El Salvador.

43. The sources also reported that there had been a simultaneous increase in disappearances in the country and in the number of clandestine cemeteries. According to the information available, the number of missing persons in 2011 and 2012 exceeded the number of cases of enforced disappearance of children during the armed conflict registered by civil society organizations. Several cases were allegedly committed by members of the armed forces as part of their duty to bring security to the communities by countering the violence generated by organized crime. The sources expressed concern over the lack of a State policy for searching for missing persons; the lack of coordination in the work of relevant institutions was reflected in the disparities in the statistics available on the number of missing persons. Also, according to sources, the missing persons unit of the National Civil Police conducts an exhaustive search only if the case in question falls into the "priority" category. According to an instruction on investigations concerning disappeared and missing persons approved by the National Civil Police in June 2012, the priority category

includes cases involving the disappearance of public authorities, civil servants, foreigners with diplomatic missions, or of police or military personnel, and cases that cause alarm and national upheaval.