

Gold, Bodies and Justice:

Investigating a Spate of Bloodshed against Activists in El Salvador

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The shot rang out loud and deep, piercing the stagnant mid-day air. A young mother clutched her nursing baby tighter, and the group, so talkative only moments before, became a circle of transfixed bodies and darting eyes. Their fear—over what turned out to be an accidental misfire by a police officer accompanying us—indicates the very real threat that has been hanging over this community.

It was February 2010, and I was in Cabañas, El Salvador as part of a fact-finding delegation to investigate the recent wave of violence against social and environmental activists. The delegation was organized by Voices on the Border, an organization that promotes sustainable and equitable development in El Salvador. I had spent 2008 as a volunteer in Cabañas through American Jewish World Service's World Partners Fellowship, and was already familiar with the local context as a result. My connection to the violence was personal: Marcelo Rivera, the first activist murdered in the recent spate, had been my supervisor at the NGO where I volunteered for nearly a year.

Tension Mounts in Communities Targeted for Gold Mining

Cabañas, a rural, poverty-stricken department of northern El Salvador, has become deeply polarized over mining exploration projects operated by foreign companies hoping to extract the region's abundant gold deposits. Residents fear the contamination and depletion of water that mining is known to cause, and are outraged that they have not been consulted in the plans to extract resources from their land.

The most controversial of these companies is the Canadian-based Pacific Rim, which operates the country's most advanced exploration project in San Isidro, a small municipality of 10,000 people in Cabañas. Community members and local NGOs began to organize in 2005—the same year that Pacific Rim requested an extraction permit from the Salvadoran government. Motivated by the urgency of their cause, activists in Cabañas reached out to San Salvador-based NGOs, forming a national coalition with strong international networks.

The Salvadoran government has not granted Pacific Rim the extraction permit it seeks, and due to the community's efforts, both former President Tony Saca and President Mauricio Funes have publicly declared their opposition to gold mining. In April 2009, Pacific Rim commenced a lawsuit against the Salvadoran government for hundreds of millions of dollars in lost profits to which it feels it is entitled under the Central America Free Trade Agreement (CAFTA). The preliminary hearing at the World Bank's International Center for Settlement of Investment Disputes ("ICSID") began on May 31. Even though no gold has been extracted, and for the time being it's unlikely that mining will move forward, tensions have been set in motion by the company's activities.

These tensions are particularly evident in Trinidad, a remote village two hours north of San Isidro, where Pacific Rim conducted preliminary explorations at Limón Peak. Trinidad has been the site of most of the recent violence, which many believe is the result of deep rifts between residents who staunchly support mining those who actively oppose it. The latter have taken non-violent action on four occasions, blockading the highway to prevent Pacific Rim's equipment from entering, and forcing the company to

remove the machinery operating at Limón Peak. Many activists speculate that these actions angered local mining advocates, many of whom may have a financial stake in the mining.

Community members in both Trinidad and San Isidro have reported that Pacific Rim has made attempts to gain favor with local inhabitants by paying some residents to promote mining, and by offering gifts such as free eye-glasses in exchange for support. “The ambition for money is the root of all this,” says Israel Menjívar, a Trinidad resident, who, like many community members, believes that the violence is the result of these divisions.

Early Incidents Predict More Violence to Come

Over the past couple of years, there has been an escalating campaign of threats and violence aimed at environmentalists and civic leaders in El Salvador, culminating in the recent assassinations of three anti-mining activists. While it remains unclear who is behind the bloodshed, it appears that the aggressors may be fellow community members who support mining.

“We used to be united. But now there are divisions in families, brothers against brothers, friends against friends, communities against communities,” says Santos José Rodríguez, a farmer from Trinidad, and an active member of the Environmental Committee of Cabañas (CAC). In May 2008, Santos was attacked by his neighbor and longtime friend Oscar Menjívar, who is widely believed by community members to be a paid mining promoter, though Pacific Rim denies this claim. Oscar used a small machete in the assault, cutting off two of Santos’s fingers. He was never prosecuted in connection with the crime.

At the time, many activists and civic leaders took the attack and subsequent impunity as a sign that more violence was to come. “Often, we’re told that we’re going to be killed. We’re expecting it,” said Ramiro Rivera, the president of Trinidad’s community board and vice president of CAC. Ramiro had been approached by numerous concerned community members who viewed the attack against Santos as a sign that local activists were in danger. Unfortunately, their warnings and Ramiro’s statement were right.

Six Unpunished Murders Shatter the Region

Marcelo Rivera (no relation to Ramiro), a prominent community organizer from San Isidro, disappeared on June 18, 2009. His body, disfigured with clear signs of torture, was found 12 days later at the bottom of a well.

“He didn’t have hair and his face was completely mangled. His mouth was missing. There were wounds on his back, and his fingernails had been pulled off,” recalls Alirio Hernández, a colleague of Marcelo’s who was present when the body was recovered. “His arm and jaw were bound with a nylon cord... There was a dreadful smell. For the next week, I could feel the stench in my nose as I replayed every instant of that terrible scene with Marcelo.”

Marcelo was the director of Friends Association of San Isidro Cabañas (ASIC)—the AJWS grantee with whom I worked as a World Partners Fellow. Located 10 minutes away from the site of Pacific Rim’s proposed mine, ASIC has played a central role in the anti-mining campaign. Active in the left-wing FMLN party, Marcelo had also vocally denounced electoral fraud in the January 2009 municipal elections, and was instrumental in organizing protests that had suspended the election.

Marcelo's murder was, unfortunately, only the first incident in a new wave of violence. On August 7, Oscar Menjívar shot Ramiro Rivera eight times in the legs and back. Unlike his first attack on Ramiro, Oscar was arrested for this second assault, though he was later acquitted. Ramiro miraculously survived and was assigned twenty-four hour police protection after his release from the hospital, though this did no good: On December 20, 2009, as he was traveling on the winding dirt road that leads to Trinidad, accompanied by two bodyguards, his neighbor Felicitá Echeverría, and 14-year old Eugenia Guevara, Ramiro's car was ambushed by M-16-wielding hitmen. Ramiro and Felicitá were both killed, and Eugenia was wounded. Both guards escaped unharmed.

Less than a week later, on December 26, Dora Alicia Sorto Recinos, Santos Rodríguez's wife—eight-months pregnant and carrying her two-year-old child—was gunned down in Trinidad as she returned from doing laundry at the stream near her house. She and her unborn child were killed and the toddler wounded. Two other unsolved murders have also shattered the fragile peace in the region: Oscar Menjívar's parents, Horacio Menjívar and Esperanza Velasco de Menjívar, who lived in Trinidad and openly supported gold mining, were killed on April 9 and October 8, respectively.

Along with the killings, there has been a campaign of threats aimed at local civic leaders, activists and reporters from Radio Victoria, a community radio station that has closely covered both the mining story and the recent wave of violence. The threats share a common message: cease your activism or you'll end up like Marcelo. In late July, Father Luis Quintanilla, who hosts a program, narrowly escaped a kidnapping and assassination attempt by hooded armed men. Two days later, the station's transmitter was sabotaged, forcing Radio Victoria briefly off the air.

More than six months later, no arrests have been made in connection with the threats or assassination attempt, and there has been little investigation into the six murders, leaving the residents of the region and the activist community feeling abandoned by the justice system and that their safety can be compromised with impunity.

The Activist Community Seeks Answers

The culture of impunity in El Salvador and its chilling implications for civil society and democracy prompted Voices on the Border to organize a fact-finding delegation, of which I was a member. The group included an attorney, a trade justice activist, a psychologist, two college professors, a translator, a videographer and Voices on the Border staff. We met with friends and relatives of victims, activists, workers at human rights NGOs, three Ombudspersons, the mayor of San Isidro, the police chief of Cabañas, a Supreme Court Justice and officials from the U.S. Embassy.

Many people in these meetings pointed to evidence of what they call "intellectual authorship." In other words, these crimes do not appear to be random; they bear the stamp of planned and targeted acts of violence: All of the victims—with the exception of Ramiro Rivera's two passengers, who simply had the misfortune of asking for a ride that day—had a declared stance on mining; the type of torture that Marcelo Rivera endured is characteristic of politically motivated crime; and Ramiro Rivera was murdered in a sophisticated attack on treacherous terrain using military weapons, suggesting that the hit men had training and financial backing.

In the interviews we conducted with law enforcement authorities, public officials and community members, we found the following holes in the justice process furthering the climate of impunity:

Negligence by Authorities

The Attorney General's Office and the National Civilian Police—the government institutions responsible for investigating the crimes—have demonstrated negligence in their response to these crimes. When Marcelo Rivera disappeared, it was the community and his colleagues at ASIC that organized the search party that recovered his body. And almost immediately after the corpse was found, the Attorney General's Office referred to the murder as “common delinquency,” ignoring anecdotal evidence to the contrary. Marcelo was known to dislike and avoid alcohol, yet the killing was described as the result of a drunken brawl—something that sounded unlikely to those who knew him.

The Attorney General also ignored hard evidence. In an interview with Hector Berrios, a lawyer from the Unified Movement of Francisco Sánchez-1932, our delegation was told that despite an autopsy conducted by the Coroner's Office, which concluded that Marcelo died from asphyxiation after having been kept alive for several days after his disappearance, the Attorney General's Office stated—without having conducted any further examination of the body—that he was killed by blows to the head with a hammer. Hector believes that the Attorney General changed the cause of death to better fit the theory that the crime was a spontaneous fight.

According to many people our delegation interviewed, including Mirna Perla, a Salvadoran Supreme Court justice, the Attorney General and National Police did not investigate the possibility that the murder was planned. “Authorities rarely investigate when people are killed for political reasons or when the victim is a social leader,” she explains. Indeed, Rodolfo Delgado, the head of the Attorney General's Organized Crime Unit, has a long track record of leaving controversial crimes hanging in a state of impunity. According to Mirna, this systematic negligence is a vestige of a 1993 amnesty law that protects the perpetrators of some of the most repugnant crimes committed during El Salvador's brutal civil war.

Community members, local NGOs and the Human Rights Ombudsperson's Office (PDDH) have repeatedly demanded that the Attorney General and Police fully investigate these crimes and that they improve the effectiveness of the Witness and Victim Protection Program. These requests have been largely ignored.

Inadequate Protection

Though many community members and activists have been given 24-hour police protection since the murders, the protective forces have done little to calm fears. There are serious concerns about the competency of the police forces—after all, Ramiro Rivera was murdered despite being accompanied by two armed guards.

There is also pervasive distrust between the bodyguards and those they protect. “The victims are treated like perpetrators,” says Isabel Gámez, one of five staff members from Radio Victoria assigned police protection after receiving threats. When she wouldn't allow her bodyguards into a confidential work-related meeting, they wrote a report saying that her attitude was suspicious and that she ought to be called to a hearing. The feeling that police officers collect information with the intention of using it against those they protect has led several activists to renounce the service.

Financial Conflict of Interest

Community members have long asserted that Pacific Rim has quietly contributed to municipal activities in San Isidro, most notably sponsoring the local patron-saint parties. In our interview with him, we asked José Ignacio Bautista, the Mayor of San Isidro, to respond to these allegations, and he remarked: “We (the municipal government) don’t have a lot of funds. We have to manage our resources and negotiate. This is not corruption. We didn’t sign anything with conditions. We are not obligated to them in any way.” He added that various institutions, including the local church, the hospital in the nearby town of Sensuntepeque, the Ministries of Health and Education, and local sports teams, have accepted help from Pacific Rim, though he did not elaborate on the nature of that help.

According to Manuel Fuentes, a lawyer with the Foundation for Studies on the Application of the Law (FESPAD), the laws regulating both private contributions to the government and the publication of such transactions are weak, as is the enforcement of the existing laws. This lack of regulation and transparency has the potential to create powerful conflicts of interest.

While there is no evidence that Pacific Rim is directly linked to the violence, it is crucial that all possibilities be investigated. What is clear is that the company’s presence has created an environment of division.

The Delegation’s Recommendations

The delegation held a press conference on February 15 to publicize our findings and recommendations, the most important of which calls for an independent investigation with oversight by the Ombudsperson’s Office and by internationally recognized human rights and forensic experts. Many of our other recommendations take aim at problematic aspects of El Salvador’s institutional culture: lack of accountability and weak legal frameworks. It is crucial that the Ombudsperson’s recommendations be respected by other government agencies. Regulations and freedom of information laws need to be strengthened to assure that companies and government institutions operate in a responsible and transparent fashion. Only by resolving the institutional shortcomings that breed conflict of interest and impunity can the violence be halted and justice assured.

Many questions linger, and it is still unknown if there is a connection between the various threats and acts of violence. However, according to Salvador Menéndez Leal, the Assistant Ombudsperson in the national office, “All of these events are part of the same thing: impunity.”