

Via Fax: 011-503-281-0018 Elías Antonio Saca González Presidente de la República de El Salvador	Via Email: DT@gobernacion.gob.sv Lic. René Figueroa Ministro de Gobernación
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May 11, 2005

Dear Sirs:

We, members of the InterReligious Task Force on Central America, write to you regarding the recent deportation of Ecuadorian Doctor Pedro Enrique Banchón, and also the arrest of three employees of the Human Rights Ombudswoman's office.

In the case of Dr. Banchón, it seems his marriage to a Salvadoran citizen was not sufficiently taken into account. The Universal Declaration of Human Rights states in Article 16, No. 3 that "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." In a similar fashion, Article 32 of the Constitution of the Republic of El Salvador declares that "The family is the fundamental base of society and will have the protection of the State, who will dictate the necessary legislation and will create the organisms and services appropriate for its integrity, wellbeing, and social, cultural and economic development."

On January 18, 2005 the Supreme Court of El Salvador ruled that Dr. Banchón had not received sufficient notice that administrative processes (possibly leading to deportation) had been initiated against him. This constitutes a violation of his right to information regarding his case, and for that reason, places in doubt the legality of his expulsion from the country. His deportation could also be considered an obstruction of justice, given that he was expelled from the country one day before a hearing was to be held regarding a suit Dr. Banchón had filed against Social Security Communications Director Carlos López Barrundia for defamation.

In addition, the right to free expression is guaranteed in Article 19, No. 2 of the International Covenant on Civil and Political Rights, which states that, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." El Salvador is a signatory nation to that Covenant.

Equally worrisome is the fact that agents of the National Civil Police arrested three functionaries of the Human Rights Ombudswoman's Office for having entered the runway area of Comalapa International Airport. Police officials say that the office (PDDH) functionaries needed to have solicited permission, despite the fact that it is a Constitutional right of employees of the Ombudswoman's office to be present in any situation they deem necessary to ensure compliance with human rights standards. For this reason, this behavior on the part of the National Civilian Police places at risk the Peace Accords, given that the PDDH is the fruit of those Accords.

For the aforementioned reasons, we ask that you

- review the decision to expel Dr. Banchón;
- do everything within your power to ensure that no public functionary impedes the work of the officials of the Human Rights Ombudswoman's office.

Sincerely,

Brian J. Stefan Szittai, Coordinator

Cis El Salvador

cc: U.S. Ambassador H. Douglas Barclay ~ fax: 011-503-234-2001
 Andrea Rodriguez, El Salvador Desk at U.S. State Dept. ~ fax: 202-647-2597
 Paul Degler, Desk Officer for El Salvador, US State Debt ~ 202.647.2597
 U.S. Senators DeWine and Voinovich ~ via fax, email
 U.S. Representatives Brown, Kaptur, Kucinich, LaTourette, Ryan, Tubbs Jones ~ via fax, email

The following people hereby urge you to take action on this matter as indicated in this letter:

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Via Fax: 011-503-281-0018
Elías Antonio Saca González
Presidente de la República de El Salvador

Via Email: DT@gobernacion.gob.sv
Lic. René Figueroa
Ministro de Gobernación

11 Mayo 2005

Estimados Señores,

Le escribo con referencia a la reciente deportaciôn del medico ecuatoriano Pedro Enrique Banchôn, y tambiên el arresto de 3 empleados de la Procuradurâa para la Defensa de los Derechos Humanos.

En el caso del Dr. Banchôn, parece que no se tomô en cuenta que Dr. Bachôn estâ casada con una salvadoreâa, con quien tiene hijos. La Declaraciôn Universal de Derechos Humanos dice en el Articulo 16, No. 3 declara que →La familia es el elemento natural y fundamental de la sociedad y tiene derecho a la protecciôn de la sociedad y del Estado.½ De forma similar, Articulo 32 de la Constituciôn de la Repùblica de El Salvador declara que →La familia es la base fundamental de la sociedad y tendrâ la protecciôn del Estado, quien dictará la legislaciôn necesaria y creará los organismos y servicios apropiados para su integraciôn, bienestar y desarrollo social, cultural y econômico.½

Quisiera recordarle tambiên que la Corte Suprema de Justicia de El Salvador fallô el 18 de enero, 2005 que Dr. Banchôn no habâa recibido aviso con suficiente anticipaciôn que habâa un proceso administrativo en su contra. Esto consiste una violaciôn de su derecho de peticiôn y por lo tanto, pone en duda la legalidad de su expulsiôn del paâs. Tambiên se podrâa considerar su deportaciôn un obstrucciôn de justicia, dado que fue expulsado del paâs un dâa antes de que se iba a realizar un audiencia como parte de un juicio por difamaciôn que el Dr. Banchôn habâa iniciado en contra del Director de Comunicaciones del Instituto Salvadoreâo de Seguro Social, Carlos Lôpez Barrundia.

Ademâs, el derecho a la libre expresiôn estâ garantizada en Articulo 19, No. 2 del Pacto Internacional de Derechos Civiles y Politicos, que declara que →Toda persona tiene derecho a la libertad de expresiôn; este derecho comprende la libertad de buscar, recibir y difundir informaciones e ideas de toda ândole, sin consideraciôn de fronteras, ya sea oralmente, por escrito o en forma impresa o artâstica, o por cualquier otro procedimiento de su elecciôn.½ El Salvador ha firmado dicho Pacto.

Igual de preocupante es el hecho de que agentes de la Policia Nacional Civil arrestaron a 3 funcionarios del la Procuradurâa para la Defensa de los Derechos Humanos por haber entrado a la pista del Aeropuerto Internacional de Comalapa. Agentes policiales dicen que dichos funcionarios tenían que haber solicitado permiso, a pesar de que es un derecho constitucional de la Procuradurâa de estar presente en cualquier situaciôn que les parezca necesario para mantener respeto a los derechos humanos. Por lo tanto, esta actuaciôn por parte de la PNC pone en riesgo los Acuerdos de Paz, dado que la PDDH es fruto de dichos Acuerdos.

Por las razones mencionados, le pido que revise la decisiôn de expulsar Dr. Banchôn. Le pido tambiên que usted haga todo lo posible para asegurar que ningûn funcionario publico impida el trabajo de los funcionarios y las funcionarias del PDDH.

Atentamente,

Brian J. Stefan Szittai, Coordinator