

Freedom of Expression and Human Rights Violations in Postwar El Salvador:
The Vilanova Case

Lawrence Michael Ladutke,
Ph.D. Candidate in Political Science at the CUNY Graduate Center
LLadutke@gc.cuny.edu

Prepared for delivery at the 2001 meeting of the Latin American Studies Association,
Washington DC, September 6-8, 2001.

This paper is part of a doctoral dissertation that examines the role of freedom of expression in the protection of other fundamental human rights during the transition to democracy in postwar El Salvador. This presentation focuses on the case of Adriano Vilanova Volver, a medical student who was abducted and murdered by agents from the new National Civilian Police force (PNC) in 1995. Various forms of expression—including investigative reporting, civil society's oversight of public officials, the family's calls for justice, and witness testimony—played a key role in achieving some measure of justice in this case. The debate around this murder also helped to eliminate irregular police structures by exposing them to public scrutiny. These achievements were accomplished in spite of serious obstacles to expression, including a general climate of impunity and unethical conduct by the media.

One of the central questions of contemporary democratization is that of how to deal with the legacies of authoritarianism. There has been a substantial amount of scholarly debate regarding the effects of impunity and of political participation in this context. Some authors have seen impunity for human rights violators and low levels of political participation as being necessary in order to maintain political stability during democratization (see Huntington 1993; Nino 1995; Przeworski 1991; and Zalaquett 1995). Others have argued that policies of impunity and the political exclusion of civil society groups undermines the democratic character of the new regimes (see Mayorga 1997; McSherry 1997; Stepan 1998; and Valenzuela 1992). The dissertation contributes to these debates by testing the hypothesis that the right to freedom of expression about human rights violations and impunity plays a significant role in the promotion and protection of other fundamental human rights, such as the rights to life, to integrity of the person, to freedom of association, and to due process of law. This hypothesis is evaluated

through the examination of the ways that public expression about these issues influences the actions of relevant actors, including state officials, societal elites, and the international community.

This project also examines potential barriers to expression about human issues. It evaluates the hypothesis that the state's inability or unwillingness to punish those individuals who were responsible for the widespread human rights violations during the civil war—along with the failure to completely dismantle the structures of impunity—has hampered public expression about human rights during the postwar era. This hypothesis suggests that policies of impunity increase the ability of human rights abusers to use violence to suppress public expression that challenges their power. The dissertation also tests the hypothesis that the concentrated pattern of ownership in the Salvadoran media has had a negative impact on such expression. This hypothesis suggests that the behavior of the media is an important variable that intervenes in the struggle between the pro-rights and anti-rights forces. The case of postwar El Salvador is especially appropriate for this study, given the nation's history of widespread human rights violations, impunity for human rights violators, and lack of freedom of expression prior to the end of the civil war.

One of the central elements of the 1992 peace accords was the creation of a new National Civilian Police force (PNC) to remove the military from public security functions. This was essential because the military's public security forces—the National Police (PN), Treasury Police (PH), and National Guard (GN)—had run some of the worst death squads during the war (Arnson 2000, pp. 97-100; Commission on the Truth for El Salvador 1995, pp. 357-60). Furthermore, the National Police's criminal investigation division, the Commission for the Investigation of Criminal Acts (CIHD) was notorious for conducting flawed investigations

designed to protect human rights violators in cases such as the 1989 massacre at the Central American University (UCA) (International Commission of Jurists 1992, p. 37). Finally, the general population did not trust the military's security forces and was therefore reluctant to cooperate with them (Stanley 1993, p. 14).

Unfortunately, however, the new force did not represent a clean break with the past. The peace accords themselves allowed for equal percentages of former National Police and FMLN combatants to enter the PNC, with the stipulation that civilians would make up the majority of its members. The government took advantage of this arrangement to transfer soldiers from the National Guard, the Treasury Police, and the Army into the PNC by way of the National Police (Costa 1999, pp. 141, 146-7). In 1993, former military figures held fifty two percent of the leadership positions in the PNC, while civilians represented only thirty six percent of the force's leaders (Costa 1999, p. 257-8). In 1995, the United Nations reported that all three of the PNC's Commissioners came from the PN's problematic criminal investigation and anti-narcotics units. It also found that the former PN troops made up "considerably" more than the twenty percent of the PNC that they were allowed. Secretary General Boutros Boutros-Ghali warned, "All of these imbalances run counter to the letter and spirit of the Peace Accords and need to be urgently redressed in order to avoid further militarization of the new civil police" (Boutros-Ghali 1995, p. 552).

Given these problems, it is not surprising that the PNC became the greatest source of human rights violations in the country. The Office of the Counsel for the Defense of Human Rights (PDDH) found that over forty percent of 4,696 complaints that it admitted in 1995 were directed against the new police force. The only other institution to come close to this level of denunciations was the judicial branch, which accounted for almost twenty five percent of all

complaints (Velásquez de Avilés 1996b, p. 23).

This does not mean, however, that the efforts to create a new police force had failed completely. In March of 1995, 28.5% of Salvadorans identified the PNC as one of the two institutions that defended human rights the best (IUDOP 1995, p. 356). Later that year, 48.6 percent of Salvadorans surveyed said that the PNC was better than the PN (IDHUCA 1997, p. 12). As the Vilanova case demonstrates, some members of the new force were willing to take great personal risks in order to protect the rights of others.

ADRIANO VILANOVA IS REPORTED MISSING

On September 4, 1995, Lidya Rosa Volver de Vilanova went to the PNC office in Panchimalco to report that her son, medical student Manuel Adriano Vilanova Volver, had not been seen since September 2. Agent Perlera Saravia took her statement, along with a recent photograph of Adriano (Policías asesinan a joven 1995, pp. 3-4).¹ She would later testify that the police acted suspiciously and attempted to force her to sign a false statement (Martínez 1998, p. 2).

Her suspicions were well founded. The Panchimalco PNC office had received a phone call alerting it that a corpse had been found in a five-meter deep ravine on Sunday, September 3, the day before Sra. Volver de Vilanova went to the police station. The guard who had discovered the body was told to expect the police to arrive shortly. The property owners were forced to call the police the following day, however, because no one had shown up to collect the body. After several further attempts to get the police to perform their duty, the owners of the property decided to call television reporters for Cuatro Visión. Cuatro Visión, in turn, reported

the incident to medical examiners and arrived to film the removal of Adriano Vilanova's corpse on September 5 (Policías asesinan a joven 1995, p. 4).

There is reason to believe that Cuatro Visión was not motivated by humanitarian concerns. Cuatro Vision is Telecorporación Salvadoreña's most sensationalist news program. It has achieved high ratings through its focus on blood and violence. This, in turn, has cost it respect among most journalists. One journalist reported that he had turned down relatively high-paying offers from this program because working for it would damage his reputation as a journalist (Arguda 2000; Currilin 2000). Regardless of Cuatro Visión's motives, media oversight had begun to have a positive impact on the investigation and resolution of this case.

INVESTIGATIVE JOURNALISM BEGINS TO FIND ANSWERS

Further help came from another unexpected source, *El Diario de Hoy*, the major newspaper that had earned a reputation for protecting human rights violators and slandering victims during the war. On September 14—twelve days after Vilanova had disappeared—the paper published what it referred to as "an unprecedented journalistic investigation." The three-page article established that Vilanova had been walking home from a bar with his friend Nino Tinetti on the night of September 2. Both men had been drinking heavily, and Vilanova began to vomit. He told his friend to go ahead and that he would soon catch up. Tinetti saw several police agents pass by in a white PNC pickup truck without noticing him. He also observed that the police vehicle turned off of the highway and headed toward the area where Vilanova's body would later be found (Policías asesinan a joven 1995, pp. 2-3).

This version coincided with that of a unnamed witness who observed Vilanova

¹There is a typographical error in this article. It refers to "Saturday September 2," "Sunday

attempting to hide from the police. Despite his efforts, the police intercepted Vilanova as soon as they saw that he was alone. The source says that the officers proceeded to beat the victim to death after a short discussion. They then decided to move the body to the location where it was found. The source's description of the police vehicle matches that of Tinetti. The *El Diario de Hoy* article suggests that this behavior indicates that the police had known that Vilanova was in the bar and had therefore planned to intercept him (Policías asesinan a joven 1995, p. 3)

The newspaper report also found evidence that Vilanova had recently had problems with the local PNC. The article also quotes an unnamed relative of the victim indicating that the family believed that the police had killed him (Policías asesinan a joven 1995, pp. 2, 4).

The article reports that medical examiners determined that the victim died of severe multiple traumas to the thorax three days before they recovered his corpse. He had five broken ribs and serious wounds on other parts of his body (Policías asesinan a joven 1995, pp. 2, 4).

Dr. Victoria Marina Velásquez de Avilés, the Human Rights Counsel, credited *El Diario de Hoy's* coverage of the murder for unleashing "reactions in national public opinion, even among the nation's leading public security officials" (Velásquez de Avilés 1996a, p. 24). Indeed, PNC Director Rodrigo Ávila reacted to the report even before it was published by ordering the detention of all agents assigned to the Panchimalco and Apopa PNC delegations (Policías asesinan a joven 1995, p. 4).

THE PDDH BUILDS UPON THE MEDIA INVESTIGATION

The newspaper report also had an important impact on Dr. Velásquez de Avilés's office. The PDDH depends upon expression by citizens in order to begin its investigations. Most of the

September 3" and "Monday September 3." I have therefore corrected this to be "Monday September 4."

institution's cases begin as the result of denunciations filed by human rights victims or their relatives. The PDDH launched its inquiry into Vilanova's death on its own initiative, however, after encountering the September 14 article in *El Diario de Hoy* (Velásquez de Avilés 1996a, p. 3). Once again, media oversight helped to advance the investigation.

The article's impact on the PDDH investigation was not limited to simply calling the matter to the institution's attention. The PDDH's own report on the Vilanova case credited the newspaper's account with providing important information. Such acknowledgment was very appropriate, given that the report repeats much of the information originally published by the newspaper. While the original article had not credited any reporters, the PDDH revealed that Violeta Rivera had led the newspaper's investigation (Velásquez de Avilés 1996a, p. 24).

The PDDH confirmed that Adriano Vilanova had been having problems with local PNC agents shortly before his death. According to his father, Dr. Adriano Vilanova Córdoba, the victim had encountered these agents on August 23 while they were investigating a traffic accident in which Manuel Mauricio Beltrán Villacorta (a.k.a., "Tarantula") had been run over. Adriano Vilanova panicked and fled because he had been driving without a license. The next day, PNC Corporal Perlera—the same agent who took Sra. Verver de Vilanova's missing persons report—told Dr. Vilanova that the police were attempting to arrest his son for running over Beltrán Villacorta. This led Dr. Vilanova to be suspect that Perlera had been involved in his son's death. This account was supported by the victim's girlfriend, who informed the PDDH that Adriano had told her that the police blamed him for the death of some man (Velásquez de Avilés 1996a, pp. 8-9).

The PDDH investigation also confirmed that Vilanova's death had been a homicide. The original report from the medical examiner had stated that Vilanova was killed as the result of a

traffic accident. Dr. Velásquez de Avilés argued, however, that it would have been impossible for the impact from such an accident to have thrown his body so far from the highway. If Vilanova had been killed by a vehicle, the body would have had to have been intentionally moved to the location where it was discovered. Upon being questioned by PDDH representatives, medical examiner Dr. Aguilar Beltrán admitted that Vilanova's injuries could also have been produced by a fall from considerable height or a very harsh beating (Velásquez de Avilés 1996a, pp. 6-7, 34).

Public Security Minister Hugo Barrera had put forward another theory. Barrera called the Vilanovas fifteen days after they had buried Adriano to tell them that their son had committed suicide (Currilín 1999, p. 2). One version of this story was that Adriano Vilanova had killed himself as the result of taking drugs and alcohol. The PNC supported this theory with alleged testimony from Nino Tinetti stating that Vilanova had been taking drugs. The PDDH dismissed this statement, however, because Tinetti had never signed it. Velásquez de Avilés also found it unlikely that Vilanova would have been able to walk so far from the highway if he were so intoxicated; logically, he would have fallen and killed himself much sooner (Velásquez de Avilés 1996a, pp. 34-6).

The other variation of the suicide story was that Vilanova was so desperate to escape the police that he threw himself to his death ("El señor Barrera me mandó llamar al cuartel general, a la par de Zacarías": Dr. Vilanova 1998, p. 6).² This theory also assumes that the fall into the five-meter ravine caused the student's death. The PDDH investigation, however, found that the forensic evidence did not support this assumption. Dr. Nuila, another medical examiner who

²As the title of this article indicates, Barrera sent Dr. Vilanova to speak with Zacarías. This figure, in turn, made the allegation that the young Vilanova had committed suicide to avoid capture. See below for more information on the role of Zacarías in the attempt to cover up this case.

took part in the autopsy, stated that Vilanova would have had to have fallen several kilometers in order to have sustained a fracture as serious the one found on his arm. Furthermore, she told the PDDH that Vilanova would have been killed by a head injury if this had happened—not by the damage to his thorax that had actually caused his death. Having rejected these versions, the PDDH report concluded that only remaining explanation "is that of the probable homicide caused by a intentional blow with blunt objects or even the probable intentional running over. . . This possibility is the only one acceptable and consistent with the evidence" (Velásquez de Avilés 1996a, pp. 7, 34-6).³

The PDDH also further investigated Violeta Rivera's report that PNC Director Ávila had ordered the detention of all PNC agents assigned to the Panchimalco and Apopa delegations on the night of Vilanova's disappearance. The PNC authorities attempted to justify this procedure by classifying it as a *concentration* of the agents rather than preventive detention. The PDDH, however, found that this arrangement was "totally inappropriate for the transparency of investigations" because it "leaves open the possibility of being used to create a climate of impunity, given that possible witnesses can be coerced, intimidated, or manipulated" (Velásquez de Avilés 1996a, pp. 17-9).⁴ In other words, this procedure endangered the detained police agents' right to express themselves as witnesses to the crime.

The PDDH determined that the investigation was not being handled by official PNC personnel. Rather, it was being run out of a clandestine office located in the same building as the Automobile Club of El Salvador (ACES). A mysterious foreign advisor using the pseudonym

³The quote from p. 36.

⁴The quote is from p. 19.

Zacarías was effectively directing the investigation.⁵ Detectives within this irregular agency told the PDDH that there was no evidence implicating PNC agents in Vilanova's death. They once again claimed that the medical student had fallen to his death because he was drunk. Dr. Velásquez de Avilés concluded that these individuals were probably preparing reports that would then be signed by the PNC agents who were supposed to be conducting the investigation, a pattern of behavior "which has been a systematic practice in the . . . dissolved security forces." The PDDH's report also pointed to the historic link between such structures and the death squads (Velásquez de Avilés 1996a, pp. 11-2, 20-2, 41).⁶

The PDDH report concluded "that there are serious indications that lead one to presume the participation of Panchimalco National Civilian Police agents, **particularly Corporal Hugo Orlando Saravia Perlera**, in the homicide of young Vilanova Volver" (Velásquez de Avilés 1996a, pp.37-8).⁷ It also established that the retardation of justice during the investigation of Vilanova's death constituted a due process violation. Finally, the PDDH found that the arbitrary and illegal detention of all PNC agents at the Panchimalco post was a violation of the agents' right to personal liberty (Velásquez de Avilés 1996a, p. 43).

PUBLIC CENSURE BY THE PDDH

Although public expression about the Vilanova case did not completely end the practice of establishing irregular and clandestine public security units, it did play a role in dismantling the office headed by Zacarías. Dr. Velásquez de Avilés recommended that this unit and others like it be dismantled in the PDDH's report on the Vilanova murder (Velásquez de Avilés 1996a, p. 44).

⁵Zacarías true identity and his connections to previous human rights abuses is discussed below. See IMPUNITY PAST AND PRESENT.

⁶The quote is from p. 22.

Salvadoran law, however, did not give her office any power to enforce such rulings. As a result, the PDDH has relied upon the tool of public exposure and censure, which the former Human Rights Counsel claimed is something that "many officials fear. And therefore they act, in some manner, upon the recommendations." This, in turn, means that the PDDH depends upon the media to spread knowledge of its resolutions and to perform oversight of public institutions (Velásquez de Avilés 2000).

According to Dr. Velásquez de Avilés, Zacarías's office was in fact dismantled as the result of public censure through the media (Velásquez de Avilés 2000). This was confirmed by Carlos Rafael Urquilla Bonilla, a lawyer from the Foundation for the Study of the Application of Law (FESPAD). "That is an example," Urquilla Bonilla stated, "of how denunciation becomes a tool in the work of defending human rights" (Urquilla Bonilla 2000).

David Morales, an investigator for the PDDH, explained that Dr. Velásquez de Avilés's public censure of the judicial system for retardation of justice helped to move the investigation of Vilanova's death along in a similar manner. As discussed above, the PNC had maintained that the young medical student had killed himself. "This denunciation," by the Human Rights Counsel he claimed, "was a public scandal and the media put the case on the front page . . . The day after her pronouncement, the President of the Republic ordered that the Vilanova investigation be reopened" (Morales 2000). Sra. Verver de Vilanova also credited media oversight with ensuring that the judge and prosecutors acted appropriately (Verver de Vilanova 2000). *El Diario de Hoy* credited its own coverage as leading to the February 1997 arrest of seven PNC agents on charges of killing Adriano Vilanova (Siete policías a prisión por crimen 1997, p. 2).

⁷Emphasis added.

THE OBSTACLES TO EXPRESSION

Those individuals who exercised their right to freedom of expression by calling for justice or providing information in this case faced serious obstacles. Violeta Rivera's groundbreaking article from September 1995 indicated that Vilanova's relatives had avoided contact with the newspaper because they were afraid for the safety of his parents and his four surviving brothers. One unidentified relative did tell her, however, "We have not gone to the police because we believe that they were the ones who killed Adriano. This is horrible. It is as if it were Sombra Negra" (Policías asesinan a joven 1995, p. 2).⁸ The family's fears were well founded. Sra. Volver de Vilanova received phone threats at home. Dr. Vilanova was also threatened at his clinic. Armed men—some in police uniforms, others in civilian clothing—came to their house. Suspicious vehicles with polarized windows—a trademark of the death squads during the war—watched their home. Even the family's maid was threatened (Galicia 1998a, p. 3; Currilin 1999).

It is important to point out that these intimidating acts took place in the context of a campaign by public security officials to slander and discredit the Vilanovas and their supporters. PNC Director Ávila claimed that the politicization of the case endangered not only the police force, but the very stability of the nation itself. Vice Minister of Public Security Alberto Carranza scolded the Vilanovas and other families for turning to the Human Rights Institute of the Central American University (IDHUCA), the PDDH and the Tutela Legal (the Catholic Church's human rights office) for assistance (Cuéllar 1997, pp. 148-9). Public Security Minister Barrera accused the Communist Party of using the death of Vilanova and other well-known

⁸Sombra Negra (Black Shadow) was an anti-crime death squad that operated primarily in San Miguel. It also threatened public officials and figures from civil society that it considered to be corrupt and weak on crime.

human rights violations as part of a slander campaign. He also accused the media, the IDHUCA, and the victims' families of being part of a conspiracy against the PNC and the Salvadoran population (Autoridades de seguridad pública dispuestas a reunirse con familiares de víctimas de sonados casos de asesinato 1998; García and Huezco 1998; Editorial 1998). These accusations were remarkably similar to the smear campaigns that state officials launched against opposition figures shortly before they were assassinated during the war. They should therefore be considered obstacles to freedom of expression.

The worst part of these attempts to silence the Vilanova family was that the victims could not turn to the PNC—the state institution that had primary responsibility for protecting them against such harassment. As Sra. Vilanova de Verver has explained, "Protection by whom? If they assign police to me, I am going to be even more worried"⁹ (Currlin 1999, p. 3).

Unfortunately, such attempts to silence expression about human rights violations are still common in postwar El Salvador. A group of relatives of human rights victims who had been receiving support from the IDHUCA—including the Vilanovas—formed the Association of Human Rights Victims of El Salvador (AVIOLESAL) in the late 1990s. Paulita Pike, the president of this nongovernmental organization (NGO) explained to me that its members "have to be willing to get death threats, to be followed. Everybody in this group has had death threats. Everybody in this group has had bodyguards. The García Prietos still have bodyguards . . . As soon as you start denouncing the things that are a little bit powerful, people who are a little bit powerful . . . you start getting strange phone calls in the middle of the night. And you know that your phone is tapped . . . Nothing we say is private" (Pike 2000).

⁹It is important to note that PNC bodyguards have indeed threatened the very people they were assigned to protect. See, for example, the case of Sergeant Quintanilla Vásquez, a key witness in the Sombra Negra investigation (Velásquez de Avilés 1996b, p. 37).

This context does indeed prevent many Salvadorans from exercising their right to express themselves. I asked Mauricio Funes, the Channel 12 News Director and host of the popular *Entrevista al Día*, if many news sources were afraid to talk to the media. "About this issue [human rights]?" He responded, "yes, I believe so . . . I believe that it is very likely" (Funes 2000).

Despite these obstacles, the Vilanovas continued to call for justice. Sra. Verver de Vilanova in particular "did not rest [while] visiting officials and institutions, media and human rights activists. She struggled so that investigations moved forward and could arrive at the truth." The family also lobbied the Mexican, U.S., Spanish and German embassies in El Salvador (Currin 1999, pp. 1-2).¹⁰

Why didn't the Vilanovas keep quiet? Sra. Verver de Vilanova has answered this question by explaining, "I was not afraid that they would kill me, because since they took my son's life they had killed a part of me. Life is not the same for me, nor will it ever be." Her husband was initially more cautious because he feared for the safety of his wife and their remaining children. Part of the answer was to send two of their children abroad. Dr. Vilanova eventually gave his wife his total support once he understood her determination. (Currin 1999, p. 4).

It is also important to remember that the Vilanovas were able to count on support from human rights NGOs, including the IDHUCA, Tutela Legal, and the nongovernmental Human Rights Commission of El Salvador (CDH-ES). The IDHUCA in particular did a lot of media work with the Vilanovas.

Journalist Violeta Rivera also began receiving threats after the publication of her exposé

¹⁰The quote is from p. 1.

of the Vilanova murder in September 1995. In July of 1996, shortly after Rivera's judicial testimony had been recorded on video tape, anonymous callers reported her death in a traffic accident to various media organizations, including *El Diario de Hoy* (Velásquez de Avilés 1996a, pp. 29-30). This is especially intimidating in light of the fact that public security officials had originally claimed that a traffic accident had caused the death of Adriano Vilanova.

A contingent of PNC agents surrounded the journalist's home on July 31, 1996. The police agents told her that they did not need a warrant when she asked to see one. The agent who then entered her home informed her that there had been an anonymous call stating that she was holding kidnapped children inside and planned to ship them out of the country. The only child that they found, however, was Rivera's newborn daughter. The Police Chief of the Soyapango delegation, Deputy Commissioner Mauricio Antonio Arriaza Chicas told the PDDH that the caller had said that her boss, whom she identified as "Señor Fausto," had told her about the kidnapped children (Velásquez de Avilés 1996a, pp. 28-9). It is important to point out that "Fausto" had been the pseudonym that Rivera had given to an anonymous source inside the PNC. The Journalists' Association of El Salvador (APES) denounced the disproportionate use of force against Rivera and argued that this action was part of a larger pattern threatening the freedom of the press (APES denuncia atropello a periodista del Diario 1996, p. 43). Violeta Rivera left El Salvador for several months to protect herself and her family.

Deputy Commissioner Arriaza Chicas contacted Rivera in February of 1997 and offered to give her information. When she arrived at the PNC's Criminal Investigation Division (DIC), he shut the door behind her and threatened that he would not release her until she divulged the

names of her sources. She had previously refused to do so in her July 1996 testimony.¹¹ Arriaza Chicas ordered her to stay out of the investigation and made threats against her mother, husband, and infant daughter. He also revealed his knowledge of details from her personal life. This persecution of Rivera took place a few days before six PNC agents were arrested and charged with the murder of Adriano Vilanova (PDDH 1999; Velásquez de Avilés 1996a, p. 27).¹²

It is important to point out that revealing Rivera's sources would have endangered their lives. This is demonstrated by the mysterious Zacarías's surprise visit to the only identified witness in the case, Nino Tinetti. Zacarías got the youth intoxicated shortly after the investigation began and then pressured him not to testify. This intimidation succeeded in preventing Tinetti from testifying for several years. (Policías, amenazas e intimidaciones 1998, p. 8).

The Panchimalco PNC also arrested Tinetti and charged him with stealing less than ten dollars. PNC Director Ávila labeled Tinetti a habitual thief who stole to support his drug habit. Yet he was released a few days later. The Vilanovas saw this a clear attempt to intimidate the witness (IDHUCA 1998, p. 46).

IMPUNITY PAST AND PRESENT

Previous research has suggested that policies of impunity increase the willingness and ability of authoritarian figures to take anti-democratic actions to maintain and enhance their dominant positions (McSherry 1997, p. 286; Méndez 1997, p. 10). One way of doing so is by

¹¹Salvadoran law does not explicitly recognize the right of journalists to protect the confidentiality of their sources. The head of *CoLatino* was in fact arrested and charged with defamation when he refused to do so in 1996 (Secreto profesional enfrenta ley 1996, p. 2).

¹²A seventh PNC agent was charged in the case. The police were unable to arrest him, however (U.S. Department of State 1998).

attempting to limit the expression of those individuals and institutions that attempt to exercise their right to publicly discuss human rights issues. Indeed, at least three central figures in the Vilanova murder and its cover-up had connections to El Salvador's history of impunity. They also represented the dangers associated with the militarization of the National Civilian Police. The IDHUCA therefore referred to the Vilanova case as "an event that helped to reveal the obstacles that arise at all levels when there is an attempt to end the impunity that certain individuals enjoy" (IDHUCA 1998, p. 45).

It is reasonable to assume that these acts of intimidation were intended to protect the main suspects in this case. Both the victim's father and Human Rights Counsel Velásquez de Avilés accused Corporal Perlera of taking part in the murder. This particular PNC agent had been a member of all three of the military's security forces—the National Police, the National Guard, and the Treasury Police ("PNC encubrió el proceso" 1997, p. 3; Hernández and Galicia 1998, p. 3; Editorial 1998). It is important to recall that these branches of the Armed Forces were very closely linked to death squad activities and other human rights violations during the war. The amnesty laws passed in 1987, 1992, and 1993 therefore blocked investigations and trials that might have put Perlera into prison instead of a police uniform.

As demonstrated above, there is also evidence that Arriaza Chicas was involved in the efforts to silence those who spoke out about the Vilanova murder. Like Perlera, he was also a former member of the National Guard (Costa 1999, p. 285 n. 81). Zacarías—whose real name was Víctor Rivera—was also connected to the dark structures of El Salvador's past. He was a Venezuelan who had been brought to El Salvador in order to investigate kidnappings in the 1980s and early 1990s. In other words, he had previous experience heading clandestine parallel investigative offices (Fiscalía había pedido detención de Zacarías 1998, p. 10). As Dr.

Velásquez de Avilés pointed out in the PDDH's report on the Vilanova murder, such structures served to protect human rights violators during the war. It is therefore hard to believe his 1998 claim that he had never received an order to divert an investigation during his thirty five year career ("Zacarías" niega haber ocultado información 1998, p. 6).¹³ Like Perlera, the amnesty laws protected both of these individuals against prosecution for any of the human rights abuses and other crimes that they may have committed during the war.

Some Salvadorans have also argued that the persecution of Violeta Rivera is the result of the failure to dismantle the death squads and prosecute those who took part in them. Danilo Flores, who works at Tutela Legal,¹⁴ saw the attempts to silence Rivera as evidence "that the structures such as the death squads continue to be a latent danger to freedom of expression . . . they are ready to reactivate themselves when convenient and to carry out repression against those whom they consider to be acting against their interests" (Flores 2000). This analysis is consistent with the results published by the Joint Group for the Investigation of Politically Motivated Violence in El Salvador in 1994. This commission found that death squads had adapted to the postwar environment through decentralization and through involvement in organized crime as source of funding. It also established that they were still ready to engage in political violence when they wished to do so (Joint Group for the Investigation of Politically Motivated Illegal Armed Groups in El Salvador 1994, pp. 57-8).

PARTIAL JUSTICE

¹³It is even harder to believe this claim when one considers the accusations concerning his role in covering up abductions in Guatemala after the PDDH discovered his office in San Salvador (see Fiscalía había pedido detención de Zacarías 1998, p. 10).

Charges were dismissed against five of the seven suspects due to lack of evidence in January 1998. Two new witnesses found by *El Diario de Hoy* helped to convince an appeals court to reinstate the charges against three of these police agents. As a result, five police agents eventually stood trial (Trillos 1998, p. 2).

The trial in the Vilanova murder case finally took place in October 1998. Both the Vilanova family and the IDHUCA had maintained a strong presence in the media in the final period leading up to the hearing (Flores 2000).

The court had to make special arrangements for media access due to the high level of interest in the case. Over two hundred domestic and foreign journalists were accredited to cover the trial. The sheer number of people covering the trial resulted in problems such as conflicts over which news team would get the best location for filming. *Cuatro Visión* was described by the print media as generating "coverage similar to a boxing spectacle" because its journalists used the language of "sports casting" (Análisis 1998, p. 6; *Periodistas y forenses los primeros* 1998, p. 3).¹⁵

As in the United States, Salvadoran judges and juries are not supposed to be subject to pressure from the state or society. In other words, the fact that the PDDH, numerous NGOs, and the relatives had used the media to call for convictions should not influence the final verdict.

Freedom of expression does have its place within criminal trials, however. Investigative journalism provided the prosecution with important evidence. Violeta Rivera played an important role in this regard. According to former prosecutor Pedro Cruz, Rivera "contributed a lot to the investigation . . . she published many reports on the case in *El Diario de Hoy* and gave

¹⁴Danillo Flores granted this interview with the understanding that he was not speaking on behalf of Tutela Legal, but rather as an individual human rights expert. I have indicated that he works there only to establish that he is indeed an expert in this area.

information to the Office of the Attorney General . . . and that helped the case come out well" (Cruz 2000). The media's investigation of the case also turned up new witnesses who had seen the PNC agents beating Vilanova while driving by (Aparecen dos nuevas pruebas 1997, p. 4; "Lo tenían entre varios" 1997, p. 4).¹⁶

Violeta Rivera could not be present for the trial, however. The Office of the Attorney General announced that the journalist and her family had left the nation due to increasing threats against them. While *La Prensa Gráfica* carried this explanation, *El Diario de Hoy* indicated that she was "**supposedly threatened,**" thus suggesting that this explanation was untrue (FGR denuncia intimidación a testigo en caso Vilanova 1998; Periodistas y forenses los primeros 1998, p. 3).¹⁷ The videotaped testimony that Rivera had given in July 1996 was shown to the jury.

The right to freedom of expression also plays an important role in trials through testimony from witnesses. Ten witnesses testified on behalf of the accused, while the prosecution put forward nine. Sra. Volver de Vilanova took the stand and described her son's difficulties with the police. She also mentioned a woman who had offered to give information while she was visiting the PNC station. The media accounts described her as "firm in her testimony" (Inicia juicio contra cinco policías 1998, p. 5). Nino Tinetti also took the stand, but was less convincing than Vilanova's mother (Hernández and Galicia 1998, p. 3).

The most important witness of all was a policewoman using the pseudonym "Eva." The victim's mother assumed that the surprise witness would testify on behalf of the accused (No se conocían 1999, p. 3). Eva testified that she had been riding in the bed of the PNC pickup with

¹⁵The quote is taken from quote from Periodistas y forenses los primeros 1998.

¹⁶One of these witnesses told *El Diario de Hoy*, "I have never spoken about this because I was afraid. But, if you help me, I believe that it is time to testify, to tell the truth" ("Lo tenían entre varios" 1997, p. 4).

¹⁷Emphasis added.

the defendants on the night of murder. They pointed a light at Vilanova, and then pursued him on foot. They began beating the victim and she asked if they were going to kill him. Agent Melgar told her to look for a weapon that Vilanova had thrown away, but she knew that he had not done so. Nonetheless, she did walk away. She still "heard him begging them and they were joking" (Currilin 1999, p. 2). She also heard them taunting him, "Cry, I want to hear you cry" (Martínez 1998, p. 2).

The jury voted unanimously in favor of convicting the five defendants. The two senior agents each received twenty-five year sentences. The remaining three defendants were each sentenced to serve twenty-three years in prison. The U.S. State Department's annual human rights report on El Salvador credited the investigations by the PDDH and *El Diario de Hoy* for the verdict (U.S. Department of State 1998). Some observers also pointed to the testimony of Violeta Rivera and Nino Tinetti as major factors in the jury's decision (Gutiérrez 1998a, p. 16). The most credit, however, was given to Eva. One newspaper article described her testimony as "the beginning of the end for the police" (Silencio en la sala 1998, p. 5). Another media account said argued, "she practically convicted them with her testimony." The same article also quoted the Attorney General himself praising her as a model citizen (Caso Vilanova: inicia cacería de los autores intelectuales 1998, p. 12).

Given the impact of Eva's testimony, it is not surprising to learn that she had been threatened by those who were attempting to cover up the case. Despite the claims of PNC Director Ávila and Public Security Minister Barrera, Eva had told the mysterious Zacarías what had happened that night. His response was to threaten her and warn that she should not tell anyone about what she had witnessed (La DIC secreta era la de Zacarías": Dr. Adriano Vilanova 1998, p. 6). Arriaza Chicas may also have been involved in this interrogation (A la testigo "le

dijeron que no hablara del asunto": Dr. Vilanova 1998, p. 6). Eva was threatened again during the irregular detention of all agents from the Panchimalco delegation—just as Dr. Velásquez had suggested. She was particularly warned not to offend Agent Melgar, who was later convicted on the basis of her testimony (Currllin 1999, p. 2). According to the prosecution, these acts of intimidation did succeed in preventing Eva from testifying for quite some time (El enigma "Zacarías" 1998, p. 12).

Eva remained silent until she contacted the prosecution a few weeks before the trial (A la testigo "le dijeron que no hablara del asunto": Dr. Vilanova 1998, p. 6). The prosecutors warned her of the danger that she would be facing, but she felt that she could not keep quiet. She later explained that she was moved to act by seeing the suffering of the victim's mother in the media (Currllin 1999, p. 2; No se conocían 1999, p. 3). Sra. Verver de Vilanova's public expression of her grief, with the media's assistance, therefore had a profound impact on the outcome of this trial.

WHY WAS ADRIANO VILANOVA KILLED?

The case was not completely settled with the conviction of these five police agents, however. One outstanding issue was the question as to whether they had acted on their own or had received orders from someone else. Violeta Rivera's 1995 exposé and the PDDH's 1996 report on the killing had both suggested that the PNC agents had killed Vilanova because they believed that he was responsible for the death of Tarantula in a traffic accident. It has also been suggested that Corporal Perlera wanted revenge because Tarantula was his friend (¿Quién asesinó a Vilanova? 1998, p. 6).

Several weeks before the trial, however, it was revealed that Violeta Rivera had made a

much more startling accusation during her videotaped testimony in July 1996. She claimed that one of the accused agents told her that the widow of deceased death squad founder Roberto D'Aubuisson was upset that Adriano Vilanova was romantically involved with her daughter. Sra. de D'Aubuisson therefore asked Public Security Minister Barrera to have the medical student frightened so that he would stop seeing her. According to this version, Barrera ordered Perlera to take care of this for him and things simply got out of hand (Periodista testifica en caso Vilanova 1998, p. 20; Análisis 1998, p. 6). The case would obviously have much more serious implications if such powerful figures were involved.

There were indeed calls for further investigations into possible intellectual authors after the October 1998 trial.¹⁸ IDHUCA Director Benjamín Cuéllar accompanied the Vilanovas on Channel 12 as they called for an investigation into the intellectual authors of the crime (Caso Vilanova: inicia cacería de los autores intelectuales 1998, p. 12). Mons. Rosa Chávez also argued that the killers could not have acted on their own initiative. Attorney General Córdova Castellanos announced that a warrant had been issued against Zacarías as the first step toward investigating this issue (Fiscalía había pedido detención de Zacarías 1998, p. 10). He had already ruled out investigating Barrera and D'Aubuisson's widow back in September, however (Barrera no declarará en el caso Vilanova 1998).

It appeared that an important break came in November when one of the convicted police agents requested that Judge Zelaya come to the prison so that he and two other prisoners could reveal information about the case. It turned out that these were the three agents who had received twenty three year sentences because they had been following orders from Perlera and Melgar. When the judge arrived, however, the convicted agents announced that they had

decided to keep quiet (Cabrera 1998). It is important to remember here that Salvadoran law would not have allowed any reduction in the prisoners' sentences if they had cooperated.¹⁹

As of June 1999, the PDDH had found that the Office of the Attorney General had not conducted a sufficient investigation into the possible intellectual authors who may have been behind Vilanova's death. The PDDH also pointed out that nothing had been done to determine whether or not Violeta Rivera's accusations against Barrera and Sra. de D'Aubuisson were true (PDDH 1999).

ANOTHER CHANCE FOR IMPUNITY

Salvadoran law does not allow convictions by juries to be appealed. The convicted agents' lawyers responded to this situation with two different strategies. One was to appeal the sentence. The other was to get the original trial declared invalid on a technicality. A few days after the trial they announced that one of the five jurors had been unfit to serve because of an outstanding warrant against him for writing bad checks (Defensa pediría anular veredicto 1998, p. 5).

The prosecution countered that the defense attorneys had known about this problem all along and had intentionally not challenged the juror's qualifications so that they could request the trial to be thrown out in the event that they lost. Furthermore, they argued, the juror had already paid off his debt. The only reason that he was still facing charges is that the offended business had taken its time to notify the authorities that the matter had been settled (Anulación es

¹⁸The term "intellectual author" refers to the individual who plans and orders a human rights violation. Someone who carries out such an order is referred to as a "material author."

¹⁹In fact, Salvadoran law would not even have admitted their testimony if they had given it without any conditions. Prisoners are not able to testify because they are not considered to be in full possession of their rights.

improcedente 1998, p. 26). Nonetheless, the appeals court did not rule out a second trial until April 23, 1999 (Cámara confirma condena por asesinato de Vilanova 1999).

There continued to be a high risk of reprisals against witnesses, especially in light of the fact that the possibility existed that they might be called to testify at a new trial. Given the importance placed on Eva's testimony, she therefore stood out as a key target. Her safety was further endangered by the likelihood that some fellow police agents—especially those she help to convict—would see her as a traitor. It is therefore very difficult to understand what possible justification *El Diario de Hoy*, *La Prensa Gráfica*, and *El Mundo* could have had for publishing information about her identity. Doing so would endanger not only her right to expression as a witness, but also her life, physical integrity, and emotional integrity. Yet that is exactly what the three papers did. Part of the secret witness's real name—including the initial of her surname—appeared in *at least* the following articles:

Date	Newspaper	Citation
October 11, 1998	<i>La Prensa Gráfica</i>	(Testigo "sorpresa" incrimina a policías 1998)
October 12, 1998	<i>El Diario de Hoy</i>	(Gutiérrez 1998b)
October 12, 1998	<i>El Mundo</i>	(Condenan a policías 1998)
October 13, 1998	<i>La Prensa Gráfica</i>	(Una llama de alerta 1998)
October 19, 1998	<i>La Prensa Gráfica</i>	(La sombra de "Eva" 1998)
November 15, 1998	<i>La Prensa Gráfica</i>	(Testigo "Eva": temo por mi vida 1998)
April 8, 1999	<i>La Prensa Gráfica</i>	(Morán, Hernández, and Ramos 1999)
April 10, 1999	<i>La Prensa Gráfica</i>	(Investigan atentado contra 'Eva' 1999)

The October 13, 1998 article in *La Prensa Gráfica* also reveals the location of the police delegation where Eva was working after the trial (Una llama de alerta 1998). The April 10, 1999 article from *La Prensa Gráfica* also reveals part of her mother's name (Investigan atentado contra 'Eva' 1999). To my knowledge, *CoLatino* did not publish any information that would identify the secret witness.

One *La Prensa Gráfica* reporter went even further by discussing Eva's identity with Zacarías. He claimed to not remember her and then "searched in a list that appears in the summary of the Vilanova case that he had in his office [in Guatemala]. There was her name" (*La sombra de "Eva"* 1998, p. 6). The newspaper reporter must have given him her full name in order for him to conduct this search. Given the PDDH's public censure of Zacarías, as well as the discussion of his role in the cover-up during the trial, how could this reporter—and his or her supervisors—not have known that this action would endanger her life?

Unfortunately, APES had not yet published its ethics code before these articles. All of these examples would have violated Article 27 of said code: "The journalist **will not publish** the names or pictures of . . . victims of mistreatment and violent acts. Neither will he publish the names of the [victim's] relatives and **any information that leads to identifying the victim**" (APES 1999, p. 8).²⁰

There are two possible explanations for the newspapers' behavior. The publication of this information could be the result of extreme negligence on the part of all of the journalists involved in these articles. Or it could be the result of malicious intent against the witness.

This case offers a clear example of why this professional norm should be respected. Eva began receiving death threats after the trial, including one delivered to her at work through a

²⁰Emphasis added.

child: "A man said to tell you that you are going to die of a big mouth" (Currllin 1999, p. 3) Strangers began following her and asking neighbors about her routine. Her mother and three children also received death threats. Unidentified subjects even surrounded her home while power was cut off to the neighborhood on December 31, 1998 (Testigo "Eva": temo por mi vida 1998, p. 3; Investigan atentado contra 'Eva' 1999, p. 14; García 1999, p. 12; Currllin 1999, p. 3).

It is not hard to understand how such persecution could cause extreme emotional distress. According to Eva, "Before I was always calm, I used to not fear anything. Now, anywhere I go I fear for myself, for my family, for my children. My life will never be the same" (Currllin 1999, p. 4). She eventually had to be admitted to a psychiatric hospital for two weeks as a result of the extreme pressure that she was under (Investigan atentado contra 'Eva' 1999, p. 14).

Then the PNC gave a copy of Eva's medical records from this hospitalization to the media. On March 17, 1999, *El Mundo* printed a copy of one of these documents. This picture included Eva's complete name and address, as well information about her medical condition. The caption underneath read, "With this certificate, [the police] are trying to show that the witness who claimed to have seen how her colleagues beat Vilanova had mental problems" (PNC cuestiona validez de testigo clave 1999, p. 7).

The release of this document obviously increased Eva's vulnerability by providing her complete identification and exposing her home address. Although the APES ethics code would not be published until September 1999, it is still important to point out that *El Mundo's* actions would have violated Article 22: "The journalist should respect the right of individuals to their privacy and image in cases or events that generate situations of affliction or pain (APES 1999, p. 7). Of course, it would also have been a further violation of Article 27.²¹

²¹See above.

There was a serious attempt on Eva's life two weeks after *El Mundo* published this information. She was about to go to sleep in the women's dormitory at the police station when a man wearing a PNC uniform and a ski mask climbed on top of her. She fought back as he began choking her. Eva believed that the attacker fled because he had expected her to be sedated. Her commander attempted to downplay the incident and suggested that it was a dream (García 1999, p. 12; Currilin 1999, p. 4). *La Prensa Gráfica* subtly supported this assertion by referring to the incident as "a supposed murder attempt" (Morán, Hernández, and Ramos 1999).

This situation left Eva in the same position as the Vilanovas—unable to defend herself from the very institution bearing primary responsibility for protecting her. "How," she asked, "am I going to accept security from the PNC if the one who wanted to strangle me was a police agent?" This attack also left her feeling that she was vulnerable in any location (Currilin 1999, pp. 3, 4).²² Sra. Verver de Vilanova compared the persecution of Eva with that of Mons. Oscar Romero, who had been murdered for telling the truth (Madre de Vilanova teme por vida de 'Eva' 1999, p. 6).

Later that month, the appeals court ruled that the charges against the juror had been a mere formality because he had already made reparations. It therefore ruled to uphold the conviction of the five PNC agents (Cámara confirma condena por asesinato de Vilanova 1999, p. 10). Eva would not have to testify again. Yet she would have to live in fear of reprisals for her original testimony. Furthermore, the actions taken against Eva served as a warning to discourage any potential whistle blowers in the future.

VIOLETA RIVERA: HERO OR VILLAIN?

²²Quote from page 3.

A puzzling article appeared in January 23, 2000 edition of *El Diario de Hoy's* weekly magazine, *Vértice*—an exposé of Violeta Rivera titled "La periodista que mordió el anzuelo."²³ It downplayed her role in the Vilanova investigation by emphasizing the role of other unnamed journalists and stating that she had worked under the close supervision of Managing Editor Lafitte Fernández. The article also disputed her claim to have fled El Salvador in 1998 because of persecution. Rather, it said that she had been fired by Fernández for "grave ethical errors" and had fled from her own lies. The article charged that she had been working on the Valle Nuevo drug massacre without authorization and had even refused to stop covering it when ordered to do so. Furthermore, it claimed that she was trying to help Miguel Angel Pozo Aparicio, who was eventually convicted of orchestrating this crime. It asserted that she had made calls to Pozo on several occasions while he was a fugitive in Panama. The most serious charge was that the police had found a payment from Pozo in the bank account of her husband, Channel 6 journalist José Luis Magaña. It also indicates that she had "an unhealthy professional relationship" with Pozo. She was therefore fired on April 30, 1998 (*La periodista que mordió el anzuelo* 2000, pp. 4-5).

It is important to point out that *El Diario de Hoy's* accusations had a profound impact on Rivera's reputation. Before I was even aware that this article existed, I asked the Channel Six News Director Julio Rank a question about Rivera being persecuted. "That's totally false," he replied. "If you read last week's *El Diario de Hoy* from Sunday, the [media] corporation demonstrates that this girl received money for the work . . . [from a source] interested in the case" (Rank 2000). Furthermore, the newspaper's accusations had a profound on Rivera's professional standing even before this article came out. As a reporter for another daily paper

²³"The journalist who took the bait." I believe that "bait" is being used to mean "bribe" in this

explained, "I can tell you this with certainty: she could not find work in another media corporation in this country, precisely because she was accused by such a powerful news organization as *El Diario de Hoy*" (Driotes 2000).

Why did this article come out in January 2000, over a year after Rivera and her family had left the nation? The answer becomes obvious when one looks at the structure of the story. It began by relating a meeting between Lafitte Fernández and retired General Mauricio Vargas. Vargas had been the military representative during the peace talks and later oversaw implementation of the peace accords on behalf of President Cristiani. He has also been accused of being behind two very prominent murders in the postwar era: businessman Ramón Mauricio García Prieto Giralt and RCS news announcer Lorena Saravia (see *Implican a general Vargas en crimen* 1998, p. 5; and *Galicía* 1998b). In the article, Vargas told Fernández that Violeta Rivera and Pedro Cruz—a former prosecutor who is "now linked [*vinculado*] to the Human Rights Institute of the Central American University (IDHUCA)"—were conspiring to ruin his reputation by making up fantastic stories implicating him in the Saravia murder. Fernández responded that the information was "a further confirmation of the chain of lies" from Rivera after she was fired. (*La periodista que mordió el anzuelo* 2000, p. 4). This left me, along with many of the Salvadorans whom I interviewed, with the impression that the main purpose of the article was to protect General Vargas.²⁴

Another common reaction to this article was that it was one-sided. One radio journalist told me, "I met Violeta. She is a very capable individual. She was a very good journalist . . . I would like to personally know Violeta's version so that I can really make my own conclusion

context.

²⁴I am not citing specific interviews out of concern for the safety of my sources. Some of them specifically told me that they did not want to be quoted on this.

about what happened" (Arguda 2000). Pedro Cruz, whom the article also mentioned unfavorably, remarked, "For me, this article is written without ethics because it has not provided enough space for those individuals mentioned in it to tell their version of events" (Cruz 1996).

Several of my respondents contradicted this article's assertion that Rivera played a minor role in the Vilanova investigation. Dr. Velásquez de Avilés reconfirmed her 1996 report by telling me, "on the Vilanova Verver case, I believe that she did an excellent job" (Velásquez de Avilés 2000). Sra. Verver de Vilanova also said that she had great respect for the reporter (Verver de Vilanova 2000). Pedro Cruz—who had worked on the case when he was with the Office of the Attorney General—also credited Rivera for the journalistic investigation (Cruz 2000).

There is yet another strange twist to this story. In June 1999—seven months before *El Diario de Hoy* published "La periodista que mordió el anzuelo"—the PDDH emitted a resolution concerning the persecution of Violeta Rivera. This report contradicts the paper's claim that she played a minor role in the Vilanova investigation by citing photographer José Milton Flores's claim that she was indeed in charge of the investigation. The same photojournalist for *El Diario de Hoy* also told the PDDH that Rivera had been put in charge of the Valle Nuevo case (PDDH 1999).

An unnamed official from *El Diario de Hoy* told the PDDH that Rivera was fired because the **PNC Director** had shown him a check made out to her husband from Pozo Aparicio "apparently because they were involved in drug trafficking" (PDDH 1999). This in itself should have been cause for suspicion, given the hostile statements that Rodrigo Ávila and other high-ranking public security officials had made about a conspiracy to destroy the PNC through the

manipulation of the Vilanova case.²⁵

The reader may also recall that former National Guard member Deputy Commissioner Arriaza Chicas played an important role in the efforts to divert the investigation of the Vilanova murder, including threats against Violeta Rivera.²⁶ The journalist had crossed paths with him again. He warned her to stop investigating the Valle Nuevo case and once again threatened her children. Arriaza Chicas had also made threats **to use evidence he had against Rivera's husband** if he did not turn over a videotape implicating Arriaza in the death of Elizabeth Cromeyer. The Chief of Investigations in Soyapango, Valdés Reyes, confirmed that there was an investigation of Arriaza Chicas and that Rivera had been pressured for a video. Arriaza Chicas also told journalist Roberto Hugo Preza that he was going to "fuck" Violeta Rivera with evidence linking her to Pozo. He also claimed that Rivera was part of a conspiracy framing him for planting evidence in the Nelson Comandari drug case (PDDH 1999).

The PDDH ruled that this evidence led it to believe Arriaza Chicas and Deputy Inspector Armando Huezo Grande "threatened, intimidated and unjustly investigated Sra. Violeta Evelyn Rivera de Magaña and her husband . . . with the aim that they not continue investigating the cases in which they were presumably involved." Furthermore, it found it troubling that Arriaza Chicas claimed to have evidence linking Magaña to Pozo despite the fact that such investigations were not under his jurisdiction in the Finance Division. The report noted, "This practice of inappropriate structures inside the National Civilian Police carrying out inappropriate or illegal investigations with the aim of favoring private interests has been indicated on other occasions by this institution, such as is the case of the death of Adriano Vilanova Volver and that of Ramón García Prieto Giralt." It also found that Arriaza Chicas and Huezo Grande were responsible for

²⁵See above.

violating Rivera's rights to personal safety, privacy, and freedom of expression (PDDH 1999).

Given that this report was issued in June 1999, why didn't the *El Diario de Hoy* article consider the PDDH's evidence that the criminal accusations made against Rivera and her husband had been fabricated? One explanation would be that the newspaper was negligent, i.e., that it had not conducted serious research before publishing this article. The other possibility would be that the article was indeed written to slander Rivera.

The newspaper must have been aware that information coming from Arriaza Chicas was not reliable. He had been charged with fabricating evidence in the Nelson Comandari drug case. Despite his mysterious acquittal, the PNC later cited this incident as grounds for suspending Arriaza Chicas during the summer of 1999—as *El Diario de Hoy* had itself reported (López and Pérez 1999)! It is also strange that the newspaper would accept evidence concerning the Valle Nuevo case from Arriaza Chicas, given that he was once again accused of fabricating evidence in that very case (*¿Evidencias vrs. Corrupción?* 1998, p. 2). He had also been linked to the effort to frame several other PNC agents for the 1997 murder of Lorena Saravia (Calderón 1998). Pedro Cruz has also pointed out that the fact that the PNC had not arrested Rivera should have raised suspicion about the authenticity of the evidence shown to *El Diario de Hoy* (Cruz 1996).

The PDDH report states that "the fact that these police agents publicly spread this information constitutes an irresponsible act that damages the image and honor of Sra. Rivera de Magaña and her family" (PDDH 1999). The same thing can be said about *El Diario de Hoy*. It is important to point out that Article 7 of the APES ethics code—which was already published when *El Diario de Hoy* printed these accusations—states, "The journalist should publish only established information and **avoid imprecise and unfounded information that could harm or**

²⁶See above.

devalue the dignity of individuals and provoke unjustified damage or discredit to public and private institutions and entities" (APES 1999, p. 5).²⁷

The damage was done to not only Violeta Rivera, however. According to Pedro Cruz, the January 23, 2000, article serves as a warning to other journalists who may consider taking on powerful interests: "this is a bad message for journalists, because it intends to say, 'don't investigate, don't look into anything, don't mess with the powerful forces'" (Cruz 2000).

INCREASING INTIMIDATION AGAINST THE IDHUCA

The *El Diario de Hoy* article also attacks Pedro Cruz and the IDHUCA. Both Cruz and IDHUCA director Cuéllar object to the newspaper's assertion that Cruz is now "linked" [*vinculado*] to the IDHUCA. Both of them understand the use of this word to suggest a suspicious relationship, as in being linked to organized crime. "I am not linked to the IDHUCA," Cruz told me, "I work in the IDHUCA. Why doesn't it just say I work [here]?" (Cruz 2000; Cuéllar 2000a).

This attempt to discredit the IDHUCA must be seen in the context of series of attempts to intimidate the NGO and its employees that was taking place when the article was published. Cuéllar has reported that IDHUCA personnel were being followed by suspicious vehicles. They were also receiving intimidating phone calls at work and at home (Cuéllar 2000b). Pedro Cruz confirmed that such actions were indeed taking place against him (Cruz 2000).

Cuéllar also provided me with a copy of an anonymous letter that he received on February 15, 2000. Much of it criticizes Cuéllar's role in calling for the removal of Peñate Polanco as Human Rights Counsel. It also warns him, "The same thing that happened to

²⁷Emphasis added.

Comandante Ellacuría and his henchmen will happen to you and your buddies from the FMLN" (Cuéllar 2000b).²⁸ It is important to recall that similar language was used against **Father** Ellacuría before he was killed along with five other Jesuits, their cook, and her daughter in the UCA massacre in 1989.

LESSONS FROM AN ATYPICAL CASE

The Vilanova case is certainly not typical. While not rich by U.S. standards, the Vilanovas are far better off economically than the nation's campesinos or maquila workers. As Elmer Mendoza Zamora, the president of the Committee of Family Members of Victims of Human Rights Violations in El Salvador (CODEFAM), explained, "[in] the well-known cases—García Prieto, Vilanova, Katya, and Gaytán—we're talking about people who have certain resources that can economically maintain an investigation of this type. It is not going to affect them economically. But what about the poor people? The Vilanova case, the García Prieto case, they are in a condition to have their own [private] security if necessary, they have resources" (Mendoza Zamora 1999).

Adriano Vilanova was presented in the media as "a sensitive youth who hated violence" (Hernández and Galicia 1998, p. 3). It was surely easier for most Salvadorans—including the media—to sympathize with a young medical student pictured in a tuxedo than it would be for them to sympathize with more typical human rights victims, such as the accused criminals murdered by Sombra Negra.

What really sets this case apart, however, is the high level of public expression about it. Many people would have backed down when faced with the persecution that the Vilanovas

²⁸Emphasis added.

suffered. Dr. Vilanova himself was originally reluctant to speak out about the murder of his son for fear that he would lose his wife and remaining children. Yet Adriano Vilanova's parents remained very vocal and highly visible. Given the risks associated with testifying, very few Salvadorans would have gotten involved if they were in Eva's place. According to Channel 33 News Director Narciso Castillo, "This is a nation without witnesses. There are never witnesses. Every Salvadoran knows that what he should say is 'I don't know anything.' The first thing that they say to you, 'I did not see anything, I don't know,' because they are afraid . . . many witnesses in court cases have died here" (Castillo 2000).

This case is also different in the sense that there was at least partial justice through the conviction of five of Adriano Vilanova's killers. As we have seen, the high level of expression about this human rights violation—including the parents' calls for justice, investigative reporting, media oversight of state bodies, and witness testimony—played a crucial role in accomplishing this objective. This result, in turn, had serious implications for the development of the new police force. As Human Rights Counsel Velásquez de Avilés argued, "If a police agent violates the law or human rights, the way to strengthen the institution and to defend the PNC is by investigating and punishing. Doing otherwise would be to pervert the PNC's democratic conception" (Velásquez de Avilés 1997, p. 47). The IDHUCA has also used this case as an example of what citizens can accomplish through active participation in its efforts to inspire Salvadorans to speak out against human rights violations (IDHUCA 1998, p. 41)

REFERENCES

- Análisis. 1998. *La Prensa Gráfica*, 10 October, 6.
- Anulación es improcedente. 1998. *El Diario de Hoy*, 5 November, 26.
- Aparecen dos nuevas pruebas. 1997. *El Diario de Hoy*, 21 February, 4.
- APES. 1999. *Código de ética de la prensa de El Salvador*. San Salvador, El Salvador: Imprenta Universitaria de la Universidad de El Salvador.
- APES denuncia atropello a periodista del Diario. 1996. *El Diario de Hoy*, 3 August, 43.
- Arguda, Ulises. 2000. Interview by author in Spanish. San Salvador, El Salvador, 21 February.
- Arnson, Cynthia J. 2000. Window on the past: A declassified history of death squads in El Salvador. In *Death squads in global perspective: Murder with deniability*, edited by Bruce Campbell and Arthur D. Brenner. New York: St. Martin's Press.
- Autoridades de seguridad pública dispuestas a reunirse con familiares de víctimas de sonados casos de asesinato. 1998. *CoLatino*, 17 September, 4.
- Barrera no declarará en el caso Vilanova. 1998. *El Diario de Hoy*, 8 September.
- Boutros-Ghali, Boutros. 1995. Report of the Secretary-General on all aspects of ONUSAL's activities from 21 November 1993 to 30 April 1994. In *The United Nations and El Salvador: 1990-1995*. Vol. 4, *The United Nations Blue Books Series*. New York: Department of Public Information, United Nations.
- Cabrera, Amadeo. 1998. Condenado pide profundizar caso Vilanova. *La Prensa Gráfica*, 10 November.
- Calderón, Julio. 1998. Acusados en el caso de Saravia saldrían libres. *El Diario de Hoy*, 25 April, 14.
- Cámara confirma condena por asesinato de Vilanova. 1999. *El Diario de Hoy*, 24 April, 10.
- Caso Vilanova: inicia cacería de los autores intelectuales. 1998. *El Diario de Hoy*, 13 October, 12.
- Castillo, Narciso. 2000. Interview by author in Spanish. San Salvador, El Salvador, 16 February.
- Commission on the Truth for El Salvador. 1995. Madness to hope: The 12-year war in El Salvador-Report of the Commission on the Truth for El Salvador. In *The United Nations and El Salvador: 1990-1995*. Vol. 4, *The United Nations Blue Books Series*. New York:

Department of Public Information, United Nations.

Condenan a policías. 1998. *El Mundo*, 12 October, 8.

Costa, Gino. 1999. *La Policía Nacional Civil de El Salvador (1990-1997)*. San Salvador, El Salvador: UCA Editores.

Cruz, José Miguel. 1996. El papel de la prensa y la opinión pública. *Estudios Centroamericanos* 51(573-4):615-30.

Cruz, Pedro. 2000. Interview by author in Spanish. Antiguo Cuscatlán, El Salvador, 14 March.

Cuéllar, Benjamín. 1997. La procuradora le toma el pulso al país. *Estudios Centroamericanos* 52(579-80):142-9.

———. 2000a. Interview by author in Spanish. Antiguo Cuscatlán, El Salvador, 10 March.

———. 2000b. Letter to author, 21 February.

Currin, Sarah. 1999. Tan firmes como su verdad. *Vértice (Weekly Magazine in El Diario de Hoy)*, 18 April, 1-4.

———. 2000. Interview by author in Spanish. San Salvador, El Salvador, 23 February.

Defensa pediría anular veredicto. 1998. *La Prensa Gráfica*, 15 October, 5.

Driotes, Juan Carlos. 2000. Interview by author in Spanish. San Salvador, El Salvador, 3 February.

Editorial. 1998. ¿Un gesto positivo de Ávila y Barrera? *CoLatino*, 18 September, 14.

El enigma "Zacarías". 1998. *El Diario de Hoy*, 13 October, 12.

"El señor Barrera me mandó llamar al cuartel general, a la par de Zacarías": Dr. Vilanova. 1998. *CoLatino*, 13 October, 6.

¿Evidencias vrs. Corrupción? 1998. *CoLatino*, 18 September, 2.

FGR denuncia intimidación a testigo en caso Vilanova. 1998. *La Prensa Gráfica*, 5 September.

Fiscalía había pedido detención de Zacarías. 1998. *La Prensa Gráfica*, 13 October, 10.

Flores, Danillo. 2000. Interview by author in Spanish. San Salvador, El Salvador, 30 March.

Funes, Mauricio. 2000. Interview by author in Spanish. San Salvador, El Salvador, 9, 24 February.

- Galicia, Douglas. 1998a. Buscan intimidar a testigo en caso Vilanova. *CoLatino*, 5 September.
- . 1998b. El final de una acusación falsa. *CoLatino*, 10 September.
- García, Jaime. 1999. Testigo clave denuncia intento de asesinato. *El Diario de Hoy*, 10 April, 12.
- García, Jaime, and Roxana Huezo. 1998. Batalla por dudas en casos sonados. *El Diario de Hoy*, 18 September, 14.
- Gutiérrez, Edward. 1998a. Policías ofrecen nueva información de asesinato. *El Diario de Hoy*, 14 November, 16.
- Gutiérrez, Edward Vladimir. 1998b. Testigos dan triunfo a fiscales. *El Diario de Hoy*, 12 October.
- Hernández, Norma, and Douglas Galicia. 1998. Testimonios empiezan a despejar causas de muerte de Vilanova. *CoLatino*, 3.
- Huntington, Samuel P. 1993. *The third wave: Democratization in the late twentieth century*. Norman, OK: University of Oklahoma Press.
- IDHUCA. 1997. *Los derechos humanos en El Salvador en 1996*. Antiguo Cuscatlán, El Salvador: IDHUCA.
- . 1998. *Los derechos humanos en El Salvador 1997*. Antiguo Cuscatlán, El Salvador: IDHUCA.
- Implican a general Vargas en crimen. 1998. *La Prensa Gráfica*, 31 October, 5.
- Inicia juicio contra cinco policías. 1998. *La Prensa Gráfica*, 10 October, 5.
- International Commission of Jurists. 1992. *A Breach of impunity: The trial for the murder of Jesuits in El Salvador*. New York: Fordham University Press.
- Investigan atentado contra 'Eva'. 1999. *La Prensa Gráfica*, 10 April, 14.
- IUDOP. 1995. Los derechos humanos en la opinión pública salvadoreña. *Estudios Centroamericanos* 50(558):353-66.
- Joint Group for the Investigation of Politically Motivated Illegal Armed Groups in El Salvador. 1994. *Report of the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups in El Salvador* [Adobe Acrobat document]. United Nations, 28 July [cited 11 July, 2001]. Available from www.ods.un.org.
- La DIC secreta era la de Zacarías": Dr. Adriano Vilanova. 1998. *CoLatino*, 14 October, 6.

- La periodista que mordió el anzuelo. 2000. *Vértice (Weekley magazine section of El Diario de Hoy)*, 23 January, 4-5.
- La sombra de "Eva". 1998. *La Prensa Gráfica*, 19 October, 6.
- A la testigo "le dijeron que no hablara del asunto": Dr. Vilanova. 1998. *CoLatino*, 15 October, 6.
- "Lo tenían entre varios". 1997. *El Diario de Hoy*, 21 February, 4.
- López, Albetto, and María T. Pérez. 1999. PNC suspende a Arriaza Chicas por seis meses. *El Diario de Hoy*, 15 July.
- Madre de Vilanova teme por vida de 'Eva'. 1999. *La Prensa Gráfica*, 25 April, 6.
- Martínez, Mario. 1998. Testigo clave es una policía. *El Diario de Hoy*, 11 October, 2.
- Mayorga, René Antonion. 1997. Democracy dignified and an end to impunity: Bolivia's military dictatorship on trial. In *Transitional justice and the rule of law in new democracies*, edited by A. James McAdams. Notre Dame: University of Notre Dame Press.
- McSherry, J. Patrice. 1997. *Incomplete transition: Military power and democracy in Argentina*. New York: St. Martin's Press.
- Méndez, Juan E. 1997. In defense of transitional justice. In *Transitional justice and the rule of law in new democracies*, edited by A. James McAdams. Notre Dame: University of Notre Dame Press.
- Mendoza Zamora, Elmer. 1999. Interview by author in Spanish. San Salvador, El Salvador, 9 December.
- Morales, David. 2000. Interview by author in Spanish. San Salvador, El Salvador, 9 March.
- Morán, Greogorio, Alfredo Hernández, and Wendy Ramos. 1999. Supuesto atentado a testigo caso Vilanova. *La Prensa Gráfica*, 8 April.
- Nino, Carlos S. 1995. The duty to punish past abuses of human rights put into context: The case of Argentina. In *Transitional justice: How emerging democracies reckon with former regimes*, edited by Neil J. Kritz. Vol. 1. Washington, DC: United States Institute of Peace Press.
- No se conocían. 1999. *Vértice (Weekley magazine section of El Diario de Hoy)*, 18 April, 3.
- PDDH. 1999. *SS-2331-98 04-06-1999 Violación a los Derechos Humanos a la Seguridad y Privacidad Personal y a la Libertad de Expresión, por coacción e intimidación, allanamiento de morada, investigaciones policiales injustificadas y censura de prensa, en*

- perjuicio de Violeta Evelyn Rivera Castillo* [web page]. PDDH [cited 23 January, 2001]. Available from <http://www.pddh.gob.sv/SS-2331-98.htm>.
- Periodista testifica en caso Vilanova. 1998. *El Diario de Hoy*, 4 September, 20.
- Periodistas y forenses los primeros. 1998. *El Diario de Hoy*, 10 October, 3.
- Pike, Paulita. 2000. Interview by author in English and Spanish. San Salvador, El Salvador, 27 March.
- PNC cuestiona validez de testigo clave. 1999. *El Mundo*, 17 March, 7.
- "PNC encubrió el proceso". 1997. *El Diario de Hoy*, 21 February, 3.
- Policías asesinan a joven. 1995. *El Diario de Hoy*, 14 September, 2-4.
- Policías, amenazas e intimidaciones. 1998. *La Prensa Gráfica*, 3 October, 8.
- Przeworski, Adam. 1991. *Democracy and the market: Political and economic reforms in Eastern Europe and Latin America*. Cambridge: Cambridge University Press.
- ¿Quién asesinó a Vilanova? 1998. *La Prensa Gráfica*, 10 October, 6.
- Rank, Julio. 2000. Interview by author in Spanish. San Salvador, El Salvador, 28 January.
- Secreto profesional enfrenta ley. 1996. *El Diario de Hoy*, 16 July, 2.
- Siete policías a prisión por crimen. 1997. *El Diario de Hoy*, 21 February, 2.
- Silencio en la sala. 1998. *La Prensa Gráfica*, 12 October, 5.
- Stanley, William. 1993. *Risking Failure: The Problems and Promise of the New Civilian Police in El Salvador*. Cambridge: Hemisphere Initiative, Inc.
- Stepan, Alfred. 1998. *Rethinking military politics: Brazil and the Southern Cone*. Princeton: Princeton University Press.
- Testigo "Eva": temo por mi vida. 1998. *La Prensa Gráfica*, 15 November, 4.
- Testigo "sorpresa" incrimina a policías. 1998. *La Prensa Gráfica*, 11 October, 3.
- Trillos, Gabriel. 1998. Policías a juicio en caso Vilanova. *El Diario de Hoy*, 11 June, 2.
- U.S. Department of State. 1998. *El Salvador Country Report on Human Rights Practices for 1997* [web page]. U.S. Department of State [cited 12 July, 2001]. Available from http://www.state.gov/www/global/human_rights/1997_hrp_report/elsalvad.html.

Una llama de alerta. 1998. *La Prensa Gráfica*, 13 October, 10.

Urquilla Bonilla, Carlos Rafael. 2000. Interview by author in Spanish. San Salvador, El Salvador, 23 February.

Valenzuela, J. Samuel. 1992. Democratic consolidation in post-transitional settings: Notion, process, and facilitating conditions. In *Issues in democratic consolidation: The new South American democracies in comparative perspective*, edited by Scott Mainwaring, Guillermo O'Donnell and J. Samuel Valenzuela. Notre Dame: University of Notre Dame Press.

Velásquez de Avilés, Victoria Marina. 1996a. *El derecho a la vida, caso: Manuel Adriano Vilanova Volver*. San Salvador, El Salvador: Graficolor S.A.

———. 1996b. *Informe sobre la evolución de los derechos humanos en El Salvador: 1995*. San Salvador, El Salvador: Libros de Centroamérica, S.A. de C.V.

———. 1997. *Evolución de los derechos humanos en El Salvador: 1996*. San Salvador, El Salvador: Algiers Impresores.

———. 2000. Interview by author in Spanish. San Salvador, El Salvador, 8 March.

Volver de Vilanova, Lidya Rosa. 2000. Interview by author in Spanish. San Salvador, El Salvador, 30 March.

"Zacarías" niega haber ocultado información. 1998. *La Prensa Gráfica*, 19 October, 6.

Zalaquett, José. 1995. Balancing ethical imperatives and political constraints: The dilemma of new democracies confronting past human rights violations. In *Transitional justice: How emerging democracies reckon with former regimes*, edited by Neil J. Kritz. Vol. 1. Washington, DC: United States Institute of Peace Press.