

OPENING HEARING 2 NOVEMBER 2021

-WITNESS STATEMENT OF GERT KUIPER

On the case of the murder of journalist Jan Kuiper

1. My name is Gert Kuiper. I am the youngest brother of the Dutch journalist Jan Kuiper. In March 1982, Jan travelled to El Salvador together with his colleagues Koos Koster, Joop Willemsen and Hans ter Laag for the Dutch broadcasting network IKON. On 17 March 1982, they were travelling into guerrilla territory when they were ambushed by government forces and killed.

Forty years of pursuing justice: investigations by the UN, the Netherlands and El Salvador

2. The case is almost forty years old. In the first years after the murder, the ongoing civil war complicated any investigation or prosecution. As relatives, we did initiate a case in El Salvador shortly after the murder. However, the judge in question received death threats and was forced to flee the country. For the duration of the civil war, the case was at a standstill. We realized there was not much we could do until the end of the war.

3. The civil war in El Salvador ended in 1992. After the war, the United Nations (UN) sent a Truth Commission to El Salvador, which published its report in 1993 ('Annex 1'). The commission also investigated the case of my brother and his colleagues, and concluded that the attack had been planned in advance. The report mentions several names, including that of colonel Mario Reyes Mena, who was held responsible for planning the attack. I received a copy of the report, but was never granted access to the evidence on which it was based. After the publication of the report, not much happened in the case.

4. Around 2009, I saw an opportunity when a former journalist, Mauricio Funes, won the elections in El Salvador. We had meetings with Salvadoran organizations, had conversations among the relatives and wrote to human rights organizations. We did take some small steps, but made little progress. In 2016, I suddenly received a visit from a Dutch prosecutor and two detectives. They informed me that the Dutch Public Prosecution Service had started an investigation in 2012.

5. I was pleasantly surprised to hear that the Dutch prosecutor had picked up the case. They told me that they had to redo a lot of the evidence gathering, as the UN Truth Commission obtained information from various sources on the basis of strict confidentiality. At the same time the Dutch prosecutor does not share much information about the ongoing investigation with the relatives of the 4 Dutch reporters. However, they inform us whenever relevant.

6. At the same time, there have been developments in El Salvador. In 2016, the 1993 Amnesty Law was declared unconstitutional. In 2018, I filed a case against colonel Reyes Mena in El Salvador. Exactly 39 years after the murder, on 17 March 2021, it was announced that the case would proceed to trial. In July 2021, the indictment was filed, including charges against Reyes Mena and 25 of his soldiers. The Dutch Ministry of Foreign Affairs currently provides financial support to a collective of lawyers, who represent us, as relatives, in the proceedings in El Salvador.

7. The next step is for the judge in El Salvador to start conducting interviews on the basis of the indictment, and build a case file to enable the extradition of Mr Reyes Mena, who resides in the United States. The judge started this process, but it is unclear how much still needs to be done. My biggest concern at the moment is that she will wait too long or will be pressured into taking a long time. If that happens, I am afraid that we will not get justice anymore. I therefore try to keep attention for the case in Dutch and international media alive to keep some pressure on the authorities in El Salvador.

8. My primary motivation to keep pursuing this case is that I want to know why they were murdered. I would of course like to see Mr Reyes Mena in jail, but that will take several years and he will be an old man by then. More importantly, I want to know the reason for the murder, and I want to know more about who was involved in the planning of the attack. My contacts in El Salvador have informed me that Mr Reyes Mena is not a very high-profile target, and that it is unlikely that he would have taken the decision to murder these four men on his own volition.

Role of the United States in undermining the pursuit of the case

9. We are very grateful that the Dutch Ministry of Foreign Affairs is facilitating our legal representation in El Salvador, and the Dutch embassy in Costa Rica is closely following the case. The attitude of the Dutch government was very different in the first years after the murder. The government was shocked by the murder, but was very reluctant to get involved. Minutes from

Dutch cabinet meetings after the murder, recently revealed that the U.S. government exerted pressure on the Dutch to not dig too deeply into the circumstances of the journalists' death.

10. I suspect that this was because there were U.S. military advisors present in El Salvador to advise and train the Salvadorian armed forces at the time of the murder ('Annex 1'). Over the years, I have become convinced that a U.S. military advisor was involved in, or had knowledge of, the planning of the murder. Research by investigative journalists from the Netherlands shows that a U.S. military advisor had knowledge of the plan prior to the murder ('Annex 2').

11. There was a parallel fact finding & truth investigation in El Salvador at the time, without releasing the results. I learned about this investigation several years ago from a credible source within the UN. At the same time the 1993 Truth Commission started investigating, a parallel truth commission was active in El Salvador. He also told me that the UN Truth Commission was not given access to the findings of that commission, whose report was never published.

Current status of the case

12. As a layman, it can be hard to understand the process. The Dutch Public Prosecutor does not give us much information, and I am quite skeptical about the ambition of the authorities in El Salvador to pursue the case. The situation there is complex, and there is not a lot of eagerness to revisit this case and other atrocities committed during the civil war. After all these years, it can be difficult to keep attention for the case going. I feel that it is now or never. We need a breakthrough soon: the Dutch government will not finance the Salvadorian lawyers forever, and Mr Mena is ageing. I hope that this case could help create a precedent for other war crimes cases in El Salvador. We are lucky that we are supported by our government, but most other victims do not have this privilege.

13. Most importantly, I want to know why my brother and his colleagues were murdered, and to what extent the United States were involved in the planning of the attack. It is upsetting that whenever these kinds of attacks happen and countries like the U.S. might be involved, the case gets buried. This was one of the things that my brother fought against in his work as a journalist: large power blocks that act as they please and escape accountability for their actions in less powerful countries. Knowing that is what motivates me to keep pursuing this case.

I confirm that the facts stated in this witness statement are true.

The People's Tribunal
on the Murder of Journalists.

A Safer World For The Truth

This statement was given in Dutch on 8 October 2021.

Date and Place: 28 October, Madrid

Name witness and signature: **Gert Kuiper**