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An international court ruling on the infamous 1981 El Mozote massacre (NotiCen, Nov. 15, 1991) has put new pressure on Salvadoran authorities to stop turning a blind eye to widespread human rights violations committed during the country’s dozen-year civil war (1980-1992).

The ruling, published early last month by the Costa Rica-based Inter-American Court of Human Rights (IACHR), ruled against the state of El Salvador for its role in the macabre events of Dec. 11-13, 1981, when members of the Army’s now-defunct Atlacatl Battalion slaughtered hundreds of campesinos in and around the remote eastern village of El Mozote. The IACHR described the three-day massacre as part of a "systematic plan of repression" and found the state "responsible for the violation of the right to life and the right to personal integrity and private property."

Testimony provided by the few survivors of the massacre suggests that soldiers separated the men, women, and children before executing them. In addition, the soldiers raped many of the young women and girls, burned villagers’ homes and crops, and killed their livestock, the IACHR said in its 200-page ruling report. The Comisión de la Verdad Para El Salvador (CVES), a UN-sponsored truth commission, told a similar story its landmark 1993 report. “In all instances, troops acted in the same way," the report reads. "They killed anyone they came across, men, women and children, and then set fire to the houses."

The CVES said the Salvadoran government could have easily corroborated witness accounts of the massacre. Instead it chose to deny the incident ever took place, dismissing the allegations as left-wing propaganda. A dozen years later, following the release of the scathing truth commission report, the state sidestepped the Mozote issue once again, this time by rushing through an amnesty law that, two decades later, continues to shield perpetrators of civil-war-era atrocities from prosecution (NotiCen, March 26, 1993).

"To this day there have been no effective judicial mechanisms carried out to investigate the serious human rights violations that were committed and prosecute and punish the people responsible," the IACHR explained.

For that same reason, it is still impossible, the IACHR pointed out, to know exactly how many people were executed in El Mozote and other nearby villages. The number of confirmed deaths currently stands at 440, the ruling noted. Rights groups say as many as 1,000 people died. A recent New York Times article put the figure at 800.

Survivors, family members of the victims, and the Salvadoran people in general have a right to know the truth about what occurred in El Mozote, the IACHR concluded. To guarantee that right, the state must carry out a thorough investigation and launch criminal proceedings against the surviving authors of the atrocity, the court instructed. It also ordered the Salvadoran state to pay reparations to the victims’ families and to implement a permanent human rights program for its armed forces. "It is imperative," the ruling reads, "that such events never again occur."
An "opportunity" moment

Human rights defenders applauded the IACHR decision, calling it a much-needed step toward ending the impunity that has long protected El Salvador’s civil-war-era human rights violators. In an interview with the online news site El Faro, Rogelio Poncelle, a Belgian-born priest who occasionally says mass in El Mozote and has lobbied through the years on behalf of the victims’ families, said the ruling offers "a lot of hope that justice will advance in the El Mozote case so that, afterward, people can open themselves up to forgiveness and reconciliation."

El Salvador’s Procurador para la Defensa de los Derechos Humanos Óscar Luna shared a similar sentiment in an interview with the daily La Página, saying the ruling comes at a particularly "opportune" moment given that President Mauricio Funes has just appointed a new general prosecutor, Luis Antonio Martínez. Luna is urging Martínez to heed the IACHR’s orders and launch an investigation immediately into the 31-year-old massacre. "This is an especially huge and serious case given that it involves crimes against humanity," he said. "The government prosecutor's office, therefore, must intervene."

The outspoken advocate insists it is high time that the government lift El Salvador’s controversial amnesty law, not just so prosecutors can pursue the El Mozote case, as the IACHR ordered, but so the state can begin demanding legal accountability for numerous other atrocities carried out during the internal conflict as well.

Groups like the Fundación de Estudios para la Aplicación del Derecho (FESPAD) and Tutela Legal, the San Salvador archdiocesan human rights office, agree. "There need to be clear signs of judicial independence," FESPAD’s Loida Robles told reporters during a December press conference. "There need to be investigations opened not just in cases of Mozote and [assassinated Archbishop Óscar] Romero, but in all of the cases that have been filed away."

Overall, the civil war took the lives of an estimated 75,000 Salvadorans, including President Funes’ brother, a student activist who was killed in 1980. The CVES report attributed 85% of the killings to state agents and 5% to the Frente Farabundo Martí para la Liberación Nacional (FMLN), a coalition of leftist guerilla forces that has since become one of El Salvador’s two principal political parties.

More words than action

The Funes administration, El Salvador’s first left-leaning government after decades of hard-right leadership, was quick to "recognize" the IACHR ruling. In a communiqué issued Dec. 11 by the Ministerio de Relaciones Exteriores, the administration acknowledged that victims and their families have a right to seek "moral and economic reparations." The government qualified its response, however, by saying it would act only within its "power and possibilities," a reminder that it has neither the authority nor perhaps the political will to single-handedly overturn the country’s blanket amnesty law.

The Funes administration has paid lip service to human rights issues before. A year ago, the president wept during a visit to El Mozote, where he broke three decades of official silence on the matter by issuing a dramatic apology (NotiCen, Feb. 23, 2012). "I come on this historic morning to assume the responsibly that my predecessors, regrettably, did not want or did not stir themselves to assume," Funes, the first and only Salvadoran leader to visit the site since the massacre took place, said during a Jan. 16, 2012, ceremony.
Rights groups celebrated the gesture but complained that the president’s approach to human rights has been far more symbolic than substantive. Critics noted, for example, his hands-off approach in 2011 to a high-profile extradition case involving several former Salvadoran military officials implicated in the 1989 murders in San Salvador of six Jesuit priests, their housekeeper, and her teenage daughter.

Five of the six priests were Spanish citizens, a fact that came into play in May 2011 when a judge from the Audencia Nacional, one of Spain’s highest courts, issued indictments and arrest warrants against 20 Salvadoran military men allegedly involved in the murders (NotiCen, July 28, 2011). Three months later, nine of the accused turned themselves in to Salvadoran military authorities, reportedly to avoid pending arrests on INTERPOL warrants (NotiCen, Aug. 18, 2011).

Somewhat surprisingly, the Ministerio de Defensa turned the case—but not the defendants—over to the civilian justice system, raising the possibility, at least on paper, that the implicated officers could eventually be extradited to Spain. In the end, however, the Corte Suprema de Justicia (CSJ) dismissed the matter on a technicality, allowing the men to leave the military barracks in which they had been holed up for nearly three weeks. The message was clear: the Salvadoran courts are not yet ready to give up their hear-no-evil, see-no-evil approach to civil-war-era abuses. Throughout the process, President Funes remained—at least in the eyes of human rights organizations—conspicuously quiet.

"An apology isn’t enough to guarantee compliance with [everything ordered] in the sentence," said Óscar Luna. "It’s good that the state, in its presentations before the court, recognized its responsibility. But what needs to happen next is what [the IACHR] is demanding, that there be a registry made of the victims, that there be a burial process. There are 16 different things on the list."

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