

# EL SALVADOR

One EAAF member traveled to El Salvador in March, 1999 at the request of Tutela Legal, the legal office of the Archbishop of San Salvador. The main task was to explore the possibilities of resuming the forensic work related with the El Mozote Case, that was suspended eight years ago by an amnesty law.

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## EL MOZOTE CASE

### HISTORICAL BACKGROUND

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According to witnesses and several reports, between the 6th and the 16th of December, 1981, the Salvadoran armed forces began a major offensive, "Operation Rescue," in the province of Morazán, located in the northeastern region of El Salvador.<sup>1</sup> The operation, led by the elite U.S.-trained "Atlatl" counterinsurgency battalion, was intended to force guerrilla troops from the area, destroy their clandestine radio station, and eliminate any support for them among the civilian population.

After several confrontations between the guerrilla troops and the army in hamlets near El Mozote, on the ninth of December the guerrilla troops left the area.

The army then set up a base in El Mozote, where no combats or confrontations occurred, as there were no guerrillas in the area. Over the next few days it conducted day-time attacks on the nearby villages of La Joya, Jocote Amarillo, Rancheria, Los Toriles, and Cerro Pando. In each village the troops massacred the residents they encountered, burned their houses and fields, and slaughtered the livestock. The army remained in the area for two weeks.

During the operation, the Salvadorean army allegedly killed approximately 800 civilians in six neighboring villages. According to the investigation led by Tutela Legal, -the Human

Rights Legal Office of the Archbishop of San Salvador, established by the late Archbishop Oscar Romero- over 40 per cent of the victims were children under ten years of age.<sup>1</sup>

Because the troops returned to their temporary camp at El Mozote each night, the surviving residents of the other villages were able to return to the massacre sites during the darkness. They interred as many of the victims as they could in common graves at the places where they found the bodies. For safety reasons, however, they could not bury many bodies, which remained lying at the sites where they had been killed.

Most of the survivors escaped across the Honduran border to UN refugee camps; others joined the FLMN or took refuge in other regions of El Salvador. The villages remained largely abandoned until 1989, when survivors began to return. El Mozote itself remained almost deserted until several years later.

### INVESTIGATION OF THE MASSACRE

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The event, which became known as the "Massacre of El Mozote" after the name of the largest of the villages, became the object of intense debate in both El Salvador and the United States. " At the time of the massacre, little information was generally available to the Salvadorian public regarding the nature of military operations in the countryside. There was no opposition press in the early 1980s, and such information that did exist was controlled by the armed forces. Only one local

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<sup>1</sup> See ' From Madness to Hope", UN Truth Commission Report, March 1993.

newspaper - La Prensa Grafica- reported on "Operation Rescue" on December 9, 1981: access to the area was denied to journalists, the International Red Cross and individuals and the area was "under strict control of the army to avoid whatever regrettable or unpleasant act", said the military

Raymond Bonner and photojournalist Susan Meiselas for The New York Times) managed to reach the area only weeks after the incident.<sup>3</sup> They interviewed survivors, and took photographs. Pictures and detailed stories were subsequently published in The New York Times



The monument in memory of the massacre of El Mozote says, "They did not die. They are with us, with you and with all of humanity".

illustration by Claudia Bernardi

source to the newspaper".<sup>2</sup> Radio Venceremos, the rebel radio station, reported the massacre by the end of December, 1981.

But the massacre became known to the international community on January 27, 1982, when several foreign journalists (Alma Guillermoprieto for the Washington Post, and

and The Washington Post. Bonner recalls: "the fragrance of the tropical flowers was overwhelmed by the stench of decaying bodies. In one adobe hut after another charred skulls, legbones, pelvises, femurs, rib cages, and spine columns protruded from the rubble of sewing machine parts, children's toys, simple family belongings, smashed roofing tiles, and the charred beams that had held

<sup>2</sup> *American's Watch Report*, "The Massacre of El Mozote: The Need to remember" March 4, 1992, Vol.IV, No.2

<sup>3</sup> January 27, 1982, *Washington Post*, by Alma Guillermoprieto; *The New York Times* by Raymond Bonner with photos by Susan Meiselas.

them"<sup>4</sup>. On the walls of some houses, it was written: "We are the little angels from Hell. - Atlacatl Battalion"<sup>5</sup>.

The event sparked an intense debate in the U.S. Congress, where the renewal of US military aid to El Salvador was already the subject of controversy. Both the Salvadoran government and the U.S. State Department stated that there had been a military operation in the area, but that what had occurred in El Mozote had really been a "shoot-out" between the Salvadoran army and guerrilla troops, and that there was no evidence of such a massacre, that reports of it were probably guerrilla propaganda.<sup>6</sup> According to the 1974 amendment of the Foreign Assistance Act, the US government cannot send military aid to countries whose governments seriously violate human rights. In the case of El Salvador, the US president was required to certify every six months that the Salvadorean government was making progress in the human rights situation.

The day after the reports on the massacre came out in the Post and the Times, the Reagan administration certified that the Salvadoran government "is making a concerted effort to comply with internationally recognized human rights" and "is achieving substantial control over all elements of its own armed forces, so as to bring an end to the indiscriminate torture and murder of Salvadoran citizens"<sup>7</sup>.

Both governments' refusal to support further investigations into the incident succeeded in removing it from public attention in El Salvador and the U.S. for several years.

Human rights groups, however, continued to press for a thorough investigation of the event. In 1989 Tutela Legal and some organizations from Morazán began an extensive investigation into the massacre. In October 1990, Tutela Legal helped several survivors of the massacre initiate a legal suit against the army in the court in San Francisco Gotera, Morazán.

As part of this investigation, Tutela Legal planned to request exhumations in El Mozote and the nearby villages where the massacres took place. Because there were almost no specialists in the country to carry out such work, Tutela Legal contacted EAAF in 1991 and requested its assistance in the investigation. EAAF members conducted a preliminary trip at the end of 1991 but no permission was granted from the judiciary officials to start any proceedings.

#### INVESTIGATIONS AFTER THE CIVIL WAR

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In early 1992, shortly after the Salvadoran government and the guerrilla army had signed a peace agreements ending the war, Tutela Legal, invited EAAF again to assist with its investigation into the El Mozote massacre. Three EAAF members traveled to El Salvador. After several months of preparations and solving obstacles and bureaucratic requests from the court, however, the Supreme Court and the local judge of San Francisco Gotera denied permission to start exhumations again and EAAF members returned to Argentina.

Finally, in the fall of 1992 and under the auspices of the UN Truth Commission for El Salvador, created as a result of the peace agreements, EAAF conducted the exhumation of what was designated Site 1, or the convent, within the village of El Mozote, a small one-room building close to the church. EAAF recovered the skeletons of 143 individuals, 131 of whom were children under the age of twelve.

One of the adult skeletons belonged to a woman who was in her last trimester of pregnancy. Fetal bones were found in her pelvic area. Most of the children were dressed and some of them carried personal effects such as toys, marbles, medals, crosses and coins.

263 bullet fragments and 245 spent cartridges were found in Site 1. All the cartridges found, with the

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<sup>4</sup> Bonner, R. *Weakness and Deceit*, Times Book, 1984, p.337.

<sup>5</sup> Ibid Bonner, p.337.

<sup>6</sup> For further information see, *National Security Archives*, declassified cable from January 31, 1982 sent from the US Embassy in El Salvador to the US State Department and Mark Danner, *The Massacre at El Mozote*, New York, Vintage, 1993.

<sup>7</sup> Ibid Bonner, p.340.

exception of one, were fired in a 5,56 mm NATO caliber firearm. According to the report produced by US ballistic expert Dr. Douglas Scott, the cases appear to have been fired in United States manufactured M-16 military rifles. According to different sources, at the time of the massacre, the Atlacatl Battalion was the only unit within the

analysis indicates there were at least 24 individual firearms used at the site.<sup>8</sup>

The majority of the fragments of bullets were found embedded or in indirect relation to the skeletons in the north east side of the room; while the majority of the spent cartridges were found in



In October 1990, Tutela Legal, along with Pedro Ramos Chicas, a survivor of the massacre filed a Criminal complaint in the Court of San Francisco Gotera. Between October and November of 1992, EAAF conducted the first exhumation of a site within the village of El Mozote and recovered the remains of 147 individuals, 131 of whom were under the age of twelve. The UN Truth Commission concluded that "more than 500 unidentified victims perished at El Mozote and in other villages. Many other victims have not been identified."

*photo courtesy of Stephen Ferry*

Salvadoran army using this type of rifle. All cartridge cases were head stamped "L.C.", which indicates they were manufactured by the US government at the Lake City Plant, located near Independence, Missouri. The firearm identification

the south west corner of the room. Thirty eight holes were found on the floor of Site 1 as the result of gunshots, showing fragments of bullets inside most of the holes. It cannot be determined with certainty that all the victims were alive when they

<sup>8</sup> Firearms Identification of El Mozote Execution Site, Dr. D. Scott, p.3

were brought to the convent. However, in at least nine cases, the victims were shot inside the building while lying in a horizontal position on the floor, where bullet fragments were found. Some of the children may have been shot outside the house and subsequently dumped inside, but sufficient rounds of ammunition were fired in the house to account for all the deaths.

According to the laboratory report conducted by US forensic experts, Dr. C. Snow, Dr. R. Kirschner and Dr. Fitzpatrick, the skeletons showed evidence of severe trauma, reflecting high velocity gunshot wounds, post mortem crushing and fire/heat damage.

EAAF's findings were one of the principal bases for the UN Truth Commission's conclusion that the Salvadoran Army had committed a massacre in El Mozote and five nearby villages, which resulted in the deaths of at least 500 persons and probably many more. The findings of the Commission prompted the Clinton administration to publicly rectify the U.S. State Department's former position that the massacre never occurred.

During the 1992 mission, EAAF exhumed only one grave in El Mozote; many other clandestine graves still remain there and in five other nearby villages. The UN Truth Commission, which finished its work in March 1993, strongly recommended the investigations into human rights violations that occurred during the war, including the El Mozote massacre, be continued. However, a few days after the Commission report came out, the Salvadoran legislature passed an amnesty law that not only barred prosecution of persons who committed human rights violations during the war, but which was also interpreted at the time as closing any further investigations - including exhumations - into the case of El Mozote .

#### 1999: EL MOZOTE SEVEN YEARS LATER

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Despite the amnesty, relatives of the victims of the El Mozote massacre and other incidents of human rights violations around the country have consistently demanded further exhumations.

Finally, in the past two years, changes in the Salvadoran Supreme Court have created a political climate more conducive to exhumations. Tutela Legal requested exhumations again for the case of El Mozote from the judiciary. The new President of the Salvadoran Supreme Court and the new Director of the Salvadoran Medical Legal Institute stated that the relatives of victims have a right to recover the bodies of their loved ones, and that they support further exhumations. Accordingly, Tutela Legal contacted EAAF to request that we conduct another large-scale mission.

In response to the relatives' demands, near the end of 1998 EAAF and Tutela Legal began to discuss continuing the investigation into the massacre at El Mozote. During the investigations undertaken between 1989 and 1992 Tutela Legal compiled a list of almost 800 presumed victims. EAAF mapped the locations of burial sites in El Mozote and La Joya, two of the hamlets where massacres took place. Only the one site in El Mozote itself was actually exhumed, however. Other sites within El Mozote and five surrounding villages have never been excavated, and remain much as they were left after the massacres took place.

In March 1999 one EAAF member, Luis Fondebrider, traveled to El Salvador to visit the sites and analyze the feasibility of continuing the investigation. Together with staff from Tutela Legal, Fondebrider traveled to the Morazán zone and re-established contact with relatives of the victims, who made clear that they strongly wanted further exhumations. He reconfirmed the locations of the graves and names of the presumed victims in La Joya and visited still-uninvestigated burial sites at Jocote Amarillo .

At the same time, the EAAF member conducted interviews with the judge in charge of the case, the president of the Supreme Court, and the director of the Institute of Legal Medicine. Each indicated that they would support further investigations on the grounds that the families had the right to have the remains of their loved ones. Accordingly, EAAF and Tutela Legal jointly proposed to conduct further exhumations, both to clarify the historical record and to recover the remains of the victims.

## CURRENT WORK

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From April to June, 2000, EAAF conducted a ten-week mission to El Salvador in order to continue exhumations of graves containing victims of the El Mozote massacre. During the missions EAAF exhumed 12 graves, containing the remains of approximately 40 individuals from La Joya and Jocote Amarillo. EAAF worked together and provided training to local professionals from the Salvadoran Medical Legal Institute in the methods of forensic anthropology. We also conducted feasibility studies at several other sites identified by Tutela Legal to evaluate the possibility of other future exhumations.

The most immediate priority was to assist the relatives of the deceased in their right to recover the remains of their loved ones. But the findings of the investigation will also help to clarify the historical record concerning one of the most discussed and contested events in recent Salvadoran history, thereby contributing factual evidence to national discussions about the past. Moreover, both the training of the professionals from the Medical Legal Institute, and the introduction of physical evidence obtained through forensic anthropological methods into the Salvadoran justice system, may also contribute to strengthening democratic and judicial institutions by providing new tools to uphold the rule of law. The results of the 2000 mission will be presented in EAAF's 2000 annual report.

A major ceremony is planned for the anniversary of the massacre in December, during which most of the remains exhumed during this last mission will be reburied by the relatives of victims and members of the local communities.

A similar mission will be undertaken during the year 2001.