

# - EL SALVADOR -

## EL MOZOTE CASE

### Introduction:

The massacre of El Mozote is one of the most severe cases of human rights violations that occurred in El Salvador's 12-year civil war.

According to witnesses and several reports<sup>1</sup>, between the 6th and the 16th of December, 1981, the Salvadoran Army initiated an offensive in the northern part of the department of Morazan. The offensive lasted ten days and was called "Operation Rescue". This operation was primarily carried out by the "Atlacatl" Infantry Battalion, which had been trained by military advisors from the United States as an "elite" counterinsurgency force.

The Salvadoran National Guard, the Third Brigade of San Miguel and the Center for Comando Training from San Francisco Gotera also participated in the operation. Helicopters transported troops to various points in the northern part of Morazan. Furthermore, in the first days of the operation, Air Force airplanes and mortars bombed the entire area covered by the operation, including civilian villages. The bombings served to open the way for the infantry.

"Operation Rescue's objective was to eliminate the presence of the guerrillas in small areas of the north of the Morazan Department. The guerrillas were conducting training in this region, in a place named La Guacamaya."<sup>2</sup>, close to the town of El Mozote.

<sup>1</sup> The following information is based in several reports produced by America's Watch, Tutela Legal, United Nations report of the Commission on the Truth and interviews conducted by EAAF members.

<sup>2</sup> United Nations Commission on the Truth Report, pag 119. This commission was created as part of the Peace Accords, signed by the Salvadorean Government and the

In the first days of the operation, there was some fighting between the guerrillas and the army in villages close to El Mozote. On the 9th of December, the guerrillas abandoned the zone, and the Army was unable to achieve the military objectives of the operation.

On the 10th of December, the army entered the village of El Mozote, in the canton of Guacamaya, where no armed opposition or guerrilla were present. A few days before, neighbours of El Mozote had been told by a small businessman from the town - Marcos Diaz - that a big military operation was coming but that the Army in Gotera told him that everybody would be safe if they gathered in El Mozote. So, when the Army arrived, the town was full of people. The Army took all the people out of their houses, ordered them to lay down in the floor of the village's square while soldiers asked them about arms and the guerrillas. The peasants answered that they didn't know anything about it. Afterwards, they told the peasants to lock themselves in their houses and wait. The Army spent the night in town. At 5 a.m. of the next day, the soldiers took all the peasants to the square again and separated them in two lines: one for men and another one for women and children. They waited there for two hours. At 7 a.m., the men and older children were taken to the church and the younger children and the women were taken to the abandoned house of Alfredo Marquez, being the house and the church around the square. A helicopter from the Salvadoran Air Force landed in the square, and left 30 minutes later. After that, the soldiers started killing the men and children concentrated inside

Frente F. Marti para la Liberacion Nacional (FMLN) and had to investigate human rights violations perpetrated by both sides since 1980 up to 1991. Its report was released on March, 15, 1993.

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the church with machete and machine-guns. Then, they killed the women, after raping the younger ones. Finally, they killed the younger children. On the 12 and 13 of December, the army killed all the civilians from five neighboring villages: La Joya, Cerro Pando, Jocote Amarillo;

Rancheria y Los Toriles. After killing all the people, they killed the domestic animals and burned the houses and crops of each of the six villages. (the massacre took the name of the first town attacked, where there were the most victims).

According to a research conducted by Tutela Legal, the Human Rights Office of the Archdiocese of San Salvador, the total number of victims known at this time is 792 people, although the true number is probably higher. Using this number, EAAF categorized the

victims according to genre, age and distinctive physical characteristic. Of the 792 individuals, 326 were children under the age of ten; 96 were older than 56 years of

age and 268 were women over 10 years old. Fourteen of the women were pregnant. In all, 80 % ( 690 individuals) were children, women and men over the age of 56. The youngest victim was Concepcion Sanchez, three days old. The oldest were Leonicio Diaz and Leoncia Marquez, 105 and 100 years old respectively. In the days following the massacre, families and neighbors of the victims buried some of the bodies in common graves in each village. In many cases, the burials were done at night, since the army was still in the area. Also for this reason, many bodies were not buried; they remained where they had died, inside houses, churches, school and fields. All the towns involved in the massacre are still abandoned.

The majority of the survivors of these villages fled to Honduras and stayed for years in a refugee camp in Colomoncagua; others moved to other areas or joined the FMLN.

## The role of the press, US Congress and the Reagan Administration:

"At the time of the massacre, little information was generally available to the Salvadorian public as to 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"<sup>3</sup> Only one local daily newspaper - La Prensa Grafica- reported on "Operation Rescue" on December 9, 1981: access to the area was denied to journalists, 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 source to the newspaper.<sup>4</sup> Radio Venceremos, the rebel

radio station, reported the massacre by the end of December 1981.

But the massacre was known to the international

community on January, 27, 1982 because several journalists (Alma Guillermoprieto, of *The Washington Post*, and Raymond Bonner and photographer Susan Meiselas of *The New York Times*) managed to reach the area and reported on it. Bonner recalls: "the fragrance of 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 toy's, simple family belongings, smashed roofing tiles, and the charred beams that had held them"<sup>5</sup> On the walls

<sup>3</sup> Source: America's watch report " The Massacre at El Mozote: The Need to Remember", March 4, 1992, Vol.IV, No2.

<sup>4</sup> Ibid..

<sup>5</sup> Bonner. R.: " Weakness and Deceit", Times Book, 1984, page 337.

of some houses, it was written : " We are the little angels from Hell. Atlacatl Battalion" The reporters interviewed survivors and relatives of the victims.

But the Reagan administration denied their reports and try to discredit the reputations of these journalists. "The next day, [after stories about the massacre came out in the Post and The Times], President Reagan certified that the Salvadoran government "is making a concerted and significant effort to comply with internationally recognized human rights" and that the government "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>6</sup> This certification was needed by law in order to continue sending military aid to El Salvador.<sup>7</sup> Five days later, Thomas Enders [Assistant Secretary of State for Inter-American Affairs] went before Congress to defend the President's conclusion: : " there is no evidence to confirm that Government forces systematically massacred civilians in the operations zone, or that the number of civilians even remotely approached the 733 or 926 victims cited in the press" Enders said his information was based on the investigation that local US embassy officials had done in the area. But he didn't mention that these officials never reached to the towns themselves.

After the reports from The Washington Post and The New York Times came out, , the US. embassy at El Salvador sent two officials- Todd Greentree and John McKay- to the north of Morazan to investigate the alleged massacre. They interviewed refugees in Honduras and military officials. According to Bonner,

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<sup>6</sup> Bonner, R.: Ibid. p.340.

<sup>7</sup> According to the 1974 amendment of the Foreign Assistance Act, the US government cannot send military aid to countries which governments seriously violates human rights. In the case of El Salvador, the president should certified every six months if the Salvadoran government was making progress in the human rights situation.

Greentree and McKay concluded that a massacre had occurred. But the subsequent cable sent by the Embassy to Washington- and declassified years later under the Freedom of Information Act- said the opposite: " Civilians did die during the operation but no evidence could be found to confirm the government forces systematically massacred civilians in the operation zone"<sup>8</sup>

The emphatic denial of the massacre on the part of the Salvadoran and US governments and the supression of any information concerning the events, meant that the truth about El Mozote remained unproven during El Salvador's civil war.

### Local reports and the Trial

Starting in 1989, Tutela Legal conducted a through investigation of this massacre.

In October 1990, Pedro Chicas, Rufina Amaya and three other survivors, with the legal assistance of Tutela Legal - presented the case to the Second Court of the First Instance, in San Francisco Gotera, Morazan, to start a trial against the Atlacatl Battalion.

Due to the lack of local experts,, Tutela Legal requested the technical assistance of EAAF to work on the forensic aspects of the case.

In November 1991, Tutela Legal, worried by the delay in the trial procedures, held a press conference, releasing an extensive public report on the case, along with a current list of victims. In its report, Tutela Legal criticized the interference of the President of the Supreme Court in the case, the passive role of the Prosecutor's Office concerning the schedule for the beginning of the exhumation and the delay in accepting foreign experts to participate in these procedures. According to Salvadoran law, the judge could himself order these steps but

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<sup>8</sup> National Security Archive, declassified cable from January 31, 1982 sent from the U S Embassy in El Salvador to the US State Department.

without the permission of the President of the Supreme Court, he refused to do so explicitly and repeatedly. Finally, Tutela Legal criticized the denial of President and commander -in-chief- of the Armed Forces, Mr. Cristiani, to release the names of the military personnel who participated in the operation.

On January 16, 1992 , peace was signed in Mexico . This date is considered as the end of the 12 years civil war.

### **The Role of EAAF: the first mission**

Three members of EAAF- Patricia Bernardi, Luis Fondebrider and Mercedes Doretti- went to El Salvador from February 1, 1992 until April 30, 1992, under the request of Tutela Legal to participate in the exhumations at El Mozote.

Having examined the available information on the case, EAAF members presented a Preliminary Work Plan and Calendar to Dr. Mateu Llort, director of the Medical Legal Institute and to Judge Portillo. Given the huge size of the case, it was proposed that the work be divided into a series of stages, each no longer than eight weeks, organized in the following way: two weeks of preliminary investigation (collection of pre-mortem data and surveying the area to be excavated), three weeks of excavation and three weeks of laboratory analysis of the remains. At the end of each stage, the conclusion reached up to that point will be presented to the judge. Due to the quantity of victims and villages involved in this case, the entire project will be divided into eight or more stages of two months each.

Sponsored by the Inter-American Institute for Human Rights (a non-governmental organization based in Costa Rica) EAAF conducted an intensive seminar on forensic anthropology on February 25-26, 1992, in San Salvador. This seminar was supported by the Supreme Court. Forty judges and forensic experts from all over the country

attended, as well as governmental and non-governmental human rights organizations and committees of families of the disappeared. EAAF gave a general overview of the field of forensic anthropology and discussed possible approaches to the El Mozote case.

During March and April, while the date of the beginning of the exhumation was being delayed several more times, EAAF members worked with Tutela Legal, in broadening the investigation through the testimony of other witnesses and survivors. As a result of this work, facts were obtained concerning 57 more victims of the massacre. At the same time, EAAF worked to specify the burial places of the victims, the numbers of bodies in each grave, observable lesions on the cadavers (peri-mortem lesions), clothing of the victims, etc. EAAF also started collecting pre-mortem data. (physical information of the victims when they were alive: dental data, old fractures, medical history, etc.).

During those months, the former director of the Human Rights Division of ONUSAL, Tutela Legal, and the communities in which most of the relatives and friends of the victims live at this time, made several efforts to get capable forensic experts nominated to the case.

On April 29, 1992, after three months of delay and a number of obstacles set by the officials, two members of EAAF were authorized by the judge to act as expert witnesses in The Mozote case.<sup>10</sup> But the judge did not establish a date for the beginning of the exhumations. EAAF members decided to leave El Salvador and come back when that issue were solved

### **EAAF Second Mission:**

On July 13, 1992, the UN. Commission on the Truth started to work

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<sup>10</sup> The nomination came right after 300 relatives and friends of the victims arrived in several trucks to Gotera and demonstrated for an entire day in front of the Tribunal

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in San Salvador. According to the Peace Agreements, their mandate was to investigate "grave violence events occurred since 1980" up to 1992. The Mozote case was one of the main ones. The three commissioners in charge nominated EAAF members- together with other experts- as their forensic consultants in the Mozote case.

After a number of new obstacles and many efforts from The Commission on the Truth among others, in October, 13, 1992, the exhumations at the village of El Mozote finally started.

The exhumations were directed by the three EAAF members named above. Claudia Bernardi, an Argentine artist based in Berkeley, California, joined the team to draw the graphics of the excavation and worked for three months with the team. EAAF members stayed in El Salvador from the beginning of October until December, 20, 1992. EAAF organized the participation on the case of a group of forensic experts: forensic anthropologist Clyde Snow,, forensic pathologist Robert Kirshner, radiologist John Fitzpatrick and archaeologist and ballistic expert Douglas Scott and archaeologist Melissa Connor, who all came for two weeks from the United States to participate in the laboratory analysis of the remains and the ballistic evidence.

### Site 1: The Convent

The judge decided to start the exhumations at the site known as " the convent" It was a one room rectangular building ( 4.63 Mts. x 6.94 Mts.), adjacent to the church, where the priest used to sleep whenever he was in town. It had adobe walls, built over a stone wall base and had floor tiles. The roof was made of tiles , held up by a wood structure. The excavation of the convent or "Site 1", started October 13 and lasted until November 17.

The working area was under 24 -hour custody by the police and military division of ONUSAL (the United Nations Mission for El Salvador). The personnel



General view of Site 1 or the Convent at at El Mozote site.

from its Human Rights Division and from the Commission on the Truth were frequently at the site, monitoring the procedures.

The exhumations were conducted by EAAF's members, with the participation of 30 members of the local Medical Legal System and the Salvadoran Special Investigation Unit (Comision de Hechos Delictivos). The local personnel rotated each week so that by the end of the four week exhumation, the entire Medical Legal System of the country- approx. 120 people- had received some training in forensic archaeology.

The laboratory work was carried out by Dr. Snow, Dr. Kirshner and Dr. Fitzpatrick with the collaboration of EAAF's members and a few local physicians, dentists and technicians.

The archaeological report was done by EAAF's members and the laboratory report by the group of American scientists. Both reports were presented to the judge and to the Commission on the Truth from the United Nations. They were included in the final Commission on the Truth public report , " From Madness to Hope", United Nations, March 1993.

The work was widely covered by the local and international press, making

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front page news in most of the main local, Latin-American, American and European newspapers.

### **Main findings and conclusions:**

We designed a grid system for the excavation of the convent. The result was 20 grid squares, each one measuring 1.5 Mts. x 1.5mts. This method allowed us to assign each find to a precise spatial position.

The stratigraphy of site 1 reveals three compact and clearly differentiable levels which extend homogeneously throughout the excavated area (from top to bottom): Level 1: composed essentially by the remains of the adobe walls that fell inside the room; Level 2: composed essentially of the remains of the roof: reddish roof tiles, most of which were partially burnt, nails and burnt wood, probably from the beams of the roof; Level 3: composed of human skeletons and the majority of the bullet fragments and spent cartridges. This level, the deepest one at the site, was in direct contact with the floor. The surface of the floor had darker areas, possibly produced by fire. In addition, 38 holes were found on the floor as the result of gunshots, showing fragments of bullet inside some of the holes.

All the skeletons recovered from the site and the accompanying evidence had been deposited during the same event, in a primary synchronous common interment. The evidence recovered thus excludes the possibility that Site 1 was used as a "cemetery" in which the bodies were placed during various events over a period of time, as some local authorities stated.

At least 143 skeletons were found inside of the convent, from which 131 belonged to children under the age of 12, with an average age of 6 years old.

One of the adult skeletons, belonged to a woman who was in her last pregnancy trimester. Fetal bones were found in her pelvic area.

It cannot be determined with certainty that all the victims were alive

when they 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. The shot were fired downwards, passing through the bodies and clothing, producing distinct holes 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 of the deaths.

There was substantial fire damage to the victim's bones, clothing and personal effects

Most of the individuals were dressed and some of them, carried personal effects such as toys, marbles, medals, crosses and coins.



Clothing and a toy of an aprox. 6 years old child exhumed at El Mozote

263 fragments of bullet and 245 spent cartridges were found in Site 1. The majority of the bullets were found in the center and north-east corner of the room, embedded or in direct relation with the majority of the skeletons. On the contrary, the majority of the spent cartridges were found in the south-west area of the room. At least some shooters were probably located at the doorway (at the west wall) and at the south-west corner, shooting from inside and

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immediately outside the building, mostly in the direction of the central grid and north-east squares.

All of the cartridges found - with the exception of one- were fired in a 5.56 mm NATO caliber firearm. The cases appear to have been fired in United States manufactured M-16 military rifles. All cartridge cases, were head stamped "L.C.", which indicates they were manufactured for the United States Government at Lake City Plant, located near Independence, Missouri. The firearm identification analysis indicates there were at least 24 individual firearms used at the site.<sup>11</sup>

The skeletons showed evidence of severe trauma, reflecting high velocity gunshot wound injury and postmortem crushing and fire/heat damage.

The event did not occur later than 1981. After cleaning, on 28 coins of the 33 recovered coins and 185 of the 245 recovered spent cartridges, the dates of manufacture were legible: none of these artifacts was manufactured after 1981

After the shots, one or more explosive and/or incendiary devices were thrown into the building.

All the evidence collected at Site 1 of El Mozote confirmed the massacre of civilians at El Mozote. It is consistent with the testimonies provided by the witnesses.<sup>12</sup>

### Accountability:

The UN Commission on the Truth, having examined the results of the exhumation at Site 1 and interviewed dozens of witnesses and military personnel, and consulted a number of archives in El Salvador and at the United

States, considered the nature of the massacre fully proven.

In terms of responsibilities, the Commission stated the following:

"Despite the public denunciation of the massacre and the easiness to probe it, the Salvadoran officials did not order any investigation and constantly denied its existence".

"The [Salvadoran] Minister of Defense and the Chief of the General Staff [current President Cristiani] denied having information concerning the militaries and the military units that participated in Operation Rescue. They said there are no files from those days.

"The President of the Supreme Court had a biased and political interference in the judiciary process started in 1990 in relation with the case".<sup>13</sup>

The Commission considered the Atlacatl Battalion responsible for the assassination of at least 200 civilians in the village of El Mozote.

The Commission considered the assassination by military units that participated in "Operation Rescue"- in the days that followed the massacre at El Mozote- of at least 300 more civilians in the neighboring villages of La Joya, Los Toriles, Rancheria, Cerro Pando and Jocote Amarillo. to be sufficiently proven.

The Commission was able to identify the following military officials from the Atlacatl Battalion at the moment of Operation Rescue:

- Commandant from the Battalion: Lieutenant Colonel Domingo Monterrosa Barrios ( dead).
- Executive: Mayor Natividad de Jesus Caceres Cabrera (current Colonel).
- Chief of Operations: Mayor Jose Armando Azmitia Malra ( dead).
- Chiefs of Companies: Juan Ernesto Mendez Rodriguez (currently Colonel); Roberto Alfonso Mendoza Portillo (dead); Jose Antonio Rodriguez Molina (currently Lieutenant Colonel); Captain Walter Oswaldo Salazar (currently

<sup>11</sup> Firearms Identification of the El Mozote Execution Site, by D. Scott, page 3.

<sup>12</sup> For further information, please see the complete archaeological, laboratory and ballistic reports, which complete versions were included in the UN Commission on the Truth report "From Madness to Hope", March 1993 or contact EAAF..

<sup>13</sup> Ibid. p. 118.

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Lieutenant Colonel ); and Jose Alfredo Jimenez .

- From the Third Infantry Brigade, Commandant Colonel Jaime Florez Grijalba (retired) ; and from the center of instruction of Commandos from San Francisco Gotera, commandant Colonel Alejandro Cisneros ( retired).

- " It is fully proven that general Jose Guillermo Garcia , Former Minister of Defense, knew about the massacre and did not promote any investigation. There is sufficient evidence that General Rafael Florez Lima , Chief of the General Staff of the Armed Forces in those days, knew about the massacre and did not promote any investigation. <sup>14</sup>

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<sup>14</sup> Ibid. p. 124 and 125.