

WE TELL OUR STORY SO THAT IT DOESN'T HAPPEN AGAIN

Study on the status and opportunities
for reparation for victims and survivors
of conflict-related sexual violence

EL SALVADOR





"We need to be heard as victims because this is a story that must not be forgotten and must never be repeated." During the validation session, each survivor was given a small plant as a symbol of the growth they carry with them from this process and their commitment to nurturing and preserving their struggle for memory. The plant this survivor holds represents that growth, the collective strength, and the continuity of their demand for truth, justice, and reparations. 2025 © DPLF

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May 2026

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EXECUTIVE SUMMARY

This report analyses conflict-related sexual violence (CRSV) perpetrated during the Salvadoran civil war (1980-1992), highlighting its systematic nature, the historical conditions that allowed its normalisation, and the ongoing debts in matters of truth, justice, and reparations.

Using a participatory and documentary methodology, this report examines the individual, collective and intergenerational repercussions of these forms of violence and develops recommendations for both the Salvadoran State and international cooperation actors.

The study reveals that, despite its magnitude in the country and its diverse impacts on victims, their families, and Salvadoran society, sexual violence as an unacceptable crime still lacks widespread social recognition. This has been exacerbated by the official denial of the events and by the failure of the Salvadoran State and the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional* - FMLN) to acknowledge their responsibility. Efforts to render the phenomenon invisible, a political discourse of forgive-and-forget, and an insistence on turning the page on history without truth, justice, or reparation have predominated among the leadership of both sides and have also permeated various sectors of Salvadoran society. Many continue to view CRSV as a something that should not even be considered a human rights violation or a crime and, in any case, as a matter of the past that is irrelevant to present-day challenges.

Now, almost 34 years after the end of the war, these criminal acts remain hidden and are spoken in hushed tones. A few, still insufficient, spaces have been created to break the silence and give meaning to the painful experiences, which could lead to processes aimed at pursuing justice and reparations.

The task is not easy. In El Salvador, as in many other countries, relationships between men and women are marked by inequality, hierarchy and subordination. Violence is a means through which men exert power in order to maintain order and access to resources, privileges and control over children and women.

The study emerged as a collaborative initiative proposed by the Global Survivors Fund to human rights organisations, with the aim of making visible the sexual violence committed in the context of the armed conflict in order to propose comprehensive reparation measures.

The methodology employed was qualitative, based on both documentary review and contributions from survivors/victims in focus groups conducted with psychosocial support. The study contextualises CRSV as part of the repressive apparatus in which women's bodies were treated as spoils of war.

In addition, patterns of sexual and reproductive violence are documented in scorched-earth operations, of which the massacres of El Mozote and nearby places are the most paradigmatic example. Patterns of sexual violence are also documented in contexts of detention, displacement, and against people of diverse sexual orientation and gender identities; women's participation during the conflict is also analysed, as is their exclusion from the Peace Accords negotiations.

Furthermore, this study exposes the omission of a gender perspective in the Truth Commission Report for El Salvador, which barely addressed CRSV, treating it as collateral damage in relation to other forms of violence such as executions and torture.

The two reparations programmes created in El Salvador are analysed: the Reparations Programme for Victims of Gross Human Rights Violations occurring during the Internal Armed Conflict, directed toward all civilian victims, and the Comprehensive Social Development Programme of El Mozote and nearby places, created in response to the ruling of the Inter-American Court of Human Rights in the case of the Massacres of El Mozote and nearby places v. El Salvador.

From the victims' voices, the physical, psychosocial, and community repercussions that affect their life projects are identified, as are their rights to comprehensive reparation, public recognition, and psychosocial support.

Based on the State's attitude towards the armed conflict, marked by denialism, the exclusion of victims and the concentration of power, obstacles are identified, such as the lack of political will, institutional dismantling, and the absence of a gender-based and intersectional approach.

The study allows us to reach several conclusions:

1. The normalisation of sexual violence and the social frame of listening prevented the recognition of CRSV as a systematic practice of wielding power.

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2. The measures aimed at the victims are insufficient to address the harms whose magnitude could not be properly quantified due to a lack of institutional, social and legal tools.
3. CRSV survivors express a profound sense of abandonment, not only by the State, but also by society as a whole.
4. There are no effective channels through which victims of CRSV can access reparations, situation aggravated by the hostile climate promoted by the government against any initiative aimed at pursuing justice.



ACRONYMS

ANSESAL	National Security Agency of El Salvador (<i>Agencia de Seguridad Nacional Salvadoreña</i>)	GN	National Guard of El Salvador
APDHEM	El Mozote Association for the Promotion of Human Rights (<i>Asociación de Promoción de Derechos Humanos de El Mozote</i>)	IACHR	Inter-American Commission on Human Rights
BIRI	Rapid Deployment Infantry Battalion (<i>Batallón de Infantería de Reacción Inmediata</i>)	Inter-American Court	Inter-American Court of Human Rights
CDHES	Human Rights Commission of El Salvador	INABVE	Institute for the Administration of Benefits for Veterans and Ex-Combatants (<i>Instituto Administrador de los Beneficios de los Veteranos y Combatientes</i>)
CRSV	Conflict-Related Sexual Violence	Madeleine Lagadec CPDH	Madeleine Lagadec Centre for the Promotion of Human Rights (<i>Centro para la Promoción de Derechos Humanos "Madeleine Lagadec"</i>)
DPLF	Due Process of Law Foundation	ORDEN	Nationalist Democratic Organisation (<i>Organización Democrática Nacionalista</i>)
FAES	Armed Forces of El Salvador	PRN	National Reconstruction Plan
FISDL	Social Investment Fund for Local Development of El Salvador (<i>Fondo de Inversión Social para el Desarrollo Local de El Salvador</i>)	Pro-Búsqueda	Association for the Search for Disappeared Girls and Boys (<i>Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos</i>)
FMLN	Farabundo Martí National Liberation Front (<i>Frente Farabundo Martí para la Liberación Nacional</i>)	UN	United Nations
FOPROLYD	Fund for the Protection of the Injured and Disabled as a Result of the Armed Conflict (<i>Fondo de Protección de Lisiados y Discapacitados a Consecuencia del Conflicto Armado</i>)		



INTRODUCTION

Between 1980 and 1992, El Salvador experienced an internal armed conflict with profound human and social consequences. Of the approximately 75,000 people killed¹ and 8,000 disappeared, a significant group of victims often goes unrecognized in official accounts: those who were subjected to sexual violence.

The negotiation processes that led to the end of the conflict narrowly defined who could be considered a victim, focusing attention on combatants who suffered physical injuries related to the use of weapons and excluding large sectors of the civilian population affected by other forms of violence. Sexual violence, though systematic as a mechanism of terror inflicted on victims' bodies, was silenced. Even decades later, when truth and memory initiatives were undertaken, this form of violence was relegated to the background in favour of other, more visible forms, and to this day there are no exact figures that capture its magnitude.

The normalisation of sexual violence is not solely a response to the dynamics of the armed conflict, but also to pre-existing social structures in El Salvador. Within these structures, territorial control and surveillance were exercised through women's bodies, via a robust monitoring network in rural life, which was particularly evident in the rigid system that regulated the lives of girls and women.

Thus, women's suffering was not considered a direct consequence of the armed conflict, but rather secondary harm inherent to their gender. This omission not only affected their ability to access comprehensive care to rebuild their lives but also established a type of impunity with a clear patriarchal undertone, in which the only role assigned to women was sexual. Violence of this kind

was considered secondary and therefore dismissed by peace negotiators, international organisations, reparation programmes, and society as a whole.

This study explores, first, the historical conditions that allowed for indifference to sexual violence related to the Salvadoran armed conflict, a painful and shameful legacy of the subordinate role to which women have been consigned in the country's brief history. To this end, it draws on sources that examine the social value attributed to women's lives in the years prior to the conflict in order to demonstrate that what occurred afterwards did not arise out of nowhere, nor was it solely a consequence of the war. Rather, the war exposed, in its demented cycle of violence, the raw and violent forms of control already being exerted over girls and women in El Salvador.

Furthermore, the nature of the sexual violence perpetrated during the armed conflict is examined, based on the experiences of the women concerned and the available documentation. Before addressing the outstanding debts in the area of State reparation, the study identifies the scant importance that the Peace Accords and the Truth Commission Report afforded to a gender perspective.

Work on reparations in this area has been limited in a society prone to crisis and violent upheaval. This deficiency makes the present research all the more urgent, as it addresses gaps in the literature by focusing on gender relations at different points in the armed conflict. For that reason, and drawing on the voices of the victims consulted, this study analyses the repercussions, perceptions, needs, and demands of survivors, with the aim of formulating recommendations that respond to their legitimate demands for recognition and guarantees of non-recurrence.

1 There is no consensus on the number of victims of the conflict, but it is clear that it was one of the most intense conflicts in Latin America. While the IACHR cites 35,000 victims between 1978 and 1981, other scholars, such as Sieder (2002), indicate that between 1978 and 1983 more than 42,000 people died at the hands of State agents, out of a total of 50,000 killed by both sides during the civil war as a whole. Seligson & McElhinny (1996) report an estimate of between 80,000 and 94,000 deaths resulting from the conflict, of which between 50,000 and 60,000 were civilians. Both Buergenthal (1996) and Wood (2003) estimate that the death toll exceeded 75,000. See: IACHR. *Informe Anual de la Comisión Interamericana de Derechos Humanos 1981-1982*. OEA/Ser.L/V/II.57, doc. 6 rev.1, September 20, 1982, Chapter IV. Situación de los derechos humanos en varios países, available at <https://cidh.oas.org/annualrep/81.82sp/indice.htm>; Sieder, R. et al. (2002). *Políticas de Guerra, Paz y Memoria en América Central*. In De Brito, A., Aguilar, P. & Gonzalez, C. (Eds), *Las Políticas hacia el Pasado: Juicios, depuraciones, perdón y olvido en las nuevas democracias* (247-284). Madrid: Ediciones Istmo, available at www.rachelsieder.com/es/politicas-de-guerra-paz-e-memoria-na-america-central/; Seligson, MA & McElhinny, V. (1996). Low-Intensity Warfare, High-Intensity Death: The Demographic Impact of the Wars in El Salvador and Nicaragua. *Canadian Journal of Latin American and Caribbean Studies / Revue Canadienne Des Études Latino-Américaines et Caraïbes*, 21(42), 211-241, available at <https://doi.org/10.1080/08263663.1996.10816742>; Buergenthal, T. (1995). La comisión de la Verdad para el Salvador. *ECA: Estudios Centroamericanos*, 50(563), 813-847, available at <https://revistas.uca.edu.sv/index.php/eca/article/view/6925>; Wood, E. J. (2003). *Insurgent Collective Action and Civil War in El Salvador*. Cambridge: Cambridge University Press, p. 8, available at <https://books.google.com/books?hl=es&lr=&id=QBAN3ABKmlC&oi=fnd&pg=PR8&dq=Wood+%2B+El+Salvador&ots=7-NDXhOrD-&sig=Jh3BPFVkodocHXzcYCfMmfae6Ml>.



Participants in a psychosocial support workshop in San Salvador, El Salvador. 2025 © DPLF



1. BACKGROUND AND METHODOLOGY

1.1. About the project, the partners, the author, and acknowledgements

1.1.1. About the project

The Due Process of Law Foundation (DPLF) and Cristosal, in collaboration with the Global Survivors Fund (GSF), have conducted a study that presents and analyses the perspectives of victims and survivors of conflict-related sexual violence (CRSV) in El Salvador and seeks to contribute to their visibility, as well as identify reparation needs opportunities to make reparation measures accessible to people through legal processes and administrative programs.

At the same time, this study seeks to offer recommendations for decision-makers and other relevant actors at national and international levels to contribute to the design of mechanisms for access to reparations centred on Salvadoran victims.

The investigation also seeks to document whether victims or survivors of CRSV have already received any form of support or reparation through government programmes or civil society initiatives. Where this is the case, lessons learnt are explored so that they can inform the development and delivery of potential comprehensive reparations, including those that may be provided provisionally by the Global Survivors Fund.

The El Salvador study forms part of a global study on reparations (the Global Reparations Study), launched by GSF in 2020, which focuses on the status of and opportunities for reparation for survivors of conflict-related sexual violence in over 20 countries. The Global Reparations Study is a multi-actor effort led by GSF in collaboration with more than 40 national and international organisations, including survivors' networks and groups. It seeks to make recommendations for further action based on survivors' needs and aspirations and to identify potential support available among key actors and concrete action to enhance access to reparations for survivors of CRSV around the world.

1.1.2. About the counterparts

DPLF is a non-profit organisation, with headquarters in Washington, DC, comprised of a multinational team of professionals, dedicated to promoting the rule of law and human rights in Latin America through applied research and analysis, exchange of experiences, and political advocacy.

DPLF identifies cross-cutting issues in the region and areas in which it seeks to promote real change. In addition, it seeks to complement and strengthen the work of local partners through its knowledge of international law, mechanisms, and comparative experiences. DPLF has promoted compliance with international standards and the use of Inter-American and international law to improve legislation, policies, and practices through comparative research and the exchange of lessons learnt in the Americas and other regions of the world.

DPLF has focused its work on Latin American countries experiencing chronic impunity for past and present human rights abuses, such as Mexico, Peru, Guatemala, El Salvador, and, more recently, Venezuela and Nicaragua. Today, DPLF's 15-member team, based in Bolivia, El Salvador, Honduras, Mexico, Peru, and the United States, has the experience and reputation to provide a technical and politically informed approach. In 2016, DPLF chose to make El Salvador a priority in its work to combat impunity for serious crimes and human rights violations, as well as to strengthen the justice system and civil society.

Cristosal is a regional human rights organisation working in Guatemala, Honduras, and El Salvador. Cristosal promotes justice, human rights, and democratic societies through strategic litigation, investigation, education, human rights monitoring, and support for victims of human rights violations.

Cristosal's technical teams are interdisciplinary and work to promote diversity of thought and identity in the defence and promotion of human rights. Cristosal's programmatic approaches and strategies are renowned for being based on international standards, methodologies, and human rights principles that are applied with and for affected communities.

Cristosal's strategies are constantly evolving to adapt these standards to the changing contexts of Central America. The organisation adopts a comprehensive approach in its human rights programmes. These programmes entail victim protection, strategic litigation, human rights research, strategic communications, and human rights education.

GSF works with survivors, local partners, technical experts, and government stakeholders to enhance access to reparations for and with survivors of conflict-related sexual violence. It acts to provide interim reparative measures when the responsible parties are unable or unwilling to

provide reparation. It advocates at the international level for the implementation of reparation programmes. It also guide States and civil society by providing expertise and technical support for designing programmes. GSF's approach, that puts co-creation at the centre, aims to return agency and autonomy to those that have been stripped of it and ensures that actions are relevant, impactful, and driven by the aspirations of survivors.

1.1.3. About the author

Virginia Lemus holds a degree in philosophy from the José Simeón Cañas Central American University (*Universidad Centroamericana José Simeón Cañas - UCA*) and a master's degree in gender studies from the University of El Salvador. She completed specialised studies in research methodologies with a gender perspective at the University of El Salvador and in gender, historical memory, and dictatorships in the Southern Cone at the University of Chile. Because of her interest in political communities, her research has focused on human rights violations against women and queer people from a feminist perspective and through the lens of historical memory. Her work has informed reports for Frontline Defenders on women defending sex workers' rights, and for Human Rights Watch on violence against non-binary people, trans men, and lesbian, bisexual, and queer women activists.

1.1.4. Acknowledgements

Leonor Arteaga and Victoria Barrientos at DPLF, David Morales at Cristosal, and the Global Survivors Fund express their deepest gratitude to all of the victims and survivors who, with courage and determination, decided to participate in this study. Without them, not a single word could have been written.

We extend our gratitude to Iris Tejada and Margarita O'Farrill, social psychologists with extensive experience in interventions and support for victims of sexual and gender-based violence as well as for communities directly affected by armed conflict. Their psychosocial support was paramount in enabling the women to engage in the entire process of breaking the silence and participating in the research.

We also thank Carolina Constanza and Engracia Chavarría from the *Centro para la Promoción de Derechos Humanos Madeleine Lagadec* (Madeleine Lagadec CPDH); Ana Julia Escalante, Xiomara Orellana, and Jasmín Palacios from the *Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos* (Pro-Búsqueda); as well as the Board of Directors of the *Asociación Promotora de Derechos Humanos de El Mozote* (APDHEM), for their trust and generous

willingness to contribute to this study by approaching and accompanying the victims they represent.

Moreover, we acknowledge the valuable contributions to this research by Jeannette Aguilar, Nicola Chávez-Courtright, Krisia Moya, Guadalupe Hernández, Susana SáCouto, Morena Herrera, and Susana Rodríguez. We also thank Nancy Orellana and Ligia Orellana for their openness in reflecting on and discussing restorative justice from a multidisciplinary perspective.

Finally, we acknowledge and appreciate the contributions of three confidential sources who gave in-depth interviews.

1.2. Methodology

1.2.1. General objective

To identify the pathways currently available in El Salvador for victims of CRSV to access reparations, the gaps that exist between victims' and survivors' access and their needs, and ways to mitigate these gaps in order to ensure prompt access to reparation measures for all survivors of CRSV.

1.2.2. Specific objectives

1. To document, to the extent possible, the scope and extent of sexual violence committed during or in relation to the period of armed conflict.
2. To identify and assess the current administrative and legal measures governing the provision of reparation measures for survivors of CRSV.
3. To identify and analyse survivors' perspectives, needs, and expectations regarding reparations and interim reparative measures.
4. To identify the gaps between current channels for accessing reparations and survivors' needs, and to determine the opportunities and potential challenges for access to reparations in El Salvador.
5. To provide contextualised recommendations to ensure the provision of reparations and interim reparative measures.

1.2.3. Methodological design

This qualitative investigation was conducted between June 2024 and May 2025. Due to the limited synthesised information on the sexual violence that occurred within the context of the Salvadoran armed conflict, it was

necessary to conduct an exhaustive documentary review of periodic reports on human rights violations prepared by the Inter-American Commission on Human Rights (IACHR), the United Nations, and organisations such as Americas Watch (now Human Rights Watch); newsletters by Amnesty International; and complaints submitted by non-governmental human rights organisations between 1980 and 1992.

The search, verification, and analysis of materials produced in the immediate post-war period took as a starting point the Report of the Commission on the Truth for El Salvador, coordinated by the United Nations and published in 1993, as well as the *General Amnesty Law for the Consolidation of Peace*² (the Amnesty Law), discussed in detail below, which was approved immediately after the publication of the Truth Commission Report and blocked the possibility of bringing legal charges for the crimes committed during the armed conflict, until its effective repeal in 2016.

The documentary review also included various resolutions, expert reports, and inputs derived from judicial proceedings, such as the judgement issued by the Inter-American Court of Human Rights (Inter-American Court) in the *Case of the Massacres of El Mozote and nearby places v. El Salvador* in 2012, and criminal case 238/1990, reopened in 2016 and still

in the pre-trial phase (judicial investigation).³ Studies and syntheses were also consulted, including regional reports on sexual violence in armed conflicts that incorporate the Salvadoran experience.

Given the participatory nature of the study, a focus group phase was included with women survivors/victims of violence who belong to, or are represented by, human rights organisations. To avoid revictimisation and ensure participants' well-being, the decision was made to work exclusively with groups that already had some form of pre-existing psychosocial accompaniment. These were: APDHEM, Pro-Búsqueda, and Madeleine Lagadec CPDH. One focus group was held with each collective, while ensuring that the participants had an established support network.

The study focused on women, as it was not possible to include male victims. However, we recognise that sexual violence against men, adolescent males, and boys in armed conflict is a specific form of gender-based violence. It is used strategically by armed actors to impose social and territorial control, often through practices intended to humiliate, subjugate, and strip victims of attributes socially associated with virility. In doing so, it also reinforces a model of hegemonic, dominant, and violent masculinity.

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- 2 The General Amnesty Law for the Consolidation of Peace, approved on 20 March 1993 through Legislative Decree No. 486, was enacted by the Legislative Assembly (Congress of El Salvador) without debate and by waiving procedural requirements. Its approval came just five days after the Truth Commission for El Salvador presented its final report on 15 March 1993. The Truth Commission Report documented the gross human rights violations committed during the armed conflict by both the armed forces and insurgent groups. The enactment of the Amnesty Law was intended to guarantee impunity for those responsible for these crimes, contrary to the spirit of the Peace Accords, which sought justice and national reconciliation. More than two decades later, thanks to the struggle of victims and human rights organisations, the Constitutional Chamber of the Supreme Court of Justice declared the Amnesty Law unconstitutional in 2016. The Court established a series of obligations for various State bodies and public institutions, including the adoption of a regulatory framework governing access to information about crimes against humanity and war crimes committed during the armed conflict; the provision to victims of updates on investigations, prosecutions, truth recovery, and the punishment of those responsible; and the consideration of comprehensive measures of reparation and non-repetition, among others. With this judgement, El Salvador also complied with the international obligations set out by the Inter-American Court in 2012 in the *Case of the Massacres of El Mozote and nearby places*. See: DPLF Team in El Salvador. (10 November 2020). El estrecho camino de la justicia salvadoreña, a cuatro años de la inconstitucionalidad de la Ley de Amnistía. On the DPLF blog. *Justicia en las Américas*, available at <https://dplfblog.com/2020/11/10/el-estrecho-camino-de-la-justicia-salvadorena-a-cuatro-anos-de-la-inconstitucionalidad-de-la-ley-de-amnistia/>; DPLF. (13 July 2021). Press Release. Cinco años más de impunidad, pese a la declaratoria de inconstitucionalidad de la Ley de Amnistía General, available at <https://dplf.org/cinco-anos-mas-de-impunidad-pese-a-la-declaratoria-de-inconstitucionalidad-de-la-ley-de-amnistia-general-2/>; Sala de lo Constitucional de la Corte Suprema de Justicia, Inconstitucionalidad 44-2013/145-2013, dated 13 July 2016, available at <https://www.jurisprudencia.gob.sv/VisorMLX/PDF/44-2013AC.PDF>.
 - 3 The massacre of El Mozote and nearby places were a series of massacres that took place between 11 and 13 December 1981, in which approximately 1,000 people were killed, more than half of them children. The executions were perpetrated by members of the Third Infantry Brigade, the Fourth Infantry Brigade (formerly the Command Training Centre), the Salvadoran Air Force, and the Atlacatl Rapid Deployment Infantry Battalion (*Batallón de Infantería de Reacción Inmediata - BIRI*) during a large-scale military operation carried out in the communities of Arambala, La Joya, El Mozote, Ranchería, Los Toriles, Jocote Amarillo, Cerro Pando, and Cerro Ortiz, all located in the department of Morazán. A survivor initiated legal proceedings within the country in 1990 and, at the same time, the case was brought before the Inter-American Commission on Human Rights. In 1993, the process was suspended following the passage of the General Amnesty Law for the Consolidation of Peace, which prevented the investigation and punishment of those responsible. In 2012, the Inter-American Court held the Salvadoran State responsible for the massacre. Subsequently, after the Amnesty Law was declared unconstitutional in 2016, a Salvadoran court reopened the criminal case, allowing the pursuit for truth and justice for the victims to resume. Two years after the case was reopened, the court declared the massacre a crime against humanity and added three new charges to the proceedings: torture, including sexual torture; disappearance; and forced internal displacement. In 2021, the Legislative Assembly reformed the Judicial Career Law, mandating the immediate dismissal of any judge over 60 years of age or with more than 30 years of service. This measure removed the judge hearing the criminal case and was then used to appoint a new judge who has taken steps that further prolong the pretrial investigative phase of the proceedings. See: DPLF. (n.d.). *Juzgando la más grande masacre de El Salvador: Entrevista a Jorge Guzmán Urquilla*, available at <https://dplf.org/juzgando-la-mas-grande-masacre-de-el-salvador-entrevista-a-jorge-guzman-urquilla/>; DPLF. (n.d.). *El juicio por la masacre de El Mozote continúa*, available at <https://dplf.org/el-juicio-por-la-masacre-de-el-mozote-continua-2/>; Cristosal. (April 14, 2023). *El Mozote y lugares aledaños. La peor masacre ocurrida en América Latina en tiempos modernos*. *Cristosal*, available at <https://cristosal.org/ES/el-mozote/>; DW. (December 13, 2023). *Juicio por masacre El Mozote en vilo por "opacidad" de juez*. *DW*, available at <https://www.dw.com/es/el-salvador-juicio-por-masacre-de-el-mozote-en-vilo-por-opacidad-de-jueces/a-67714127>.

Within these groups, 20 women self-identified as victims of sexual violence, which they suffered when they were between 12 and 25 years old. Some have open criminal cases; others identify as survivors of massacres in which sexual violence has been documented. Almost all of the reported incidents occurred in rural areas.

Because of the emotional impact of addressing sexual violence in the context of armed conflict, each focus group session included two psychosocial support workshops, conducted before and after the group interview on perspectives regarding reparation. This work was carried out between November 2024 and March 2025.

Thus, most of the information used to prepare this report comes directly from the victims, collected within the framework of this research. In order to include more voices and incorporate the experiences of other victims, thereby allowing for a better understanding of the scope of CRSV, the study also includes statements from survivors/victims and witnesses given during the various sessions of the International Tribunal for the Application of Restorative Justice in El Salvador (*Tribunal Internacional para la Aplicación de la Justicia Restaurativa en El Salvador*),⁴ as well as testimonies provided to the Madeleine Lagadec CPDH for the publication of the book *Masacres: Traces of Salvadoran History Told by the Victims*.⁵

In addition, statements from the criminal proceedings in the case of the massacres of El Mozote and Nearby Places (Court File 238/1990, Investigative Court of San Francisco Gotera, Morazán) have been incorporated. These testimonies were recorded at various procedural stages between 1990 and 2018. Access to these testimonies was made possible through a synthesis prepared by Cristosal, which is litigating the case, in accordance with the ethical principles of confidentiality and dignity. The cited testimonies are not subject to a judicial declaration of confidentiality and are therefore, by law, accessible to the public.⁶ The inclusion of these testimonies seeks to broaden the available testimonial record, contribute to the identification of patterns of CRSV, and reinforce the evidentiary and memorial value of survivors' voices.

In-depth interviews were also conducted with key actors in the legal, feminist, academic, and psychosocial sectors.

For reasons related to the current political context and the lack of judicial independence in El Salvador, it was not possible to include State agents involved in providing services for victims of the armed conflict.

In addition, an in-depth interview was conducted with a researcher specialising in the dynamics affecting the LGBTQIA+ population during the armed conflict, with the aim of exploring possible patterns of sexual violence linked to gender identity and sexual orientation. Although documented accounts exist, these have not yet been systematically analysed.

In order to explore in greater depth the attitudes and positions held by women combatants and collaborators with the insurgency regarding CRSV, as well as its impact on post-war feminist movements, the founder of a women's collective was interviewed. As a former combatant, she was able to provide direct testimony regarding these dynamics.

A survivor who suffered CRSV while in police custody in the capital was also interviewed. She had been imprisoned in retaliation for her union activism. The interview explored the conversations she had with other women political prisoners about their experiences of sexual violence while in prison.

The fieldwork was coordinated with support from Cristosal. The methodology employed was guided by the following approaches:

1. A *survivor-centric approach*, aimed at recognising survivors' rights, needs, expectations, desires, and interests, and generating an environment of respect and dignity that encourages their recovery and decision-making capacity around possible interventions.
2. A *gender and intersectional approach* that allows for the analysis of historical, structural, and cultural oppressions affecting women,⁷ incorporating an intersectional

4 The Tribunal for the Application of Restorative Justice in El Salvador (*Tribunal para la Aplicación de la Justicia Restaurativa en El Salvador*) was a symbolic court initiative developed on several occasions between 2009 and 2019, with the support of the Instituto de Derechos Humanos at Universidad Centroamericana "José Simeón Cañas" (IDHUCA) and the National Coordinating Body of Committees of Victims of Human Rights Violations during the Armed Conflict (Coordinadora Nacional de Comités de Víctimas de Violaciones de los Derechos Humanos en el conflicto armado - CONACOVIC). Juárez Maya, JR (2017). *A la paz, solo por la verdad. Informe del Tribunal Internacional para la Aplicación de la Justicia Restaurativa en El Salvador 2009-2016*. San Salvador: UCA Graphic Workshops.

5 Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos "Madeleine Lagadec".

6 Article 13, Criminal Procedure Code of El Salvador; Article 8.5, American Convention on Human Rights.

7 Lamas, M. (1996). La perspectiva de género. *La Tarea, Revista de Educación y Cultura de la Sección 47 del SNTE*, 8, available at https://www.ses.unam.mx/cursos2007/pdf/genero_perspectiva.pdf.

perspective on the interrelation and overlapping of different systems of oppression and conditions of vulnerability, such as social class, race, ethnicity, disability, sexual orientation, gender identity, and age, among others. This approach is key to understanding the particularities of sexual violence in Latin American armed conflicts, especially in Central America.

3. A *psychosocial approach*, inspired by the tenets of Ignacio Martín-Baró in the context of the Salvadoran armed conflict. This approach, understood as a framework for action,⁸ guides methods and strategies for accompaniment based on principles such as the centrality of human dignity, social support, solidarity,

community building, democratic relational practices, quality of life, justice, enjoyment of rights, gender equity, and a mental health paradigm free from stigma and the individualisation of psychosocial difficulties.

4. A *do-no-harm approach*, inherited from the work of the Truth Commission in Colombia, which seeks to ensure that no external action or intervention by any actor causes harm through its support strategies.⁹

Finally, the study included sessions to share findings and feedback with the women participating in the process, together with representatives of each of their respective associations. These sessions took place in March and April 2025.

8 Villa Gómez, JD (2012). La acción y el enfoque psicosocial de la intervención en contextos sociales: ¿podemos pasar de la moda a la precisión teórica, epistemológica y metodológica? *El Ágora U.S.B.*, 12(2), 349-365, p. 354, available at <https://n9.cl/i3a14>.

9 Comisión de la Verdad de Colombia. (2021). *Guía para el abordaje de las violencias sexuales en la Comisión de la Verdad*, available at <https://www.comisiondelaverdad.co/themes/custom/cevtheme/como-lo-hicimos/caja-de-herramientas/Documentos/procesos-con-enfoques-diferenciales/clh-ch156-guia-para-el-abordaje-de-las-violencia-sexuales.pdf>.

Map of El Salvador





2. SEXUAL VIOLENCE DURING THE ARMED CONFLICT IN EL SALVADOR

| 2.1. Historical context and variables

2.1.1. Set-up of the repressive apparatus in the rural environment

Rural repression and displacement in Chalatenango

“The XY cantón [a rural community or local administrative division] is situated within the jurisdiction of YY, Chalatenango, located about half an hour from the town. This cantón was divided into two groups of dwellings. The valley area, closer to the town, experienced little repression, since most of the inhabitants belonged to ORDEN or to other paramilitary and/or civil defence organisations. The upper part of the mountain had 30 families, most of whom left the area in 1980.

These family groups consisted of 17 complete family units, while the remainder, making up the total of 30, were composed of women and children (7), siblings, or a grandmother with grandchildren. Today, some of these families have lost one or more children. In addition, several of the women have husbands and/or children who are combatants.

All of them, except for two families, left on the same date: 2 October 1980. The two families who left earlier did so because they had too many children to be taking them up into the hills to sleep outdoors.

[...] None of them now lives in the cantón. One woman returned to the town at the age of 87 years old. Everything was left behind there: clothes, animals. The people from ORDEN stole everything of value, even the roof tiles and the doors.”¹⁰

Although the official start of the Salvadoran armed conflict is dated to 11 January 1981, with the offensive launched by the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional* - FMLN)¹¹ against the Revolutionary Governing Junta (*Junta Revolucionaria de Gobierno*) that had held central power since October 1979,¹² acts of aggressions characteristic of an armed conflict began much earlier, especially in rural areas. Since the late nineteenth century, the Salvadoran State had consolidated a model of territorial control based on an alliance between military power and the economic elite, reproducing colonial dynamics of surveillance and repression.

In 1980, El Salvador was a country that had spent more than 50 years under the dictatorial power of a military class aligned with economic power, which had shaped a way of exerting control over the territories and their inhabitants in a strictly colonial manner.¹³

Since the founding of the National Guard¹⁴ – El Salvador’s first police force and one of the main references for State terrorism during the armed conflict – in 1912, and with greater intensity since the military coup of 1931, a network of social control was established in rural areas, sustained by paramilitaries, civil patrols, informants, and *campesinos* (small-scale agricultural workers) in organisations called *auxilios civiles* (civilian auxiliary groups).¹⁵ The Salvadoran State had already established a dynamic of terror as the preferred means of resolving social conflict.

10 Montes Mazo, S. (1985). *El Salvador, 1985: desplazados y refugiados*. San Salvador: Research Institute, José Simeón Cañas Central American University, p. 86, available at <https://coleccion.uca.edu.sv/files/original/42cbbd7ac0a8a8a6086a1c7578ddf26e70226d7a.pdf>.

11 The FMLN was a revolutionary organisation that brought together five armed left-wing groups.

12 Martín Baró, I. (1981). La guerra civil en El Salvador. *Estudios Centroamericanos, ECA*, 36(387-388), 17-32, available at <https://www.uca.edu.sv/coleccion-digital-IMB/articulo/la-guerra-civil-en-el-salvador/>; Commission on the Truth for El Salvador. (1993). *From Madness to Hope: The Twelve-Year War in El Salvador. Report of the Commission on the Truth for El Salvador*, available at <https://digitallibrary.un.org/record/1835997?ln=es>.

13 In this regard, see Patricia Alvarenga’s thorough work on the formation of the Salvadoran repressive apparatus and its role in governing the rural world through the collaboration, or resistance, of *campesinos* in the construction the system of social control in Alvarenga Venutolo, AP (1996). *Cultura y ética de la violencia: El Salvador 1880-1932*. San José, Costa Rica: EDUCA.

14 In June 1912, under the presidency of Dr. Manuel Enrique Araujo, a new rural police force was organised: the National Guard (*Guardia Nacional*). Modeled after the Spanish Civil Guard, it was under the jurisdiction of the Ministry of the Interior, but the Ministry of War, Navy, and Air Force provided all of its equipment, weaponry, and personnel and was responsible for the Guard’s professional training until the relevant decree was enacted. From its inception, the National Guard was assigned the mission of providing security services at the Presidential Residence, a special and honorary distinction. Pérez Pineda, C. (2018). *La Guardia Nacional de El Salvador y la República Cafetalera, 1912-1932* (1st ed.). San Salvador: Dirección General de Investigaciones, Acervos Documentales y Ediciones, Ministerio de Cultura de El Salvador, DIGIADE.

15 Until well into the twentieth century, the National Guard was relegated almost exclusively to the social control of day labourers during the coffee planting and harvesting seasons in Santa Ana, in western El Salvador, which at the time was the country’s financial centre. The civil auxiliaries, by contrast, bore the brunt of *campesino* repression in the rest of the country, outside the coffee-growing regions, and were the de facto heirs to the quintessential figure of colonial repression in rural areas: el Comisionado (the Commissioner). Alvarenga Venutolo, AP (1996). *Cultura y ética de la violencia. El Salvador 1880-1932*. San José, Costa Rica: EDUCA, pp. 173-190.

“Local commanders of the National Guard would ‘provide services’ or rent out soldiers to protect the material interests of landowners’ material interests. Soon afterwards, the services of ‘paramilitaries’ selected and armed by the army or by large landowners, began to be used. They became a kind of ‘intelligence network’ against ‘subversives’ or an ‘instrument of local terror.’

In other words, virtually from the beginning of this century, a security force of the Salvadoran State was directed, through a distortion of the understanding of its true function, against the majority of the civilian population.”¹⁶

Such groups existed and were present during the decades of consolidation of an economic elite that depended on agricultural production in one way or another, whether indigo at the end of the nineteenth century or coffee, sugar cane, and cotton in the twentieth century.¹⁷ This arrangement was responsible not only of reproducing the system of violent repression and social control, but also for reproducing the idea of State morality and carrying out social-cleansing practices through various methods: laws against vagrancy, exemplary punishments, a wide deployment of civil patrols that wielded almost complete supervision over *campesino* life, and, above all, the deterrence of the rural population from organising¹⁸ through the use of a network of local collaborators or informants tasked with identifying and punishing initiatives for social organisation.

Such a large network of informants and surveillance was made possible by the territorial and socioeconomic conditions of El Salvador. In a country with barely 22,000 square kilometres of land and highly concentrated land tenure, a large part of the *campesino* population worked itinerantly in the harvesting of various crops or rented small plots for subsistence farming.

These dynamics fostered the establishment of a system of sharecropping, whereby *campesino* families cultivated and cared for other people’s properties for extended periods of time. This enabled them to develop relatively stable life plans in specific communities or estates.

In this way, the movement of *campesinos* between crops and estates was easily monitored. Furthermore, in cases of particular interest, the limited size of the territory facilitated the coordination of surveillance tasks among different State actors and paramilitary groups, even when they operated in a disjointed manner.

Starting in 1931, after the coup that consolidated the transition of State administration from the oligarchy to a military power that operated as the enforcement arm preserving the economic model, the existing paramilitary groups in charge of social control in rural areas gradually consolidated into a macro-scale intelligence apparatus. This materialised in the creation, in the early 1960s, of the National Security Agency of El Salvador (*Agencia Nacional de Seguridad Salvadoreña* -ANSESAL), founded as the intelligence agency of the high military command and considered “*the nerve centre of the counterinsurgency apparatus*”, which received technical support from the United States government.¹⁹

In 1961, the Nationalist Democratic Organization (*Organización Democrática Nacionalista* - ORDEN) was founded. Its distinguishing feature was the inclusion of mid- and high-ranking military officers among its leadership, operating not only under the orders of landowners but also on instructions from the central government. According to McClintock (cited by Costa), ORDEN eventually comprised a network of between 50,000 and 150,000 members²⁰ throughout the country, including informants, lookouts, and enforcers.

In its report on its 1978 in-site visit, the Inter-American Commission on Human Rights (IACHR) recognised ORDEN as an official paramilitary organisation responsible for multiple killings and acts of physical and psychological torture, and therefore recommended its dissolution.²¹

The centralisation of surveillance over rural life made the military presence the only visible face of the State apparatus in vast areas of the country’s interior. Other forms of institutional presence – such as schools, health centres, or municipal offices – were located only in the

16 Comisión de la Verdad para el Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en el Salvador. Informe de la Comisión de la Verdad para El Salvador*, available at <https://digitallibrary.un.org/record/183599?ln=es>.

17 Pérez, Pineda C. (2018). *La Guardia Nacional de El Salvador y la República Cafetalera, 1912-1932* (1st ed.). San Salvador: Dirección General de Investigaciones, Acervos Documentales y Ediciones, Ministerio de Cultura de El Salvador, DIGIADE, p. 13.

18 González, LA (2002). Estado, sociedad y economía en El Salvador (1880-1999), in Cardenal, R. & González, L.A. (Comps), *El Salvador: la transición y sus problemas*. San Salvador: UCA Editores. p. 32.

19 Costa, G. (1999). *La Policía Nacional Civil de El Salvador (1990-1997)*. San Salvador: UCA Editores. p. 39.

20 Ibid., footnote 28.

21 IACHR. *Informe sobre la situación de los derechos humanos en El Salvador*. OEA/Ser.L/V/II.46, doc.23 rev. 1, 17 November 1978, Chapter II. Derecho a la vida, para. 24, available at <https://biblioteca.corteidh.or.cr/adjunto/40409>.

urban centres of the municipalities. In effect, the sole institutional presence in rural life served the purpose of surveillance and repression.

Civilian collaboration remained a vital component of this intelligence apparatus, but the methods of control escalated in cruelty and terror. Intimidation and the eradication of the enemy gave way to the elimination of entire family groups; summary executions, to torture and the subsequent public display of bodies; and theft of belongings, to the systematic destruction of private property. This dynamic dominated rural life beginning in the early 1970s, when the violence, in both its frequency and cruelty, led to internal and external displacement. This period coincides with the mass application of political violence perpetrated by paramilitary agents, initially under the name of ORDEN and later by a plurality of far-right actors, including military personnel, a decade before the official start of the armed conflict.

It is within this framework that an analysis of sexual violence in the period immediately preceding the start of the armed conflict must be situated.

2.1.2. The social value of women's lives

Before addressing the use of girls', women's, and other feminised bodies²² as spoils of war, and the impact this has on the occurrence of CRSV, it is necessary to briefly describe the social conditions that defined the status of women's lives in rural areas during the years immediately preceding the conflict. This exercise allows the study not only to establish an analytical framework for the social dynamics surrounding women, but also to understand the degree of civic recognition that the central government afforded them when classifying their experiences and suffering as autonomous crimes, rather than as logical offshoots of the exemplary punishments directed at their male militant relatives or partners.

Despite the modernising and self-proclaimed liberal intentions of the military governments in the mid-twentieth century – expressed, for example, in the recognition of women's suffrage in the 1950 Constitution²³ – the daily lives of girls and women did not reflect these formal advances. With a few exceptions within families, social practices continued to consider women and girls an extension of the patriarch's private property, assigning them domestic or caregiving roles.

With the industrialisation of the economy in the 1950s and 1960s, some women migrated to urban areas as domestic workers or day labourers. Although they were not formally excluded from the educational system, the socio-economic dynamics in rural areas favoured school access for sons.²⁴ In general, when girls did manage to enter the education system, their time there was brief: they tended to remain in school only for the years necessary to acquire basic literacy and numeracy skills, which were considered useful for informal trade.²⁵

In urban areas, the proximity of schools to residential areas facilitated girls' access to education, although this was usually limited to six years of primary school instruction. As a result, in 1971 the national literacy rate for the population over ten years of age was 59.5%, with 43.1% of girls being illiterate compared to 37.3% of boys in the same age group.²⁶

Also noteworthy is the high fertility rate in the years prior to the armed conflict. According to the 1978 National Family Health Survey, the average fertility rate was 6.28 children per woman, with rural women aged 20 to 24 reporting the highest number of births. Considering that the dynamics of the conflict frequently involved the murder of men breadwinners, the economic and health impacts of their deaths had severe consequences for mothers, daughters, caregivers, and children in rural households affected by the violence. By 1993, the year hostilities officially ended, the overall fertility rate had fallen to an average of 3.3 children per woman.²⁷

22 *Feminised bodies* are understood as those situated outside of normative cisgender heterosexuality, and include trans women, non-binary people, and homosexual or bisexual men who are attributed characteristics considered "feminine" on the basis of social constructions.

23 Ticas, SP (2021). El sufragio femenino en El Salvador: contextos nacionales e internacionales. *Meridional. Revista Chilena De Estudios Latinoamericanos*, 17, 71-99, p. 92, available at DOI: <https://doi.org/10.5354/0719-4862.2021.64856>.

24 Dean, S. (May 19, 2018). Girls' Education in El Salvador Becomes a National Priority. *The Borgen Project*, available at <https://borgenproject.org/girls-education-in-el-salvador/>.

25 Even in 2010, the illiteracy rate among rural women in El Salvador was 28.7%. Although this figure fell to 19.7% by 2018, the persistence of high illiteracy levels demonstrates that education remains inaccessible to many girls and women in rural areas. Aguilar Garza, C. (n.d.). *La situación de las mujeres rurales en El Salvador*. Fundación Nacional para el Desarrollo, p. 7, available at <https://repo.funde.org/1684/1/MUJ-RUR-SV.pdf>.

26 FLACSO-UNICEF. (2021). *200 años de políticas públicas sobre la infancia en El Salvador*. San Salvador: FLACSO El Salvador/UNICEF El Salvador, p. 57, available at <https://www.unicef.org/elsalvador/media/3886/file/200%20a%C3%B1os%20de%20pol%C3%ADticas%20p%C3%ABlicas%20sobre%20la%20infancia%20en%20El%20Salvador.pdf>.

27 ECLAC. (1995). *El Salvador: análisis de la tendencia histórica de la fecundidad (1978-83) y la mortalidad infantil (1960-93)*. Santiago, Chile, p. 19, available at <https://repositorio.cepal.org/server/api/core/bitstreams/f0f4262c-bf81-4105-8637-0e00b3034f56/content>.

These figures, however, must be understood as estimates. Before the conflict, the civil registration of births was not common practice in rural areas, and significant underreporting occurred; moreover, this task was socially assigned to men. From the beginning of the conflict, part of the armed left's strategy included burning down municipal halls,²⁸ which destroyed birth records in numerous localities and created persistent obstacles for displaced people seeking identity documents from the start of the conflict until approximately 1997. For many women who took on the role of head of household as a result of the armed violence, this situation created a series of barriers that limited their access to State services and support, with repercussions that extended into the postwar period. Meanwhile, since humanitarian services for the displaced population were provided mainly by non-governmental initiatives,²⁹ there are no official figures on the health impacts of malnutrition on people who were pregnant during displacement and settlement in precarious conditions, or on its effects on children who were conceived and born in that context.

This lack of data reflects, in part, the scant importance granted to the rights of girls and women in Salvadoran society prior to the armed conflict. Despite the country's small size, institutional presence in rural areas was limited. In most rural communities and households, attitudes towards, and access to information about, bodily self-awareness were severely restricted. This situation allowed everyday abuses against bodily autonomy to be regarded as part of the expected gender role, rather than as acts of violence in themselves. In El Salvador, the bodies of women, including girls and adolescents, have been undervalued, reduced to objects for men's use and/or pleasure,³⁰ or regarded solely as instruments for human reproduction.

The everyday experience of sexual violence prior to the conflict³¹ permeated personal, familial, and community understandings of these events, affecting attitudes

toward the recognition – both internal and external – of harassment, sexual and reproductive torture during displacement, the destruction of the family unit, or the disruption of life plans. According to the prevailing social and community reasoning, it was existence as a girl or woman that led to sexual violence, not territorial disputes, the anti-communist struggle, or neo-colonial control over rural life. To be a girl or woman was, in itself, to experience sexual violence.

It is also important to highlight the profoundly conservative nature of this violence. Just as property was appropriated and human lives were attacked under the guise of preserving order, State and paramilitary armed actors also punished sexual freedoms. Anecdotally, it is common to hear accounts from displaced persons or survivors of the conflict about abuses of power against sex workers, gay men, and transgender people. This practice was common, at least, in Guatemala and El Salvador.³²

At the heart of this conservatism is the denial of the sexual and reproductive autonomy of girls, women, and other feminised bodies. Their bodies are recognised as territories to be disciplined, claimed, and possessed, as a display of authoritarian power's domination over life. Thus, these bodies are configured as "*spoils of war, the prize of victory, sexual objects for soldiers.*"³³

2.1.3. Women's and other feminised bodies as spoils of war

Contemporary studies on female bodies in contexts of war have analysed the appropriation of women's bodies, especially in relation to sexual, domestic, and reproductive roles, as spoils of war.³⁴ The bodies of girls and women were already regarded as currency or property to be possessed long before the geopolitical climate that underpinned the armed conflict in El Salvador took shape. In everyday life, the collective imagination already harboured the idea

28 United Nations. Comisión de Derechos Humanos, Informe definitivo sobre la situación de los derechos humanos en El Salvador que presenta el Profesor José Antonio Pastor Ridruejo en cumplimiento del mandato conferido por la resolución 32 (XXXVII), E/CN.4/1502, 18 January 1982, para. 106, available at https://digitallibrary.un.org/record/29901/files/E_CN.4_1502-ES.pdf.

29 Montes Marzo, S. (1985). *El Salvador, 1985: desplazados y refugiados*. San Salvador: Instituto de Investigaciones, Universidad Centroamericana José Simeón Cañas, pp. 129 to 156.

30 Segovia, Y. (2019). Naturalización de la violencia sexual contra las niñas, las adolescentes y las mujeres en El Salvador. *Identidades: Revista de Ciencias Sociales y Humanidades*, 14, 67-80.

31 Meléndez, Ó. (2011). Delitos sexuales y procesos criminales: justicia, mujer y violencia en El Salvador (1880-1890). *Identidades: Revista de Ciencias Sociales y Humanidades*, 3, 88-108.

32 The Historical Archive of Guatemala's National Police documents the persecution, transnational in some cases, of transgender women from El Salvador and Honduras on Guatemalan territory between the 1960s and 1990s. See: Archivo Histórico de la Policía Nacional Guatemala. (2018). *La criminalización de la población LGBTI en los registros policiales 1960-1990*. Guatemala City: Archivo Histórico de la Policía Nacional Guatemala, available at <https://memoriavirtualguatemala.org/wp-content/uploads/2020/12/Criminalizacion.pdf>.

33 Segato, RL (2016). *La guerra contra las mujeres*. Madrid: Traficantes de Sueños, p. 63.

34 Amnesty International Spain. (5 March 2024). *La mujer y los conflictos armados*, available at <https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/la-mujer-y-los-conflictos-armados/>.

– never devoid of terror – that the claiming and forcible seizure of a female body was imminent upon the arrival of an actor with economic, political, social, or military power.

“[...] In all the testimonies of tortured women that we were able to hear, the threat or possibility of rape used by the torturers provoked indescribable terror in the defenceless women [...].

Similarly, as some victims also recounted, the humiliations they suffered because of their condition as women, being forced to undress and subjected to body searches that violated their privacy, were almost more painful than the beatings or kicks.”³⁵

It is important to emphasise that, even in the pre-conflict period, sexual crimes committed by private individuals often went unpunished.³⁶ During the armed conflict, Title III of the 1973 Criminal Code – in force from the beginning of hostilities until well into the post-war period – recognised these crimes and considered, for example, sexual assault committed “by a public authority, who had the victim in his custody, or through any form of abuse of authority” to be an aggravating factor.³⁷ Nevertheless, the social climate, governmental infrastructure, collective perceptions of sexual freedom and women’s bodily agency, and the lack of judicial independence prevented the proper prosecution of crimes against sexual freedoms.

Even today, all of these elements continue to shape victims’ own understanding of the intricacies of sexual violence occurring within armed conflict.

2.1.4. Gender as a mandate of obedience

For the purposes of this research, it is asserted that sexual violence always has a disciplinary component. Although it takes on specific nuances in war contexts – when its use seeks to punish women’s militancy through rape, thereby degrading the moral of their comrades – in the case of

El Salvador, this disciplinary component preceded its deployment for political ends. In civilian settings, sexual favours are demanded and obtained by force, and are considered necessary as an expression of dominance over the territory and all who inhabit it, as a form of obedience to hierarchy, or as a means of gender subjugation.

In the case of men, this disciplinary component of CRSV sought to humiliate and deny the manhood of militants, combatants, or sympathisers of left-wing mobilisation. The perpetration of these forms of violence also aimed to instil terror among the civilian population and to discourage support for insurgent groups or participation in any activity perceived as contrary to the ruling regime, whether State or insurgent.

“Another of the female victims was held prisoner by the patrollers because they could not capture her husband. He was a catechist. They chained her up, raped her, burned one of her legs, and then took her to the National Guard.”³⁸

In addition to this disciplinary component, the rigidity of the social expectations imposed on girls and women conflicted with the forms of social mobilisation of the time – whether through student, union, religious, or any other kind of participation –, which, when combined with the new counter-insurgency strategy that categorised as an “internal enemy” not only armed combatants but also society as a whole, and especially mobilised sectors, intensified the persecution.³⁹

For example, although in earlier periods involvement in catechist groups, lay preachers, or Catholic ecclesial communities was not socially penalised, as repression escalated these groups began to be equated with communism, which the State sought to eradicate through illegitimate methods. An example of this was the rape and execution of nuns Ita Ford, Maura Clarke, Dorothy Kazel, and Jean Donovan in an operation planned and carried out by the National Guard.

35 Juániz Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 164.

36 García Castro, C. (2024). Un acercamiento a la violencia sexual contra niñas y mujeres en El Salvador. *Revista La Universidad*, 1, p. 53, available at <https://revistas.ues.edu.sv/index.php/launiversidad/article/view/2924/3055>.

37 Article 195 (1), Criminal Code of 1973. Legislative Decree No. 270, dated 13 February 1973, published in Diario Oficial No. 63, Volume 238, dated 30 March 1973.

38 Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p. 11.

39 Molinari, L. (2016). Enemigo interno y estrategia represiva: un análisis desde las revistas militares (El Salvador, 1935-1972). *e-I@tina. Revista electrónica de estudios latinoamericanos*, 15(57), 35-51, available at <https://www.redalyc.org/pdf/4964/496454142003.pdf>.

“In the context of a change of administration in the United States, at the end of 1980, the violence in El Salvador reached North American citizens. On 2 December, four nuns were detained, raped, and murdered by members of the National Guard.”⁴⁰

“[...] The record of the medical examination carried out immediately after the bodies were discovered reveals that: ‘the direct cause of death was bullet wounds to the heads of the four, and the naked bodies showed inflammation of the genital organs.’”⁴¹

In general, the adoption of ideas, behaviours, or language perceived affiliated with left-wing thought was seen as a deviation from, or renunciation of, one’s proper status as a woman.

Meanwhile, with regard to sexual violence perpetrated by insurgent forces, Paula Cuéllar asserts that sexual harassment and abuse were widespread and persistent problems within the guerrilla ranks. Generally, it was considered acceptable to “give in” to the demands of a male commander when he demanded sex.⁴²

2.2. Nature and scope of sexual violence

2.2.1. Difficulties and efforts to identify patterns

Studies indicate that: “During conflicts, the patterns of violence against women that existed prior to those conflicts are aggravated; meanwhile, this violence is not expressed in isolated events but rather forms part of defined war strategies and policies of repression.”⁴³

The case of El Salvador is unique in comparison to other internal armed conflicts, especially because of the

historical and almost complete silence surrounding CRSV and, by extension, the absence of a gender perspective as a variable for documenting, addressing, and repairing the impacts it has had – and continues to have – on victims. Unlike Guatemala, where patterns of CRSV, particularly against dissident⁴⁴ and Indigenous women,⁴⁵ have been studied, prosecuted, and substantiated, progress in El Salvador has only occurred in a specific context: legal proceedings related to scorched-earth operations.

Over the course of the armed conflict, reports of attacks suffered by complainants rarely included rape as a separate crime; it was generally grouped under the broad category of torture. Mentions of rape in human rights reports are, at best, incidental and do not capture specific details that would allow patterns in its occurrence to be identified.⁴⁶ This dynamic persisted throughout the conflict and should not be confused with an absence of this type of violence: in contexts of impunity and territorial disputes, women’s and other feminised bodies are often claimed as spoils of war.

The absence of official records on these forms of violence can be attributed, in general terms, to two factors, which we will consider here as overarching factors: first, the bias present in the documentation of human rights violations during the conflict and in the way their dynamics were recorded; second, the weight of the practices of control over bodies and territories, exercised both through gender socialisation and through the lack of prompt and full justice, as well as through attitudes within community settings themselves towards CRSV.

The accounts supporting this report are generally first-hand and were transmitted orally decades after the events occurred. Nationwide, only ten criminal complaints

40 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. Informe de la Comisión de la Verdad para El Salvador*, Chapter III, available at <https://digitalibrary.un.org/record/183599?ln=es>.

41 IACHR. *Caso 7575* (El Salvador). Resolución No. 17/83, 30 June 1983, paragraph 4, available at https://cidh.oas.org/annualrep/82_83sp/ElSalvador7575.htm.

42 Cuéllar Cuéllar, P. (2022). *Salvadoran Women Speak: Female Accounts of their Struggle within a Revolution, 1981-1992*. Thesis or Dissertation, p. 56, available at <https://hdl.handle.net/11299/270061>.

43 Mendía Azkue, I. & Guzmán Orellana, G. (2013). *Enfoque de género en los conflictos: hacia una cooperación internacional convergente con la acción feminista por la paz y contra la impunidad*. Bilbao: Instituto Hegoa UPV/EHU, p. 21.

44 For instance, the conviction for aggravated rape committed against Emma Guadalupe Molina Theissen. See: Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente de Mayor Riesgo Grupo C. Sentencia C-01077-1998-00002 Of. 1. Guatemala, 2018, available at <https://www.gazeta.gt/wp-content/uploads/2018/06/sentencia-caso-molina-theissen.pdf>.

45 For instance, the case of Sepur Zarco, the first to specifically address sexual violence against Indigenous women, and the case of the Achi women. Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente de Mayor Riesgo, Sentencia C-01076-2012-00021 Of. 2, 2016, available at https://mujerestransformandoelmundo.org/wp-content/uploads/2020/07/sentencia_caso_sepur_zarco.pdf and Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente de Mayor Riesgo. Sentencia C-15002-2014-00315 Of. 3, 2022, available at <https://www.impunitywatch.org/wp-content/uploads/2022/10/Guatemala-La-sentencia-del-caso-mujeres-Achi-ES.pdf>.

46 IACHR. *Informe Anual de la Comisión Interamericana de Derechos Humanos 1983-1984*. OEA/Ser.L/V/II.63, doc.10, 28 September 1984, available at https://cidh.oas.org/annualrep/83_84sp/cap_4b.htm; IACHR. *Informe Anual de la Comisión Interamericana de Derechos Humanos 1984-1985*. OEA/Ser.L/V/II.66, doc.10 rev. 1, 1 October 1985, available at https://cidh.oas.org/annualrep/84_85sp/Cap_4.htm#EL%20SALVADOR.

have been filled concerning sexual violence linked to the armed conflict,⁴⁷ brought by direct victims to the Attorney General's Office (*Fiscalía General de la República* - FGR) with legal and psychosocial support from the Madeline Lagadec CPDH.⁴⁸ Other dynamics encompassed within the definition of CRSV are not included in these complaints. These complaints have not progressed at all.

Meanwhile, in oral accounts and testimonies, the perpetrators are almost always State agents. Even today, considerable secrecy persists regarding the CRSV perpetrated by the armed left.⁴⁹ Therefore, it is important to state that what is addressed in this report may represent only a small sample of the true magnitude of horror experienced by women, girls, female adolescents, and other feminised bodies from the rise of repression until the end of the armed conflict. The perpetrators could be far more varied and numerous than what has been possible to reconstruct here. It was also not possible to document and analyse CRSV experienced by men, but this does not rule out the possibility of such cases.

The testimonies that have been recovered allow us to identify various scenarios, addressed below, in which sexual violence was used as a weapon of war and repression.

2.2.2. Sexual and reproductive violence in massacres – the “scorched-earth” counterinsurgency strategy

Although it has been established that hostilities against the civilian population began almost a decade before the official start of the armed conflict in January 1981, it is essential to identify the 1979 coup d'état as a turning point that intensified and expanded armed violence against the rural population. This violence escalated from harassment

by paramilitary agents to the deployment of military troops and combat aircraft that carried out sudden incursions, short-term occupations, and, from 1980 onward, operations that have been termed *scorched-earth*.⁵⁰

Through the implementation of the scorched-earth counterinsurgency military strategy, the Salvadoran State sought to destroy all means of livelihood and property in entire communities that, because of their strategic location in the theatre of military operations, were considered bastions of the insurgency.⁵¹

For example, in Chalatenango, the Domínguez Pacification and Cleansing Operation, commonly known as the “Guinda de Mayo” or “Flight of May,” consisted of: “depriving the guerrillas of their means of subsistence. To this end, the army focused its efforts on attacking the civilian population in the conflict zones to prevent them from becoming collaborators or members of the guerrilla ranks. During the operation, the Anvil and Hammer Action was implemented, which consisted of the Elite Battalions pushing the population towards the military encirclement established by the Detachments and Brigades; and with the support of artillery and aviation, those who fled were bombed and strafed by machine-gun fire.”⁵²

The implementation of the scorched-earth policy followed the military strategy of “draining the water from the fish”⁵³ which involved launching overwhelming attacks through lightning raids against those considered the social base of the insurgency. During these raids, the civilian population living in communities presumed to be sympathetic to the insurgency was annihilated, and their crops, homes, and farm animals were destroyed in order to prevent those who managed to flee in time from rebuilding their lives.

47 In 2018, a group of ten women victims of sexual violence, accompanied by the Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec” and the Committee for Latin America (*Comité para Latinoamérica*), filed complaints with the Attorney General's Office concerning sexual violence. That year, the Attorney General's Office ordered psychological evaluations and physical examinations of the victims to determine whether there was evidence of violence on their bodies. To date, the Attorney General's Office has not provided information on the outcome of the investigations, nor has it contacted the victims. See: DPLF. (n.d.). *Laberinto de la Injusticia. Violencia sexual contra mujeres*, available at https://dplf.org/wp-content/uploads/2024/07/5_violencia_sexual_contra_mujeres_-_el_salvador.pdf.

48 Mapa de activismo feminista por la paz y la memoria. (n.d.). *Mujeres denuncian la violencia sexual durante el conflicto armado en El Salvador*, available at <https://feminismoporlapaz.eus/archivo/mujeres-denuncian-violencia-sexual-durante-conflicto-armado-salvador/> and DPLF. (n.d.). *Laberinto de la Injusticia. Violencia sexual contra mujeres*, available at https://dplf.org/wp-content/uploads/2024/07/5_violencia_sexual_contra_mujeres_-_el_salvador.pdf.

49 Paula Cuéllar's work is particularly noteworthy for its sustained engagement with the issue of CRSV perpetrated by militants and combatants of the armed left, whom she refers to as “unimaginable perpetrators”, as opposed to the normalized characterisation of military and paramilitary agents as “idealised perpetrators.”

50 Procuraduría para la Defensa de los Derechos Humanos. *Informe Especial de la señora Procuradora para la Defensa de los Derechos Humanos sobre masacres de población civil ejecutadas por agentes del Estado en el contexto del conflicto armado interno ocurrido en El Salvador entre 1980 y 1992*. 7 March 2005, available at https://www.marxists.org/espanol/tematica/elsalvador/organizaciones/gobierno/pddh/informe_especial_sobre_masacres_durante_el_conflicto.pdf.

51 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 70, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

52 García Doblas, E. (2021). *No se perdieron, se los llevaron. Investigación del operativo militar Domínguez de Pacificación, Chalatenango 1982 guinda de mayo*. San Salvador: Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos, p. 182.

53 Molinari, L. (2017). “El agua y el pez”: el enemigo, la población y las formas de enfrentarlos según la doctrina militar salvadoreña (1962-1972) in García, R. & Taracena, A. (Eds), *La Guerra Fría y el anticomunismo en Centroamérica* (291-305). Guatemala: FLACSO.

This practice was so common that gender roles were adapted to the context: it was usual for men – who were presumed to be the political targets of interest to the military and paramilitary forces – to sleep outside, at some distance from their houses, leaving the women, children, and elderly people at home. This practice operated under the assumption that their status as non-combatant civilians, combined with the mandate to protect women and children, would lead to their lives being spared.⁵⁴ This rarely happened. The majority of girls and women were killed in these operations, and some of them were raped before being executed.⁵⁵

"[We men] all left. We left with the oldest children⁵⁶ we had. For example, one time I was with three of my children, since we distrusted the Armed Forces, thinking they would commit a massacre at any moment. Since they didn't find us, the adults, they took it out on the people they found in the houses. They were looking for the adults, but since they didn't find us, they took it out viciously on the children, the elderly, and the pregnant women."⁵⁷

The massacre of El Mozote and nearby places, which occurred between 10 and 13 December, 1981, and affected the civilian populations of eight towns in eastern El Salvador, is the most brutal example of this type of operation. Due to its scale, it is the best documented and the only one that has been brought before national and international courts. This case will be explored further below.⁵⁸

The destruction resulting from scorched-earth operations sought not only the material and intangible eradication of the invaded communities and the annihilation of the ways of life within them, but also the forced displacement of their survivors, leaving them starving, homeless, and extremely vulnerable.⁵⁹ During these flights, the survivors walked in single file along rugged paths overgrown with dense vegetation to evade surveillance helicopters and military patrols. This type of journey was called a *guinda*.⁶⁰ There are testimonies from mothers who had to smother their babies with their own breasts or with cloths so that their crying would not reveal the movement of entire families or communities. This, too, should be considered reproductive violence linked to the armed conflict.

"The adults barely ate anything; we only drank water from the puddles, and we gave the children toasted corn patties with sugar [...] That's how many children survived; others died when their mothers covered their mouths so that their crying wouldn't alert the soldiers to their presence [...] The soldiers would locate us from the children's crying. That's why they forced us to cover their mouths so they wouldn't cry; but many couldn't withstand it and died in their mothers' arms."⁶¹

As documented in the case of the massacres of El Mozote and nearby places, military operations systematically applied the practice of separating the population into groups: young children; women, including adolescent girls; and men, including adolescent boys. Sexual violence was primarily directed against the youngest members of the second group, who were subsequently executed.⁶²

54 Testimonies gathered in the criminal proceedings concerning the massacres of El Mozote and nearby places attest to this: Vigil Amaya, D. (1990). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Martínez Vigil, E. (1991). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Ramos Hernández, P. (2018). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

55 Romero Martínez, L. (1991). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Martínez Hernández, C. (2017). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Martínez, P. (2017). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Mejía, J. (2017). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Mejía Márquez, M. (2018). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Mejía, E. (2018). *Expediente judicial 238/1990*, Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

56 The word used in the original Spanish, "cipotes," is a colloquial term for children.

57 Testimony of Barrera, A. Guacamaya Massacre, 1980. Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos "Madeleine Lagadec", p. 121.

58 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

59 García Doblás, E. (2021). *No se perdieron, se los llevaron. Investigación del operativo militar Domínguez de Pacificación, Chalatenango 1982 guinda de mayo*. San Salvador: Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos, p. 24.

60 Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos (2002). *Historias para tener presente: los relatos extraordinarios de cinco jóvenes que perdieron a sus familias y que, luego de la guerra, las volvieron a encontrar*. San Salvador: UCA, p. 22.

61 Testimony of García, M. La Quesera Massacre, 1981. Juárez Maya, JR (2023). *El crimen oculto. Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 203.

62 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, paras. 89 to 96, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

2. SEXUAL VIOLENCE DURING THE ARMED CONFLICT IN EL SALVADOR

*"They took a group of 60 of us to San Nicolás. The people in our group were children, elderly people, pregnant women, breastfeeding women, and babies,⁶³ but according to the soldiers, they were transporting guerrillas [...]. They were dropping the girls off along the way. Then I don't know whether it was Domingo Monterrosa or another military leader who told them to do whatever they wanted with the girls; so the soldiers would leave the girls behind and what they did was rape them and then kill them, leaving them naked [...]."*⁶⁴

*"[...] My mom and my sister, who was a teenager, about fourteen years old, they locked them up together, and I don't know, I don't know if they raped her or what, but they locked them in a room. They were screaming, my sister was screaming and you could hear them kicking her. Then they took my mom out, they took her out and it was as if her clothes had been torn [...]."*⁶⁵

*"They arrived at five o'clock in the morning, they fell upon them, they grabbed them [...]. My sister, [who] was young, they took her out behind the house, they wanted to rape her, they wanted to rape her, I don't know if they raped her, but the person who went to collect her says that they found her with her underwear down and her head blown off."*⁶⁶

is a form of *pedagogy of cruelty*⁶⁷ in which practices such as mutilation or impalement are not mere "excesses", but rather mechanisms of patriarchal communication that seek to discipline, warn, and dominate.⁶⁸

"At 6 a.m. on 11 September 1980. Soldiers from Military Detachment No. 2 and members of ORDEN from the canton of Potrero y Tabla, in Sensuntepeque, arrived in the hamlet of Santa Rosita and violently forced the inhabitants from their homes, accusing them of belonging to the guerrilla.

*Without saying a word, they tried to rape Julia Orellana, an 18-year-old who was brutally beaten when she tried to break free. Minutes later, they tied a rope around her neck and hanged her from a tree. Once the young woman was dead, they proceeded to slit her throat and insert a stick into her vagina, and as if they wanted to forget Julia's face, they destroyed it with a gunshot."*⁶⁹

*"The victims were murdered with extreme cruelty, as they showed signs of brutal torture, such as fractures, stab wounds, and blunt-force injuries, as well as generalised trauma. [...] Two young women were gang-raped and tortured. One of them was found with a stake driven into her genitals."*⁷⁰

Another feature of acts of CRSV in the context of the massacres was the post-mortem cruelty. As Rita Segato argues, this not only reveals the utmost contempt for women, but also transforms their bodies into canvases on which to inscribe a message of power, threat, and terror. It

Pregnant women, for their part, suffered the killing of their fetuses through particularly cruel acts perpetrated with bayonets or firearms.⁷¹ In this context, both adolescent girls and adult women were victims of sexual and reproductive violence before being murdered.

63 The original term in Spanish, "niños tiernos," refers to babies.

64 Testimony of Miranda, R. Copapayo Massacre, 1983. Juárez Maya, JR (2023). *El crimen oculto. Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, pp. 169 to 170.

65 Testimony of Aragón, A. Siquiyayo Massacre, 1982. Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos "Madeleine Lagadec", p. 209.

66 Testimony of Iraheta Escobar, P. Santa Rita Massacre, 1980. Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos "Madeleine Lagadec", p. 73.

67 Segato defines pedagogies of cruelty as "all acts and practices that teach, habituate, and programme subjects to transmute life and its vitality into things. In this sense, these pedagogies teach something that goes far beyond killing; they teach killing with a de-ritualised death, a death that leaves barely any residue in the place of the deceased." Segato, R. (2019). *Pedagogías de la crueldad. El mandato de la masculinidad* (excerpts). *Revista de la Universidad de México*, 9, 27–31, p. 27, available at <https://www.revistadelainiversidad.mx/articulos/9517d5d3-4f92-4790-ad46-81064bf00a62/pedagogias-de-la-crueldad>.

68 Segato, RL (2016). *La guerra contra las mujeres*. Madrid: Traficantes de Sueños, p. 22, 63 to 65.

69 Account based on survivor testimonies collected by the "Madeleine Lagadec" CPDH. Santa Rosita Massacre, 1980. Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos "Madeleine Lagadec", p. 86.

70 Matayate River Massacre, 1981. Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos "Madeleine Lagadec", pp. 129-130.

71 "Feticides or attacks against pregnant women constitute forms of sexual violence insofar as they represent a violation of women's sexual and reproductive rights, among others." Soria Montañez, P. (2021). *Peritaje especial sobre la violencia sexual en el marco de los hechos conocidos como la Masacre de El Mozote y lugares aledaños; indicios de prueba, patrones e impactos en las víctimas sobrevivientes y sus familiares a la luz de la norma y la jurisprudencia de distintas jurisdicciones*. Expediente judicial 238/1990, Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador. Unpublished judicial archive, p. 43.

"[...] And from Los Ranchos you could hear 'boom, boom, boom!' And the poor people: 'Ay! Ay! Ay!' The children started crying. They were killing everyone. They would cut open the pregnant women with long knives and rip out the babies [...] I saw it! I saw it! I saw this with my own eyes and up close [...]."72

"After killing my sister Angelita with two shots [...] they grabbed my sister Adelaida, who was eight months pregnant, and asked her: 'Where's your husband?' She answered that he wasn't there [...] The soldiers insulted her and murdered her on the spot with two shots to the chest [...]. Then they cut open her stomach with a knife to take out the baby, which they threw up into the air, and it got pierced by the knife they were carrying."73

"It was during that operation that six women were killed. Of the six women, four were pregnant, and two were not outside of pregnancy [sic]. They were captured in the hamlet of El Rincón; they were stripped naked and then taken away with their hands raised, completely naked so that other people could see the torture done to them by the Armed Forces. They were taken to the river, forced to bathe, then raped, then their heads were cut off. Their babies were removed and left in the women's arms. All six of them were left like that, in a line, just like that."74

In some cases, such as that documented in *Serrano Cruz Sisters v. El Salvador*, children were wrongfully seized as a result of these scorched-earth operations. Many of these children were funnelled into human trafficking networks⁷⁵ involved in fraudulent adoptions, run by military or State-affiliated actors,⁷⁶ or into labour and sexual exploitation, as substantiated in the judgment of *Contreras et al. v. El Salvador*, through the testimony of Gregoria Herminia Contreras:⁷⁷

"[...] Even though I was only four years old [...] the soldier who took me abused me, I mean, they always made me wear a skirt and he was always touching me, so I was always very afraid of him and always lived with that fear. As time passed, I grew older and I had to go around selling things in order to eat because if I didn't, they would tell me that if I didn't work, I wouldn't eat. So they made me sell vegetables and things like that, and I would walk the streets, and sometimes spent the whole day hungry; but when I came back, if I still had any of the produce left, they would beat me [...] So I lived with that fear, always frightened about what might happen to me, about what they were going to do to me. I always tried to get away, to leave, not to be there [...]. Time passed, I kept growing up, and he would always beat me if I didn't go, and I didn't go because I was afraid of him, because I would say to myself, he's going to keep touching me. Because I would say to him, I'm going to tell my mother – because I called his mother my mother – and then he would say to me, if you tell her, I'm going to kill you, because I still have weapons. And he always threatened me with that [...] and I always lived like that. I never had peace, I mean, they never saw me as a daughter, they always saw me as a guerrillera. I was always humiliated and mistreated. They always said I was a guerrillera. I always endured contempt and humiliation, I never had any peace."78

2.2.3. Patterns of sexual violence in the Case of the Massacres of El Mozote and Nearby Places

As previously noted, the case of the massacres of El Mozote and nearby places is one of the most widely documented. It was included as an illustrative case in the Truth Commission Report, resulted in a judgement by the Inter-American Court, and the national judicial proceedings have amassed a substantial body of evidence.

72 Testimony of Torres, B. La Quesera Massacre, 1981. Juániz Maya, JR (2023). *El crimen oculto. Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 201.

73 Testimony by Recinos Alemán, M. Cantón Santa Marta, 1980, in *Ibid.*, p. 178.

74 Testimony by Nelson. El Rincón Massacre, 1980. Oraciones incompletas. University of Washington, Center for Human Rights. (n.d.). *Testimony Archive. El Rincón*, available at <https://unfinishedsentences.org/es/testimonies/place/el-rincon-es/>.

75 Inter-American Court. *Case of Contreras et al. v. El Salvador*. Merits, Reparations and Costs. Judgment of August 31, 2011. Series C No. 232, para. 54, available at https://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf.

76 *Ibid.*, paras. 15, 19 to 20.

77 Gregoria Herminia Contreras was a girl who was disappeared during the military operation called "Invasión Anillo," carried out by the Atlacatl Battalion in 1982. Separated from her family, she was taken in by a member of the military, who sexually assaulted her and subjected her to exploitation and mistreatment.

78 Inter-American Court. *Case of Contreras et al. v. El Salvador*. Merits, Reparations and Costs. Judgment of August 31, 2011. Series C No. 232, para. 98, available at https://www.corteidh.or.cr/docs/casos/articulos/seriec_232_ing.pdf.

Excerpts from the judgment in the case of the *El Mozote and surrounding areas massacres v. El Salvador, Inter-American Court of Human Rights*

“Between 8 and 16 December 1981, the Atlacatl Rapid Deployment Infantry Battalion (hereinafter “Atlacatl BIRI”), together with units of the San Miguel Third Infantry Brigade and the San Francisco Gotera Command Training Centre, conducted a large-scale military operation in the northern area of the department of Morazán, known as “Operación Rescate” or “Yunque y Martillo” (Anvil and Hammer) [...].”⁷⁹

“The operation began with aerial and artillery bombardments directed at the hamlet of El Mozote and the cantón of La Joya [...]. Likewise, as recognised by the State, Salvadoran Air Force helicopters transported members of the Atlacatl BIRI to the town of Perquín, from where they began to advance by land. Other companies entered the area by land from San Francisco Gotera.⁸⁰ The operation covered, among other places, the hamlets of El Mozote, Ranchería, Los Toriles and Jocote Amarillo; the cantones of La Joya and Cerro Pando, and the place known as Cerro Ortiz.”⁸¹

“On 10 December 1981, troops from the different companies of Atlacatl BIRI converged on the hamlet of El Mozote, following bombardments carried out by the Salvadoran Air Force, and took full control of the population in the area.”⁸²

“At approximately 5:00 a.m. on 11 December 1981 the soldiers removed all the people from their homes and gathered them in the square of the hamlet, in front of the chapel. In the square, the soldiers ordered them to form two lines, one of men and the other of women, girls and boys, telling them that they would remain there while they decided what to do with them. Two hours later, they divided the people into two groups: one of men and older boys, who were sent to the chapel, and another of women and young children who were placed in the home of Mr Alfredo Márquez.”⁸³

“At approximately 8:00 a.m. on 11 December 1981, the mass execution of the people gathered in El Mozote began.”⁸⁴

“[...] the younger women were taken to the outskirts of the hamlet, especially to the hills known as “El Chingo” and “La Cruz,” where members of the army raped them before killing them.”⁸⁵

“At approximately 8:00 a.m. on 11 December 1981, uniformed soldiers entered the cantón of La Joya; proceeding to remove people from their homes and kill them, before then burning the population’s homes, belongings, and animals.”⁸⁶

“[...] in the early hours of the morning of 12 December 1981, the Third Company of the Atlacatl BIRI moved in this direction, towards Ranchería and Los Toriles, where they continued the mass killings of the inhabitants. In this hamlet, the killings were carried out inside the homes, against family groups.”⁸⁷

“At approximately 7:00 a.m. on 12 December 1981, the killings by family group began [in the hamlet of Los Toriles]. Subsequently, the soldiers proceeded to burn and destroy the homes, crops, animals and belongings.”⁸⁸

“According to survivors’ accounts [...], military personnel began the killings in Jocote Amarillo between 7:00 a.m. and 8:00 a.m. on 13 December 1981.”⁸⁹

“When the soldiers arrived [at Cerro Pando] on 13 December 1981, many people were already hiding in the hills. Nevertheless, at 8:00 a.m., the cries of the adults and the screams of the children who had remained in their homes, and who were killed, began to be heard.”⁹⁰

“[...] in the context of this massacre, about 20 people sought refuge from the operation in a cave on Cerro Ortiz, in the municipality of El Zapotal, but they were discovered by the soldiers because of a child’s crying. Without prior warning, the soldiers threw a grenade into the cave. Those who were wounded but could still walk left the cave.”⁹¹

79 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 83, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

80 Tutela Legal del Arzobispado de San Salvador. (2008). *El Mozote. Lucha por la verdad y la justicia: Masacre a la Inocencia*. San Salvador, El Salvador, pp. 50 and 326 (evidence file, volume VIII, annex 2 to the document of requests, arguments and evidence, folios 5294 and 5453).

81 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 85, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

82 Ibid., para. 89.

83 Ibid., para. 90.

84 Ibid., para. 92.

85 Ibid., para. 93.

86 Ibid., para. 100.

87 Ibid., para. 107.

88 Ibid., para. 111.

89 Ibid., para. 115.

90 Ibid., para. 118.

91 Ibid., para. 120.

The massacre of El Mozote and nearby places has been selected as an illustrative case of the massacres perpetrated against *campesino* populations, due to its scale and the overwhelming evidence uncovered about it. With approximately 978 fatalities – 553 of them minors⁹² – it constitutes one of the episodes with the highest numbers of civilian deaths in armed conflicts in Latin America.

The massacre was denounced by Rufina Amaya, the sole survivor, who managed to recount the actions of the Atlacatl Battalion during those days, detailing the methods used in the counterinsurgency violence, with notable distinctions by gender. This aspect was evident in the decision to separate and group the victims into three categories: women, children, and men.

As was substantiated before the Inter-American Court, Rufina Amaya testified that young teenage girls were separated from the rest of the women and taken to the hills of La Cruz and El Chingo, where they were raped before being killed.⁹³ This was later corroborated by witnesses.

“[...] after we saw that the Armed Forces had left, what we saw on Cerro Chingo, because we went there, and we also climbed up to Cerro la Cruz. On Cerro la Cruz there were some knickers and some young women hanging there; when I say hanging, I mean they were terribly mutilated, as if they had been raped. I think they were raped, yes, because they looked like it... My dad said to me, ‘Maybe these young women were raped.’ ‘Why?’ I asked him. ‘Because of the way they look.’ There were about five young women there. [...] they were unrecognisable, already decomposing; the knickers were scattered around and they were hanging there, and the bodies, the little bones were already falling apart because it had been fifteen days. Let’s say those people were no longer in a good state.”⁹⁴

Acts of sexual violence were repeated in other places during the massacres. In La Joya, survivor L. Romero Martínez testified that, from her hiding place, she could hear the cries of people begging not to be killed and later overheard a conversation among several soldiers passing near where she was hiding, recounting: “[...] the girls begged me not to kill them, and what they did to silence them was to shove a jar of cream into those bitches; that’s what they said they had done to silence them.”⁹⁵

Several witnesses also reported the discovery of the body of a young woman, P. López Sánchez, about 21 years old, who was found with clear signs of rape: her dress lifted up, her legs open, and her underwear on a rock.⁹⁶

In the context of this massacre, the systematic use of sexual violence against girls and women was established, supported by forensic evidence gathered in 1992 by the Argentine Forensic Anthropology Team (EAAF),⁹⁷ which acted as an expert witness in the first attempt to bring the case to court. This evidence was subsequently reinforced by various expert reports and *amicus curiae* briefs submitted in support of both national and international proceedings.

Among these expert reports, the work of the Spanish attorney Paloma Soria stands out. She analysed the testimonies of S. Romero and F. Amaya given before the Court of Instruction of San Francisco Gotera (*Juzgado de Instrucción de San Francisco Gotera*), which had jurisdiction over the criminal case of El Mozote and nearby places following the repeal of the Amnesty Law that had prevented its prosecution. This analysis shows that the patterns identified and documented during the events in El Mozote and nearby areas had already appeared previously in terms of timing, method, and form, thereby demonstrating their systematic nature.⁹⁸

92 Rauda Zablah, N. (4 December 2017). El Estado hace oficial el número de víctimas en El Mozote: 978 ejecutados, 553 niños. *El Faro*, available at https://elfaro.net/es/201712/el_salvador/20953/el-estado-hace-oficial-el-n%C3%BAmero-de-v%C3%ADctimas-en-el-mozote-978-ejecutados-553-ni%C3%B1os.htm.

93 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 163, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

94 Testimony of Mejía Márquez, M. El Mozote Massacre, 1981. *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

95 Romero Martínez, L. (2017). *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

96 Martínez Hernández, C. (2017). *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Mejía, J. (2017). *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished judicial archive; Mejía Márquez, M. (2018). *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera. El Salvador: Unpublished court archive; Mejía, E. (2018). *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

97 *Expediente judicial 238/1990*. Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

98 Soria Montañez, P. (2021). *Peritaje especial sobre la violencia sexual en el marco de los hechos conocidos como la Masacre de El Mozote y lugares aledaños; indicios de prueba, patrones e impactos en las víctimas sobrevivientes y sus familiares a la luz de la norma y la jurisprudencia de distintas jurisdicciones*. Expediente judicial 238/1990, Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive.

2. SEXUAL VIOLENCE DURING THE ARMED CONFLICT IN EL SALVADOR

“The analysis of the testimonies and other evidence included in the case enables the affirmation that sexual violence occurred before and during the massacres in El Mozote and nearby places.”⁹⁹

“The acts of sexual violence that occurred before and during the massacres of El Mozote and nearby places are not isolated incidents or excesses by the troops, since similar acts at the hands of the same perpetrators are observed in similar geographical areas.”¹⁰⁰

Based on their characteristics, the events that occurred in the massacre of El Mozote and nearby places constitute an extreme manifestation of gender-based violence and a gross violation of human rights and international humanitarian law. They embody specific elements of the war crime of rape, the crime against humanity of torture, and the crime against humanity of rape.¹⁰¹

The expert report prepared by Professors Claudia Martin and Susana SáCouto in the *amicus curiae*¹⁰² presented before the Court of Instruction (formerly, the Second Court of First Instance) of San Francisco Gotera, Morazán, in the judicial proceedings concerning El Mozote, establishes that sexual violence against girls and women was perpetrated systematically during this operation, evidencing a pattern of conduct within the Atlacatl Battalion.

As noted earlier, during the takeover of El Mozote, battalion members separated the youngest women from the rest of the population and took them to areas far from the affected hamlets –specifically, to the hills of El Chingo and

La Cruz – in order to rape the victims before murdering them. This pattern was repeated in La Joya and other nearby areas, which allows us to conclude that the cases of CRSV linked to this operation form part of a systematic pattern of behaviour and do not constitute, as is often argued, isolated and unconnected acts.¹⁰³

The separation of the civilian population into groups according to age and sex corresponds to one of the indicators later included in the matrix devised by the UN in 2011 for the early detection of sexual violence in armed conflicts.¹⁰⁴ Although developed after the fact, this matrix takes into account other features present in El Mozote, such as the destruction and widespread looting of civilian property, attitudes aimed at eradicating the enemy, the existence of a state of emergency that suspends legal guarantees, and institutional permissiveness towards sexual violence.¹⁰⁵

Martin and SáCouto’s analysis asserts that, from a legal standpoint, these acts should be understood as sexual torture, in accordance with the standards of the Inter-American Court of Human Rights.¹⁰⁶ Even when it does not leave visible physical injuries, rape involves severe physical and psychological suffering and is committed with the aim of humiliating, punishing, controlling, and terrorising the victims and their communities.

According to the aforementioned authors, the sexual violence committed in El Mozote should be classified as a war crime, as it occurred in the context of a non-international armed conflict, in violation of Common Article 3 of the Geneva Conventions and Protocol II, both

99 Ibid., p. 54.

100 Ibid., p. 70.

101 Ibid., p. 71.

102 The *amicus curiae* brief, submitted in August 2018 to the Court of Instruction of San Francisco Gotera (*Juzgado de Instrucción de San Francisco Gotera*), Morazán, in the context of the criminal proceedings concerning the massacres at El Mozote and nearby places, elaborates on the obligation to investigate acts of sexual violence perpetrated against the victims, stemming from the international commitments assumed by the Salvadoran State prior to the commission of these acts. The document also provides information on the characterisation of sexual violence as an international crime and explains how rules of customary international law can complement domestic criminal law in classifying these crimes as crimes against humanity or war crimes. Finally, the authors of the *amicus* brief offer observations on the assessment of evidence in cases of sexual violence committed in the context of armed conflict or gross human rights violations, as well as on the criminal responsibility not only of the direct perpetrators but also of their superiors in the chain of command who ordered or permitted the commission of such crimes. See: Martin, C. & SáCouto, S. (2018, August 23). *Amicus Curiae – Criminal Case 238/90: Masacre El Mozote y lugares aldeños*. Washington, DC: American University Washington College of Law, available at <https://www.wcl.american.edu/impact/initiatives-programs/hracademy/documents/upload/amicus-causa-penal-238-90.pdf>.

103 Martin, C. & SáCouto, S. (2018, August 23). *Amicus Curiae – Causa Penal 238/90: Masacre El Mozote y lugares aldeños*. Washington, DC: American University Washington College of Law, available at <https://www.wcl.american.edu/impact/initiatives-programs/hracademy/documents/upload/amicus-causa-penal-238-90.pdf>.

104 UN Women. *Alerta temprana sensible al género: guía general y práctica*. October 2012, available at: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2012/10/WPSourcebook-04F-GenderResponsiveEarlyWarning-es.pdf>.

105 Soria Montañez, P. (2021). *Peritaje especial sobre la violencia sexual en el marco de los hechos conocidos como la Masacre de El Mozote y lugares aldeños; indicios de prueba, patrones e impactos en las víctimas sobrevivientes y sus familiares a la luz de la norma y la jurisprudencia de distintas jurisdicciones*. Expediente judicial 238/1990, Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive, pp. 31-32.

106 Inter-American Court. *Case of Women Victims of Sexual Torture in Atenco v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 28, 2018. Series C No. 371, paras. 193 and 196, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_371_ing.pdf.

in force and binding in El Salvador in 1981. Furthermore, it constitutes a crime against humanity because it was part of a widespread and systematic attack against the civilian population.¹⁰⁷

A key characteristic of this violence is its gendered dimension. Women were victimised not only because they were civilians, but also because they were women. This violence was perpetrated with misogynistic intent, as a form of punishment and public humiliation, often with the symbolic aims of domination and the destruction of communities' social fabric.

In sum, the systematic sexual violence in El Mozote constituted not only a strategy of military repression, but also an extreme form of patriarchal violence in the context of an armed conflict. It was massive, planned, brutally executed, and specifically targeted against women because of their gender. This characterisation requires the State of El Salvador to advance effective and independent investigations with a gender-based approach in order to fulfil its international obligations and guarantee victims' right to justice.

2.2.4. The stigma of being a displaced woman

Once they reached a nearby village – far from the annihilation suffered by their home community – the displaced population had to face the risks entailed by their new situation, not only for themselves but also for the receiving community. In the case of girls and women, these risks took on particular forms.

Under the premise that all displaced people came from communities aligned with the militant left,¹⁰⁸ sexual violence against them was assumed – and sometimes tolerated – by State and civilian actors in the communities where they arrived. There is at least one testimony from a girl, who was underage at the time, orphaned as a result of the armed conflict, and subjected to sexual exploitation in the receiving community:

“Enriqueta, now 45 years old, was 14 in 1987 when she was raped. She was unmarried [...] She does not specify exactly where the events took place. She belonged to a social organisation and had gone to deliver a package to someone at the San Miguelito market, located in the north of the city of San Salvador, when she was captured. She and her siblings were refugees at the San José de la Montaña Seminary in San Salvador, under the protection of the Archdiocese of San Salvador.

[...] She stated that one of the men sent her to be checked to see if she was a virgin, and upon verifying that she was, they said that she would not go with all of them. She heard one of them being called ‘my Major’ and said it’s possible that he was the first one who raped her, and afterwards many others did it too [...]

[...] Furthermore, she continued to be a victim, because she says that, having lost her parents, she and her younger siblings sought refuge with an aunt in Soyapango, another municipality in the department of San Salvador. This woman, upon learning that she had been captured, mistreated her and made her sleep in the bathroom, fearing that they would be attacked. This woman also allowed a sergeant who came to the house to rape Enriqueta.”¹⁰⁹

The southern part of Honduran territory, bordering El Salvador, received more than 30,000 Salvadoran refugees in 1980 and 1981. The majority, around 25,000, lived in Mesa Grande, in the town of San Marcos de Ocotepeque,¹¹⁰ and approximately 7,000 took refuge in Colomoncagua,¹¹¹ an area bordering the department of Morazán.

Given their vulnerability and lack of protection, refugee women in many different countries around the world have been and continue to be subjected to sexual violence. In 1991, the Office of the United Nations High Commissioner for Refugees (UNHCR) published its *Guidelines on the Protection of Refugee Women*, recognising – among other aspects – that:

107 Martin, C. & SáCouto, S. (2018, August 23). *Amicus Curiae – Criminal Case 238/90: The Massacres of El Mozote and nearby places*. Washington, DC: American University Washington College of Law, pp. 43-44, available at <https://www.wcl.american.edu/impact/initiatives-programs/hracademy/documents/upload/amicus-causa-penal-238-90.pdf>.

108 Montes, S. (1989). *Refugiados y repatriados. El Salvador y Honduras*. San Salvador: IDHUCA, p. 30, available at <https://coleccion.uca.edu.sv/s/segundo-montes/media/4349>.

109 Testimony of a survivor / victim, under the pseudonym “Enriqueta,” given to the “Madeleine Lagadec” CPDH. Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p. 13.

110 UNHCR. (March 24, 2021). La solidaridad de los hondureños 4 décadas después, available at <https://www.acnur.org/noticias/historias/la-solidaridad-de-los-hondurenos-4-decadas-despues>.

111 Paredes, D. (1984). La reubicación de los refugiados salvadoreños en Honduras: un paso hacia la intervención. *Estudios Centroamericanos (ECA)*, 39, 515-532, available at: <https://revistas.uca.edu.sv/index.php/eca/article/view/8791/8949>.

“In addition to these basic needs shared with all refugees, refugee women and girls have special protection needs that reflect their gender: they need, for example, protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services.”¹¹²

Although there is no published data or information, it is reasonable to infer that girls and women in refugee camps in Honduras suffered sexual harassment and abuse.

Meanwhile, the San Salvador metropolitan area and municipalities surrounding the capital received a considerable number of displaced people from 1980 onwards. Marginal urban settlements emerged. Their origins could be traced relatively easily,¹¹³ which was exploited by the security forces to equate those origins with an affinity for the armed left. This allowed them to perpetuate the continuum of violence against women and girls in these settlements.

“[...] After I was in Lourdes Colón, in '85 I left Lourdes Colón and went to Guatemala, because [...] everyone who had an identity card from Guacamaya or Meanguera was being taken out of their houses at night and killed and thrown into the lava of San Juan Opico.”¹¹⁴

By 1989, the number of internally displaced persons was 396,883.¹¹⁵ Eighty percent of this population came from rural areas and had little or no schooling; however, there are no national data disaggregated by sex. Available sources indicate that a large part of this population

consisted of girls and women without access to formal employment opportunities, which increased their vulnerability to sexual exploitation.

2.2.5. Violence in detention contexts

There are accounts of CRSV committed against female political prisoners dating back to at least 1976.¹¹⁶ For the purposes of this section, detention is understood as the deprivation of liberty by government security forces. While the insurgent left also detained and held political opponents captive, due to the almost entirely male composition of Salvadoran political life at the time, there are no records of women or girls being deprived of their liberty by the guerrillas.

Furthermore, considering that the victims of CRSV perpetrated by paramilitary entities were usually killed, it is not possible to establish more than the fact that incidents occurred, without being able to specify details beyond what could be verified from their bodies.

Despite these limitations, there are data and testimonies confirming CRSV in detention in facilities of the security forces. At the first International Tribunal for the Application of Restorative Justice in El Salvador, held in 2009, J. Grande Menjívar testified: “They tortured us [...] We suffered ill treatment, kicks, punches [...] A captain they called ‘La Chanchona’ arrived from Santa Ana. He tortured us psychologically. The guards would turn off the lights and recount the atrocities they committed against women.”¹¹⁷

Likewise, reports from human rights organisations at the time identified CRSV under categories such as “blows to the testicles,” “physical nudity,” “rape,” and “threat of rape.”¹¹⁸

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- 112 UNHCR. *Guía para la protección de mujeres refugiadas*, Geneva, July 1991, available at <https://www.acnur.org/fileadmin/Documentos/BDL/2002/0248.pdf?file=fileadmin/Documentos/BDL/2002/0248>.
- 113 La problemática urbana del área metropolitana de San Salvador (AMSS) y el movimiento popular. (1988). *Revista La Universidad*, 6, 31-42. <https://revistas.ues.edu.sv/index.php/launiversidad/article/view/939>.
- 114 Testimony of Guevara Claros, J. El Mozote Massacre, 1980.
- 115 Montes, S. (1989). *Refugiados y repatriados. El Salvador y Honduras*. San Salvador: IDHUCA, p. 12, available at <https://coleccion.uca.edu.sv/s/segundo-montes/media/4349>.
- 116 See Comisión Nacional de Búsqueda de Personas Adultas Desaparecidas en el Contexto del Conflicto Armado de El Salvador (CONABÚSQUEDA). (2020). *La desaparición forzada en el contexto del conflicto armado de El Salvador. Una primera aproximación al fenómeno*. San Salvador, p. 76, available at https://arpas.org.sv/wp-content/uploads/2020/08/Documento-Informe-Oficial_FINAL-190820-1.pdf.
- 117 Juárez Maya, JR (2017). *A la paz, solo por la verdad. Informe del Tribunal Internacional para la Aplicación de la Justicia Restaurativa en El Salvador 2009-2016*. San Salvador: Talleres Gráficos UCA, p. 68.
- 118 Idhuca. (n.d.). *Torturadas*. San Salvador: IDHUCA Colección Verdad y Justicia No. 10, Venciendo la tortura, Testimonio de Celia Masin, p. 47, available at: https://idhuca.uca.edu.sv/client/pdf/repositorio/Coleccion%CC%81n_Verdad_Y_Justicia/Torturadas%2C%20versio%CC%81n%20final.pdf; Fagoada, W., Hernández, K. & Mayen, N. (2012). *Secuelas Psicosociales de la Tortura en El Salvador*. San Salvador: CDHES, Case number 1. Carmen, una historia sin contar, p. 35, available at https://www.researchgate.net/publication/372132223_Secuelas_Psicosociales_de_la_Tortura_en_El_Salvador; Fagoada, W., Hernández, K. & Mayen, N. (2012). *Secuelas Psicosociales de la Tortura en El Salvador*. San Salvador: CDHES, Case number 4. “Niña Tacha”: El Recuerdo de la Violencia sexual, p. 42, available at https://www.researchgate.net/publication/372132223_Secuelas_Psicosociales_de_la_Tortura_en_El_Salvador; Anaya Rubio, N. (n.d.). *Mujer y Situaciones de Conflicto Armado y Post Conflicto en El Salvador*, available at <https://cladem.org/archivos/biblioteca/jurisprudencia/mujer-y-situaciones-de-conflicto-armado-y-post-conflicto-en-el-salvador.pdf>; Anonymous. (8 January 2013). *El Salvador: Tortura y desaparición: herida infestada. Plaza Pública*. Retrieved from <https://www.plazapublica.com.gt/content/el-salvador-tortura-y-desaparicion-herida-infestada>.

TABLE PREPARED BY THE ORGANISATION CDHES IN 1986 REGARDING TYPES OF TORTURE IDENTIFIED FROM THE CASES OF 433 POLITICAL PRISONERS

CUADRO PORCENTUAL DE LA CANTIDAD DE PRESOS POLITICOS A QUIENES SE LES APLICÓ
DETERMINADO TIPO DE LAS CUARENTA FORMAS DE TORTURA - 100 % = 433 PRESOS

<u>TORTURAS FISICAS</u>	<u>CANTIDAD PP</u>	<u>PORC. %</u>	<u>TORTURA FISICA</u>	<u>CANTIDAD PP</u>	<u>PORC. %</u>
01-Golpes en la Cabeza	321	74.1	<u>SICOLOGICA -</u>		
02- " en los oidos	224	51.7	23-Vendaje Forzoso	427	98.6
03- " tórax	354	81.7	24-Desvelo Forzoso	337	89.4
04- " abdomen	330	76.2	25-Desnudez física	251	58.0
05- " espalda	253	58.4	26-N.de alimentos	276	63.7
06- " extremidades	245	56.6	27-I.A.mal estado	204	47.1
07- " testiculos	85	19.6	28-C.N.fisiológica	260	60.0
08-I.Fantenerse de pie	344	79.4	29-Uso de droga	202	46.7
09-H.S.Visible golpe	57	13.1	30-Violación sexual	2	0.5
10-A. de la capucha	81	18.7	<u>TORTURA SICOLOGICA</u>		
11-I.de M.por asfixia	174	40.2	31-A. de Violación	66	15.2
12-Imersión en el agua	74	17.1	32-A. a Muerte	407	94.0
13-I.de estrangulamiento	203	46.9	33-A. a la Familia	329	76.0
14-A. del avioncito	44	10.2	34-Asnto. Simulado	309	71.4
15-A. del caballito	84	19.4	35-Agresión Verbal	408	94.2
16-A. de la hamaca	42	9.7	36-I.E. Torturas	275	63.5
17-A. de la pifiata	72	16.6	37-Uso de Animales	27	6.2
18-Ejercicios Forzosos	219	50.6	38- Aislamiento	326	75.3
19-Choques eléctricos	59	13.6	39-D.oT.Disfrazado	151	34.9
20- quemaduras	51	11.8	40-Otras Torturas	107	24.7
21-U de A.R. u otros	141	32.6			
22-A.E. en manos/piess	408	94.2			

NOTA: Para efectos de mejor comprensión ver el cuadro pag.. No. 61 , " LOS 40 TIPOS DE TORTURA APLICADOS POR LOS CUERPOS DE SEGURIDAD Y LA FUERZA ARMADA A LOS PRESOS POLITICOS (NUMERO DE CASOS POR MES) 1986."

Source: CDHES. (1986). *La tortura en El Salvador*, cited by Guzmán, G. & Mendia, I.¹¹⁹

119 Guzmán Orellana, G. & Mendia Azkue, I. (2013). *Mujeres con memoria: Activistas del movimiento de derechos humanos en El Salvador*. Bilbao: UPV/EHU and Hegoa, p. 52, available at <https://publicaciones.hegoa.ehu.es/publications/292>.

2. SEXUAL VIOLENCE DURING THE ARMED CONFLICT IN EL SALVADOR

The incidence of CRSV from the very first moments of a detention reinforces its disciplinary nature: the woman, presumed to be an activist, is reprimanded on the basis of her sexuality. Two testimonies illustrate this aspect:

“The 11 of us who were arrested were taken to the National Police Station in Cuscatancingo, where we were interrogated for a couple of hours and then transferred to the National Police Headquarters. Upon arrival, they took away all of our belongings and grouped us together, while the police officers rubbed their hands and said, ‘The catch was good today [...] Today we’re going to do well, because several women have been captured [...]’ implying that they would rape us [...] Faced with this aggression, we supported one another, because some of our companions started to cry [...]. We knew that at that time, an arrested woman was synonymous with a raped woman.”¹²⁰

“I was arrested twice and tortured when I was 26 and 27 years old [...]. The second time I was five months pregnant [...]. They continuously beat my chest, ears, head and face, legs and feet [...]. I was also a victim of groping by one of the torturers, who pretended to be a doctor and told me he would give me a check-up, ordering me to take off my shirt, and then he began to touch my breasts and other parts of my body [...]. They threatened to make me have an abortion if I did not accept the accusations they were making against me.”¹²¹

In the case of male detainees, this abuse, in addition to serving a disciplinary purpose, seeks to humiliate them through the feminisation of their bodies, a dynamic that Rafael Lara Martínez terms the *sodomisation of the enemy*. This strategy reinforces the belief that the social status of femininity is inferior to that of masculinity and aims to defeat the enemy’s body, before doing so ideologically, by socially stripping it of its masculinity.¹²²

The use of penetration and other agonies of a sexual nature – such as electric shocks to the genitals¹²³ – seeks to reinforce the total dispossession of bodily agency and submission to the authority of State force.

Even among female prisoners, there was reluctance to discuss their own sexual torture. The stigma was so heavy, and the use of CRSV as punishment for militant activism was so normalised, that many women only recognized the specific nature of this type of violence decades after suffering it. In the case of women sympathisers, combatants, or those organised in any other capacity, sharing their experiences within their own militant circles could lead to censorship by their comrades, further hindering the possibility of naming this violence as such. This was noted by Susana Rodríguez, a trade unionist and member of the Committee of Political Prisoners of El Salvador (COPPE), in a personal interview conducted as part of this study.¹²⁴

In the case of women militants of the armed left who were sexually abused by comrades or commanders, the stigma persists – even decades after the events – that denouncing this type of violence could delegitimise the cause and the merits of the insurgent movement.¹²⁵ This perception has had a considerable impact not only on the possibility of filing complaints, but also on the very acknowledgement of the incidence of these episodes of sexual violence.

Meanwhile, it is also necessary to mention a perception of class segregation in the occurrence of CRSV within the insurgent left. According to the recorded cases, command and leadership positions were held by individuals from urban areas, with higher levels of formal education and, therefore, higher social status than the victims. The latter, for the most part – as documented in Paula Cuéllar’s research – were *campesina* adolescents or women with little or no schooling who performed caregiving roles within the insurgent movement, as cooks, radio operators, sanitation personnel, tailors, or rank-and-file combatants.¹²⁶

120 Testimony of Massin, C. Detention at National Police Station, 1987. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, pp. 188 to 189.

121 Testimony Vásquez, V. Detention in Ilopango Prison, 1989. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, pp. 181 to 182.

122 Lara Martínez, R. (2014). *Tres breves ensayos inefables alrededor de Un día en la vida (1980) de Manlio Argueta*. New Mexico Institute of Mining and Technology, USA, p. 4, available at <https://bit.ly/rImenemigo>.

123 Oraciones incompletas. University of Washington Human Rights Center. (August 6, 2018). La tortura en El Salvador: Expresos políticos desafían la impunidad. *Oraciones incompletas*, available at <https://unfinishedsentences.org/es/reports/la-tortura-en-el-salvador-ex-presos-politicos-desafian-la-impunidad/>.

124 Rodríguez, S. Personal communication, 21 November 2024.

125 Cuéllar Cuéllar, P. (2022). *Salvadoran Women Speak: Female Accounts of Their Struggle Within a Revolution, 1981-1992*. Thesis or Dissertation, p. 15, available at <https://hdl.handle.net/11299/270061>.

126 Ibid., p. 38.

Records of the use of terror tactics, such as CRSV, by State or paramilitary agents against militants or people merely suspected of sympathising with the armed left decreased in intensity after the *Hasta El Tope* (To the Limit) Offensive,¹²⁷ which took place in November 1989. This offensive marked the military entry of the insurgency into San Salvador, which led to a negotiation process that culminated in the signing of the Chapultepec Peace Accords in January 1992, decreeing the end of hostilities.

2.2.6. Reproductive violence

According to the Center for Reproductive Rights,

“Reproductive violence includes practices that directly or indirectly compromise and violate reproductive freedom, understood as the capacity of individuals to decide whether they want to have children or not and when, as well as their capacity to access sexual and reproductive health services and information such as contraception, safe abortion, and gynaecological and obstetric health services.”¹²⁸

A particular dimension of CRSV involves the perpetrators’ deliberate interference with the victims’ reproductive capacities. This interference occurred through the application of torture intended to prevent, harm, or hinder victims’ free participation in sexual acts, pregnancy, childbirth, or the care of children.

The already established difficulty of documenting sexual violence related to the armed conflict is compounded by the almost impenetrable silence surrounding reproductive violence, as well as the difficulty survivors have in identifying it as such. Nevertheless, it is possible to list a series of incidents based on evidence gathered from testimonies:

- A. During the scorched-earth operations and the capture of pregnant people, cases were recorded involving induced abortion through beatings, opening of wombs with knives, or repeated acts of torture;
- B. Within the context of these operations, gang rapes were documented that resulted in the inability to conceive or in persistent pain during intercourse;¹²⁹
- C. The deliberate separation of children from their guardians during armed attacks against the civilian population in the course of forced mass displacements—known as *guindas*—which resulted in deprivations of liberty and forced disappearances, as established in the case of *Serrano Cruz v. El Salvador*;¹³⁰
- D. The application of torture designed to destroy male genitalia;¹³¹
- E. Breast mutilation in women being held in the custody of State forces.¹³²

“[...] He heard when they were slitting the children’s throats, knocking their heads off, impaling them on stakes, throwing them up in the air and waiting for them with a blade, putting the children on stakes, impaling them, impaling the girls and leaving them stuck on stakes, cutting open pregnant women and taking out the baby, taking out the babies from the pregnant women, torturing them, blowing off their breasts¹³³[...].”¹³⁴

It is also worth noting that in cases where torture involving elements of reproductive violence was used against women in advanced stages of pregnancy, reports often indicated considerable harm and effects on the children who were born alive. According to Paula Cuéllar’s research, some of these children died within a few months of birth.¹³⁵

127 Álvarez, AC (2014). Los ecos del silencio. *Espacio, Revista Digital*, available at <https://espaciorevista.com/2024/04/19/la-ofensiva-hasta-el-tope/>.

128 Rosero, C., Riaño, J. & Martínez, R. (2020). *Una radiografía sobre la Violencia Reproductiva contra mujeres y niñas durante el Conflicto Armado colombiano*. New York and Bogotá DC: Center for Reproductive Rights, p. 13, available at <https://reproductiverights.org/wp-content/uploads/2020/12/Violencia-Reproductiva-en-el-conflicto-armado-colombiano.pdf>.

129 Cuéllar Cuéllar, P. (2022). *Salvadoran Women Speak: Female Accounts of their Struggle within a Revolution, 1981-1992*. Thesis or Dissertation, p. 86, available at <https://hdl.handle.net/11299/270061>.

130 Inter-American Court. *Case of the Serrano Cruz Sisters v. El Salvador*. Merits, Reparations and Costs. Judgment of March 1, 2005. Series C No. 120, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_120_ing.pdf.

131 Fagoada, W., Hernández, K. & Mayen, N. (2012). *Secuelas psicosociales de la tortura en El Salvador*. San Salvador: CDHES, p. 167, available at https://www.researchgate.net/publication/372132223_Secuelas_Psicosociales_de_la_Tortura_en_El_Salvador.

132 Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p. 12.

133 “Chiches” in the original Spanish: colloquial term for breasts.

134 Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos. (2022). Edición especial: Masacre La Quesera. *Revista Memoria Abierta*, 1, p. 35, available at https://www.asociacionprobusqueda.org/files/ugd/477bd5_alce0b746b484119844c1ca89e08258a.pdf.

135 Cuéllar Cuéllar, P. (2022). *Salvadoran Women Speak: Female Accounts of their Struggle within a Revolution, 1981-1992*. Thesis or Dissertation, p. 74, available at <https://hdl.handle.net/11299/270061>.

2.2.7. Violence against people of sexual diversity

There is no written record of the persecution tactics against people of sexual diversity during the armed conflict. However, this does not mean that such persecution did not occur. The climate of impunity and the concentration of power under the military dictatorship made the repression of any sexual or gender expression that differed from heteronormativity all but inevitable.

“It is known that in the 1980s both the Death Squads and the Army carried out actions of “social cleansing” (LÓPEZ; NAVES, 2006, p. 28) against LGBT people, mainly trans women engaged in sex work on the streets of San Salvador. The Asociación Entre Amigos (1999) recounts that in 1984 soldiers from the now-defunct Bracamonte Battalion conducted a series of actions against transvestite sex workers.”¹³⁶

In June 1984,¹³⁷ a group of transgender women was seized and disappeared by members of the Bracamonte Battalion, one of the Rapid Deployment Infantry Battalions (BIRI) trained by US forces for counterinsurgency operations in the countryside. Operations like this – which do not appear to have been driven by the fight against communism or any identifiable ideological component – illustrate that the carte blanche with which these units operated extended with particular cruelty to the margins of Salvadoran society.

According to Nicola Chávez Courtright, a researcher specialising in the Salvadoran LGBTQIA+ population during the armed conflict and post-war period, the impact of these types of operations on the LGBTQIA+ community, and particularly on trans women, is reflected in the rupture of the social fabric. This segment of the population, already excluded by transphobia and disconnected from their communities and families of origin, faced a type of violence that deepened their anonymity. When hate-motivated killings were perpetrated by military or paramilitary members, terror was inflicted on their peers, who, out of fear, avoided attending their funerals or mentioning their names in public.¹³⁸

Within the insurgent left, reactions to the presence of LGBTQIA+ people in their ranks were diverse. While there are some anecdotal accounts of unreserved acceptance,¹³⁹ this appears to have depended largely on the individual criteria of each commander, rather than on an institutionalised political stance. There is no documentation on the attitudes of the civilian population toward LGBTQIA+ people during the conflict.

2.2.8. Profile of the victims

“At the time they were raped, three of the women were married and had children, while three were single [two of them were adolescents]. Four worked in domestic labour, agriculture, and the raising of chickens and cows. The husbands of the three married women worked in agriculture. One of them was a catechist.”¹⁴⁰

The lack of research and documentation that would allow the identification of the extent of sexual violence committed in the context of the Salvadoran armed conflict has also led to a lack regarding the victims’ profiles.

Despite this absence, based on the documentation consulted and the accounts provided by survivors/victims and witnesses in various spaces – the Truth Commission, State courts or symbolic tribunals, investigations or other sources cited previously in this study – it is possible to identify certain characteristics shared by the majority of female victims, particularly in three types of contexts: scorched-earth operations (massacres), extrajudicial executions, and contexts of detention and torture.

136 Gómez Arévalo, AP (2016). Voces desde el armario... prejuicios y discriminaciones hacia personas LGBT en El Salvador. *Revista EPOS*, 7 (2), 4-26, available at http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S2178-700X2016000200002&lng=pt&tlng=es.

137 Chávez Courtright, N. & Feder, L. (2016, 5 January). *Lo que les pasó a las mujeres trans que desaparecieron en El Salvador*, available at <https://www.buzzfeed.com/lesterfeder/lo-que-les-paso-a-las-mujeres-trans-que-desaparecieron-en-el>.

138 Ibid.

139 At least on the Eastern Front, as recorded in López Vigil, JI (1991). *Las mil y una historias de Radio Venceremos*. El Salvador: UCA Editores.

140 Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p. 16.

2.2.8.1. PROFILE OF VICTIMS OF SEXUAL VIOLENCE IN SCORCHED-EARTH OPERATIONS (MASSACRES)

"Afterwards, the soldiers would pass by here and talk about the rapes. They would tell stories and joke about how much they had sexually enjoyed the 12-year-old girls."¹⁴¹

"On 12 March 1981, soldiers and members of the civil defence of Cacaopera attacked the town, where there were only women, young children, and elderly people. They killed the inhabitants, raped some women and girls under the age of 12. They burned the houses, the cornfields, and the granaries."¹⁴²

"[...] I survived the La Paz massacre when I was seven years old. [...] The soldiers arrived at around four in the morning and took us all out of our houses and lined us up. Then they took my mother behind the house. [...] I could hear her crying, because they were raping her. [...] A little later, the soldiers returned with her, and my mom told me to go to my aunts' house. [...] I went over there and saw that they were being raped, too [...] I returned to my home, and the soldiers were dragging my mom away. [...] My mom never came back."¹⁴³

"We saw how the children were snatched from their mothers' arms, thrown into the air, caught on their enormous knives and then thrown into the Sumpul River. [...] There are testimonies from people who survived and who live in the municipality of Las Vueltas, like Doña Chinda. [...] She was raped and is still alive, and what she says is that pregnant women were thrown to the ground with a kick or a blow to the butt, and they slit open their stomachs with knives and took out their foetuses."¹⁴⁴

Since, as noted earlier, scorched-earth operations were concentrated in rural areas, victims of CRSV were native inhabitants of those areas, civilians, *campesinas* (farmworkers), and poor.

The testimonies gathered indicate that the CRSV was predominantly directed towards:

- Girls and adolescents between 12 and 17 years old.
- Young women between 18 and approximately 25 or 26 years old.¹⁴⁵
- Pregnant women of various ages, some of whom even had their babies removed.

2.2.8.2. PROFILE OF VICTIMS OF CRSV IN THE CONTEXT OF EXTRAJUDICIAL EXECUTIONS

"Eight days after my father's murder, my mom left with my sister [...] because she received a call from my dad's workplace to sort out the paperwork and give her the money she was owed. When she was coming back, around five o'clock, we saw my sister arriving and she took my older sister with her. [...] They had killed my mom [...]; they had captured her in Cinquera [...], eight of them raped her in front of my sister. [...] While she was still alive, they cut off her genitals, cut off her head, cut off her arms, and left only her torso. [...] They guarded her body for eight days so that no one could go and retrieve it. [...] My mother was eaten by vultures and dogs. [...] We couldn't bury her."¹⁴⁶

"On 8 May 1980, soldiers from the Salvadoran Army arrived at the village of El Rincón, shooting and surrounding the people. They asked about the men of the community, and when they received no information about them, since they had hidden before the troops' arrival, they proceeded to capture six women, one of whom was pregnant. [...] They forced them to undress, tied them by the waist, and took them to the river. [...] Then, still bound, they took them to Santos Rivera's house, where they raped them all. Afterward, four of them [...] were hanged from an orange tree. Then their throats were slit, and they were left outdoors, exposed to the elements. Witnesses state that the pregnant woman's stomach was cut open; her foetus was taken out and discarded. Afterward, she was taken and impaled on a stake made by the soldiers. Two of the other women [...] were taken to Edmundo Rivera's house, where there were wood-burning presses; they were put in them alive, and they then set fire to the house."¹⁴⁷

141 Amaya, R., Danner, M. & Henríquez, C. (1996). *Luciernagas en El Mozote*. San Salvador: Museo de la Palabra y la Imagen, p. 69.

142 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador*. Informe de la Comisión de la Verdad para el Salvador, Chapter IV, d. El Junquillo, available at <https://digitallibrary.un.org/record/183599?ln=es>.

143 Testimony of Molina, S. Massacre of La Paz, 1980. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 195

144 Testimony of Rivera, J. Massacre of Las Aradas/Sumpul River, Chalatenango, 1980. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 167.

145 Although many of the accounts do not specify the ages of the young victims of executions, this information can be deduced from other reference data, such as the ages of surviving relatives (brothers, sisters, sons, or daughters).

146 Testimony of Hernández, R. Extrajudicial executions in Cinquera, Cabañas, 1980. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 172.

147 Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, pp. 173 to 174.

“On 15 April 1989, air force units attacked an FMLN mobile hospital [located on the Catarina farm in the department of San Vicente]. Five of the 15 people in the hospital were killed: [...] and Madeleine Marie Francine Lagadec (a French nurse). [...] Dr. Kirschner, one of the world’s foremost analysts of summary executions [...] Dr. Kirschner’s conclusion that Madeleine Lagadec was executed is also supported by a separate analysis carried out by experts in electronic microscopy in France. They first ascertained that the victim had been shot when already half-naked: ‘[...] there are no traces of bullets on the brassiere, briefs and trousers, while there are gunshot wounds to the right breast, the pelvis and the lower limbs [...] It can be deduced that the victim was not wearing those three items of clothing when the shots were fired.’ It is clear that M. Lagadec was naked when she was shot, that she was dressed when her body was photographed by COPREFA, and that her trousers were down and she was not wearing underwear two days later when she was found by the witnesses who testified before the Commission.”¹⁴⁸

The profile of women victims of CRSV committed in the context of extrajudicial executions is broader, given that these acts were committed in both rural and urban areas.

The testimonies gathered from various documents indicate that the victims were:

- Civilian adolescent girls.
- Women of various ages, wives, life partners or relatives of men “suspected” of collaborating with or belonging to social movements or the guerrilla.
- Women catechists, missionaries, or nuns, as in the case of the North American nuns of the Maryknoll Order.¹⁴⁹
- Women who performed support or care tasks for the guerrilla forces, as in the case of the French nurse, Madeleine Lagadec.

2.2.8.3. PROFILE OF VICTIMS OF CRSV IN CONTEXTS OF DETENTION AND TORTURE

“I was 20 years old then and a member of the UTC¹⁵⁰ in Arcatao. They tortured me repeatedly with all kinds of blows, kicks, rifle butts, electric shocks to my hands and legs. [...] They hung me by my tied hands [...] And they threatened me, saying that if I didn’t talk, I would be handed over to the soldiers to be raped [...]”¹⁵¹
 “They blindfolded us. Then they took us to the Intelligence Section and immediately began the interrogations, always with our blindfolds on. [...] They accused me of being a terrorist and a subversive. [...] It lasted about four hours. [...] The one interrogating me took my hand and put it on a glass of water, telling me to drink it, that it would do me a lot of good, but that I had to give them the names of my subversive guerrilla leaders. Then a third man came in and started hitting me in the chest and told me that if I didn’t talk, he would come back and do other things to me.”¹⁵²

As noted earlier, survivors/victims and witnesses of torture committed by security forces report the use of CRSV as a method of torture directed against persons deprived of their liberty. The cases identified in the course of this research indicate that CRSV particularly victimised:

- Urban women.
- Young women in their twenties.
- Women who participated in social and union movements.
- Women sympathisers or members of the guerrilla.

It is worth emphasising that there is a bias in the reporting of these types of events: it is not possible to determine – even from the specialised literature on the subject – the profiles of male victims of CRSV. The prevailing view among those who documented these abuses is that this violence is directed only against female bodies.

148 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. Informe de la Comisión de la Verdad para el Salvador*, Chapter IV, h. Attack on an FMLN hospital and execution of a nurse, available at <https://digitallibrary.un.org/record/183599?ln=es>.

149 Ibid., Chapter IV, c. Las religiosas norteamericanas.

150 UTC: Union of Rural Workers (*Unión de Trabajadores del Campo*).

151 Testimony of Rivera, R. Detención y torturas en Comandancia de Arcatao, Chalatenango, 1976. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 172.

152 Testimony of Rodríguez, S. Detención y torturas en Cuartel de la Guardia Nacional, San Salvador, 1989. Juárez Maya, JR (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores, p. 172.

Despite this aspect, human rights organisations documented the use of sexual torture against men, particularly through the application of electric shocks to the genitals or the destruction of the testicles.¹⁵³ In these cases, the victims were generally young men suspected of being sympathisers, collaborators, or militants of the guerrilla.

In the case of women, neither family status nor motherhood appears to have been a determining factor in the occurrence of CRSV.

It is important to highlight that some of the testimonies collected in Paula Cuéllar's work *Salvadoran Women Speak: Female Accounts of their Struggle Within a Revolution, 1981–1992* are more extensive and detailed. This is because these individuals obtained political or humanitarian asylum in the years immediately following the CRSV and had access to psychosocial support specialised in sexual trauma. Thanks to these testimonies, there is a deeper understanding of the nature of the sexual torment they suffered and its consequences.

This situation contrasts sharply with the descriptions given by people still residing in El Salvador who have received little or no psychosocial support specifically addressing CRSV as such. This disparity impacts not only the findings of this report, but also State policies on reparation mechanisms, the very acknowledgement of CRSV as a widespread phenomenon, social and community support for its victims, and, more broadly, societal perspectives on the experiences of women and other feminised people during the armed conflict.

2.2.9. Profile of the perpetrators

The documentation consulted for this study demonstrates that both sides in the internal conflict in El Salvador employed sexual violence, whether against their perceived enemies – as in the case of the Armed Forces, security forces, paramilitaries, and death squads – or even against their own base of supporters or comrades-in-arms, as in the case of the FMLN.

It is important to note that, in the case of internally displaced persons, sexual revictimisation could also be perpetrated by civilian actors, such as people who offered lodging in exchange for sexual exploitation, or hosts who sexually abused the people they sheltered.¹⁵⁴

The bulk of documented complaints identify State agents – both police and military – as the perpetrators. Some of them operated within paramilitary structures, such as ORDEN or the so-called death squads, a term used to refer to far-right actors operating within the national territory. Many of these groups were made up of police or military personnel. Also among the perpetrators were civil defence groups, networks of informants, and patrol members attached to government forces.¹⁵⁵

However, there is a marked tendency across the continent to associate State forces – and their paramilitary structures – as the sole perpetrators of CRSV. This assumption, erroneous in all cases, relates to a binary narrative of good and evil, in which leftist insurgent forces, because of their discourse and political stance, are presumed not to have been involved in the commission of sexual or reproductive violence during a conflict.¹⁵⁶

Over the course of this research, at least three first-hand accounts have been documented from individuals who were sexually assaulted by members of the militant left. One of these cases involves sexual slavery suffered by a 15-year-old girl, resulting in the birth of three children.

“When I was coming down the road, he grabbed me as if he was embracing me and put the gun to my throat. He cut off my underwear, dragged me into a pasture surrounded by bushes, and threw me to the ground. I fought him to defend myself, but I couldn’t. I got pregnant from that rape. Then, since my father had committed suicide, and he had killed my mother, and I was left alone with my two orphaned siblings, he went into the house and took possession of it as if it were his own, and the abuse continued there. The child born from that rape died at five months old. But he kept

153 Fagoada, W., Hernández, K. & Mayen, N. (2012). *Secuelas psicosociales de la tortura en El Salvador*. San Salvador: CDHES, p. 167, available at https://www.researchgate.net/publication/372132223_Secuelas_Psicosociales_de_la_Tortura_en_El_Salvador.

154 Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p. 13.

155 Morales, D. & Navas, Z. (2006). *Masacres: Trazos de la historia salvadoreña contados por las víctimas*. San Salvador: Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”; Juárez Maya, J.R. (2023). *El crimen oculto: Informe sobre la violencia sexual contra las mujeres armadas en el conflicto armado de El Salvador*. Valencia: NPQ Editores; Soria Montañez, P. (2021). *Peritaje especial sobre la violencia sexual en el marco de los hechos conocidos como la Masacre de El Mozote y lugares aledaños: indicios de prueba, patrones e impactos en las víctimas sobrevivientes y sus familiares a la luz de la norma y la jurisprudencia de distintas jurisdicciones*. Expediente judicial 238/1990, Juzgado de Instrucción de San Francisco Gotera, Morazán. El Salvador: Unpublished judicial archive; among others.

156 Cuéllar Cuéllar, P. (2022). *Salvadoran Women Speak: Female Accounts of their Struggle within a Revolution, 1981-1992*. Thesis or Dissertation, p. 18, available at <https://hdl.handle.net/11299/270061>.

raping me after beating me and leaving me all bruised, and he told me that if I left, I had to leave him my head because the witch doctor would tell him where I was. But in the end, I left and took the other two children with me, the ones he fathered with me [...].”¹⁵⁷

“When I was 15, in 1984, the same thing happened with my comrades, the bosses; as a radio operator, I was afraid of them. The bosses would take advantage of a woman’s ignorance.”¹⁵⁸

Another participant in the research process for this study recounted how fellow guerrilla themselves committed acts of sexual violence. She explained that, generally taking advantage of their rank, they would “*cuente*”¹⁵⁹ her, which is a form of sexual harassment. She also stated that, because she refused to have sexual relations with her harasser, he “fired bursts at her feet” and told her that “if she wasn’t his, she wouldn’t be anyone else’s.” Her screams alerted her comrades, who broke down the door, allowing her to escape. She said that she still feels fear when she remembers that experience.¹⁶⁰

While each actor’s motivations may have differed, testimonies certainly exist that indicate responsibility on the part of actors from both sides of the ideological spectrum.

In the case of perpetrators linked to the ruling establishment, in addition to the disciplinary purpose of sexual violence, the absolute impunity facilitated by the military dictatorship –

through the suppression of judicial independence and the adoption of State terrorism in the late 1970s – gave carte blanche for the unrestricted use of sexual violence against civilians and left-wing militants alike. However, there is no official record indicating the existence of a State directive promoting the systematic use of CRSV as a weapon of torture.

“Carolina González, age 16, was raped and killed on 3 August, in Mejicanos, by José Jacobo Navarrete, a member of the First Infantry Brigade who had left his barracks without authorisation.”¹⁶¹

It is particularly significant that, in the majority of testimonies in which the accused party is affiliated with the armed forces or police, there is usually more than one perpetrator. Thus, not only does it appear that the veil of impunity surrounding acts of CRSV is sustained by the variables discussed in this chapter, but the implementation of this type of violence also seems to have been a communal experience in the collective construction of impunity. The expectation placed on the captor and the torturer was not only to abuse, but to do so under surveillance, and to demand the same of their peers, as if the perpetration of these atrocities constituted, in itself, a form of obedience.

In most of the recorded cases, the perpetrators are rank-and-file soldiers. Between 1979 and 1985, only 74 of them were referred to the civilian justice and discharged from the Armed Forces on rape charges.¹⁶²

157 Testimony of a survivor/victim under the pseudonym “Noelia Cáliz,” given to the “Madeleine Lagadec” CPDH. Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p.10.

158 Focus group with Pro-Búsqueda in Guarjila, Chalatenango, November 27, 2024.

159 *Cuente*: to sexually harass, generally through deception, offering promises, requesting or demanding toleration with sexual acts.

160 Focus group with Pro-Búsqueda in Guarjila, Chalatenango, November 27, 2024.

161 Americas Rights Watch. (1986). *Settling into Routine: Human Rights Abuses in Duarte’s Second Year*. New York, Washington, DC: The Americas Watch Committee, p. 44, available at <https://biblioteca.corteidh.or.cr/tablas/4077.pdf>.

162 *Ibid.*, p. 47.



Mural located at Casa Museo Jon Cortina, Guarjila, Chalatenango. 2025 © Victoria Barrientos/DPLF



3. THE PEACE ACCORDS, VICTIMS, AND GENDER

As previously discussed, between 1980 and 1992, El Salvador was the scene of one of the bloodiest civil wars of the twentieth century. The conflict pitted the State – represented by the Armed Forces of El Salvador (FAES) and its five police forces, which incorporated the far-right paramilitary groups described earlier, such as ORDEN and the Death Squads – against the insurgent forces of the Farabundo Martí National Liberation Front (FMLN). The human toll is estimated at approximately 75,000 people killed, about 9,000 disappeared¹⁶³ and thousands displaced. According to the Truth Commission, more than 85% of the documented crimes are attributed to State and paramilitary actors.¹⁶⁴

The attrition of the opposing sides, after years of confrontation without a decisive military victory, together with changes in the logic of the Cold War – a decisive factor in this internal conflict – created the need to seek negotiated solutions. The scale of this conflict is unparalleled among Latin American civil conflicts, due to the impact that the large-scale military operations had on the small Salvadoran territory, which maximised the number of fatalities and material damages, as well as the psychosocial consequences for the population.

After several failed attempts dating from 1984,¹⁶⁵ dialogue between the warring parties resumed in 1989 with the aim of reaching an agreement. Thus, after more than two years of negotiations –which led the Geneva Agreement in April 1990, the Caracas Agreement in May 1990, the San José Agreement in July 1990,¹⁶⁶ the Mexico Agreement in April

1991, and the New York Agreement in September 1991¹⁶⁷ – the Peace Accords were signed on 16 January 1992 in Chapultepec, Mexico. In addition to ensuring a ceasefire, these accords restored political freedoms in El Salvador.¹⁶⁸

These Accords set out the need for structural reforms to the justice system in order to overcome impunity, the establishment of a truth commission, the demilitarisation of internal security, the subjection of the Armed Forces of El Salvador (FAES) to civilian control, and modifications to the electoral system.¹⁶⁹ Their signing also marked a significant milestone: the first internal conflict in Latin America to be resolved through direct negotiation between the warring forces.¹⁷⁰

At the time, the Salvadoran peace process was considered a successful model of a negotiated solution,¹⁷¹ as it included not only a ceasefire but also a pact that promised to address the structural causes of the conflict, transforming the political, economic, and judicial systems towards more democratic models. However, the transition to peace unfolded in a context of high political polarisation and deep distrust among the actors, leading to marked rigidity in the implementation of many of the agreed reforms. Furthermore, in light of current processes of memory and justice, it is evident that that this process lacked essential elements, such as the central place of victims and the inclusion of broad sectors of society, that could have strengthened the appropriation and implementation of the Accords.

163 International Commission on Missing Persons. (n.d.). El Salvador. *ICMP*, available at <https://icmp.int/es/los-desaparecidos/donde-están-los-desaparecidos/el-salvador/#:~:text=Se%20calcula%20que%20unas%209000%20personas%20disappeared,una%20population%C3%B3n%20mostly%20agr%C3%ADcola%20y%20sin%20land>.

164 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. informe de la Comisión de la Verdad. Informe de la Comisión de la Verdad para el Salvador*, p. 41, available at <https://digitallibrary.un.org/record/183599?ln=es>.

165 Estudios Centroamericanos (ECA). (1986). Cronología del proceso de diálogo entre el gobierno salvadoreño y FDR-FMLN. *ECA: Estudios Centroamericanos*, 41 (454-455), 769–788, available at <https://doi.org/10.51378/eca.v41i454-455.8027>.

166 Instituto de Derechos Humanos de la UCA. (2002). *La agenda pendiente, diez años después. De la esperanza inicial a las responsabilidades compartidas*. San Salvador: UCA Talleres Gráficos, p. 25.

167 IACHR. *Informe sobre la situación de derechos humanos en El Salvador*. OEA/Ser.L/V/II.85, Doc.28 rev., February 11, 1994, available at <https://www.cidh.org/countryrep/ElSalvador94sp/indice.htm>.

168 The text of the Chapultepec Peace Accords can be found at: <https://archive.org/details/acuerdos-de-chapultepec/page/2/model/2up>.

169 Cassel, D., Hinestroza, V. & Costa, G. (n.d.). *Los Acuerdos de Paz de El Salvador y la construcción de la democracia: a 30 años de su firma*. DPLF, pp. 6-15, available at https://dplf.org/wp-content/uploads/2024/08/informe_panel_-_acuerdos_de_paz_y_democracia_-_el_salvador_-_30_aniversario.pdf.

170 Guevara, D. (January 16, 2025). Acuerdos de Paz, ¿quiénes los firmaron y por qué son un “hito” en la historia de El Salvador?. *La Prensa Gráfica*, available at <https://www.laprensagrafica.com/elsalvador/Acuerdos-de-Paz-quiénes-los-firmaron-y-por-qué-fueron-un-hito-en-la-historia-de-El-Salvador-20250116-0070.html>.

171 Ribera, R. (1994). El Salvador: La negociación del Acuerdo de Paz ¿Un modelo para el mundo? *Realidad: Revista de Ciencias Sociales y Humanidades*, 37, 89-134, p. 92, available at <https://revistas.uca.edu.sv/index.php/realidad/article/view/1811/1803>.

The end of the armed conflict also failed to generate significant debate on the rebuilding of the social fabric or on its impact on the fundamental rights of tens of thousands of victims. In the early postwar years, formal compliance with the Peace Accords was prioritised, and significant achievements were made, especially in transforming the structure of the State. In short, the Salvadoran transitional process focused its efforts on institutional restoration; however, little to no progress was made in the areas of truth, reparation, and justice.¹⁷² The limited actions undertaken in relation to these issues were driven by demands from national and international human rights organisations and, above all, by the persistent struggle of the victims.

Despite the significance of the negotiation process for the Salvadoran armed conflict – the first of its kind to be successfully completed – its main legacy is the magnitude of its silences: about the harm, about the victims, and about its own participants.

It is not possible to discuss reparations or access to them without exploring the factors that impacted women’s visibility during this period, while also recognising the actions of those who actively participated in the peace negotiations process.

3.1. Women’s political participation during the armed conflict

In the years preceding to the start of the armed conflict, women’s formal participation as decision-makers or candidates for elected office was minimal. Their presence seemed to be limited to organisations such as the Women’s League – which spearheaded the incorporation of women’s suffrage by constitutional mandate in 1950¹⁷³ – or to isolated participation in social movements.

Women’s political prominence only began to become visible within the context of the armed conflict: at least

60% of the FMLN’s operational base, in its armed and logistical dimensions, including networks of civilian collaborators, was composed of women.¹⁷⁴ This percentage was halved when considering only the armed militias, of which women made up 43%, according to an official census conducted by the Salvadoran government in 2012.¹⁷⁵ These figures, however, do not reflect the full extent of women’s participation in the organisational spaces within civil society that challenged the central government.

Many professional and trade union spaces were linked to the health care and education sectors, historically feminised fields. Likewise, due to the nature of an armed conflict in which only men are recognised as political actors and, therefore, as fighters, tasks such as the search for disappeared persons and the reporting of human rights violations were overwhelmingly undertaken by women,¹⁷⁶ who began this struggle without their activism being recognised and with little or no political training.¹⁷⁷

Thus, associations and organisations of relatives and victims were founded and promoted – and continue to be, to this day – predominantly by women: the “Monsignor Oscar Arnulfo Romero” Committee of Mothers of the Disappeared and Politically Assassinated (COMADRES); the “Marianela García Villas” Committee of Relatives of Victims of Human Rights Violations (CODEFAM) and the “Father Octavio Ortiz - Sister Silvia” Committee of Christian Mothers and Relatives of the Detained, Disappeared, and Murdered (COMAFAC).¹⁷⁸

This marked feminisation of the civil wing of denunciation and mobilisation on behalf of human rights is not unique to El Salvador. Throughout Latin America, one need only to review any photographic or audiovisual documentation of the respective civil wars to find large numbers of women at memorials, marches, peaceful occupations, churches, and funerals, and involved in efforts to document the human rights violations denounced, in turn, by another multitude

172 Cassel, D., Hinestroza, V. & Costa, G. (n.d.). *Los Acuerdos de Paz de El Salvador y la construcción de la democracia: a 30 años de su firma*. DPLF, pp. 17-21, available at https://dplf.org/wp-content/uploads/2024/08/informe_panel_-_acuerdos_de_paz_y_democracia_-_el_salvador_-_30_aniversario.pdf.

173 Article 22 of the Constitution of the Republic recognized “all Salvadorans, without distinction of sex [...]” as citizens and defined, in Article 23, that suffrage “is a right and a duty of citizens.”

174 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. Informe de la Comisión de la Verdad. Informe de la Comisión de la Verdad para el Salvador, Anexos. Análisis Estadístico de los Testimonios Recibidos por la Comisión de la Verdad. Análisis de los testimonios recibidos*, pp. 4-5, available at <https://digitallibrary.un.org/record/183599?ln=es&v=pdf>.

175 Guzmán Orellana, G. & Mendia Azkue, I. (2013). *Mujeres con memoria: Activistas del movimiento de derechos humanos en El Salvador*. Bilbao: UPV/EHU and Hegoa, p. 32, available at <https://publicaciones.hegoa.ehu.eus/publications/292>.

176 Ibid., p. 11.

177 Tula, MT & Lynn, S. (1999). *Este es mi testimonio: María Teresa Tula, luchadora pro-derechos humanos en El Salvador*. South End Press.

178 Guzmán Orellana, G. & Mendia Azkue, I. (2013). *Mujeres con memoria: Activistas del movimiento de derechos humanos en El Salvador*. Bilbao: UPV/EHU and Hegoa, p. 14, available at <https://publicaciones.hegoa.ehu.eus/publications/292>.

of women. The Grandmothers of the Plaza de Mayo in Argentina,¹⁷⁹ the Mothers and Relatives of Detained and Disappeared Uruguayans in Uruguay,¹⁸⁰ and the National Association of Relatives of the Kidnapped, Detained, and Disappeared of Peru¹⁸¹ are paradigmatic examples.

However, the mass mobilisation of young people and women during the armed conflict was not reflected either in the Peace Accords negotiation process or in the resulting policies. Only two women participated as negotiators and signatories of these Accords: María Marta Valladares and Ana Guadalupe Martínez, both FMLN combatants. At no point between 1984 and 1991 did a woman represent the Salvadoran State in these efforts at the negotiating table.

3.2. Absence of women in the negotiated solution

At no point between 1984 and 1991 – years during which both warring parties pursued various attempts to find a negotiated solution to the armed conflict – were victims a central focus of the negotiation process, which centred primarily on restructuring the State.¹⁸² As a result, the question of the differentiated impacts of the harm caused by the conflict on different genders or age groups was not considered during the drafting of the agreements, nor in the policies, regulations, legislation, or guidelines aimed at implementing the transition to participatory democracy.

General Mauricio Ernesto Vargas (now retired), a signatory of the Peace Accords as part of the State delegation, expressed to Cuéllar that:

“[...]When drafting the list of the topics to be addressed during the peace process in the Caracas Agenda on 21 May 1990, none of the parties to the conflict seemed interested in discussing gender issues. To him, the decision adopted by the government was not a surprise, since women in the executive were mostly assigned to administrative positions during the armed conflict and not to the security forces as active agents. Yet, since female participation in the war was significant in the guerrilla forces, and since women

constituted more than half of the population, Vargas considered such an omission as a flaw of the Peace Accords. In particular, he deemed that addressing the issues of gender relations and gender inequality was crucial to reintegrate former combatants in society and to improve the social and economic conditions that these people had before the beginning of the armed conflict.”¹⁸³

In term of the State’s clear position regarding the exclusion of gender variables from the negotiation process, María Marta Valladares, one of only two women who participated in this effort, added:

“[...] The peace negotiators neither contemplated investigating violence perpetrated specifically against women, nor did they consider women as victims per se. They always conceived of them as indirect victims, meaning that their suffering was a consequence of having lost their children, husbands, partners, or any other relative during the armed conflict. Looking back, [Valladares] claimed that such an absence indeed constituted a lacuna in the Peace Accords.”¹⁸⁴

This perception – which views the suffering of girls and women as secondary or, in Valladares’s words, as indirect impacts – permeated not only the formulation of the needs to be addressed through a restructuring of the State, but also the very capacity of the institutions and reforms derived from the Accords to acknowledge the existence of victims of sexual violence and provide adequate reparation measures.

3.3. The outstanding debts of the Peace Accords

Considering the magnitude of the violations of human rights and international humanitarian law, the Peace Accords were expected to address decisively the State’s obligation to repair the harm caused, rebuild the social fabric and institutions, and guarantee justice for the victims. However, in the end, these issues became secondary considerations.

179 Abuelas de Plaza de Mayo. Nuestra historia, available at <https://www.abuelas.org.ar/las-abuelas>.

180 Madres y Familiares de Uruguayos Detenidos Desaparecidos. Verdad, Justicia y Memoria, available at <https://desaparecidos.org.uy/>.

181 Asociación Nacional de Familiares de Secuestrados, Detenidos y Desaparecidos del Perú, available at <https://anfasep.org/>.

182 Cuéllar Cuéllar, P. (2022). *Salvadoran Women Speak: Female Accounts of their Struggle within a Revolution, 1981-1992*. Thesis or Dissertation, p. 50, available at <https://hdl.handle.net/11299/270061>.

183 Ibid., p. 50.

184 Ibid., p. 51.

In the Geneva Agreement of 4 April 1990, the Government of El Salvador and the Farabundo Martí National Liberation Front (FMLN) stipulated that the purpose of the process would be to end the armed conflict through political means as swiftly as possible, promote the democratisation of the country, guarantee unrestricted respect for human rights, and reunify Salvadoran society.¹⁸⁵

The Chapultepec Agreement, signed on 16 January 1992, contains the commitments that brought the war to an end. If only the effective implementation of the definitive cessation of armed confrontation is considered, the Salvadoran case cannot be denied as a success. However, when the process is examined as a whole and through the lens of transitional justice, it becomes evident that the victims of human rights violations were absent from the drafting of the agreements.¹⁸⁶

The task of establishing the truth of these events was delegated to the Truth Commission, which was mandated to carry out “the investigation of serious acts of violence that have occurred since 1980 and whose impact on society most urgently demands that the truth be made public.”¹⁸⁷

The Peace Accords did have a significant impact on the transformation of the State, as part of the agreed objectives of promoting the democratisation of the country and guaranteeing an unrestricted respect for human rights. Many of the reforms can be considered part of the guarantees of non-repetition that transitional justice should promote, although not all of them were implemented under that name. These include the following:

- The military reform that not only purged the officer corps, reduced its personnel by 50 percent, and demobilised the rapid deployment infantry battalions, but also transformed its mission and doctrine,¹⁸⁸ removing public safety tasks from its remit.

- The elimination of security and intelligence bodies implicated in human rights violations – such as the National Intelligence Directorate, the National Guard, the Treasury Police, the National Police, and the Civil Defence¹⁸⁹ – and the subsequent creation of the National Civil Police (PNC), under the command of civilian officials, with the express obligation to respect human rights and subject to various internal and external controls.¹⁹⁰
- The creation of the Human Rights Ombudsman’s Office with the mandate to ensure respect for and protection of human rights, investigate cases of human rights violations, and assist presumed victims of such violations, among other broad powers.¹⁹¹
- The reform of the justice system, beginning with a new organisation of the Supreme Court of Justice and changes to the ways its magistrates and judges are appointed, guaranteeing objective selection mechanisms.¹⁹²

All these changes, however, were essentially formal. The political agreements that brought the armed conflict to an end and entailed the restructuring of the Salvadoran State were not conceived, designed, or implemented from the perspective of those who bore the brunt of the war. The transition from a situation of conflict to a post-conflict scenario was negotiated exclusively by the opposing sides, with limited involvement from civil society. And while it had undeniable effects on the reconstruction of institutions and on democratic opening, it did not give rise to transitional justice or comprehensive reparations for the victims of the civil war.

185 Instituto de Derechos Humanos de la UCA. (2002). *La agenda pendiente, diez años después. De la esperanza inicial a las responsabilidades compartidas*. San Salvador: UCA Talleres Gráficos, pp. 26 to 38.

186 Cassel, D., Hinestroza, V. & Costa, G. (n.d.). *Los Acuerdos de Paz de El Salvador y la construcción de la democracia: a 30 años de su firma*. DPLF, p. 17, available at https://dplf.org/wp-content/uploads/2024/08/informe_panel_-_acuerdos_de_paz_y_democracia_-_el_salvador_-_30_aniversario.pdf.

187 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. Informe de la Comisión de la Verdad. Informe de la Comisión de la Verdad para el Salvador, II*. El mandato, available at <https://digitallibrary.un.org/record/183599?ln=es>.

188 Costa, G. (1999). *La Policía Nacional Civil de El Salvador (1990-1997)*. San Salvador: UCA Editores, p. 97.

189 Ibid., pp. 100 to 103.

190 Ibid., pp. 102 to 115.

191 Instituto de Derechos Humanos de la UCA. (2002). *La agenda pendiente, diez años después. De la esperanza inicial a las responsabilidades compartidas*. San Salvador: Talleres Gráficos, pp. 80 to 82.

192 Corte Suprema de Justicia de El Salvador. (n.d.). *Cambios en el Sistema Judicial a raíz de los Acuerdos de Paz*, available at <https://www.csj.gob.sv/marco-historico/judicial-acuerdos-de-paz/>.



4. THE TRUTH COMMISSION AND THE SOCIAL FRAMEWORK OF LISTENING

Within these formal steps aimed at consolidating a transition to participatory democracy, it was deemed necessary to clarify historical events related to the armed conflict. Thus, the creation of a Commission on the Truth for El Salvador was agreed in 1991 as part of the negotiations for a peaceful resolution of the internal armed conflict.¹⁹³ Its mandate consisted of investigating and analysing severe acts of violence that occurred in El Salvador between January 1980 and July 1991. The Commission was instructed to consider two fundamental criteria:

- (I). the exceptional significance attributable to the events to be investigated, their characteristics, repercussions, and the social upheaval they generated;
- (II). the need to generate confidence in the positive changes promoted by the peace process, thereby stimulating the transition towards national reconciliation.¹⁹⁴

Thus, the 1991 Mexico Agreement defined the functions of the Commission and granted it the power to issue recommendations. Furthermore, the negotiating parties recognised that

“Acts of this nature, regardless of the sector to which their perpetrators belonged, must be dealt with in an exemplary manner by the courts, so that those found responsible are subject to the sanctions prescribed by law.”¹⁹⁵

In other words, the Commission was granted the power to refer cases to the justice system for investigation, since it was expressly stated that its actions would not be jurisdictional.

In the brief period during which it operated,¹⁹⁶ the Truth Commission documented 22,000 complaints¹⁹⁷ which, despite their significance, constituted only a first step

toward uncovering the truth. By referring these events to the “exemplary action of the courts,”¹⁹⁸ it would have been expected that the investigations and trials would begin, and that the truth would be established through judicial means. This referral, however, produced neither full truth nor real justice for the victims or for society.

It is worth recalling that the Truth Commission expressly pointed to the responsibility of the justice system for the impunity surrounding the gross human rights violations included in its report,¹⁹⁹ a responsibility that, to a large extent, has persisted to this day. Suffice it to say that it was not until 2016 that the Constitutional Chamber of the Supreme Court of Justice declared the *General Amnesty Law for the Consolidation of Peace* null and void on ground of unconstitutionality.²⁰⁰

Although constitutional and legal reforms were enacted that represented some progress in criminal justice matters, and the composition of the Judicial Branch has been modified over time, in practice, these transformations were not carried out with the aim of prosecuting the crimes committed during the conflict, nor did they have a significant impact on victims’ access to justice and truth.

4.1. Sexual violence in the Truth Commission report

The Truth Commission examined a total of 7,357 cases. Among these, 66 instances of rape were recorded in isolation, rather than as a secondary element within an outburst of violence that usually culminated in homicide. In 204 cases, sexual violence was identified in combination with other acts, such as torture and homicide, torture and disappearance, or torture alone.²⁰¹

193 Acuerdos de México. (27 April 1991). *Centro de Documentación de los Movimientos Armados*, available at https://cedema.org/digital_items/3237.

194 Ibid.

195 Internet Archive. (1992). Acuerdos de Chapultepec, Chapter I. Fuerza Armada, p. 7, available at <https://archive.org/details/acuerdos-de-chapultepec/page/n3/mode/2up?q=ejemplarizante>.

196 The Truth Commission’s work lasted only eight months: it began on 13 July 1992 and concluded on 15 March 1993 with the publication of its report. Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. informe de la Comisión de la Verdad. Informe de la Comisión de la Verdad para el Salvador*, Introducción, D. Puertas y ventanas abiertas, available at <https://digitallibrary.un.org/record/183599?ln=es>.

197 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. informe de la Comisión de la Verdad. Informe de la Comisión de la Verdad para el Salvador*, p. 18, available at <https://digitallibrary.un.org/record/183599?ln=es>.

198 Ibid., III. El mandato.

199 Ibid., V. Recomendaciones, D. La reforma judicial.

200 Sala de lo Constitucional de la Corte Suprema de Justicia de El Salvador. Sentencia de inconstitucionalidad 44-2013/145-2013, 13 July 2016.

201 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. informe de la Comisión de la Verdad. Informe de la Comisión de la Verdad para el Salvador*, Annex II, p. 8, available at <https://digitallibrary.un.org/record/183599?ln=es>.



Cuscatlán Park guarded a press conference, where victims called on Congress to pass a Transitional Justice Law. 2018 © DPLF

TABLE CREATED BY THE COMMISSION ON THE TRUTH FOR EL SALVADOR ON POSSIBLE COMBINATIONS BETWEEN THE MOST FREQUENT INCIDENTS IN THE CRIMES REPORTED

Sequence of events	Number of cases	Percentage
Homicide	4,633	63.0%
Disappearance	929	12.6%
Torture and Homicide	814	11.1%
Torture	419	5.7%
Rape and homicide	99	1.3%
Rape, torture and homicide	87	1.2%
Torture and disappearance	78	1.1%
Rape	66	0.9%
Disappearance and homicide	30	0.4%
Torture, disappearance and homicide	18	0.2%
Rape and torture	16	0.2%
Rape, disappearance and homicide	1	0.0%
Rape, torture and disappearance	1	0.0%
Unclassified	166	2.3%
Total	7,537	100.0%

Source: Annexes. Volume II. Report of the Commission on the Truth for El Salvador, translated from the Spanish original.

The explanation for this lies in the sequence and escalation of violence in the reported events:

“The most striking fact is the predominance of attacks directed against the right to life, beginning with homicide and followed by disappearance. The next notable element, however, is that both torture and rape are more frequent in episodes that end in the death or disappearance of the victim than when they occur on their own. In other words, in the reported episodes, it is more likely that a person who was raped or tortured would ultimately be executed than not.”²⁰²

The Commission considered that:

“Acts of ill-treatment, such as rape, rather than constituting practices in and of themselves, are elements added in the context of executions, increasing their brutality. In other words, they form part of a practice fundamentally centred on violations of the right to life.”²⁰³

The Truth Commission’s mandate was extremely brief: it had barely eight months to gather testimonies, categorise them, analyse patterns by synthesising illustrative cases, draft the report, and develop recommendations. It is understandable, therefore, that the number of reports of CRSV that it managed to document was very low.

It is also understandable that, due to the oppressive nature of women’s socialisation – and the weight of *machismo*, which even today prevents many men from identifying themselves as victims of sexual violence – a disproportionate burden has been placed on individual testimony. This burden is aggravated by the requirement that such testimony be formulated according to legal standards shaped by a male-centred worldview,²⁰⁴ in which harm to personal integrity or life is only proven through the application of physical torture that leaves visible marks.

4.2. Rape culture and the social frame of listening

For the purposes of this study, *rape culture* is understood as a social, ideological, and political framework present in patriarchal societies that, in contexts of war, enables:

- the dehumanisation of women and feminised bodies, reducing them to spoils of war;
- the justification and normalisation of sexual violence as part of the everyday disciplinary drill of military order, whether insurgent or counterinsurgent;
- the establishment of the victim as solely responsible for the events that occurred, forcing them into silence and shame; and
- the normalisation of impunity.

While this culture did not originate with armed conflicts, the existence of a context oriented towards dispossession and the conquest of territories and lives allows it to be identified as such in an environment where the failures of the legal system – both national and international – to prosecute crimes such as sexual violence, historically conceived as affecting only women, are evident. Only recently have legal analyses begun to address the weight of this ideological apparatus in the very definition of what constitutes a crime, and in the standards required of women, girls, adolescents, and people of diverse sexual orientations and gender identities for their experiences to be recognised as legally actionable.

Since legal offences occur within a specific social context, it is this context that shapes their boundaries: it is society – not the law itself – that fluctuates and expands its notions of what is punishable and socially reprehensible. Therefore, it may be more or less willing to consider certain acts as punishable or permissible, as evidenced by the difference in the way sexual crimes are treated when committed against “respectable” women or sex workers. This fluctuating willingness to recognise certain acts as valid is called the *social frame of listening*.

Victoria Álvarez has developed this concept on the basis of the history of reporting and seeking justice by victims and survivors of CRSV during the dictatorship of Jorge Rafael Videla in Argentina (1976–1981). Her proposal combines the notion of social frameworks of memory formulated by Maurice Halbwachs in 1925 with Michael Pollack’s work on the social conditions that render testimony communicable. Álvarez thus argues that social frames of listening allow for an exploration of the social conditions that shape the relationship between witness, testimony, and listener in cases of conflict-related sexual violence.²⁰⁵

202 Ibid., Annex II pp. 8 to 9.

203 Ibid., Annex II, p. 9.

204 Boledón, E. (2008). La violencia contra las mujeres y el derecho no-androcéntrico: pérdidas en la traducción jurídica del feminismo. In Laurenzo, P., Maqueda, M. & Rubio, A. (Coords), *Género, violencia y derecho* (275-300). Tirant lo Blanch.

205 Álvarez, V. (2018). Com Denuncias y marcos de escucha para la violencia sexual en tribunales militares durante la última dictadura argentina (1976-1983). *La Ventana. Revista de Estudios de Género*, 6(48), 423-457; y Álvarez, V. (2020). Memorias y marcos sociales de escucha sobre la violencia sexual del terrorismo de Estado. *Clepsidra*, 7(14), 12–27, available at <https://ri.conicet.gov.ar/handle/11336/171427>.

Before reaching the evidence-gathering stage or initiating criminal proceedings, victims of sexual violence face a social frame of listening that may be more or less receptive to their statements, articulated in whatever way they are able. Without considering the witnesses' own circumstances in providing a coherent account according to legal standards – nor the weight of the fear of social rejection in acknowledging themselves as victims of a sexual crime – both international bodies and the Salvadoran State have conclusively demonstrated their lack of willingness to listen to victims. Faced with such a closed social frame of listening, impunity is the only possible outcome.

Indeed, in El Salvador, the *General Amnesty Law for the Consolidation of Peace (Ley de Amnistía General para la Consolidación de la Paz - LAGCP)* was enacted just one week after the Truth Commission published its report. For years, this law stood as the main legal barrier to the pursuit of justice, without being challenged by judges, who enjoy diffuse constitutional review.²⁰⁶

Adding to this legal framework of impunity is the fact that the Peace Accords did not stipulate any commitment regarding victims' right to reparation. No State responsibility was

assumed, nor were any official policies or actions designed to provide reparation to victims, whether comprehensive or even isolated measures to address the harm suffered by tens of thousands of people.

From the content of the Accords examined so far, it appears that the signatory parties considered violations of human rights and international humanitarian law – in the few cases where they acknowledged their occurrence – to be the sole responsibility of individuals, rather than systematic conduct perpetrated by organised power structures. At the time, the only document that made explicit reference to reparations was the Truth Commission Report, which, in its section on recommendations for national reconciliation, included four proposals for material reparation and three for moral reparation. However, the implementation of these recommendations was virtually non-existent.

Only recently have certain individual and collective reparation measures begun to be implemented in official settings, which we will discuss later. However, this issue has never been acknowledged as an outstanding debt of the Peace Accords, nor as a structural omission in the process of democratisation and pacification of Salvadoran society.

²⁰⁶ Diffuse constitutional review is the power granted to all judges of the Republic, regardless of the subject matter and their jurisdiction, to rule, within a specific case, on the inapplicability of any legal provision that they deem contrary to the Constitution, without this entailing the general invalidity of such provision. Article 185 of the Constitution of the Republic.



5. THE POST-CONFLICT PERIOD AND AMNESTY

5.1. Amnesty Law

In 1993, following the publication of the Truth Commission Report, as noted earlier, the Amnesty Law was enacted, granting:

“[a] broad, absolute and unconditional amnesty in favour of all persons who in any way participated in the commission of political offences, common offences connected with such offences, and common offences committed by a group of no fewer than twenty persons before 1 January 1992, whether or not a judgement had been delivered against such persons, and whether or not proceedings have been initiated in respect of those offences, this grace being extended to all persons who participated as direct perpetrators, intermediate perpetrators or accomplices in the aforementioned criminal acts.”²⁰⁷

The amnesty applied to all offences committed “on the occasion of or as a consequence of the armed conflict, without consideration being given to the status, militancy, affiliation or political ideology.”²⁰⁸ The Law had the following effects:

- (I). if the persons concerned had been sentenced to terms of imprisonment, the competent judge or court responsible for enforcing the sentence was required to order their immediate release ex officio, without the need for bail;
- (II). if the persons concerned had been sentenced in absentia to terms of imprisonment, the competent judge or court was required to lift immediately and ex officio the arrest warrants issued against them, without the need for bail;
- (III). in cases involving defendants with pending proceedings, the competent judge was required to order ex officio the unrestricted dismissal of the charges against them on the grounds that criminal liability had been extinguished, and to order their immediate release;

- (IV). if the persons concerned had not yet been subjected to any proceedings, the amnesty would allow them, at any time proceedings were initiated against them for offences covered by the LAGCP, to invoke the exception of extinguishment of criminal liability and request a definitive dismissal; and if they had been arrested, they were to be brought before the competent judge so that they could order their release;
- (V). persons not covered by the foregoing provisions who, on their own initiative or for any other reason, wished to avail themselves of the amnesty could present themselves before the respective Judges of First Instance, who, having considered the applications, would issue a certificate stating the reasons why the applicants; rights as citizens could not be restricted; and
- (VI). in all cases, the amnesty extinguished civil liability.

The amnesty did not exclude human rights violations and serious breaches of international humanitarian law from its scope, with the result that all investigations into crimes committed during the conflict and the punishment of those responsible were brought to a halt. It should be noted, however, that the amnesty did not affect only the criminal sphere, but also halted any attempt at transitional justice, including the search of truth, reparations for victims, and the adoption of guarantees of non-repetition.

The Amnesty Law repealed the *1992 National Reconciliation Law (Ley de Reconciliación Nacional de 1992 - LRN)*,²⁰⁹ which had enabled members of the FMLN to enter political life. That reconciliation law granted amnesty in favour of all persons who had participated:

“as direct perpetrators, indirect perpetrators or accomplices in the commission of political offences, common offences connected with such offences, and common offences committed by at group of no fewer than twenty persons, before 1 January 1992, with the exception in all cases of the common offence of kidnapping.”²¹⁰

207 Article 1, LAGCP.

208 Article 2, LAGCP.

209 Legislative Decree 147 dated 23 January 1992, published in the Diario Oficial No. 14, Volume 314, on January 23, 1992.

210 Article 1, LRN.



Monument to memory and truth in Cuscatlán Park, San Salvador, El Salvador. 2023 © Berta Fernández Rosón/GSF

Article 6 of the LRN excluded from amnesty:

“persons who, according to the report of the Truth Commission, participated in serious acts of violence committed after 1 January 1980, whose impact on society urgently demands public knowledge of the truth, regardless of the sector to which they belonged, where applicable.”²¹¹

This exception – which opened the possibility of exemplary justice – was expressly repealed by the LAGCP.

Although no amnesty was ever agreed in the Peace Accords, the government of the time went so far as to describe the 1993 Amnesty Law as “the cornerstone of the peace accords.”²¹² Impunity and the denial of victims’ rights became the defining features of Salvadoran justice in the post-war years. From the moment of its enactment, human rights and victims’ organisations undertook both domestic and international actions against the Amnesty Law.

5.1.1. Judgment of the Constitutional Chamber on the Amnesty Law (2000)

In 1994, following the end of the term of office of the Supreme Court Justices identified in the Truth Commission Report, it became possible to apply the new mechanisms for the selection of Supreme Court judges envisaged in the Peace Accords and incorporated in the 1991 constitutional reform. With the establishment of a new Constitutional Chamber, two actions of unconstitutionality were brought in 1997 and 1998, one by a private lawyer and the other by representatives of victims’ and human rights organisations. However, it was not until 26 September 2000 that the Constitutional Chamber delivered its judgment in the joined constitutional cases 24-97 and 21-98.

In its ruling, with regard to the alleged violation of the Amnesty Law of Article 2, paragraph 1 of the Constitution, the Constitutional Chamber held that:

“[the] Constitution, appropriately, in Article 2 onwards [...] recognises an open rather than closed catalogue of rights as fundamental to human existence and as part of the legal sphere of individuals. Now then, [...] it may perfectly well be said that this right expressly recognises the

possibility available to every citizen of applying to the competent State body, by way of a procedural claim, in respect of any unconstitutional violation affecting the preservation, defence, maintenance, and ownership of their rights. Indeed, that constitutional provision obliges the Salvadoran State to provide comprehensive judicial protection to all its members against arbitrary and unlawful acts affecting their legal sphere [...] at all levels and in all instances of adjudication.”²¹³

However, it also warned that:

“Article 2(1) of the Constitution – as an essential provision within the framework of the Constitution, insofar as it lays the foundations that make the enjoyment of fundamental rights effective – also appears as a limitation on the power granted to the Legislative Assembly in Article 131(26) clause of the Constitution, such that the latter must be interpreted in conjunction with that limitation. The means that the Legislative Assembly may grant amnesty for political offences, common offences connected with such offences, or common offences committed by a group of no fewer than twenty persons, provided that such amnesty does not prevent the protection, through criminal proceedings, of the preservation and defence of the fundamental rights of the human person.”²¹⁴

Accordingly, on this point the Chamber concluded that:

“Article 1 of the LAGCP, in relation to Article 2(1) of the Constitution, admits of an interpretation consistent with the Constitution, which must be considered in each specific case by those applying the law. Consequently, the provision in question cannot be regarded as unconstitutional, and the claim on this point must also be dismissed.”²¹⁵ (emphasis added)

Regarding the alleged violation of Article 144 of the Constitution, the Constitutional Chamber held that international treaties were not a parameter for constitutional review, since they did not materially form part of the Constitution nor constitute with it a bloc of constitutional bloc. It further argued:

211 Article 6, LRN.

212 Cuéllar, B. (September 26, 2013). Verdad y justicia, temblores y mentiras. UCA, available at <https://noticias.uca.edu.sv/articulos/verdad-y-justicia-temblores-y-mentiras>.

213 Corte Suprema de Justicia. Sala de lo Constitucional. Inconstitucionalidad acumulada 24-97 and 21-98. Ss of September 26, 2000, p. 32, available at <https://www.jurisprudencia.gob.sv/DocumentosBoveda/D/1/2000-2009/2000/09/1266.PDF>.

214 Ibid., p. 33.

215 Ibid., p. 34.

“This is not [...] a norm that establishes a hierarchy between two legal norms – treaty and law – but rather a norm that determines instruments for resolving conflicts between norms [...]. [T]he first clause of said constitutional provision places international treaties in force in the country at the same hierarchical level as the laws of the Republic, with the latter understood as secondary laws. Consequently, there is no hierarchy between treaties and secondary laws of domestic origin. [...] [A]rticle 144 of the Constitution provides criteria or principles for resolving conflicts between two norms [...] and, consequently, these criteria must be used by those applying the law in each specific case; thus, this Court reiterates that a conflict between such norms per se does not entail unconstitutionality.”²¹⁶

As regards Article 245 of the Constitution, which establishes civil liability for public officials and public employees who violate constitutional rights, as well as the subsidiary liability of the State, the Chamber held that:

“[T]he claim for civil liability arising from a violation of constitutional rights is independent of any claim for any other type of liability that may derive from the same violation. Thus, [...] the claim for compensation for loss and damages constitutes an independent claim that may be brought before the competent courts, even where the existence of another form of liability arising from the same facts has been rejected judicially. [...] [If] the amnesty granted contravenes the Constitution, the claim for compensation remains viable before the competent courts.”²¹⁷

Therefore, with regard to the elimination of civil liability, the Chamber held that it did not violate the Constitution. Consequently, whenever judges considered that the amnesty was inapplicable in excluded cases, on a case-by-case basis, the avenue for pursuing civil liability would also become available. All of this led the Constitutional Chamber to declare that the challenged provisions did not contain the constitutional infringements alleged.

As a result, since the application of amnesty was to be evaluated judicially in each individual case, victims and human rights organisations lodged a number of complaints before the Attorney General’s Office (FGR) and the domestic courts, but none succeeded, nor was the exception established by the Constitutional Chamber applied. By way of example, complaints were lodged regarding the disappearances of Jesús Emigdio Sánchez Padilla,²¹⁸ Juana Irma Cisneros Ticas,²¹⁹ and Jorge Alberto Hernández Linares;²²⁰ the massacre of San Francisco Angulo;²²¹ and the forced disappearances of adults, boys and girls during the so-called *Operación Limpieza* in 1982 in Chalatenango,²²² among others. In those petitions, it was argued that, by their nature, those were cases excluded from the amnesty, with reference to the ruling of the Constitutional Chamber. None of these complaints produced any result, and the Prosecutor’s Office, in general terms, undertook no investigative activity whatsoever, did not bring cases before the courts, and in general did not test the possibility of examining, in judicial proceedings and on a case-by-case basis, the inapplicability of the amnesty.

This prosecutorial and judicial inactivity compelled victims’ and human rights organisations to include in their litigation strategy the use of the Inter-American human rights system and other avenues beyond the country’s borders.

5.1.2. Declaration of unconstitutionality of the Amnesty Law (2016)

The Constitutional Chamber delivered its judgment on 13 July 2016, and with that the landscape – at least the legal landscape – changed completely.²²³

In its judgment, the Chamber held that granting a broad, absolute and unconditional amnesty in favour of all persons who had in any way participated in the commission of human rights violations and serious breaches of international humanitarian law was unconstitutional

“because such an objective and subjective extension of amnesty is contrary to the right of access to justice, to judicial protection – protection of fundamental

216 Ibid., pp. 26 and 28.

217 Ibid., pp. 34 to 35.

218 Expediente fiscal 1526-UDV-08.

219 Expediente fiscal 4469-UDCV-2006.

220 Expediente fiscal 4469-UDCV-2006.

221 Amparo (Constitutional Appeal) 665-2010.

222 Corte Suprema de Justicia. Sala de lo Constitucional. Habeas corpus cases numbers 323-2012, 324-2012, 325-2012, 326-2012, 327-2012 and 328-2012. Judgment of 10 July 2015, available at <https://www.jurisprudencia.gob.sv/VisorMLX/PDF/323-2012ac.PDF>.

223 Corte Suprema de Justicia. Sala de lo Constitucional. Inconstitucionalidad 44-2013/145-2013. Judgment of 13 July 2016, available at <https://www.jurisprudencia.gob.sv/VisorMLX/PDF/44-2013AC.PDF>.

rights – and the right to full reparation for victims of crimes against humanity and war crimes constituting serious violations of international humanitarian law, since it prevents the fulfilment of the State’s obligations of prevention, investigation, prosecution, punishment and full reparation.”²²⁴

It also declared unconstitutional the extinguishment of civil liability in all cases, because this prevented full reparation for victims, particularly the right to compensation for moral damage.

According to the Chamber, the acts excluded from the amnesty must be understood as those attributed to both parties which may be classified as crimes against humanity and war crimes constituting serious violations of international humanitarian law. The Chamber expressly excluded the cases contained in the Truth Commission Report “as well as those of equal or greater gravity and significance that might be attributable to both parties and that are subject to investigation and prosecution by the competent authorities, all of which remain not subject to statutory limitation.”²²⁵

The Chamber declared amnesties, pardons, grounds excluding liability, and statutes of limitation inadmissible in this type of case:

“[U]nder no circumstances can the responsibility of States to provide effective protection and guarantees to victims of torture, enforced disappearance, and summary or arbitrary executions – individual and collective – be disregarded; nor may the obligation to take the measures necessary for their investigation, punishment and total eradication be denied. It therefore follows that the material and intellectual authors of such violations may not benefit from amnesty, pardon, or grounds excluding criminal liability – hierarchical obedience or fulfilment of duty – since this is incompatible with the obligations undertaken by States Parties to international human rights treaties, among which El Salvador is included. [...] In this regard, the continued validity of the 1993 Amnesty Law until the date of notification of this judgment is incompatible with the calculation of statutory limitation periods for criminal prosecution, the

enforcement of penalties, or related proceedings concerning those acts, where such periods might be invoked to prevent investigation, prosecution and punishment, or the enforcement of punishment where it has been ordered. Therefore, the period during which such provisions were in force may not be invoked as a pretext to obstruct, delay or deny the effective and immediate exercise of the rights recognised in the constitutional and international norms examined in this judgment.”²²⁶

It should be emphasised that the Chamber did not limit itself to removing the LAGCP from the legal order or to prohibiting mechanisms that generate impunity in such cases. In its judgment, the Chamber held that the declaration of unconstitutionality of the Amnesty Law required the adoption of legislation in accordance with the parameters of transitional justice, including reparations, and responsive to the needs of a democratic transition towards peace:

“The new situation that opens up with this constitutional judgment highlights the need for complementary regulation for a genuine democratic transition towards peace, one that respects human dignity and the fundamental rights of victims, in particular the rights of access to justice and judicial protection, the right to full reparation, the right to the truth, and the guarantee of non-repetition of crimes against humanity and war crimes constituting serious violations of international humanitarian law, while in all cases guaranteeing the right to due process of persons investigated and prosecuted for acts committed during the armed conflict and who cannot benefit from the amnesty under the parameters set out in this judgment.”²²⁷

For that reason, the Legislative Assembly, within a reasonable period, was required to:

“(i) regulate the means to guarantee access to public information on the facts and circumstances relating to crimes against humanity and war crimes constituting serious violations of international humanitarian law, committed during the armed conflict and attributable to both parties; (ii) make available adequate resources to respond, in the shortest possible time, to the demands of victims

224 Ibid., p. 29.

225 Ibid., p. 40.

226 Ibid., p. 36.

227 Ibid., p. 34.

*and their relatives and of Salvadoran society with regard to investigations, prosecution, clarification of the truth, and punishment of those responsible for crimes against humanity and war crimes constituting serious violations of international humanitarian law committed during the armed conflict and attributable to both parties; and (iii) consider the full reparation measures necessary to guarantee victims' satisfaction, compensation, and vindication, as well as measures for the non-repetition of crimes against humanity and war crimes constituting serious violations of international humanitarian law, taking into account the parameters of this judgment and the standards of transitional justice developed principally in the case law of the Inter-American Court of Human Rights and of this Tribunal."*²²⁸ (emphasis added)

Among the effects of declaring the Amnesty Law unconstitutional, the Chamber also ruled that the 1992 *National Reconciliation Law* would fully regain its validity, with the aim of:

*"guaranteeing legal certainty and justice regarding the gravest acts committed against fundamental rights by both parties, and enabling an amnesty compatible with the Constitution and with the standards of international law, thereby contributing to forgiveness and national reconciliation."*²²⁹

One year after the judgment, in June 2017, the Constitutional Chamber held a follow-up hearing, at which the degree of compliance by various State authorities was assessed. On that occasion, despite noting that many outstanding obligations remained and that the legislation ordered had not been enacted, it did not issue a ruling recording that situation.

At the end of the second year after the judgment was delivered, a second follow-up hearing was held, at which the absence of legislation on truth, justice, reparation and guarantees of non-repetition was once again confirmed. On that occasion, the Chamber adopted a ruling in which it found that no new law on national reconciliation and assistance for victims had been enacted that took account of their rights and all measures relating to the preservation and promotion of historical memory. It therefore ordered the Legislative Assembly to enact:

*"such legislation no later than 13 July 2019 – a non-extendable date – ... In its drafting, consultation must be undertaken with victims of the armed conflict, the associations representing them, and other sectors of society interested in contributing to its preparation."*²³⁰

In its follow-up ruling, although the Chamber acknowledged that it did not have the competence to determine in detail the content of legislation of a transitional nature, it considered that it could establish general guidelines in this area. For the Chamber:

*"The development of transitional justice – or justice appropriate to transition – must encompass measures beginning with the visibility and recognition of victims of the armed conflict and extending to true national reconciliation. This includes the application of criminal law to acts that cannot be amnestied under the Constitution, international criminal law, human rights, and international humanitarian law; public policies aimed at preserving historical memory, such as public apologies, commemorative monuments – called 'memorial mechanisms' – and measures of reparation and assistance to victims."*²³¹

The Chamber then established minimum requirements to govern the normative framework for the discussion, drafting, enactment, sanction and implementation of transitional justice in accordance with the Constitution, in relation to: (i) the right to know the truth about what happened during the armed conflict; (ii) the application of criminal justice in the investigation and prosecution of serious violations of human rights and international humanitarian law (crimes against humanity and war crimes); (iii) guaranteeing victims of the armed conflict and their families access to justice; and (iv) the implementation of comprehensive reparation programmes for victims of the armed conflict, including various forms of redress such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

In relation to justice, in its follow-up resolution the Chamber accepted the possibility of legislating for a model of conditional or limited amnesty in certain cases and:

228 Ibid., p. 35.

229 Ibid., p. 34.

230 Corte Suprema. Sala de lo Constitucional. Inconstitucionalidad 44-2013/145-2013. Resolution of 13 July 2018, p. 17, available at <https://www.jurisprudencia.gob.sv/DocumentosBoveda/D/1/2010-2019/2019/06/D8B8CF.PDF>.

231 Ibid., p. 4.

“with regard to the severity of the penalty in crimes against humanity and war crimes, leaves open the possibility of establishing a sentencing framework that takes into account factors such as remorse, public apologies, and material or symbolic reparation for the harm inflicted on victims of the armed conflict, among other conditions, thereby allowing the application of a penal substitute, sentence reduction, or a special regime of parole.”²³²

In this ruling, the Chamber stated that the Executive Branch has the obligation to design, implement and monitor State policies in the area of respect for, protection, promotion, and guarantee of fundamental rights, and to ensure that priorities in the allocation and execution of resources are directed towards those ends. In its decision, it reproached the Executive Branch for not presenting any bill containing measures for the recognition and reparation of victims of the armed conflict and for the recognition of historical truth. According to the Chamber, the Executive had likewise not

“designed and implemented a comprehensive programme of material and symbolic reparation focused on all of victims of the armed conflict, beyond isolated efforts deriving from the international commitments of the Salvadoran State; nor has it taken steps to incorporate a budget line for that purpose in the various budgetary cycles that have taken place after this Chamber delivered the judgment in question. In the case of the efforts made up to this point [...] these constitute the compliance with the State’s generic obligations in filed of protection the human rights of its citizens.”²³³

The judgment of the Constitutional Chamber and the follow-up ruling are notable because they rely on treaties, resolutions (*soft law*) and international human rights case law concerning truth, justice, reparation and guarantees of non-repetition. Although international norms had previously been used as support for judgments, it was in these decisions that international law was applied most extensively, deeply and technically correctly for the benefit of victims. It should be recalled that previous compositions of the Constitutional Chamber, when hearing challenges to the Amnesty Law, did not apply human rights law or international humanitarian law criteria.

Evidently, the declaration of unconstitutionality produced major legal effects: (i) it removed all *de jure* obstacles to the investigation and punishment of those responsible for violations of human rights and international humanitarian law; (ii) it prohibited the application of exemptions from liability, statutes of limitation, or any device guaranteeing impunity for those responsible, such as amnesties or pardons, even in disguised form, although it accepted the possibility of penal substitutes, reduced sentences, or a special regime of parole; (iii) it ordered the enactment of legislation and public policies responding to the demands of comprehensive transitional justice.

5.2. Post-amnesty situation: The Attorney General’s Office and the Legislative Assembly

The ruling declaring the LAGCP unconstitutional not only removed legal obstacles to the criminal prosecution of war crimes and crimes against humanity, but also established obligations for the Executive Branch regarding reparation and mandated the Legislative Branch to enact legislation on transitional justice, among other matters. Once it was handed down, the judgment also created a particular responsibility for the Attorney General’s Office to prosecute those responsible, which entailed adopting of specific institutional measures to fulfil its mandate.

This section focuses in particular on two matters of relevance to justice: the institutional modifications made to the Attorney General’s Office, and the discussion of a reconciliation law in the Legislative Assembly.

5.2.1. Institutional modifications to the Attorney General’s Office

It is important to acknowledge that, following the delivery of judgment 44-2013/145-2013, the then Attorney General, Douglas Meléndez, expressed his willingness to comply with it and acknowledged that the ruling “demanded a leading role for the [Attorney General’s Office (FGR)] in the investigation and prosecution of crimes committed by the parties to the conflict during the civil war in the country,” but that this mission had to be accompanied by the allocation of resources to the institution.²³⁴ Therefore, two relevant measures were adopted for its implementation: (i) a policy for the criminal prosecution of crimes committed during the armed conflict; and (ii) the creation of a specialised prosecutorial unit for this purpose.

232 Ibid., p. 9.

233 Ibid., p. 18.

234 La Prensa Gráfica. (22 July 2016). FGR dice necesita más dinero para indagar crímenes del conflicto, available at <https://www.laprensagrafica.com/elsalvador/FGR-dice-necesita-mas-dinero-para-indagar-crimenes-del-conflicto-20160722-0036.html>.

5.2.1.1. ADJUSTMENTS AND ADOPTION OF A CRIMINAL PROSECUTION POLICY FOR CRIMES COMMITTED DURING THE ARMED CONFLICT

In 2017, the Attorney General's Office adopted a general Criminal Prosecution Policy.²³⁵ Following the judgement declaring the Amnesty Law unconstitutional, it added Article 31,²³⁶ which addresses "the treatment of crimes committed in the context of the armed conflict in El Salvador." A year later, in December 2018, the FGR presented the *Criminal Prosecution Policy for war crimes and crimes against humanity committed in the context of the armed conflict in El Salvador*,²³⁷ as a more detailed instrument addressing war crimes derived from the general policy.²³⁸ This instrument received technical support from the Office of the United Nations High Commissioner for Human Rights²³⁹ and was developed in consultation with victims' organisations.

As detailed in its text, the objective of the policy is:

*"To establish criteria and guidelines for the criminal prosecution of war crimes and crimes against humanity that occurred in the context of the armed conflict in El Salvador, in order to conduct effective and responsible investigations, based on the principle of due diligence, that enable victims' right to access justice, to know the truth of the events that occurred, and the reparation derived from the exercise of criminal action before competent courts."*²⁴⁰

Positively, the policy adopts, as a cross-cutting principle, a victim-centred approach in which the victim and their family are the principal individuals and actors, such that all lines of prosecutorial intervention should result in the best possible way of investigating and resolving cases in their

favour and under the pro-person principle. This entails providing victims with appropriate treatment that does not revictimise them. Furthermore, it expressly acknowledges that affirmative action will be applied "in favour of women victims of sexual violence, elderly victims, and people with disabilities, including those disabled as a result of the war or due to any other circumstance."²⁴¹

The analysis carried out in this study has shown that most of the strategic actions detailed in this criminal prosecution policy are not being implemented, especially those related to prioritising the criminal prosecution of gender-based and sexual violence.

5.2.1.2. THE UNIT FOR THE INVESTIGATION OF CRIMES COMMITTED DURING THE ARMED CONFLICT

In order to fulfil the responsibility established by the ruling declaring the Amnesty Law unconstitutional, on 12 December 2016 the Attorney General's Office created the Group for the Investigation of Crimes Committed During the Armed Conflict. In February 2017, this group was renamed the Unit for the Investigation of Crimes Committed During the Armed Conflict (*Unidad de investigación de delitos cometidos durante el conflicto armado*). According to its 2016–2017 activity report, it processed approximately 30 cases during that period.²⁴² To date, none of these cases are known to have been brought before any court.

5.2.2. Attempts to pass a new amnesty

With the ostensible rather than genuine aim of complying with the 2016 ruling that declared the Amnesty Law unconstitutional and ordered the Legislative Assembly (Congress) to legislate on transitional justice, four

235 Fiscalía General de la República. *Política de Persecución Penal 2017*. Agreement No. 40 Bis, published in the Diario Oficial No. 172, Volume 416 dated 18 September 2017.

236 Article 31. The Attorney General's Office has allocated the human, technical, and material resources at its disposal to objectively investigate the events that occurred during the armed conflict that involve serious and systematic human rights violations; a budget must be secured from the competent entities to continue and strengthen this activity, with the purpose of ensuring victims' and survivors' access to justice, their right to the truth, and comprehensive reparation for the harms suffered, through the pursuit of the corresponding criminal and civil actions. See: Fiscalía General de la República. *Política de Persecución Penal 2017*. Agreement No. 40 Bis, published in the Diario Oficial No. 172, Volume 416, dated September 18, 2017, p. 46.

237 Fiscalía General de la República. *Política de Persecución Penal de crímenes de guerra y de lesa humanidad ocurridos en el contexto del conflicto armado en El Salvador*. San Salvador, 11 December 2018.

238 The Attorney General's Office has developed other special criminal prosecution policies regarding violence against women and juvenile criminal matters, as well as a Legal and Psychosocial Services Protocol for People from Particularly Vulnerable Groups who Face Violence (*Protocolo de Atención Legal y Psicosocial para Personas que Enfrentan Violencia de grupos especialmente vulnerables*), available at <https://portaldetransparencia.fgr.gob.sv/informacion.php?grpid=1&grpname=Marco%20Normativo>.

239 OHCHR - Regional Office for Central America and the Dominican Republic. Profile, available at <https://www.ohchr.org/es/countries/americas-region/un-human-rights-in-central-america-dominican-republic>.

240 Fiscalía General de la República. *Política de Persecución Penal de crímenes de guerra y de lesa humanidad ocurridos en el contexto del conflicto armado en El Salvador*. San Salvador, 11 December 2018, p. 9, available at <https://escuela.fgr.gob.sv/wp-content/uploads/libros/politica-de-persecucion-penal-crimenes-de-guerra.pdf>.

241 Ibid., p. 11.

242 Fiscalía General de la República. *Memoria de Labores 2016-2017*, p. 7, available at <https://portaldetransparencia.fgr.gob.sv/informacion.php?grpid=2&grpname=Gesti%C3%B3n%20Estrat%C3%A9gica>.

legislative proposals on the matter were submitted between 2019 and 2024 by victims of the armed conflict and the human rights organisations that support them. During the same period, the Legislative Assembly also drafted and introduced four bills,²⁴³ all of which contained serious flaws that would contribute to impunity for past crimes, provisions contrary to international law, and provisions that failed to guarantee victims' rights effectively.²⁴⁴ Furthermore, the drafting process disregarded legal analyses, methodological proposals aimed to effectively guarantee the principle of victim-centredness, and requests for hearings made by various transitional justice coalitions.

One of these, named the *Law of Transitional Justice, Reparation, and National Reconciliation* (Legislative Decree No. 575), was approved by Congress in February 2020. Although this law contained important provisions on reparation, proposed by victims and civil society, it

nonetheless retained several mechanisms of impunity that prevented the criminal prosecution and effective punishment of those responsible for international crimes. This decree did not complete the legislative process, as it was vetoed by the President of the Republic on the grounds of unconstitutional errors²⁴⁵ and returned to the Assembly for legislative debate to resume and for the points of contention to be examined. Congress never reviewed this veto.

In September 2021, the Congressional Commission on Justice and Human Rights announced the start of a new process to enact this Law, consisting of six stages,²⁴⁶ which were never completed and that did not take into account victims' participation as required by international standards. Finally, in May 2024, the Legislative Assembly decided to shelve the draft Transitional Justice Law presented by victims, arguing that it "had already lost its validity and was no longer in accordance with the Commission's requirements."²⁴⁷

243 The bills prepared by the Legislative Assembly were as follows: the first, in March 2019, prepared by the Ad Hoc Commission for the study of the implications of the ruling of the unconstitutionality of the Amnesty Law (*Comisión Ad Hoc para el estudio de las implicaciones de la sentencia de inconstitucionalidad de la Ley de Amnistía*); the second, in May 2019, and the third, in November 2019, both under the auspices of a legislative subcommittee created for that purpose; and the fourth, in February 2010, the product of a technical team coordinated by the President of the Legislative Assembly, which culminated in the approval of Decree 575.

244 MECIES. (February 26, 2019). Condena pública a la propuesta para instaurar nueva ley de impunidad en El Salvador. *DPLF*, available at https://back.dplf.org/sites/default/files/version_final_posicionamiento_mesa_contra_la_impunidad_ley_de_reconciliacion_0.pdf; OHCHR. (March 7, 2019). Bachelet insta a legisladores salvadoreños a abstenerse de restablecer la amnistía para graves violaciones a los derechos humanos, available at <https://www.ohchr.org/es/2019/03/bachelet-urges-el-salvadors-legislators-refrain-reinstating-amnesty-serious-human-rights>; IACHR. (21 May 2019). Press release. CIDH observa con preocupación la tramitación del proyecto de Ley de Reconciliación Nacional en El Salvador que contiene disposiciones contrarias a los derechos humanos, available at <https://www.oas.org/es/cidh/prensa/comunicados/2019/123.asp>; and the Special Rapporteur on the promotion of truth, reparation and guarantees of non-recurrence. (16 May 2019). Press release. El Salvador: La Asamblea Legislativa no debe aprobar un proyecto de ley de "amnistía de facto" para las violaciones de derechos humanos, dicen expertos de la ONU, available at <https://www.ohchr.org/es/2019/05/el-salvador-legislative-assembly-must-not-pass-de-facto-amnesty-bill-rights-violations-say>; Preliminary Observations from the Official Visit to El Salvador by the Special Rapporteur on the promotion of truth, reparation and guarantees of non-recurrence, Mr. Fabián Salvioli, 23 April to 3 May 2019, available at <https://www.ohchr.org/es/2019/05/preliminary-observations-official-visit-el-salvador-special-rapporteur-promotion-truth>.

245 Presidential veto of Legislative Decree No. 575, approved on 26 February 2020, containing the Special Law on Transitional Justice, Reparation, and National Reconciliation (*Ley Especial de Justicia Transicional, Reparación y Reconciliación Nacional*). Public version, available at https://www.transparencia.gob.sv/download_archivo.php?id=MzY4ODY3&inst=368867.

246 The stages were: a) study of the judgment by the Inter-American Court and the presidential veto; b) creation of an inter-institutional working group; c) structuring of the law; d) drafting of the law's articles; e) discussion and issuance of a report; and f) review of the report by the plenary for approval. See: Asamblea Legislativa. (20 September 2021). Diputados inician estudio para construir ley que repare derechos a víctimas del conflicto armado. *Asamblea Legislativa*, available at <https://www.asamblea.gob.sv/node/11566>.

247 Magaña, Y. (13 May 2024). Diputados archivan ley de justicia transicional de Vamos y otras iniciativas opositoras. *El Mundo*, available at <https://diario.elmundo.sv/politica/diputados-archivan-ley-de-justicia-transicional-de-vamos-y-otras-iniciativas-opositoras>; Portillo, D. (13 May 2024). Nueva comisión de seguridad envía a archivo propuesta de Ley de Justicia Transicional. *La Prensa Gráfica*, available at <https://www.laprensagrafica.com/elsalvador/Nuevacomision-de-seguridad-envia-a-archivo-propuesta-de-Ley-de-Justicia-Transicional-20240513-0045.html>.



Commemoration of the El Mozote massacre. A man looks at the monument to the victims in Morazán, El Salvador. © Cristosal



6. THE STATE'S OUTSTANDING REPARATION OBLIGATIONS

The Peace Accords established a National Reconstruction Plan (PRN) intended to benefit both people with disabilities resulting from injuries sustained during the armed conflict and the families of civilian victims, by providing scholarships, employment, pensions, housing programmes, and support for starting businesses.²⁴⁸ However, the PRN focused primarily on the productive reintegration of demobilised individuals, without directly addressing the needs of the sectors of civil society affected by the violence.

The implementation of this plan was entrusted to the now-defunct Secretariat of National Reconstruction (SRN), which published several reports on its management and on compliance with the established measures. However, these reports were widely questioned and considered incomplete.²⁴⁹ In practice, none of the measures envisaged in the PRN were directed toward civilian survivors/victims, which reveals a structural omission in the recognition of and support for those who bore the brunt of the conflict without having directly participated in it.

The Truth Commission's final report acknowledged that justice was not limited to the imposition of punishment; accordingly, it included a series of recommendations relating to material and moral reparation, while warning of the country's financial constraints. In particular, the Commission recommended the creation of a special fund – with State and international contributions – as an autonomous entity with legal and administrative powers, in order to guarantee adequate material compensation for victims of the violence in the short term.²⁵⁰ However, these recommendations concerning reparation for survivors/victims were not implemented.

As result of international pressure from various organisations, such as the United Nations and the United States Institute of Peace,²⁵¹ in December 1992, the Legislative Assembly enacted Legislative Decree No. 416, which established the *Law for the Protection of Persons Wounded and Disabled as a Result of the Armed Conflict (Ley de beneficio para la protección de lisiados y discapacitados a consecuencia del conflicto armado)*. According to Article 22 of this law, the main beneficiaries were “Salvadoran people wounded or disabled as a direct result of the armed conflict in the country, as well as parents who lost their children, and minors and incapacitated persons who lost their parents for the same reason.”²⁵²

The recognition of civilians as beneficiaries of this law was limited in scope, as it considered only Salvadoran nationals with disabilities resulting directly from the armed conflict. No benefits were established for their families in the event of death, unlike the provisions that did exist for former combatants of the FMLN and the Armed Forces of El Salvador (FAES).²⁵³

The reparation policy established by Decree 416 has been widely criticised by civil society because it targeted compensation exclusively at “former members of the warring parties or persons with permanent injuries as a result of the conflict.”²⁵⁴ It is evident, therefore, that at that time El Salvador did not have any programme or plan for large-scale reparations that would benefit, in a general way, all victims of the war.

In 2009, organisations and associations of victims, brought together in the Commission for Historical Memory, requested that the then President of the Republic,

248 Gutiérrez, M. (2019). Negar el pasado: reparaciones en Guatemala y El Salvador. *Revistas UniAndes*, 97, 175–209, available at <https://doi.org/10.7440/colombiaint97.2019.07>.

249 Arias Foundation for Peace and Human Progress. (1997). *Rescate del plan de reconstrucción nacional: El Salvador*. Grupo Editorial Norma, pp. 8 to 17.

250 Comisión de la Verdad para El Salvador. (1993). *De la locura a la esperanza: la guerra de 12 años en El Salvador. Informe de la Comisión de la Verdad para el Salvador*, pp. 196-197, available at <https://digitallibrary.un.org/record/183599?ln=es>.

251 The United States Institute of Peace (USIP), in a publication from July 1992, stated in its section on reparations that: “The government has not implemented the recommendation to establish a fund for reparation payments to victims.” United States Institute of Peace. (1992). *Truth Commission: El Salvador*. Retrieved at the time from <http://www.usip.org/publications/truth-commission-el-salvador>. This link is no longer available due to the closure of the USIP.

252 Asamblea Legislativa de El Salvador. Decree No. 416. *Ley de beneficio para la protección de lisiados y discapacitados a consecuencia del conflicto armado*. San Salvador, on the thirteenth day of December of the year nineteen ninety-two, available at <http://www.jurisprudencia.gob.sv/DocumentosBoveda/D/2/1990-1999/1993/01/88883.PDF>.

253 *Ibid*, Art. 24.

254 Asamblea Legislativa de El Salvador. Decree No. 416. *Ley de beneficio para la protección de lisiados y discapacitados a consecuencia del conflicto armado*. San Salvador, on the thirteenth day of December of the year nineteen ninety-two, available at <http://www.jurisprudencia.gob.sv/DocumentosBoveda/D/2/1990-1999/1993/01/88883.PDF>.

Mauricio Funes, create a reparation programme.²⁵⁵ The result of the dialogue established between the victims and their representatives and the central government was the creation, through an executive decree in 2010, of the National Commission for Reparation to Victims of Gross Human Rights Violations Occurring in the Context of the Internal Armed Conflict (*Comisión Nacional de Reparación a las Víctimas de Graves Violaciones a los Derechos Humanos Ocurridas en el Contexto del Conflicto Armado Interno*), tasked with proposing the content of the reparation programme for victims.²⁵⁶

Subsequently, Executive Decree No. 204/2013 created, in 2013, the first reparation programme in the country's history, "through which victims of gross human rights violations occurring in the context of the internal armed conflict have different mechanisms for reparation for the harm suffered

during [...] [the] conflict."²⁵⁷ The importance of this Decree lies in the fact that it not only formally recognised the victims of the armed conflict as such for the first time, but also mandated the creation of the Victims' Registry.

The Victims' Registry was developed in two phases: the first in 2012 and the second in 2016. A 2018 report by the General Directorate of Statistics and Censuses (*Dirección General de Estadísticas y Censos - DIGESTYC*)²⁵⁸ distinguished between direct and indirect victims (relatives of victims), presenting the following data:

- Direct victims: a total of 3,909, of whom 2,598 were women (66.46%) and 1,311 were men (33.53%).
- Indirect victims: a total of 13,157 relatives of victims, of whom 6,579 were women (50%) and 6,578 were men (50%).

TOTAL NUMBER OF VICTIMS BY SEX, ACCORDING TO HIGHEST LEVEL OF EDUCATION ATTAINED

Highest level of education attained	Total	Women	Men
	3,909	2,598	1,311
Total	100.0	100.0	100.0
Early childhood education	0.1	0.1	0.0
Pre-school education	0.7	0.7	0.5
Basic education, grades 1-9	56.9	55.9	59.0
Secondary education, grades 10-13	4.1	3.8	4.7
Higher university education	1.3	1.2	1.6
Higher non-university education	0.3	0.3	0.2
None	36.7	38.0	34.0

Source: General Directorate of Statistics and Censuses (2018), translated from the Spanish original.

255 Arteaga, L. (15 April 2021). Resarcido de daños en El Salvador: la experiencia de reparaciones a víctimas de la guerra. DPLF, available at <https://dplf.org/resarcido-danos-en-el-salvador-la-experiencia-de-reparaciones-a-victimas-de-la-guerra/>.

256 Presidencia de la República de El Salvador. *Executive Decree No. 57-2010*. Créase la "Comisión Nacional de Reparación a las Víctimas de Violaciones a los Derechos Humanos, ocurridas en el contexto del conflicto armado interno." San Salvador, on the fifth of May of the year two thousand ten. Published in the Diario Oficial No. 86, Volume No. 387, dated 12 May 2010, available at <https://www.diariooficial.gob.sv/>.

257 Presidencia de la República de El Salvador. *Executive Decree 204-2013*. Programa de reparaciones a las víctimas de graves violaciones a los derechos humanos ocurridas en el contexto del conflicto armado interno. San Salvador, on the twenty-third of October of the year two thousand thirteen, available at <https://www.pdh.gob.sv/portal/wp-content/uploads/2019/09/Decreto-N%C2%BA-204.pdf>.

258 Dirección General de Estadísticas y Censos. (2018). *Informe situacional del Registro de Víctimas de Graves Violaciones a los Derechos Humanos en el Contexto del Conflicto Armado Interno*. Unpublished report.

RELATIVES OF THE VICTIM, BY SEX, ACCORDING TO RELATIONSHIP TO THE VICTIM

Relationship to the victim	Total	%	Men	%	Women	%
Total	13,157	100.0	6,578	50.0	6,579	50.0
Son/daughter	6,647	100.0	3,437	51.7	3,210	48.3
Grandchild	3,004	100.00	1,564	52.1	1,440	47.9
Spouse or life partner	2,027	100.00	983	48.5	1,044	51.5
Son/daughter-in-law	544	100.0	174	32.0	370	68.0
Other relatives	486	100.0	235	48.4	251	51.6
Father/mother	173	100.0	47	27.2	126	72.8
Sibling	152	100.0	84	55.3	68	44.7
Other non-relatives	81	100.0	39	48.1	42	51.9
Father/mother-in-law	43	100.0	15	34.9	28	65.1

Source: General Directorate of Statistics and Censuses (2018), translated from the Spanish original.

The digital version of the database was safeguarded and managed by the now-defunct Directorate of Statistics and Censuses (*Dirección de Estadísticas y Censo*) of the Ministry of Economy, while the physical archive of the collected surveys remained in the custody of the Ministry of Foreign Affairs.

This database made it possible to access disaggregated information by sex, age, place of residence, type of victim (direct or indirect), and the specific human rights violation. At present, it is unknown who is in responsible for the administration and security of the database.

6.1. National Reparations Programme

The adoption of large-scale reparation programmes opens up the possibility of contributing to the ultimate goal of reparation: achieving justice and providing redress, in proportion to the harm suffered, from a perspective that transcends individual satisfaction and the vindication of rights in order to reach a broader universe of victims. Along these lines, the Reparations Programme for Victims of Gross Human Rights Violations Occurring During the Internal Armed Conflict ("the Reparations Programme"), created by Executive Decree No. 204/2013, establishes as its main objective "the creation of a Programme through which victims of gross human rights violations occurring in the context of the internal armed conflict have access to different mechanisms of reparation for the harm suffered during the said armed conflict."²⁵⁹

The reparation mechanisms established in the Decree range from financial compensation, acknowledgement of responsibility, and acts of apology and remembrance, to facilitate access to fundamental rights such as health care and education, among others. The reparation measures defined in the Decree are set out below. They are based on criteria that include the Salvadoran State's obligation under international law to provide reparation to victims of human rights violations and to comply with the recommendations or rulings of international human rights protection mechanisms, as well as, to a limited extent, recommendations from civil society.

Executive Decree 204 of 2013, in addition to creating the Reparations Programme, officially recognised

"the existence of a group of victims [...] who must be compensated." In that sense, the reparation measures are applicable to "the victims of gross human rights violations and their families, with respect to events that occurred in the context of the internal armed conflict that ended on 16 January 1992."²⁶⁰

That is, persons who were victims of "massacres or collective extermination, extrajudicial executions, forced disappearance and torture, including within the latter serious crimes against sexual freedom."²⁶¹

259 Executive Decree 204-2013, Art. 1.

260 Executive Decree 204/2013, Art. 2, clause 1.

261 Executive Decree 204/2013, Art. 2, clause 2.

The cited Decree defined the following acts as “gross human rights violations”:²⁶²

- A. Acts constituting massacres or the collective extermination of human beings;
- B. Extrajudicial executions;
- C. The enforced disappearance of persons; and
- D. Torture, including within this last category serious crimes against sexual freedom.

For its part, the Governing Council of the Registry of Victims of Gross Human Rights Violations Occurring in the Context of the Internal Armed Conflict (*Consejo Directivo del Registro de Víctimas de Graves Violaciones a los Derechos Humanos ocurridas en el Contexto del Conflicto Armado Interno - CODREVIDH*), established the *Criteria for the inclusion of victims of gross human rights violations occurring in the context of the internal armed conflict*,²⁶³ determining the categories of persons who could be incorporated into that registry:

- A. Direct victims:
 - Victims of massacres
 - Surviving victims of massacres
 - Victims of extrajudicial execution
 - Disappeared victims
 - Victims of torture
- B. Indirect victims: relatives of victims in any of the above categories, including:
 - First-degree relatives by blood in the direct line: parent or child
 - Second-degree relatives by blood in the collateral line: sibling
 - Spouse or partner
 - Grandparent, where they were responsible for the direct victim.

To identify and determine the full range of beneficiaries, the Decree established the creation of the Victims’ Registry, mentioned above, which is responsible for managing the enrolment of affected persons and handling their cases.²⁶⁴

The projected reparation measures include four components: rehabilitation, compensation, restoration of dignity, and guarantees of non-repetition.²⁶⁵ However, all of these are subject to the availability of resources, which in practical terms makes adequate and comprehensive reparation impossible.

Rehabilitation measures are grouped into three areas: the right to health care, the right to education, and the right to food and participation in economic life.²⁶⁶ In terms of compensation, a continuous compensatory programme is envisaged, also subject to budgetary availability. Cash transfers range from \$15 to \$50 per month, depending on the victim’s age group.²⁶⁷

Measures aimed at restoring dignity are organised into four areas of implementation, intended to rebuild the social fabric and strengthen national historical memory. The cultural sphere promotes remembrance initiatives; the sphere of acknowledgement of responsibility and requests for forgiveness provides for symbolic measures of reparation; the communications sphere fosters civil society participation; and the educational sphere promotes the teaching of Salvadoran historical memory in the school system.²⁶⁸

Guarantees of non-repetition involve actions aimed at incorporating international law into the national legal framework, as well as training military and police personnel in human rights and international humanitarian law.²⁶⁹

However, the Decree presents several questionable aspects. The most significant is its limited definition of victim status. The text states that the beneficiaries are persons who are entered in the Victims’ Registry through mass enrolment or individual application, but it leaves the assessment of applications to the discretion of the Governing Council without specifying the criteria necessary for acceptance.²⁷⁰ This makes registration a restrictive and vague process in which the recognition of a person as a victim may prove arbitrary.

262 Executive Decree 204/2013, Art. 2, clause 2.

263 Consejo Directivo del Registro de Víctimas de Graves Violaciones a los Derechos Humanos ocurridas en el Contexto del Conflicto Armado Interno (2018). *Criterios para la inclusión de víctimas al Registro de Víctimas de Graves Violaciones a los Derechos Humanos Ocurridas en el Contexto del Conflicto Armado Interno*, pp. 3 to 6.

264 Executive Decree 204/2013, Art. 3.

265 Executive Decree 204/2013, Art. 6.

266 Executive Decree 204/2013, Arts. 7 to 9.

267 Executive Decree 204/2013, Art. 10.

268 Executive Decree 204/2013, Arts. 11 to 15.

269 Executive Decree 204/2013, Arts. 16 to 19.

270 Executive Decree 204/2013, Art. 5.

Furthermore, the Reparations Programme lacks a differentiated, intersectional, and gender-sensitive approach. The Decree does not include specific measures to restore dignity to individuals or groups historically discriminated against based on age, ethnicity, disability, sexual orientation, or gender identity. Consequently, the programme does not address the specific needs and levels of vulnerability of these groups, denying their recognition as rights-holders and deepening their exclusion and invisibility.

Following the change in government in June 2019, changes were introduced within the Executive Branch that directly affected the implementation and progress of the Reparations Programme. With the closure of the Secretariat of Social Inclusion, which had until then been responsible for coordinating reparation efforts, the programme was left without institutional leadership for months, leaving victims in a state of uncertainty.

Subsequently, the Reparations Programme was transferred to the Ministry of Local Development,²⁷¹ which implements it through the Department of Services to Vulnerable Populations.²⁷² Of all of the reparation measures established in Executive Decree 204/2013, in its latest published activity report – corresponding to the period from June 2023 to May 2024 – this Ministry reports progress only in the compensation component of the programme.

“Within the framework of the Compensation Programme aimed at victims and relatives of victims of gross human rights violations in the context of the internal armed conflict, vouchers were provided as incentives for health care, education, and direct victim services to 4,369 persons. Voucher were received by 3,344 women and 1,025 men, with a total of \$839,630.00 transferred.”²⁷³

Thus, there is no information on progress in relation to the remaining reparations measures. Nor is there any information regarding the mechanisms for requesting new enrolments in the Registry or on the functioning of

its Governing Council, thereby hindering access to the reparation measures envisaged.

6.2. Reparations programme for El Mozote and nearby places

The judgment of the Inter-American Court of Human Rights in the *Case of Massacres of El Mozote and nearby places v. El Salvador*, delivered on 25 October 2012, ordered the Salvadoran State to initiate, reopen, direct, continue, and conclude – as appropriate and within a reasonable time frame – the investigations into all the events that gave rise to the violations declared in that judgment, with the aim of identifying, prosecuting, and, where appropriate, punishing those responsible with the utmost diligence.

In addition, the Court ordered compliance with 14 reparation measures, among which the following stand out:

- Continue²⁷⁴ with the implementation of the Single Registry of Victims and Relatives of Victims of Gross Human Rights Violations during the El Mozote Massacre (*Registro Único de Víctimas y Familiares de Víctimas de Graves Violaciones a los Derechos Humanos durante la Masacre de El Mozote*), adopting the necessary measures to ensure its continuity over time and the budgetary allocation required for its effective operation.²⁷⁵
- Survey and compile available information on possible burial or interment sites, which should be protected for their preservation, in order to conduct exhumations, identification processes and, where appropriate, the return of the remains to relatives.²⁷⁶
- Implement a development programme to benefit the communities in the village of El Mozote, the *cantón* of La Joya, the villages of Ranchería, Los Toriles, and Jocote Amarillo, and the *cantón* of Cerro Pando.²⁷⁷
- Guarantee the necessary conditions for displaced victims to return permanently to their communities of origin, should they wish to do so, and implement a housing programme in the areas affected by the massacres.²⁷⁸

271 Decree No. 1 of 2 June 2019. Reformas al Reglamento Interno del Órgano Legislativo.

272 Ministerio de Desarrollo Local. Departamento de Atención a Población Vulnerable, available at <https://mindel.gob.sv/departamento-de-atencion-a-poblacion-juvenil/>.

273 Ministerio de Desarrollo Local. (2024). *Memoria de Labores Junio 2023 – Mayo 2024*, available at <https://www.transparencia.gob.sv/instituciones/mindel>.

274 The State had informed the Inter-American Court that, prior to the hearing, it had initiated a process to create a registry of victims, which would be “it will be the basis to identify not only the individuals but also the geographic areas and the population to which many of the measures of a social nature will be addressed.” Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 309, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

275 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 310, available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

276 *Ibid.*, paras. 331 to 334 and resolution item 6.

277 *Ibid.*, paras. 339 to 340 and resolution item 7.

278 *Ibid.*, paras. 345 to 346 and resolution item 8.

- Implement a permanent programme of comprehensive physical, mental, and psychosocial health care and treatment.²⁷⁹
- Pay the sums established as compensation for the material and intangible harm caused to the executed victims, survivors/victims, and relatives of executed victims.²⁸⁰

Almost four years after the sentence was delivered, an Executive Decree²⁸¹ created the Comprehensive Social Development Programme for El Mozote and nearby places (*Programa de Desarrollo Social Integral de El Mozote y lugares aledaños*),²⁸² as well as the Single Registry of Victims and Relatives of Victims of Gross Human Rights Violations during the El Mozote Massacre.²⁸³

The Programme was placed under the responsibility of a commission composed of 16 central government institutions,²⁸⁴ asked with coordinating and managing the resources required to fulfil reparations for victims.²⁸⁵

The origins of this Registry date back to March 2006, when the Inter-American Commission on Human Rights (IACHR) issued the admissibility report for the El Mozote massacre case.²⁸⁶ From that moment onwards, and with the aim of helping survivors/victims and their families prove before the Inter-American human rights system the extent of the violations committed during the massacres, as well as the identities of the executed victims, the survivors/victims, and their families, nuns from the Congregation of the Sisters of the Sacred Hearts of Jesus and Mary (*Congregación de las Hermanas de los Sagrados Corazones de Jesús y María - SSHJM*), with the support of a group of young volunteers from the Ecclesial Base Communities (*Comunidades Eclesiales de Base - CEBES*) in the northern part of the department of Morazán, began the work of investigating and documenting victims' family trees and identities.²⁸⁷

The information was subsequently presented to the Inter-American Court and served as the basis for the creation of the registry considered by the Court in its judgment in the case. This registry is known as the "historical database of victims," which formed the basis for the subsequent development of the State registry of victims.²⁸⁸

In the context of the case before the Inter-American Court, the victims requested that the State officially assume responsibility for creating the Registry, which the State accepted and implemented prior to the public hearing before the Court. The Inter-American Court's judgment established that:

*"The State indicated that the creation of a list of victims 'is a process that the State of El Salvador has already undertaken and is underway,' and 'it will be the basis to identify not only the individuals but also the geographic areas and the population to which many of the measures of a social nature will be addressed.' In this regard, it explained that, in principle, the creation of the "Single List of Victims and Next of Kin of Victims of Grave Human Rights Violations during the Massacre of El Mozote" responds to the representatives' request for the preparation of a list of murdered victims that also contains the basic characteristics of each one, including age and gender and, in addition, includes all the next of kin of the deceased victims and the surviving victims of the massacre. However, 'this list will also allow the future administration of the exercise of human rights arising from the application of the different measures of reparation that have been accepted by the State.'*²⁸⁹

279 Ibid., paras. 350 to 353 and resolution item 9.

280 Ibid., paras. 384, 393 and resolution item 13.

281 Executive Decree No. 53 of 2016, on *Disposiciones específicas restaurativas para la ejecución y seguimiento de la sentencia emitida por la Corte Interamericana de Derechos Humanos, en el caso "Masacres de El Mozote y lugares aledaños Vs. El Salvador"*, Diario Oficial No. 162, Volume No. 412, dated 2 September 2016, available at <https://www.jurisprudencia.gob.sv/DocumentosBoveda/D/2/2010-2019/2016/09/BB857.PDF>.

282 Executive Decree No. 53 of 2016, Chapter I.

283 Executive Decree No. 53 of 2016, Chapter II.

284 Administrador. (1 February 2017). Presidente juramenta comisión para impulsar medidas de restitución a víctimas de El Mozote. *Diario Co Latino*, available at <https://www.diariocolatino.com/presidente-juramenta-comision-impulsar-medidas-restitucion-victimas-mozote/>.

285 Executive Decree No. 53 of 2016, Arts. 2 to 4.

286 IACHR. *Petition 10.720* (El Salvador). Admisibilidad, Masacre El Mozote. Report No. 24/06 of 2 March 2006, available at <https://www.acnur.org/fileadmin/Documentos/BDL/2006/4528.pdf>.

287 Congregación de las Hermanas de los Sagrados Corazones de Jesús y María (SSHJM). (2021). *Sistematización de Experiencias: Proyecto El Mozote. Más de 15 años acompañando a El Mozote y lugares aledaños en la lucha por la Verdad, Justicia, Reparación y Reconciliación*. San Salvador: Talleres Gráficos UCA, p. 27, available at https://biblioteca.cebesperquin.org/index.php/Sistematizaci%C3%B3n_de_Experiencias_Proyecto_El_Mozote.

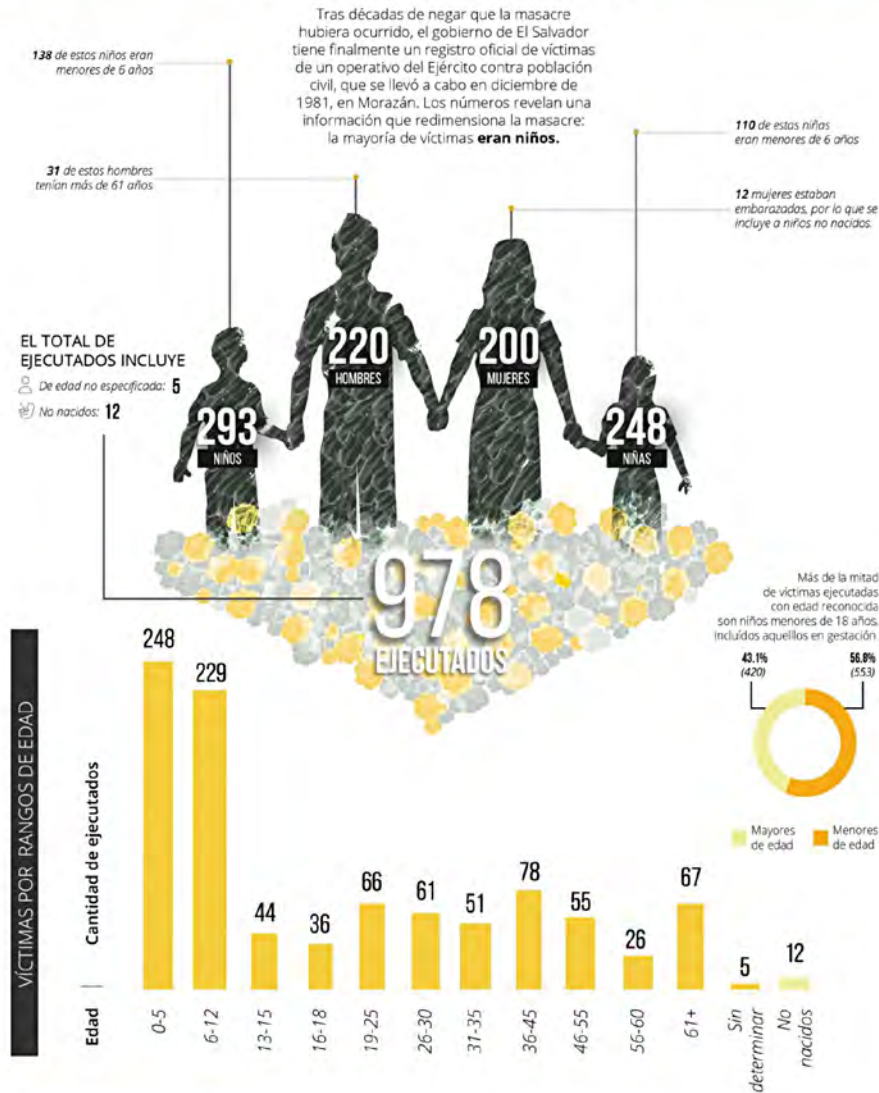
288 Ibid., p. 33.

289 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Merits, Reparations and Costs. Judgment of October 25, 2012. Series C No. 252, para. 309, available at https://www.corteidh.or.cr/docs/casos/articulos/seriec_252_ing1.pdf.

INFOGRAPHIC: THE STATE OFFICIALLY CONFIRMS THE NUMBER OF VICTIMS IN EL MOZOTE: 978 EXECUTED, 553 CHILDREN

MÁS DE LA MITAD ERAN MENORES

FINALMENTE UNA CIFRA OFICIAL

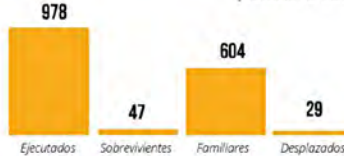


1,658 VÍCTIMAS

La cifra incluye, además de las personas ejecutadas, a sus familiares, sobrevivientes y desplazados por la masacre.



Para entrar en el registro, las personas no debían pertenecer a la guerrilla o al ejército, estar razonablemente identificados con documentos y ser residente de los caseríos El Mozote, Ranchería, Los Toriles, Jacote Amarillo, los cantones La Joya o Cerro Pando y la cueva del Cerro Ortiz.



Fuente: Registro Oficial y Libro de Víctimas y Desplazados de la Unidad de Víctimas de los Departamentos de El Salvador en El Mozote y alrededores (1981-1992).

UNODC (AÑO DE 1992), FAO/ANSA/DAAGS: Belen, Saquis y Ruero Saquis.

Source: Rauda Zablah, N. (4 December 2017). El Estado hace oficial el número de víctimas en El Mozote: 978 ejecutados, 553 niños. *El Faro*. English summary: The infographic presents official figures concerning victims of the El Mozote massacre and surrounding areas. It identifies 978 executed victims, including 293 boys, 248 girls, 220 men and 200 women. It also notes that more than half of the victims were minors and provides age ranges, as well as information on surviving relatives and displaced persons.

In 2017, the Single Registry of Victims of El Mozote officially confirmed the number of executed victims: 978 people, of whom 553 were children.²⁹⁰

Moreover, the Registry stated that, up to that date (2017), it had incorporated 47 direct survivors/victims, 29 victims of displacement, as well as 604 relatives of executed victims, bringing the total number of direct and indirect victims of the massacres to 1,658.²⁹¹

However, just as happened with the Governing Council of the Registry of Victims established by Decree 204/2013, when President Nayib Bukele came to power in June 2019, he eliminated several institutions, including the Technical and Planning Secretariat of the Presidency, which coordinated that commission. To date, no other entity with the same responsibilities has been appointed.

Although just days after assuming the presidency, Bukele received the El Mozote Association for the Promotion of Human Rights (APDHEM) at the Presidential House and publicly committed to fulfilling reparation measures,²⁹² he later closed the spaces for dialogue with victims and took actions that ran counter to their demands.²⁹³

Furthermore, the Single Registry of Victims and Relatives of Victims of Gross Human Rights Violations during the El Mozote Massacre has also been affected by decisions of the Executive Branch, including the elimination of the General Directorate of Statistics and Censuses (DIGESTYC), which had been responsible for managing, administering, and safeguarding the Registry's database. Following DIGESTYC's closure, it appeared that these tasks would be transferred to the Central Reserve Bank as the institution

assuming DIGESTYC's general responsibilities;²⁹⁴ however, since 2022 it has been unknown which institution is currently safeguarding the database.

Although the Governing Council of the Single Registry of El Mozote continues to exist under the coordination of the Ministry of Territorial Development,²⁹⁵ its functionality has been progressively limited, hindering the full inclusion of survivors/victims and their families who remain excluded. For this reason, the Inter-American Court has decided to keep open the procedure for supervising compliance with this measure.²⁹⁶

6.3. Gender, sexual violence, and reparations

The previous section briefly addressed the weaknesses of the National Reparations Programme, particularly its restrictive definition of victimhood and the type of reparations offered. These limitations meant that the programme did not adequately address the characteristics and needs of those who have suffered crimes such as sexual violence, and who require sustained and in-depth support to achieve comprehensive reparation.

In this context, none of the programmes – beyond their formal or effective coverage of a population in need of reparation – managed adequately to address the difficulties and harms faced by women, and in particular by survivors of sexual violence.

For its part, the Institute for the Administration of Benefits for Veterans and Ex-Combatants (*Instituto Administrador de los Beneficios de Veteranos y Ex-Combatientes* - INABVE), the

290 Rauda Zablah, N. (December 4, 2017). El Estado hace oficial el número de víctimas en El Mozote: 978 ejecutados, 553 niños. *El Faro*, available at https://elfaro.net/es/201712/el_salvador/20953/el-estado-hace-oficial-el-n%C3%BAmero-de-v%C3%ADctimas-en-el-mozote-978-ejecutados-553-ni%C3%B1os.htm.

291 Ibid.

292 Hompanera, Y. (24 June 2019). "Hoy por fin llegó la reparación que tanto pidieron": Bukele a víctimas de El Mozote. *Gato Encerrado*, available at <https://gatoencerrado.news/2019/06/24/bukele-promete-hacer-de-el-mozote-un-ejemplo-de-pais/>.

293 EFE. (March 8, 2022). Denuncian proyecto que alteraría monumento en sitio de masacre en El Mozote. *Swissinfo.ch*, available at <https://www.swissinfo.ch/spa/denuncian-proyecto-que-alterar%C3%ADa-monumento-en-sitio-de-masacre-en-el-salvador/47414496>; Ramírez, D. (12 December 2020). Remodelaciones de la DOM en la plaza El Mozote obstaculiza conmemoración tradicional de las víctimas. *Voces*, available at <https://voces.org.sv/remodelaciones-de-la-dom-en-la-plaza-el-mozote-obstaculiza-conmemoracion-tradicional-de-las-victimas/>.

294 Portillo, D. (29 July 2022). Registro de víctimas de El Mozote pasará al BCR. *La Prensa Gráfica*, available at <https://www.laprensagrafica.com/elsalvador/Registro-de-victimas-de-El-Mozote-pasara-al-BCR-20220729-Q029.html>.

295 Executive Decree No. 7 of 2024, amending Executive Decree No. 53 of 2016. *Diario Oficial* No. 48, Volume No. 442, dated 8 March 2024, available at <https://www.jurisprudencia.gob.sv/busqueda/showExtractos.php?bd=2¬a=1049426&doc=768087&singlePage=false>.

296 Inter-American Court. *Case of the Massacres of El Mozote and nearby places v. El Salvador*. Supervision of Compliance with the Judgment. Resolution of the Inter-American Court on 30 April 2024, resolution point 4 a), available at https://www.corteidh.or.cr/supervision_de_cumplimiento.cfm.

entity responsible for managing the economic and social benefit programmes for veterans and former combatants,²⁹⁷ has focused its actions on measures aimed primarily at men who participated in one of the warring forces. The most recent publicly available data, corresponding to the period from June 2023 to May 2024, indicate that INABVE's various programmes²⁹⁸ benefited 135,817 people, of whom 76.04% (103,274) were men and only 23.96% (32,543) were women.²⁹⁹

Consequently, women with disabilities or those who suffered CRSV have been excluded from these benefits, despite the evident psychological and physical consequences for their lives, as well as the permanent disruption of their life plans. In this sense, the PNR itself

appears to perpetuate the idea that the harm suffered by women and girls was not only collateral damage, but somehow inherent to the context of armed conflict, for which the State would bear no responsibility.

With regard to financial reparations, however limited they may be, their exclusion reinforces and deepens the economic hardship that many of these women already faced before the conflict began. This impact also extends to their families, who were affected by the harms resulting from the armed conflict, including the loss of previously available livelihoods, as well as by the State's refusal to acknowledge the importance of financially compensating them for the harm suffered during that period.

297 Instituto Administrador de los Beneficios de los Veteranos y Excombatientes (INABVE). Marco Institucional, available at <https://www.inabve.gob.sv/marco-institucional/>.

298 Programa de vivienda, educativo, de beneficios económicos a personas con discapacidad, de fisioterapia y rehabilitación, de órtesis y prótesis, de salud mental y de salud e insumos médicos. Ministro de Gobernación y Desarrollo Territorial. (2024). *Memoria de Labores Junio 2023 – Mayo 2024*, pp. 144-222, available at <https://www.transparencia.gob.sv/documentos/14-7>.

299 Ministro de Gobernación y Desarrollo Territorial. (2024). *Memoria de Labores Junio 2023 – Mayo 2024*, pp. 154-164, available at <https://www.transparencia.gob.sv/documentos/14-7>.



Activity during a psychosocial workshop in Guarjila, El Salvador. 2024 © DPLF



7. SURVIVORS' REPERCUSSIONS, NEEDS, DEMANDS, AND RISKS

“It has been hard for me to speak. I am afraid to speak. My family will mock me.”³⁰⁰

Between November 2024 and March 2025, consultations were held regarding the repercussions, perceptions, needs, demands, and risks related to reparation for victims and survivors of conflict-related sexual violence in El Salvador. These consultations took place in three locations: San Salvador, the capital; Arcatao, in Chalatenango; and Perquín, in Morazán, where collectives currently fighting for truth, justice, reparation, and guarantees of non-repetition are concentrated.

The participants in this study were cisgender women, older adults, *campesinas* (rural/farmworker women), and inhabitants of rural areas – some of whom also suffered sexual violence in urban settings – who, at the time of the events, were adolescents or young adults between 14 and 20 years old.

Although they acknowledge that many of the repercussions of these experiences have been passed on to their children, few have spoken openly about these events within their families. Therefore, while the direct contributions from victims are invaluable, the experiences of indirect victims are excluded from this assessment. Some of these victims witnessed the sexual assault of their mothers and are also survivors of torture.³⁰¹ “My son died six years ago... He used to say that he was going to defend me because he saw what happened to me.”³⁰²

Prior support – even if not specialised in CRSV – made it possible to explore impacts related to torment, torture, rape, and reproductive violence. The existence of pre-existing support networks was considered an essential requirement for participation in order to minimise the risk of harm during the research. This condition, however, limited the scope of the study, excluding the perceptions of male victims and individuals who identify as members of the LGBTQIA+ community.

Despite these efforts, the findings are profoundly shaped by prevailing social attitudes toward female bodies and feminised embodiments. In the case of victims of CRSV, this confirms its effectiveness as a policy of State terrorism: despite being systematically minimised by the State and not adequately addressed by the Truth Commission, the sexual violence perpetrated during the armed conflict – because of its systematic nature, its prevalence, and its targeting of the civilian population, even under the presumption of affiliation with the militant left – constitutes a complex array of crimes against humanity. Its impacts are immeasurable, affecting not only direct and indirect victims, but also their life plans, their opportunities for development, and, by extension, those of their communities.

| 7.1. Repercussions for victims

Exploring the repercussions of CRSV on the life projects of women victims requires recognising the weight of the historical context and colonial policies that have shaped the relationships between bodies, gender, and territories in El Salvador. These relationships have profoundly influenced how women and girls – mostly *campesinas*, socially, economically, and culturally excluded from State institutions – relate to their own bodies, internalise sexual violence, and confront (or avoid confronting) their embodiment. Many of them have also remained marginalised from the judicial system and from humanitarian and human rights institutions, and live in environments marked by rigid and oppressive forms of masculinity. This, combined with the magnitude of the trauma triggered by the experience of CRSV, makes it extremely difficult for them to speak about their own bodies and their lives.

This affects not only victims of CRSV, but also the everyday experience of female and feminised bodies in socially conservative and authoritarian environments such as El Salvador. The work of Paula Cuéllar, the Madeleine Lagadec CPDH, and Krisia Moya – a lawyer who has supported the victims of the case of El Mozote and nearby places for over a decade³⁰³ – documents that some victims had

300 Survivor/victim, “Madeleine Lagadec” CPDH. Focus group with complainants from the “Madeleine Lagadec” CPDH. San Salvador, 29 November 2024.

301 Chavarría, E. (“Madeleine Lagadec” CPDH). Personal communication, 21 November 2024.

302 Survivor / victim, “Madeleine Lagadec” CPDH. Focus group with complainants from the “Madeleine Lagadec” CPDH. San Salvador, 29 November 2024.

303 Moya, K. Personal communication, 4 September 2024.

experienced episodes of sexual violence at the hands of private individuals prior to the armed hostilities. Some of these women were subsequently physically and sexually abused by their partners after sharing with them that they had been raped during the conflict.

The repeated nature of this violence – before, during, and after the conflict – has generated trauma of such magnitude that it profoundly constrains survivors' ability to acknowledge it, verbalise it, and seek reparation. Many of them lack support networks, institutional resources, or safe spaces to acknowledge themselves as victims, and this perpetuates silence and invisibility. "I didn't understand what rape was [she struggles to say the word 'sexual'], but later I realised that I had experienced it even before the war."³⁰⁴

When articulating the personal impacts arising from the violence they experienced during the armed conflict, many of the women interviewed began by referring to physical effects, though these were described without any explicit sexual connotation. Among these, they almost universally mention dizziness, intense headaches, and hearing problems. Understood as a consequence of episodes of torture, this set of symptoms is consistent with repeated blunt-force trauma to the head. In some cases, the participants also survived bombardments or heavy artillery attacks on their communities, which may have contributed to the development of these symptoms.

Beyond the physical aspects, the Human Rights Commission of El Salvador (*Comisión de Derechos Humanos de El Salvador* - CDHES), a non-governmental organisation that has provided psychosocial support to victims of torture and their families since 1978, synthesised in 2012 the most serious psychosocial consequences observed among those receiving care. These include:³⁰⁵

- Fragmentation and disintegration of psychological processes, affecting the ability to structure memories coherently. Narratives become erratic, generating anxiety and hindering the recounting of experiences, in everyday settings and especially in institutional ones.

- A fragmented view of oneself, which, in the case of victims of CRSV, results in a negative self-image.³⁰⁶
- The chronic nature of the trauma, which can cause such severe mental disintegration that, without specialised support, recovering a sense of self becomes extremely difficult.
- Persistent feeling of revictimisation, especially when survivors live together with perpetrators within their communities.
- Confusion, helplessness, and episodes of depersonalisation, which affect the perception of reality and individual identity.
- Substantial disruption of physical and mental health and of quality of life, as a result of the magnitude of the trauma and the loss of social support in the face of collective terror.
- Traumatization of the family unit, which manifests itself in various forms of dysfunction and relational disturbances.

When comparing the synthesis carried out by the CDHES – following its work with victims and survivors of various forms of torture used during the armed conflict – with the testimonies of the victims interviewed in this study, relevant points of convergence emerge. Among the participants in this study, the main physical ailments are:

- Sleep disorders.
- Vaginal burning during urination.
- Vaginal burning or pain during intercourse.
- Dizziness.
- Abdominal pain as a consequence of beatings.
- Hearing loss or impairment.
- Vertigo.
- High blood pressure.
- Alexia and selective mutism.³⁰⁷

At a psychological level, some of the impacts mentioned are:

- Nervous disorders: sudden crying, anguish, pain, screaming.
- Panic attacks.
- Difficulty concentrating.
- Recurring nightmares.
- Sleepwalking and disorientation.

304 Survivor/victim, Pro-Búsqueda group, Chalatenango. Sistematización de relato en grupo focal con Pro-Búsqueda en Guarjila, Chalatenango, 27 November 2024. The original Spanish uses the expression *violación sexual*, which means rape.

305 Fagoada, W., Hernández, K. & Mayen, N. (2012). *Secuelas psicosociales de la tortura en El Salvador*. San Salvador: CDHES, pp. 51 to 54, available at https://www.researchgate.net/publication/372132223_Secuelas_Psicosociales_de_la_Tortura_en_El_Salvador.

306 "You feel like you're not a human being." Fagoada, W., Hernández, K. & Mayen, N. (2012). *Secuelas psicosociales de la tortura en El Salvador*. San Salvador: CDHES, p. 52, available at https://www.researchgate.net/publication/372132223_Secuelas_Psicosociales_de_la_Tortura_en_El_Salvador.

307 Focus group with complainants from the "Madeleine Lagadec" CPDH. San Salvador, 29 November 2024. Alexia, the loss of the ability to understand written language, that is, to comprehend what is read despite having been previously literate, has been documented as a consequence of traumatic events by the Fundación PIDEE (Protección a la Infancia Dañada por los Estados de Emergencia) in 1982 among children who witnessed the execution or forced disappearance of their relatives in the context of the Augusto Pinochet dictatorship in Chile. See Verdejo, MR, Maureira, G. & Dalla Porta, MT (2014). *Memoria y Archivo Oral: Hijos e Hijas de Detenidos Desaparecidos*. Santiago, Chile: PIDEE, available at <https://bit.ly/42r4RAB>.

- Memory lapses and memory loss.
- Inability to talk about their experiences or to verbally articulate what they have experienced.
- Fear and distrust of strangers.
- Leaving of the family home.
- Psychosomatic manifestations, such as: “My body feels strange: heat, trembling when I remember what I experienced”³⁰⁸ or “When I talk about it, I can’t sleep that night, and my body trembles.”³⁰⁹

The social climate, the magnitude of the trauma, and the complex relationship with the body profoundly hinder any engagement with the body in relation to sexuality. The victims who managed to do so – especially when referring to the aftereffects of CRSV on their urinary tracts – spoke very starkly about their sex lives, particularly about the negative impact of sharing their experiences of CRSV with their partners.

“When I had sex, I suffered, with pain and trembling in both my belly and chest.”³¹⁰

Another participant expressed that, 46 years after the events, she continues to suffer from nightmares, memory lapses, anxiety attacks, and an inability to enjoy genital sex, caresses, and expressions of desire with her companions.³¹¹

In recent years, sexual pleasure as an expression of bodily autonomy has been recognised as a fundamental right within the framework of sexual and reproductive rights. However, the trauma resulting from sexual violence negatively affects the ability to experience sexuality freely. Combined with the limited information victims have received about their own bodies, a sexual socialisation based solely on placing the female body at the service of the male, and the scarcity of sex education resources, this results in a serious impairment of the sexual autonomy of those who experienced sexual trauma in the context of armed conflict in El Salvador. Despite the social limitations and their impact on these women’s exercise of bodily autonomy, we consider it necessary to state explicitly that part of a dignified life is the exercise of such autonomy in its sexual dimension, and that this possibility was radically taken away from these people’s lives.

It is also vital to note the economic impact that these circumstances have had – and continue to have – on the participants. Some of them, who were adolescents at the time of the events – such as “Noelia Cáliz,” a victim of sexual slavery from the age of 15, who became pregnant by her abuser three times³¹² – were so severely affected that they had to abandon their studies and other opportunities for development that would have been decisive for their life plans. These plans were frustrated not only by the structural reach of the conflict, but also by the previously described psychological and emotional effects, which limited their capacity for employment and economic self-sufficiency.

The fact that all of the participants currently live below the poverty line should be considered within the framework of comprehensive reparation when assessing the personal impacts of experiencing CRSV.³¹³

7.2. Repercussions for families

As argued earlier, the social value assigned to women’s lives plays a determining role in assessing the impact of CRSV. In fact, the participants described this set of impacts with particular clarity and forcefulness, and it may be divided into two areas: impacts on motherhood and impacts on conjugal relationships.

7.2.1. Impacts on motherhood

With regard to motherhood, it is important to note that, although abortion remained generally criminalised throughout the armed conflict, the law did not penalise abortion performed by a medical professional, with the woman’s consent, where the pregnancy was presumed to result from rape or statutory rape. In addition, most women in rural areas had very limited access to contraceptive methods, a situation exacerbated by restrictions on these services in refugee camps, during forced displacement – whether internal or external, short- or long-term – and within their communities.

This context is particularly relevant because testimonies concerning forced pregnancies emerged during the focus group consultation phase. The Madeleine Lagadec CPDH is

308 Focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024. This particular participant refers to having witnessed physical and sexual torture prior to her own rape.

309 Focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024.

310 Survivor / victim, Pro-Búsqueda group, Chalatenango. Synthesis of narrative in focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024.

311 Synthesis of narrative in focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024.

312 Centro para la Promoción de los Derechos Humanos “Madeleine Lagadec”. (2018). *Las violaciones sexuales a mujeres como arma de guerra y poder militar durante el conflicto armado es una práctica que estuvo invisibilizada*, p.10.

313 Aguilar, J. Personal communication, November 27, 2024.

supporting one case involving eight years of sexual slavery at the hands of an FMLN commander, resulting in three forced pregnancies. Similarly, in La Esperanza Prison – which, during the conflict housed wings for political prisoners – records indicate not only forced abortions, but also forced pregnancies resulting from torture and acts of CRSV.³¹⁴

In El Salvador, where social attitudes towards motherhood are deeply shaped by patriarchal patterns, the image of motherhood and the expectations attached to it are rigid: affection towards daughters and sons is expected to be absolute, and mothers are expected to be consistently protective. This social imperative compels women to suppress the contradictory emotions and responses that may emerge in the context of forced motherhood, in order to perform a form of child-rearing that conforms to those prescribed norms.

“I’ve gotten used to being out here [...] I stay in the hills. Sometimes I do not come back for months. I’m not afraid of snakes, and it does not matter whether there is electricity. The effects one carries remain in the body, as if the family inherits them. One of my children cannot speak to me without crying. Others tell me not to get involved in these things. If they find me, they don’t say, ‘Mum, how are you?’ My boy, when he was little, used to hit himself until his head bled. He was uncontrollable. Perhaps the family inherits what one feels.”³¹⁵

Despite this social mandate, and regardless of the affection and commitment these women may have had in raising and caring for their children – whether or not those children were conceived as a result of CRSV – the most common impact on the mother-child relationship is emotional distance. Some of these children witnessed the rape of their mothers.

“I feel bad because he doesn’t see me as his mother. He feels ‘bitterness.’ My son says: ‘No. She left me when I was six. I didn’t see her.’”³¹⁶

“My children do not see me as their mother because they were raised by my sisters.”³¹⁷

Not all mothers have shared their stories with their children. Culturally, speaking openly about the body is difficult in this context. This difficulty, combined with societal attitudes towards the war – which will be discussed later – and with the challenge of verbalising traumatic events of a sexual nature, makes it especially difficult to speak with their children about these experiences.

In addition to the emotional distance reported, participants mentioned instances of domestic violence perpetrated by their sons, as well as resistance to their mothers’ participation in public events denouncing CRSV or to their being identified as victims of sexual crimes. The weight of community perceptions has a negative impact on the support these women might otherwise receive within their own family environments.

The mothers’ physical and emotional suffering has also had a concrete impact on their daughters. Because of societal norms surrounding the sexual division of labour, when mothers experience difficulties in providing care, it is often their daughters who “become mothers to their siblings.”³¹⁸

In the focus group held in Perquín with participants from the Asociación Promotora de Derechos Humanos de El Mozote, there were references to alcoholism, a high prevalence of cancer, and suicidal ideation – “just like my mother”³¹⁹ – among the children of women who were victims of CRSV. This is particularly relevant in light of the need to take intergenerational trauma into account in reparation processes. In the case of daughters, one participant noted that they are raised with “overprotection and the transmission of distrust towards men.”³²⁰

The loss of the home³²¹ as a consequence of CRSV is a recurring theme. Although it is not always specified whether this refers to the breakdown of the bond with children or with a partner, it may be understood to encompass both dimensions.

314 Rodríguez, S. Comité de Presos Políticos de El Salvador (COPPEs). Personal communication, 21 November 2024.

315 Survivor victim, “Madeleine Lagadec” CPDH group. Focus group with complainants from the “Madeleine Lagadec” CPDH. San Salvador, 29 November 2024.

316 Survivor victim, “Madeleine Lagadec” CPDH group. Focus group with complainants from the “Madeleine Lagadec” CPDH. San Salvador, 29 November 2024.

317 Survivor victim, “Madeleine Lagadec” CPDH group. Focus group with complainants from the “Madeleine Lagadec” CPDH. San Salvador, 29 November 2024.

318 Focus group with APHDEM in Perquín, Morazán, 4 December 2024.

319 Focus group with APHDEM in Perquín, Morazán, 4 December 2024.

320 Synthesis of narrative of focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024.

321 Focus group with complainants from the “Madeleine Lagadec” CPDH, San Salvador, 29 November 2024.

7.2.2. Impacts on intimate partner relationships

With regard to spouses and partners, the reported impacts fall into three categories: domestic and gender-based violence perpetrated by partners after learning that the women had been victims of CRSV; negative effects on the ability to establish intimate and emotional relationships or to express affection; and abandonment. “At 19, I started living with the father of my daughters, but I could never sleep with him. I’ve never been able to beside a man because it feels awful.”³²²

One survivor shared that she had numerous conflicts with her former partner, the father of her children, because he would tell her that she had “already been with other men.” It took her a long time to trust him enough to tell him that she had been raped.³²³

It is important to consider the impact that these kinds of relationship dynamics may have had on their children, as well as what they may have learned – through observation – about how marital relationships function, what to expect from them, and how to form emotional bonds with a partner.

The weight of patriarchal attitudes regarding sexual purity is especially significant in this section. As noted earlier, the perception of women as sexually possessed by their partners directly contradicts any expectation that partners will care for and support victims. References to physical violence by partners after learning of the rape are frequent, even where the relationship began after the event. Victim-blaming in relation to having suffered CRSV is also common.³²⁴

7.3. Impacts on the community

Two key considerations must be taken into account when assessing and describing the community-level impacts of CRSV on its victims: one linked to El Salvador’s territorial realities; and the other to the social configuration of attitudes toward the armed conflict in combination with the cultural value assigned to women’s lives.

El Salvador is a small country with a high population density. As a result, coexistence with perpetrators – former members of military, paramilitary, or other belligerent structures – and with their relatives is common.

Many references to the community-level impact of CRSV relate to the constant fear of encountering perpetrators in public spaces. Some participants even reported that perpetrators came to their homes after committing acts of sexual torture.³²⁵

More generally, the primary community-level harm is the fear of ridicule, discredit, and reputational damage associated with being recognised as a victim of sexual violence. In communities such as El Mozote and the surrounding areas – where the entire population was forcibly displaced, relocated to refugee camps, and later repopulated – the perception remains strong that those who identify as victims of conflict-related violence perpetrated by State or para-State actors, whether sexual or not, were collaborators with the guerrilla movement.

This perception is explained in part by the success of the State campaign waged during the conflict to morally discredit militants and sympathisers of insurgent movements. It is also linked to the deeply rooted belief that State violence was directed exclusively against “communists” and was therefore deserved. This same logic was used to socially justify the discrimination and stigmatisation of internally displaced persons during the conflict, as well as those who returned from 1988 onwards to refound or repopulate their communities.

The stigma therefore remains powerful, even nearly 50 years after the events. Added to this is a relatively recent factor: the attitude of the State apparatus toward war crimes, victims’ movements, and historical memory committees. For example, President Nayib Bukele has publicly declared – in El Mozote itself – that both the Peace Accords, which ended hostilities through negotiation between the belligerent parties, and the war itself were “a farce.”

“The war was a farce; 75,000 people from both sides were killed, including the thousand here in El Mozote. It was a farce, just a farce like the Peace Accords. ‘Oh, he’s sullyng the Peace Accords!’ Yes, I am sullyng them, because they were a farce – a negotiation between two elites.”³²⁶

This statement, together with efforts to obstruct the criminal proceedings currently underway in relation to these events – which will be discussed later – has helped

322 Survivor victim, Pro-Búsqueda group, Chalatenango. Focus group with Pro- Búsqueda in Guarjila, Chalatenango, November 27, 2024.

323 Focus group synthesis with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024.

324 Focus group with complainants from the “Madeleine Lagadec” CPDH, San Salvador, 29 November 2024.

325 Focus group with complainants from the “Madeleine Lagadec” CPDH, San Salvador, 29 November 2024.

326 Amaya, AM (14 January 2021). El Salvador: los Acuerdos de Paz no convencen a Nayib Bukele. DW, available at <https://www.dw.com/es/el-salvador-los-acuerdos-de-paz-no-convencen-a-nayib-bukele/a-56198913>.

to legitimise, both among the civilian population and within the communities where the participants in this research live, a renewed rejection of public discussion of issues related to redress, restorative justice, and the recognition of the truth.

In this context, participants across all expressed deep concern about the broader social climate surrounding memory and justice for the victims of the armed conflict.

The community-level repercussions identified include the following:

- Fear of openly acknowledging having been a victim of CRSV.
- Ridicule from those who know they were victims of CRSV.
- Accusations that they are unfit to be mothers or caregivers because they are victims of CRSV.
- Hostility and denial regarding harms resulting from the armed conflict, especially among younger generations.
- Fear of the police and the army.
- Social isolation: people do not want to associate with them.
- Revictimisation.

In the participants' own words:

*"In the community they say, 'It's a lie, nothing happened to them.' People are happier when something bad happens to you."*³²⁷

*"What happened is a lie,' the neighbours from the ARENA party used to say."*³²⁸

*"The people who came to repopulate say, 'You make yourselves out to be victims,' 'we've all been victims.' They invalidate us and do not respect our losses."*³²⁹

7.4. Perceptions and demands for reparation

The importance of recognising the experiences of conflict-related sexual violence in its different dimensions – as affecting both individuals and communities, from the personal to the collective – becomes imperative when listening to participants express their perceptions of and demands for reparation. All of them live below the poverty

line and face significant material and social deprivation, especially given that they are older women.

In their testimonies, participants grouped their reparation demands into three main categories:

- Economic situation:
 - The Morazán focus group pointed to the State's historical debt in the construction of community infrastructure, especially the paving of the access road to their communities, give the knock-on effect this has on access to health services.
 - The construction, repair, and equipping of housing. Most do not have homes of their own and cannot afford rent. Because of family fragmentation, some are living in temporary accommodation with acquaintances rather than in family homes.
 - Financial compensation for intergenerational and individual harm. "I would like it that, if we are no longer here, our children would receive something."³³⁰
 - Provision of seed capital for the creation of small businesses.
 - Provision of an adequate basic food basket.
 - Access to funds to cover funeral expenses.
- Physical and mental health:
 - Home visits to provide psychological support, since some of the women live in remote areas or have limited mobility.
 - Expanded availability of psychological support for victims of the conflict in local health units. The Morazán group stated that there are only three psychologists in the entire department, and that they are only seen at one health unit – the one designated to serve veterans and former combatants.
 - The creation of collective spaces for psychosocial support.
 - Comprehensive medical assessments, with treatments and medication coverage.
 - Psychological support aimed at repairing family relationships with their children, especially where those relationships are fractured or where children reject their mothers.
 - Specialised medical care for children with cognitive, physical, or psychological conditions resulting from stress during pregnancy or upbringing.

327 Survivor victim, "Madeleine Lagadec" CPDH group. Focus group with complainants from the "Madeleine Lagadec" CPDH, San Salvador, 29 November 2024.

328 Survivor victim, APDHEM group, Perquín, Morazán. Focus group with APDHEM in Perquín, Morazán, 4 December 2024.

329 Survivor victim, APDHEM group, Perquín, Morazán. Focus group with APDHEM in Perquín, Morazán, 4 December 2024.

330 Focus group with complainants from the "Madeleine Lagadec" CPDH, San Salvador, 29 November 2024.

- Official public recognition, and future generations:
 - State recognition of the harms caused.
 - A public apology to victims in Chalatenango.
 - Access to education for victims' grandchildren.
 - The creation of decent jobs for victims' grandchildren.
 - Comprehensive psychosocial support for children and adolescents focused on preventing sexual and gender-based violence.
 - The facilitation of intergenerational dialogue to transmit historical memory to children, adolescents, and young people.
 - Public recognition of the children who died during the war and of their mothers' grief.
 - Respect for and protection of sites of memory.

For the women who participated in this study, the priority is, on the one hand, for their children to receive State support in education and employment as a way of breaking the cycle of exclusion in which their families have lived since before the armed conflict and, in some measure, repairing the harms they themselves suffered. On the other hand, they aspire for their stories not to be forgotten – for them to be known and for them to be seen as courageous women who survived horror and do not want it to be repeated.

7.4.1. Importance of psychosocial support and participation

"We have all supported one another; we have given each other strength."

"Breaking the silence has been healing."

"Thank you for bringing this group together. One learns; taking part helps, coming together helps."

The experiences of the women in this study were profoundly traumatic in themselves, and all the more so because they unfolded amid extreme violence: massacres, persecution, countless deaths, forced displacement, and the exhaustion of fleeing in fear and despair as surprise military attacks forced them to abandon everything in order to save their lives. Added to this were the silence that followed, the futile search for justice in the face of threats and institutional disbelief, the sense that everything remained unpunished, the absence of truth, the guilt they carried, the powerlessness of being unable to do anything, the senselessness of violence, and the inability to understand why it was happening to them.

Over the years, many of them have been unable to speak about what happened because of fear, the lack of social spaces in which their pain could be acknowledged, and the absence of institutional and collective support. It is a pain carried deep inside, in private, paralysing many aspects of a healthy life, including the ability to give and receive affection and to imagine a future. For all these reasons, women survivors place enormous value on psychosocial support and on safe spaces where they can speak and support one another, such as the one created for this study. Such spaces should be sustained over time.

7.5. Risks associated with receiving reparations

"People notice, they judge, and point fingers at you: 'the mother's a whore, the daughter's a whore too.'"³³¹

The principal fear associated with receiving reparation measures is the intergenerational transmission of the social rejection that participants have experienced to their daughters and granddaughters,³³² especially in relation to the stigma attached to identifying oneself as a victim of sexual violence.

There is also a widespread fear of dying without ever receiving State recognition of the harm suffered during the armed conflict. This lack of recognition, together with the impossibility of accessing reparation measures as direct victims, prolongs the economic hardships of their relatives, who continue to face precarious conditions.³³³ Participants also express fear of reprisals against themselves and their families by wartime perpetrators who are still alive.

They likewise referred to fear of persecution and criminalisation as community leaders, memory activists, and human rights defenders, as well as intimidation by soldiers and police in the context of the state of exception.

To delve into the historical debts of State reparation owed to women victims of the armed conflict requires recognising the inadequacy of any measure conceived purely in individual terms. More than 40 years of insufficient access to health care and education, decades of a fractured relationship with their own bodies, with the full experience of sexuality, and with the possibility of

331 Survivor victim, "Madeleine Lagadec" CPDH group. Focus group with complainants from the "Madeleine Lagadec" CPDH, San Salvador, 26 March 2025.

332 Focus group with APHDEM in Perquín, Morazán, 19 March 2025.

333 Focus group with APHDEM in Perquín, Morazán, 19 March 2025.

building affective bonds are, in themselves, immeasurable debts. It is therefore necessary to reconfigure the notion of reparation beyond the individual redress of harm and to conceptualise it more comprehensively, from the perspective of wellbeing.

When one is the heir to a history of brutality and dispossession, ideals such as health, housing, and education appear as urgent unmet needs, but not always as enabling conditions for a dignified life with multigenerational and social impact. In this sense, it is essential to move beyond a legal perspective that conceives of the victim as someone who suffers a single injury resulting from the harm inflicted. It is necessary to understand that acts of a sexual violence profoundly alter not only the life plans and economic self-sufficiency of the direct victim, but also of those of her family environment.

The notion of wellbeing, which should be regarded as non-negotiable given the advanced age of many survivors, can and must be extended to their families, beyond the financial and material sphere. There is considerable scope for repairing the social fabric of their communities and families through psychosocial interventions that foster reconciliation with their own bodies and affective lives, collective care, and the recognition of healing as an ongoing rather than finite process.

7.6. The State in relation to the armed conflict and reparations today

“The new government does not allow reparation for sexual violence to be made visible.”³³⁴

“Now we are like before: ‘see, hear, and keep silent.’ Otherwise, they lock you up.”³³⁵

The current Salvadoran administration has deepened the social fractures that the refusal to address the roots of the armed conflict left unhealed in the immediate post-war

years. Efforts to bring cases of sexual violence linked to State actors during the conflict before the courts remain stalled within the criminal justice system. As noted earlier, the president has openly described the negotiated end to the conflict as a sham.

From his position as the only voice deemed legitimate in an authoritarian environment, statements of this kind turn all work related to reparations, the expansion of the category of victim, and efforts to address the material and health needs of survivors/victims into a hostile terrain. More than that, such initiatives are perceived as a direct affront to State interests.

Since 9 February 2021, when President Nayib Bukele entered into the Legislative Assembly to demand unquestioning adherence to his positions,³³⁶ El Salvador’s institutional crisis has only deepened. From in May of that same year, when the ruling party secured full control of the legislature,³³⁷ the State’s course has been to dismantle all institutions created as a result of the Peace Accords, whether through defunding or the stripping away of their powers.

One of the clearest and most serious signs of this process has been the rollback of judicial independence. Through the systematic replacement or transfer of judges who have issued rulings or judgments contrary to the interests of the Executive Branch,³³⁸ the ruling party has imposed a climate of impunity and eroded trust in judicial institutions. Perhaps the most significant example of this, in relation to the rights of victims of CRSV, was the removal of Judge Jorge Guzmán of San Francisco Gotera, who was overseeing the criminal proceedings concerning the massacre of El Mozote and nearby places. He was replaced by a judge aligned with the ruling party.³³⁹

By 2025, the environment for defending human rights and listening to victims of social violence, armed conflict, and gender-based violence in its broadest sense had

334 Focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024.

335 Focus group with Pro-Búsqueda in Guarjila, Chalatenango, 27 November 2024. “See, hear, and stay silent” is a nationally recognized motto associated with gangs and their exercise of undue territorial power between 1995 and 2022.

336 Guzmán, V., Rauda, N. & Alvarado, J. (10 February 2020). Bukele mete al Ejército en la Asamblea y amenaza con disolverla dentro de una semana. *El Faro*, available at https://elfaro.net/es/202002/el_salvador/24008/Bukele-mete-al-Ejercito-en-la-Asamblea-y-amenaza-con-disolverla-dentro-de-una-semana.htm; EFE & Bloomberg. (10 February 2020). El presidente de El Salvador irrumpe con militares en el Congreso para exigir que le aprueben un préstamo. *La Vanguardia*, available at <https://www.lavanguardia.com/internacional/20200210/473414164861/presidente-el-salvador-irrumpe-militares-congreso-aprobar-prestamo.html>.

337 EFE. (20 March 2021). Nuevas Ideas, partido de Bukele, logra 56 diputaciones y mayoría de alcaldías. *Swissinfo.ch*, available at <https://www.swissinfo.ch/spa/nuevas-ideas-partido-de-bukele-logra-56-diputaciones-y-mayor%C3%ADa-de-alcald%C3%ADas/46464524>; Benítez, B. (1 March 2021). Bukele y su partido Nuevas Ideas consiguen el poder legislativo. *Gato Encerrado*, available at <https://gatoencerrado.news/2021/03/01/bukele-y-su-partido-nuevas-ideas-consiguen-el-poder-legislativo/>.

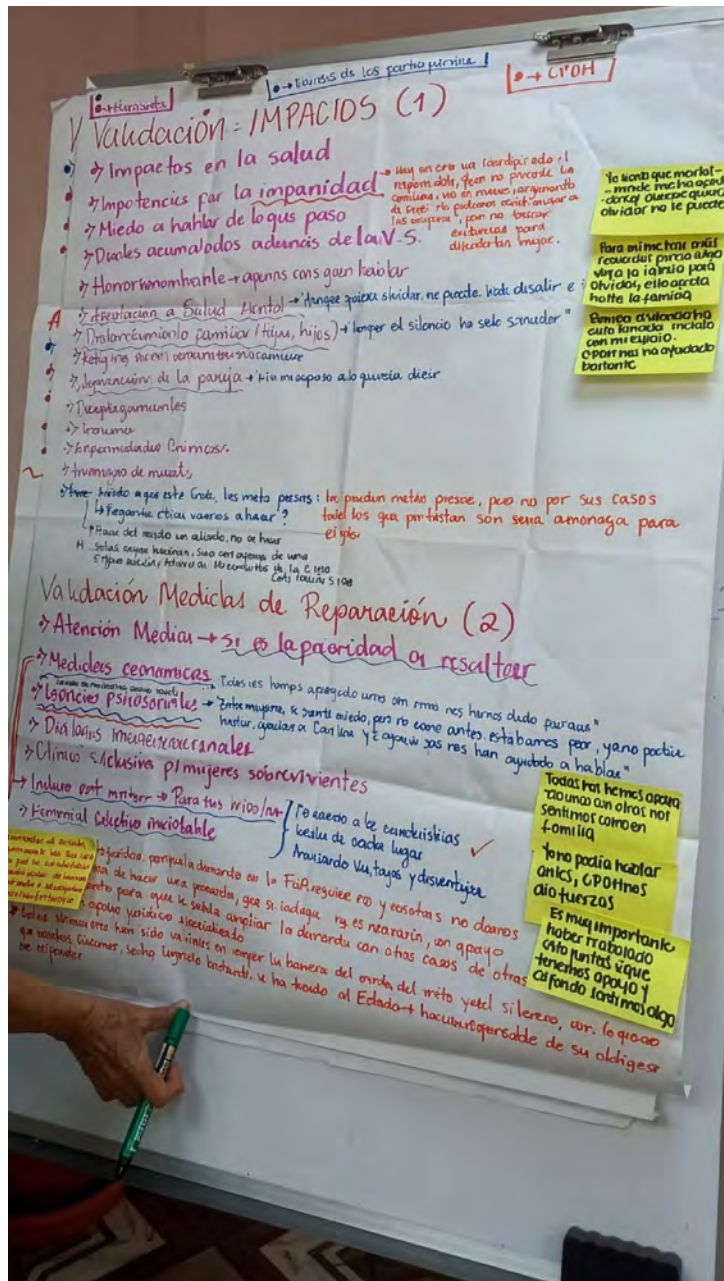
338 DPLF. (n.d.). *Justicia amordazada: la captura del sistema de justicia en El Salvador*, available at <https://dplf.org/justicia-amordazada-la-captura-del-sistema-de-justicia-en-el-salvador/>.

339 Diario El Mundo. (15 November 2021). El juez de El Mozote ya fue destituido y reemplazado por la Corte Suprema, available at <https://diario.elmundo.sv/nacionales/el-juez-de-el-mozote-ya-fue-destituido-y-reemplazado-por-la-corte-suprema>.

deteriorated severely. Although the Constitution of prohibits consecutive presidential re-election, Bukele, backed by a captured institutional framework, ran for office again and assumed a second, unconstitutional presidential term in June 2024.³⁴⁰ Since then, any form of denunciation of human rights violations or defence of

State institutions has been perceived as contrary to the interests of the regime and, in many cases, criminalised.

The perception among the participants in this study is that a climate of fear has taken hold not only with respect to denouncing current abuses, but also those rooted in the past.



Feedback and validation session on findings with participants in San Salvador, El Salvador. 2025 © DPLF

340 Gavarrete, J. (11 February 2024). Bukele se reelige inconstitucionalmente con el 82% de los votos, mientras la oposición pide repetir elecciones legislativas. *El Faro*, available at https://elfaro.net/es/202402/el_salvador/27245/bukele-se-reelige-inconstitucionalmente-con-el-82-de-los-votos-mientras-la-oposicion-pide-repetir-elecciones-legislativas.



8. RECOMMENDATIONS

As noted above, thousands of people are subjected to different forms of violence in the context of the Salvadoran armed conflict. A large majority of them still lack access to comprehensive reparation, which remains one of the major challenges to advancing toward a more democratic and just society. In light of this, the following recommendations are made.

| 8.1. To the State of El Salvador

The following is recommended to the State of El Salvador:

8.1.1. Reform the current victims' registry to include more victims and CRSV

The current structure of the Single Registry of Victims of Gross Human Rights Violations, established by Decree 204, makes it difficult for persons not affiliated with victims' committees to be included, thereby de facto excluding the bulk of the civilian victims of the armed conflict. As a result, there is significant under-registration of victims who have suffered physical, psychological or moral harm arising from the armed conflict.

In this context, the Registry should allow for the registration of both direct and indirect victims and broaden the categorisation of the types of violations and harm suffered, including multigenerational harm. This expansion should be undertaken regardless of whether individuals belonged to any of the sides involved in the conflict, thereby ensuring an inclusive and restorative approach. In addition, the Registry should include different forms of sexual violence as human rights violations subject to reparation.

8.1.2. Strengthen the specialisation of prosecutors and judges in the investigation and prosecution of human rights violations committed in the context of armed conflict, and ensure their independence from political power

This should be done through the implementation of ongoing training programs in transitional justice with a gender-responsive and intersectional approach. At a minimum, such training should include contextual and structural analysis of violence, recognition of differentiated impacts, and the development of technical skills for addressing complex long-standing cases with rigour, sensitivity, and a comprehensive reparations perspective.

In addition, in order to guarantee victims' effective access to justice, judicial independence must be ensured. It is therefore recommended that the judicial career system be strengthened through the implementation of objective criteria for the appointment of judges. It is also essential that, in proceedings ongoing under way, judges act independently and impartially.

Within these proceedings, mechanisms should be established to prevent revictimisation and to ensure victims' full participation at every stage, from the investigation to the judicial decision.

Within the justice system, it will also be necessary to create care protocols that minimise the risk of revictimisation during the filling of the complaint and the evidentiary phase of criminal proceedings, in order to safeguard the moral and psychological integrity of the victim and their family.

8.1.3. Reactivate the Reparations Programme under Decree 204 and adopt a national policy for the care of victims of the armed conflict with a gender-responsive and intersectional approach

The Salvadoran State must establish a national policy for the care and comprehensive reparation for victims of the armed conflict, based on gender-responsive and intersectional approaches and centred on victims. This policy must be developed with the full participation of survivors and aligned with the highest international standards on human rights and transitional justice.

The policy should include transformative reparation measures aimed at preventing the recurrence of similar acts and facilitating full access to physical and mental health services, education, employment, housing, and financial compensation. It must also recognise and address the intergenerational harm caused by CRSV.

At present, the National Reparations Programme lacks the necessary components to ensure the effective inclusion of women, the harms inflicted on their bodies, and their descendants in reparation policies. The absence of a gender perspective in the documentation of violations has contributed to the normalisation of CRSV and its effects. Accordingly, the design of a national policy grounded in a gender perspective would enable the formulation and implementation of health, administrative, political, and economic strategies that recognise the need to include the family members of women victims in reparation programmes and guarantees of non-repetition.

Within this framework, it is essential that the institutional communications of health programmes avoid the exclusive use of female-oriented vocabulary or iconography. Although the majority of identified victims are women, there are also men who may not feel addressed by exclusionary messages. Likewise, communications must explicitly acknowledge victims belonging to the LGBTQIA+ population.

Implementation of this policy will require the creation of psychosocial support units at the individual, family, and community levels, integrated into the public health system and operating on an outpatient basis, so as to reach victims who, because of their geographic location or reduced mobility, face difficulties in accessing health centres.

As part of the Reparations Programme, the Salvadoran State must recognise that reparation, such as the construction of monuments or memorial sites, does not replace and must not be treated as an alternative to financial compensation. Recognition of the interruption of life plans and its repercussions on the social and economic development of victims of CRSV and their families is indispensable for repairing the harm.

Likewise, the amount and modality of such compensation must be agreed with victims and cannot depend on the volatile availability of public funds. In this regard, it is recommended that a Compensation Fund for Victims of CRSV be created, recognising them as such and not as generic victims of a mass and impersonal harm linked to armed hostilities.

At the community level, material reparation should include the rehabilitation or construction of public infrastructure that facilitates access to communities identified as victims of scorched-earth operations and where persons affected by CRSV live. This infrastructure, including roads, paths, schools, parks or squares, cultural centres (*Casas de la Cultura*), electric lighting, and drinking-water systems, should contribute to collective reparation addressing the structural harms arising from the armed conflict.

8.1.4. Recognition and public apology

The Salvadoran State must offer a public apology to victims of the armed conflict, with particular emphasis on the victims of CRSV, acknowledging the harm caused by campaigns seeking to discredit the negotiated end of the conflict and the justice efforts driven by the victims themselves.

The use of State power, concentrated in a single person and exercised to the detriment of the democratising measures

promoted by the Peace Accords, has deepened the moral harm already inflicted on those who have sought justice through the courts since the repeal of the Amnesty Law. This dynamic has negatively affected the moral integrity of victims who have historically been marginalised.

As part of this public apology, the State must commit to ending all forms of stigmatisation against victims of the armed conflict and against human rights defenders, guaranteeing a respectful, inclusive, and enabling environment for the pursuit of truth, justice, and reparation.

8.1.5. Adopt the Special Transitional Justice Law for Victims of the Armed Conflict in El Salvador

Through the Legislative Assembly, the Salvadoran State should review, strengthen, and adopt the draft Special Transitional Justice Law for Victims of the Armed Conflict in El Salvador (*Ley Especial de Justicia Transicional para Víctimas del Conflicto Armado en El Salvador*) proposed by victims themselves and their organisations. At a minimum, this law should include the following elements, among others:³⁴¹

- The impossibility of extinguishing criminal liability, thereby ensuring the investigation and prosecution of the facts.
- Comprehensive reparations.
- Vindication of historical memory.
- Sufficient allocation of resources.

8.1.6. Restore official local cultural spaces

Through the Secretariat of Culture, the Salvadoran State must restore what are known as *Casas de la Cultura* nationwide and recognise their value as intergenerational gathering spaces rooted in local territories and with strong potential for social integration.

These spaces should host outreach courses, community-building programs, and other strategies aimed at restoring the transmission of historical memory in communities through playful, creative, and participatory approaches.

8.1.7. Protect and restore memorials to victims and sites of memory

The Salvadoran State must restore the sites of memory that have been destroyed in the last six years and guarantee the preservation of the Mural of Victims of the Armed Conflict located in Cuscatlán Park.

341 Cristosal. (6 November 2024). Una ley de justicia transicional: la deuda pendiente con Las víctimas y La memoria. Retrieved from <https://cristosal.org/ES/una-ley-de-justicia-transicional-la-deuda-pendiente-con-las-victimas-y-la-memoria/>.

It must also consult the victims' committees in each location in order to define, in a participatory manner, the most appropriate measures to repair the harm caused to the safeguarding of memories linked to communities and their territories. The State must also make efforts to reach and listen to victims who are not affiliated with committees and who are not part of any organised space.

8.1.8. Recognition and dignification of victims' collectives

Although the majority of victims of CRSV are not part of civil society organisations, it is essential that the Salvadoran State cease all forms of harassment, stigmatisation, or discrediting of these collectives. Their recognition and dignification are essential for strengthening processes of memory, truth, and justice driven from the territories.

| 8.2. To the international community

The following is recommended to the international community:

8.2.1. Provision of in-kind assistance

The international community should consider providing in-kind assistance in response to the most pressing urgent material and economic needs of victims of CRSV. Without access to adequate food, essential medicines, or building materials for the repair of basic housing, it is not feasible to move forward toward more abstract elements of reparation, such as moral or symbolic measures.

In the current global context, marked by reduction in funding sources for assistance programmes and by restrictions on the delivery of humanitarian or in-kind aid, it must be recognised that many international cooperation initiatives previously available in the territory have been withdrawn. Consequently, victims lack access to emergency funds to cover basic needs such as food, medicines, travel to health centres, funeral expenses, or the purchase of construction materials.

8.2.2. Funding for psychosocial intervention and accompaniment programmes

The impact of family breakdown and damage to the social fabric of communities is profound and affect

victims' everyday lives. The implementation of mobile and outreach psychosocial support programmes that reach people directly in their homes or in accessible spaces within affected communities can have a transformative effect on the lives of victims, their family groups, and their community environments. For this reason, it is essential that psychosocial support be sustained over time and implemented in a continuous and systematic manner.

8.2.3. Support for the development of accompaniment projects and interim reparative measures that in which victims play a central role

International agencies can support and fund accompaniment projects and interim reparative measures,³⁴² in coordination with local and national civil society organisations, ensuring that victims play a central role in the conceptualisation, design, implementation, monitoring, and evaluation of these initiatives.

Although temporary, such projects can serve as inspiring models for the development of public reparation policies at national levels, while recognising the State as the guarantor of the right to comprehensive reparation for victims and survivors.

8.2.4. Support for the development of awareness-raising projects for public security and military personnel on sexual violence and gender perspective

International agencies can play a role in the design and implementation of training programmes for police and military personnel on sexual violence and gender perspective. Conceived as interim measures, these actions seek to reduce the risk of revictimisation of victims' relatives during community patrols or routine interventions in public spaces.

Such programmes should promote respect for the physical, moral, and emotional integrity of persons affected by the armed conflict and contribute to the construction of safe environments free from stigmatisation and discrimination, particularly in those territories most affected by gross human rights violations, war crimes, and crimes against humanity.

342 These are measures provided to survivors/victims by non-duty-bearers such as non-governmental organisations and civil society organisations, to support their process of healing and rebuilding, in circumstances where States or other duty-bearers have yet to comply with their obligation to provide reparations and where the need is urgent. Interim reparative measures are inspired by administrative reparation programmes. Interim reparative measures seek to have a transformative and sustainable impact on survivors' lives, but their nature and scope are limited, and they can only include a limited number of survivors. In themselves, they cannot and do not constitute comprehensive reparations. Receiving these types of measures does not replace the obligations of States, or other duty-bearers, to provide full reparation.



9. CONCLUSIONS

Based on the documentary and testimonial analysis undertaken in this study, the following conclusions emerge:

1. The difficulty in quantifying the scope and extent of the sexual violence committed during – or in connection with – the period of the armed conflict stems from the absence of a social framework of listening. This gap prevented victims and their communities, justice operators, and other social actors from developing the frameworks and tools to recognise conflict-related sexual violence as a systematic practice, arising from a way of exercising power grounded in the subjugation of bodies.
2. Consequently, the administrative and legal measures designed to respond to victims in general – and to survivors of CRSV in particular – are, in themselves, insufficient to address harm whose magnitude could not be properly quantified due to a lack of institutional, social, and legal tools.
3. Among survivors of CRSV there is a profound sense of abandonment, not only by the State but also by society as a whole. This situation is particularly urgent: Salvadoran society has reconfigured its way of life on the basis of a persistent denial of the dignity of victims in general, and especially of those who suffered sexual violence in the context of the armed conflict. They are required to remain silent in ways that radically foreclose any possibility of building social relations geared towards national reconstruction, grounded in recognition of the harm caused not only by the perpetrators, but also by the social structures that have minimised the effects of CRSV and normalized such violence.
4. There are no effective avenues for accessing reparations for victims of CRSV, not even within the wider group of women survivors. This shortcoming is compounded by the hostile climate fostered by the State of El Salvador towards any initiative aimed at addressing gender-based violence and gender justice. At present, there appear to be no conditions for the continuation – let alone the improvement – of the Reparations Programme under Decree 204 or for the adaption of a Transitional Justice Law, though new opportunities may emerge in the future.
5. Only survivors/victims themselves can propose what would allow them to restore, however minimally, their quality of life. The set of recommendations that they formulated in the framework of this study reflects the true devastation caused by CRSV: it affects families, entire communities, and prevents the building of a life lived in peace and dignity. This study has shown that survivors need and want spaces that allow them, even in fear, to tell their stories so that they are not lost. They want to have a place in the collective memory of what happened to them, but also in the contemporary history of El Salvador.



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- David Morales, litigator in the El Mozote and nearby places case || 7 February 2025.
- Engracia Chavarría, psychosocial specialist supporting complainants of CRSV || 21 November 2024.
- Legal expert 1 || 10 December 2024.
- Psychosocial expert 1 || 28 November 2024.
- Psychosocial expert 2 || 29 November 2024.
- Jeannette Aguilar, research on social violence || 27 November 2024.
- Krissia Moya, psychosocial specialist supporting victims in El Mozote || 4 September 2024.
- Nicola Chávez Courtright, researcher on LGBTI+ issues || 23 December 2024.
- Susana Rodríguez, trade unionist and former political prisoner, survivor of CRSV || 21 November 2024.
- Anonymous victim 1 || 5 February 2025.
- Anonymous victim 2 || 5 February 2025.

SYNTHESIS OF TESTIMONIES AND INPUTS OBTAINED IN FOCUS GROUPS WITH SURVIVORS/VICTIMS

Guarjila, Chalatenango:

- Session 1: 15 November 2024.
- Session 2: 27 November 2024.
- Validation: 13 March 2025.

San Salvador, San Salvador:

- Session 1: 29 November 2024.
- Session 2: 6 November 2024.
- Session 3: 26 March 2025.
- Validation: 9 April 2025.

Perquín, Morazán:

- Session 1: 25 November 2024.
- Session 2: 4 December 2024.
- Validation: 19 March 2025.

DONORS



We also extend our thanks to Open Society Foundations for their generous support.

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Design: Style Graphique
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First published in Spanish: December 2025
English translation published: May 2026

