

# Contreras et al. v. El Salvador

## ABSTRACT<sup>1</sup>

*This case is about the abduction and forced disappearance of children by units of the Salvadorian Army during the civil war of the 1980s. During this time, the State employed a deliberate strategy of kidnapping children from populations suspected of being guerrilla sympathizers to re-educate them under the State's ideology. Many of the abducted children were raised by military leaders or soldiers, others were adopted by foreign families, and some grew up in orphanages or military bases.*

*Between 1981 and 1983, Gregoria Herminia, Serapio Cristian, and Julia Inés Contreras, Ana Julia and Carmelina Mejía Ramírez, and José Rubén Rivera Rivera disappeared. The forced disappearances of these children were perpetrated by members of different military units in the context of “counterinsurgency operations” during the armed conflict in El Salvador. While the whereabouts of Gregoria Herminia Contreras were established in 2006 and she is in the process of reconstructing her identity and biological family relations, the Court stated that the circumstances surrounding the six disappearances had still not been clarified, those responsible had not been identified or punished, and after almost thirty years, the facts remained in impunity.*

## I. FACTS

### A. Chronology of Events

#### 1. Events Pertaining to Ana Julia Mejía Ramírez and Ms. Carmelina Mejía Ramírez

**April 12, 1966:** Ana Julia Mejía Ramírez is born in Cerro Pando, El

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1. Elise Cossart-Daly, Author; Grace Kim and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

Salvador.<sup>2</sup> Her parents are Ms. Arcadia Ramírez and Mr. Tiburcio Mejía, residents of Cerro Pando.<sup>3</sup> Ana is the fourth daughter in the family.<sup>4</sup> Her siblings at the time include María Nely, Santos Verónica, and Avenicio Portillo.<sup>5</sup>

**June 27, 1974:** Ms. Arcadia Ramírez gives birth to twin girls, Carmelina Mejía Ramírez and Etelvina Mejía Ramírez.<sup>6</sup>

**October 1980:** Civil war erupts in El Salvador.<sup>7</sup>

**1981:** Sisters Ana Julia and Carmelina live with their aunt, Ms. Eloisa Portillo, and their father in Cerro Pando.<sup>8</sup> Their mother works in San Francisco Gotera.<sup>9</sup>

**December 13, 1981:** Salvadorian Armed Forces attack Cerro Pando as part of a counterinsurgency effort called Operation Rescue.<sup>10</sup> During the operation, soldiers of the Atlacatl Battalion enter the Mejía Ramírez home.<sup>11</sup> Ana Julia and Carmelina hide from the soldiers in bushes outside their home.<sup>12</sup> The girls remain hidden while soldiers slaughter everyone inside.<sup>13</sup> When the soldiers leave, Ana Julia and Carmelina crawl out of the bushes, and find the bodies of their dead family members.<sup>14</sup>

Later, the soldiers discover Ana Julia and Carmelina.<sup>15</sup> They walk the girls past the home of Ms. Ester Pastora Guevara.<sup>16</sup> Ms. Guevara, who is the girls' godmother, convinces the soldiers to leave the girls with her.<sup>17</sup> Ana Julia and Carmelina tell Ms. Guevara what they witnessed.<sup>18</sup> Ms. Guevara bathes the girls and gives them new clothes.<sup>19</sup>

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2. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 232, ¶ 58 (Aug. 31, 2011).

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. Terry L. Karl, *El Salvador's Negotiated Revolution*, 71 FOREIGN AFF., 147, 149 (1992).

8. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, ¶ 58.

9. *Id.*

10. *Id.* ¶ 59.

11. *Id.*

12. *Id.* ¶¶ 59, 60.

13. *Id.* ¶ 59.

14. *Id.*

15. *Id.* ¶ 60.

16. *Id.*

17. *Id.*

18. *Id.*

Later that afternoon, soldiers return and take Ana Julia and Carmelina.<sup>20</sup> The girls are last seen standing near the Meanguera church with a group of children and soldiers from the Atlacatl Battalion.<sup>21</sup>

**December 14, 1981:** The soldiers leave Cerro Pando and take the two sisters with them.<sup>22</sup> At the time, Ana Julia is fourteen and Carmelina is seven.<sup>23</sup>

Arcadia Ramírez, Ana Julia and Carmelina's mother, unsuccessfully searches for her daughters in Chalatenango and Santa Ana.<sup>24</sup> She looks for the girls in military barracks and children's homes.<sup>25</sup> With the help of her sister, Ms. Reina Dionila Portillo de Silva, Ms. Ramírez enlists the assistance of the Red Cross, and the Association for the Search for Disappeared Children (*Asociación Pro-Búsqueda de Niños y Niñas Desaparecidos*; "Search Association") in her search.<sup>26</sup>

**April 1997:** Ms. Ramírez files a complaint regarding her daughters' disappearance with the Second Trial Court of San Francisco de Gotera.<sup>27</sup>

**April 7, 1997:** Ms. Ramírez files a criminal complaint for the forced disappearances of her daughters in the Second Court of the First Instance of San Francisco Gotera.<sup>28</sup>

**February 23, 1999:** The judge suspends the investigation of Ana Julia and Carmelina's disappearance because there is no "significant" evidence of who perpetrated this crime.<sup>29</sup>

**March 16, 2000:** The Public Prosecution Service finally opens a case file to investigate Ana Julia and Carmelina's forced disappearances.<sup>30</sup>

**November 10, 2000:** Ms. Portillo de Silva, the girls' aunt, files an application for *habeas corpus* before the Supreme Court of Justice on

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19. *Id.*

20. *Id.*

21. *Id.* ¶¶ 59, 60.

22. *Id.* ¶ 60.

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.* ¶¶ 1, 61.

27. *Id.* ¶ 61.

28. *Id.* ¶ 138.

29. *Id.* ¶ 141.

30. *Id.* ¶ 138.

behalf of Ana Julia and Carmelina.<sup>31</sup> The presiding judge does not contact the Commanding Officer of the Atlacatl Immediate Response Infantry Battalion because the Battalion was demobilized.<sup>32</sup> The presiding judge also fails to contact other implicated military officials because they retired from military service.<sup>33</sup>

**August 31, 2011:** At the time of judgment, Ana Julia and Carmelina are still missing.<sup>34</sup>

2. Events Pertaining to Gregoria Herminia Contreras, Serapio Cristian Contreras, and Julia Inés Contreras

**May 9, 1978:** María Maura Contreras gives birth to Gregoria Herminia in San Vicente, El Salvador.<sup>35</sup> Gregoria is her third child with Fermín Recinos Ayala Contreras.<sup>36</sup> Mr. and Ms. Contreras have two other children: Marta Daysi Leiva and Nelson Contreras.<sup>37</sup>

**December 5, 1980:** Ms. Contreras gives birth to Serapio Cristian Contreras.<sup>38</sup> Serapio Cristian is her fourth child with Mr. Ayala Contreras.<sup>39</sup>

**April 20, 1982:** Ms. Contreras gives birth to her fifth child with Mr. Ayala Contreras, daughter Julia Inés Contreras.<sup>40</sup>

**August 24, 1982:** The Salvadorian Military begins surrounding and sealing off San Vicente, with the aim of trapping local residents.<sup>41</sup> Numerous regiments, including the Fifth Infantry Brigade, the Cavalry Regiment, the Armed Forces Engineers Training Center, and the Armed Forces Transmissions Training Center attempt to surround villages and trap local residents.<sup>42</sup> Residents, including the Contreras family, flee

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31. *Id.* ¶¶ 61,159.

32. *Id.* ¶ 160.

33. *Id.*

34. *Id.* ¶ 62.

35. *Id.* ¶ 63.

36. Contreras et al. v. El Salvador, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.517, ¶ 57 (June 28, 2010).

37. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 232, ¶ 63 (Aug. 31, 2011).

38. Contreras et al. v. El Salvador, Petition to the Court, ¶ 58.

39. *Id.*

40. *Id.* ¶ 59.

41. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, ¶ 64.

42. *Id.*

their homes and hide in the mountains.<sup>43</sup>

**August 25, 1982:** Soldiers discover civilians hiding in the mountains.<sup>44</sup> They shoot men and women, grandparents, and children.<sup>45</sup> Ms. Contreras runs with Julia Inés in her arms, but she cannot carry Gregoria Herminia or Serapio Cristian, who are four-years-old and twenty-months-old, respectively.<sup>46</sup> A soldier grabs Gregoria Herminia by her hair.<sup>47</sup> Soldiers capture Serapio Cristian.<sup>48</sup> As Ms. Contreras scrambles up a small hill, she loses her grip on Julia Inés and drops her.<sup>49</sup>

Gregoria Herminia, Julia Inés, and Serapio Cristian camp overnight with other children captured by the soldiers.<sup>50</sup> Soldiers tell Gregoria Herminia that her parents were killed.<sup>51</sup> The next day, the soldiers separate the siblings, despite Gregoria Herminia's protests.<sup>52</sup> Soldiers take Gregoria Herminia to the home of another soldier by the name of Molina, and tell her that he is her new father.<sup>53</sup>

**1986:** Ms. Contreras searches for her children, and reports her children's disappearance to the Red Cross, the newspaper *Diario de Hoy*, Association for the Development of El Salvador (*Asociación Para el Desarrollo de El Salvador*; "CRIPDES"), Committee of the Mothers Monsignor Romero (*Comite de Comadres Monsignor Romero*; "COMADRES"), and the El Salvador Human Rights Commission.<sup>54</sup> She eventually contacts the Search Association.<sup>55</sup>

**May 16, 1988:** A woman named María Julia Molina registers Gregoria Herminia as her daughter under the name Gregoria de Jesús Molina in the Santa Ana Mayor's Office.<sup>56</sup> Ms. Molina registers Gregoria

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43. *Id.* ¶¶ 64, 65.

44. *Id.* ¶ 65.

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.* ¶ 69.

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.* ¶ 67; ASOCIACIÓN PARA EL DESARROLLO DE EL SALVADOR (Dec. 2009), <http://www.cripdes.com/>; *Welcome*, COMMITTEE OF THE MOTHERS MONSIGNOR ROMERO, [http://www.comadres.org/main\\_english.html](http://www.comadres.org/main_english.html) (last visited Mar. 6, 2013).

55. *Contreras et al. v. El Salvador*, Merits, Reparations, and Costs, Judgment, ¶ 67.

56. *Id.* ¶ 70.

Herminia's date of birth as December 3, 1979.<sup>57</sup>

Gregoria Herminia lives in a constant state of fear in her new home.<sup>58</sup> Mr. Molina refuses to give her food, physically and sexually abuses her, and rapes her at knifepoint.<sup>59</sup> He tells her that her entire family was murdered, threatens to kill her, and taunts her for being a guerrilla.<sup>60</sup>

**1992:** To escape the abuse, fourteen-year Gregoria Herminia runs away from the Molina family.<sup>61</sup>

**May 31, 1996:** The Search Association files a complaint with the State's Ombudsman's office, alleging 145 cases of forced disappearances of children during the Salvadoran armed conflict.<sup>62</sup> The Ombudsman's Office opens an investigation.<sup>63</sup>

**March 30, 1998:** The Ombudsman's Office issues a decision indicating that members of the Salvadoran Armed Forces are responsible for the disappearances of Gregoria Herminia, Serapio Cristian, and Julia Inés.<sup>64</sup>

**November 6, 1998:** The Search Association sends the Ombudsman's decision to the Prosecutor General, so that he can begin criminal investigations.<sup>65</sup>

**March 16, 2000:** The Public Prosecution Service opens a case file for the Contreras siblings, but no procedural activity takes place until 2003.<sup>66</sup> The Public Prosecution Service does, however, request information pertaining to the Contreras siblings' forced disappearances from the Armed Forces and Ministry of Defense.<sup>67</sup> The military reports that they cannot locate any pertinent information regarding the military operations in question.<sup>68</sup> Due to a lack of information, the Public Prosecution Service suspends the case until August 27, 2008.<sup>69</sup>

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57. *Id.*

58. *Id.* ¶ 98.

59. *Id.* ¶¶ 98, 99.

60. *Id.*

61. *Id.* at n.143.

62. *Id.* ¶ 134.

63. *Id.* ¶ 67.

64. *Id.* ¶ 134.

65. *Id.*

66. *Id.* ¶ 138.

67. *Id.* ¶ 139.

68. *Id.*

69. *Id.* ¶¶ 139-142.

**October 16, 2002:** Ms. Contreras files a *habeas corpus* application with the Constitutional Chamber of the Supreme Court of Justice on behalf of her children.<sup>70</sup> A judge reviews the Ombudsman's findings and the criminal investigation and contacts the Minister of Defense and Joint Chiefs of Staff of the Armed Forces.<sup>71</sup> They report that they have no information pertaining to this case.<sup>72</sup>

**February 17, 2003:** The Constitutional Chamber issues a decision recognizing that the Contreras siblings' right to liberty has been violated.<sup>73</sup> The Constitutional Chamber does not, however, order a search for the missing children.<sup>74</sup>

**December 13, 2006:** The Search Association issues a press release stating that Mr. and Ms. Contreras have been reunited with their daughter, Gregoria Herminia.<sup>75</sup>

**July 3, 2008:** The Public Prosecution Service begins a reinvestigation of the forced disappearance of the Contreras siblings.<sup>76</sup>

**August 31, 2011:** At the time of judgment, Julia Inés' whereabouts are still unknown.<sup>77</sup> Gregoria Herminia is still officially registered under her false name of Molina.<sup>78</sup>

**2012:** Serapio Cristian is reunited with his family.<sup>79</sup>

### 3. Events Pertaining to José Rubén Rivera

**October 15, 1978:** Margarita de Dolores Rivera de Rivera gives birth to José Rubén Rivera in La Joya, San Vicente, El Salvador.<sup>80</sup> José Rubén

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70. *Id.* ¶ 67.

71. *Id.* ¶ 160.

72. *Id.*

73. *Id.* ¶ 161.

74. *Id.* ¶ 163.

75. *Id.* ¶ 68.

76. *Id.* ¶ 161.

77. *Id.* ¶ 68.

78. *Id.* ¶ 70.

79. *Serapio Cristian se Reencuentra con su Familia Biologica [Serapio Cristian is Reunited with his Biological Family]*, ASOCIACIÓN PRO-BÚSQUEDA DE NIÑOS Y NIÑAS DESAPARECIDOS (May 13, 2013), <http://www.probusqueda.org.sv/serapio-cristian-se-reencuentra-con-su-familia-biologica/>.

80. *Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment*, ¶ 71.

is her third son with Agustín Antonio Rivera Gálvez.<sup>81</sup>

**1981:** Soldiers begin military operations in La Joya.<sup>82</sup> The local residents hide in the mountains when soldiers begin attacking their homes.<sup>83</sup>

**May 17, 1983:** The Fifth Infantry Brigade and the Cañas Battalion attack La Joya.<sup>84</sup> Ms. Rivera de Rivera escapes to a local area called El Moncholo hill with her sons José Rubén, Juan Carlos, and Agustín Antonio.<sup>85</sup> She sends her son, José Rubén, with her husband's young nephew, José David Rivera Velásquez, in the hope that the boys can escape on horseback.<sup>86</sup>

**May 18, 1983:** At dawn, soldiers discover José Rubén Rivera, José Velásquez, and a group of other children.<sup>87</sup> The soldiers take José Rubén Rivera, who is four-years-old.<sup>88</sup>

**May 19, 1983:** As soon as the military leaves El Moncholo, Mr. Rivera Gálvez and other community members begin searching for José Rubén.<sup>89</sup>

**November 15, 1996:** Ms. Rivera de Rivera and Mr. Rivera Gálvez bring the case of their son's disappearance before the Second Criminal Court of San Vicente.<sup>90</sup> They also contact the Search Association.<sup>91</sup>

**October 2, 1997:** The presiding judge declares that the State has exhausted all necessary measures to find José Rubén and closes the case.<sup>92</sup>

**March 30, 1998:** The State Ombudsman's office issues a decision that refers to the forced disappearance of José Rubén Rivera and indicates

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81. *Id.*

82. *Id.* ¶ 72.

83. *Id.*

84. *Id.* ¶ 73.

85. *Id.* ¶¶ 71, 73.

86. *Id.* ¶ 74.

87. *Id.*

88. *Id.*

89. *Id.* ¶ 76.

90. *Id.* ¶¶ 78, 138.

91. *Id.* ¶ 78.

92. *Id.* ¶ 140.



that members of the military are responsible.<sup>93</sup>

**November 10, 2000:** Ms. Rivera de Rivera files an application for *habeas corpus* before the Constitutional Chamber of the Supreme Court of El Salvador.<sup>94</sup> A judge investigates the Ombudsman's findings and the criminal investigation and contacts the Commanding Officer of the Fifth Infantry Brigade of San Vicente.<sup>95</sup> The Commanding Officer provides the judge with a "Daily Operations Log," which does not include evidence of the attack on José Rubén Rivera's village, nor of his forced disappearance.<sup>96</sup>

**February 17, 2003:** The Constitutional Chamber issues a decision that recognizes that José Rubén Rivera's right to liberty was violated.<sup>97</sup> The Constitutional Chamber does not, however, order a search for the missing children.<sup>98</sup>

**August 31, 2011:** At the time of judgment, José Rubén Rivera is still missing.<sup>99</sup>

#### B. Other Relevant Facts

In the late 1970s, El Salvador is in a state of political unrest.<sup>100</sup> In October 1980, amid rising class tensions, the Armed Forces begin indiscriminate attacks on their own citizens.<sup>101</sup> Residents of rural areas are heavily targeted by the military.<sup>102</sup> El Salvador's twelve-year civil war begins after a group of Salvadorian citizens form the revolutionary Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional*; "FMLN") to challenge the established government.<sup>103</sup>

With economic and training assistance from the United States, the Armed Forces begin counterinsurgency military operations.<sup>104</sup> They

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93. *Id.* ¶ 134.

94. *Id.* ¶ 78.

95. *Id.* ¶ 160.

96. *Id.*

97. *Id.* ¶ 161.

98. *Id.* ¶ 163.

99. *Id.* ¶ 79.

100. Terry L. Karl, *El Salvador's Negotiated Revolution*, 71 FOREIGN AFF., 147, 149 (1992).

101. *Contreras et al. v. El Salvador*, Merits, Reparations, and Costs, Judgment, ¶ 42.

102. *Id.*

103. Terry L. Karl, *El Salvador's Negotiated Revolution*, 71 FOREIGN AFF., 147, 149 (1992); *Contreras et al. v. El Salvador*, Merits, Reparations, and Costs, Judgment, ¶ 43.

104. *Id.* ¶ 44.

destroy rural populations that are suspected of supporting guerilla fighters.<sup>105</sup> During this time, “members of the Armed Forces ‘executed [and tortured] peasants, men, women, and children who gave no resistance, simply because they were considered to be collaborating with the guerrillas.’”<sup>106</sup>

In addition to arbitrary executions, torture, and detentions, the State employs a strategy of kidnapping children from populations that are suspected of being guerrilla sympathizers in order “to educate them under the State’s ideology.”<sup>107</sup> Many of the children are raised by military leaders or soldiers, others are adopted by foreign families in the United States, France and Italy, and some grow up in orphanages or military bases.<sup>108</sup>

With the assistance of the United Nations and regional allies, the government of El Salvador and the FMLN sign the Chapultepec Agreement on January 16, 1992, which effectively ends twelve years of civil war.<sup>109</sup>

Following the war, the State does little to address the disappearances.<sup>110</sup> On August 20, 1994, a group of families, human rights activists, and Father Jon de Cortina form the Search Association to remedy the lack of State services for families of disappeared children.<sup>111</sup> Since its inception, the Search Association has investigated and solved hundreds of cases of disappeared children despite a lack of cooperation from the State.<sup>112</sup>

## II. PROCEDURAL HISTORY

### *A. Before the Commission*

#### 1. Events Pertaining to Ana Julia Mejía Ramírez and Carmelina Mejía Ramírez

**November 16, 2001:** The Search Association and the Center for Justice and International Law (“CEJIL”) submit Petition No. 779-01 to the

105. *Id.* ¶ 45.

106. *Id.* ¶¶ 47, 50.

107. *Id.* ¶¶ 48, 53.

108. *Id.* ¶ 54.

109. Thomas Buergenthal, *The United Nations Truth Commission for El Salvador*, 27 VAND. J. TRANSNAT'L L. 497, 499 (1994).

110. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, ¶ 52.

111. ASOCIACION PRO-BUSQUEDA DE NINOS Y NINAS DESAPARECIDOS, <http://probusqueda.org.sv/quienes-somos/resena-historica/> (last visited Oct. 4, 2010).

112. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, ¶ 52.

Inter-American Commission on Human Rights on behalf of Ana Julia and Carmelina Mejía Ramírez.<sup>113</sup>

**October 12, 2005:** The Commission adopts Admissibility Report No. 56/05 and assigns the petition case number 12.517.<sup>114</sup>

2. Events Pertaining to Gregoria Herminia Contreras, Serapio Cristian Contreras, and Julia Inés Contreras

**September 4, 2003:** The Search Association submits Petition No. 708–03 to the Commission on behalf of Gregoria Herminia, Serapio Cristian, and Julia Inés Contreras.<sup>115</sup>

**February 23, 2005:** The Commission adopts Admissibility Report No. 11/05 regarding the Contreras siblings.<sup>116</sup>

3. Events Pertaining to José Rubén Rivera

**November 16, 2001:** The Search Association and CEJIL submit Petition No. 880-1 to the Commission on behalf of José Rubén Rivera.<sup>117</sup>

**October 12, 2005:** The Commission adopts Admissibility Report No. 53/05 and assigns the petition case number 12.518.<sup>118</sup>

4. Events Pertaining to all Victims

**March 3, 2009:** The Commission joins the cases of Ana Julia and Carmelina Mejía Ramírez; Gregoria Herminia, Serapio Cristian, and Julia Inés Contreras; and José Rubén Rivera, as each case involves the forced disappearances of children during El Salvador’s civil war and the State provided similar domestic remedies for each victim.<sup>119</sup>

**September 8, 2009:** The Commission adopts Report on the Merits No. 95/09.<sup>120</sup> The Commission finds that the State violated Articles 3

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113. *Id.* ¶ 1.

114. *Contreras et al. v. El Salvador*, Petition to the Court, Inter-Am. Comm’n H.R., Case No. 12.517, ¶ 22 (June 28, 2010).

115. *Id.* ¶ 15.

116. *Id.* ¶ 16.

117. *Id.* ¶ 15.

118. *Id.* ¶ 29.

119. *Id.* ¶ 35.

120. *Contreras et al. v. El Salvador*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct.

(Right to Juridical Personality), 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), 17 (Rights of the Family), 19 (Rights of the Child) and 25 (Right to Judicial Protection) of the American Convention on Human Rights.<sup>121</sup>

The Commission recommends that the State investigate the whereabouts of the children, determine who is responsible for the human rights violations, and who prevented the cases from being adequately investigated.<sup>122</sup> If the victims are found, the Commission recommends that the State reunite them with their families.<sup>123</sup> The Commission requests that the State pay material and non-pecuniary damages to the victims.<sup>124</sup> Additionally, the Commission recommends that the State accept responsibility and issue a public apology for the human rights violations that occurred.<sup>125</sup>

### *B. Before the Court*

**June 28, 2010:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>126</sup>

#### 1. Violations Alleged by Commission

Article 3 (Right to Juridical Personality)

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 17 (Rights of the Family)

Article 18 (Right to a Name and to Surname of Parents)

Article 19 (Rights of the Child)

Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1(1)<sup>127</sup> (Obligation to Respect Rights) of the American Convention.

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H.R. (ser. C) No. 232, ¶ 1 (Aug. 31, 2011).

121. Contreras et al. v. El Salvador, Petition to the Court, ¶ 36.

122. *Id.* ¶ 37.

123. *Id.*

124. *Id.*

125. *Id.*

126. Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct.

H.R. (ser. C) No. 232, ¶ 1 (Aug. 31, 2011).

127. *Id.* ¶ 3.

2. Violations Alleged by Representatives of the Victims<sup>128</sup>

Same Violations Alleged by Commission, plus:

Article 13 (Freedom of Thought and Expression) of the American Convention.<sup>129</sup>

**January 17, 2011:** The State filed a brief in which it waived the filing of preliminary objections and accepted the jurisdiction of the Court for this case.<sup>130</sup>

## III. MERITS

A. *Composition of the Court*<sup>131</sup>

Diego García-Sayán, President  
Manuel E. Ventura Robles, Vice-President  
Margarette May Macaulay, Judge  
Rhadys Abreu Blondet, Judge  
Alberto Pérez Pérez, Judge  
Eduardo Vio Grossi, Judge

Pablo Saavedra Alessandri, Secretary

B. *Decision on the Merits*

**August 31, 2011:** The Court issues its Judgment on Merits, Reparations, and Costs.<sup>132</sup>

The Court found unanimously that El Salvador had violated:

Articles 3 (Right to Juridical Personality), 4(1) (Prohibition of

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128. *Id.* ¶¶ 1, 5. Ester Alvarenga, Elsy Flores, and Marina Cubías of the Search Association and Viviana Krsticevic, Alejandra Nuño, Gisela De León, and Luis Carlos Buob of CEJIL represented the victims.

129. *Contreras et al. v. El Salvador*, Merits, Reparations, and Costs, Judgment, ¶ 5. The Merits Judgment did not indicate that the victims' representatives alleged the violation of Article 13 (Freedom of Thought and Expression) in relation to Article 1(1) of the Convention.

130. *Id.* ¶ 6.

131. Judge Leonardo A. Franco was unable to attend the deliberation for this case for reasons beyond his control and due to *force majeure*. Deputy Secretary Emilia Segares Rodríguez was not present. *Id.* at n.\*\*,\*\*.

132. *Contreras et al. v. El Salvador*, Merits, Reparations, and Costs, Judgment.

Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity), and 7 (Right to Personal Liberty), in relation to Article 1(1) of the Convention, to the detriment of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Gregoria Herminia Contreras, Julia Inés Contreras, Serapio Cristian Contreras, and José Rubén Rivera,<sup>133</sup> because:

*Forced disappearances constitute ongoing violations of human rights that are a “crass abandonment” of the fundamental principles of the Inter-American Human Rights system.<sup>134</sup> Here, State agents abducted the victims, separating them from their parents and other family members.<sup>135</sup> The victims were placed in the custody of military personnel in the midst of a military operation, which harmed their mental, physical, and moral integrity.<sup>136</sup> In addition, State agents took Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Gregoria Herminia Contreras, Julia Inés Contreras, Serapio Cristian Contreras and José Rubén Rivera from their families and kept them as their own children.<sup>137</sup> These acts deprived the victims of their right to liberty enshrined in Article 7 (Right to Personal Liberty).<sup>138</sup>*

*The Court observed that states violate Article 5 (Right to Humane Treatment) when state agents or private parties kidnap, torture, or murder, and a state does not investigate or prosecute these crimes.<sup>139</sup> In this case, the State’s military personnel attacked victims’ families, abducted them, and stole their identities, which caused the victims “feelings of loss, abandonment, intense fear, uncertainty, anguish, and pain.”<sup>140</sup> Due to the special vulnerability of children, the State has an increased responsibility to protect children and families during armed conflict.<sup>141</sup> Here, the State inflicted trauma on children, refused to acknowledge their responsibility, failed to assist in family reunification, and hindered investigations into the victims’ whereabouts.<sup>142</sup> The Court, therefore, found that the State violated the victims’ right to humane*

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133. *Id.* “Declares” ¶ 2.

134. *Id.* ¶¶ 83, 84.

135. *Id.* ¶ 84.

136. *Id.* ¶ 85.

137. *Id.* ¶ 84.

138. *Id.*

139. *Id.* ¶ 85.

140. *Id.* ¶¶ 85, 86.

141. *Id.* ¶ 86.

142. *Id.* ¶ 87.

treatment enshrined in Article 5.<sup>143</sup>

With respect to Article 3 (Right to Juridical Personality), State agents illegally altered victims' identities, which removed the victims "from the whole sphere of the legal system."<sup>144</sup> Victims were thus denied the ability to find their biological families and victims' next of kin did not have the ability to pursue legal remedies to find the victims.<sup>145</sup>

With respect to Article 4(1) (Prohibition of Arbitrary Deprivation of Life), the Court considered that forced disappearances, especially those involving children, place victims in an aggravated state of vulnerability.<sup>146</sup> The State's illegal removal of children from their biological parents jeopardizes the children's life, survival, and physical and mental development.<sup>147</sup> As Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Julia Inés Contreras, Serapio Cristian Contreras, and José Rubén Rivera are still missing, they are still subject to forced disappearance.<sup>148</sup> The Court, therefore, found that the State violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life) to the detriment of the victims.<sup>149</sup>

Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of Gregoria Herminia Contreras,<sup>150</sup> because:

*Due to Gregoria Herminia Contreras' young age at the time of her disappearance, her lack of access to her biological family, and the decade of sustained emotional, physical, and sexual abuse perpetuated by her adoptive father, Mr. Molina, the Court found that she was put in a position of extreme vulnerability.<sup>151</sup> The immense suffering that Mr. Molina inflicted upon her constitutes a violation of Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment)*

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143. *Id.* "Declares" ¶ 2.

144. *Id.*

145. *Id.* ¶ 89.

146. *Id.* ¶ 91.

147. *Id.*

148. *Id.* ¶ 92.

149. *Id.* ¶ 93. Though the Court noted that Gregoria Herminia Contreras stopped being categorized as disappeared once she was found and her identity was determined, it nonetheless found that the State violated Article 4(1) (Prohibition of Arbitrary Deprivation of Life) to Gregoria Herminia Contreras' detriment. *Id.* ¶ 92.

150. *Id.* "Declares" ¶ 3.

151. *Id.* ¶ 102.

of the American Convention.<sup>152</sup>

Articles 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity) and 17(1) (Family's Right to Be Protected), in relation to Articles 19 (Rights of the Child) and 1(1) of the Convention, to the detriment of Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, Julia Inés Contreras, Serapio Cristian Contreras, and José Rubén Rivera,<sup>153</sup> because:

*Separating children from their families constitutes a violation of the right to a family.<sup>154</sup> State agents operated under a policy to eliminate the identity of the children, whose families were considered guerrillas.<sup>155</sup> In regard to Article 17(1) (Family's Right to Be Protected), the Court noted that children have a right to live with their families, as families have a special role in providing for children's physical and psychological needs.<sup>156</sup>*

*Under Article 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor and Dignity), the Court recognizes that everyone, particularly children, has a right to protection from interference with their family.<sup>157</sup> Furthermore, under Article 19 (Rights of the Child), States must take affirmative measures to protect children's right to their families.<sup>158</sup> During the armed conflict, the State systematically utilized government agents to kidnap children from families thought to be insurgents.<sup>159</sup> The victims' forced disappearances violated their right to a family and deprived victims of the opportunity to establish relationships with their next of kin.<sup>160</sup>*

Articles 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity) and 17(1) (Family's Right to Be Protected), in relation to Article 1(1) of the Convention, to the detriment of the

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152. *Id.*

153. *Id.* "Declares" ¶ 4.

154. *Id.* ¶ 106.

155. *Id.* ¶ 105.

156. *Id.* ¶ 106.

157. *Id.*

158. *Id.* ¶ 107.

159. *Id.* ¶ 108.

160. *Id.*



victims' next of kin,<sup>161</sup> because:

*The victims' forced disappearances irreparably altered the structure of victim's families and denied next of kin the opportunity to develop familial ties.*<sup>162</sup>

Articles 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor and Dignity), 17(1) (Family's Right to Be Protected), and 18 (Right to a Name and to Surname of Parents), in relation to Articles 19 (Rights of the Child) and 1(1) of the Convention, to the detriment of Gregoria Herminia Contreras,<sup>163</sup> because:

*The State illegally removed Gregoria Herminia Contreras from her next of kin, thus violating her right to a family guaranteed in Articles 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor and Dignity) and 17(1) (Family's Right to Be Protected).<sup>164</sup> The Court recognizes that the right to a name is "a basic and indispensable" component of one's identity as enshrined in Article 18 (Right to a Name and to Surname of Parents).<sup>165</sup> States must ensure every person's right to register under their given name, preserve that name, and, if necessary, re-establish their given name.<sup>166</sup> Mr. Molina and his family registered Gregoria Herminia with a false name, thus altering her identity.<sup>167</sup> The State has failed to restore her identification documents to reflect her correct name, biological parents, and date and place of birth.<sup>168</sup> As a result, the Court found that the State violated Articles 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home,*

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161. *Id.* ¶ 25, "Declares" ¶ 5. Next of kin include María Maura Contreras (mother), Fermín Recinos Ayala (father), Julia Gregoria Recinos Contreras (sister), Marta Daysi Leiva Contreras (sister), Nelson Geovany Contreras (brother, deceased), Rubén de Jesús López Contreras (brother), Sara Margarita López Contreras (sister), Santos Antonio López Contreras (brother), Arcadia Ramírez Portillo (mother), Avenicio Portillo (brother), María Nely Portillo (sister), Santos Verónica Portillo (sister), Reina Dionila Portillo de Silva (aunt), Margarita Dolores Rivera de Rivera (mother), Agustín Antonio Rivera Gálvez (father), Juan Carlos Rivera (brother, deceased), Agustín Antonio Rivera Rivera (brother), José Daniel Rivera Rivera (brother), Milton Rivera Rivera (brother), Irma Cecilia Rivera Rivera (sister) and Cándida Marisol Rivera Rivera (sister).

162. *Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, ¶¶ 108, 109.*

163. *Id.* "Declares" ¶ 6.

164. *Id.* ¶ 109.

165. *Id.* ¶ 110.

166. *Id.*

167. *Id.* ¶ 111.

168. *Id.*

*Correspondence, and of Unlawful Attacks on Honor and Dignity), 17(1) (Family's Right to Be Protected), and 18 (Right to a Name and to Surname of Parents), in relation to Articles 19 (Rights of the Child) and 1(1) of the Convention.*<sup>169</sup>

Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, to the detriment of the next of kin of the victims,<sup>170</sup> because:

*The Court recognized that family members of victims who suffer human rights violations may also be victims.*<sup>171</sup> *The victims' next of kin suffered great mental and physical distress as a result of the children's disappearances, the uncertainty of what happened to the victims, and the impunity perpetuated by the State.*<sup>172</sup> *The lack of truth and inadequate investigations exacerbated the suffering of the victims' families.*<sup>173</sup>

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of the victims and their next of kin,<sup>174</sup> because:

*States are obligated to investigate and prosecute human rights violations, including forced disappearances.*<sup>175</sup> *States must investigate cases of forced disappearances whether or not the victim or the next of kin initiates investigative procedures.*<sup>176</sup> *The investigation must use all legal means to identify, apprehend, prosecute, and punish perpetrators.*<sup>177</sup> *The State must identify all responsible parties, including State agents and private individuals, and remove anything that perpetuates impunity.*<sup>178</sup> *The State must take all necessary measures*

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169. *Id.* "Declares" ¶ 6.

170. *Id.* ¶¶ 27, "Declares" ¶ 7.

171. *Id.* ¶ 120.

172. *Id.* ¶ 121.

173. *Id.* ¶ 123.

174. *Id.* "Declares" ¶ 8.

175. *Id.* ¶¶ 127, 128.

176. *Id.* ¶ 128.

177. *Id.*

178. *Id.*

to determine the fate and whereabouts of victims.<sup>179</sup>

At the time of judgment, thirty years have passed and no one has been brought to justice for the forced disappearances of the victims.<sup>180</sup> Though the State was aware of the forced disappearance of these children as early as 1993, it failed to launch a criminal investigation until March 16, 2000.<sup>181</sup> In 1993, the Truth Commission issued a report that listed “Fermina Gregoria Contreras Recinos” and “Julia Ynos Contreras” as victims of murder and Serapio Cristian Contreras as a victim of disappearance.<sup>182</sup>

Family members of the victims filed criminal complaints in their local courts.<sup>183</sup> The Public Prosecution Service initiated investigations, and requested information pertaining to the forced disappearances from the Armed Forces and Ministry of Defense.<sup>184</sup> These departments responded that they could not locate pertinent information regarding the military operations in question, and, given the lack of information, the Public Prosecution Service then either closed or suspended the cases.<sup>185</sup>

Family members of the victims also filed applications for habeas corpus.<sup>186</sup> In each case, a judge investigated the facts and contacted the Salvadorian military for further information, but when the military failed to provide any details the judges stopped investigating.<sup>187</sup> In each case, the Constitutional Chamber decided that the victim’s rights had been violated,<sup>188</sup> but did not effectively utilize the procedural mechanisms available to locate the missing victims.<sup>189</sup>

The Court explained that the State “has not conducted [timely], serious, diligent and exhaustive investigations” into the disappearance of these, or other, victims of forced disappearance.<sup>190</sup> The Court determined that the State did not exhaust all avenues through which to determine who

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179. *Id.* ¶ 129.

180. *Id.* ¶ 176.

181. *Id.* ¶ 131.

182. *Id.* ¶ 132.

183. *Id.* ¶ 138.

184. *Id.* ¶ 139.

185. *Id.*

186. *Id.* ¶ 156.

187. *Id.* ¶¶ 160, 162.

188. *Id.* ¶ 161.

189. *Id.* ¶ 163.

190. *Id.* ¶¶ 154, 155.

was responsible for the forced disappearances,<sup>191</sup> nor did it adequately take into account the systematic and complex nature of forced disappearances.<sup>192</sup> Additionally, the Court found no evidence that the State has attempted to locate the victims<sup>193</sup> and, though the Search Association reunited Gregoria Herminia Contreras with her family, the State did not take steps to record her testimony or protect her.<sup>194</sup>

Article 7(6) (Right to Have Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of the victims and their next of kin,<sup>195</sup> because:

*Given the domestic criminal investigations and proceedings, the victims' families have been deprived of effective judicial recourse for the disappearance of their family members.*<sup>196</sup>

### C. Dissenting and Concurring Opinions

[None]

## IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

### A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

#### 1. Judgment as a Form of Reparation

The Court explained that the judgment was to constitute a *per se* form of reparation.<sup>197</sup>

#### 2. Identify and Prosecute Perpetrators

The Court ordered the State to continue its efforts to investigate the forced disappearance of Georgia Herminia, Serapio Cristian, and

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191. *Id.* ¶ 148.

192. *Id.* ¶ 150.

193. *Id.* ¶ 152.

194. *Id.* ¶ 151.

195. *Id.* "Declares" ¶ 8.

196. *Id.* ¶ 163.

197. *Id.* "Orders" ¶ 1.

Julia Inés Contreras; Ana Julia and Carmelina Mejía Ramírez; and José Rubén Rivera and prosecute those responsible for their forced disappearances.<sup>198</sup> Further, the Court ordered that the State devise “clear and concrete strategies” to prosecute those responsible for forced disappearances, and locate the children who were kidnapped during the civil war.<sup>199</sup> The State must diligently collect evidence without omissions, ensure that the proper authorities have access to necessary evidence, identify the perpetrators and masterminds of the forced disappearances, and keep these cases within the State’s ordinary jurisdiction.<sup>200</sup>

Furthermore, the State may not provide amnesty for perpetrators.<sup>201</sup> The State must provide full access to the victims and their families during the trials of those charged with the forced disappearances.<sup>202</sup> Additionally, the State must open the relevant investigations to determine the appropriate punishments in regards to the abuses of Gregoria Herminia.<sup>203</sup>

### 3. Find the Missing Victims

The Court ordered the State to search for Serapio Cristian and Julia Inés Contreras, Ana Julia and Carmelina Mejía Ramírez, and José Rubén Rivera.<sup>204</sup>

### 4. Assist Gregoria Herminia Contreras

The Court ordered the State to restore Gregoria Herminia Contreras’s true identity and provide her with her true first and last names and personal information.<sup>205</sup> The State must also coordinate with the Republic of Guatemala to provide Gregoria Herminia with documents that reflect her true name and identity and the true names of her children.<sup>206</sup> Additionally, if Georgia Herminia decides to return to El Salvador, the State must pay for her moving expenses and provide psychological support.<sup>207</sup>

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198. *Id.* “Orders” ¶ 2.

199. *Id.* ¶ 184.

200. *Id.* ¶ 185.

201. *Id.*

202. *Id.* ¶ 187.

203. *Id.* ¶ 188.

204. *Id.* ¶ 189.

205. *Id.*

206. *Id.* ¶ 196.

207. *Id.* ¶ 198.

### 5. Provide Medical, Psychological, and Psychiatric Treatment for Victims

The Court noted the State's efforts to provide medical care to Gregoria Herminia Contreras and the other victims.<sup>208</sup> Nonetheless, the Court ordered the State to provide medical, psychological, and psychiatric treatment to the victims who request it.<sup>209</sup>

### 6. Publicly Acknowledge Responsibility

The Court recognized the State's informal acknowledgment of responsibility; however, as in other cases, the Court ordered the State to publicly acknowledge responsibility in a number of contexts.<sup>210</sup>

First, the State must publish the official summary of this judgment in the Official Gazette and a national newspaper with wide circulation within six months of the judgment.<sup>211</sup> Additionally, the Court required the State to post the judgment, in its entirety, on an official website for one year.<sup>212</sup> The Court also ordered the State to circulate a summary of this judgment in an internal bulletin of the Armed Forces.<sup>213</sup>

Second, the State must hold a public ceremony, presided over by the President, in which the State acknowledges international responsibility.<sup>214</sup> The victims' next of kin, Gregoria Herminia Contreras, senior military officials, the Public Prosecution Service, the Judiciary, and the National Assembly must attend this ceremony.<sup>215</sup> The ceremony must be broadcast via national media.<sup>216</sup>

### 7. Name Schools for the Victims

The State must name three schools for the victims: one for Gregoria Herminia, Serapio Cristian, and Julia Inés Contreras; another for Ana Julia and Carmelina Mejía Ramírez; and the third for José Rubén Rivera.<sup>217</sup> The schools must be located near the site of the forced

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208. *Id.*

209. *Id.* ¶ 200.

210. *Id.* ¶¶ 205, 210.

211. *Id.* ¶ 203.

212. *Id.*

213. *Id.* ¶¶ 203, 204.

214. *Id.* ¶ 205.

215. *Id.*

216. *Id.* ¶¶ 205, 206.

217. *Id.* ¶ 208.

disappearances and must be approved by the victims and their representatives.<sup>218</sup> The State must place a plaque at each school with the names of the victims, and an explanation that they were “forcibly disappeared by the Salvadoran Armed Forces.”<sup>219</sup>

#### 8. Create and Distribute a Documentary

The State must fund the production and distribution of a documentary about forced disappearances during the armed conflict, the work of the Search Association, and this case.<sup>220</sup> The victims and their representatives must approve the film.<sup>221</sup> The documentary must be distributed to the victims, their representatives, El Salvadorian schools and universities, and must be broadcast on at least one national channel during prime time.<sup>222</sup>

#### 9. Provide Access to Information About Human Rights Violations

The State must compile and provide public access to information pertaining to human rights violations during the armed conflict to aid in finding victims of the forced disappearances.<sup>223</sup>

The court ordered the State to submit a compliance report within one year of the judgment.<sup>224</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

The Court awarded pecuniary damages for expenses related to searching for the victims, the reunion of the victims’ families, and medical expenses related to the forced disappearances of family members.<sup>225</sup>

The Court also awarded Ana Julia and Carmelina Mejía Ramírez’s

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218. *Id.* ¶¶ 207, 208.

219. *Id.* ¶ 208.

220. *Id.* ¶ 209.

221. *Id.* ¶ 208.

222. *Id.* ¶ 210.

223. *Id.* ¶ 212.

224. *Id.* “And Orders” ¶ 13.

225. *Id.* ¶¶ 224, 225.

mother, Ms. Arcadia Ramírez Portillo \$5,000.<sup>226</sup> Each of their siblings, Avenicio Portillo, María Nely Portillo, and Santos Verónica Portillo were awarded \$1,000.<sup>227</sup> The Court awarded their aunt, Ms. Reina Dionila Portillo de Silva, \$5,000.<sup>228</sup>

Gregoria Herminia, Serapio Cristian, and Julia Inés Contreras' parents, Ms. María Maura Contreras and Mr. Fermín Recinos Ayala, were each awarded \$5,000.<sup>229</sup> Their siblings, Julia Gregoria Recinos Contreras, Marta Daysi Leiva Contreras, Rubén de Jesús López Contreras, Sara Margarita López Contreras, Santos Antonio López Contreras, and Nelson Geovany Contreras (deceased), were each awarded \$1,000.<sup>230</sup>

José Rubén Rivera's parents, Ms. Margarita Dolores Rivera de Rivera and Mr. Agustín Antonio Rivera Gálvez, were each awarded \$5,000.<sup>231</sup> Their siblings, Agustín Antonio Rivera Rivera, José Daniel Rivera Rivera, Milton Rivera Rivera, Irma Cecilia Rivera Rivera, Cándida Marisol Rivera Rivera, and Juan Carlos Rivera (deceased) were each awarded \$1,000.<sup>232</sup>

## 2. Non-Pecuniary Damages

The Court awarded pecuniary damages to the victims of the forced disappearances for "feelings of loss, abandonment, intense fear, uncertainty, anguish and pain."<sup>233</sup> The Court awarded the victims \$80,000 each.<sup>234</sup> In addition, the Court awarded Gregoria Herminia Contreras damages for appropriation of her identity, which totaled \$120,000.<sup>235</sup>

The Court awarded pecuniary damages to the victims' parents for irreversible harm to their immediate family, uncertainty and powerlessness resulting from the State's failure to locate their children or prosecute those responsible for their children's disappearances.<sup>236</sup>

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226. *Id.* ¶ 225.

227. *Id.*

228. *Id.*

229. *Id.*

230. *Id.*

231. *Id.*

232. *Id.*

233. *Id.* ¶ 228.

234. *Id.* The State must hold the awards for the petitioners whose whereabouts are unclear in accounts or certificates of deposit in the beneficiaries' name. *Id.* ¶ 243. If the awards are unclaimed in ten years, the State must disperse the funds, including interest, to the victims' mothers and fathers. *Id.*

235. *Id.* ¶ 228.

236. *Id.*



The Court awarded \$50,000 each to Ms. Arcadia Ramírez Portillo, Ms. María Maura Contreras, Mr. Fermín Recinos Ayala, Ms. Margarita Dolores Rivera de Rivera, and Mr. Agustín Antonio Rivera Gálvez.<sup>237</sup>

The Court awarded pecuniary damages to siblings of the victims for suffering, as well as mental and moral harm.<sup>238</sup> The Court awarded \$10,000 each to the victim's siblings.<sup>239</sup>

### 3. Costs and Expenses

The Court awarded the Search Association \$70,000 for costs and expenses incurred during their search for the victims, and domestic and international litigation.<sup>240</sup>

The Court ordered the State to reimburse the CEJIL \$30,000 for costs and expenses associated with litigating this case at the international level.<sup>241</sup>

The Court ordered the State to reimburse the Inter-American Court of Human Rights Victims' Assistance Fund \$4,131.51 for expenditures incurred in bringing this case.<sup>242</sup>

### 4. Total Compensation (including Costs and Expenses ordered):

\$1,149,131.51

### *C. Deadlines*<sup>243</sup>

The Court ordered the State to immediately provide medical treatment to victims who request it.<sup>244</sup> The State must investigate, prosecute, and punish those responsible within a reasonable time, and search for the missing victims as soon as possible.<sup>245</sup>

The State must publish the official summary of this judgment in the Official Gazette and a national newspaper with wide circulation within six months of the judgment.<sup>246</sup>

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237. *Id.*

238. *Id.*

239. *Id.*

240. *Id.* ¶ 239.

241. *Id.*

242. *Id.* ¶¶ 240, 242.

243. The Court did not indicate the deadline for providing public access to information pertaining to human rights violations during the armed conflict to aid in finding victims of the forced disappearances. *Id.* ¶ 212.

244. *Id.* "And Orders" ¶ 5.

245. *Id.* "And Orders" ¶¶ 2, 3.

246. *Id.* ¶ 203.

The State must pay costs and expenses directly to the individuals and organizations listed, restore Gregoria Herminia's true identity, and hold a ceremony publicly acknowledging responsibility within one year of the notification of the judgment.<sup>247</sup> The Court also required the State to post the judgment, in its entirety, on an official website for one year.<sup>248</sup>

The Court ordered the State to make a documentary about the forced disappearance of children and name schools for the victims within two years of the notification of the judgment.<sup>249</sup>

#### V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

#### VI. COMPLIANCE AND FOLLOW-UP

**May 14, 2014:** The Court issued a Monitoring Compliance Report.<sup>250</sup> The Court recognized that the State had located José Rubén Rivera Rivera and Serapio Cristian Contreras; restored Gregoria Herminia Contreras' identity; published the judgment in the *Diario Oficial* and online; and performed a public act to acknowledge international responsibility.<sup>251</sup> The Court stated that it would continue to monitor the State's compliance with its obligation to investigate, prosecute, and punish those responsible for the victims' disappearance; locate Ana Julia Mejía Ramírez, Carmelina Mejía Ramírez, and Julia Inés Contreras; fund José Rubén Rivera Rivera's reunification with his family; restore the identity of José Rubén Rivera Rivera and Serapio Cristian Contreras; provide the victims and their next of kin with medical and psychological care; publish the a summary of the judgment in the internal bulletin of the Armed Forces; name schools for the victims; complete a documentary; create a database of disappeared persons; and compensate the victims.<sup>252</sup>

#### VII. LIST OF DOCUMENTS

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247. *Id.* ¶¶ 195, 206, 244.

248. *Id.* ¶ 203.

249. *Id.* ¶¶ 208, 210.

250. *Contreras et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (May 14, 2013)*. At the time of publication, the Court had not published Monitoring Compliance Reports for this case.

251. *Id.* "Declara Que" ¶¶ 1(a)-(d).

252. *Id.* "Declara Que" ¶¶ 2(a)-(i).

2014]

*Contreras et al. v. El Salvador*

1405

*A. Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 232 \(Aug. 31, 2011\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Contreras et al. v. El Salvador, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(May 14, 2013\).](#)

5. Review and Interpretation of Judgment

[None]

*B. Inter-American Commission*

1. Petition to the Commission

Contreras et al. v. El Salvador, Petition No. 708/03, Inter-Am. Comm'n H.R. (Sept. 4, 2003).

2. Report on Admissibility

[Contreras et al. v. El Salvador, Admissibility Report, Report No. 11/05, Inter-Am. Comm'n H.R., Case No. 12.517 \(Feb. 23, 2005\).](#)

3. Provisional Measures

[None]

4. Report on Merits

Contreras et al. v. El Salvador, Report on Merits, Report No. 95/09, Inter-Am. Comm'n H.R., Case No. 12.517, 12.494, 12.518, (Sept. 8, 2009).

#### 5. Application to the Court

[Contreras et al. v. El Salvador, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.517 \(June 28, 2010\).](#)

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