

El Mozote Massacre and Surrounding Places v. El Salvador

I. COMPLIANCE AND FOLLOW-UP ADDENDUM¹

May 3, 2016: The Court responded to a request made by both parties in relation to the State's reimbursement of costs and expenses to the representative organizations.² The State argued that one representative, the "Legal Protection Office of the Archdiocese," no longer exists, making it impossible to reimburse them.³ The Court acknowledged that the Commission had opined that the reimbursement should be paid to the victim's formal representatives, and ordered the State to pay them their incurred expenses.⁴ The Court kept open the proceeding for monitoring compliance of the measure relating to the reimbursement of costs and expenses, as well as the other reparations in the Judgment.⁵

August 31, 2017: The Court found that the State in full compliance with its obligation to ensure that the "General Amnesty Law for the Consolidation of the Peace" does not affect the investigation, since the law had been declared unconstitutional.⁶ The Court concluded that the State's obligation to carry out a diligent investigation was still pending, and required the State to submit updates on their adopted measures.⁷ The Court kept open the proceeding for monitoring compliance for the remaining reparations.⁸

May 30, 2018: The Court declared that the State fully complied with its obligation to pay reimbursement to the representatives of the "Legal

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2. El Mozote Massacre v. El Salvador, Monitoring Supervision of Compliance of Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering That," ¶ 1 (May 3, 2016).

3. *Id.*

4. *Id.* ¶ 17.

5. *Id.* "Resolves," ¶ 3.

6. El Mozote Massacre v. El Salvador, Monitoring Supervision of Compliance of Judgment, Order of the Court, Inter-Am. Ct. H.R. (Aug. 13, 2017) ¶ 18.

7. *Id.* ¶ 26.

8. *Id.* "Resolves," ¶ 2.

Protection Office of the Archdiocese.”⁹ The Court kept open the proceeding for monitoring compliance for the remaining reparations.¹⁰

November 28, 2018: The Court acknowledged that the State was in the process of creating an “Official Registry of Victims,” but had not sent an updated list since May 2016.¹¹ The Court found that the preliminary draft of the law on “Special and Transitory Provisions for the Establishment of Family State or Death of Victims of the Massacres of El Mozote and Surrounding Places” would aid the State in the investigation and completion of the registry of the victims.¹² However, the Court asked the State to continue to explore alternative measures.¹³ The Court ordered the State to provide 1) the exact number of victims identified in the registry, and 2) the actions taken to ensure that the victims are permanently included in the registry and receive compensation.¹⁴

The State partially complied with the compensation of pecuniary and non-pecuniary damages.¹⁵ The State had not paid the victim’s relatives because they are unable to identify the dead until the registry is completed.¹⁶ The Court recognized that the preliminary law, if adopted, will allow the relatives to be compensated.¹⁷ The Court required the State to adopt diligent measures to compensate the relatives.¹⁸

The State partially complied with its obligation to produce a documentary of the massacres of “El Mozote and nearby places.”¹⁹ The Court acknowledged that the State has begun to distribute the documentary to the public, with the intention of further distributing it to public and private schools, film forums in the affected areas, on the El Salvador Armed Forces website, and again on national television.²⁰ The Court required the State to provide its adopted measures.²¹

9. El Mozote Massacre v. El Salvador, Monitoring Supervision of Compliance of Judgment, Order of the Court, Inter-Am. Ct. H.R. (May 30, 2018), ¶¶ 5,7.

10. El Mozote Massacres v. El Salvador, Monitoring Compliance of Judgment, Order of the Court, “Resolves,” ¶ 2.

11. El Mozote Massacre v. El Salvador, Monitoring Supervision of Compliance of Judgment, Order of the Court, Inter-Am. Ct. H.R. (Nov. 28, 2018), ¶ 19 n.24.

12. *Id.* ¶ 22.

13. *Id.* ¶ 26.

14. *Id.* ¶ 32.

15. *Id.* ¶ 44.

16. El Mozote Massacre v. El Salvador, Monitoring Supervision of Compliance of Judgment, Order of the Court, ¶ 35.

17. *Id.* ¶ 37.

18. *Id.* ¶ 42.

19. *Id.* ¶¶ 46, 47, 48.

20. *Id.* ¶ 47.

21. *Id.* ¶ 48.

The Court kept open the proceeding for monitoring compliance for the remaining reparations.²²

22. *El Mozote Massacres v. El Salvador*, Monitoring Compliance of Judgment, Order of the Court, “Resolves,” ¶ 2.