

Background- El Salvador¹

El Salvador is a small Central American country (population about 6.3 million in 2016) that was devastated by a 1979 to 1992 civil war that featured repeated, large-scale massacres of civilians.

Since the 1500s, El Salvador has been dominated by a small plantation-owning elite and has had repeated conflicts with its neighbors. The Spanish arrived in 1524 and started cocoa and later indigo plantations farmed by members of various small Indian tribes related to the Maya and Aztec. Although Salvadoran planters were wealthy and politically powerful within El Salvador, they felt frustrated by the regional dominance of Guatemalan merchants and clergy and repeatedly fought with Guatemala. In 1821, El Salvador joined the rest of Central America in declaring independence from Spain but, by 1841, attempts to form a united Central America had failed and Central America broke down into separate independent states. Within El Salvador, tensions between the planters and the working class were exacerbated in the late 1800s by the development of artificial dyes and the resulting crash in the indigo market. Although planters successfully switched to coffee, the switch entailed taking most of the indigenous tribes' remaining land and violently putting down the resulting rebellions.

During the Great Depression of the 1930s, tensions between the Salvadoran working class and elites boiled over into a communist revolt, setting the stage for a series of military dictatorships. In 1929, the Wall Street collapse caused coffee prices to crash, intensifying Salvadoran's existing dissatisfaction with the unequal distribution of wealth. In response, the military led a coup in 1931 and the Salvadoran Communist Party led a revolt in 1932. The military put down the revolt in what became known as "la matanza" (the slaughter), killing tens of thousands of mostly Indian suspected Communists. The revolt intensified elites' fear of communism and support for the military but did not lead immediately further massacres or civil war. In fact, the 1950s through 1960s were marked by military regimes that authorized collective bargaining rights, increased political freedom, built housing and hydroelectric facilities, and improved economic diversification and cooperation with neighboring countries.

However, in the 1970s, worsening economic tensions and a war with Honduras finally drove El Salvador to a civil war. As El Salvador expanded its economic relationships with neighboring countries, an increasing number of Salvadorans left tiny El Salvador for jobs in the comparatively larger Honduras, building resentment among Honduran workers. In 1969, Honduras expelled thousands of Salvadoran migrants shortly before the Salvadoran and Honduran soccer teams competed against each other in the World Cup qualifying matches. Fighting broke out at the matches and an actual war broke out shortly afterwards. The so-called "Football War" killed 4,000 people in four days and flooded El Salvador with returning migrants that it was ill prepared to support. The government increased arrests and shootings of left wing activists and secretly organized a right wing paramilitary, the Organización Democrática

¹ Caitlin Hunter, *Author, Foreign and International Law Librarian at Loyola Law School*; Erin Gonzalez, *Chief IACHR Editor*; Cesare Romano, *Faculty Advisor*.

Nacionalista (ORDEN). Left wing protestors began forming organized guerilla groups that eventually consolidated into the Farabundo Marti Liberation Front (FMLN). FMLN engaged in peaceful demonstrations and strikes but also murdered mayors suspected of collaborating with the government, bombed newspapers, and attacked military targets. Communist countries supported the FMLN, while the U.S. provided the government with military training, weapons, and billions in aid. In 1979, moderate members of the military staged a U.S.-backed coup and attempted to disband ORDEN and redistribute land, infuriating the right wing while failing to satisfy the left wing. The military and right wing paramilitaries stepped up their attacks, including highly publicized attacks on members of the Catholic Church who advocated for social justice. In March 1980, a right wing death squad assassinated Archbishop Oscar Arnulfo Romero while he performed mass and, in December 1980, soldiers raped and murdered three American nuns and a Catholic lay worker. Military coups continued and by 1981 the situation had deteriorated into a full-blown civil war between government forces and the FMLN.

During the civil war, government forces systematically massacred entire villages suspected of being staging grounds for rebels. In the notorious massacre of El Mozote, soldiers told civilians to gather at the village of El Mozote for safety and then shot and beheaded boys and men in the church; shot children and older women in homes; and raped and murdered younger women on the outskirts of the village. Soldiers then set fire to buildings, burning injured victims to death inside. At El Mozote alone, the military massacred at least 498 civilians. Similar massacres took place throughout the rural areas of the country, with soldiers sealing off villages to prevent their inhabitants from fleeing and then systematically murdering them and setting fire to their homes, crops, and animals. Soldiers tracked those who escaped into the mountains and woods to kill them there. In one case, a soldier heard a child crying in a cave and threw a grenade inside, killing fifteen of the twenty villagers hiding there.²

During many attacks, soldiers kidnapped children, some of whom were never seen again and some of whom were later discovered living abroad or with military and police families.³ In one case, soldiers murdered a mother and her twelve-year-old son, and then returned to lead away her five-year-old son, barefoot and looking lost. In another case, a father returned to the home of a neighbor who had been caring for his daughter to find his daughter missing and his neighbor and

² Massacres of El Mozote and Nearby Places v. El Salvador, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 252 (Oct. 25, 2012), <https://iachr.ils.edu/cases/massacres-el-mozote-and-nearby-places-v-el-salvador>.

³ Laura Barten, *In their DNA: Finding El Salvador's Missing Children*, FORENSIC MAGAZINE (Apr. 12, 2013, 5:05 am), <http://www.forensicmag.com/article/2013/04/their-dna-finding-el-salvador%E2%80%99s-missing-children> Nina Lakhani, *'I Knew in My Heart She Was Alive': Families in El Salvador Are Finally Reunited with Children Abducted During the Country's Civil War*, THE INDEPENDENT (Jan. 18, 2014), <http://www.independent.co.uk/news/world/americas/i-knew-in-my-heart-she-was-alive-families-in-el-salvador-are-finally-reunited-with-children-abducted-9065644.html>; Cristián Orrego, Secretary of State Hillary Clinton Has a Few More Days and Salvadoran President Mauricio Funes a Few More Months to Leave a Legacy for El Salvador, BERKELEYBLOG (January 24, 2013), <http://blogs.berkeley.edu/2013/01/24/secretary-of-state-hillary-clinton-has-a-few-more-days-and-salvadoran-president-mauricio-funes-a-few-more-months-to-leave-a-legacy-for-el-salvador/>.

her four children murdered.⁴ Some kidnapped children were raised safely by families unaware of their origins, while others were abused and constantly reminded of their origins as “guerillas.” Four-year-old Gregoria Herminia Contreras was kidnapped and adopted by a military officer who starved, beat, and raped her before she finally escaped at age fourteen and ultimately reunited with her biological family.⁵ Most kidnapped children remain missing and families of kidnapped children have formed the Asociación Pro-Búsqueda to search for their children.⁶ As of 2015, the Asociación Pro-Búsqueda had 955 open cases and continued to receive new cases.⁷

The civil war finally drew to a close between 1989 and 1992, as the government lost enthusiasm for what increasingly seemed to be an unwinnable war. In November 1989, FMLN launched a successful attack on multiple cities. While fighting the attack, the military killed six Jesuit priests, their housekeeper, and her teenage daughter, generating widespread international outrage. With no clear ability to win the war and facing increasing international criticism for the military’s human rights abuses, the El Salvadoran government agreed to a peace accord and declared an amnesty for both sides. FMLN went from a guerilla group to one of the country’s largest political parties, gradually building an electoral base and ultimately winning the presidency in 2009.⁸

Despite El Salvador’s return to democracy, it has never fully addressed the human rights abuses committed during the civil war. By the time the war ended, over 75,000 Salvadorans had died. Although the government appointed a truth commission to investigate the deaths, both sides were deeply uncooperative with the investigation. Additionally, the government passed an amnesty law prohibiting prosecution of human rights abuses during the civil war, then ignored repeated demand from the Inter-American Commission and Court to repeal it.⁹ Prosecution ultimately began in Spain, the home country of five of the six murdered Jesuit priests. In 2011, a Spanish court ordered the arrest of military leaders suspected in the murders but El Salvador persistently refused to honor the arrest warrants. Finally, in February 2016, El Salvador made four arrests and, a few months later, El Salvador’s Supreme Court overturned the amnesty law as

⁴ Rochac Hernández et al. v. El Salvador, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 285 (Oct. 14 2014), <https://iachr.ils.edu/cases/rochac-hernandez-et-al-v-el-salvador>.

⁵ Contreras et al. v. El Salvador, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 232 (Aug. 31, 2011), <https://iachr.ils.edu/cases/contreras-et-al-v-el-salvador>.

⁶ Rochac Hernández et al. v. El Salvador, Merits, Reparations, and Costs; Serrano Cruz Sisters v. El Salvador, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 131 (Sept. 9, 2005), <https://iachr.ils.edu/cases/serrano-cruz-sisters-v-el-salvador>.

⁷ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2015: EL SALVADOR (2015), <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=253013>.

⁸ Blake Schmidt & Elisabeth Malkin, *Leftist Party Wins Salvadoran Vote*, NY TIMES (March 16, 2009), <http://www.nytimes.com/2009/03/17/world/americas/17salvador.html>.

⁹ Thomas Buergenthal, *The United Nations Truth Commission for El Salvador*, 27 VAND. J. TRANSNAT’L L. 497 (1994); Inter-American Commission on Human Rights, *El Salvador Must Investigate Grave Human Rights Violations from the Armed Conflict*, Press Release No. 72/13 (Oct. 2, 2013), http://www.oas.org/en/iachr/media_center/PReleases/2013/072.asp.

unconstitutional.¹⁰ Unfortunately, since then, there has been little progress. As of October 2017, the legislature has not given the attorney general funding to prosecute crimes committed during the civil war and the Supreme Court has blocked any further arrests or extraditions in the Spanish prosecution.¹¹

The unresolved effects of the civil war have left El Salvador plagued by violence. During the civil war, refugees fled to Los Angeles, where many young men formed street gangs (maras), including the infamously vicious Mara Salvatrucha (MS-13). When gang members were deported back to El Salvador, they added a toxic mix of criminal violence to the continuing violence by the military and police.¹² Gangs committed widespread extortion, violence, and sex trafficking. Some police officers participated in the crime, while others engaged in violence, torture, and extrajudicial killings against suspected criminals.¹³ In 1994, Ramón Mauricio García Prieto Giralt was robbed, beaten, and shot to death in front of his wife, while holding their infant child. When investigation revealed that his murderers were likely police affiliated, the police harassed and threatened his family for over a decade as they fought for justice.¹⁴ In 2000, police identified José Agapito Ruano Torres as a co-conspirator in a kidnapping for ransom, arrested him, tortured him, and refused to let him present evidence that he had an alibi and that the real kidnapper was his brother.¹⁵ Efforts to address the violence have been hampered by the government's inability to agree on a consistent anti-gang policy. In 2012, one government negotiated a truce between gangs that achieved a brief drop in murders, but the next government reversed course, cracking down on gang members and arresting the former government officials who had negotiated the truce.¹⁶ To escape the violence, more Salvadorans fled to the U.S., where almost 200,000 obtained temporary protected status. However, in 2018, U.S. President Donald Trump cancelled Salvadorans' temporary protected status, citing MS-13 as an example of the

¹⁰ Case nº 44-2013AC of Sala de Lo Constitucional, Corte Suprema de Justicia, July 13, 2016 (Available on vLex); Elisabeth Malkin and Gene Palumbo, *Salvadoran Court Overturns Wartime Amnesty, Paving Way for Prosecutions*, N.Y. TIMES (July 14, 2016), <https://www.nytimes.com/2016/07/15/world/americas/salvadoran-court-overturns-wartime-amnesty-paving-way-for-prosecutions.html>; Elisabeth Malkin, *El Salvador Arrests Ex-Military Officers in 1989 Jesuit Killings*, N.Y. TIMES (Feb. 6, 2016), <https://www.nytimes.com/2016/02/07/world/americas/el-salvador-arrests-ex-military-officers-in-1989-jesuit-killings.html>.

¹¹ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2017: EL SALVADOR 12-13 (2017), <https://www.state.gov/documents/organization/277575.pdf>.

¹² Jessica Bennett & Juan Carlos, *In El Salvador, a Gang Truce Can't Stop the Violence*, MOTHER JONES (March 7, 2013, 6:00 AM), <http://www.motherjones.com/politics/2013/03/el-salvador-gang-truce-juan-carlos-tumblr>; Kate Linthicum, *Why Tens of Thousands of Kids from El Salvador Continue to Flee to the United States*, LA TIMES (Feb. 16, 2017), <http://www.latimes.com/world/mexico-americas/la-fg-el-salvador-refugees-20170216.htmlstory.html>.

¹³ Linthicum, *supra* note 8; U.S. DEPARTMENT OF STATE, *supra* note 7.

¹⁴ García Prieto et al. v. El Salvador, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 168 (Nov. 20, 2007), <https://iachr.ils.edu/cases/garc%C3%ADa-prieto-et-al-v-el-salvador>.

¹⁵ Case of Ruano Torres et al. v. El Salvador. Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 303 (Oct. 5, 2015), <https://iachr.ils.edu/cases/ruano-torres-et-al-v-el-salvador>

¹⁶ Alberto Arce, *El Salvador Throws Out Gang Truce and Officials Who Put It in Place*, N.Y. TIMES (May 20, 2016), <https://www.nytimes.com/2016/05/21/world/americas/el-salvador-throws-out-gang-truce-and-officials-who-put-it-in-place.html>; Randal C. Archibold, *Gangs' Truce Buys El Salvador a Tenuous Peace*, N.Y. TIMES (Aug. 27, 2012), <https://www.nytimes.com/2012/08/28/world/americas/in-el-salvador-gang-truce-brings-tenuous-peace.html>.

threat posed by immigrants.¹⁷ Soon, El Salvador will be flooded with Salvadorans who have not lived in the country for up to twenty years and who will struggle to find jobs amidst El Salvador's high unemployment rate. Salvadorans fear that the influx will worsen the crime problem even further.¹⁸

More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profiles](#).

For an overview of the current human rights situation, see the [U.S. Department of State's 2017 Human Rights Report](#).

For information on human rights abuses during the civil war, see The Commission on the Truth for El Salvador, *From Madness to Hope: The 12 Year War in El Salvador*, U.N. Doc. S/25500 (Apr. 1, 1993), <https://documents.un.org/> (Search for Symbol- S/25500. The report is annexed to the Letter Dated 93/03/29 from the Secretary-General.)

For information on the state history, people, government, economy, geography, communications, transportation, and military, see [Central Intelligence Agency World Factbook](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

¹⁷ Ron Nixon, Liz Robbins and Katie Benner, *Trump Targets MS-13, A Violent Menace, If Not the One He Portrays*, N.Y. TIMES (March 1, 2018), <https://www.nytimes.com/2018/03/01/us/politics/ms13-gang-threat-trump-policy.html>; Miriam Jordan, *Trump Administration Says That Nearly 200,000 Salvadorans Must Leave*, N.Y. TIMES (Jan. 8, 2018), <https://www.nytimes.com/2018/01/08/us/salvadorans-tps-end.html>.

¹⁸ Gene Palumbo and Azam Ahmed, *El Salvador Again Feels the Hand of Washington Shaping Its Fate*, N.Y. TIMES (Jan. 9, 2018), <https://www.nytimes.com/2018/01/09/world/americas/el-salvador-trump.html>.