

EL SALVADOR

D) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: AUGUST 15, 1950

RATIFIED AMERICAN CONVENTION: JUNE 20, 1978

Declaration and reservations made at the time of ratification and recognition of competence deposited on June 6, 1995(from

<http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

Declaration and reservations made at the time of ratification

The present Convention is ratified, its provisions being interpreted to mean that the Inter-American Court of Human Rights shall have jurisdiction to hear any case that can be submitted to it, either by the Inter-American Commission on Human Rights or by any state party, provided that the State of El Salvador, as a party to the case, recognizes or has recognized such jurisdiction, by any of the means and under the arrangements indicated in the Convention.

The American Convention on Human Rights, known as the "Pact of San José, Costa Rica", signed at San José, Costa Rica, on 22 November 1969, composed of a preamble and eighty-two articles, approved by the Executive Branch in the Field of Foreign Affairs by Agreement 405, dated June 14 of the current year, is hereby ratified, with the reservation that such ratification is understood without prejudice to those provisions of the Convention that might be in conflict with express precepts of the Political Constitution of the Republic.

The instrument of ratification was received at the General Secretariat of the OAS on 23 June 1978 with a reservation and a declaration. The notification procedure of the reservation was taken in conformity with the Vienna Convention on the Law of Treaties signed on 23 May 1969.

Recognition of Competence deposited on June 6, 1995:

I. The Government of El Salvador recognizes as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Inter-American Court of Human Rights, in accordance with Article 62 of the American Convention on Human Rights, "Pact of San José."

II. The Government of El Salvador, in recognizing that competence, expressed that its recognition is for an indefinite period and on condition of reciprocity, and that it retains the right to include exclusively subsequent deeds or juridical acts or deeds or juridical acts began subsequent to the date of deposit of this declaration of acceptance, by reserving the right to withdraw its recognition of competence whenever it may deem it advisable to do so.

III. The Government of El Salvador recognizes the competence of the Court, insofar as this recognition is compatible with the provisions in the constitution of the Republic of El Salvador.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS”
(ART. 45): JUNE 23, 1978

ACCEPTED JURISDICTION OF IACHR (ART. 62): JUNE 6, 1995

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Serrano Cruz Sisters v. El Salvador

This is a case about the disappearance of two children during El Salvador’s civil war. In 1982, Ernestina and Erlinda Serrano Cruz, seven and three years old respectively, were captured by soldiers in the Atlacatl Battalion of the Salvadoran Army, during a military operation known as “Operación Limpieza” (Operation Cleansing). The Court found that the State violated the American Convention on Human Rights for the capture, abduction and forced disappearance of the Serrano Cruz sisters. The case was only partly successful because some issues were beyond the Court’s temporal jurisdiction. The case also touched on the relationship between international human rights law and international humanitarian law.

Key Words: *Women's Rights; Indigenous Peoples’ Rights; Criminal Justice; Discrimination; Life (Right to); Economic, Social, and Cultural Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of March 1, 2005. Series C No. 120

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of September 22, 2006
- 2) Order of the Inter-American Court of Human Rights of July 3, 2007
- 3) Order of the President of the Inter-American Court of Human Rights of December 8, 2009 (Available only in Spanish)
- 4) Order of the Inter-American Court of Human Rights of February 3, 2010
- 5) Order of the Inter-American Court of Human Rights of September 1, 2016 (Available only in Spanish)

II) Case of García Prieto et al. v. El Salvador

This case is about the assassination of Mr. García Prieto during a robbery, on June 10, 1994, by members of an illegal armed group. Although the assassins were arrested and tried, El Salvador was nonetheless found in violation of the American Convention because of several deficiencies in the investigations and prosecution. The case is notable for a discussion of the provisional measures in the Inter-American system of protection of human rights.

Key Words: *Access to Legal Procedures; Civil and Political Rights; Criminal Justice; Physical, Mental, and Moral Integrity (Right to)*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 20, 2007. Series C No. 168

Monitoring Compliance with Judgment

- 1) Order of the President of the Inter-American Court of Human Rights of December 18, 2009 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of February 3, 2010
- 3) Order of the Inter-American Court of Human Rights of August 27, 2010

III) Case of Contreras et al. v. El Salvador

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.

Key Words: *Minors/Children; Forced Disappearances; Family; Judicial Protection (Right to); Political Organizations; Life (Right to); Civil War and Unrest; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of August 31, 2011. Series C No. 232

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 14, 2013

- 2) Order of the Inter-American Court of Human Rights of September 1, 2016 (Available only in Spanish)

IV) Case of the Massacres of El Mozote and Nearby Places v. El Salvador

Between December 11 and 13, 1981, successive massacres were committed resulting in approximately 1,000 deaths, including those of many children in the context of a military operation by the Atlacatl Battalion together with other military units. The massacres occurred in seven places in the northern part of the department of Morazán. There was an alleged investigation that was opened into these events and a decision to halt the investigations based on the Law of General Amnesty for the Consolidation of Peace, which is still in force in El Salvador. The Court found that the State violated the American Convention on Human Rights, the American Convention on the Prevention, Punishment and Eradication of Violence Against Women, and the American Convention to Prevent and Punish Torture.

Key Words: *Minors/Children; Access to Legal Procedures; Discrimination; Internally Displaced Persons; Political Organizations; Life (Right to); Privacy; Movement and Residence; Physical, Mental, and Moral Integrity (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Crimes Against Humanity*

Merits, Reparations and Costs

Judgment of October 25, 2012. Series C No. 252

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 03, 2016 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of August 31, 2017 (Available only in Spanish)

V) Case of the Rochac Hernández et al. v. El Salvador

This case is about the forced disappearances of five children in El Salvador during the early 1980s. They were kidnapped by State armed forces in the course of counterinsurgency operations. The families of the children filed multiple complaints with various authorities, all of whom failed to investigate or even record some of the complaints for over thirty years. The families also filed habeas corpus petitions for each child before the Constitutional Chamber of the Supreme Court of El Salvador, which were all dismissed. As of the date of the judgment of the Inter-American Court, none of the families know what happened to their children, or even whether they are alive or deceased. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Minors/Children; Civil War and Unrest; Forced Disappearances; Family; Privacy; Life (Right to); Judicial Protection (Right to); Abduction; Freedom from Torture*

and other Cruel, Inhumane and Degrading Treatment; Access to Legal Procedures; Failure to Investigate

Merits, Reparations and Costs

Judgment of October 14, 2014. Series C No. 285

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of June 23, 2015 (Available only in Spanish)
- 2) Order of the Inter-American Court of Human Rights of February 9, 2017 (Available only in Spanish)

VI) Case of Ruano Torres et al. v. El Salvador

In August 2000, Jaime Ernesto Rodríguez Marroquín was kidnapped by a group of men. In October 2000, a man involved in the kidnapping confessed his involvement, and named all of his accomplices, including one who he only knew as "El Chopo." This man later identified José Agapito Ruano Torres as "El Chopo," and Mr. Ruano Torres was arrested. He was then subject to various acts of physical and psychological torture by State police. Mr. Ruano Torres insisted upon his innocence, and attempted to offer evidence that showed he had an alibi, and that he was not in fact "El Chopo," but his brother was. This evidence was held to be inadmissible in every court he presented it to. Despite various appeals, Mr. Ruano Torres was sentenced to fifteen years in prison, a sentence which he completed in 2015. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Criminal Justice; Due Process Rights; Physical, Mental, and Moral Integrity (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of October 5, 2015. Series C No. 303

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Matter of Adrián Meléndez Quijano et al. regarding El Salvador [March 23, 2007] (Available only in Spanish)
- 2) Matter of Adrián Meléndez Quijano et al. regarding El Salvador [May 12, 2007]
- 3) Matter of Adrián Meléndez Quijano et al. regarding El Salvador [November 26, 2007]

- 4) Matter of Adrián Meléndez Quijano et al. regarding El Salvador [December 18, 2009] (Available only in Spanish)
- 5) Matter of Adrián Meléndez Quijano et al. regarding El Salvador [February 2, 2010]
- 6) Matter of B. regarding El Salvador [May 29, 2013]
- 7) Matter of B. regarding El Salvador [August 19, 2013]
- 8) Matter of Adrián Meléndez Quijano et al. regarding El Salvador [August 21, 2013]
- 9) Matter of Meléndez Quijano et al. regarding El Salvador [October 14, 2014] (Available only in Spanish)
- 10) Case of García Prieto et al. regarding El Salvador [January 26, 2015] (Available only in Spanish)
- 11) Matter of Meléndez Quijano et al. regarding El Salvador [April 17, 2015] (Available only in Spanish)
- 12) Matter of Meléndez Quijano et al. regarding El Salvador [June 30, 2015] (Available only in Spanish)
- 13) Case of García Prieto et al. regarding El Salvador [November 20, 2015] (Available only in Spanish)