

THE INTERNATIONAL COUNCIL ON HUMAN RIGHTS POLICY

Project Meeting

Armed Groups: Approaches to Influencing Their Behaviour

Geneva, 6-8 September 2003

HOLDING ARMED OPPOSITION GROUPS ACCOUNTABLE: THE CASE OF EL SALVADOR

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INTRODUCTION

1. In a setting of a generalized political violence and in the middle of an armed conflict, the subject of human rights had, during almost two decades and from the perspective of its most serious and systematic violation, a privileged position in the Salvadoran society's agenda. Whether as direct or indirect victims, or as responsible of acts committed against them, or as brave defenders, innumerable were the people –locals and foreigners– who got intensively involved in a discussion about this topic that ended being ideologized or somewhat biased, depending on the place where each one was. It is clear that within that maelstrom of brutality and mutual condemnation, they were unable to construct the possibility to deeply think upon their attitudes and acts. The very expensive bills of all that was transferred to the population who is still paying them.
2. Who definitively gave rise to, financed, planned, supported, concealed, ordered the carrying out of and carried out that huge amount of events that produced deaths, anguish and desperation – affecting individual and collective dynamics– always acted believing or supporting the fact that they did so on behalf of values and aspirations denied to the people. In this way, some and others claimed being "trustees of an elevated order in benefit of the country and its people": to make justice, liberty and democracy worthy.
3. This war, the biggest tragedy in El Salvador's history, ended more than seven years ago but it has not been analyzed the way it should have. An acceptable attempt towards this matter was the task promoted by the Comisión de la Verdad (Truth Commission) and its final report in which two Aspects were emphasized: the cases and violence patterns, and their recommendations. The group's lack of political will and the lack of international achievement or, said in a better way, the absence of will to accomplish particular benefits –economical, political and legitimation– obstructed the adequate achievement of the Truth Commission's recommendations, especially that concerning the "measures tending to national reconciliation".

4. In this way, a valuable opportunity to get acquainted and to recognize what had happened in the means of closing all spaces to a permanence of a polarized atmosphere was discarded. In the best of all cases, the possibility of moving from a universe of confrontation to one of severe assimilation of all of what had occurred and banish it from a future sealed by a new and solidary relation of coexistence and tolerance was postponed."¹
5. To pretend at this moment to study this painful and recent past, even if concentrating the attention in a privileged way over the insurgent forces' operations and analyzing it from the perspective of human rights, is a favorable step. Moreover, it is a necessary step that should be taken towards a way not yet traveled. Despite all, it is not too late. The lessons that derive from our experience, that can be and must be extracted, are many and very important ones. This is a task that should be carried out for the well-being of El Salvador and other nations with internal armed conflicts or with probabilities of these to occur. With our modest effort, represented in this document, we will try to contribute to this achievement.

I. THE COUNTRY AND THE SOCIAL ORGANIZATIONS OF HUMAN RIGHTS

6. Blood spilled on the streets of the Salvadoran capital city was still fresh on that 30th of July of 1975, when government forces attacked a student mass meeting; many people were already looking for missing relatives during the brutal event. The country had already been subject of other serious violations to human rights; activities that later gave shape to systematic and generalized practices that sowed terror on Salvadoran grounds and heaped the world with astonishment and indignation had began.
7. Chinamequita, La Cayetana and Tres Calles –names of modest hamlets in the Salvadoran countryside– echo among those who with obstination try to keep alive the historic memoirs. For then, at least seven people had been arrested or had disappeared and their whereabouts, together with that of other eight thousand –maybe more– victims continue to be unknown. This situation took place in a setting of economic and social structural violence striking diverse and wide sectors. In short, air became increasingly rarefied at a fast and dangerous pace.
8. It was in the middle of that cloudy atmosphere that, in August of that same year, Jesuit Segundo Montes, together with his small group of lawyers and students of the University of El Salvador's Law School, gathered with the motive of doing something about the situation. In this way, one of the first spaces in the so called "civil society" opened from which to strive –fervent and professionally during almost twenty years– for the defense of the poorest people's rights and fundamental liberties. People in poverty were and still are the majority of the population. For that, victims were given consultancy and when possible, help on legal transactions, all combined or not with national and international public demands of the cases and of the situations attempting against human dignity. In August of 1975, emerged an institution that was considered a pioneer on the matter in the Central American region: el Socorro Jurídico Cristiano (SJC) (Christian Legal Relief).
9. Exactly a decade later, with the impulse that Monsignor Oscar Arnulfo Romero gave to that struggle, and after the emergence of other organizations committed with the cause, priest Montes founded the *Instituto de Derechos Humanos de la Universidad Centroamericana "José Simeón Cañas"* (IDHUCA) ("José Simeón Cañas" Central American University's Human Rights Institute). While leading it, Montes found death –together with five other priests and two women– on November 16th, 1989. Meditating over the almost twenty five years that have passed since then,

¹ Truth Commission, "FROM MADNESS TO HOPE". *"The Twelve Year War in El Salvador"*. Central American Studies Magazine, No. 533, March 1999, Year XLVIII, p.321.

most of them characterized by unlimited violence suffered throughout the nation, many people of good will –like Romero and Montes– come to mind. They devoted their lives to the trench of the foolish and undecitful defense of human dignity. a trench from which they fought to prevent death and its concealment to destroy their nation. Simoultainously organizations belonging to the cause and within the cause itself, serving as examples to sustain those efforts, also come to mind.

10. In 1985, Roberto Cuellar, founder of the SJC and current officer of the Interamerican Institute of Human Rights (IIDH in Spanish), meditated over the at that moment 10 years of existence of that organization and affirmed that he himself had been born in that historic moment to our country's dual reality. One: The difficulties that had always existed in El Salvador for poor people to access justice. About that matter he affirmed the following: "The majority of the approximately one thousand lawyers on professional practice were dedicated, almost exclusively, to assist citizens who were able to pay for the legal service".² Reality number two: the moment's economic, social and political factors, with evident accelerated deterioration causing the "worsening of the human rights' situation".³
11. The first phase of that Christian inspired humanitarian institution took part between 1975 and 1977. News about its birth spreaded fast and extensively throughout the different sectors of the population, mainly to those receiving their services: factory workers in need of assistance in labor matters, people unjustly arrested, poor peasants (*campesinos*) claiming land to work on. people with identification and family recognition problems. With abundance of novel, big and tough efforts towards the search of effective solutions to the problems of the least favored, "must be considered as the foundation which determinated the confidence and credibility of the service among this Savadoran population majority"⁴ , –according to the at that time director of the SJC–.
12. Later, between 1977 and 1980, withough leaving aside the efforts of legal and social assistance, the SJC began working on scrupulous investigations of human rights violations, in the means of accumulating sufficient basic material to support the prophetic demands which –every Sunday– monsignor Romero made during his traditional homilies. Because of the reality prevailing in the country during those years, the cases assumed more frecquently by the institution related to individual and collective arbitrary executions, tortures, and other cruel treatments as well as forced disappearances.
13. All of the above, through a severe methodology in search of establishing documentary proven evidence –insofar as possible– through judicial inspections and medical recognitions of victims, legal exhumation of corpses, photographic compilation, testimony receptions and examination of proceedings.
14. This second phase –affirmed Cuéllar in 1985– "had an indescribable value for Legal Relief and for those Salvadoran lawyers actively linked to the national legal protection of human rights...A phase in Legal Relief's history full of dynamism and faith , in the middle of so much destruction and death. Really, it was a privilege to work with archbishop Óscar Romero who, until the end, on the 24th of march of 1980, gave his life on defense of the Salvadorans".⁵

² CUÉLLAR, Roberto. 10 years of work on Christian Legal Relief, JUSTICE AND PEACE, Human Rights Magazine, year 1, November 1985, Center of Human Rights "Fray Francisco de Vitoria, OP", Mexico, p.40.

³ Ibid.

⁴ Ibid.

⁵ Ibid., p.43

15. During the period 1982-1985, the SJC (Christian Legal Relief) underwent countless attacks in a country where impunity pretended to –and did so– position itself over legality, where lies were wanted to silence truth, and where violence imposed over the possibility of resolving conflicts pacifically and reasonably. Its facilities and some of its members stopped being part of a solidary and technical companionship and became real victims, in the same way as it happened with other organizations and social institutions who shared the cause: raids, housebreaking searches, threats, and offences and attempts against life and security of those who, from those spaces, defended the rights and liberties of the majority of the population.
16. During those years, Monsignor Arturo Rivera y Damas –who substituted Romero, first as apostolic administrator of San Salvador's archdiocese, and later as metropolitan archbishop– decides to create the *Oficina de Tutela Legal del Arzobispado* (OTLA) (Archbishop's Legal Protection Office), contributing an important impulse to the effort of guaranteeing the protection of human rights in El Salvador.
17. For that time, El Salvador's Commission of Human Rights –that at some point classified itself as "non governmental" for the government has created a dependency with the same name but with a totally opposite purpose– together with the Committee of Mothers and Relatives of Political Prisoners and Missing Persons, already existed. Later, other organizations began to appear; inserted in the eye of a bellicose and political violence, their courageous and valuable work contributed to place the Salvadoran case in the different spaces of international discussion. In this manner, human rights social organizations were a fundamental part of the struggle that faced and defeated a governmental policy of massive and systematic violation of human rights. It is to that policy and to its results, together with the arbitrary events of the insurgent forces, that we refer right away.

II. VIOLATIONS AND RESPONSIBILITIES

18. From 1995 on, the IDHUCA made an ample investigation from which only a summary of the events quantified within, as well as the established responsibilities, are included in this document. It deals with human rights violations occurred in El Salvador and registered by organizations of the so called "civil society"; these took place during the period 1975-1994, including both years. It includes charts and graphics revealing who and how many were the victims, the kind of aggression and the perpetrators. All, as a result of processed information compiled directly by the university institute as well as from the demands and publications made by the Archbishop's Legal Protection Office (OTLA), the Christian Legal Relief "Monsignor Oscar Romero" (SJC), the (CDHES) El Salvador's Commission of Human Rights, and the Christian Committee of Displaced People (CRIPDES).
19. An important warning must be insisted: the heap of data incorporated in this summary does not represent the totality of the human rights violations occurred nationwide in the years examined. It contains only those whose acknowledgement is certain and properly documented.
20. It is also necessary to notice that when the *Comisión de la Verdad* (Truth Commission) –created by the parties that negotiated the country's war purpose– presented its report on March 15th, 1993, accounted serious violent events acknowledged through "direct" and "indirect" information sources. According to the document, among the latter ones –"indirect" sources– a total of almost 24,000 cases were accomplished. For the achievement of its work, the Commission included in the "direct source" the cases reported by "organizations and institutions, and for this reason were not ratified during a personal court appearance"; additionally, that section included cases reported by victims or by relatives without personal ratification.

21. Unlike the Truth Commission's results, the product obtained from the IDHUCA's investigation emits a superior number, mainly after cleaning up the information; according to its criteria, it determined that only 13,569 cases could be considered. It must be considered that IDHUCA's research accounts 8 years more than that of the Commission's –from 1975 to 1979, at the beginning, and from 1992-1994 at the end–, although it must be kept clear that during those eight years the university organization documented only 3,692 cases, representing –at the moment of analyzing the twenty years of work– less than 10% of the absolute total of registered cases.
22. Definitively, the task undertaken by IDHUCA –behind a prolonged effort of crossing and clearing out– emits the following results concerning documented cases of severe violations to human rights and to El Salvador's international humanitarian rights occurred during the decades of the 70's, 80's, and 90's.

CHART 1: HUMAN RIGHTS' VIOLATIONS

RIGHTS AND VIOLATION'S METHOD	75-76	77-78	79-80	81-82	83-84	85-86	87-88	89-90	91-92	93-94	TOTAL
RIGHT TO LIFE											
EXTRAJUDICIAL EXECUTIONS	5	41	1,897	1,758	1,197	501	336	242	519	704	7,200
FORCED DISAPPEARANCES	52	66	758	1,650	919	466	592	616	134	1	5,254
DEATHS BY BELLICOSE ACTIONS	2	0	196	312	447	343	33	106	2	0	1,441
DEATHS BESIDES BELLICOSE ACTIONS	0	0	5	22	76	126	132	115	125	54	655
SUB TOTAL	59	107	2,856	3,742	2,639	1,436	1,093	1,079	780	759	14,550
RIGHT TO PERSONAL FREEDOM											
ARREST WITH UNFULFILLMENT OF LEGAL FORMS	50	345	1,516	2,731	1,790	2,463	1,608	2,151	871	58	13,593
OTHER METHODS TO DENY PERSONAL FREEDOM	2	80	759	1,321	889	1,276	886	968	118	98	6,397
SUB TOTAL	52	425	2,275	4,052	2,679	3,749	2,494	3,119	989	156	19,990
RIGHT TO PERSONAL INTEGRITY											
TORTURES	8	186	367	328	173	576	332	562	111	37	2,680
PUNISHMENTS OR CRUEL TREATMENTS	0	17	121	146	117	232	148	193	107	21	1,102
WOUNDED IN BELLICOSE ACTIONS	3	5	54	23	28	82	65	98	349	94	801
WOUNDED BESIDES BELLICOSE ACTIONS	1	0	13	6	3	18	44	30	70	53	438
SUB TOTAL	12	208	555	503	321	908	589	883	837	205	5,021
TOTALS	123	740	5,686	8,297	5,639	6,093	4,176	5,081	2,606	1,120	39,561

23. At observing the numbers of the previous chart, it can be noticed that from the period studied there were 39,561 registered documented cases of human rights violations that affected the Salvadoran population. Also, it is observed that a few more than 50% were acts against the personal freedom's right; among the 19,990 reported cases of this nature, 13,593 (68%) detentions occurred with an unfulfillment of legal forms - arbitrary and illegal detentions - most of which established the first moment of a successive series of abuses to other victims' rights, including the ones related to their integrity -physically and psychologically- and to their lives.
24. On the same chart, also, 14,550 direct attempts on life are reported; this quantity constitutes almost 37% of the documented cases during the twenty years analyzed by IDHUCA's study. Of

all these cases, almost half were the result of arbitrary executions (7,200) meanwhile, 36% (5,254) of the total were forced disappearances.

25. In relation to the respect of people's right to integrity, the information shows that the majority (53%) are cases in which some type of torture was exerted; this is followed by a 21% of acts in which other types of punishments and cruel treatments --unhuman and degrading-- were inflicted. As it is observed on the referred chart, both categories --torture and cruel treatments-- gather three fourths of the total of 5,021 documented cases included under this label.
26. In the information provided by IDHUCA, a dramatic concentration of cases between the years of 1980 and 1983, both years included, is observed; concentrating the first of them the highest numbers. The coincidence between the study realized by IDHUCA and the investigation made by The Truth Commission must be mentioned; the latter determined that the first four years of the decade of the 80's concentrated more than the 75% of the serious cases denounced to the Commission.
27. Another appreciation during this period, is that the majority of documented cases has to do with violations to the right of life (8,086), surpassing the 7,482 cases against personal freedom and the 1,138 against personal integrity. It is possible that this is mainly due to the application of a governmental policy fundamentally marked by the intention of physically exterminating the social foundation --real or imaginary-- of the rebels and thus forming a death campaign of psychological propaganda directed to make the people desist from any kind of opposition to the ruling regime.
28. Later on, increases in 1986 and 1989 are observed; but in these years the majority of violations was against the right of personal freedom. This might indicate that the types of violations used in the different periods responded to different tactics, in the background of one same strategy of social restraint.
29. Important to consider is the information offered by Chart 2, concerning the activities each one of the victims was dedicated to. As it is shown, one third of the established total appears with an undetermined occupation; this is because most of the people who directly suffered some type of violence did not have a direct or indirect participation on the conflict, did not have political or military charges, nor occupied a relevant position in the country's social or economic life. They were, then, inhabitants of a country submerged in violence; they were people dragged by a spiral of savagery that destroyed all it encountered on the way.
30. But --it must be left clear-- this does not mean they were victims of a blind force; rather, on their great majority they were victims of a policy conceived with indifference, planned, financed, directed and executed with its fundamental objective in mind: the maintenance of the power. The violation of human rights, then, rose to the main state policy level and from it derived the most awful actions against human dignity in El Salvador. Even though in a lesser degree, as observed later on, also the rebel forces --in their desire to overtake power through the way of arms-- are responsible for carrying out serious acts of violence against the civil population and actions contrary to international humanitarian right.

CHART 2: VICTIMS CLASSIFIED BY THEIR OCCUPATION

OCCUPATION	QUANTITY
Unknown	8,211
Agrarian worker, fishermen	6,640
Other occupations	3,869
Student	2,059
Various occupations	1,990
Home activities	1,547
Private employee	1,237
Merchant	810
Professional	674
Member of the governmental Armed Forces	445
Official, government employee	328
Member of the Public Security Forces	220
Worker, collaborator of a social organization	92
Member of the rebel Armed Forces	75
Church member	74
Artists and alike	60
Businessman	11
VICTIMS TOTAL	24,736

31. In this part attention must be given to the 39,561 documented cases that appear on the first chart and that don't coincide with the 24,736 victims that are registered on the second chart. This has a simple explanation: not in few occasions, a same person was object of a successive violation to his rights. Chart 1 gathers all violations to the different categories of human rights considered in the investigation, well documented by the humanitarian institutions indicated at the beginning of this article, independently if it concerns the same victim. On the second chart, victims are counted individually without considering the number of rights harmed to each one.
32. It can be observed on this same chart another group or social sector that resulted especially affected by the high levels of violence: "the agrarian workers"; integrated by farmers, fishermen and day laborers. It concentrates the fourth part of the total victims; according to the Truth Commission, 95% of the registered demands occurred in rural zones and only the 5% in urban places. Also this category includes "students", a few more of 8% the total.
33. A possible explanation to the fact that the group of "agrarian workers" was considered as a priority for the extermination policy, is that this group lived in highly conflictive zones and, therefore, was placed by the governmental forces as the "social foundation" of the rebels; moreover --due to the difficulties for the access to the hamlet-- the violations committed in these sites were more easily kept hidden by impunity.
34. In the case of the group or sector of "students" the remarkable tendency can be explained by the high level of political participation that, the students of the University of El Salvador and the Technical Studies Institutes as well as high school students or those in courses leading to a bachelors degree of a diverse number of educational institutions, public and private had, even before the beginning of the armed conflict.
35. Accumulated data shows, on the other hand, that within the number of victims, members of the army, both governmental and rebel, are included; however, it must be emphasized that the sum of this numbers is substantially smaller to the number of victims of the non combatant civil population. This situation is explained with the following mathematical operation: the total number of combatants of both sides that were victims of one or more acts of violation to their rights (520), which constitutes a 2.10% of the victims' total and is only closer to the group or sector denominated as "professionals"(2.72%).
36. On the other hand, to understand more accurately the magnitude of the social extermination policy that was conceived and executed on its greatest part by the Salvadoran rulers and the

forces under their command during those twenty years, it is important to also analyze the classification of the victims according to their ages.

CHART 3: CLASSIFICATION OF VICTIMS BY AGE

RANK OF AGE	VICTIMS
From 0 a 5	392
From 6 a 11	509
From 12 a 17	2,424
Girls, boys ad youths of unknown age	715
From 18 a 23	5,274
From 24 a 29	3,638
From 30 a 35	2,425
From 36 a 41	1,584
From 42 a 47	1,102
From 48 a 53	771
From 54 a 59	479
From 60 and on	790
Adults of unknown ages	4,633
TOTAL	24,736

37. It is noticeable that in relative terms --according to the numbers that are shown on chart number 3-- the sum of boys, girls and adolescents is higher to the 16% of all the registered victims. As shown in the data, the rank of age concentrating the greatest amount of children and juvenile victims is the one that goes from 12 to 17 years, reaching 60% (2, 424) of the total of infants affected by violence (4,040). In these cases it is indispensable to notice that they don't correspond to persons under 18 affected indirectly by the loss of their parents, by a situation of great poverty, by sadness, by hunger, by sickness or by exile; they were persons under 18 directly injured by a violation to their human rights; just like a great number of adult persons that also suffered imprisonment, tortures or another type of cruel and inhuman treatments.
38. In this background, it is worthy to emphasize that the number of people under age of 18 years that are victims of the most serious violations to human rights, as execution and forced disappearance is alarming. In a diversity of ways 1,449 girls, boys and youths were deprived from their lives while other 719 were arrested and afterwards disappeared by their kidnappers; so, after adding both modalities, it was possible to establish 2,168 acts against life (37.85%) within children and youths. This is observed on the next chart, as is also possible to discover that 2,796 cases of violation to the right to personal freedom were registered, making up 48.82 of the total; finally, in relation to personal integrity the study shows a compilation of 763 cases (13.32%). As a whole, according to the results of the investigation made by IDHUCA, the documented cases of violations committed on the diverse modalities against more than 4,000 girls, boys and adolescents, add a total of 5,727.

CHART 4: VIOLATIONS COMMITTED TO MINORS (DOCUMENTED CASES)

VIOLATION METHODS	BOYS	GIRLS	TOTAL
A) RIGHT TO LIFE			
ARBITRARY DEPRIVATION OF LIFE	129	25	154
EXECUTION	1	1	2
MASSIVE EXECUTIONS	1	0	1
EXTRAJUDICIAL EXECUTION	429	231	660
FORCED DISAPPEARANCE	540	179	719
DEATH BY BELLICOSE ACTIONS	226	200	426
DEATH BY OTHER TYPE OF ACTION	10	3	13
DEATH BY GRANADE EXPLOSION	55	18	73
DEATH BY MINE EXPLOSION	46	11	57
DEATH BY BOMB EXPLOSION	21	19	40
DEATH BY GUN	5	5	10
DEATH BY MACHINE GUN	7	1	8
DEATH BY ATTACK TO A CONCENTRATION	1	1	2
DEATH BY A CRIMINAL ASSAULT	2	1	3
B) RIGHT TO PHYSICAL INTEGRITY			
TORTURES			
TORTURE	15	12	27
PHYSICAL TORTURE	34	6	40
SEXUAL HARRASMENT	4	38	42
RAPE	0	9	9
CORPORAL PUNISHMENTS	6	2	8
ELECTRIC SHOCKS	2	2	4
BEATING	46	18	64
CUTS AND/OR PUNCTURE	4	6	10
HANGING	3	0	3
BURNING	4	0	4
WOUNDS	3	1	4
FOOD DENIAL	3	2	5
PSYCHOLOGICAL TORTURE	6	4	10
ISOLATION	1	0	1
INCOMUNICATION	1	1	2
INSULT	0	1	1
THREAT	12	11	23
HEARING OTHER TORTURE	1	0	1
WITNESSING OF AN EXECUTION	1	1	2
C) PUNISHMENTS OR CRUEL TREATMENTS			
PUNISHMENTS OR CRUEL TREATMENTS IN DETENTION	20	7	27
PUNISHMENTS OR CRUEL TREATMENTS AT THE MOMENT OF THE DETENTION	67	17	84
PUNISHMENTS OR CRUEL TREATMENTS WITHOUT DETENTION	41	33	74
INJURY	4	1	5
INJURY IN BELLICOSE ACTION	38	19	57
INJURY IN AN ATTACK TO A CONCENTRATION	19	7	26
INJURY IN A CRIMINAL ASSAULT	9	5	14
INJURY IN ANOTHER TYPE OF ACTION	18	9	27
INJURY BY GRANADE EXPLOSION	117	40	157
INJURY BY MINE EXPLOSION	3	4	7
INJURY BY BOMB EXPLOSION	3	0	3
INJURY BY GUN	4	2	6
INJURY BY RIFLE	3	6	9
INJURY BY MACHINE GUN	6	1	7
D) RIGHT TO PERSONAL FREEDOM			
ILLEGAL DENIAL OF FREEDOM	8	4	12
ARREST WITH AN UNFULLFILMENT OF LEGAL FORMS	1,393	483	1,876
KIDNAPING	9	6	15
FORCED DRAFT	31	0	31
RIGHT TO PERSONAL SECURITY	5	3	8
INTIMIDATION	107	71	178
THREAT	48	15	63
-----	376	157	533
-----	56	24	80
TOTAL	4,004	1,723	5,727

39. Returning to chart number 3, the following can be observed: adults included between the ages 18 to 23 were the most frequent within the victims of military and political violence, adding up 5,274 (25.48%) from a total of 20,696 of adults directly affected. In a decreasing order, the ranks from 24 to 29 years with 3,638 (17.57%) appear; from 30 to 35 years of age with 2,425 (11.72%); 1,584 people (7.65%) from 36 to 41 years; and 1,102 (5.32%) from 42 to 47. The cases of the adults whose ages did not appear on the information obtained add 4,633 representing 22.39% of the total.
40. Making an accumulation with the object of knowing other effects of violence, the same data shows that the greatest concentration of victims is found in a rank that goes from 18 to 35 years of age, until reaching a 45.8% of the great total (24, 736). On this way, then, this rank includes persons in the plenitude of their productive lives, from which it is inferred that with the harm produced to their rights an additional damage to the country as a whole was also produced.
41. Now is time to talk about the authors. Paraphrasing the document's title that a few years ago was presented by Diego Valladares Lanza - National Commissioner of Human Rights in The Republic of Honduras - about the forced disappearances that occurred in that country during the decade of the 80's, "the facts speak by themselves". Let us see what follows.

CHART 5: RESPONSIBLE ACCORDING TO THE VIOLATED RIGHT

AUTHOR	TO LIFE	TO PERSONAL FREEDOM	TO PERSONAL INTEGRITY	TOTALS	%
Armed Forces of El Salvador	3,250	5,336	1,186	9,772	24.70
Combined Forces (government)	1,990	5,565	1,429	8,301	20.98
Public Security Corps	1,214	4,882	1,381	8,160	20.63
Paramilitary Corps	3,924	2,694	505	7,123	18.01
Unknown	3,195	352	429	3,976	10.05
Rebel Forces	957	1,094	58	2,109	5.33
Local Government, municipal	20	67	33	120	0.30
TOTALS	14,550	19,990	5,021	39,561	100

42. Carefully studying the previous data, it is observed that --category by category-- the state agents fall on the greatest degree of responsibility in relation to the facts, that, during twenty years, took place in El Salvador and were reported directly to the humanitarian organizations already mentioned. Why is that assured? Just adding the violations attributed to the Armed Forces of El Salvador (FAES), those to the public security corps and to the so-called "combined forces" (soldiers, policemen and guards) the number is of 26,233 a figure that as a whole, represents 66.31% of the registered total.
43. Moreover, if consideration is given to the fact that "paramilitary groups" were formed by elements incorporated to the official structures through a diverse number of organizations -- Nationalistic Democratic Organization (ORDEN), "civil defenses" and "military commissioners", among others-- and that they were pointed out as executioners of 7,183 violations, the level of governmental responsibility increases to 84.47% (33, 416 acts).
44. In the same way, it must be emphasized that the material author that follows the previous ones is denominated as "unknown malefactor or stallion jackass". At this point, it has not been difficult to find on the testimonies the existing connection between the criminal structures and the official circles, as well as by the modus operandi as by the circumstances that surrounded the facts and the ruling impunity in the greatest part of their criminal activities. Even more: in many cases it was possible to find links between the hired assassins' circles --apparently independents--

and the police or military chiefs as well as political leaders of the ruling group or individuals pertaining to prominent families of enormous economic resources.

45. Some of these groups identified themselves with names that indicated their ideological inclination and political adhesion, they were popularly known in a generic way as “death squads”. As it is observed in the following charts, the participation of these “death squads” is noticeable in actions where the characteristic of the criminals reflected brutality, with all brightness, obeying these activities the order to defend the power by all means and to give examples of terror to inhibit, in that way, the civil participation in the political struggle directed to modify the state of things in the Salvadoran society. To quote something: 28% of the forced disappearances, reaching the first place of this category, is attributed to them.

CHART 6: RESPONSIBILITY ON THE FORCED DISAPPEARANCES FROM 1975 TO 1994

AUTHOR	FACTS
Unknown	1,462
Armed Forces of El Salvador	1,067
Paramilitary groups	1,016
Public Security Corps	708
Combined forces	504
Rebel Forces	483
Local government, municipal	14
TOTAL	5,254

46. Also, during those twenty years the so called “death squads” provoked the 18.88% of extrajudicial executions that were denounced, positioning themselves in the second highest place in this modality of savagery, just below the “paramilitary groups”(39.05%). This is concluded after observing what follows:

CHART 7: RESPONSIBILITY IN THE EXTRAJUDICIAL EXECUTIONS FROM 1975 TO 1994

AUTHOR	FACTS
Paramilitary groups	2,812
Unknown	1,359
Armed Forces of El Salvador	1,219
Combined forces	1,035
Public Security Corps	473
Rebel Forces	297
Local government, municipal	5
TOTAL	7,200

47. The previous examples, led us to conclude that these criminal organizations denominated as “death squads” had as its main reason to be --in the background of the last two decades-- the collaboration on helping to support an unfavorable economical, social and political situation for the majority of the population; that, by means of the execution of the most dirty, unjustified and illegitimate counterrevolutionary “work”. For the achievement of their objectives, these illegal armed groups acted having a direct or indirect support from the state; even more: it is known that their members proceeded in a very great number from the military lines and the different police corporations, under the direction of military officials.
48. The Truth Commission qualified the "death squads" as a "dreadful phenomenon", linked to the state's formal structure, in action or in omission. "Many civil and military authorities –according to the Commission's report– active during the 80's, participated, promoted and tolerated these groups' actions".⁶ Later on, the document refers that "two cases illustrate the "squadron's" acts

⁶ Truth Commission, op.cit.,p.275

and composition during this phase: the group surrounding Major D'Aubuisson, and the "squadron's" acting from the intelligence departments of the military institutions S-11 or C-11."⁷ Although precise, these were not the only "death squads" active in the country. The lucky established coexistence between businessmen, landowners, military officials, intelligence and security forces gave birth to other groups of hired assassins who –like the others– were benefited with official tolerance.

49. On the following step of responsibility of events occurred between 1975 and 1994 and reported to humanitarian organizations included in the present study, are the "insurgent forces". The fulfillment of 5.33% of all the cases are attributed to them. Positioned last in responsibility are the "municipal local governments". At observing the totality of cases attributed to them –only 120– a basic thought comes to mind: the few testimonies of victims and their relatives accusing them, are a clear materialization of a well thought policy fulfilled from a centralized power, and not the succession of thousands and thousands of uncontrollable violent events carried out by groups of hired local assassins or by arbitrary troop members acting excessively.

III. REVOLUTIONARY OPPONENT GROUPS

50. When referring in this study to this phenomenon in El Salvador, it is valid to make two questions: Why is it spoken in plural and not in singular?; additionally, why are such groups not defined as "political-military", or as with any other qualification that would give them a more precise identity? The answer to the first question is the most logical one: there was not one but many. As seen later on, despite the existence of a united effort during the most intense moments of the armed confrontation –known as the *Frente Farabundo Martí para la Liberación Nacional* (Front Farabundo Martí for National Liberation)– the existence of various expressions of this kind, up to October of 1980 and even some later divisions, was one of this Salvadoran territory's social-political phenomenon's most noticeable characteristics.
51. The second answer relates to its differences regarding strategic conceptions, tactic decisions, political alliances (national and international), and all that constituted –or pretended to establish– the base of its operations. It must be added to this the very special interpretations and adaptations of other similar experiences in the world; within that background, all sorts of comments were heard: Marxism, Marxism-Leninism, Maoism, Vietnamese and Cuban lines, and many other possible variations that –for then, before the so called "real socialism disaster"– offered the leftist mosaic world-wide. Its influence on El Salvador could not be the exception; above all, that was evident in the decade of the 70's: emblematic characters were, for some –just to say–, Marighela, Ho Chi Min or Sendic; for others, they were Ché and Fidel, Mao or Trotsky.
52. The FPL (Popular Liberation Forces) was the first of this kind of groups; it was born on April 1st, 1970 after an "ideologic Struggle" to the interior of the Communist Party of El Salvador (PCS) that had initiated in 1959. Its apparition comes about within a setting of a "Centralamerican Common Market", in crisis and at the closing of political spaces in a country where real power –the economic one– relied on the services of the government's armed forces and on the security corps to control the government and to keep the impoverished population submitted through a repression for then not yet achieved by the later levels.
53. "Worker's exploitation in the countryside and in the city –said the FPL on its first public announcement in August 1972– increases while the war of repression becomes more and more suffocated over a population longing for liberty. Burgoise and landowners and the Northamerican imperialists impose their interests through terror, blood and death. The special

⁷ Ibid., p.277

war against the people is their fundamental strategy. Facing this, the regular means of struggle are insufficient for the people to defeat their exploiter's oppression and to achieve their freedom, liberties, their progress and their well-being".⁸

54. That was the tone used by the newborn organization to typify the people's situation; the proposal to face the situation was not less fightful: "In front of the military tyranny and the exploiters it serves who, armed-up-to-their-teeth terrify the people, no resource is left but the armed popular struggle joined to the struggle of other Centralamerican nations. Before the oppressor's killing arms, the people's arms rise to conquer their liberation. Paying attention to this historic and unpostponable need, the most conscientious (men and women) of our revolutionary duties have taken arms and have irreversibly embarked on the popular prolonged war until the definite liberation, the destruction of the tyranic military regime, the destruction of the internal oligarchy and the Yankee imperialistic domain, the definite disappearance of exploitation and the establishment of the revolutionary popular regime that will embark the construction for a new society".⁹
55. And the so-called end, although repetitive, was also overwhelmingly inflammatory: "All the people must join the revolutionary armed struggle one way or another: in combat or in effective back-up and support. The prolonged revolutionary struggle is the people's struggle for their liberation. The nation that decides to achieve its liberation is undefeatable. As tough as war conditions may be, the victory of a nation that struggles with weapons in their hands, is inevitable. THIS NATION HAS SAID ENOUGH, and impunity will no longer characterize crimes, tortures, regime impositions, outrages against workers and against the rest of the people. Death to imperialism! End to oligarchy and to military tyranny! REVOLUTION OR DEATH! ARMED, THE PEOPLE WILL TRIUMPH!".¹⁰
56. The two last watchwords or slogans began to be well-known since this first announcement. They identified what, to the criteria of many who lived or knew the so-called "Salvadoran process", became the most powerful armed opposition organization, and –at a certain moment– the most determined one to define the course of the political and bellicose conflict. The arousal of a group of young men and women, mainly coming from the ranks of the PCS and from the Christian Democracy, followed the course of the FPL; they baptized themselves as the *Partido de la Revolución Salvadoreña* PRS (Salvadoran Revolution Party) and had, as their "armed branch" the *Ejército Revolucionario del Pueblo* (ERP) (The People's Revolutionary Army). After a bloody domestic struggle in 1975, whose most famous victim was the poet Roque Dalton, a dismemberment took place; this was later known as the *Resistencia Nacional* (RN) (national Endurance).
57. Between 1974 and 1975, guerrilla groups start to promote a social movement, growing in quantity and –if observed from its armed perspective– in the quality of its "fightful" operations. With it came an increase of the regime's repression. In a setting of greater poverty levels, greater activity coming from the popular mass and clandestine organizations, with an even more reduced margin for political-electoral struggle, and with institutionalized violation of human rights increased, El Salvador's future was not encouraging.
58. If the Sandinista triumph in Nicaragua, which generated greater expectations to some and fears to others, is added to the preceding scene, it is possible to understand the dynamic the situation acquired starting on October 1979, with the coup d' état impelled by the so-called "military

⁸ Popular Liberation Forces (FPL) "Farabundo Martí". "TO WORKERS, PEASANTS, TEACHERS, AND TO THE OTHER SECTORS OF THE NATION", AUGUST, 1972, MIMEO.

⁹ Ibid.

¹⁰ Ibid.

youth" and shortly after, with the evident distortion of their position in the "Proclama" ("Proclaim") launched when they temporarily overtook power. Probably for more convenience than for conviction –reality inside and outside the country demanded it– armed organizations of the opposition had to begin and develop, in 1980, an accelerated process to search for the unity of its forces. It was time to leave behind –although if only formally– the differences between revisionists and radicals, opportunists and coherentes, partisans of the "rising" or the insurrection, and advocates of the prolonged war. It is worth mentioning that, in addition to the victorious experience in Nicaragua, what paradoxically contributed to the assurance of that "unity" was the electoral defeat of the United States' Democrats and the arrival, in the White House, of the Republicans –with Ronald Reagan's aggressive speech as presentation letter– .

59. In January 1980, the *Coordinadora Revolucionaria de Masas* (CRM) (Revolutionary Coordinator of Masses) was formed. It was integrated by fronts grouped in different mass organizations sponsored by different guerrilla expressions. Acronyms abounded and also the people willing to participate in any of those initiatives. The CRM was constituted with the *Bloque Popular Revolucionario* (BPR) (Popular Revolutionary Block) of the FPL. The *Ligas Populares 28 de febrero* (LP-28) (Popular Leagues of February 28) of the PRS-ERP, the *Frente Acción Popular Unificada* (FAPU) (Front For United Popular Action) of the RN and the *Unión Democrática Nacionalista* (UDN) (Nationalist Democratic Union) of the PCS. Also, in January of that same year the *Dirección Revolucionaria Unificada* (DRU) (United Revolutionary Directorate) was formed; it pretended to be a unitary body of three of the armed opposition groups; because of the profound differences as a result of Dalton's execution, the PRS-ERP did not participate in this initiative.¹¹
60. The CRM as well as the DRU in their announcements to the nation, invited all the society's democratic forces to initiate "a process of agglutination, decentralization, and ideological and political opening, with the intention of the people overtaking the power with the help of all those against the unjust and oppressive current system".¹¹
61. So, in April, the first declaration of the emerging *Frente Democrático Revolucionario* (FDR) (Democratic Revolutionary Front) appears; it is integrated by the CRM and other political groups like the *Movimiento de Liberación Popular* (MPL) –the public face of the *Partido Revolucionario de los Trabajadores Centroamericanos* (PRTC) (Revolutionary Party of Central American Workers)– together with other political expressions, trade-unions, syndicate federations and individual syndicates.
62. The FDR then announced its intention to participate, inside the country, in the "liberation process", making theirs the programmatic platform of the *Gobierno Democrático Revolucionario* (Revolutionary Democratic Government) launched in February by the CRM; in the same way, it had proposed to "contribute to create conscience about the fact that only the people can lead their revolution, setting forth the structure's real changes, the ones needed to solve the national problems."¹² At the end of their first public announcement, the FDR –in what may be considered an intuition in the subject of human rights– made "a call to all social sectors and organizations to identify with, support, and incorporate themselves to the *Frente* conscientious that in that way they effectively contribute to lessen the Revolution's social and human costs."¹³

¹¹ Central American Studies Magazine, No. 375/376, Jan.-Feb 1980, Year XXXV, p.103

¹² Democratic Revolutionary Front, mimeo.

¹³ Ibid.

63. The mentioned programmatic platform –the GDR (Democratic Revolutionary Government– presented the following objectives as the ones to be achieved:¹⁴ Overthrow the oligarchy's and the Yankee military reactionary dictatorship"; "destroy its criminal political-military machinery and establish the Democratic Revolutionary Government based on the unity of the revolutionary and democratic forces, on the Popular Army, and on the Salvadoran people"; end with the power "of the big men of capital and land"; "liquidate" the dependency "with regard to the Yankee imperialism"; guarantee "the rights and the democratic liberties for all the people, especially for the working masses, the ones who have least enjoyed them"; transfer to the people, through nationalization and the creation of collective and associative businesses, the basic means for production and distribution; increase the people's levels of material and cultural living; the creation of a new army; impel popular organization; a foreign policy based on the principles of independence, selfdetermination, solidarity, peaceful coexistence, equal rights and mutual respect between the states; assure El Salvador with peace, liberty and the people's well-being and "the successive social progress".
64. On October 10th, 1980, the DRU made public the creation of the FMLN. For then, the RN had left that organization and the PRS-ERP had incorporated to it; in this way, the maximum expression of unity from the perspective of the armed conflict emerged beneath the shadow of division and despite the announcement on November 3rd regarding the RN's integration to the *Frente* (FMLN). In the end, this one assembled five guerrilla groups, for later, the PRTC also joined.
65. On its first official announcement signed by the "*Dirección Revolucionaria Unificada Político Militar del Frente Farabundo Martí para la Liberación Nacional*" ("Revolutionary United Political Military Management of the Frente Farabundo Martí for National Liberation"), the following was stated: "the way to unity is irreversible and any difficulty presented in the unity process (multiple and complex) will be totally overcome by will, conscience and the united effort of our heroic nation that will not stop until it reaches its revolution's definite victory and conquers the right to practice its selfdetermination and constructs its independent, revolutionary, democratic, progressive future, one of well-being for the immense majorities currently exploited and oppressed."¹⁵
66. About the status of things throughout 1980, doctor Héctor Hirieta –former Christian Democrat leader, former country's Secretary of Foreign Affairs, and former member of one of the government's *juntas* after the military risings of October 1979– thinks that: "What existed in that moment was more a civil disobedience than an armed confrontation. The problem is that the leftist leadership as well as certain sectors interested in restoring authoritarianism in the country coincided in the fact that a peaceful solution should not be found and, since February 1980, the United States decided that to clean up their failure in Nicaragua, a military outcome had to be provoked in El Salvador; something they considered easy to do. Curious as may seem, both sides coincided on the fact that they could win within a four month margin; unfortunately they were both wrong."¹⁶
67. The ingredients for a greater political polarization and for an increase in violence –institutional as well as in the guerrilla warfare– were already there; El Salvador was a time-bomb and during 1980 added elements made it explode: Archbishop Romero's assassination as well as that of the National University's Principal, and the collective executions of leaders of the *Frente Democrático*

¹⁴ La Prensa Gráfica, "PLATAFORMA PROGRAMÁTICA PARA UN GOBIERNO DEMOCRÁTICO REVOLUCIONARIO DE LA COORDINADORA REVOLUCIONARIA DE MASAS", 28 de febrero de 1980, pp.36 y 37

¹⁵ Press Announcement DRU-FMLN, October 10, 1980, mimeo.

¹⁶ IDHUCA, Interview carried out in November 1993

Revolucionario (FDR) and of the United State's nuns, together with the killing at the Sumpul River, are only some of the examples. This led the way to the beginning of what was probably the most intense and brutal war in the history of Latin America's guerrilla movements.

68. To the preceding cases, part of a lighted wick in flame until it provoked an explosion, an event already mentioned in this document has to be added, although seen from a different perspective: Reagan's triumph on the November 4th elections over the democratic formul led by –until January 1980– President James Carter. Because of what had been said before his triumph, especially in the so-called "*Documento de Santa Fe*", ("Santa Fe Document"), the winner in those U.S.A. elections represented, at that time, a hidden danger almost unrescuable to the insurgent and superb audacious Salvadorans. Emergency measures had to be taken; in this way, all the efforts of the FMLN organizations –united or not– concentrated in one objective: the overtaking of power before the "cowboy's" arrival to the White House.
69. The operation –despite what the rebel groups had previously said after not having achieved their basic objective, and whatever could now be said– was conceived and denominated as the "*ofensiva final*" ("final offensive"). That follows from –in addition to the harangues of *Radio "Liberación"* since the beginning of the until then greatest insurgent operation– official manifestations as the following: "the FDR agreed on calling all the people, all its political organizations, trade-unions, syndicates, cultural unions, etc. to prepare to launch and actively participate in the final actions soon to be explained with more detail and clarity. The decisive moments of the natio's struggle are very close and all the democratic and revolutionary forces should be attentive to the announcement that the FDR's Executive Council will make within a few days". The date of the invitation: January 1st, 1981.
70. Five days later, the secretary of that same leading group of the maximum leadership of the armed opposition, launched a "fim announcement" to government institution leaders and to all the staff under their direction to present "the immediate resignation of their offices as an imperative of honesty and patriotism" when the people's "nobility" was granting them "a last opportunity to participate in their struggles; additionaly, the fervent announcement invited its men and women destinataries to follow "faithfully the orientations" they would "opportunately" send and to incorporate to all actions set forth by the people within "few days of achieving the definite liberation".
71. Besides some exceptions, the invitation fell into a torn bag; it was logical, for since theend of 1979, but moore precisely since 1980, the massive structures of the social organizations were dismantled or placed at the service of the armed actions. In that way, the "final offensive" rapidly became "general" and the most powerful of the insurgent forces –the FPL, that always fought for a popular and prolonged war– launched a statement tending to "organize, resist and advance".
72. And while the FMLN "organized, resisted and advanced" –meaning: obtained weapons through "recovering" the governmental army, purchases in the black market and by other means; executed presumed collaborators of the regime or criminals serving it; made propaganda activities, drafts and military trainngs; planned and carried out kidnaps with economical objectives, and developed its foreign relationships– the official repression against the civil population not active in warfare continued to sharpen reaching levels never imagined.
73. It must be emphasized that in April 1983, the two highest leaders of the FPL died –Mélida Anaya Montes (in a cruel execution) and Salvador Cayetano Carpio (by his own hand)– as a result of an internal dispute for power, in a setting of discussions inside the FMLN concerning fundamental decissions and measures to be promoted in that phase and centered in the following

basic dilemma: the armed struggle as the main way of struggle in function of overtaking power or just as a tool to force negotiation.

74. For some people a foggy mist still covers the so-called "April events"; what was left completely clear was that those events unchauned this organization's most important rupture and the following emergence of what came to be known as the *Frente Clara Elizabeth Ramírez* (FCER) (Clara Elizabeth Ramírez Front), whose acts –from the perspective of this analysis– deserves to be considered. From that year on, the Salvadoran political and social conflict's principal dynamic was transferred to the warlike operations scenery; moreover since then, society began speaking about the "popular revolutionary war" without mentioning its extension in time.
75. After the frustrated attempts of finding a peaceful outcome to the situation –first with dialogue and then with negotiation– 1990 arrived. Both the Christian Democrats led by José Napoleón Duarte –with all this party's background– and the most radical rightist sectors in Alfredo Cristiani's government played at least, two cards: saying yes to a possibility to converse and inclusively doing it, although betting always to the military defeat of the FMLN or to its surrender. The other, the insurgence who insisted more on dialogue and on negotiation, also used strength of weapons as an "ace under the sleeve" and –why not saying it– there was more than one person inside the Frente convinced until the end that it was possible to enter San Salvador, the country's capital city, in the same way the 26th of July Movement did so in Cuba and the Sandinista forces in Nicaragua.
76. But luck was still: there were no victory possibilities in the bellicose territory for any of the parties and the world was eyewitnessing the accelerated political changes that, in an irremediable way, would produce consequences in Central America and above all in El Salvador; it is worthy to recall that, within the region –as affirmed in the already mentioned "Santa fe Document"– the power represented by the former actor who reached the United States' presidency, had decided to make our country the last trench in the defense of "western democracy" in front of "soviet expansionism".
77. Before 1990, year the negotiation started, the population had to bear the last great waves of institutionalized repression –who doesn't remember the images of destroyed syndicate facilities and the mutilated bodies of the victims as result of a criminal bomb placed inside; or the Jesuit priests and their two helpers destroyed by bullets of the government's army?– and the insurrectional violence of the FMLN –that could never curdle into a massive incorporation of the population struggling for their cause but in turn gave them enormous sufferings– to reach what had to be reached by decision of the "cold war" powers and need of the Salvadoran people: the end of an armed conflict and the construction of a "model of pacification, democratization, and respect to human rights and social reunification". A model with weak foundations which are now falling apart.

IV. INSURGENCE AND HUMAN RIGHTS IN EL SALVADOR

78. Throughout the war and afterwards, there were many well known reports with diverse quality – above all concerning objectivity and thus reliability– about the overall activities of the FMLN, of some of its organizations (separately), and about the FPL's disagreement which we referred to in the preceding section. These actions were observed and valued –when done seriously and responsibly– from the perspective of its consequences on the disrespect of human rights on the non-combatant civil population, in the setting of the humanitarian international right.
79. For this part of the analysis, it is fundamental to consider that in August of 1981 the alliance FDR-FMLN was recognized by the Mexican and French governments as a "representative

political force ready to assume the obligations and rights derived from them". Logically, this event unchained strong opposing reactions but also produced supporting expressions. The at that time **de facto** president emitted an energetic response qualifying the initiatives of both governments as a "foreign intervention" contributing only to worsen the conflict.

80. "It is precise to point out –Napoleón Duarte affirmed– that at encouraging armed terrorists groups with considerations of this nature and with different kinds of support, grave precedents of international character are created seriously affecting the democratization process in Central America, Latin America and in general, in the rest of the nations. Besides, actions of that kind endanger even more the peace, so much needed in our region".¹⁷ It does not correspond to those two governments or to any other to "point out models of internal solutions for El Salvador, nor to identify internationally to their whim, who in this country possesses political legitimization and representation", he concluded.
81. In the same tone, others publicly pronounced: the president of El Salvador's Episcopal Conference, the Salvadoran Industry Association (ASI), the National Association of Private Enterprises (ANEP); the Salvadoran Chamber of Commerce and Industry, the Council of Agricultural Entities, the Salvadoran National Federation of Small Businesses (FENAPES), the Salvadoran Federation of Associations of Academic Professionals (FEPRO), the Salvadoran Society of Merchants and Industrialists (SCIS), the Salvadoran Business Leaders' Union (UDES), and the Juridical Studies Center.
82. Independently of this type of answer, the case is that the French-Mexican declaration contributed in a fundamental way to impel what followed: the acknowledgement even by the United Nations of the armed opposition and their allied in the country as a belligerent part and as a political force. In that way, two very positive things were, at least, achieved: the international pressure tending to search a negotiated and peaceful output to the conflict increased and, basic conditions to demand the FMLN the respect to article 3, common to the Geneva Agreements and to Protocol II added to them, were established.
83. From the sources of highest credibility, the reiterated insistence of the International Amnesty (IA) stands out in its annual reports. In the 1984 report for example, the worldwide organization said: "Abuses to human rights had a place in the context of a persistent civil conflict, and International Amnesty also received demands in which the opposition forces were committing homicides in the style of executions. As a matter of principles, International Amnesty condemns the torturing and execution of prisoners on hands of any person, including opposition groups. International Amnesty also declared its concern for the violation of the minimal humanitarian norms in combat situation pointing out the serious violations to the August 12, 1949 Geneva Agreement for the Protection of War Victims".¹⁸
84. In the report accounting the 1989 events, the IA mentioned the violent reaction of the FMLN after the governmental refusal to modify the electoral calendar in order to permit its participation in elections. The international organization then demanded a series of executions on high civil and military officials attributed to the guerrilla; in the same way, it made reference to the big scale military rebel offensive and its negative effects on the population.
85. In the document where it analyzed the situation at a worldwide level in 1990, IA pointed out with concern –when approaching the Salvadoran case and after referring to the first substantive agreement between the parties: the so-called "San José Human Rights Agreement"– that it had received reports of massive executions of war prisoners in hands of the guerrilla, some of which

¹⁷ El Diario de Hoy (Salvadoran Newspaper), August 29, 1981

¹⁸ International Amnesty, 1984 Report, pp. 144-149

were committed in presence of eyewitnesses to "establish precedents"; its victims: presumed civil informants of the regime or people linked to the militaries and to security bodies. The report also made reference to people kidnapped by FMLN combatants and whose dead bodies appeared later on.

86. A very important subject when analyzing the behavior of the insurgency, is the use of land mines. America's Watch¹⁹ made a study about the subject in El Salvador and Nicaragua which was published in English (1986) and in Spanish (1987). Its textual conclusion about our country was: "In El Salvador both parties in conflict have used land mines in areas frequented by the civil population. Based on the circumstances of its locations, on testimonies collected by America's Watch, on the Roman Catholic Church's Archbishop's findings and its human rights office, Legal Protection, and the findings of independent journalists, the conclusion is that the major part of casualties within the civil population result from mines placed by the FMLN guerrillas".
87. The detail of the victims continues as follows: "In some cases they occur because the guerrillas don't warn the population adequately, or because they don't pick up the mines that are left once the military use is fulfilled. In other cases, the warning embraces an area that is too wide and [the warning] isn't as specific as it should be to be effective. Some cases result despite adequate warnings when desperate *campesinos* (peasants), because of the poverty they live in, risk their lives entering the prohibited areas in urgent search of food and firewood."²⁰ Without indications to affirm that one of the belligerent parties had used this kind of weapon intentionally against the population, America's Watch with no hesitation, condemned its indiscriminate use.
88. In addition to that irresponsible way of using the land mines and because of its serious consequences against the non-combatant civil population, the serious violations to humanitarian international rights done by the FMLN and by its organizations (separately) before its creation, can be synthesized in the following way:
 1. The collective and deliberate executions, or in their terminology "*ajusticiamientos*" (similar term for capital punishment). They include the campaigns designed to assassinate informants of the governmental army or of political institutions; against rightist political leaders and against nation-wide civil public administration officers, intimidating them in the setting of a determined political objective such as, for example, the refusal for elections. Within the last victims, mayors of certain geographical areas of the country stand out. Also to be included are the executions of their militants considered "traitors" or "spies" and those killed as a result of internal disputes for power.
 2. Unplanned executions of people. People that, for example, became victims when driving their vehicles passed by a guerrilla post on the highway, are included here. Also, the soldiers of El Salvador's Army, captured and executed while imprisoned.
 3. Forceful drafts of civil non-combatant population in the means of incorporating them to their rows.
 4. The collective executions or "massacres". Within them the one occurred at the Zona Rosa, stands out. This event occurred in 1985 and, besides a security group of the U.S.A. embassy in El Salvador, various defenseless civilians perished.

¹⁹ Committee established in 1981 by the Free Expression Foundation, to "monitor and promote in the western hemisphere, the observance of freedom of expression and other human rights internationally recognized".

²⁰ America's Watch, "CIVIL VICTIMS FROM THE USE OF LAND MINES SOWED ON LAND IN EL SALVADOR AND NICARAGUA", February of 1997, p.2.

5. The allocation and launching of various explosive weapons against military objectives causing significant material and human losses within the civil population (non-combatants). Acts known as "*coches bombas*" ("car bombs") stand out in these acts.
 6. Kidnapping with political, military or money collection objectives.
89. The Truth Commission dedicated literal E of the fourth chapter of its report –"Violence Cases and Patterns"– to present some violent actions of the FMLN against its opposers, to illustrate violence to humanitarian international rights. Before in literal A of the same chapter, giving a general glance to these aspects, the Commission affirmed the following about the behavior of the insurgent force:²¹
 90. "The patterns point out that this violence originated from the bellicose conflict. It was legitimate to physically eliminate people considered targets: militaries, traitors, spies, and even political opposers. The assassinations of mayors, of rightists intellectuals, of public officials and of judges, are examples of this optic.
 91. "Members of a specific guerrilla organization were investigating activities of people susceptible of being qualified as a military objective, a spy or traitor; afterwards, they did an evaluation and took a collective decision of executing the person; groups or special commands planned the acts and then realized the execution. Days after the illegal execution, and with propaganda purposes they publically appropriated the action indicating the name of the corresponding organization. The FMLN qualified those executions as "justified".
 92. "The executions were committed in absence of an appropriate process. The case of Romero García, alias Miguel Castellanos, in 1989, is an example of an illegal execution ordered by the FMLN for dealing with a person considered traitor. No legal process was carried out. The FMLN acknowledged intellectual responsibility of the action some time afterwards. It never clarified which was the organization in charge of the execution.
 93. "Concerning the mayors and the Northamerican militaries assassinated in the Zona Rosa, those were orders or general indications given by the FMLN's command and its organizations.
 94. "The Zona Rosa case in 1985; the execution of Doctor Peccorini in 1989; and the execution of Doctor García Alvarado, in one same year, different FMLN organizations interpreted in limited form and sporadically applied indications of general policies. That phenomenon increased violence.
 95. "The case of mayors's executions constitute, on the contrary, an example in which the instructions of the FMLN's commands were interpreted and applied extensively. The People's Revolutionary Army in the years 1985-1989 illegally executed in a reiterative way, various civilians that were non-combatants. According to the international humanitarian rights a concept that could assimilate them to military objectives is non-existent.
 96. "The Commission was unable to prove the existence of general instructions given by the leaders of the FMLN to its member organizations for the forced disappearance of people. It did receive some 300 demands of cases of missing persons occurring mainly in areas where the FMLN had greater military control. It could not be established, from the analysis of the demands the existence of patterns. Nevertheless links between missing persons, forced drafts and illegal executions committed by FMLN members qualified as spies and traitors, were observed.

²¹ Truth Commission. Op.cit., p.199.

97. "The illegal executions of the Northamerican military survivors of the helicopter attack in 1991 in San Miguel, can not be interpreted as norm. In fact the FMLN admitted that members in their rows were the authors. They publicly argued that it had been an error, But there is no evidence of an effective sanction for the material authors of that act.
98. "Finally, despite the few demands registered concerning land mines attributed to the guerrilla, the Commission considered acussions that different organizations had made in this matter against the FMLN".
99. Concerning the responsibility attributed to the FMLN for serious violent events in the background of consolidated records within the investigation done by the Truth Commission, we find the following elements to be considered: In first place, from the so-called "direct source" follows the fact that almost 50% of the events are attributed to the guerrilla; from the "indirect source" it is concluded that 3.8% of the responsibility is attributed to the insurgent forces. The study made by IDHUCA about the twenty years of political bellicose and post-bellicose violence in El Salvador, the FMLN appears with 5.33 of the responsibility.
100. We cannot end this part of the present study without bringing to account the operations of the group that, as a result of the events that took place in April 1993 separated from the FPL. Known as "*la fracción*" ("the fraction"), this expression never developed politically nor organically; for this reason, its activities probably characterized more for the terrorism towards the outside and to its inside. In this way, they dedicated the greatest part of their efforts to the execution of political personalities –such as the case of the Armed Forces' Press Committee (COPREFA) director while he was on permission, without weapons, and in a public place– and some militaries considered traitors.

V. HUMAN RIGHTS, HUMANITARIAN ACTORS AND INSURGENCE

1. Influence of human rights and its defenders in the FMLN

101. In the development of the violent political and bellicose Salvadoran conflict, which in practice embraced from 1972 to 1992, the conditions that marked the apparition and evolution of human rights matters as well as of social actors who incorporated them into their agendas as the most important subject, must be considered. That positions us, in first place, in front of groups that – despite having impelled a courageous and decisive task– finished responding to the orientations of the insurgent front, either totally or to one particular organization; yet more: some of the humanitarian actors became organically involved to the guerrilla
102. Rubén Zamora,²² opposition political leader, points out to this regard that the relation between the FMLN and the humanitarian organizations was a "very complex" one; for him, this one should be understood starting from the country's reality at that time: a process of "increasing polarization, every time more sharp and with an increasing element of repression". Then, in this setting the emergence of the organizations for the defense of human rights emerged; but also –affirms Rubén Zamora– something that must be considered: human rights organizations tended to polarize, because of thier bonding to the guerrilla; an unaccepted, unofficial relationship but an non-existent one.
103. For the current deputy of the Legislative Assembly, another way of doing it was hardly evident; they killed people and also those defending the victims, for a certain degree of political

²² Interview carried out on June 17, 1999

conscience was needed, as well as capacity, militancy to assume the task in this field. That profile was founded in the leftist organizations.

104. In this way the link between the human rights organizations and the guerrilla organizations, was given, making the first ones tend to judge reality –up to a certain point– with a double optic: on one side, a lower or non-existent level of demands to guerrilla human rights violations, and, on the other side, a constant demand to those of the governments's. Added to that is the high number of acts committed against the people's human rights –regarding, above all, the right to life and physical and psychological integrity of human beings– responsibility of the government to whom these charges had to be made, logically bonding between the guerrilla and the human rights organizations became more and more obvious.
105. Rubén Zamora, with first hand knowledge as a result of having been one of the main leaders of the FDR, extends what regards the human rights groups' "double optic" when pointing out that these always argued that the only agent for the violation of human rights was the State; therefore, they oriented their demand towards it. Nevertheless, the existence of a double power in the country was politically sustained, with an FMLN capable to destroy and negotiate with the government as the contestant part; that also converted the insurgence in a violation agent that should be evaluated and accused. But that did not happen.
106. Nevertheless of the above, Rubén Zamora speaks about a positive aspect of influence. "Since the human rights organizations were –he affirms– part of the FMLN in service although not officially a part of it, they exerted pressure over it to limit violations; they exercised an educational role, and, in this sense, I think that they did contribute on making the FMLN, in its armed behavior, to have certain limits and to maintain itself within a certain level of respect to human rights not fulfilled by the government."
107. Gerson Martínez –current Secretary of the Legislative Assembly, representing the FMLN and high leader of that party– synthesized the above as follows: "I think that one of the biggest influences that the FMLN had was the fact that our struggle was like the antithesis of the regime's violatory system of human rights. I think that the FMLN, with that struggle favored, helped and assisted the birth and conformation of bodies to watch over and fight for human rights. The FMLN's struggle helps and favors, or at least supports the creation of the organizations that defend human rights and, at the same time, the development of these human rights organizations contributes to educate the FMLN on the human rights doctrine."²³
108. Juan Ramón Medrano –another former guerrilla commandant and currently a Legislative Assembly deputy but no longer representing the FMLN but the Democratic Party (PD), points out that before 1980 "there were human rights organizations linked to the left, clearly linked to the left, and their role was to accuse institutionalized violations, the violations that the Salvadoran government was committing especially against the popular movement."²⁴ For this politician and for other national and international organizations linked to the guerrilla forces, accomplished –during the war– a task of conscience awareness within the insurgence, in the troop and in the intermediate commands; in that way, lower levels of violations to human rights were at least, accomplished. According to Medrano, the assassination of people arrested for being presumptuous informants of the government, and the executions of mayors, as well as the use of explosives and of some bombs in densely populated areas were events constantly reported.

²³ Interview carried out on June 22, 1999

²⁴ Interview carried out on June 22, 1999

109. But not only national humanitarian actors linked directly to the FMLN or very close to it existed. There were others that achieves more objective tasks mainly because of their independence; within this group, the following Catholic Church organizations, previously mentioned in this study, stand out: Legal Christian Relief (SJC), the Archbishop's Legal Protection Office, and the Central Americans University's Institute of Human Rights.
110. Roberto Cuéllar—one of the founders and first directors of the (SJC)—rescues what is considered to be one of the fundamental lines of the work promoted by these institutions, having these guidelines a determining influence in the actions of the armed groups opposing the regime. To face the technical problems posed with the guerrilla groups in El Salvador before obtaining international recognition, regarding if they could be accused of violating human rights and if they should respect the treaties concerning human rights, the statement emitted by the institutions linked to the church was clear for the sake of avoiding an increase of violence: criticize it independently of its origin. "Its statement—says Roberto Cuéllar—was more ethical than legal, much more moral."²⁵ And in it, there is no doubt that the coherent figure and performance of monsignor Oscar Arnulfo Romero Galdámez was fundamental.
111. From that optic, these human rights organizations come out of the mere international legal technicality and in that way surpassed the question about the guerrilla being subject of assuming or not obligations in this matter. What they did was affirm, in first place, that it was ethical and obligatory, that it was morally reasonable and just to demand armed groups for the human rights violations they committed. That courageous position forwarded the ones of other institutions like International Amnesty that in 1986—for reasons of its own nature—continued to sustain at analyzing the Salvadoran case that "with the exception of the groups that had acquired similar characteristics to those of the government, the organization's command did not include making calls to international organizations."²⁶
112. With the above, it is valid to maintain that in the case of the Catholic Church's organizations, their influence over the armed opposition groups had a greater effect on the attention and interest these groups should put on the reduction of violations committed by their forces compared to the moral sorrow of their demands. Those high levels of effective practice were directly related with the objectiveness of their investigations and reports. María Julia Hernández—director since its creation in 1982 of the San Salvador's Archbishop's Legal Protection Office—is categorical in her judgment: "They, (the armed groups) were very much influenced by the Church, by monsignor Romero, and even more so by monsignor Rivera regarding the leftist war has and that there is no adequate method to be used when it violates the people's human rights."²⁷
113. The summary done by Florentín Meléndez—among the first lawyers of SJC and head of the United Nations Human Rights Representation in El Salvador—about these two forms of actions of the humanitarian organizations is the following: "The work of the Church was frontal facing the violations attributed to both parts of the conflict. It is clear, as it is obvious in an internal war that, speaking quantity wise, violations were more inclined to the side of the Armed Forces and less to the guerrilla side, but they were not less important for that; severe violations to humanitarian rights and to human rights were proven on both sides. That cannot be affirmed with that certainty over the statement presented by CDHES (El Salvador's Non-governmental Human Rights Commission) in that moment, not because they did not investigate but because of the existence of communication vessels between the Commission and the FMLN. Nevertheless they posed, more than once, FMLN abuses, but not with the magnitude done by the Church.

²⁵ Interview carried out on June 6, 1999

²⁶ International Amnesty, 1986 Report, pp.153-157

²⁷ Interview carried out on June 28, 1999

The work of the CDHES was not totally impartial, this being one of the requirements for the work on human rights from the governmental and non-governmental perspective, above all, during the bellicose conflict."²⁸

114. "On the other hand –adds Florentín Meléndez– there was the governmental CDH (Human Rights Commission) which deeply absorbed, throughout the war, a human rights struggle with ideological leanings between the two Commissions, one linked to the FMLN, the other to the army. The only organization that carried out a serious and impartial task was the church. This does not reduce value to the brave work done by the non-governmental human rights organizations in the country".
115. Monsignor Gregorio Rosa Chávez -auxiliary bishop of San Salvador's Archdiocese, both in the epoch of monsignor Romero as well as currently– thinks the following: "Human rights were part of the war; meaning: there were associations that worked on human rights, but to denounce violations attributed to the enemy. Few were the groups that tried doing it in a total impartial way, thinking in the dignity of the people without caring which side they belonged or identified with, their political affiliation or their ideology. Each one of the guerrilla groups had an organization of human rights that defended the rights of its people and denounced what the enemy had done wrong, therefore this must be considered to have been part of the war."²⁹
116. Something that must also be pointed out about the national organizations during the war is that, without any distinction, they dedicated the majority of its efforts to the repression's own problems and to those of the war: actions oriented to defend victims from violations to human rights and fundamental liberties; efforts to alleviate the sufferings of displaced people searching and living in refuges; national and international accusation of the situation. With difficulty could they destinate resources to promote and rapidly spread human rights knowledge.
117. It is fair to mention that there were international humanitarian actors that influenced the guerrilla movement. More than the national actors and the ones of the international organizations –both, the ones of the universal system as from the interamerican one– the international non-governmental organizations were probably the ones that exerted more influence on the activities of the salvadoran armed groups, something that generated, within the civil non-combatant population regrettable consequences. Within these later ones, the previously mentioned International Amnesty and America's Watch, together with the New York's Lawyer Committee, stand out. The preceding information does not seek to minimize or void the paper performed by the United Nation's Human Rights Commission (CDH-UNO) and other organizations belonging to this system, as well as the Interamerican Commission of Human Rights (CIDH).
118. Despite the criticism, sometimes too biased, it is important to notice the important role performed –almost throughout the entire armed conflict– by José Antonio Pastor Ridruejo as special representative of the CDH-UNO. In the same way, the mediator and verification role performed by UNO –after having achieved the signing of the San José Agreement on Human Rights on July 26, 1990, and having installed its observation mission on the territory on July 26 1991– influenced the FMLN's behavior. Finally, it is important to emphasize the work done by the Red Cross International Committee, mainly regarding the transfer, protection and exchange of prisoners, as well as in the localization of arrested-disappeared persons on hands of the security bodies.
119. A synthesis attempt on the demands to the Salvadoran guerrilla from the internal humanitarian actors, is the following extract of a press announcement written by the Application of Rights

²⁸ Interview carried out on July 1, 1999

²⁹ Interview carried out on June 25, 1999.

Study Center (CESPAD); the National Union of Workers and Peasants (UNOC), Institute of Human Rights of the Central American University; Legal Christian Relief "Archbishop Oscar Romero" and the Archbishop's Legal Protection Office.

120. "For its part, the FMLN has also committed numerous violations on fundamental human rights. Many civilians have been forced to collaborate in military activities; others have been obliged to move, others to pay a fee or war tax, others have been kidnapped, executed collectively or assassinated for political reasons. Their acts against public officials, small town mayors or well-known personalities, are unjustifiable acts. Drafting and the incorporation of children to the rows has been frequent and violate also the war laws. The use of land mines in rural areas has left a sequel of deaths and mutilations. The use of the so-called "coches bomba" ("bomb cars") without considering the dimension of harm its use causes within the civil population, deserve equal criticism and condemnation. The FMLN attacks against infrastructure and the forced stoppage of public transportation, besides human victims, have had negative consequences on the economical and social rights of the Salvadorans.
121. "The organizations signing this first document express our profound concern because serious violations against the fundamental rights of the Salvadorans continue to be committed in the country, without the legal system investigating them efficiently and punishing those responsible. We are very concerned also about the fact that after ten years of war, no measures have been taken to prevent and stop the human rights violations. It is untrue that the situation of such rights has improved. Its severe violations persist with evident transgression to the constitution, to the law and to the country's prevailing international rights. While the conflict persists, the belligerent parties, the Salvadoran government and the FMLN, should at least submit at least to the norms of the humanitarian international rights in order to prevent violations against the civil population".³⁰
122. From the international community, both on the part of the universal mechanisms as of the inter-American ones, the demands and recommendations are summed up like this:
 - a. Adopt immediate measures for the eradication of attempts against life, integrity and dignity of the people, outside the battle, as its cause or as its consequence.
 - b. Guarantee respect to the humanitarian norms applicable to non-international armed conflicts, especially concerning the protection of the civil population, people wounded in war and people deprived from freedom as consequence of the conflict.
 - c. Definitely stop the forced drafting.
 - d. Don't place contact mines that may cause death and injuries in the civil population.
 - e. Avoid carrying out any type of indiscriminated urban actions.
 - f. Do not commit outrages on the transportation and communication systems.
 - g. Completely collaborate with the humanitarian organizations dedicated to relieve the sufferings of the civil population, wherever in the country those organizations operate, and permit the CICR (International Red Cross Committee) to continue the

³⁰ Center of Studies for the Application of Rights, et.al. "FIRST DOCUMENT OF THE WORK ABOUT HUMAN RIGHTS AND THE LEGAL ADMINISTRATIO IN EL SALVADOR", CENTRALAMERICAN STUDIES MAGAZINE, No. 500-501, June-July 1999 XLV, pp.560 and 562.

evacuation of war wounded and injured people to where they can receive the needed medical assistance.

2. Obstacles to influence the behavior of the armed groups

123. From conversations held with persons whom in some way or in other were involved in the humanitarian task in the setting of the war, we were able to identify various different obstacles which the human rights organizations had to approach in order to influence the FMLN in this matter. Without seeking to present them in order of importance, what follows is a synthesis of the main ones:

- a. The lack of communication and interlocution with high mandatories of the guerrilla, something that unabled or made extremely difficult the transferring of critical cases of violations to human rights investigated by national humanitarian institutions, mainly those linked to the Catholic Church.
- b. Its clandestine structures that complicated contacts to the interior of the country.
- c. The non-existent structured system to demand all its members respect to human rights, something that favored imunity when disrespectful acts were committed.
- d. When contacts and communication was possible with intermediate commands and with the troop, refusal or resistance existed to opinions and reccomendations of the humanitarian actors.
- e. Biassed handling of the subject. According to Rubén Zamora, ""for theleftists, human rights tend to emerge more like a flag than as a culture. Then the left rapidly learned to manage the language of the human rights like a tool to preassure the government, to denounce the government, to achieve international support. But that human rights' speech was not receiving answers on the practice; children participated in the war, sometimes they killed prisoners, abusses committed against the popultion always received excellent punishments...so, those types of things what they really demonstrate is that there was an non-existent culture of human rights; there was not a total conviction and thus, between what was said and reality there was a gap in the case of the guerrilla".
- f. The lack of internalization of its leaders and combatants about a serious vision towards international humanitarian right.
- g. The ideologization of the subject. According to monsignor Rosa Chávez, there existed an atmosphere "were many thought that human rights equalled the left.". To that regard, Roberto Cuéllar mantains that there was an "emotional and political weight that fell on human rights organizations, in the sense of making us look like appendix organizations of the guerrilla. This was an increasing obstacle we had to face and still, that is still a ballast carried by El Salvador'shuman rights organizations, for they were made to be perceived as a group of bodies exclusively linked to the guerrilla's position".

To hear hastily expresions like the following was not rare during and after the war: "There were events, events were denounced but totally doformed...What happens if you don't belong to a leftist organization or one alike and you experience a villainous trick? Who will speak on your behalf? None of them will move for you; you must better become a member of something in order to receive protection, if not you are doing bad. That political concept ; we must depoliticize human rights, we must depoliticize our own

rights because here we are to be treated as objects and not as individuals; here they want to use us".³¹ That vision –"façades of the Frente"– increased the difficulties to develop the humanitarian labor of the organizations, inclusively to investigate the violations committed by regime opposition, for in many occasions, it was translated in repression and death.

- h. The speech in the mass media, where the membership of the guerrilla was always qualified as "terrorist delinquents " and –for this reason– national and international humanitarian organizations as "defenders of the terrorist delinquents that were causing damage to the Salvadoran nation". A classical example appears in the conclusions of the analysis made by the Salvadoran press, included in the attachments of the Truth Commission's report. At referring to the "Jesuit case", it is said that the victims –within them Segundo Montes– were presented "as leftists, extremists, subversives in a very evident way, before and after their assassination".
- i. Accusations from the other side were also heard, pointing out the humanitarian actors as favorables to the regime when they condemned the violations committed by the insurgence. Despite that it cannot be spoken about an institutionalized policy in this sense, there existed intermediate command positions, and higher ones that did not accept the denotation; that rejection to the criticism sought to lay mechanical and simplistic foundations, such as: "whoever is not with me is against me"; "they are fooling the enemy". Even Monsignor Romero was accused of "burgeois" and "antirevolutionary". Furthermore there was a speech seeking the explanation of the facts: if these were carried out by the army, they were violations to human rights; if they were carried out by the insurgence they were "acts of justice and popular claim for the definite liberation".
- j. The discussion between the human rights organizations about if the guerrilla was or was not subjected of responsibility for the committed violations to human rights.
- k. The difficulties to exhaust the internal resources when violations originated at the opposition armed groups.
- l. The war's background; its "inertia". For Gerson Martínez, "the fact that we were facing a dictatorship, armed despotism; that we were confronting with weapons in our hands, that by itself could be considered in some way, a difficulty. Probably the fact of having been submerged in an armed conflict could have created mental schemes in some partners and some practices that eventually could not have been correct".

124. According to Florentín Meléndez, the bellicose scenery, in a way conditioned things making it seem that it was not that the parts ignored the recommendations, but they assumed them depending on their military needs in order to counteract a combat or to weaken the enemy. Furthermore, –according to the representative of the High Commissioner for Human Rights in El Salvador– "both parties were determined to military defeat the other and, for that, they used a great amount of means prohibited by humanitarian rights. Those situations that occurred in the war were pointed out by the human rights organizations; the problem that existed for it to be obeyed, was the lack of political will".

³¹IDHUCA, Interview made to General Mauricio Ernesto Vargas in November 1993. General Vargas was member of the governmental commission for the negotiation with the FMLN, and signed the final peace treaty.

3. Successful persuasion and prevention efforts before the FMLN

125. The most transcendent conquests of humanitarian labor displayed from the Salvadoran society in this atmosphere, should be considered within the years 1983 and 1989. It was then that mainly, the Archbishop's Legal Protection Office created and developed a practice –whose efficiency was widely demonstrated– for the investigation, systematization, typification and presentation of the cases of human rights' violations committed by the guerrilla before the international organizations, especially, the Red Cross International Committee. From there the possibility of obtaining exchanges of prisoners when –at least during the first two years of the 80's– it is difficult to find this type of event.
126. Without doubt, the preceding constituted a positive constructive advance. At this moment, it can and must be interpreted like a practice that inclusively helped humanitarian organizations in other countries with human rights problems generated by both factions; such is the case of the conflicts in Colombia, Perú, Guatemala; the Salvadoran practice of investigating, systematizing and organizing the information in the means of defending victims from political, institutionalized and insurgent violence, is what Roberto Cuéllar calls "a jurisprudence in international right, in the practice of the international protection of human rights".
127. Concerning the repercussions of the efforts of the national humanitarian actors within the institutions of the universal system, the work done with the special representative of the CDH-UNO, stands out. The supervision and the control coming from the United Nations extended when in 1981, Pastor Ridruejo was named special representative of the CDH-UNO. At the beginning, it was difficult for this officer to adapt and to acknowledge to that moment's reality, especially when he tried to depoliticize and disideologize the analysis of the situation of human rights. But he had the vision and the ability to incorporate in his studies the practice of the human rights organizations, especially that of the Archbishop's Legal Protection Office; in that way, Pastor Ridruejo acted righteous, as he got international attention for the responsibility concerning the guerrilla of respecting specific norms of the Geneva Agreement, especially of Protocol II, applied to this type of conflict.
128. This outstanding event, is in a high degree an important success of the national humanitarian labor and the so much creative combination –opening of the international officer and capacity of an internal proposal– had repercussions on the behavior of the FMLN. The first two reports of Pastor Ridruejo were severely criticized by the guerrilla in Geneva; afterwards a more fluid, interesting and close relationship began. That made the United Nations' organizations to open more to the practice consideration and to the following behavior of the guerrilla on human rights matters, something that increased when, in 1990 a minimal agenda was planned for the negotiations between the belligerent parties. From then on, the guerrilla became even more compelled in explaining, within the background of that process, its behavior concerning human rights; no longer was it submitted to regular controls of individual and collective procedures of the United Nations, but to the face of that new dynamic oriented to give end to the war in El Salvador. The first substantial commitment of that process was, precisely, the already mentioned "San José Human Rights Agreement".
129. Without doubt, Pastor Ridruejo played an important role that –probably– it couldn't have been such without the participation of some human rights groups, that with patience and creativity, were able to take advantage of the resources. In this way, the special representative of the CDH-UNO in El Salvador set himself up as the useful and effective means through which what was said by the church and by some human rights organizations in El Salvador concerning the behavior of its combatants, was transferred to the insurgent representation in Geneva.

130. It was an achievement, in that way –despite the difficulties– that the job of the Salvadoran and international humanitarian organizations supervising the situation in the field, was able to influence characteristically abusive behaviors of the guerrilla, such as the assassinations for political reasons, the occupation of properties, the taking of hostages, the kidnappings, and the forced drafting of boys, girls and adolescents. These categories include the most significant achievements of the policies promoted by the human rights organizations, oriented to restrain the violations to human rights.
131. The director of the Archbishop's Legal Protection Office, affirms the above, when sustaining that "a lot of influence was placed on not dehumanizing more the awfulness of the war. In general, much was achieved with the FMLN, for it stopped using the 'car bombs' as a method of war and responded to some cases because we submitted them directly to them. Something was done that is to say; it was not a 100% since it was very difficult for they had a clandestine structure and we could only negotiate outside El Salvador. Contacting them was difficult, but we did contact them outside the country and we demanded the respect to human rights".
132. To that concern, monsignor Rosa Chávez thinks in the following way: "I think that this is not so mathematical. It was a process in which society entered little by little into a vision where humanitarian behavior started to be accepted. On the other hand, this became a tool of international pressure in which respect to human rights was demanded to the armed actors or accusations were reported in this matter. In all this, the international context is another clue element for the Salvadoran case".
133. The former guerrilla Gerson Martínez, affirmed the existence of "diverse moments because when there were incorrect practices or when these were pointed out as being violations, the FMLN was always sensitive. I think that almost throughout the war, the FMLN had an error-correction practice because when civil war begins the FMLN had a lot of understanding of human right matters. I would say that throughout the conflict, the FMLN had to be receptive to this type of denotations".
134. According to the now deputy Medrano, the guerrilla was more receptive and better understood the denotations made by the humanitarian organizations. The example he uses is the Truth Commission's result. "Despite that the guerrilla had a armament and number disadvantage, the Commission that evaluated the human rights violations in the country said that 90% of those violations were committed by the army and the rest, the guerrilla; in other words, there was more acceptance and understanding of the guerrilla than of the army", he maintains.
135. "I think –asserted Medrano– that many more violations would have occurred, many more assassinations of people accused of being informants, many more assassinations of mayors, inclusively a more indiscriminated use of explosives and attacks to military barracks, and much more on the hands of the guerrilla if pressure coming from the organizations regarding the respect of international regulations, both the Geneva Agreements as well as the basic principles of child and man respect, hadn't existed".
136. According to his personal view, Roberto Cuéllar says that "unlike other situations occurred in the world, especially in Latin America, El Salvador's constitutes an example that it can now be described, noted, and unfolded as a constructive success; an example inasmuch in a moment when the valuable activities of Legal Protection and other human rights organizations were still unclear, it was probably the first country that placed the guerrilla organizations and the government agents in the same scale". This defined posture was strengthened with the French-Mexican declaration of August 1981, which became a useful tool for the work of Christian Legal Relief as –despite the accusations– it placed the FMLN in a situation from which, now formally, could not evade the questioning to its actions when going against the international humanitarian

rights applied to El Salvador. This would probably not have been achieved without the brave and constant demand that, above all since 1977, some humanitarian rights organizations have been developing.

CONCLUSION

137. Throughout the 80's, the human rights situation in El Salvador improved progressively. This affirmation should be properly understood, for inclusively today –seven years since the end of the war– nobody, with a minimum of objectivity and honesty can affirm that one of the greatest objectives established at the beginning of the negotiation process in April 1990, is at least halfway achieved: the unconditional respect to human rights. Economic and social inequalities are still remain and have become more profound, impunity continues, and social violence has increased to a point that El Salvador has been considered the most violent country in Latin America. But reality was another one in that decade: a war developed between two political-military enemies that had enough armed power to maintain a confrontation without defeating each other but with all the capacity to damage the civil population. It is not valid at this point to enter quantitative or intentionability discussions; the case is that the people that did not participate in military combats resulted to be the worse victims of the strategies of both sides.
138. And war had to be "humanized" in all possible measures. In this background, actors and actresses –without having experience at the beginning, nor technical knowledge, without knowing the "Olympus" of the international organizations and lacking the diploma to belong there– appeared on the scene and used their bravery and their commitment with life and with human dignity to denounce whoever and wherever, if and only if, having certain responsibility in acts contrary to those elevated values.
139. It corresponded to this unique and sometimes strange species –that of the defenders of human rights in those circumstances– to launch in all directions, first from the country's pulpit and from the lecture room, the desperate scream of a nation submerged in the terror of institutionalized repression, of the revolutionary violence and of military combats between the armies. That same species had, afterwards, to penetrate into the international atmosphere in order to say what was really happening.
140. In that effort, sometimes easier to understand and support when the accused is an authoritarian and brutal regime, innumerable difficult situations had to be confronted: since the certain possibility of becoming another victim of the official terror up to the incomprehension and refusal of whom were supposedly somewhat identified and close to their cause. One of those situations was generated and developed, precisely when coherence demanded the denunciations of the wrongdoings of the insurgent forces –assuming popular representation– caused on the civil non-combatant population.
141. Despite the big and small problems, it was due to these efforts –incorruptible and undecisive– that at the end were able to gather a capital of credibility and prestige, capable of allocating its impellers –men and women– as essential speakers in whichever place, when seriously intending to discuss and search a solution to the critical situation of human rights in El Salvador. That accumulated capital served also to impose over who pretended to justify their condemnable actions raising the human rights' flag.
142. All this did not happen from one moment to another, but there were progressive advances in the middle of that turbulent ocean of violence and incomprehensions. Monsignor Romero farewelled from his flock ordering a cease to the repression against the people to whom they were determined to maintain –independently of the blood that could spill and the sufferings that could

be caused— an unsustainable situation; but before that he had pointed out the errors to the insurgence. It was not well seen by some and by others, but he left established what the real task should be for the dignity of all the people in El Salvador. Having this clear, to his heirs and heiresses it corresponded only the maintenance of loyalty to that legacy; that is the reason for which they could contribute. In this way, ten years after his death, the martyr pastor passed atop the negotiating parts —holding hands with Marianela, Segundo, and many more— to recall the journey that, since more than a decade ago, and during all that time, had to be embarked: the search for the respect to human rights of all men and women in El Salvador.