

Summons

Inter-American Court of Human Rights

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Inter-American Court visited the Mozote Department, with the purpose of supervising compliance with a judgment

San José, Costa Rica, 6 September 2018.- On 27, 29 and 30 August a delegation of the Court and from the Registry carried out a due-diligence to supervise compliance with the judgement issued in the case of the *Massacres of el Mozote and nearby places v. El Salvador*. During those days the delegation received information as regards compliance with the measures of reparation ordered in the judgment issued in 2012. The delegation that went to the Morazán Department was composed of Judge Humberto Antonio Sierra Porto as the acting President, Judge Eugenio Raúl Zaffaroni, Alexei Julio Estrada, Legal Director of the Court, as well as members of the Registry's Supervision Unit. On 27 August Judge Elizabeth Odio Benito was also present in the meeting which was held in San Salvador (see *infra*).

The program of activities to be carried out during the visit was jointly proposed by the State and the legal representatives of the victims (CEJIL and the Office for legal guardianship Dra. María Julia Hernández). Additionally, the Directorate General of Human Rights of the Ministry of Foreign Affairs dealt with all the necessary issues concerning the organization and calling the several state authorities which were to take part in the visit.

In the aforementioned judgment, taking into account the acknowledgment of international responsibility made by El Salvador, the Court declared the responsibility of the State for the human rights violations perpetrated by the El Salvador Armed Forces in the massacres committed from 11 to 13 December 1981 in El Mozote, la Joya Department and Ranchería, Toriles and Jocote Amarillo, as well as Cerro Pando Department and in a cave in Del Cerro Ortiz from the Morazán Department. In those places a series of consecutive massive, collective and indiscriminate killings against defenseless people were committed. They were directed to civil population or non-combatant in the framework of an alleged counter-insurgency operation which belonged to a policy of "devastated land", planned and executed by the State. The majority of victims were children. Acts of sexual violence were also perpetrated by military against women living in El Mozote village. Entire family units were destroyed. The survivors were victims of enforced displacement and the social structures were deeply affected. Additionally, the Court stated that El Salvador had not complied with their international obligation to investigate, prosecute and punish the perpetrators of the gross human rights violations occurred during the massacres.



I. Meeting concerning the payment of compensation to the victims

On 27 August in the night a meeting was held in San Salvador concerning the supervision of compliance with the measures of reparation as regards the payment of compensation to the victims for moral and material damages. The Court received information concerning the identification of victims through the "Unique Registry of victims of gross human rights violations and victims' relatives of the Massacres of el Mozote and nearby places". On behalf of the State the following authorities, *inter alia*, took part in the meeting: the General Directorate of Human Rights of the Ministry of Foreign Affairs, the governing board of the aforementioned Registry and the technical and planning Secretariat of the President.

II. Due Diligence in the 2nd Court of First Instance of San Francisco de Gotera

On Wednesday 29 August in the evening the Delegation of the Court visited the Second Court of First Instance of San Francisco de Gotera with the purpose of obtaining updated information as regards the compliance with the third measure of reparation stated in the judgment, which ordered the State to "initiate, expedite, re-open, supervise, continue and conclude [...] the investigations into all the facts that resulted in the violations declared in this Judgment, in order to identify, prosecute and, as appropriate, punish those responsible". In particular, this visit allowed the Court to obtain information directly from the Judge of the Second Court of First Instance of San Francisco de Gotera, who is in charge of the criminal proceedings which are currently pending concerning the crimes committed during the El Mozote massacres and nearby places. The Judge also provided the Court with information as regards the exhumations, identification and delivery to the victims' relatives of the remains of the people that had been executed.



III. Visit to El Mozote

On 30 August in the morning the El Mozote community received the visit of the Court's and Registry's delegation. The purpose of the aforementioned visit was to directly verify in the field the level of compliance with the measures of reparation ordered in the judgment concerning the obligation of the State to "implement a development program for the communities of the village of El Mozote, the canton of La Joya, the villages of Ranchería, Los Toriles and Jocote Amarillo and the canton of Cerro Pando" and to "implement a permanent and comprehensive program of physical, mental and psychosocial care and attention".



The visit was inaugurated in the Monument in memory of the victims of the massacres. Firstly, Miss Dorila Máquez de Márquez –victim and representative of the Association Promoting Human Rights in El Mozote–gave a speech. The speech was followed by the intervention of the Presidency's Commissioner for Human rights and the Culture Minister. Subsequently, Judges Zaffaroni and Sierra Porto issued their statement. Afterwards the artistic group EJEKAT interpreted a song concerning the violations committed in this case. Lastly, the executive Director of the Salvadorian Institute for Women Development gave the judges and the Inter American Commission's representative a kit containing material which had been created in compliance with the judgment. The Court's delegation also walked through the Monument in memory of the victims of the massacres and the "Innocents' garden".

Later the Court's and Registry's delegation initiated a tour during which they visited the Community Unit of family health in El Mozote, a school under construction in El Mozote and a paved street. During this tour, victims and victims' representatives also took part. They all made their observations as regards the compliance with these measures of reparation under supervision. In the same way, a big State delegation composed of, *inter alia*, the Minister of Education, the Vice Minister of Health and the Vice Minister of Public works took part in the tour.



These type of due diligences have as an advantage the possibility to allow the Court to be closer to the victims in order to obtain information directly from them and from their representatives, get to know the situation in which they live and the circumstances surrounding the compliance with the measures of reparation. Additionally, the visit allows the State authorities and civil servants to give explanations concerning the implementation of the measures of reparation and facilitates the direct contact between the victims and the state authorities, with the aim of identifying obstacles, finding solutions and reaching concrete commitments to comply with the above-mentioned measures of reparation.



IV. Meeting at the Arambala Communal House

After the tour, a meeting was held in the Arambala Communal House, where the Court's and Secretary's delegation obtained information as regards the measures of reparation concerning the obligation to investigate, prosecute and punish those responsible for the serious human rights violations committed, the lifting of human remains of the victims of the massacres and as regards the measures of collective reparation that were supervised during the visit, as well as other aspects that were not mentioned during the visit. A large State delegation took part in the meeting. This delegation was composed of the State authorities previously mentioned as well as, *inter alia*, the Presiding Judge of the Criminal Section of the Supreme Court of Justice and of the Governing Board of the Legal Medicine Institute, the Coordinator of the "Group of Prosecutors in charge of the investigation of the crimes committed during the internal armed conflict" which belongs to the General Prosecutor's Office of the Republic, the Head of the Department of Anthropology of the Legal Medicine Institute. Additionally, the victims and their legal

representatives expressed their concerns and requests and submitted their observations as regards the progress of the compliance with the measures of reparation.

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All the information and observations submitted during the due diligence of supervising compliance with the judgment will be sent to the members of the Court so that they subsequently issue a decision assessing and determining the level of compliance with the measures of reparation.

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The Inter American Court thanks the financial cooperation of the Heinrich Böll Foundation and the Kingdom of Norway to carry out this visit and to support the task of supervising the compliance with the Court's judgments.

This release was produced by the Secretariat of the Inter-American Court of Human Rights, which has the sole responsibility to do so.

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