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Visit to El Salvador

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence*

Summary

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, presents his report on his visit to El Salvador from 23 April to 3 May 2019, in which he examines the progress made in the implementation of transitional justice measures to address the serious human rights and international humanitarian law violations committed during the armed conflict.

The report acknowledges the progress made following the signing of the El Salvador Peace Agreement (the Chapultepec Agreement) in terms of truth and guarantees of non-recurrence, the more recent initiatives in the search for adults and children who have disappeared, the public apologies issued and the initial steps taken to move forward with the criminal investigation of the violations committed during the armed conflict. However, the report also highlights setbacks and delays that are cause for great concern, such as the impunity mechanism that lasted for more than two decades after the adoption of the Amnesty Act and the slow pace of criminal investigations after the Act was declared unconstitutional; the obstacles to gaining access to the military archives; the inadequacy of the reparation and historical memory processes; and the bills on national reconciliation debated in the Legislative Assembly. The report emphasizes the abandonment of the victims more than 30 years after the end of the conflict and urges the Government to move forward with those aspects of the transitional justice agenda that are still pending.

The report concludes with recommendations addressed to the Government, the international community and civil society institutions.

* The summary of the present report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in English and Spanish only.



Annex

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his visit to El Salvador

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Introduction

1. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, conducted an official visit to El Salvador from 23 April to 3 May 2019 at the invitation of the Government. The Special Rapporteur thanks the Government for the invitation and for the extensive and efficient cooperation provided in the preparation of the visit and during the visit itself. He also extends his thanks to the regional and country offices of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the valuable support received.
2. The objective of the visit was to see and assess the measures adopted by the Salvadoran authorities in the fields of truth, justice, memory, reparation and guarantees of non-recurrence to address the serious human rights and international humanitarian law violations committed during the armed conflict. The visit was aimed at developing a broad view of the various initiatives adopted, identifying best practices and determining problems and challenges.
3. The Special Rapporteur visited San Salvador, Morazán, La Paz and San Vicente. The visit provided an opportunity to meet with State officials, victims of the armed conflict and their relatives, representatives of various civil society organizations, academic and religious institutions, and representatives of United Nations agencies, international and regional organizations and the diplomatic community.
4. The Special Rapporteur also carried out field visits to memorial sites, such as the monument to memory and truth in Cuscatlán Park, the monument and memorial at the site of the El Mozote massacre, the memorial site of the El Calabozo massacre, the memorial to the San Francisco Angulo victims, the mausoleum for Monsignor Romero and sites holding historical archives of the armed conflict, such as the Human Rights Office at the Archbishop's Office in San Salvador and the Monsignor Rivera y Damas Documentation Centre and Archives.
5. Over the course of the visit, the Special Rapporteur had the honour to meet with the President of the Republic, Salvador Sánchez Cerén, and the Vice-President elect of the Republic, Félix Ulloa, and with officials of the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Justice and Public Security, the Ministry of Education, the Ministry of Health, the Supreme Court, the Legislative Assembly, the Office of the Attorney General of the Republic, the Office of the Human Rights Advocate, the Public Information Institute, the Secretariat for Transparency and Anti-Corruption, the Communications Secretariat of the Office of the President, the Technical and Planning Secretariat of the Office of the President, the Secretariat for Social Inclusion, the National Commission on the Search for Adults Who Disappeared in the Context of the Armed Conflict in El Salvador (the National Commission on the Search for Disappeared Adults), the Monitoring Commission for the El Mozote judgment and the National Reparations Programme for Victims.
6. The present report focuses on the situation as it was during the visit, although some specific references are made to some subsequent developments. The report was sent to the Government for comments on 21 April 2020 and was completed on 18 June 2020.

I. General impressions

7. The Chapultepec Agreement ended the armed conflict that had ravaged the country from 1980 to 1992. Twenty-seven years later, the pain caused by the events of those years and their impact on the people of El Salvador are still evident. Although the Peace Agreement led to a series of positive institutional reforms that sought to steer a peace process underpinned by the rule of law, the effects of the failure to fully implement the transitional justice project outlined in the Agreement are now being felt.
8. At the start of the transition, the Government, with the support of the international community, made significant advances in terms of truth and guarantees of non-recurrence. In 1993, the Truth Commission, backed by the United Nations, published a report documenting the cases of more than 75,000 people who had been tortured, killed or disappeared during the armed conflict. The Commission recommended that those

responsible should be brought to justice. The conclusions of the Truth Commission and the initial criminal prosecutions in certain cases of violations that had occurred during the conflict gave hope to thousands of victims. At the same time, a reform process was undertaken to strengthen the legal and institutional framework of the State and to transform certain political, judicial and security bodies.

9. However, with the adoption of the General Amnesty (Consolidation of the Peace) Act in 1993, an impunity mechanism was put in place that lasted more than two decades, and whose effects are still being felt today. This impunity mechanism was accompanied by a widespread and institutionalized system, aimed at denying the past violations and causing them to be forgotten, that gouged deep rifts in the social fabric and collective narrative of the Salvadoran people. In this process, the victims of the abhorrent crimes of the past were forgotten and rendered invisible.

10. Over the last decade, a series of legislative, judicial and public policy measures were adopted that gave renewed momentum to the Salvadoran transitional justice process. The ruling of the Constitutional Division of the Supreme Court (44/2013 and 145/2013) on the unconstitutionality of the Amnesty Act is undoubtedly one of the most important advances. Other advances include the creation of the National Commission on the Search for Children who Disappeared during the Internal Armed Conflict (the National Commission on the Search for Disappeared Children) and the National Commission on the Search for Disappeared Adults; the creation of a group of prosecutors responsible for investigating the events of the armed conflict; the adoption of a criminal investigation policy for crimes against humanity and war crimes committed in the context of the armed conflict; the issuing of public apologies; the reopening of some of the legal proceedings that had been held up during the years of impunity; and the judicial progress made in the case of the El Mozote massacre.

11. Other measures, however, are cause for great concern, such as the proposed draft of the national reconciliation law presented within an ad hoc commission in February 2019; the slow pace of the Office of the Attorney General in investigating violations of human rights and international humanitarian law committed during the armed conflict; the obstacles to accessing military files from the years of the conflict; and the inadequacy of the reparation and historical memory processes. To a great extent, the gaps and delays in transitional justice are due to the lack of a State policy to this end.

12. The Special Rapporteur acknowledges the progress made and urges the State, the current administration and the three branches of government to move forward with those aspects of the transitional justice agenda that are still pending. Much remains to be done. The effective search for the truth about past violations, the search for disappeared persons, the punishment of those responsible, reparation for victims, intersectoral and intergenerational debate on the events of the past and the recognition of a historical memory common to all Salvadoran society will make it possible to recover confidence in the State and its institutions and trust among all members of society.

13. The current violence and rifts in the social fabric are clear examples that society cannot move towards a future of peace and progress without addressing the difficulties of the past and learning from its mistakes.

II. Right to truth

A. Search for and identification of disappeared persons

14. In addition to the initial work of the Truth Commission, the State has in recent years made progress in adopting a number of measures aimed at establishing the truth and searching for the large number of people who disappeared during the conflict, including children.

15. The National Commission on the Search for Disappeared Children was established by presidential decree in 2010 in compliance with the ruling of the Inter-American Court of

Human Rights in the *Serrano Cruz Sisters* case.¹ The Commission is responsible for investigating and determining the whereabouts and situation of disappeared children and facilitating reunions with their families of origin. The Commission has achieved significant successes in finding children alive and reuniting them with their families.

16. In September 2017, a further presidential decree established the National Commission on the Search for Disappeared Adults, with a mandate to investigate, locate, exhume, identify and return the skeletal remains of persons who disappeared at the hands of the State during the conflict. The Commission is made up of a team that includes researchers and psychosocial support staff; the team works efficiently but is not large enough. A request to hire additional personnel is pending approval at the Ministry of Foreign Affairs. The commission has begun to carry out exhumations but, despite its mandate, it does not have the capacity to carry out technical genetic or forensic work. The Institute of Legal Medicine, which reports to the Supreme Court, does not have certified officials or sufficient staff to provide effective assistance in this task.

17. In 2018, the two search commissions were unified under a single mechanism, with the aim of determining the whereabouts of disappeared persons and facilitating family reunions or the return of remains.² The commissions are attached to the Ministry of Foreign Affairs. The Government reports that the commissions are administratively and operationally independent.³ Each commission is made up of three commissioners, who exercise their functions *ad honorem* and are elected by the President of the Republic, victims' committees and human rights organizations. Staff from the investigation units of both commissions took part in forensic training sessions in March 2019.⁴

18. As at July 2019, the National Commission on the Search for Disappeared Adults had registered a total of 329 cases; it had investigated 259 and resolved 93. According to the register of cases, 73 per cent of children who disappeared during the conflict were children aged up to 8 years, thus confirming that very young children were the main victims.

19. Victims' organizations have requested that both commissions be given formal statutory status, so as to ensure their legal sustainability and the allocation of the financial, human and technical resources needed for their operation. Both commissions have submitted a bill to this end to the executive branch.⁵ The Special Rapporteur joins in this request and stresses the key role that these organizations should play in searching effectively for disappeared persons and responding to the long wait of their families. The Special Rapporteur also recalls that in cases where disappeared persons are found to be deceased, their remains should be duly identified and handed over in a dignified manner to their families for the mourning process.

20. The Government has not yet established legal mechanisms to regulate exhumations carried out as part of investigations into enforced disappearances. This situation should be remedied quickly in order to ensure that proper support is provided for the work that the National Commission on the Search for Disappeared Adults is doing in this area.

21. Over the course of his visit, the Special Rapporteur received disturbing testimony about the role allegedly played by the "Ladies of the Red Cross", members of the Salvadoran Red Cross Society, in the transfer and placement in families other than their own of children taken during the armed conflict. Particulars about children given up for adoption and their destination are reportedly held by that association and such information could help in establishing their whereabouts and reuniting them with their biological families. However, despite the efforts made by civil society organizations, victims' families have not been able to gain access to this important information.

¹ *Serrano Cruz Sisters v. El Salvador*, Judgment of 1 March 2005 (Merits, Reparations and Costs), Series C, No. 120.

² *Revista Re-Cordis*, No. 14, July 2019, p. 8.

³ *Ibid.*, p. 3.

⁴ *Ibid.*, p. 13.

⁵ http://www.oas.org/en/iachr/media_center/PReleases/2019/335.asp, p. 5.

B. Collection of testimonies and forensic investigation

22. Some victims and victims' families have given testimony in the context of complaints that have been brought. However, there does not appear to be a systematized mechanism for the collection of testimonies from victims, not only for the purposes of criminal investigation and prosecution, but also to preserve the historical memory of the events and to aid in the search for disappeared persons. The lack of a national genetic databank and of a certified forensic anthropology and genetics team makes search and criminal investigation work more difficult.

23. It is important that the national authorities take on these tasks. In addition, States and agencies providing international cooperation can play an important role by providing technical collaboration and training in building these highly complex capacities, including with regard to forensic training and equipment and to the collection and systematization of testimonies.

24. During the visit, the Special Rapporteur was informed that the Legislative Assembly was working on a bill for the creation of a register of genetic information and other identifying data, and on a bill to convert the Institute of Legal Medicine into an institute of forensic science, with provision for training of its members and certification of its services. The bills were submitted in September 2015 and June 2018 respectively.⁶ In September 2019, civil society organizations presented a preliminary bill for the creation of a national genetic databank. The Special Rapporteur notes the importance of making rapid progress in the adoption of legislation on these issues, while ensuring prior and effective consultation with victims and civil society organizations.⁷

C. Archives

25. One clear obstacle in the search for truth is the impossibility of accessing the military archives from the period of the armed conflict. Despite requests from the Attorney General's Office, the court handling the El Mozote case and the Constitutional Division of the Supreme Court (in its 2018 follow-up order concerning the ruling on the unconstitutionality of the Amnesty Act), the Ministry of Defence has refused to hand over the files, arguing that the archives do not exist or have been destroyed. Such arguments are unacceptable given the laws of the time requiring documentation of military actions conducted during the war⁸ and the testimony from high-ranking military personnel in ongoing legal proceedings who affirm the contrary. In the face of this refusal, the Attorney General's Office and the courts concerned did not pursue other types of action to gain access to the archives, despite their broad investigatory powers.⁹

26. The Public Information Institute instructed the Ministry of Defence to reconstruct and hand over the information; the Ministry has not yet complied and has sought an injunction from the Administrative Litigation Division of the Supreme Court. On 31 May 2019, outgoing President Sánchez Cerén approved by presidential decree the creation of the Military Archives Review Commission.¹⁰ In its explanatory memorandum, the decree refers to the recommendations of the Inter-American Court of Human Rights, the Constitutional Division of the Supreme Court and the Special Rapporteur's end-of-visit statement.¹¹ The Commission is to be composed of a representative appointed by the President, another

⁶ www.observatoriolegislativo.org.sv/images/ARENA_ADN.pdf and www.asamblea.gob.sv/sites/default/files/documents/correspondencia/F45B9766-73A1-481B-B320-001262B80DF7.pdf.

⁷ www.probusqueda.org.sv/pro-busqueda-presento-una-propuesta-de-ley-del-banco-nacional-de-datos-geneticos-bndg/.

⁸ The Organic Act on the Ministry of Defence, of 1961, establishes that: "In times of war, the organization, jurisdiction and missions of the operational units shall be established in written orders and directives prepared by the General High Command of the Armed Forces" (art. 44).

⁹ www.pddh.gob.sv/civiles/wp-content/uploads/2019/04/InformeSeguimiento-a-situaci%C3%B3n-de-v%C3%ADctims-de-graves-violaciones-a-derechoshumanos234-1.pdf.

¹⁰ www.jurisprudencia.gob.sv/DocumentosBoveda/D/2/2010-2019/2019/05/D516C.PDF.

¹¹ www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24557&LangID=E.

appointed by the Ministry of Defence, a representative of human rights organizations (chosen by the President from a list of three candidates submitted by those organizations) and the Presidential Human Rights Commissioner. The Special Rapporteur welcomes this initiative and hopes that the Commission, which has not yet been set up, will be operational soon.

27. The Special Rapporteur has also received information about difficulties in gaining access to the files of the Truth Commission report of 1993. Of the three recorded copies, only the archives deposited with the United Nations have been confirmed. However, issues related to the confidentiality of the testimony recorded in the files and the need to digitize and copy the archives currently restrict access.

III. Justice

A. National Reconciliation Act

28. In 2017, the Governing Board of the Legislative Assembly established an ad hoc commission to study the implications of the ruling that invalidated the General Amnesty Act. The commission faced strong criticism because of: (a) its mandate, which includes interpreting the implications of the ruling, a task which cannot and should not be a prerogative of the legislative branch; (b) its composition, as four of its members presented a conflict of interest; and (c) the lack of transparency and effective participation by victims and civil society.

29. In February 2019, the chair of the commission submitted a proposal for a national reconciliation law containing provisions that in practice would lead to a de facto amnesty through the application of statutes of limitations, restrictive deadlines for criminal investigations, the elimination of prison sentences and the granting of sentence-reduction benefits without preconditions. The proposal was strongly criticized, including by OHCHR,¹² the Inter-American Commission on Human Rights¹³ and the Special Rapporteur during his visit. As a result, the bill was withdrawn and the ad hoc commission ceased its operations, which were delegated to the Political Commission of the Legislative Assembly.¹⁴

30. New draft laws debated in the Legislative Assembly also included provisions contrary to international law, prompting further reactions from the Special Rapporteur.¹⁵ In February 2020, the Legislative Assembly adopted the Special Act on Transitional Justice, Reparation and National Reconciliation (Decree No. 575). The Act included measures relating to reparation, historical memory, the search for truth and access to archives, but it also contained impunity mechanisms such as the commutation of sentences for those responsible for violations, in some cases by up to a quarter of the original term, and the imposition of a time limit of only one year for the Attorney General's Office to investigate allegations of violations. The Act was vetoed days later by the President for failing to comply with the requirements of the ruling of unconstitutionality 44/2003 and 145/2013.

31. The Special Rapporteur notes with concern that the various drafts and discussions surrounding the National Reconciliation Act include legal provisions that are reprehensible under international human rights law, such as statutory limitations, measures to exclude responsibility and measures intended to replace, eliminate or void the effects of a conviction for serious human rights violations.

32. In this connection, the Special Rapporteur recalls that the jurisprudence of international and regional human rights courts establishes the obligation to prosecute and punish, with appropriate penalties, the perpetrators of gross violations of human rights and

¹² www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=24267&LangID=E.

¹³ www.oas.org/es/cidh/prensa/comunicados/2019/104.as.

¹⁴ elmundo.sv/se-desactiva-sin-propuesta-la-comision-ad-hoc-de-amnistia/.

¹⁵ www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24619&LangID=E.

prohibits the adoption of measures aimed at perpetuating impunity.¹⁶ The Human Rights Committee considers unacceptable the exemption of perpetrators of serious human rights violations from personal legal responsibility through amnesties and prior immunities,¹⁷ while the Inter-American Court of Human Rights considers inadmissible the establishment of amnesties, statutes of limitations and measures aimed at preventing, or voiding the effects of, a conviction,¹⁸ and the establishment of exclusion of liability clauses that seek to impede the investigation and punishment of perpetrators.¹⁹ They also establish that penalties imposed for crimes against humanity must be commensurate with the gravity of the crimes committed.²⁰

33. The Special Rapporteur is also concerned that some of the bills presented provide for the application of the principle of the “discretion to prosecute” – as set out in the Code of Criminal Procedure – to serious human rights violations. The application of the principle entails the discontinuance of criminal proceedings against those responsible for human rights violations who collaborate with an investigation and rules out from the outset any possibility of criminal prosecution or sanctions against them. In this way, discretion to prosecute acts as a form of amnesty or “prior immunity” (from criminal prosecution and punishment) and is therefore contrary to international human rights law. It is important to emphasize that the Code of Criminal Procedure of September 2018, which deals in great detail with the discretion to prosecute, expressly mentions that the concept is a response to the increase in organized crime; it is explained in various parts of the text that its use is justified in relation to that crime in particular.²¹ The Code of Criminal Procedure also clarifies that the application of the principle of the discretion to prosecute and, of course, the discontinuance of criminal proceedings are not justified in the case of serious human rights violations.²² In this sense, its inclusion in a national reconciliation law and its application to serious violations committed during the armed conflict is unlawful.

34. Twenty-seven years after the end of the armed conflict, it is hard to see why impunity mechanisms such as those proposed in these bills could be considered legitimate or even necessary in political terms in El Salvador. Neither are they legal. The conviction and effective punishment of those responsible is an obligation of the State towards the victims and society that cannot be evaded through legislative decisions that are contrary to international human rights law, which would once again place the State in a position of unlawfulness.

35. While it is understandable that there is a need to encourage the provision of information in order to establish the truth about the violations that occurred or to find out the whereabouts of the victims and a need to adopt criminal prosecution strategies – since it is not feasible to prosecute each and every one of the perpetrators (direct perpetrators, instigators, participants) – these objectives cannot be achieved through impunity mechanisms that violate the right of victims to an effective remedy.

36. The Special Rapporteur also emphasizes that, while it is legitimate for the families of disappeared victims to wish to facilitate mechanisms that allow them to learn the truth about the violations suffered and to discover the whereabouts of their relatives, family members should not have to choose between truth and justice. The State has an obligation to satisfy both rights and cannot subsume one into the other. This dichotomy between two

¹⁶ General comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 18.

¹⁷ Ibid.

¹⁸ Inter-American Court of Human Rights, *Barrios Altos v. Peru*, Order of 7 September 2012, Monitoring Compliance with Judgment, para. 54; and *Manuel Cepeda Vargas v. Colombia*, Judgment of 26 May 2010 (Preliminary Objections, Merits, Reparations and Costs), Series C, No. 213, paras. 152 and 153.

¹⁹ *Barrios Altos v. Peru*, para. 41.

²⁰ International Tribunal for the Former Yugoslavia, Judgment, *Prosecutor v. Dražen Erdemović*, Case IT-96-22-A, Appeals Chamber, 7 October 1997, p. 7; Inter-American Court of Human Rights, *Vargas Areco v. Paraguay*, Judgment of 26 September 2006, Series C, No. 155, para. 108; *Barrios Altos v. Peru*, para. 54; *García Ibarra et al. v. Ecuador*, Judgment of 17 November 2015 (Preliminary Objections, Merits, Reparations and Costs), Series C, No. 306, para. 167.

²¹ www.cnj.gov.sv/images/documentos/pdf/publicaciones/codigo_procesal_penal_comentado_v1.pdf.

²² Ibid.

inalienable rights is as fallacious as it is illegitimate. The victims and their families are entitled both to the truth and to justice for the violations suffered; forcing them to choose between the two rights is clearly unacceptable.

B. Criminal investigation and prosecution

37. Since the Amnesty Act was declared unconstitutional, various criminal cases have been opened, most of them derived from complaints submitted by victims. Emblematic cases such as the El Calabozo massacre, the killing of the Jesuits and the execution of Archbishop Romero were reopened, although no progress has been recorded. Lack of will on the part of the judicial authorities, insufficient action by the Attorney General's Office and lack of human rights training for members of the judiciary are all factors that perpetuate the absence of progress.

38. In the case of the El Mozote massacre, which has been the subject of a conviction ruling by the Inter-American Court of Human Rights, progress has been made in the proceedings, but no trial has been held. However, officials of the Inter-American Court reported in August 2018 that the State had not allocated sufficient resources to the criminal investigation of the case, which was being handled by the Second Court of Investigation of San Francisco Gotera, under Judge Jorge Guzmán Urquilla.²³ In response, the Supreme Court decided that the court should limit its previously mixed jurisdiction to criminal cases.

39. In response to the growing number of claims following the declaration of unconstitutionality of the Amnesty Act, the Attorney General's Office established a special unit of six prosecutors, supported by six police officers, to investigate the violations committed during the armed conflict. It also developed a criminal investigation policy for crimes against humanity and war crimes committed in the context of the armed conflict, which was prepared with the support of OHCHR and the participation of civil society organizations.

40. According to information received from civil society during the visit, as at February 2019, of the total of 148 cases registered by the Attorney General's Office, no investigation had been undertaken in 102 cases, some investigations had been conducted in 46 cases and 17 cases had been opened only to authorize exhumations. None of these 148 cases have gone to trial. Eight cases are waiting to be heard by the criminal courts, and 12 by the Constitutional Chamber of the Supreme Court. According to information received from the Attorney General's Office, 16 cases have been brought to court, summonses have been issued in several cases and an arrest warrant has been issued.²⁴ During its visit in December 2019, the Inter-American Commission on Human Rights was informed that 180 cases had been opened up to that point.²⁵

41. The Special Rapporteur notes with satisfaction the adoption of the criminal investigation policy, the establishment of the special team of prosecutors and the progress made since it was established in terms of the opening and processing of cases. However, he cautions that these developments are insufficient and considers it crucial that the unit's capacity and staff should be expanded to ensure that judicial proceedings are expedited. The Special Rapporteur also notes with satisfaction the positive assessment made by the Office of the Human Rights Advocate regarding the closeness and interrelationship of the team of four prosecutors with victims, in contrast to what happens in other sectors of the Attorney General's Office.²⁶

42. During his visit, the Special Rapporteur received numerous reports that, in the course of hearing claims of human rights violations related to the conflict, officials of the Attorney General's Office asked the claimants to provide evidence or witnesses for their case. In discussions with officials of the Office, the Special Rapporteur was informed that

²³ www.dplf.org/es/resources/el-juicio-por-la-masacre-de-el-mozote-continua.

²⁴ www.dplf.org/es/resources/infografia-denuncias-de-casos-sobre-conflicto-armado-presentadas-por-las-victimas-ante-el.

²⁵ http://www.oas.org/en/iachr/media_center/preleases/2019/335.asp.

²⁶ www.pddh.gob.sv/civiles/wp-content/uploads/2019/04/InformeSeguimiento-a-situaci%C3%B3n-de-v%C3%ADctims-de-graves-violaciones-a-derechoshumanos234-1.pdf, April 2019, p. 18.

the intention of the prosecutors was not to shift the burden of proof back onto the claimants, rather to gather information for the investigation. The officials assured the Special Rapporteur that they would take the necessary precautions to avoid misunderstandings and similar situations in the future.

43. It was clear from the interviews conducted that there is a lack of psychosocial support available for individuals providing their testimony, in scenarios that are often traumatic and that can involve reliving the events. Victims have also stated that they are called upon to repeat their testimony, which suggests that the evidence collected is not used appropriately, leading to their revictimization.

44. Difficulties are encountered in the process of documenting all of the violations reported by survivors. The Special Rapporteur was astonished to hear about the number of crimes and massacres that still today have not been mapped, recorded or documented, despite the information provided by victims to judicial officials, and the testimony from numerous witnesses and survivors that has yet to be collected.

45. The Special Rapporteur also received recurring accounts concerning the widespread practice of rape and other acts of sexual violence against women and girls committed by the perpetrators of the massacres, acts that are still not visible or sufficiently documented.

46. In order to address these shortcomings, the Special Rapporteur considers it essential that a coordinated criminal investigation strategy be put in place, so as to ensure that the information and testimony gathered are processed (collected, recorded and shared) in an efficient manner in order to avoid the duplication of efforts and the revictimization of the persons concerned.

47. From a procedural standpoint, the Special Rapporteur received expressions of concern regarding the lack of harmonization in the application of the criminal procedure codes of 1974 (based on a written system of criminal investigations in which the judge prepares the case and investigates the facts), and those of 1998 and 2011 (which establish an adversarial system of oral arguments in which the prosecutor has a monopoly on criminal investigation), and the negative impact that this lack of harmonization may have on the judicial proceedings conducted in cases of crimes committed during the armed conflict. While all of the cases refer to acts committed before 1998, some proceedings were initiated prior to the reform and other cases were opened following the changes, generating inconsistency in terms of the corresponding procedural requirements and the risk of appeals seeking the annulment of the proceedings. The lack of clarity regarding the application of the criminal procedure codes of 1974 and 1998 in these cases should be appropriately resolved.

48. The Special Rapporteur expresses great concern about the insufficient progress made in terms of criminal investigations and prosecutions, a situation that contravenes the obligations imposed on the State under the 2016 ruling and international human rights instruments, and which leaves victims without access to justice for the violations they suffered over 27 years ago. During his meetings with victims, many repeated the same request: “we only want justice and to see the perpetrators go to prison for the atrocious crimes they committed, just as anyone else who commits a crime would”. This is one of the missing pieces for each of the tens of thousands of victims of the armed conflict; it is a situation that cannot continue.

IV. Reparations

49. In 2010, the National Commission on Reparations for Victims of the Conflict was established with a mandate to develop a reparations programme. In 2013, pursuant to Executive Decree No. 204, a programme of reparations for victims of serious human rights violations committed during the internal armed conflict was put in place. The programme, which is currently administered by the Ministry of Local Development, provides for a variety of rehabilitation measures, including in the field of health and education; compensation initiatives; the honouring of victims, including through cultural acts, public apologies and historical memory; and guarantees of non-recurrence, including human rights training for police and military personnel. Responsibility for implementing these measures has been assigned to the relevant government entities. A register of victims benefiting from the programme and a governing council responsible for carrying out the registration have

also been established; a programme to provide compensation in the form of a pension was launched in 2016.

50. As part of the health component of the programme, a network of focal points has been set up in hospitals to attend to victims, outpatient and specialized care services have been put in place and psychosocial support days have been organized for victims. In addition, technical guidelines on the care of victims of serious human rights violations have been drawn up, as has a manual on the training of psychosocial care teams. The measures put in place under the reparations programme in respect of historical memory and guarantees of non-recurrence are detailed in the following sections. With regard to measures in the field of education, academic scholarships have been established that are open to victims and their families; and, since 2017, at the request of the Ministry of Education, the University of El Salvador has facilitated the admittance of a significant number of family members of the victims of the El Mozote massacre into university programmes.

51. In terms of symbolic reparation, the Government has issued public apologies and acknowledged responsibility for the massacres at San Francisco Angulo, El Calabozo, Tenango and Guadalupe, and Las Canoas, among others. Public apologies have also been made in compliance with rulings of the Inter-American Court of Human Rights in the cases of the *Massacres of El Mozote and Nearby Places v. El Salvador*, *Serrano Cruz Sisters, Contreras et al.* and *Rochac Hernández et al.* No official of the armed forces has apologized on behalf of the military.

52. Another series of measures has been taken in compliance with the above-mentioned rulings for the victims of these cases. These measures include the establishment of a development programme for El Mozote, the award of compensation, the establishment of a register of victims of El Mozote and the provision of psychological and medical services for victims and their families. President Bukele spoke with the El Mozote families and reaffirmed his commitment to promoting reparations in compliance with the ruling of the Inter-American Court of Human Rights.

53. The reparations programme and the various initiatives associated with it represent an important and valuable step, but the scope of the programme is limited and insufficient. Thus far, only around 5,000 victims have been registered under the programme.²⁷ Civil society organizations have noted the existence of bureaucratic obstacles and insufficient resource allocation for the programme and, more recently, its loss of momentum. Monetary compensation is subject to the availability of funds and is limited to paltry sums, inferior to those granted to veterans from the war. Likewise, there has been no effective outreach process for the programme to inform all of the victims who may be interested in registering. The census of victims was not conducted systematically, as it varied depending on victims' exposure to the limited information available on the programme. Both of these elements have contributed to the extremely limited number of registrations compared to the actual number of victims. The Special Rapporteur was informed that the majority of the registered victims had been contacted by civil society organizations. Moreover, according to information provided by the Government, sponsorship by civil society organizations is taken into account when victims are registered. The Special Rapporteur emphasizes that the status of victim is inherent to the person concerned and should not require proof or corroboration by third parties. While the support of social organizations in the reparation process is important, they should not be used as overseers or sponsors of such status, nor as the primary mechanism for information regarding the programme and registration of victims.

54. Although specific assistance has been provided to certain groups of victims, the reparations programme does not include universal access for victims and their descendants to educational and physical and mental health services, beyond the general care provided for the community. This has severely limited the number of victims who have benefited from the programme.

²⁷ Written report submitted by the Government during the visit.

V. Historical memory

55. As part of the reparations programme, the Government has adopted a series of measures aimed at disseminating historical memory in the educational, cultural, and media spheres. The Ministry of Education has revised the curricula in basic and secondary education in order to strengthen the teaching of historical memory, encouraged teachers and students to commemorate historical dates, provided training on the subject for 1,500 teacher trainers, urged each educational centre to reflect on historical memory and held academic forums on truth, memory and reparation.

56. In the area of culture and the media, the Secretariat for Culture has introduced measures to safeguard the sites of the massacres at El Calabozo, Bermuda, Santa Cruz and Sisiguayo and declared them cultural properties, made progress towards making similar declarations for the sites at La Quesera and Col. San Francisco de Ayutuxtepeque and inaugurated the temporary installation “El olvido está lleno de memoria” (Forgetfulness is full of memory) at the National Museum of Anthropology, together with academic and film events. The Communications Secretariat has produced the national television and radio programme “Memoria Viva” and provides journalistic coverage of activities organized by victims’ organizations. The relevant judgments of the Inter-American Court of Human Rights have also been published, at the request of the Court, as has the report of the Truth Commission.

57. As part of the compliance with the rulings of the Inter-American Court of Human Rights, schools have been named after child victims, and 29 March has been decreed “National Day for Children Disappeared during the Armed Conflict”; the date has been added to the school calendar. In addition, commemorative plaques have been put up in schools in the departments of Morazán, San Vicente and Santa Ana.

58. For over 15 years, organizations searching for the victims of enforced disappearances have been calling for 30 August to be declared “National Day for Victims of Enforced Disappearance”, in line with the international day established by the United Nations General Assembly. In August 2017, victims’ organizations presented a proposal for a legislative decree on the subject, which was supported by the Office of the Human Rights Advocate in August 2017.²⁸ Although no progress has been reported to date, the Special Rapporteur has received information that the Justice and Human Rights Commission of the Legislative Assembly may be working on proposed legislation on this matter.

59. The Special Rapporteur had the opportunity to visit certain sites of historical memory. While some of them were erected by the State, other sites, such as the monument to memory and truth in Cuscatlán Park, were built by victims’ organizations without State support. The Special Rapporteur welcomes the establishment by the authorities of the Municipality of San Salvador of a corridor facilitating access to the site; nonetheless, he noted with concern the lack of maintenance and the deterioration of the monument, which reflects the general situation for sites of memory.

60. In his meetings with victims, they insisted on the importance of continuing to document historical memory and to compile the testimonies of all the victims. Thousands of victims are dying without having been heard, without having had the opportunity to tell their truth and without having been able to share their stories with current and future generations. The State can and should do much more in this regard, with the assistance of international cooperation if needed.

VI. Guarantees of non-recurrence

A. Security sector reform

61. The reform of the armed forces undertaken as a consequence of the 1992 Peace Agreement included the nominal subordination of the armed forces to civilian authority and

²⁸ Report submitted to the Special Rapporteur by the Office of the Human Rights Advocate, 29 April 2019.

the reconfiguration of military doctrine. In addition, a purge of members of the military was also conducted in accordance with the recommendations of the Truth Commission and the ad hoc commission tasked with reviewing the structure and operations of the armed forces. However, the Special Rapporteur is concerned that since that time the post of Minister of Defence has been held by a member of the armed forces rather than by a civilian and that in recent years the armed forces have been entrusted with an active role in public security tasks. Information was received regarding the training that the different military units receive on human rights. Under the reparations programme, military personnel have received training on the use of force and humanitarian principles, and separate subjects in human rights and humanitarian law have been introduced into basic, specialized and ongoing training courses. This is a valuable step forward. Nonetheless, training on historical memory of the violations committed during the internal armed conflict appears to be insufficient. Acts of institutional defiance regarding access to military archives and the honours given to the perpetrators of human rights violations call into question the effective subordination of military power to civilian authority. Such ambiguity has no place in a democratic State.

62. The reform of the police force following the signing of the Peace Agreement led to the creation of a new national civil police force, the incorporation of new police officers and the transfer of combatants from the Frente Farabundo Martí para la Liberación Nacional (FMLN) and the military to this force. The reform included a new public security policy rooted in citizen services, subordination to civilian authority and training on democratic values and human rights. Under the reparations programme, police training was comprehensively reformed; the steps taken included the updating of modules and training courses on human rights and the use of force intended for trainees, police personnel and officers preparing for promotion. The Special Rapporteur is concerned that, despite these initial efforts, the National Civil Police has recently been involved in numerous cases of human rights violations, including extrajudicial killings and excessive use of force, as reported by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2018²⁹ and the Office of the Human Rights Advocate in 2019.³⁰ While there are indeed mechanisms in place for human rights training and education, these capacities are not fully reflected in the daily actions of the security forces.

63. With regard to the role of the police in criminal investigations of human rights violations committed during the armed conflict, worrying information was received about the insufficient human and financial resources allocated to these tasks, and the lack of training for police officers on forensic science and victim care. The Special Rapporteur is also concerned about the lack of coordination between the Attorney General's Office and the police on this matter. The Government has provided information on a project to create an institute of forensic genetics within the national police.

B. Homage to perpetrators

64. During his visit, the Special Rapporteur was concerned by information received about the numerous commemorations and homage paid to senior military officers who fought in the armed conflict and who were accused of participating in abhorrent acts, such as massacres, including Colonel Domingo Monterrosa, who was identified by the Truth Commission as being responsible for the El Mozote massacre. These events have been held in direct violation of the orders given by former President Funes. Military battalions, facilities and commemorative spaces have been named after these individuals as well.

65. On the journey to the monument and memorial site of the El Mozote massacre, the Special Rapporteur was shocked to see that the Third Infantry Brigade of San Miguel is named "Lieutenant Colonel Domingo Monterrosa Barrios". In his meetings with State officials and the government-elect, and in his preliminary end-of-visit report,³¹ the Special Rapporteur requested the immediate removal of his name, stressing the harm caused to the

²⁹ A/HRC/38/44/Add.2, para. 37.

³⁰ www.pddh.gob.sv/migrantes/wp-content/uploads/2019/09/Informe-especial-sobre-ejecuciones-extralegales-1-1.pdf.

³¹ www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=24557&LangID=E.

victims, to Salvadoran society and to efforts to ensure non-recurrence. The Special Rapporteur notes with satisfaction that one month later, within hours of taking office, President Nayib Bukele issued a tweet ordering the armed forces to remove Monterrosa's name from the battalion. The order was carried out immediately, and photos of this highly symbolic event were widely disseminated on social media. However, it is reported that Monterrosa's name continues to appear on the uniform badges of soldiers, who still worship him.

C. Narratives of impunity

66. During the years of impunity, the political authorities repeatedly asserted that the Amnesty Act was a prerequisite for peace and national reconciliation. This assertion produced a culture of impunity and silence that permeated society as a whole and undermined the victims' struggle. Generations of Salvadoran men and women were raised and educated in a culture that denies victims' suffering and the need for justice for past violations. As a result, society has not been able to mobilize and overcome the horror of that violence. This is the violence that has come home to roost.

67. The ruling of unconstitutionality of the Amnesty Act implied a rupture in the narrative of impunity. However, this progress was not replicated by other sectors of Salvadoran society, including the media and powerful political factions. However, recognition should be made of the efforts to disseminate and recover memory through the national television programme "Memoria Viva". It seems, however, that several months after the Special Rapporteur's visit the programme was no longer on air. It is essential that all sectors of society that wield social influence take responsibility for disseminating historical memory.

D. History education

68. The Special Rapporteur cannot stress strongly enough the role that the education system plays in guaranteeing non-recurrence. While, as mentioned, schools and teacher training institutes have historical memory programmes, these programmes should be updated and strengthened; the lack of knowledge and debate among youth about past violence shows how much remains to be done. As one young woman remarked during a visit to the site of a massacre: "a people that does not know its own history is doomed to repeat it".

VII. Cooperation with the regional and international human rights protection system

69. The Inter-American Court of Human Rights has issued four rulings on the armed conflict, in the cases of the *El Mozote Massacre*, *Serrano Cruz Sisters*, *Contreras et al.* and *Rochac Hernández et al.* While the Government has taken a number of measures in terms of reparation and the search for the disappeared in accordance with these rulings, many other areas have yet to be complied with, in particular the areas related to criminal investigation and prosecution and the tracing of disappeared persons.

70. In recent years, the State has established an open and fruitful relationship with the United Nations Human Rights Council and its special procedures, as well as with the treaty bodies. El Salvador has also made progress towards the ratification of certain international instruments, such as the Rome Statute of the International Criminal Court. However, it is a matter of concern that the following international instruments have not been ratified: the International Convention for the Protection of All Persons from Enforced Disappearance; the Inter-American Convention on Forced Disappearance of Persons; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

VIII. Conclusions and recommendations

71. During his stay in the country, the Special Rapporteur visited the memorial sites for the massacres at El Mozote, El Calabozo and San Francisco Angulo and spoke with the victims of these events and many other victims of the armed conflict. Their testimony gives an account of unimaginable and barbaric acts perpetrated against thousands of children, adults and older men and women, and of the pain that they continue to feel as intensely as they did on the first day. The Special Rapporteur also observed the neglect suffered by the victims over the course of decades, without the psychosocial support needed to address the trauma they have endured; without receiving – in most cases – comprehensive reparations that would enable them to remake their lives; without access to basic social services, such as health care and education, that would have allowed them to build a better future; without being heard or recognized by the State institutions with which they have engaged; and without access to the truth about the crimes they suffered, historical memory or justice. The violations that they have suffered are unacceptable. The abandonment in which they live now, 30 years later, is also unacceptable. While the Special Rapporteur recognizes the steps taken in the last decade towards transitional justice, there is much left to do, and it should be done immediately.

72. The Special Rapporteur has noted the Government's commitment and its good, but limited, intentions in terms of advancing the process of transitional justice in the areas of truth, reparations and guarantees of non-recurrence. He hopes that this commitment will be equally strong when it comes to laying the foundations for ensuring justice for victims. The Special Rapporteur recalls once again that exemptions from liability, statutes of limitations and mechanisms that eliminate the effect of criminal sanctions are incompatible with serious human rights violations. In addition to being contrary to international law, impunity for such crimes may contribute to their repetition and to the creation of vicious circles of violence, as is currently happening in the country.

73. Comprehensive reparation for all victims of the conflict requires continued attention and renewed efforts to ensure that all victims are registered and have access to the financial and human resources necessary to meet their needs in terms of rehabilitation, satisfaction and compensation. Access to the archives of the armed conflict remains unresolved and requires determined action by the executive and judicial bodies with the necessary legal powers. The reform of the military and its submission to civilian authority are pending and key factors in ensuring that El Salvador completes its transition to a rule of law-based society where the crimes of the past do not recur. Sectors with social influence, including the political class, the media and cultural and educational leaders, should assume an active and responsible role in the intergenerational transmission of historical memory and a culture of peace that respects human rights.

74. The Special Rapporteur recalls that transitional justice processes are not a “pick and choose” exercise, but should be implemented in a comprehensive manner, addressing each constitutive element: truth, justice, reparation, memory and guarantees of non-recurrence.

75. The Special Rapporteur notes with satisfaction the Government's openness and willingness to address and in some cases implement the recommendations made during and after his visit and hopes that the recommendations below will be implemented swiftly.

A. Recommendations addressed to the Government

76. **The Legislative Assembly should ratify the above-mentioned international treaties.**

77. **The Legislative Assembly should adopt in the near future a comprehensive transitional justice law that complies with the requirements stipulated in the 2016 ruling of unconstitutionality of the General Amnesty Act and with international human rights standards, including the jurisprudence of the Inter-American Court of Human Rights, following an open and participatory process that includes victims and civil society.**

78. **The Legislative Assembly should adopt a law that provides a sustainable legal framework, institutional and budgetary autonomy and the necessary financial**

resources for the National Commission on the Search for Disappeared Adults and the National Commission on the Search for Children who Disappeared during the Armed Conflict. Such a law should provide for a mandate that includes the search for all persons who disappeared during the armed conflict, whether at the hands of the State or of former guerrilla groups.

79. In the event that the mortal remains of victims of enforced disappearance are found, they should be identified and handed over to the families in a dignified manner.

80. The Legislative Assembly should adopt a law declaring 30 August as the “National Day for Victims of Enforced Disappearance”.

81. The Legislative Assembly should pass a law to establish a national genetic databank.

82. The definition of and the punishments associated with the offence of enforced disappearance contained in the Criminal Code should be revised in accordance with the recommendations of the Working Group on Enforced or Involuntary Disappearances. In addition, legal mechanisms should be established to regulate exhumations carried out as part of investigations into enforced disappearances.

83. The Legislative Assembly should adopt a law on comprehensive reparation for victims of serious human rights violations committed during the armed conflict that meets international standards, including a gender perspective, and following a broad and transparent consultation process with victims and civil society.

84. The Attorney General of the Republic should take responsibility for and implement the criminal investigation policy for crimes against humanity and war crimes committed in the context of the armed conflict in El Salvador, which was approved in December 2018.

85. The Attorney General of the Republic should create a special budget line for and allocate more human and technical resources to the special unit of prosecutors in order to enable it to make urgent progress in the criminal investigation of violations committed during the armed conflict within its domain.

86. A coordinated criminal investigation strategy should be adopted that ensures that the information and testimonies gathered are processed (collected, recorded and shared) in an efficient manner in order to avoid the duplication of efforts and the revictimization of the persons concerned.

87. Given the prolonged delay in criminal proceedings during the period when the Amnesty Act was in force, the investigations that have been reopened or are due to be reopened following the annulment of the Act should lead to formal accusations and charges being brought soon for crimes committed in the context of the armed conflict.

88. Officials of the Office of the Attorney General of the Republic should ensure that, in the course of their interactions with victims and complainants, it is made clear that the primary responsibility for carrying out investigations and for collecting the evidence necessary for criminal investigations and prosecutions lies with prosecutors.

89. The Attorney General’s Office and the relevant courts should provide psychosocial assistance to victims, survivors and family members who provide testimony.

90. The Attorney General should physically intervene with a court order to obtain the military archives, with verification by the Office of the Human Rights Advocate and specialized experts, in order to safeguard the files for use in the criminal investigation and prosecution of crimes committed during the armed conflict.

91. All the massacres that occurred in the country should be immediately recorded and documented, together with the testimonies from the victims of human rights violations, for use in judicial proceedings and for the preservation of historical memory.

92. The judicial branch should provide the financial and human resources needed, together with relevant security guarantees, to facilitate the effective work of the courts

hearing cases of human rights violations committed during the armed conflict, including the Second Court of Investigation of San Francisco Gotera.

93. The judicial branch (Supreme Court and/or National Council of the Judiciary) should strengthen training processes for judges on the criminal prosecution of war crimes and crimes against humanity and undertake awareness-raising activities on victims' rights. The Attorney General's Office should continue the process of training its staff on these matters.

94. The judicial branch should allocate the human and financial resources needed to improve the technical capacities of the Institute of Legal Medicine. This capacity-building should include training and certification for personnel on forensic anthropology, in accordance with relevant international standards such as the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment (the Istanbul Protocol). The possibility of establishing, preferably through a legislative act, an internationally certified, autonomous and independent forensic science institute should be considered.

95. The judicial branch should consider establishing a legal clinic to provide legal assistance to victims in registering complaints and pursuing cases of human rights violations committed during the armed conflict.

96. The Supreme Court should establish guidelines aimed at harmonizing the application of the criminal procedure codes and criminal codes, both previous and revised, in cases of crimes committed during the armed conflict, in order to avoid inconsistencies that could open the door to delaying strategies.

97. The Constitutional Division of the Supreme Court should monitor full and strict compliance with its ruling repealing the Amnesty Act.

98. The senior leadership of the armed forces, including the President, as Commander-in-Chief of the Armed Forces, and the Minister of Defence, should remove the names of military personnel accused of serious human rights violations from the battalions, barracks, facilities and monuments of the armed forces, and prohibit commemorations and official honours in their name.

99. The armed forces should guarantee effective access to the military archives of the armed conflict as required by justice officials, the Government or victims.

100. A State archive policy should be established to ensure access to information relating to the armed conflict and human rights violations from that period.

101. The National Civil Police should increase the human and financial resources allocated to the investigation of violations committed during the armed conflict and train its personnel on forensic genetics and victim care.

102. The executive branch should establish an exhaustive and regularly updated register of all the victims of the armed conflict in order to provide comprehensive reparation for each victim. The register of victims should be known and accessible to all victims, even the most isolated, with no restrictive requirements for proof of victim status or other requirements such as sponsorship by civil society organizations. Steps should be taken to raise awareness of the registration programme so as to ensure that all the victims who may be interested in registering receive sufficient information.

103. The amounts of compensation awarded to victims should be adjusted to reflect the current value of the shopping basket. The reparations programme should include free, permanent and universal access for victims to the health-care system, including mental health services, and to education (at all three levels). Assistance programmes should be specialized to serve victims of serious violations committed in the context of the armed conflict.

104. Urgent measures designed to assist older adult victims in particularly vulnerable situations should be adopted without delay.

105. National and local authorities should adopt measures for historical memory such as the establishment and maintenance of public sites for this purpose, including at military or police facilities where disappeared persons were allegedly held.

106. National and local authorities, legislative and judicial officials, the media and other sectors with a measure of social influence should take responsibility for disseminating the historical memory of the violations suffered during the armed conflict, without distorting the findings of the Truth Commission report.

107. The Ministry of Education should redouble its efforts in the area of memory and human rights, ensure the effective inclusion of these matters into the educational curricula at all levels and establish evaluation mechanisms to assess and ensure the consistent and effective implementation of these programmes.

108. Training programmes for public officials, security forces and the armed forces on human rights and historical memory should be strengthened, including through an examination of State responsibility in the grave violations of human rights and humanitarian law committed during the armed conflict.

109. Measures should be put in place to remove the obstacles to gaining access to the Truth Commission archives, and collaboration should be initiated with the United Nations to facilitate this process. The need for human resources to process the extensive documentation can also be addressed with national and international assistance and cooperation in this matter.

110. The Government should respond positively to the request of the Working Group on Enforced or Involuntary Disappearances to make an official visit to the country.

B. Recommendations addressed to the international community and civil society institutions

111. The media and academic institutions should take an active role in disseminating the historical memory of these violations and provide space for victims and the organizations that represent or assist them to voice their demands for transitional justice.

112. Governments and agencies providing international cooperation should assist the work of victims' organizations and other civil society groups working to promote truth, justice and memory of the human rights violations committed during the armed conflict.

113. Governments and agencies providing international cooperation should offer technical collaboration and assistance in building highly complex capacities, including with regard to forensic training and equipment and assistance and the collection and systematization of testimonies. They should also support projects to promote memory and reparation for the victims of the armed conflict.

114. The authorities of the Salvadoran Red Cross Society should make information about children transferred or given in adoption with alleged support from the "Ladies of the Red Cross" available to families and the justice system and make efforts to reconstruct the needed information.

115. The United Nations should establish mechanisms for collaboration with the State and with specialized archival entities in order to overcome current difficulties and ensure access to the Truth Commission files, including the need for human resources to draft, process and digitize the extensive documentation contained in the archive.
