

along with Haiti, as “shithole” (or perhaps “shithouse”) countries. Unwilling to explicitly criticize the president for his intemperate remarks, Senator Marco Rubio expressed pity for the poor nation: “[T]he people of El Salvador and Haiti have suffered as the result of bad leaders, rampant crime and natural disasters.” Rubio omitted to note that one of the biggest disasters to befall El Salvador—one that created hundreds of thousands of refugees even before the post-earthquake wave—was man-made, with the United States, not nature, being a major force.

It was a civil war of the 1980s, one that pitted leftist revolutionaries against the alliance of countries, oligarchs, and generals that had ruled the country for decades—with U.S. support—keeping peasants illiterate and impoverished. It was a bloody, brutal, and dirty war. More than 75,000 Salvadorans were killed in the fighting, most of them victims of the military and its death squads. Peasants were shot en masse, often while trying to flee. Student and union leaders had their thumbs tied behind their backs before being shot in the head, their bodies left on roadsides as a warning to others.

President Trump might wonder what Ronald Reagan—one of his favorite presidents—was doing pouring billions of dollars of economic and military aid into the tiny country. In the early ‘80s, El Salvador was receiving more such aid than any country except for Egypt and Israel, and the embassy staff was nearly as large as that in New Delhi. For Reagan, El Salvador was the place to draw the line in the sand against communism.

Many Americans would prefer to forget that chapter in American history; those under the age of 40 may not even be aware of it. Salvadorans haven’t forgotten, however. In El Mozote and the surrounding villages of subsistence peasants, forensic experts are still digging up bodies—of women, children, and old men who were murdered by the Salvadoran army during an operation in December 1981. It was one of the worst massacres in Latin American history. But while Trump might smear the country’s image with crude language, today El Salvador has a functioning legal system—more than three decades after the event, 18 former military commanders, including a former minister of defense, are finally on trial for the El Mozote massacre.

Some 1,200 men, women and children were killed during the operation. Old men were tortured. Then executed. Mothers were separated from their children. Raped.

Executed. Crying, frightened children were forced into the convent. Soldiers fired through the windows. More than a hundred children died; their average age was six.

“The United States was complicit,” Todd Greentree, who was a young political officer at the American embassy at the time, told me recently in an interview for a documentary about the massacre. Greentree noted that the massacre was carried out by the Atlacatl Battalion, which had just completed a three-month counterinsurgency training course in the United States. That training was also supposed to instill respect for human rights. The El Mozote operation was the battalion’s very first after completing the course.

When reports of the massacre first appeared in *The New York Times* and *The Washington Post*, the American ambassador, Deane Hinton, sent Greentree and a military attaché, Marine Corps Major John McKay, to investigate. They concluded there had been a massacre, and that the Atlacatl battalion was responsible, Greentree told me.

But that is not what Ambassador Hinton, a cigar-chomping career diplomat who died last year, reported to Washington. In an eight-page cable, he sought to lay the blame on the leftist guerillas. They had done “nothing to remove” the civilians “from the path of the battle which they were aware was coming,” he wrote. He then suggested that the victims may have been caught in a cross-fire, or as he put it, “could have been subject to injury as a result of the combat.” (Congress was also complicit because it continued to appropriate funds for El Salvador in spite of the military atrocities, says Greentree, who served in several diplomatic posts after El Salvador, including in Angola and Afghanistan, and has a doctorate in history from Oxford.)

The U.S.-fueled war drove tens of thousands of Salvadorans to flee the violence for safety in the United States. In the mid-90s, Clinton allowed their “temporary protected status” to expire. This decision contributed to the gang violence that marks El Salvador today—not long ago, when a day passed without a murder, it was banner news. Thousands of the refugees sent back were young men, who had either deserted from the army or the guerrillas during the war. And when they got back to El Salvador, with little beyond their fighting skills, they formed the nucleus of the gangs.

But El Salvador has made remarkable progress since the end of the war in 1992, and it is surely unfair to describe it as a “shithole.” Indeed, the country has held five presidential elections since the end of the war, all relatively free and fair, and with little violence. In 2009, after 15 years of right-wing presidents, Salvadorans elected a former guerrilla commander turned politician, and he was succeeded in the next election by another former revolutionary. *The Economist* describes El Salvador as a “flawed democracy,” and ranks it number 60 on its “democracy index,” ahead of Mexico and Singapore.

Given America’s history in El Salvador, one might think the United States owes the country’s citizens an apology, rather than disparaging epithets.

We want to hear what you think about this article. Submit a letter to the editor or write to letters@theatlantic.com.



Planting the Seeds of Violence:
**How U.S. Involvement in El Salvador Led
to Today's Migration Crisis**

*“The army wanted to exterminate the thinking and the idea of our rights in El Salvador. You exterminate the idea by exterminating the people; the women, the children, everyone. Especially the children because you kill the idea by preventing the growth of the idea. **You kill the root to prevent the change.**”*

– José, Salvadoran Civil War survivor and guerilla fighter

El Salvador Civil War



- 12 Years (1980-1992)
 - **75,000 civilians** died
 - Over 1 million Salvadorans (1/5 of pop.) displaced
 - Human rights violations (UN Truth Commission report)
 - 85% by Salvadoran government forces
 - 10% by military death squads
 - 95% of the civilian casualties attributed to the ***U.S.-supported*** Salvadoran right-wing government
 - 5% by the FMLN (*Farabundo Marti National Liberation Front*)
 - Left-wing guerrillas fighting against the Salvadoran state
- Romero's assassination
 - March 24, 1980
 - Targeted by extreme right-wing politician
 - Speaking out against poverty, social injustice, and violence amid a growing war between left and right-wing forces

The Cold War

- President Kennedy
 - March 1961 Soviet strategy
- President Ronald Reagan
 - “Latin American Communism”
 - Deceptive front to mask human rights movement for Salvadoran peasants



US Involvement

- 1980-1992: U.S. sent **\$8 million** in military and economic aid to El Salvador
 - **\$1 million** per day
- El Salvador was the **third-largest recipient** of U.S. foreign aid overall.
- 1980-1993: **37,500 guns** and nearly **270,000 grenades**
 - El Salvador was **number one** recipient of U.S. military hardware in the Western Hemisphere during the 1980s.
- Salvadoran troops grew from **10,000 to 50,000**
- Disseminating propaganda
- Ended after Cold War ended



Scorched Earth Strategy



Mural in memory of the victims of the El Sumpul Massacre.

- The US trained Salvadoran troops in El Salvador, Panama, and the **School of the Americas** in Fort Benning, Georgia.
- **Scorched Earth Strategy**
- The main objectives were to **kill civilians** suspected of being guerillas and to destroy the people's means of survival.
- Led to **murders of 70,000 civilians**
 - Salvadoran military responsible for **85% of civilian casualties**

The El Mozote Massacre



Salvadoran Survivor



War Crimes at El Mozote

- According to the UN Truth Tribunal, the following **war crimes** were committed during the Salvador Civil War
 - Extrajudicial killings
 - Forced disappearances
 - Torture
 - Sexual violence
- Found in Geneva Convention and Rome Statute
- The majority were committed by the **US-supported** Salvadoran military against innocent civilians.



Legal Framework



- International Humanitarian Law comes from Geneva Conventions and Additional Protocols
- El Salvador's Civil War was a “non-international armed conflict”
 - Applicable Law - Common Article 3 of Geneva Convention and Additional Protocol III
- ICC has codified Geneva Convention Crimes in the Rome Statute
- War Crimes vs. Crimes Against Humanity
- Fundamental Principle of IHL - minimize harm to civilians during an armed conflict.

Aiding & Abetting

- Occurs when one country assists another in committing war crimes and crimes against humanity.
- Recognized as crime under International Law
- Prosecuted by ICC and ad-hoc tribunals against individual defendants
- State liability for Aiding & Abetting is recognized by ICJ under Articles 2 and 16 of the Draft Articles of State Responsibility for Internationally Wrongful Acts
- In the *Bosnia Genocide* case, the ICJ held that Article 16 was customary international law.

Aiding & Abetting

Requirements under Article 16:

- (1) The assisting State must give aid or assistance.
- (2) Connection between the assistance and the fundamental wrong.
- (3) The State must act intentionally .
- (4) The act perpetrated by the assisted State must also be wrongful if perpetrated by the assisting State.

US Responsibility

- El Mozote was completed under the instruction and advising of US Military
 - Scorched Earth Strategy
 - Atlacatl Battalion training at School of Americas
- Provided military aid and weapons
 - Weapons collected at EL Mozote were US weapons
- Justified involvement under the guise of the Cold War
- Disseminated propaganda to gain support for the attacks
- The State Department failed to properly investigate El Mozote and other massacres and denied civilians were being targeted.



Transitional Justice & El Salvador



Women carry a banner of photos of missing persons on a day dedicated to the children who went missing during El Salvador's armed conflict in San Salvador

Ties Between El Salvador Civil War & Migration Crisis Today



How did the effects of the civil war create the migration crisis?



Civil War, Migration and Gangs.

- Salvadorans in popular sectors of the United States.
- Gangs in the United States

"It was dangerous to walk alone because there were always Batos who wanted to kill you just because you were Salvadoran." (Donkey. Veteran gang member and founder of the Mara Salvatrucha

"It's just that the gang in my neighborhood always screwed me up. They beat me up, until one day I told them ok, that's fine, tell me what I have to do to join your gang, they shattered me. By letting them do that I was already part of them. We have no choice" (Gang member deported. 2010)

- Criminalization and deportation

How is the US responsible?



This quick look at the migration of Salvadorans to the United States shows how the social conflict in the northern country is related to our countries. From here, parallels can be drawn for future topics, for example, about how the popularization of gangs in Central America coincides with the growth of deportations and stigmatization generated in the U.S. Or, the phenomenon of gangs can be focused on gangs as a problem that arose in the relationship of two countries and not as a uniquely Central American problem.

Why should we help now?

It is important to delve into these types of connections in a way that allows us to generate a critical approach that makes visible how certain social problems that we face in Central America are intimately connected with the social dynamics of the US. It is the migrants themselves who with their walk show the need for analysis that transcends national borders, so we can see beyond.



How Can we Help?

International Partners in Mission

Immersion Experience Program:

We believe at IPM that our Immersion Model stands apart from the traditional service or volunteer trip. Our approach focuses on person-to-person cross cultural exchange as the best avenue for building a more just and peaceful world.



El Salvador Considers Amnesty for Those Accused of Crimes During Its Civil War

The move comes as 20 former military officers are set to be tried for an array of crimes, including murder, rape, kidnapping and crimes against humanity.

by Raymond Bonner for ProPublica, March 21, 2019, 10:12 a.m. EDT



A Salvadoran army soldier on patrol in 2012 in the village of El Mozote. Tens of thousands of people were killed during the civil war in the 1980s, many at the hands of the army, its paramilitaries and death squads, according to a commission backed by the U.N. (Jose Cabezas/AFP/Getty Images)

Legislators in El Salvador are considering granting amnesty to those accused of crimes committed during the country's brutal civil war in the 1980s. The legislation would drop all ordinary criminal charges arising from the war, and it would shield anyone convicted of war crimes from imprisonment.

The move by conservatives in El Salvador's Parliament comes as 20 former senior military officers have been charged with an array of crimes, including murder, rape and kidnapping. In December, a judge cleared the way for the men to also be tried on charges of war crimes and crimes against humanity.

Lawmakers succeeded once before in adopting legislation granting wide amnesty to those accused of often ghastly crimes during the war. In 1993,

the Parliament voted to block prosecution of crimes committed during the war, a law that remained in place until the country's top court ruled it unconstitutional in 2016.

Last Saturday, the families of four American Roman Catholic missionaries raped and murdered by soldiers during the civil war sent an open letter to Salvadoran legislators urging them to vote against any proposed new amnesty. The next day, the Roman Catholic archbishop of San Salvador issued a statement calling on legislators to reject what has come to be called the Law of Reconciliation. He called it “totally unjust” and said that “instead of protecting and consoling the victims,” it would “protect the perpetrators, granting them impunity.”

The current American ambassador, Jean Manes, did not respond to a request for comment on the possible legislation.

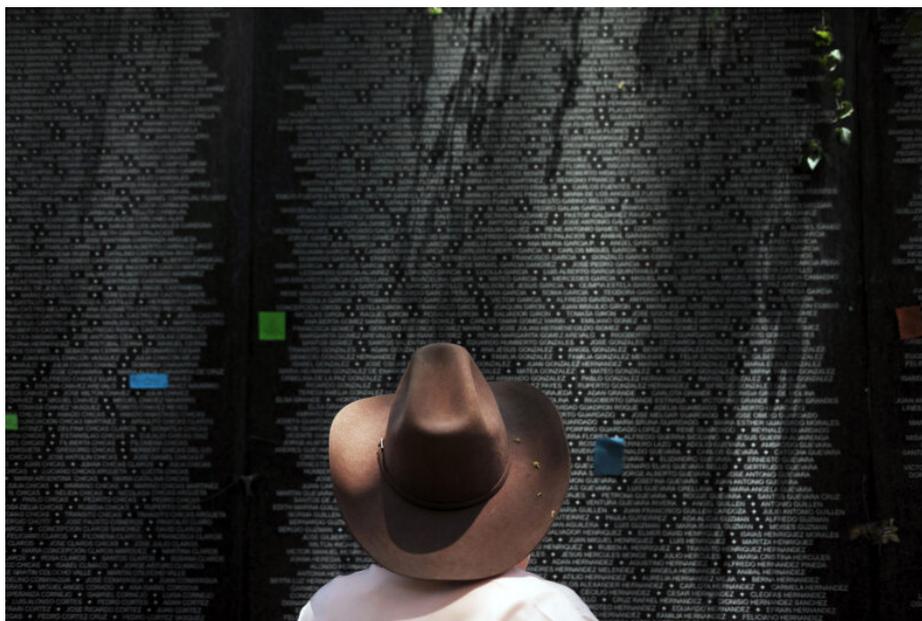
But Manes has supported prosecution of the 20 former military officers. The accused officers include members of the Atlacatl Battalion, the Salvadoran army unit that perpetrated one of the worst massacres in recent Latin American history, killing hundreds of old men, women and children during an operation in El Mozote and surrounding villages in December 1981. Victims' families, acting as private prosecutors under Salvadoran law, also filed charges against senior military officials, including the former secretary of defense.

In a confidential cable to Washington, Manes wrote that she had been told that “sufficient evidence exists to demonstrate culpability of crimes against humanity and war crimes at El Mozote.” (The cable was released in response to a FOIA request from the University of Washington Center for Human Rights.) The El Mozote trial “may provide a barometer for the ability of the Salvadoran justice system to tackle its complex history and stubbornly entrenched impunity,” Manes wrote.

The civil war in El Salvador was bloody, dirty and long. More than 75,000 Salvadorans were killed — peasants, students, old men, women, children — with more than 80 percent of those deaths coming at the hands of the army, its paramilitaries and death squads, according to a United Nations-backed truth commission. An archbishop was assassinated; three American nuns and a lay missionary were raped and murdered; four Dutch journalists were executed in a targeted ambush; six Jesuit priests, their cook and her 6-year-old daughter were shot at point-blank range by soldiers from an American-trained battalion. During the war, the Salvadoran army, backed by the United States, raped, pillaged, plundered and killed with impunity. No officers, and only a handful of enlisted men, were prosecuted.

At the time of the El Mozote massacre — which was first reported by journalists for The New York Times and The Washington Post — the

American ambassador in El Salvador, Deane Hinton, sent a cable to Washington saying there was no evidence to confirm that civilians had been systematically killed and playing down the gravity of the killings. Elliott Abrams, then the assistant secretary of state for human rights, and who was recently named by President Donald Trump as his special envoy for Venezuela, dismissed reports of the massacre as Communist propaganda. (In 1982, in testimony before the Senate Foreign Relations Committee, Abrams called El Mozote an incident which is at least being significantly misused, at the very best, by the guerrillas.”)



Carlos Contreras looks for the names of his relatives on a memorial during a ceremony dedicated to the children who went missing during El Salvador's civil war. (Jose Cabezas/AFP/Getty Images)

The search for justice by the families of the massacre victims has been arduous. In 1991, at the request of the archbishop's legal aid office, a court began taking statements from witnesses, and it allowed a team of forensic anthropologists from Argentina to begin exhumations.

The exhumation of the convent behind the church in El Mozote was the most harrowing. Two weeks before Christmas in 1981, soldiers first separated the village's men, hauled them off, and tortured and executed them. They then herded the women and children into the convent. Using American-supplied M16 assault rifles, they opened fire; then they burned the building, the falling beams crushing the skulls of those who weren't already dead. A decade later, after painstakingly clearing away the grass and dirt that had overgrown the site, the Argentine team found the bones of 136 children and adolescents. Some were barely old enough to crawl. Average age: 6. The women were between 21 and 40. One was in her third trimester of pregnancy.

But the amnesty protections became law in 1993, and they withstood an initial challenge in the country's Supreme Court. Human rights advocates turned to the Inter-American Court of Human Rights. There was no dispute as to the facts, the court eventually held in a 152-page opinion. As part of a counterinsurgency scorched-earth policy, "the Armed Forces executed all of those persons it came across: elderly adults, men, women, boys and girls, they killed animals, destroy and burned plantations, homes, and devastated everything community-related."

The court also found that the amnesty violated international law. In a second hearing before the Salvadoran Supreme Court, advocates pressed that argument and persuaded the judges to declare the amnesty unconstitutional.

Today, some of the main supporters of the latest possible amnesty legislation have resumes tainted by accusations of human rights abuses during the war. The principal sponsor, Rodolfo Parker, secretary general of the Christian Democratic Party, was accused by a United Nations truth commission of seeking to cover up the responsibility of senior military officers in the murder of the Jesuit priests.

Parker, who was never prosecuted, has called the claims against him false.

Political parties supporting amnesty have enough votes in the assembly to pass the law, according to an analysis by El Faro, an online news organization, which first published a draft of the proposed law.

Nelson Rauda contributed reporting from El Salvador.

Raymond Bonner, who covered the war for The New York Times in the early 1980s, is the author of "Weakness and Deceit: America and El Salvador's Dirty War."

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PEOPLE ON WAR

Country report El Salvador

ICRC worldwide consultation on the rules of war

Report by Greenberg Research, Inc.

EVEN WARS HAVE LIMITS EVEN WARS HAVE LIMITS EVEN WARS HAVE LIMITS EVEN WARS HAVE



INTERNATIONAL COMMITTEE OF THE RED CROSS

About the People on War project

To mark the 50th anniversary of the modern Geneva Conventions (on 12 August 1999), the ICRC launched its People on War project with the aim of building greater respect for fundamental humanitarian principles. At centre stage is a worldwide consultation giving the general public a chance to air their views on the many facets of war. The idea was that civilians and combatants alike would be able to share their experiences, express their opinions on what basic rules should apply in war, discuss why those rules sometimes break down and look at what the future holds.

With this in mind, the ICRC commissioned Greenberg Research, Inc. to design a research programme that would enable people to be heard in the most effective way possible. Under the guidance of Greenberg Research, ICRC staff and Red Cross and Red Crescent volunteers carried out this consultation in 12 countries (Afghanistan, Bosnia-Herzegovina, Cambodia, Colombia, El Salvador, Georgia/Abkhazia, Israel, the occupied territories and the autonomous territories, Lebanon, Nigeria, Philippines, Somalia and South Africa), conducting in-depth, face-to-face interviews, group discussions and national public opinion surveys. Surveys on the basis of a questionnaire only were conducted in a further five countries (France, Russian Federation, Switzerland, United Kingdom and United States) in order to reflect these people's perceptions of war.

Greenberg Research analysts then prepared a series of Country Reports on the basis of the findings. The reports open up this new, important discourse to a wider audience, while remaining conscious of the need to protect the safety of all those who participated.

By making this consultation public, the ICRC hopes to initiate a local and international debate on the humanitarian aspects of war - a debate that should be joined by the major political players, international and non-governmental organizations and aid specialists.

Greenberg Research, Inc.

Greenberg Research is an opinion research firm that has worked for over two decades to help organizations and leaders around the world advance their goals in the face of rapid change. It specializes in using advanced methods of opinion research - surveys, focus groups and in-depth interviews - to help form strategies for political parties, corporations and non-governmental organizations.

Greenberg Research has extensive experience in Europe and the United States, but also in the Middle East, Asia, southern Africa and Central and South America. It has conducted research in war-torn, politically complex and remote settings. In its work for corporations and non-governmental organizations, it has explored a broad range of global issues, including landmines, genetic engineering, climate change, race and gender relations, trade and information technologies.

<p>The opinions expressed in this report are not those of the ICRC. The ICRC retained Greenberg Research, Inc. to design and oversee the People on War consultation. Greenberg Research compiled and analysed the results and is responsible for the content and interpretation.</p>

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Country context

The civil war that tormented El Salvador throughout the 1980s was a struggle for political and economic control of a country long ruled by a landed, conservative oligarchy. Violent and sweeping, the war was prolonged by El Salvador's position as one of many nations used as a proxy for superpower influence during the Cold War. The conflict between the country's military and the communist-inspired anti-government forces (guerrillas) – funded and armed by the United States and the Soviet Union and its allies, respectively – left more than 75,000 dead and uprooted hundreds of thousands.¹ The country was left impoverished and deeply divided.

For decades, the oligarchy and a succession of military-backed governments maintained political control of the country. By the early 1970s, newly organized political parties began to pressure the government to institute democratic and economic reforms. Popular discontent grew and, by decade's end, a military junta ruled in conjunction with a number of appointed civilians. The regime, however, continued to employ armed force against anti-government demonstrators and nascent guerrilla forces, led by the *Frente Farabundo Martí de Liberación Nacional* (FMLN).² The war began in earnest in 1981.

On one side of the conflict stood the Salvadoran army, which targeted both Salvadorans and foreigners believed to sympathize with the FMLN. El Salvador's "death squads" – gangs of paramilitaries that terrorized the countryside — killed an estimated 20,000 people between 1980 and 1982 alone.³ The FMLN, for its part, attacked military and civilian targets alike. It used guerrilla tactics, destroying infrastructure in cities and launching rocket attacks on army bases and police stations.

Neither side was able to defeat its enemy. The stalemate was only broken with the end of the Cold War – and the withdrawal of active military support from the superpowers and their regional allies. After mediation by the United Nations (UN), the two sides signed a formal peace treaty in 1992. Under the terms of the pact, the army gave way to civilian leadership and the FMLN renounced violence and agreed to join a peaceful political process.

¹ Brogan, P., *World Conflicts*, Lanham, Maryland: The Scarecrow Press, 1998, p. 473.

² The FMLN took its name from a communist activist who had been executed for his role in a failed Depression-era uprising by plantation workers against landowners.

³ Brogan, P., *World Conflicts*, Lanham, Maryland: The Scarecrow Press, 1998, p. 476.

Country methodology

The findings in this report are based on a consultation carried out by the ICRC in El Salvador. The project was overseen by a multinational research team from Greenberg Research, in conjunction with a local research partner, Gish, Paz & Associates, based in Guatemala City, Guatemala. Additional assistance was provided by the Salvadoran Red Cross. The El Salvador consultation consisted of three elements:

- Eight **focus groups** (FG) were recruited and professionally moderated by Gish, Paz & Associates using discussion guidelines developed by Greenberg Research. Focus groups were conducted in the capital city, San Salvador, and the rural communities of Chalatenango and Perquin. In each place, discussions were held with a range of people who had been involved in or directly affected by the conflict: women who had lived in conflict zones and women with missing family members (Perquin); ex-soldiers of the armed forces, medical personnel, male university students and NGO leaders (San Salvador); and male and female ex-FMLN combatants (Chalatenango). The focus groups were held between 20 and 26 May 1999.
- Twenty **in-depth interviews** (IDI), each lasting approximately 45 minutes, were conducted by professionally trained interviewers from Gish, Paz & Associates. Participants included union and political leaders, journalists, doctors, war-injured people and former hostages. The in-depth interviews took place between 27 May and 12 June 1999.
- A **quantitative national survey** was conducted among 1,001 respondents of at least 18 years of age selected using a stratified, multistage cluster sampling method that ensured an accurate representation of the national adult population. The survey was carried out by Gish, Paz & Associates between 22 and 30 May 1999. Gish, Paz & Associates trained interviewers and supervised the administration of the sample design and interviewing, with direction from Greenberg Research. Percentages reported here are subject to a sampling error of +/- 4.9 percentage points (at a 95 in 100 confidence level). Results in smaller segments, such as the 201 interviews for the Occidental area, are subject to an error of +/- 9.9 percentage points.⁴

The results of the survey, focus groups and in-depth interviews form the basis for this report. Respondents seemed genuinely interested in participating in the survey. The interviewers described the majority of respondents (64 per cent) as “cooperative” and 16 per cent as “extremely interested”. The focus group sessions were remarkably open, with participants enthusiastically and passionately voicing their opinions. For some participants, the experience was cathartic — a chance to tell their stories for the first time. Many left feeling that the discussion had helped to lift the psychological burden of their memories.

⁴ These estimates are based on population values of 50 per cent. Obviously, many reported percentages are lower or higher than that; higher percentages would have a smaller sampling error. For example, a reported percentage of 90 per cent for the total population would have a sampling error of +/- 2.9 percentage points.

Executive summary

The ICRC consultation in El Salvador paints a picture of a brutal war that shook the foundations of society and devastated the nation physically and psychologically. Seven years have passed since the Peace Accords were signed, but memories of the war and its massacres, mutilations and widespread violence are today as vivid as if the conflict ended yesterday. In El Salvador, civilians were swept up in the war, becoming unwilling participants, often under the threat of death. They were intentionally targeted, sometimes used as human shields thrust into the line of fire, sometimes slaughtered as a warning to others. Women suffered terribly as targets of rape, abuse and harassment. Children witnessed horrific acts that left deep emotional scars across a generation. Families were ripped apart. Terror dominated the countryside.

Under pressure from their superiors and unfamiliar with the rules of war, forces on both sides participated in violent attacks on civilians. Despite widespread belief that non-combatants should be protected in wartime, the wall between civilians and combatants crumbled.⁵ A cycle of destruction followed, leaving civilians powerless to protect themselves, and those who carried arms questioning their missions. Thirteen years of war left the people of El Salvador divided and exhausted – certain only that they wanted no more war, ready to rebuild their nation, but uncertain about the future.

The impact of El Salvador's war was felt far beyond the 75,000 who lost their lives and the hundreds of thousands who were injured.⁶

- Roughly a third (33 per cent) of Salvadorans report that a family member was killed during the war and 29 per cent say they lost contact with a close relative.
- Fifty-three per cent of people lived within areas of conflict and many had their lives turned upside down. One in five were forced to move (21 per cent) or suffered property damage (20 per cent).

Salvadorans' experiences reflect a strong belief in the rights of civilians to be protected during wartime.

- Nearly all Salvadorans – 84 per cent – believe war should be fought between combatants and that civilians should be left alone.
- Very few believe it is acceptable to put civilians in jeopardy. Many reject the notion that civilians voluntarily assisted combatants during the war.
- Weapons that can indiscriminately injure and kill civilians – particularly landmines, large bombs and weapons of mass destruction – are unacceptable to most Salvadorans.

A near majority of Salvadorans (49 per cent) base their belief that civilians must be protected in societal norms; they characterize actions that threaten civilian lives and property as "wrong". Nearly as many (46 per cent) stress the practical consequences, saying they believe civilians should be protected because the alternative just "causes too many problems".

- The normative justification is based largely on human rights (52 per cent) and religion (39 per cent).
- For those who have a more pragmatic view of civilian protection, the direct damage war causes people is by far the dominant concern. Most cite too much psychological damage

⁵ In this report, the word "combatants" is used when referring to soldiers and/or fighters.

⁶ Brogan, P., *World Conflicts*, Lanham, Maryland: The Scarecrow Press, 1998, p. 473.

(48 per cent) and too much physical suffering (37 per cent) as the main problems caused by the breakdown of limits.

The limits on behaviour in war began to break down when combatants with little or no training in international humanitarian law were pressured by their superiors to use attacks on civilians when trying to gain a strategic advantage. Combatants in the focus groups described being unaware of the “rules of war” and of facing tremendous pressure from their superiors to take whatever action was necessary to weaken the enemy.

The majority of respondents do not directly blame combatants for their wartime behaviour. Indeed, 59 per cent of those surveyed – and the same percentage of combatants – cite following orders as one of the reasons combatants attack or hurt civilians, more than double the number opting for any other reason. Salvadorans express particular dismay at those who recruited impressionable children and teenagers to become combatants, and the vast majority (83 per cent) believe children should be at least 18 years of age before they are mature enough to fight. The war is over, but its aftermath is still felt in the violence that threatens people’s well-being every day.

The belief in protection of civilians is not as firmly held for captured combatants. While Salvadorans resoundingly reject killing captured combatants if the other side were doing it (89 per cent), they are more likely to sanction torture, and they accept that captured combatants can be isolated from relatives and refused contact with independent organizations.

- Nearly one-quarter (23 per cent) of respondents believe a captured combatant can be subjected to torture (versus 34 per cent of those who were combatants). Nearly as many (19 per cent) think isolating captured combatants from outside visitors is allowable (versus 23 per cent of those who were combatants).
- Passion appears to overtake reason or morality when civilians and combatants consider whether to help a wounded enemy combatant who had killed someone close to them. Although two-thirds of those surveyed (67 per cent) say they would help such a combatant, many of the focus group respondents drew a finer distinction. While they might not necessarily kill the wounded combatant, they would not help him or her either. They would do nothing.

Despite the length of this war and the subsequent exposure of the atrocities committed before its conclusion seven years ago, the Geneva Conventions and rules governing armed conflict are not well known in El Salvador. Generally, only about one-third (33 per cent) have heard of the Geneva Conventions or believe that laws exist that set limits in war.

Yet receptivity to the limits embodied in the Geneva Conventions is quite high and, once made aware of their purpose, many Salvadorans believe they can make a difference.

- Once informed of the mission of the Geneva Conventions, 71 per cent believe they prevent wars from getting worse.

Familiarity with the Geneva Conventions helps determine attitudes towards treatment of combatants.

- Seventy-nine per cent of those who have heard of the Geneva Conventions would not allow captured combatants to be tortured (versus 68 per cent of those who are unfamiliar with the

Geneva Conventions). When asked if captured combatants should have access to outside representatives, an even larger gap occurs (90 per cent compared with 66 per cent).

Salvadorans believe action should be taken against war criminals, particularly combatants who had charge of troops – according to focus group respondents. But the survey also found a strong desire among many to move on from the war, rebuild their lives and focus on developing their country. A plurality, 43 per cent, believe people who break the rules of war should be put on trial, but more prefer to put the war behind them by either forgiving them (19 per cent), granting amnesty (18 per cent), forgetting them (6 per cent) or exposing them to the public without a trial (8 per cent).

Salvadorans would welcome greater involvement from the international community; indeed, focus group respondents generally believe an earlier engagement of the international community would have spared many lives and much anguish. People look to both national institutions and the international community to deal with the lingering results of this war.

- More than a third (38 per cent) believe international law is the basis for the rules that govern war, more than do national laws (27 per cent), values that people hold (19 per cent) or religious principles (6 per cent).
- The overwhelming majority, 80 per cent, desire more intervention from the international community when civilian areas are cut off from food, water, medical supplies and electricity.
- Almost half (49 per cent) of Salvadorans expect more war in the future; only 29 per cent say they are hopeful that there will be a lasting peace.

The ICRC is a well-respected international humanitarian organization. The red cross emblem is widely recognized and its function – to help people, particularly the wounded, sick and needy – is well understood.

- By a wide margin, the ICRC/Red Cross is seen as having the largest role in helping civilians when they are cut off from food, water, medical supplies and electricity. Sixty per cent cite the ICRC/Red Cross as playing the biggest role in protecting civilians, followed by the UN (34 per cent), international humanitarian organizations (28 per cent) and religious leaders (25 per cent).
 - A majority (57 per cent) would turn to the ICRC/Red Cross for help when populated villages or towns are attacked, and 71 per cent believe ICRC representatives should be allowed to visit captured combatants – far more than other organizations on both measures.
-

The war experience

Brutal and widespread violence

Thirteen years of warfare in El Salvador shook the foundations of society and inflicted physical and psychological damage on much of the population. Throughout the country Salvadorans experienced the effects of the war firsthand. A majority, 53 per cent, lived in an area of conflict at some time and nearly one-fifth of the population (21 per cent) were forced to move during the war. Two-thirds, 68 per cent, describe themselves as suffering one negative consequence of the war and nearly half, 47 per cent, cite at least two negative consequences.⁷

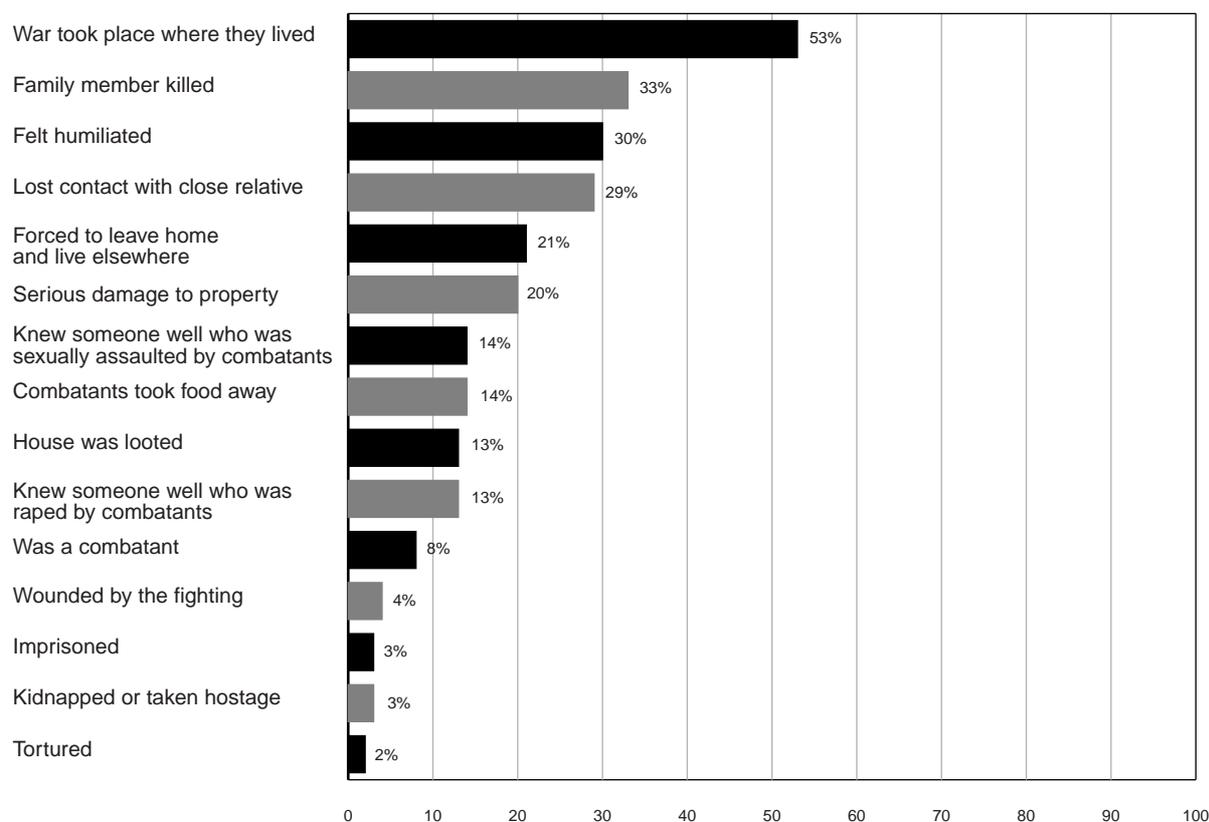
This was an extremely brutal war, waged between the poor and pitting brother against brother for reasons not known to many of those directly affected. One of the war's most defining characteristics is that of senseless violence against people.

The human toll was dramatic and widespread; one-third (33 per cent) report having a family member killed, 29 per cent lost contact with a family member and 30 per cent report feeling humiliated during the war.⁸ While this violence was felt throughout the society, women bore a particular burden as the victims of sexual abuse: 14 per cent say they knew someone well who was sexually assaulted and 13 per cent say they knew someone well who was raped.

FIGURE 1

The war experience

(per cent of total population responding)



⁷ Respondents were given a series of 13 possible wartime experiences and asked to identify any that had happened to them as a consequence of the conflict. For example, respondents were asked whether they were forced to leave their homes and live elsewhere, and whether they had been imprisoned or tortured. Figure 1 also indicates the percentages of respondents who say the war took place where they lived and those who say they were combatants.

⁸ Combatants experienced the war more intensely and were more directly affected by the violence: 52 per cent lost a family member, 41 per cent were forced to leave home and 11 per cent were imprisoned. Nearly one-quarter (24 per cent) of combatants say someone they knew well was raped.

Dislocation and property damage were also widespread: 21 per cent were forced to leave their homes, 20 per cent experienced serious damage to their property, 14 per cent had food taken and 13 per cent had their homes looted.

The loss of family members is a dominant memory of the war for much of the population. Civilians and combatants alike spoke movingly of the trauma of losing loved ones, often breaking down in the retelling of the experience.⁹

[Moderator: For you personally, what was the worst thing about this war?]

This, for me, was the hardest part. Losing a loved one to war. There were hundreds of us who lost loved ones. It would be hard to find a single family who did not lose loved ones in this war. (FG, female ex-FMLN combatants, Chalatenango)

Because for some it was the bombs and mortars, for others, we lost our entire families, friends, people close to us, this is irreparable... it is something lost forever. And everything, everything that one had, material things can be replaced, although it is very expensive, but human lives no, that's why I feel that... everyone has been left with a footprint of this war. (IDI, woman in conflict zone, Perquin)

Because it would be rare to find the person who did not lose a family member. For me, it's hard to remember mothers watching them kill their children and children watching them kill their parents because all of this actually happened in the war. (FG, female ex-FMLN combatants, Chalatenango)

The same, for us as a family, losing Hector was the most painful, the most significant experience... now we're in post-war, and much is the same but in another way. (FG, NGO personnel, San Salvador)

Perhaps, since it is personal. What I really feel about this war and what hurt me the most was the complete disintegration of my family. It's a point that really makes me suffer and the other part is to have remained lame – to have lost part of my physical body and to never be the same as before. Because, I really mean it, I do not wish for another war, because with my family disintegrated, I lost so much. (FG, young men, San Salvador)

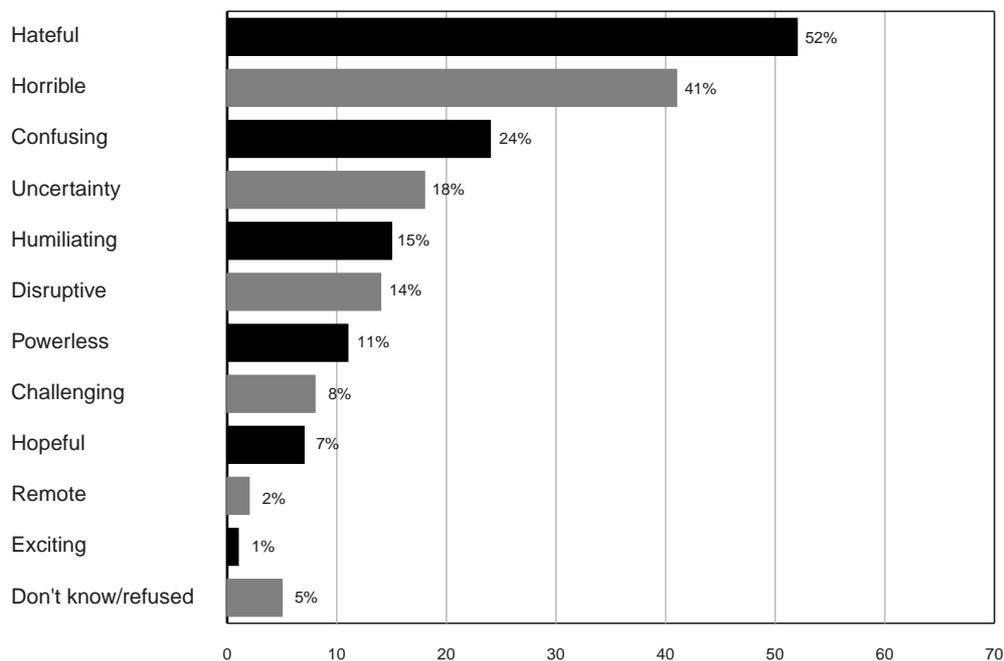
Given the experiences described so vividly in the focus groups, it is no wonder that “hateful” and “horrible” are the terms Salvadorans most often use to describe the war in El Salvador. (See Figure 2.)

Not only did the war cause massive loss of life, but it also produced a tremendous upheaval and uprooting of people, as many were forced to leave their homes at short notice — a fact echoed by survey respondents who characterized the war as “confusing” (24 per cent), “disruptive” (14 per cent) or causing “uncertainty” (18 per cent). This was a war that threw people into its violent currents with little warning and without any clearly defined purpose. Women in areas of conflict spoke of how the armed conflict suddenly seemed to erupt in their communities, sweeping them into a war whose root causes were little understood.

When the troops arrived, we left. We had been making tortillas and when we left, we fled, leaving everything we owned in the house. When we returned, everything had been destroyed, we were dying of hunger... (IDI, woman living in conflict zone, Perquin)

⁹ In this report, the word “combatants” is used when referring to soldiers and/or fighters.

FIGURE 2
Personal description of the war
 (per cent of total population responding)



Question: Which *two* of these words best describe the war for you personally?

I had to leave El Salvador. We left one day at six in the evening, and we arrived at four in the morning. We crossed over those mountains right there in the dark, we couldn't make noise, not move or make noise because the reinforcement troops were out there waiting and they wounded the people they captured. (FG, women with missing family members, Perquin)

The war's unprecedented violence has had lasting repercussions for the people of El Salvador. Salvadorans in every focus group expressed concern over the spread of random violence and delinquency among uneducated youths since the war, and attributed it directly to a decade of conflict. They spoke of young men who learned to act brutally and were taught nothing else while fighting against their brothers.

Psychologists have proven that violence generates violence and definitely people that got used to it [violence] for 14 years continue with the violence. Suddenly the war is over, but they continue still behaving as if they are in war and we have, at least in the hospital, great amounts of patients who are products of this violence. (FG, medical personnel, San Salvador)

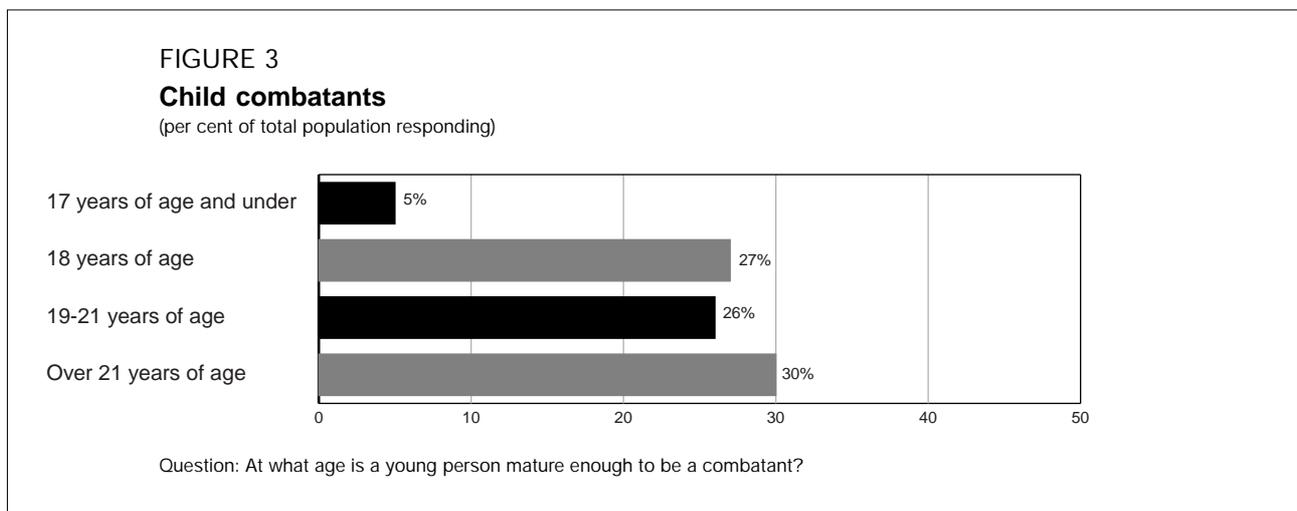
But the other big problem is the wave of delinquency that has risen since the signing of the Peace Accords. It has resulted from both sides of the war, first the soldiers of the armed forces had not studied, and the guerrilla fighters hadn't studied either. So, when the war ended they had no study or training so there is no work for them now. (FG, female ex-FMLN combatants, Chalatenango)

I'd like to refer to the worst thing for me is the delinquency. After the peace process that we had, society has experienced much delinquency. Life is different now and very difficult. (FG, male ex-FMLN combatants, Chalatenango)

One more thing, and something that is very noteworthy because it has been published, that during the war there was no delinquency, and now a horrible delinquency has emerged. (FG, male ex-FMLN combatants, Chalatenango)

Starting there, from the war, we now have many problems with delinquency. All this, you see, comes from the war, more poverty for the country, and as combatants, well they are not okay with the little bit of support that they received. Many of them are now hanging out with the street gangs. (IDI, woman living in conflict zone, Perquin)

Not surprisingly, Salvadorans resist the notion of children serving as combatants and repeatedly expressed dismay that both sides actively recruited young people to join the war in El Salvador. Countrywide only 5 per cent support the idea of children 17 years old or younger being combatants. Eighteen years of age is a dividing line, as is 21: 27 per cent say 18 year-olds are mature enough to become soldiers or fighters and 30 per cent say anyone over 21 is old enough to bear arms.¹⁰



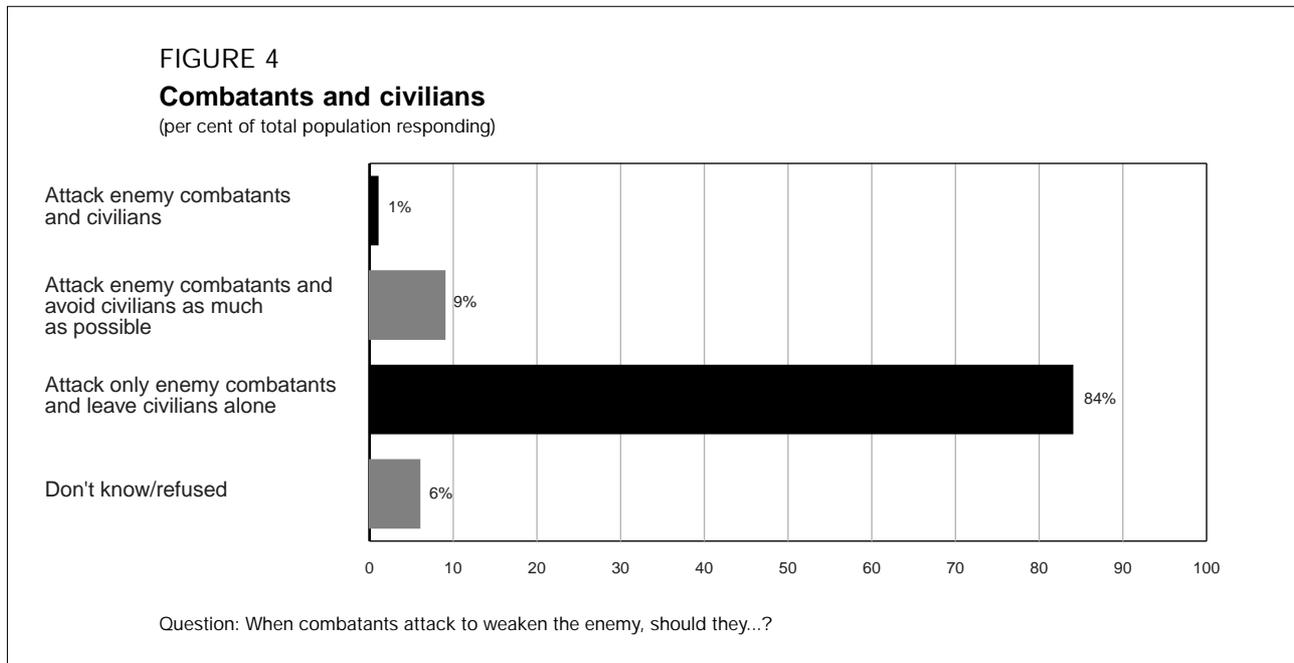
The negative effects of the war linger even today as Salvadorans continue to live daily with violence. This has produced quite a pessimistic outlook on the future. Almost half (49 per cent) of the Salvadorans expect more war in the future; only 29 per cent say they are hopeful that the peace will last.

¹⁰ Combatants regard the involvement of children more leniently; 11 per cent believe children under the age of 18 are ready to take up arms and half (50 per cent) find 18 years an acceptable age to become a combatant.

Civilians in the war

Deep respect for civilians

Nearly all Salvadorans are against involving civilians in armed conflict. After experiencing a war in which civilians were used by both sides or intentionally targeted, the overwhelming majority — 84 per cent — believe that combatants should fight only combatants and leave civilians alone. This sentiment is shared equally by combatants and civilians.



When asked to volunteer what combatants should not be allowed to do, most people say they should not attack civilians (23 per cent). Others talk of not killing or killing without a reason (17 per cent). Respondents also mention not killing children and the elderly (2 per cent) and killing or torturing wounded combatants (2 per cent). They believe combatants should avoid fighting in civilian areas or simply fighting at all (5 per cent combined), taking hostages (3 per cent) or recruiting children (3 per cent). (See Figure 5.)

These findings were richly amplified in the focus group discussions. Participants consider attacking civilians to be inappropriate and regret that it was allowed to happen in El Salvador.

At no time would it be okay to attack the civilian population because they cannot defend themselves. (FG, female ex-FMLN combatants, Chalatenango)

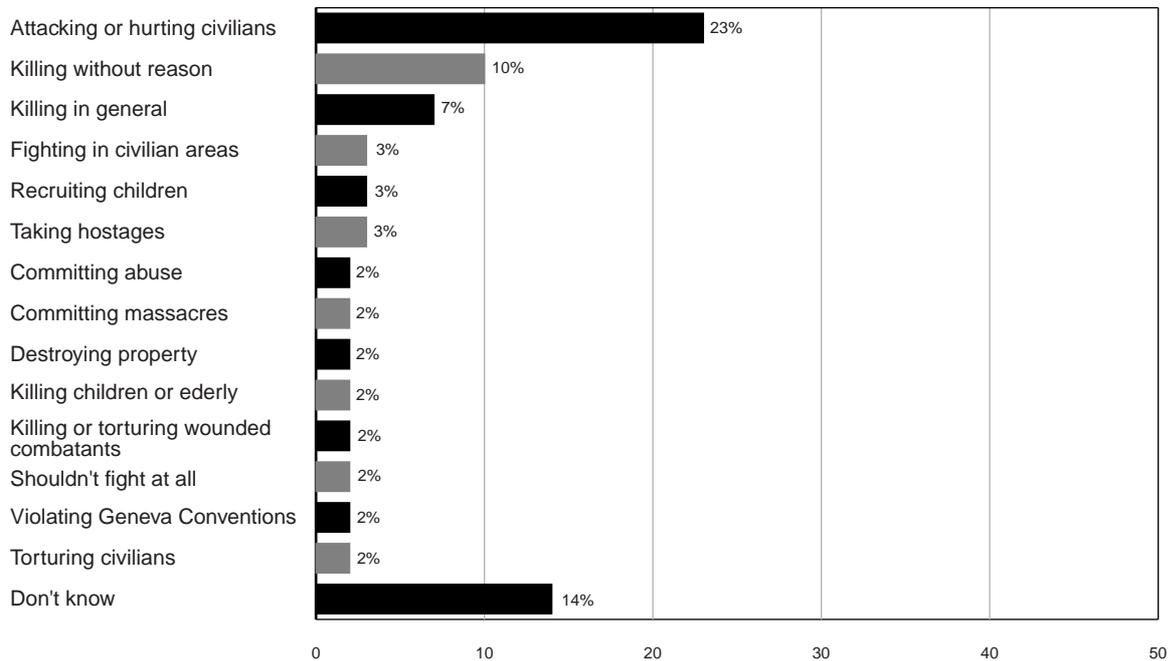
So, for me this shouldn't have happened because the civilian population did not get involved with one side or the other. They just lived there and were living their lives and their only crime was that the guerrillas were near by. (FG, female ex-FMLN combatants, Chalatenango)

But, it's the same here; the ones who suffered the consequences were the women, the children and the elderly. The man who went about in the mountain with his weapon, knew what it was about, and knew how to defend himself but these people no, they waited inside their homes, waiting for someone to defend them. (FG, male ex-FMLN combatants, Chalatenango)

FIGURE 5

What combatants should not do

(per cent of total population responding)



Question: Is there anything that combatants should not be allowed to do in fighting the enemy? (open-ended question)

The bad thing they did was to assassinate children... pregnant women... this thing of... assassinating children and other people is wrong. But, I say that one with a weapon has the right to confront another with a weapon, but these children who didn't know why they died, pregnant women with their children inside their uterus... they shouldn't do this. (FG, women with missing family members, Perquin)

While they feel all civilians warrant protection, Salvadorans were clear on the need for special protection for the most vulnerable members of society — women and children — who paid a particularly high price in the war. Female focus group respondents described rampant sexual abuse of women and told stories of rape and pregnancies aborted under pressure. They described a generation of children who grew up in fear and suffered lasting psychological damage as a result of the war.

This is what the war left us with, also the violence against women by macho men who now beat us and our children daily... we are now all mistreated and abused due to the effects of this war. (IDI, woman living in conflict zone, Perquin)

Yes, I would say yes, they should receive special protection, because the children, for example this massacre that they did, the children, they didn't know anything, and the women who were pregnant suffered so much, yes, they should receive special protection. (FG, women with missing family members, Perquin)

Other things that both sides did were to recruit people to their forces. I remember that the soldiers fell all over the youth and the youth joined up to kill each other. I would have preferred for them to be run over and killed by a car than to kill each other. If the guerrillas, if the mothers didn't let their sons sign up, they'd kill them

at 10-12 years old. They didn't consider the young age of the recruits. (FG, women living in conflict zone, Perquin)

Okay, the hardest part was for the mothers to wander about in the mountains for months with their children, without eating, without drinking and the children suffered from the great epidemic of hunger. So many people that died in order to see change in our country, for that reason mostly it's important to tell the whole history of the war, right? (FG, female ex-FMLN combatants, Chalatenango)

There should be special protection, for example, like the pregnant women. It is sad, they should be helped because she is the one worried about the family, the children, her baby, she especially should receive protection. (FG, women with missing family members, Perquin)

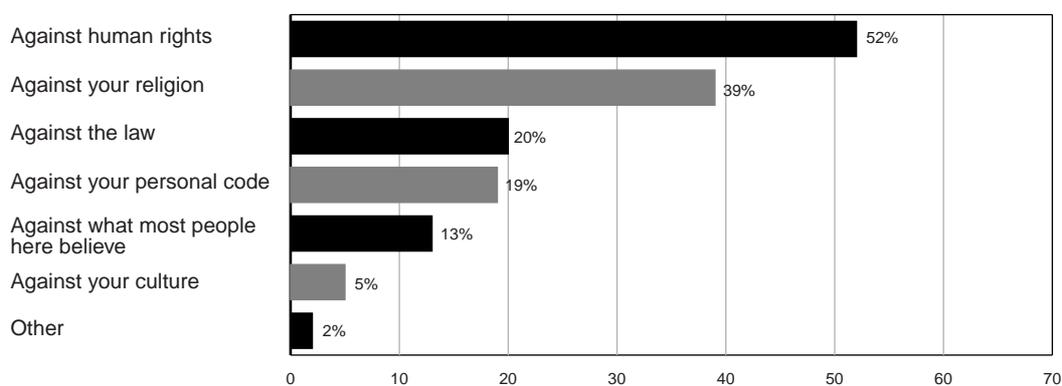
Foundation for protecting civilians

Salvadorans base their respect for civilians equally on societal norms and practical considerations. Just under half believe combatants should not be able to take actions that harm civilians because "it is wrong" (49 per cent). Asked why these actions are wrong, most say that they violate human rights (52 per cent) or religious beliefs (39 per cent) – answers that reflect harsh memories of inhumanity during the war and the marked influence of the Catholic Church in El Salvador.

FIGURE 6

Basis for the norm

(per cent of population responding "it's wrong") (top two choices)¹¹



Question: When you say, "it's wrong", is it primarily wrong because it is...?

In areas of conflict, civilians and combatants alike spoke of the need to respect human life.

One is to respect the lives of the civilians. (FG, male ex-FMLN combatants, Chalatenango)

Well, for me, we all have the right to life and to survive however we can. (FG, women living in conflict zone, Perquin)

So this was the worst for me because they didn't respect anybody, even if they captured someone, they killed them instantly because they didn't respect the dignity or rights of the people. (FG, female ex-FMLN combatants, Chalatenango)

¹¹ Respondents were allowed to provide multiple responses. As a result, the aggregate responses add up to more than 100 per cent.

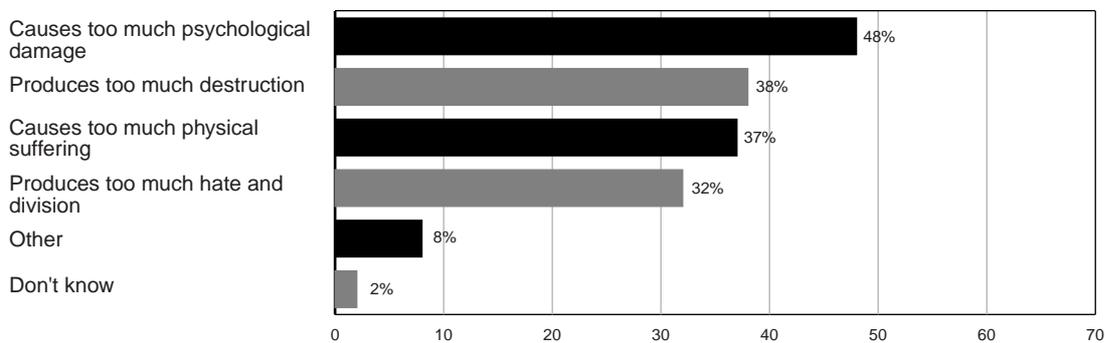
I think my comrade already said it, the tortures which were things that went directly against humanity. I think that's what the majority of us feel, that we all suffered. (FG, male ex-FMLN combatants, Chalatenango)

A nearly equal percentage view actions by combatants against civilians more pragmatically, although the human dimension clearly dominates these impressions as well. Of the 46 per cent who believe these actions should not happen because they "cause too many problems", more than half cite the psychological damage that can result (48 per cent), followed by destruction and physical suffering (38 and 37 per cent, respectively). Almost one-third cite the "hatred and division" produced as the main problems these actions cause.

FIGURE 7

Too many problems

(per cent of population responding "causes too many problems")¹²



Question: When you say, "it just causes too many problems", are you thinking it...?

In focus groups, combatants shared the commitment to civilian protection, but in contrast to those who did not take up arms, they also cited legal restrictions designed to protect civilians, including international law and agreements. As one combatant said, "If he is not armed, you can't attack him. Because there is a law: if you see him with a weapon, yes you can, without a weapon, no, you can't." (FG, male ex-FMLN combatants, Chalatenango)

Limits on weapons of war

People have very clear ideas about what type of weapons they consider acceptable in wartime. They strongly wish to prohibit weapons such as the 500-pound bombs that indiscriminately harm civilians or cause mass destruction.

Participants in the focus groups expressed these feelings strongly, particularly those women who had lived in areas of heavy fighting and experienced aerial bombardment.

Once a plane came to bomb the village where we were meeting, where there were 14 tin roof houses amidst a civilian population. They destroyed the 14 homes, everyone dead, children, women, and a 90-year-old woman hanging from a tree in pieces. (FG, female ex-FMLN combatants, Chalatenango)

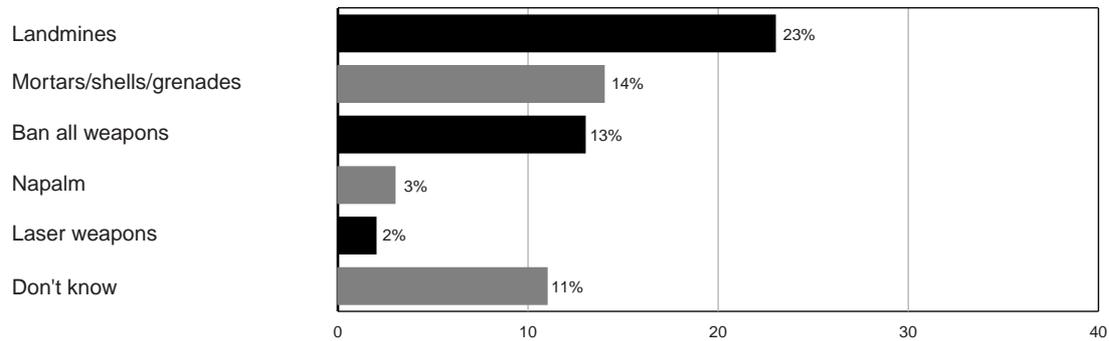
The bombs... they are the ones... of 500 pounds... They threw some of these 500 pound bombs that didn't explode, thank God. (FG, women living in conflict zone, Perquin)

¹² Each respondent was allowed to provide two responses.

FIGURE 8

Weapons that should not be used

(top five responses of those who believe there are weapons that should not be used during war)



Question: What types of weapons are you thinking of?

Yes, for example, the arms those were too, the bombs that they called 500 pounds. Look, these were too much because they demolished too much and also the tear bombs. This was not correct... it's sufficient with their rifle that they could assassinate, but they didn't need these big bombs that they threw. (FG, women with missing family members, Perquin)

All the way from Gotera, they were throwing mortars and that's when they killed a lot of people from a distance. (FG, women with missing family members, Perquin)

Most Salvadorans find weapons that can indiscriminately injure and kill civilians, such as landmines, large bombs and weapons of mass destruction, unacceptable. Landmines in particular are singled out: 94 per cent would not support the use of landmines by combatants where civilians may step on them accidentally.

Civilians in actual conflict

Unwilling participants

Salvadorans firmly believe that limits should be put on combatants in order to protect civilians. They reject opportunities to relax this standard and maintain their strongly held beliefs that civilians are to be kept out of armed conflict.

There is a near-absolute belief that attacking civilians who help enemy combatants, willingly or unwillingly, is unacceptable. Almost everyone surveyed (94 per cent) believe civilians who give food and shelter to enemy combatants should not be attacked, regardless of whether they are forced to help or volunteer. This monolithic support for protecting civilians declines slightly when respondents are asked about civilians who are transporting ammunition, but the vast majority still believe they should be left alone. Eighty-seven per cent believe it is not acceptable to attack civilians who transport ammunition under duress and more than three-quarters, 77 per cent, hold firmly to this belief even when the transport is voluntary.

These beliefs are most likely rooted in war experiences, when civilians were used as human shields or slaughtered to gain ground or a psychological advantage. Civilians became pawns in the struggle, the victims of massacres and mutilation meant to weaken the resolve of the other side.

With the principle of psychological warfare, which we can say, they [army] in the beginning had an intelligence organization, which the [foreigners] were involved in, which one of their primary tactics for executing a psychological war was to attack the civilian population, and not only attacking, but also doing very macabre things, like torturing them. (FG, male ex-FMLN combatants, Chalatenango)

Then, cutting them into little pieces, and they knew that they weren't guerrillas, they knew they were part of the civilian population, but the objective was to carry out psychological warfare, and leave behind the flow of all these people motivated in questions of war, that was their objective. (FG, male ex-FMLN combatants, Chalatenango)

...The army had their tactics, let's say, to devastate, they sent their operatives to demolish the land that was inhabited by the civilian population and the guerrillas. For them, the civilians were the same as guerrillas, but no, they were civilians, and that was part of their operative. Another tactic was to create panic and terror, psychological terror among the population, and other acts were to kill someone in the night and leave them hanging there. These were part of their terror tactics. They left and really nobody knew who had killed them. (FG, male ex-FMLN combatants, Chalatenango)

For the most part, it was for personal hatred that the two sides fought so violently. Even more, they used psychological warfare to get to people. He who thought differently, was told that he was your enemy. They said to others destroy the whole family. If they had cows, kill the cows. The transportation routes were destroyed to win the war. Then if one came and destroyed something, the other [side] came to do the same. They would do things to psychologically wear the other side down. (FG, ex-soldiers, armed forces, San Salvador)

The army was prepared to kill, and to kill in this way, because in this way they were going to terrorize the population. (FG, male ex-FMLN combatants, Chalatenango)

...she hid underneath the dead bodies that were already there. She dug in like an ant into its ant hill and just when she had buried herself, she heard a soldier say, "here she is... she's already dead". She saw... everything, how they assassinated the children, how they threw the pregnant women in the oven with a raging fire. This woman was an example, because she tells how it was... and she is the only one who saved herself... (FG, women with missing family members, Perquin)

I'd say for me that the hardest part of war was seeing the massacres of children and the elderly. I witnessed a massacre during this war when they killed 60 children under the age of five. Sixty children. For me, this was the worst thing, because these children were defenceless, minors, all under age five. How barbaric! And, they massacred another 60 innocent civilians who were only elderly and pregnant women. (FG, female ex-FMLN combatants, Chalatenango)

I think that the death squads were prepared by the same military, and they killed them with an objective of cleansing the entire country of people who were manifesting the want for changes in living conditions, you could say, because the people held manifestations, they demanded things from them. So, the people up there became aware and began utilizing the death squads to clandestinely kill and assassinate these people. (FG, women living in conflict zone, Perquin)

Civilians were caught in the middle – coerced by both sides to help – and thousands gave their lives. Combatants knew well the pressures that civilians faced but did not hesitate to force them to provide food and shelter. Ultimately, as women in the town of Perquin related, civilians had no choice but to help both sides at different times during the war just to survive.

This happened two different ways. In certain areas, the FMLN poisoned the water so that when the armed forces arrived, they would die from drinking the water. The people gave food both to the armed forces and to the FMLN. They were helping out of their own self-defence. They were mostly neutral. They didn't want to get involved with one side or the other. But, they helped them in self-defence by giving up their food. They gave food both to the armed forces and to the FMLN. They helped both sides, in order to remain neutral. (FG, ex-soldiers, armed forces, San Salvador)

I'd say, sometimes the soldiers and the guerrillas thought the people... collaborated with the guerrillas and the soldiers realized... that some family perhaps gave them some food or had joined them, so they killed the whole family for collaborating with the enemy. (FG, women with missing family members, Perquin)

Because, they forced them, obligated them, if the army came you had to give them something to eat. If the guerrillas came, you had to give them something to eat or they would kill you. And sometimes, for example, if the guerrilla was here in Perquin, you had to do whatever they said. If not, you had to leave if one was the owner of a place which they occupied. It was terrible, because if you didn't sell tortillas to the guerrillas, they got mad and if you didn't sell to the soldiers, they

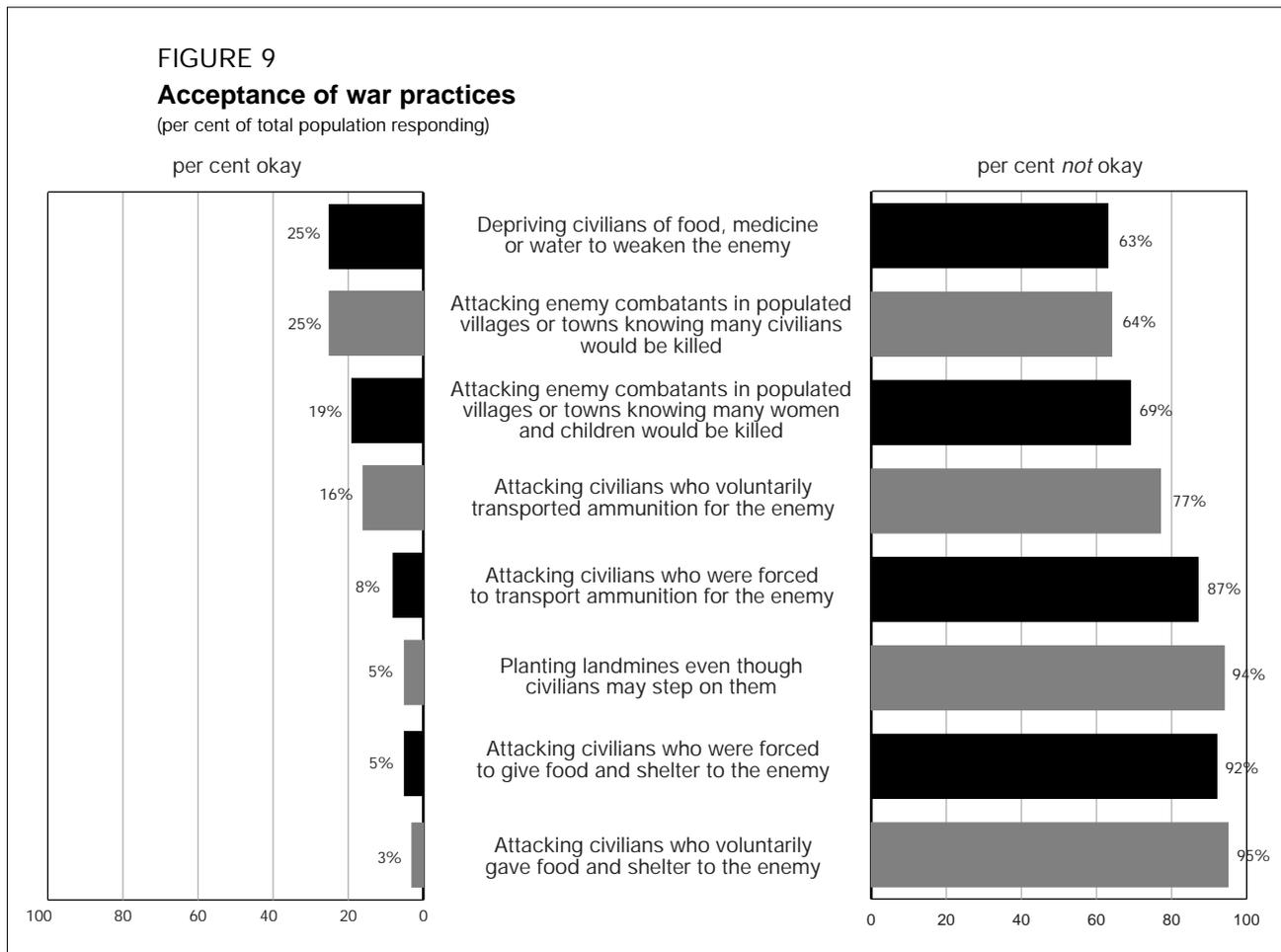
got mad, so you had to collaborate with both sides. (FG, women living in conflict zone, Perquin)

Because, like I say, you had to take part or sides. Nobody could say, I wasn't involved in the war. Yes, we were involved, but I do not know that it's okay to attack us, because you are asking if they had the right to attack us sometimes just because we were there. (FG, women living in conflict zone, Perquin)

Because they did it out of fear. My godfather, when the army arrived, was told, "Look Sebastian, we're going to need food for the army" and my godfather would go to bring food. Then the FMLN arrives by night, "You're going to help us get some corn and some meat, go." The military would stop him as he brought food for the other side and vice versa. So, I think if someone is giving me food to help me, out of their fear or my machismo, it would be unjust to kill them. (FG, ex-soldiers, armed forces, San Salvador)

Civilian protections in wartime

A large majority of Salvadorans, as has been noted, voice a belief in a blanket protection for civilians caught up in war. This holds true on a general level and also when respondents are presented with specific scenarios: whether it is acceptable for combatants to deprive civilians of food, water or medicine or to attack a populated village or town knowing many civilians would be killed. Asked whether these actions are "wrong" or "part of war", the overwhelming majority express the belief that they are wrong. Yet a significant minority of Salvadorans believe these actions are part of war, as Figure 9 demonstrates.



While this finding appears to infer acceptance of such actions by a significant minority, there was a clear sense in the focus group discussions that these actions are not acceptable, but a reality of war. When describing their experiences, some participants did so with a sense of resignation, not acceptance. They want civilians to be protected, but their experience with war has effectively taken this option off the table.

For example, when there are bombings, the damage and harm to the civilian population is accidental. They know that the bomb is going to fall... there could be an army there... and civilians. Another thing is when they go towards a barricade... they know that they are going to kill civilians also... one side or the other. (IDI, religious leader, San Salvador)

I think they shouldn't because we all have rights to food and water. I think it must be part of war. (IDI, teacher, San Salvador)

I think it's incorrect also, although that's what war is for, right? To attack one another and unfortunately the civilians get caught in the middle. I think that [in] one form or another we'll always be affected by these situations. Because supposedly, this band is defending the others, and us too. We are always part of the conflict, although we don't want to be and it's incorrect for them to attack us. (IDI, young man, San Salvador)

A large divide between civilians and combatants emerges on this question. Those who fought in the war are much more likely to view these actions as part of war. Just 53 per cent of combatants view depriving civilians of food, medicine or water as unacceptable; one-third, 34 per cent, believe it is part of war. An even lower number reject attacking villages with large civilian populations as wrong (49 per cent) and 33 per cent see it as part of war. These views stand in marked contrast to those of non-combatants: 64 per cent of those who did not take up arms in the war find depriving civilians of food, medicine or water as unacceptable and only 24 per cent accept these actions as part of war. A full two-thirds (68 per cent) do not believe attacking populated villages or towns is acceptable; only one in five believe it's part of war.

The impact of taking sides

Understanding the divergence between norms and practice is easier when the effect of a person's allegiance to a cause or a side is examined. Respondents who took sides during the war in El Salvador are much more likely to have been directly affected by the war and to sanction attacks on civilians.

Combatants are much more likely to have supported a side during the war in El Salvador (58 per cent supported a side compared with 9 per cent of non-combatants). They are also much more likely to cite negative experiences as a result of the war (45 per cent of combatants with four or more negative experiences compared with 18 per cent of non-combatants).

While taking sides in general does not seem to affect their belief in the right to civilian protection on a general level, when presented with specific scenarios involving civilians, their level of tolerance for attacks rises. In particular, they are more likely to sanction attacks on civilians who are seen to voluntarily transport ammunition for the enemy (23 per cent of those who took sides versus 15 per cent who did not). They are also more willing to say attacking populated villages or towns is just part of war (33 per cent versus 20 per cent).¹³ And they are more likely to sanction the use of landmines (13 per cent versus only 4 per cent).

¹³ They are also more likely to know that there are rules or laws that prevent this kind of behaviour (43 per cent of those who took sides compared with 36 per cent who did not).

Lastly, this allegiance affects their views of the future. Those who supported a side are more likely to want punishment for rule-breakers (68 per cent versus 59 per cent); they desire more international intervention in the future (87 per cent versus 79 per cent), and they are more pessimistic about peace: the majority of those who supported a side (55 per cent) believe there will be more war in the future instead of peace, compared with 49 per cent of those who did not support a side.

Breakdown of limits

Relaxing the rules of war

Salvadorans' firm belief in according civilians special protection was directly challenged by the reality of a war that targeted civilians. The long list of atrocities is well documented, as innocent civilians were often sacrificed to put additional pressure on the enemy to surrender. Of those who were either imprisoned or lived under enemy control, 15 per cent were personally mistreated, 8 per cent were physically injured and 25 per cent were not treated correctly. The killing, mutilation and abuse of civilians were psychological tools used both to weaken the enemy and discourage support by civilians for the other side.

Combatants unprepared and untrained in rules of war

Leaders who forced combatants to carry out these atrocities or pay a price themselves applied tremendous pressure to those actively engaged in the fighting. Many Salvadorans fought without a real understanding of the mission; in focus groups, government soldiers talked openly of how they were pressured to fight without a clear justification. Most believed that the elite and other powerful people established the goals of the war, and that they were used to carry out these goals.

It was... a business planned by the highest command... They gave us the weapons. The poor Salvadorans were then forced to fight between two sides like I said. We never knew why we were fighting; we were fighting for the high officials. (FG, ex-soldiers, armed forces, San Salvador)

Politics threw us into a conflict and that's why we fought. Without knowing who we were fighting against. (FG, ex-soldiers, armed forces, San Salvador)

That's how I have seen it in my mind. Go ask a general who was leading the war at that time, today he's a businessman, today he's a millionaire and the combatants, where are they? Ask the same question to the people of the Frente and they'll tell you the same thing. Why? They swayed people who really lived in the hills, to fight against one another like my companion said. The same race. Only their ideas were different. This was the only difference between us. (FG, ex-soldiers, armed forces, San Salvador)

Fighters among the anti-government forces were naturally much clearer about their motivations and goals. They believed the war was necessary to improve the lives of the poor and working classes, and justified it as a necessary price to pay for change.

But also we must say that the war was a necessary bad route, because look, if the war had not happened, we still wouldn't have the few small changes that we do have at the top, so it was worth it to some degree... of those who have benefited, well, we wouldn't be meeting with you here today. (FG, male ex-FMLN combatants, Chalatenango)

Because it was worth more to die fighting than to die of hunger, and in this situation we are clear that the war we don't wish upon anyone. Nor perhaps would we continue working this way... but if we defend our reasons, the causes for which we got involved in the effort. (FG, male ex-FMLN combatants, Chalatenango)

Well, I would tell him that war carries a lot of suffering, of course. It is hard, and perhaps we didn't even achieve our objectives but, since there was no other way out, we had to do it. (FG, male ex-FMLN combatants, Chalatenango)

But the confusion and lack of understanding that marked the attitudes of government soldiers could also be found among anti-government forces. Coming face-to-face with government soldiers – many of whom were drawn from the rural poor, the very people they were fighting for – challenged the clarity of their goal. As one former FMLN combatant put it: “Look, the soldiers were or are from poor families. The guerrillas also are from poor families. How could the soldiers make them fight against us knowing that they were poor just like us?”

Both soldiers and fighters described entering the war with little training and little understanding of the “rules” of war.

Because, here in central San Salvador, to mobilize yourself to the maximum where the war was, in the rural villages, in the rural area where they were killing the indigenous [people], where the people were not prepared. This war took place there, they didn't instruct us in human rights, they just said here's what you're going to do and here's how you're going to do it. You are going to defend our country. It was your same village opposing you. (FG, ex-soldiers, armed forces, San Salvador)

Pressured to follow orders

Lacking knowledge of the rules of war, combatants were put under tremendous pressure from their superiors to attack, kill and massacre civilians. The roots of this breakdown are found in a culture of pressure to use the most extreme tactics against the enemy and civilians in order to weaken the resolve of the other side. Civilians and combatants both cite following orders from superiors as the reason why civilians were attacked (59 per cent of each group), far more so than any other reason, including winning at any cost, hatred for the other side, lack of concern for laws or the influence of alcohol or drugs.¹⁴

Civilians and combatants agreed that untrained and poor combatants were forced by their superiors to carry out these acts or face extreme penalties, sometimes the loss of their own lives.

I was drugged. My mind worked only as I wanted it to. Or, you could say under the orders of others or it could be my own turbulence that I was lost. Yes, I killed on a whim with a machete... I did it. (FG, ex-soldiers, armed forces, San Salvador)

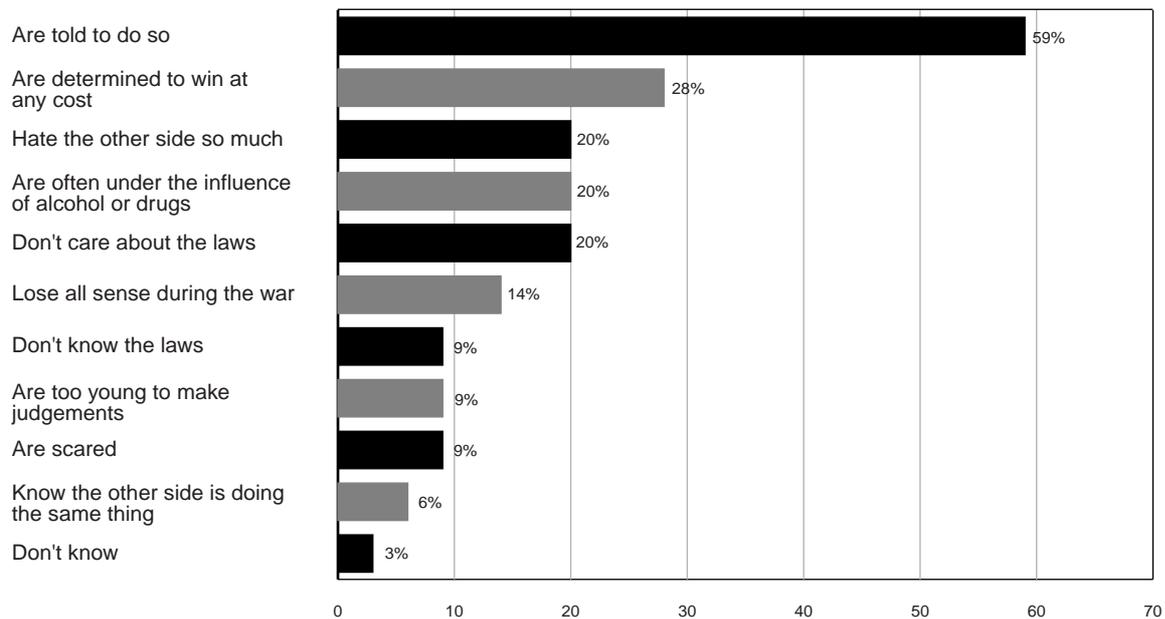
Among themselves... for example, if a guerrilla committed a small error, he had to go kill his comrade for this error, including his same guerrilla comrades. Yes, and the soldiers were the same way, that's why I say that their commanding officers should be punished. (FG, women living in conflict zone, Perquin)

They had someone who gave them orders... someone who sent them to, as they say some were drugged, some killed their own mothers and fathers and felt no remorse. (FG, women with missing family members, Perquin)

Yes, they were orders. They were orders, and if they didn't comply... well, they made a lot of money to do this and so if they didn't comply with the orders, like I say... A cousin of mine because he didn't want to kill some family members, they killed him. They'd say, “You don't want to be a soldier, you can't be in the army,

¹⁴ A tendency to hold superiors responsible is also reflected in attitudes to punishment, as discussed on p. 24.

FIGURE 10
Why combatants attack civilians
 (per cent of total population responding) (top two responses)



Question: Which *two* of the following reasons best explain why combatants attack or hurt civilians, even though many people say it is not okay or maybe against the law. Is it because...?

because you feel pity. He who enters the army, cannot feel pity, not for your mother, or your father, nobody..." that's what they told them, to assassinate and he didn't do it so they removed him from the post and killed him, a nephew of mine. (FG, women with missing family members, Perquin)

Yes, following orders. Everything, I will manifest if you don't do it to them, I'll do it to you. That's what they'd say to us. (FG, ex-soldiers, armed forces, San Salvador)

Combatants were not ready to admit that they deliberately committed atrocities, but were quick to point out the possibility of civilians being harmed mistakenly as part of the war. They spoke of making these mistakes, and regretting these acts, but view them from within a broader framework of what was necessary in this particular war.

And we, I am telling you with the strictest confidence, that because I was operating in the area, that they said, look "if there are eight soldiers and two civilians, let them pass." This is what I saw; we never directly attacked the civilian population... using them as a way to move from one point to the next, right, and lamentably, eight or ten soldiers and one civilian would die, right. (FG, male ex-FMLN combatants, Chalatenango)

There was unjust treatment of civilians by both sides. That is war. (FG, ex-soldiers, armed forces, San Salvador)

Sometimes, yes, civilians were wounded, but it's because they got caught in the crossfire. In the same crossfire, the army brought the civilian population into it,

they brought them into it to help them with their security, and they took them to other places to defend them. (FG, male ex-FMLN combatants, Chalatenango)

Every one of us carries our archives, good or bad, but we do it. So, I can tell you, step by step, my military history, my story. So, what I want you to understand, what my brother is trying to tell you, is that everyone of us carries this and we haven't even told our own families. It is ours, it is our personal diary, my crucifix that I carry and that I will bear, forever. (FG, ex-soldiers, armed forces, San Salvador)

Prisoner protections less certain

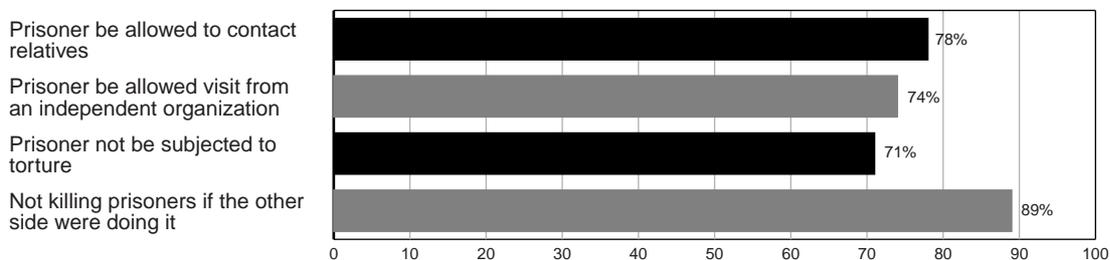
A large majority of Salvadorans extend the protections accorded to civilians to captured combatants and remain firmly committed to preventing abuses against them. The vast majority, 89 per cent, reject the killing of captured combatants, even if the other side is doing so, and 86 per cent believe captured enemy combatants never deserve to die. Perhaps because of the inhumanity and violence they have endured, Salvadorans are resolutely opposed to killing – even taking the life of an enemy – and actively committed to protecting life.

While a large majority believe captured combatants should be protected and accorded all their rights, a significant minority is more tolerant of certain abuses. Almost one-quarter of Salvadorans (23 per cent) sanction torture and slightly smaller minorities accept restrictions on visits from independent organizations and even from family members. (See Figure 11.) Combatants are even more likely to accept these abuses, particularly subjecting a prisoner to torture (34 per cent).

FIGURE 11

Captured enemy combatants

(per cent of total population responding)



Question: Now let me ask you how captured combatants should be treated.

Combatants perhaps view the treatment of captured enemy combatants differently because they have found themselves in similar situations during the war. They were not monolithic in their views. Some told of facing this situation and saving the enemy combatant in spite of strong feelings about what that combatant had done.

Yes, I've done it, I had to do it because as I described that in the beginning, my work was as a brigade officer in health and although we didn't have medicine, we reached an agreement with the international Red Cross that we would attend to our wounded, our wounded soldiers. They would replace the medications that we needed. This was not always possible for the levels of isolation and contact with the ICRC that we had. (IDI, war-injured person, San Salvador)

For example, if yesterday a soldier killed my brother, and tomorrow I have the possibility of charging him for it, honestly, I can't answer what I would do. I would like to say that I would, that I would respect his life; of course, there were many who reacted that way. (FG, ex-soldiers, armed forces, San Salvador)

For example, the direction of the Frente in this sense was very clear, respect for life was first. Including extreme cases, if some combatants, for example, thought they could act in this manner, they were removed and sent elsewhere and they put someone else in their place who would treat the situation with more indifference. (FG, ex-soldiers, armed forces, San Salvador)

Yes, for us there is an experience with, they took the community of San Marcos, they wounded a soldier in the face and he couldn't walk, so we asked the Red Cross to take him out of there. It could have been us. But as human beings, we can't let someone else suffer, so we made sure the man was cured. (FG, NGO personnel, San Salvador)

No, I only want to say that it is a complicated experience, because I could have lived one of these experiences. To begin with, these guys who killed my father and captured my mother were only a few blocks away. I had the opportunity out in Amaya, right... look, I saw it and I had a brash reaction and said, today I am going to kill that devil, because I could have done it very easily, arrive and hit him with a couple of shots. (FG, ex-soldiers, armed forces, San Salvador)

The widely held belief that combatants were following orders when carrying out the many atrocities does not temper the vivid memories that atrocities provoke. Instead, Salvadorans struggle with what they know is morally correct and the intensity of their emotions. As noted earlier in this report, hatred is a defining characteristic of the war and that emotion can dissolve a clearly stated moral commitment to protect captured combatants.

The moral commitment to protect captured combatants begins to break down when respondents were confronted with the hypothetical situation of choosing to save a surrendering enemy combatant who had killed a close relative or friend. The survey findings indicate a majority would save the life of a surrendering enemy combatant (67 per cent) and a slightly smaller majority would help one who was wounded (63 per cent).

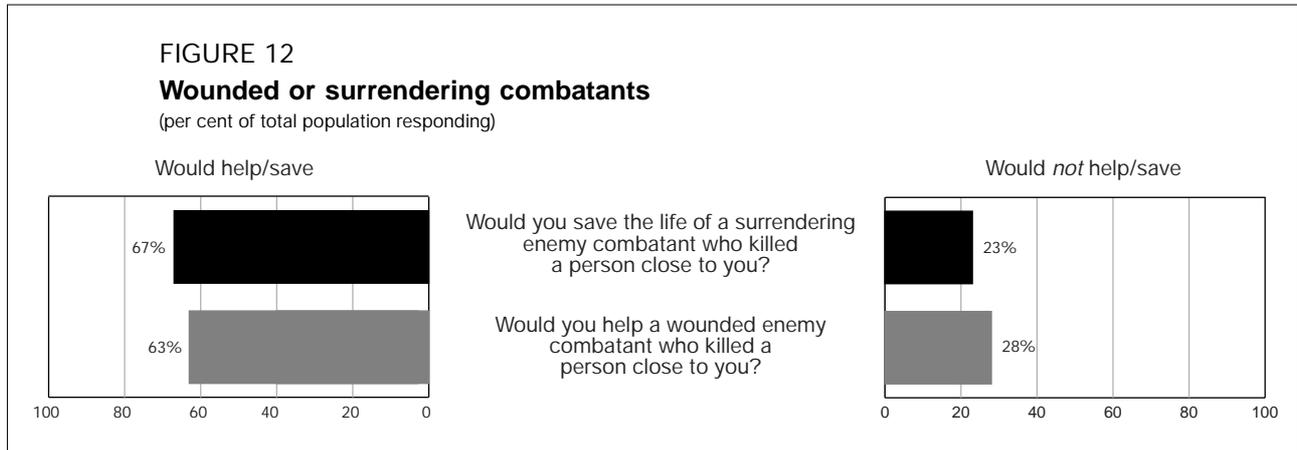
In the focus groups, some participants expressed the belief that they would in fact save or help a surrendering or wounded enemy combatant as part of their moral code. Their belief that every human being has the right to live outweighed other considerations in what is perhaps the most difficult test of that code.

I believe that I would... because this happened to me; I know I would because this already happened to me. I didn't have this in my head that, I am going to seek revenge but, the young man who killed my brother and when I saw him I felt something very ugly and if I had wanted to do something, I could have done it but I didn't. (FG, women living in conflict zone, Perquin)

So yes, I believe that I could do it. But, if you go around thinking about it... it's hard to say what you would do. So, I believe that it depends on what one thinks and what one thought during the war and to kill was the only thing because that was in his head. (FG, women living in conflict zone, Perquin)

Yes, I would. I would save him and everything, but in my conscience, I'm not going to want to but at the base, maybe, like my companions say, I would ask for my God to give me patience in this situation. (FG, women living in conflict zone, Perquin)

However, among a significant number of Salvadorans, passions take over and they are ready to ignore their moral code in either situation. Almost one-quarter (23 per cent) would not save the life of a surrendering combatant and 28 per cent would not help one who was wounded.



Participants in the focus groups described the struggle that would likely take place in this situation. Many believe their emotions would take over and they would not make the effort to save the enemy combatant. They recognize that their actions would go against their moral code, their religion, or both, but balance that against the knowledge of what they have lost at the hands of this enemy combatant.

Perhaps most revealing is the manner in which they avoid responsibility for this person's life by not taking action either way. Most focus group participants would not help a wounded combatant, but they would not kill him or her either. Rather, they would leave the combatant alone to live or die without them. This is perhaps their way of acknowledging their emotions, but maintaining their internal code.

Perhaps I would not save him, nor would I touch him, better yet... (FG, women with missing family members, Perquin)

No, because if he is wounded and ready to die, it's better not to touch him, it's better that he dies... (FG, women with missing family members, Perquin)

This is difficult, very difficult because if I saw a wounded soldier and I knew that he had killed my mother... I wouldn't do anything to him but I wouldn't help him either. (FG, female ex-FMLN combatants, Chalatenango)

In the end, the emotions this situation provokes within people would likely be overwhelming and would dominate their actions in a way that makes it difficult for them to predict.

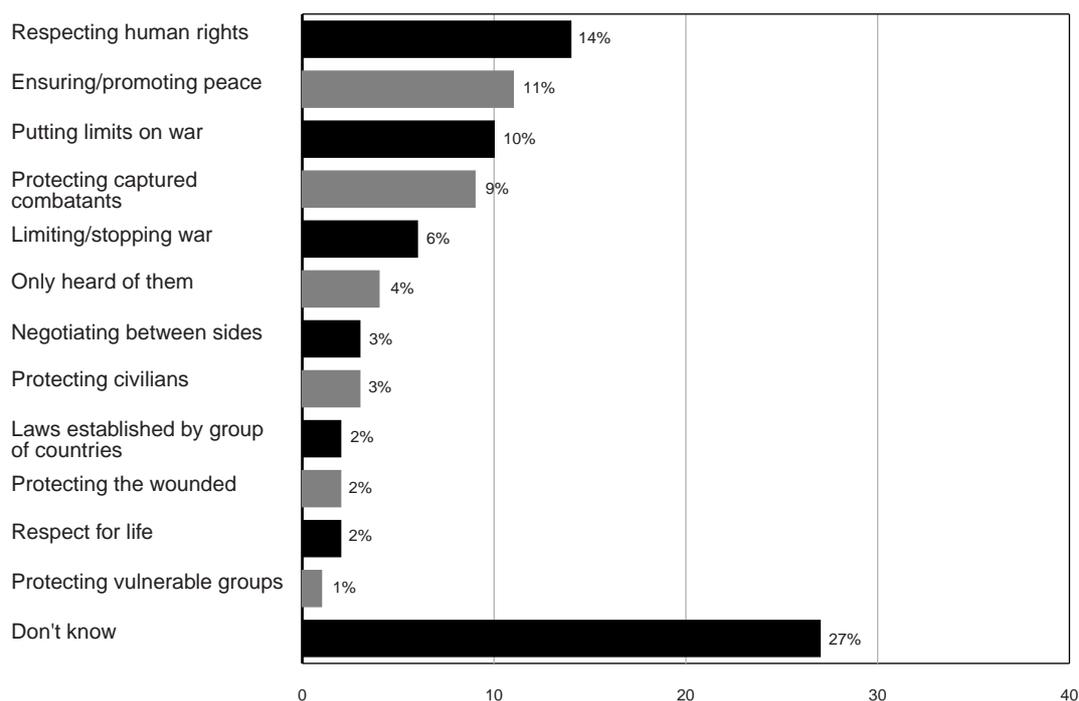
Geneva Conventions

The long war and the attention focused on abuses since the war's end have not produced a high level of awareness of the Geneva Conventions in El Salvador. Just 33 per cent of those surveyed have heard of the Geneva Conventions, and of those only 48 per cent could describe them accurately. Those who were familiar with the Geneva Conventions mainly describe their mission as setting limits in war and promoting peace (27 per cent); protecting civilians, captured combatants, the wounded and vulnerable groups (15 per cent); and respecting human rights (14 per cent).

FIGURE 13

What the Geneva Conventions are about

(per cent of population who have heard of the Geneva Conventions)



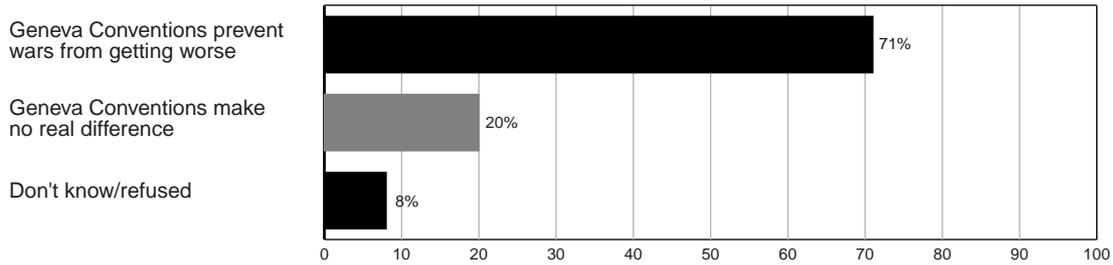
Question: Could you tell me what the Geneva Conventions are about?

More combatants have heard of the Geneva Conventions than civilians (44 per cent to 33 per cent). Education clearly correlates with awareness of the Conventions. Salvadorans with a higher education are more likely to have heard of the Geneva Conventions: college graduates (51 per cent), high school diploma (35 per cent), some primary education (22 per cent) and no education (8 per cent).

This low level of awareness of the Geneva Conventions is consistent with a general lack of knowledge about laws meant to limit the actions of combatants in wartime. Fewer than half of Salvadorans believe there are laws against attacking populated villages or towns (37 per cent) or depriving the civilian population of food, medicine or water to weaken the enemy (27 per cent). Again, there is greater awareness among combatants – 43 per cent know of laws against attacks on towns with civilians and 34 per cent believe there are laws that prevent depriving civilians of food, medicine or water.

Once the Geneva Conventions and their mission are explained, a large majority of Salvadorans believe they will make a difference in armed conflict. By an overwhelming margin (71 per cent to 20 per cent), they believe the Geneva Conventions prevent wars from getting worse.

FIGURE 14
Impact of Geneva Conventions
(per cent of total population responding)

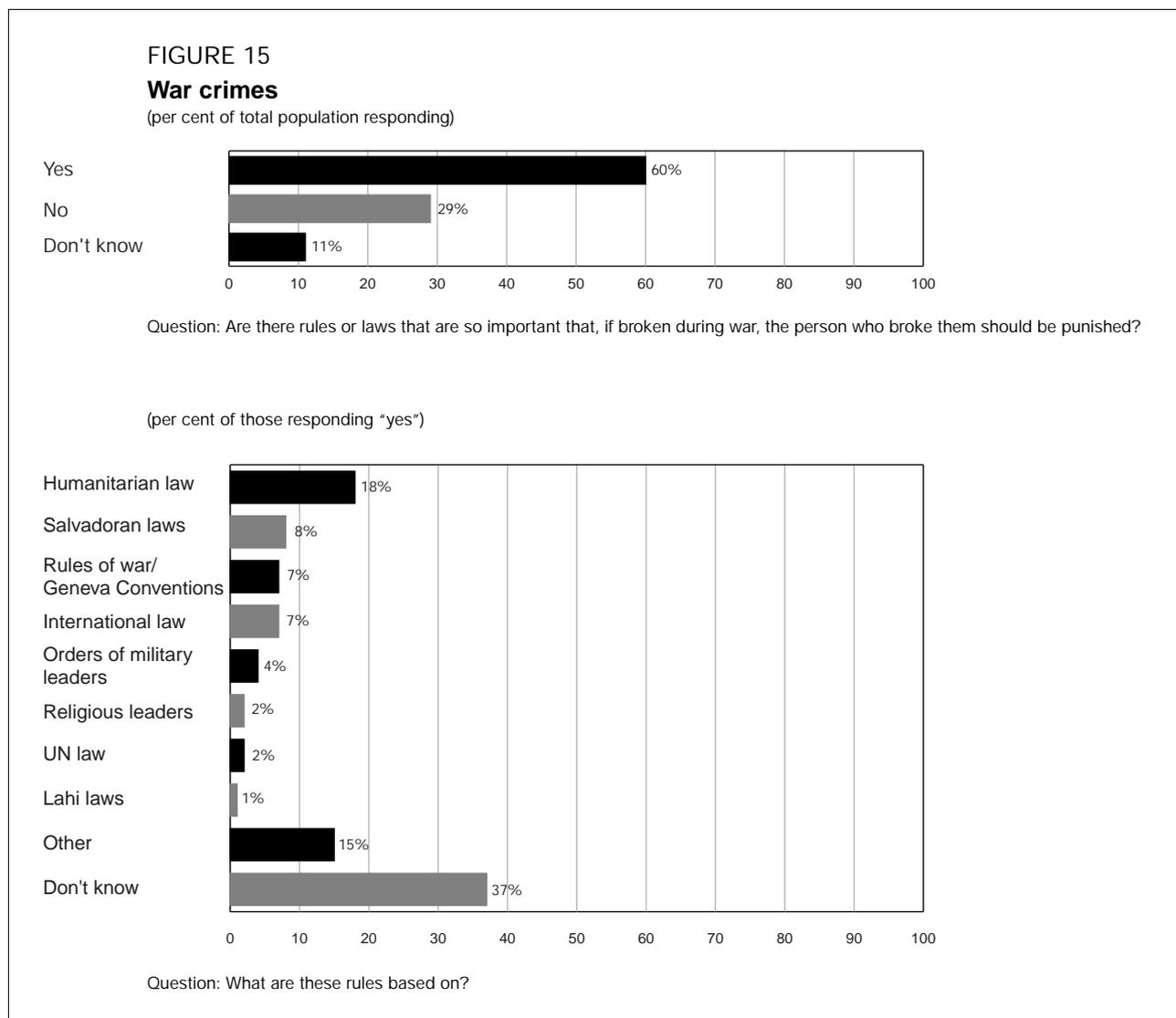


Question: Do you think the existence of the Geneva Conventions prevents wars from getting worse or does it make no real difference?

Awareness of the Geneva Conventions clearly makes a difference in perspectives on wartime behaviour. Those who are familiar with them are more likely to believe that depriving the civilian population of food, medicine or water is wrong (68 per cent versus 61 per cent); that captured combatants should not be subjected to torture (79 per cent versus 68 per cent); and that captured combatants should be allowed visits from independent organizations (90 per cent versus 66 per cent).

War crimes and the international community

Salvadorans approach the question of war crimes with somewhat contradictory views that reflect competing beliefs. They believe there are rules or laws so important that those who break them should be punished (60 per cent). They also believe someone must pay a price for the vicious acts committed during the war.



Yet there are mixed feelings about putting these war criminals on trial. Just 43 per cent support that option, compared with 51 per cent who would prefer to move on and either forgive them, grant them amnesty, forget about them or expose them to the public. Exhaustion with the memories of a brutal war makes them hesitant to reopen the book, revive old hatreds or relive their experiences.¹⁵ (See Figure 16.)

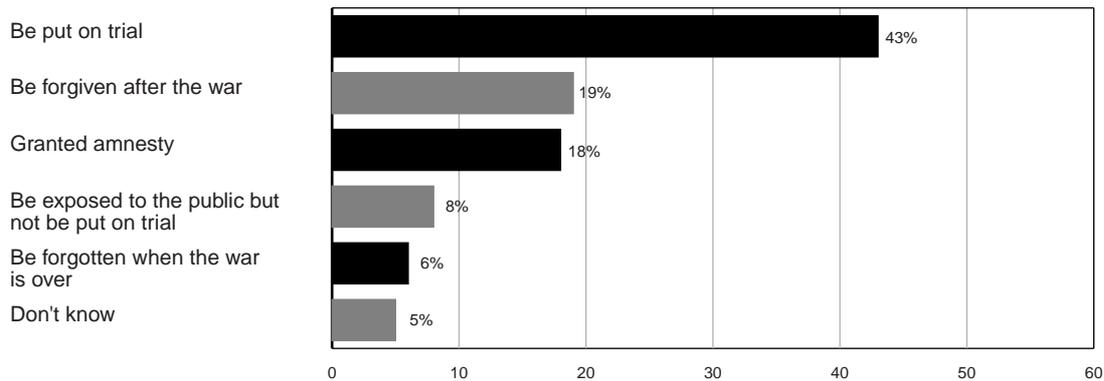
Their experiences also colour their impressions of the Truth Commission. As one focus group participant said, "I'm not really in agreement that they bring judgment... because we're going to fall into a very difficult vortex that could cause fatal consequences for the future of our country." (FG, medical personnel, San Salvador) While Salvadorans are somewhat hesitant to bring judgment on wrongdoers, they believe that all people should know what happened during the conflict and that the Truth Commission played a central role in that process.

¹⁵ Fewer combatants want to see war criminals put on trial (28 per cent) and the vast majority believe in forgiveness (32 per cent) or amnesty (30 per cent).

FIGURE 16

Punishment

(per cent of total population responding)



Question: When the war is over, should people who have broken these rules...?

It is a moral debt that the Salvadoran community and the Salvadoran society and all those who were affected by the conflict should know the truth about what happened. (FG, medical personnel, San Salvador)

I heard that it was a group of investigators who wanted to discover the truth, where the truth was behind these acts, these massacres, the assassinations. So they could find out about the horrible things that happened during the war, horrible things that left our villages suffering in general. (FG, women living in conflict zone, Perquin)

The Truth Commission investigated the worst cases, those that really merited investigation. They wrote reports about who was involved, the intellectual authors. (FG, young men, San Salvador)

There is a broadly held belief that the blame for many of the atrocities lies with the military leaders, who put incredible pressures on combatants to commit heinous acts to gain an advantage. Focus group participants called for punishing those who were in charge more than the combatants who carried out the orders.

So they, too, were repressed to be able to carry out orders, so I think that those who should be punished are those... who were giving orders to kill. (FG, female ex-FMLN combatants, Chalatenango)

For me, they shouldn't punish those who did the act but the heads of the acts, the ones who brainwashed and put these ideas into the heads of the people who acted. (FG, women living in conflict zone, Perquin)

Why don't they [Truth Commission] investigate the higher-ups who gave the orders in the first place? (FG, ex-soldiers, armed forces, San Salvador)

International role

Salvadorans are ambivalent about their government's ability to protect civilians successfully. Although 45 per cent would look to the Salvadoran government or its courts to punish wrongdoers, slightly more than a third (34 per cent) would look instead to the international community to play a major role in dealing with war crimes and the issues of war in general. An overwhelming majority, 80 per cent, want more intervention by the international community to help civilians in the future.

Many believe earlier international involvement would have reduced the negative impact of the war. They believe that, if only the international community had paid more attention, if only the spotlight had focused on El Salvador, the war may not have gone on for as long or been as brutal.

Well, what they could have done and maybe sometimes they did, in other countries the international community helped, because they sent groups of people here to El Salvador, for example, the ONUSAL,¹⁶ was here helping and they left when the country was, you could say, peaceful again, and I think that the international [groups] could have at times, also could have helped the people or our country, so that the war would cease. I think they tried to help. (FG, women with missing family members, Perquin)

The international organizations should have come, they should not have let this [war] happen. It should not have been implemented. Since it had been coming on little by little, it could have been stopped. (FG, male ex-FMLN combatants, Chalatenango)

Because if the international organizations had seen what was going on here, they could have found a way to get involved and negotiate sooner than later. (FG, male ex-FMLN combatants, Chalatenango)

I feel that they should have done it much earlier than they did, because it's the same if they had done it at the beginning of the war, perhaps. I think they could have... like they eventually did. Too much time went by before they got involved. (FG, women living in conflict zone, Perquin)

If the international community had pressured more during or after the massacre... perhaps the[y] would have taken more precautions in their future fighting against the guerrillas. They [international community] never even threatened or reprimanded them for what they did so they kept it up and did it more and more. (FG, ex-soldiers, armed forces, San Salvador)

Salvadorans look to both the international community and their own national institutions to resolve these issues. In focus group discussions, participants stressed that the international spotlight is critical, and expressed the belief that the international community could bring an impartial perspective.

¹⁶ United Nations Observer Mission in El Salvador.

The role of the ICRC/Red Cross

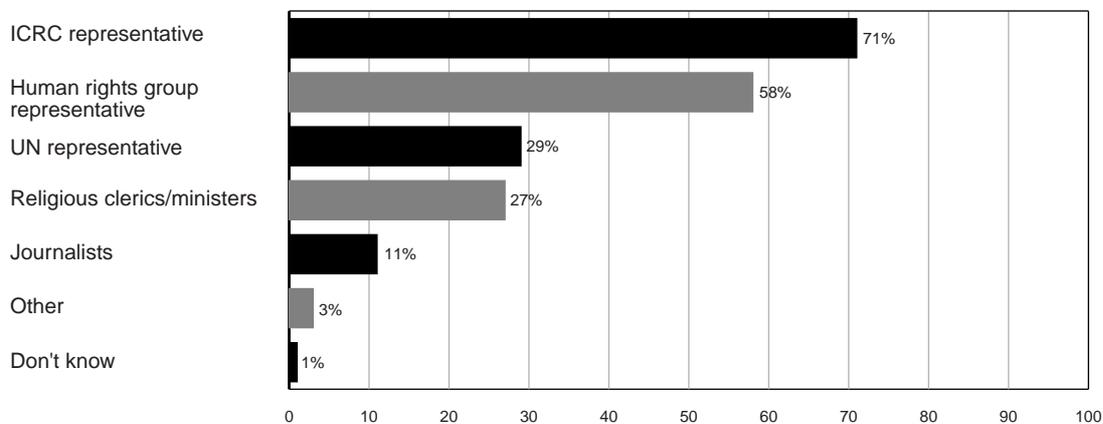
The ICRC/Red Cross emerges as one of the most credible institutions in El Salvador. Its emblem is recognized by virtually everyone surveyed (92 per cent). The red cross emblem is seen as protecting everybody (42 per cent), including the wounded and sick (20 per cent) and anyone needing help (12 per cent).

People believe the ICRC/Red Cross has a clear role to play in the war, for civilians and combatants alike. When considering which independent representatives should visit captured combatants, people cite the ICRC, 71 per cent, by a wide margin over human rights representatives (58 per cent), UN representatives (29 per cent) and clergy or religious representatives (27 per cent).

FIGURE 17

Visit by representative

(per cent of those responding that a visit should be allowed)



Question: Which of the following people should be allowed to visit captured enemy combatants?

Salvadorans also look to the ICRC/Red Cross in times of trouble during war (58 per cent), again to a much higher degree than any other organization or representative. When asked to whom they would turn for help during a war, people overwhelmingly picked the ICRC/Red Cross. (See Figure 18.)

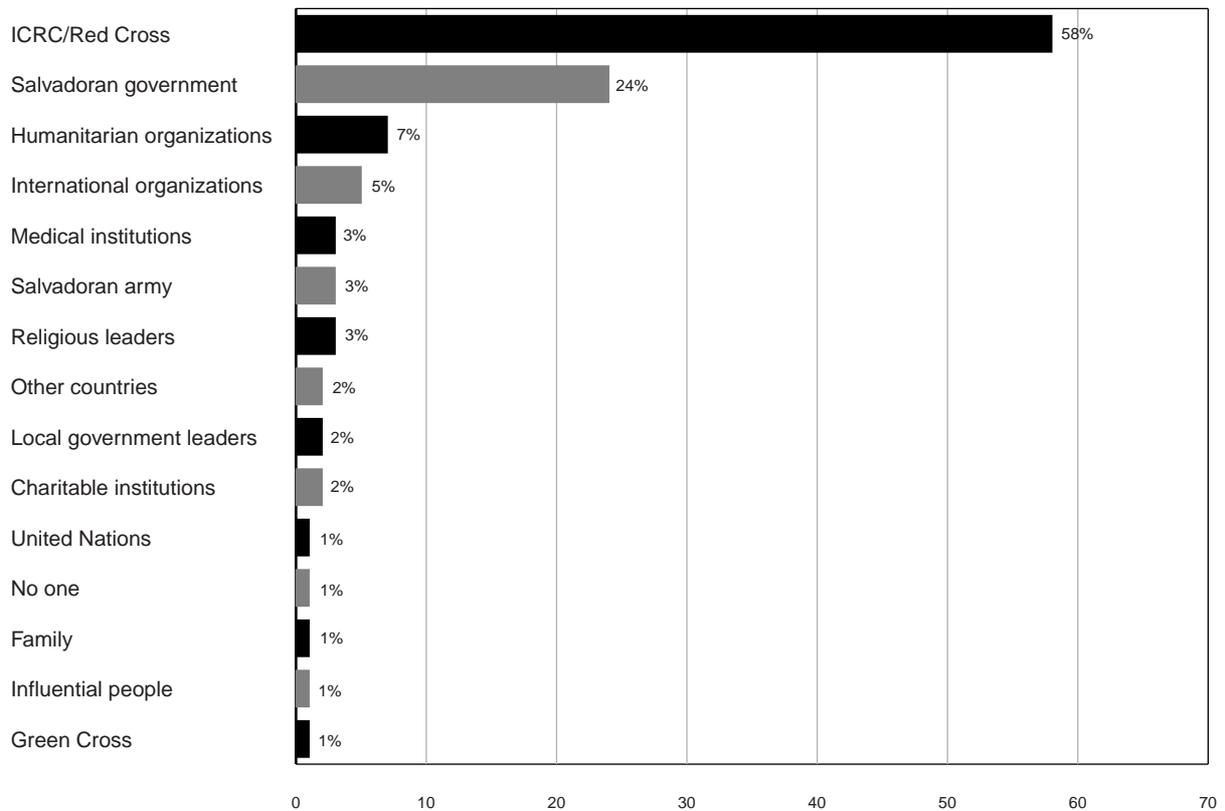
The ICRC/Red Cross also maintains a strong standing as an active force in helping civilians whose villages have been cut off from food, water, medical supplies and electricity. More than half (60 per cent) cite it as one of two organizations or individuals who played the biggest role in helping civilians during the war, nearly twice the number for the next most frequent mention, the UN (34 per cent). (See Figure 19.)

The ICRC/Red Cross is the very symbol of independence and embodies very important qualities that give it a higher standing in an armed conflict than other humanitarian organizations, the government and even religious leaders.

FIGURE 18

Turn to for help

(per cent of total population responding)

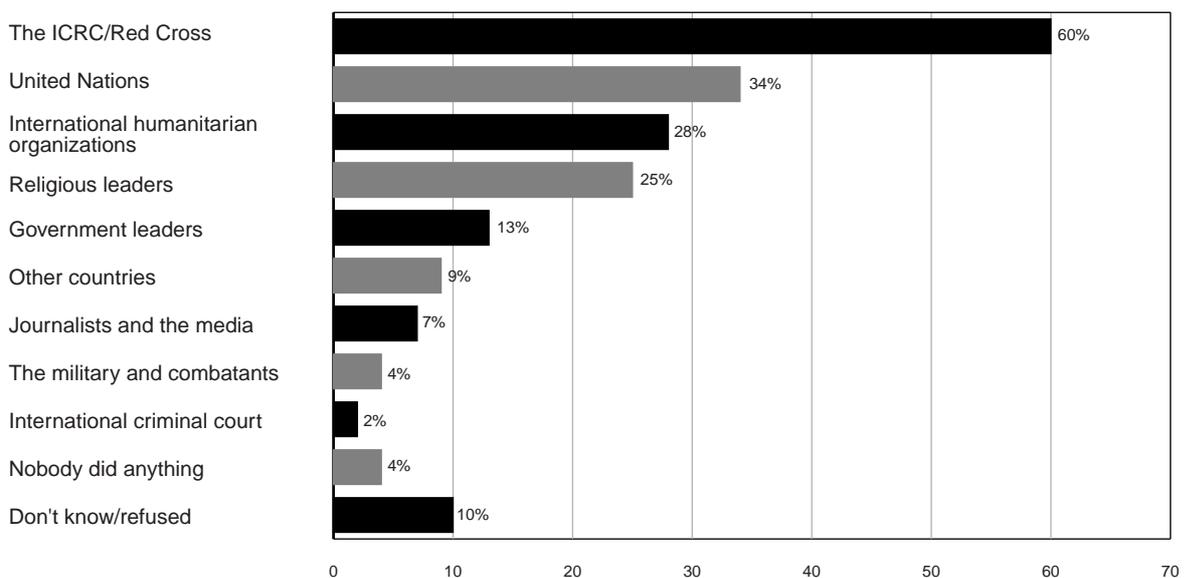


Question: Let me ask what can be done if during the war civilian areas are attacked, towns or villages are cut off from food, water, medical supplies and electricity? To whom would you turn to get help or to be protected?

FIGURE 19

Biggest role

(per cent of total population responding) (top two responses)



Question: I'm now going to describe different kinds of people and organizations. Please tell me which *two* of these have played the biggest role during the war to stop civilian areas from being attacked or cut off from food, water, medical supplies and electricity.

Annex 1: General methodology

The ICRC's worldwide consultation on the rules of war, which is the cornerstone of the People on War project, was carried out in 12 countries that have been ravaged by war over the past decades. In each case, the ICRC conducted a public opinion survey with a representative sample of the country's population and organized in-depth interviews and focus groups with those involved in or directly affected by the conflict.

For comparative purposes, the views of people were also sought in France, Russian Federation, Switzerland, United Kingdom and United States on the basis of the opinion survey only.

The consultation was based on three principal research methods:

- A survey of 1,000 (in some cases 1,500) respondents representative of the country's general population;
- Focus groups (between 8 and 12 depending on the country) allowing a professionally moderated and intensive discussion in small groups;
- In-depth, face-to-face interviews (about 20 in each country) with individuals with specific war experiences.

In almost every case, the ICRC and local Red Cross or Red Crescent staff conducted the interviews, organized the focus groups, including recruitment of participants, and helped with translation/interpreting. Greenberg Research, with a local partner company, developed the sample design for the survey, processed data in electronic form, provided moderators and prepared transcripts.

Opinion survey

Questionnaire. The opinion survey questioned people on their war experiences and views on international humanitarian law. The survey was mainly standardized for all countries, though the wording was modified to reflect each context and to achieve consistent meaning. About 10 per cent of the questions were contextual and in many cases unique to the country. In an additional five countries, the questionnaire was designed to elicit people's perceptions on war and humanitarian law.

The questionnaires were developed by Greenberg Research, in consultation with the ICRC, on the basis of interviews with humanitarian law experts in the United States and Europe. The survey and questions were pre-tested in Mozambique and Colombia.

Sample design. In each country, interviews were held with 1,000 to 1,500 respondents, selected by a stratified, multistage cluster sampling method. The sample was stratified to ensure representation (500 interviews) from each of the principal conflict-affected geographic areas or ethnic/religious groups. In Bosnia-Herzegovina, for example, this meant some 1,500 interviews (500 from Republika Srpska and 500 each from the Bosniac and Croat areas of the Federation of Bosnia-Herzegovina); in Israel, the occupied territories and the autonomous territories, this meant 1,000 interviews (500 in Israel and 500 in the occupied territories and the autonomous territories). These areas were divided into urban and rural geographic units (strata), to ensure representation of urban and rural populations.

The local partner randomly selected small geographic units within these strata. These units – 100 to 200 in each country – constituted the sampling points for the survey. In each geographic unit, 10 households (though fewer in some countries) were selected using a random route method appropriate to

the country. In some cases, interviewers were provided with a map and a route; in others, interviewers were simply given a route and selection instructions.

Within households, respondents were selected using a Kish grid (a respondent selection key that employs a combination of random numbers, alphabet codes and the number of available members in a household to identify the appropriate respondent) or the birthday criterion (a respondent selection process that employs dates of birth to determine the appropriate respondent). Interviewers were to make three attempts to achieve a completed interview, including locating the respondent elsewhere. In nearly every country, non-response was below 10 per cent.

The demographic distribution of the surveyed respondents was compared with the best available census data on education, age, household type and occupation. Where the sample survey was sharply skewed (e.g., too many college-educated or too many young respondents), statistical weights were applied to eliminate the bias.

Interviews carried out by phone reached 755 adults in France, 1,000 in Switzerland, 750 in the United Kingdom and 1,000 in the United States, and 1,000 face-to-face interviews were carried out in the Russian Federation.

Survey administration. In nearly all the countries, the survey was administered by the ICRC, with the assistance of Greenberg Research and a local research partner. Interviews were conducted by Red Cross or Red Crescent staff. Greenberg Research provided training, which typically took two days.

Parallel research. In three of the countries – Colombia, Bosnia-Herzegovina and the Philippines – Greenberg Research commissioned a parallel quantitative survey, administered by a local research company using professional interviewers, in order to identify patterns of bias. The results of the parallel studies were then compared with the results of the ICRC-administered surveys. The exercise found only a few areas of systematic bias. Those interviewed by the ICRC and Red Cross or Red Crescent staff, for example, were consistently more supportive of the ICRC's role and more aware of the Geneva Conventions and the rules of war. However, the parallel research found few systematic differences in opinions on international humanitarian law. The ICRC results closely resemble the parallel survey results on most other questions. (A technical report assessing the parallel research and Red Cross bias is available separately.)

In-depth research

Focus groups. The focus groups provided a relatively unstructured environment for people to discuss their war experiences freely, express their views on the appropriate limits to war and consider possible actions against those who exceed them. To be effective, the groups had to be as homogeneous as possible, that is, the participants all had to have similar characteristics. Thus, in general, the participants in a group came from the same area, were all male or all female and shared an important experience (e.g., families of missing persons, ex-soldiers, ex-fighters, prisoners, teachers or journalists). The discussions were frequently intense and emotional and provide a rich commentary on how the public approaches these issues.

In each country, 8 to 12 focus groups were organized – four in each of the principal conflict areas. The participants were recruited by Red Cross or Red Crescent staff, based on guidelines provided by Greenberg Research. The local research company provided a professional moderator, who facilitated the discussions using guidelines prepared by Greenberg Research.

The discussions were held in focus-group facilities, school classrooms, hotel rooms and even in the open air, if, for example, they involved guerrilla fighters. ICRC, Red Cross/Red Crescent and

Greenberg Research staff observed and listened to the discussions from an adjoining location, with simultaneous translation in English. The focus group discussions were recorded and later transcribed in English.

In-depth interviews. To help interpret the full meaning of the survey responses, about 20 in-depth interviews were conducted with individuals who had had specific war experiences. The in-depth interview guidelines repeated questions from the public opinion survey, although they allowed for open-ended, rather than categorized responses. Interviewers were encouraged to probe and follow up on responses.

The in-depth interviews involved a broad range of people – officers, medical personnel, students (secondary school and university), journalists, former combatants, refugees, displaced persons, family members of missing persons, war invalids and others.

The interviews were recorded on tape, transcribed and translated into English by the local partner.

Annex 2: Questionnaire*

Introduction

We are doing a series of interviews on **[NAME OF COUNTRY]** and would like your help with that. Would it be possible to ask a few questions to the person who is 18 years or older and whose birthday is **[FIRST AFTER TODAY]**? **[IF NECESSARY:** The interview will take about 30 minutes.] The questions are about your experiences and opinions on the [war/armed conflict] in **[NAME OF COUNTRY OR REGION]**. Your identity will remain absolutely confidential.

Let me begin by asking you some questions about yourself to make sure we are talking to all kinds of people. If you don't want to answer, feel free to tell me so and we will move on to the next question.

1. What is your age? _____

[Don't know/refused]

2. How many years of school have you had? _____ years

[Don't know/refused]

3. What is your current family situation?

Married (have a husband or wife)

Single

Live together with someone (in a permanent relationship)

Divorced (or separated)

Spouse of missing person

Widow(er)

[Don't know/refused]

4. Do you have children? **[FOLLOW UP IF "YES"]** How many?

No children

Yes ___ children

5. What is your job now or are you not working?

Farmer

Manual worker

Skilled worker

Self-employed

Housewife/home care

Soldier (combatant)

Government employee

Private sector employee

Teacher/professor/intellectual

Pensioner/retired

Unemployed (but looking for work)

Unemployed (not looking for work)

Student

Other **[SPECIFY]**

[Don't know/refused]

* This questionnaire is the standard one used in the 12 countries affected by conflict in the last decades. Some contextual questions were added for specific countries. These do not figure here, but are reflected in the findings presented in each Country Report.

6. Let me ask about the war in [COUNTRY NAME]. Did the war take place in the area where you were living or did the war take place mainly somewhere else?

- Area where you were living → GO TO Q7
 Somewhere else? → GO TO Q8
 Both [Volunteered response] → GO TO Q8
 [Don't know/refused]? → GO TO Q8

7. [IF "AREA WHERE YOU WERE LIVING" IN PREVIOUS QUESTION] Did you live in that area before the [war/armed conflict], move voluntarily, or were you forced to move? [PROBE IF RESPONDENT SAYS "THERE HAS ALWAYS BEEN ARMED CONFLICT"]

- Live in same area
 Moved voluntarily
 Forced to move
 [Don't know/refused]

8. [ASK OF ALL RESPONDENTS] During the [war/armed conflict], did you ever find yourself in a situation of being a combatant and carrying a weapon?

- Yes — combatant, carried weapon
 No — not a combatant
 [Don't know/refused]

9. [ASK OF ALL RESPONDENTS] Is there anything that combatants should not be allowed to do in fighting their enemy? [PROBE AND WRITE ANSWERS AS FULLY AS POSSIBLE]

[IF NO RESPONSE, GO TO Q11]

10. [IF RESPONDENT GIVES ANY RESPONSE TO PREVIOUS QUESTION] Could you tell me the main reason why they should not do that? Is that because...? [READ AND ROTATE]

- It's wrong → GO TO Q10a
 It just causes too many problems → GO TO Q10b
 [Don't know/refused] → GO TO Q11

[FOLLOW UP IF MORE THAN ONE REASON SELECTED] Which would be the main reason?

- 10a. [IF "IT'S WRONG"] When you say, it's wrong, is it primarily wrong because it is...? [READ AND ROTATE] [TWO RESPONSES ALLOWED]

- Against your religion
 Against your personal code
 Against the law
 Against what most people here believe
 Against your culture
 Against human rights
 Other [SPECIFY]
 [Don't know/refused]

10b. **[IF "IT JUST CAUSES TOO MANY PROBLEMS"]** When you say, it just causes too many problems, are you thinking it...? **[READ AND ROTATE] [TWO RESPONSES ALLOWED]**

- Produces too much hate and division
- Causes too much psychological damage
- Produces too much destruction
- Causes too much physical suffering
- Other **[SPECIFY]**
- [Don't know/refused]

11. Which two of these words best describe the war for you personally? **[READ AND ROTATE]**

- Horrible
- Disruptive
- Humiliating
- Exciting
- Hateful
- Challenging
- Hopeful
- Confusing
- Uncertainty
- Powerless
- Remote
- [Don't know/refused]

Note: Version used in countries where there are no clear sides for most of the population; for countries where there are sides, half the surveys will be asked Version A (without sided wording) and half Version B (with sided wording).

12. Now I would like to ask you some *general* questions about how, in your view, combatants should behave in times of war.

Version A: When combatants attack to weaken the enemy, should they...? **[READ AND ROTATE]**

Version B: When combatants from your side attack to weaken the enemy, should they... ? **[READ AND ROTATE]**

- Attack enemy combatants and civilians
 - Attack enemy combatants and avoid civilians as much as possible
- OR**
- Attack only enemy combatants and leave the civilians alone
 - [Don't know/refused]

[FOLLOW-UP IF CONFUSION ABOUT YOUR/OTHER SIDE] Just imagine that there is a side in the conflict that you support more than any other side.

Note: in the next set of questions we will be randomly splitting the sample in two. Version 1 will be asked of one half and version 2 will be asked of the other half. If there are clear sides to the war, Version 1 coincides with Version A and Version 2 coincides with Version B. (This means there will always be two and exactly two versions of the questionnaire.)

Let me ask you about some things that combatants may do to weaken the enemy they are fighting against. Please tell me for each of these things whether it is okay or not okay to do it, to weaken the enemy.

13. **Version 1:** Attacking civilians who voluntarily gave food and shelter to enemy combatants. Would it be okay or not okay to attack them in order to weaken the enemy?

Version 2: Attacking civilians who were forced to give food and shelter to enemy combatants. Would it be okay or not okay to attack them in order to weaken the enemy?

- Okay
 Not okay
 [Don't know/refused]

14. **Version 1:** Attacking civilians who voluntarily transported ammunition for enemy combatants defending their town. Would it be okay or not okay to attack them to weaken the enemy?

Version 2: Attacking civilians who were forced to transport ammunition for enemy combatants defending their town. Would it be okay or not okay to attack them to weaken the enemy?

- Okay
 Not okay
 [Don't know/refused]

15. I will now describe some situations that may happen during a [war/armed conflict]. For each situation, I would like you to imagine that you are part of that situation. Tell me how you think you would behave if the decisions were completely up to you. Here comes the first imaginary situation.

Version 1: Would you save the life of a surrendering enemy combatant who killed a person close to you?

- Would save
 Would not save
 [Don't know/refused]

Version 2: Would you help a wounded enemy combatant who killed a person close to you?

- Would help
 Would not help
 [Don't know/refused]

Now I'm going to ask your opinion on some of the things combatants might do in times of [war/armed conflict].

- 16a. **Version A:** What about depriving the civilian population of food, medicine or water in order to weaken the enemy?

Version B: What about depriving the civilian population on the other side of food, medicine or water in order to weaken the enemy?

Is that wrong or just part of war?

- Wrong
- Part of war
- Both [Volunteered response]
- [Don't know/refused]

16b. **Version A:** Are there any laws or rules that say you can't do that, even if it would help weaken the enemy, or are there no laws or rules to stop that?

Version B: Are there any laws or rules that say you can't do that, even if it would help your side weaken the enemy, or are there no laws or rules to stop that?

- Laws — can't do that
- No laws
- [Don't know/refused]

17a. **Version 1:** What about attacking enemy combatants in populated villages or towns in order to weaken the enemy, knowing that many civilians would be killed?

Version 2: What about attacking enemy combatants in populated villages or towns in order to weaken the enemy, knowing that many women and children would be killed?

Is that wrong or just part of war?

- Wrong
- Part of war
- Both [Volunteered response]
- [Don't know/refused]

17b. **Version A:** Are there any laws or rules that say you can't do that, even if it would help weaken the enemy, or are there no laws or rules to stop that?

Version B: Are there any laws or rules that say you can't do that, even if it would help your side weaken the enemy, or are there no laws or rules to stop that?

- Laws — can't do that
- No laws
- [Don't know/refused]

18. **[ASK ONLY IN WAR ZONES WHERE APPROPRIATE]** What about attacking religious and historical monuments, in order to weaken the enemy. Is that wrong or just part of war?

- Wrong
 - Part of war
 - Both [Volunteered response]
 - [Don't know/refused]
-

19. **[ASK ONLY IN WAR ZONES WHERE APPROPRIATE]** What about taking civilian hostages in order to get something in exchange? Is that wrong or just part of war?

- Wrong
- Part of war
- Both [Volunteered response]
- [Don't know/refused]

20. **[ASK ONLY IN WAR ZONES WHERE APPROPRIATE]** Now a question about the "protected areas". Do you think that these "protected areas" are a good or a bad idea?

- Good idea
- Bad idea
- [Don't know/refused]

21. **[ASK ONLY IN WAR ZONES WHERE APPROPRIATE]** Did the "protected areas" make it better or worse for civilians during the war, or did they make no difference?

- Better
- Worse
- No difference
- [Don't know/refused]

22. **[ASK ONLY IN WAR ZONES WHERE APPROPRIATE] Version 1:** Did the "Peace support operation" make it better or worse for civilians during the war, or didn't it make any difference?

Version 2: Did the "Peace support operation" make it better or worse for you personally during the war, or didn't it make any difference?

- Better
- Worse
- No difference
- [Don't know/refused]

Version A: Let me ask you about some other things that might happen during war to weaken the enemy. Please tell me for each of these things whether it is okay or not okay to do it in order to weaken the enemy.

Version B: Let me ask you about some other things that your side might do to weaken the enemy during war. Please tell me for each of these things whether it is okay or not okay to do it in order to weaken the enemy.

23. First, are there types of weapons that should just never be used during war? **[FOLLOW UP IF YES]** What types of weapons would you think of? **[CHECK RESPONSE BELOW] [DO NOT READ CHOICES] [MULTIPLE ANSWERS ALLOWED]**

- Landmines
 - Laser weapons
 - Napalm
 - Nuclear weapons
 - Chemical weapons
 - Cluster bombs
-

- Other [SPECIFY]
 No types of weapons allowed
 [Don't know/refused]

24. **Version A:** Combatants planting landmines to stop the movement of enemy combatants, even though civilians may step on them accidentally. Is it okay or not okay to do that if it would weaken the enemy?

Version B: Combatants on your side planting landmines to stop the movement of enemy combatants, even though civilians may step on them accidentally. Is it okay or not okay to do that if it would weaken the enemy?

- Okay, if necessary
 Not okay
 [Don't know/refused]

25. In war, combatants sometimes attack or hurt civilians, even though many people say it is not okay and maybe against the law. So please tell me why you think combatants attack civilians anyway.

[PROBE AND WRITE ANSWERS AS FULLY AS POSSIBLE]

26. Which *two* of the following reasons best explain why combatants attack or hurt civilians, even though many people say it is not okay or maybe against the law. Is it because they...? **[READ AND ROTATE RESPONSES]** **[FOLLOW-UP IF MORE THAN TWO REASONS SELECTED]** Which would be the two main reasons?

- Don't care about the laws
 Hate the other side so much
 Are determined to win at any cost
 Lose all sense during war
 Are too young to make judgements
 Don't know the laws
 Are often under the influence of alcohol or drugs
 Are scared
 Are told to do so
 Know the other side is doing the same thing
 [Don't know/refused]

27a. Now let me ask you how *captured combatants* should be treated.

Version A: Must a captured enemy combatant be allowed to contact relatives, or doesn't that have to be allowed?

Version B: Must your side allow a captured enemy combatant to contact relatives, or don't you have to allow that?

- Must allow
 Don't have to allow
 [Don't know/refused]

27b. **Version A:** Is it true that a captured enemy combatant cannot be subjected to torture to obtain important military information, or can captured combatants be subjected to torture?

Version B: Is it true that your side cannot subject a captured enemy combatant to torture to obtain important military information, or can you subject captured combatants to torture?

- Cannot subject
 Can subject
 [Don't know/refused]

27c. **Version A:** Must a captured enemy combatant be allowed a visit by a representative from an independent organization outside the prison or camp, or doesn't that have to be allowed?

Version B: Must your side allow a captured enemy combatant to be visited by a representative from an independent organization from outside the prison or camp, or don't you have to allow that?

- Must allow → GO TO Q27d
 Don't have to allow → GO TO Q28
 [Don't know/refused] → GO TO Q28

27d. **[IF "MUST ALLOW"]** Which of the following people should be allowed to visit captured enemy combatants...? **[READ AND ROTATE RESPONSES] [ALLOW MULTIPLE RESPONSES]**

- International Committee of the Red Cross representatives
 UN representatives
 Human rights group representatives
 Journalists
 Religious clerics/ministers
 Other **[SPECIFY]**
 [Don't know/refused]

Once again, I want you to *imagine* yourself in the following situations and tell me what you think you would do if the decisions were completely up to you.

28. **Version A:** If one side in the war is killing prisoners, would you approve the killing of prisoners by the other side or would you not approve it?

Version B: If the other side in the war is killing prisoners, would you approve the killing of prisoners by your side or would you not approve it?

- Would approve
 Would not approve
 [Don't know/refused]

[FOLLOW UP IF RESPONDENT PROTESTS] Just imagine you happen to find yourself in this situation.

29. In general, do you ever think that captured enemy combatants deserve to die?

- Think deserve to die
 No
 [Don't know/refused]

30. Now I'm going to ask you about your actual experiences during the war. Please tell me whether any of the following things happened to you personally or did not happen as a consequence of the [war/armed conflict] in [COUNTRY NAME]. **[READ AND ROTATE ORDER]**

	Happened	Did not happen	Don't know/refused
Forced to leave your home and live elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Imprisoned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kidnapped or taken hostage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tortured	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Felt humiliated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lost contact with a close relative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A member of your immediate family killed during the armed conflict (son, daughter, father, mother, brother, sister, grandmother, grandfather, grandchild)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Serious damage to your property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wounded by the fighting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combatants took food away	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Had your house looted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Somebody you knew well was sexually assaulted by combatants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[READ LAST] Somebody you knew well was raped by combatants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

31. **[ASK ALL RESPONDENTS]** Were you imprisoned by enemy combatants or were you living in an area that came under enemy control?

Imprisoned by enemy combatants	→ GO TO Q32
Living in area under enemy control	→ GO TO Q32
Both [Volunteered response]	→ GO TO Q32
[Don't know/refused]	→ GO TO Q34
No response	→ GO TO Q34

32. **[ASK IF "IMPRISONED", "LIVED UNDER ENEMY CONTROL", OR BOTH]** Please tell me whether any of the following happened while you were under enemy control. **[READ AND ROTATE]** Did that happen or not?

	Happened	Did not happen	Don't know/refused
You were personally mistreated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You were physically injured	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You were treated correctly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[READ LAST] You had a contact with a representative from an independent organization to check on your well-being	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33. **[ASK ONLY IF CONTACT HAPPENED, OTHERWISE GO TO Q33]** Which of the following people did you have contact with to check on your well-being? **[READ AND ROTATE RESPONSES]** **[ALLOW MULTIPLE RESPONSES]**

- ICRC representatives
- UN representatives
- Human rights group representatives
- Journalists
- Religious clerics/ministers
- Other **[SPECIFY]**
- [Don't know/refused]

34. Now let me ask you for your opinion about something else, about young people being combatants. At what age is a young person mature enough to be a combatant? **[READ LIST UNTIL RESPONDENT CHOOSES AN ANSWER]**

- 14 or under
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- Above 21
- [Don't know/refused]

35. During the war, did you support [have you supported] one of the sides or did you not support any side?

- Supported a side
- Did not support a side
- [Don't know/refused]

36. Let me ask you something very different. Have you ever heard of the Geneva Conventions?

- Yes — heard
- No — not heard **→ GO TO Q38**
- [Don't know/refused] **→ GO TO Q38**

37. **[IF HEARD OF GENEVA CONVENTIONS]** Could you tell me what the Geneva Conventions are about? **[WRITE DOWN ANSWER AS FULLY AS POSSIBLE]** **[MARK APPROPRIATE RESPONSE]**

- Accurate **[ANY REFERENCE TO LIMITS IN WAR]**
 - Not accurate **[NO REFERENCE TO LIMITS IN WAR]**
-

38. Let me read you a statement about the Geneva Conventions:

The Geneva Conventions is a series of international treaties that impose limits in war by describing some rules of war. Most countries in the world have signed these treaties.

Do you think the existence of the Geneva Conventions prevents wars from getting worse or does it make no real difference?

- Prevents wars from getting worse
- No real difference
- [Don't know/refused]

39. Are you familiar with this? **[SHOW RED CROSS OR RED CRESCENT]** What does it stand for? **[DO NOT READ RESPONSES]**

- Red Cross
- Red Crescent
- Red Cross and Red Crescent
- Medical/Hospital
- United Nations
- Army
- Other **[SPECIFY]**
- [Don't know/refused]

40. What kind of people or things does this symbol protect? **[WRITE ANSWERS AS FULLY AS POSSIBLE]**

41. Are there rules or laws that are so important that, if broken during war, the person who broke them should be punished?

- Yes
- No → **GO TO Q46**
- [Don't know/Refused] → **GO TO Q46**

42. **[IF YES]** So what kind of rules or laws are you thinking about? **[PROBE AND WRITE ANSWERS AS FULLY AS POSSIBLE]**

43. **[IF RESPONDS TO PRIOR QUESTION, OTHERWISE GO TO Q46]** What are these rules based on? **[READ AND ROTATE] [ONE RESPONSE ONLY]**

- [Country name]'s laws
 - International law
 - Religious principles
 - The values people hold
 - Other **[SPECIFY]**
 - [Don't know/refused]
-

44. If these rules are broken in war, who should be responsible for punishing the wrongdoers? **[READ AND ROTATE] [ONE RESPONSE ONLY]**

- The government of [country name]
- The [country name]'s courts
- International criminal court
- The military itself
- The civilian population
- Your own political leaders
- Other **[SPECIFY]**
- [Does not apply, rules are not broken]
- [Don't know/refused]

45. When the war is over, should people who have broken these rules...? **[READ AND ROTATE] [ONE RESPONSE ONLY]**

- Be put on trial
- Be exposed to the public but not be put on trial
- Be forgotten when the war is over
- Be forgiven after the war
- Granted amnesty
- [Don't know/refused]

46. **[ASK ALL RESPONDENTS]** Let me ask what can be done *if* during the war civilian areas are attacked, towns or villages are cut off from food, water, medical supplies and electricity. To whom would you turn to get help or to be protected? **[PROBE AND WRITE ANSWERS AS FULLY AS POSSIBLE]**

- [Can't turn to anybody]
- [Don't know/refused]

47. I'm now going to describe different kinds of people and organizations. Please tell me which *two* of these have played the biggest role *during* the war to stop this. Here are the people and organizations: **[READ AND ROTATE] [RECORD THE TWO MOST IMPORTANT RESPONSES] [FOLLOW UP WITH: Which two have played the biggest role?]**

- The military and combatants on your side **[Version B]**
- The military and combatants of the other side **[Version B]**
- The military and combatants **[Version A]**
- Religious leaders
- International humanitarian organizations
- Journalists and the news media
- The United Nations
- The ICRC or Red Cross (or Red Crescent)
- Government leaders
- International criminal court
- Other countries
- [Nobody did anything]
- [Don't know/refused]

48. In the future, would you like to see more or less intervention from the international community to deal with these kinds of issues?

- More intervention
- Less intervention
- [No intervention]
- [Don't know/refused]

49. Do you think the peace will last or do you think there will be more war in the future?

- Peace will last
- More war in future
- [Both]
- [Don't know/refused]

50. One last question, what did you learn from the war that you think others should know? **[PROBE AND WRITE ANSWERS AS FULLY AS POSSIBLE]**

The ICRC's mission

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.

The Road to Spain: The Jesuit Massacre and the Struggle Against Impunity in El Salvador

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The 1989 assassinations of Ignacio Martín-Baró, his Jesuit colleagues at the University of Central America, and their housekeeper and her daughter in El Salvador were shots heard round the world. In the wake of the killings, the Salvadoran government engaged in an extensive cover-up, and ultimately, none of the top military commanders, who planned and ordered the killings, were put on trial. This article traces the frustrated efforts to obtain justice for the crimes in El Salvador. It then examines successful achievements in seeking accountability in United States courts, under the aegis of the Center for Justice and Accountability (CJA), for other crimes committed during the Salvadoran state terror. The article next turns to CJA's efforts to capitalize on a new opening, spurred by the Spanish case against Augusto Pinochet, in the Spanish National Court as an appropriate forum for the criminal accountability of the intellectual authors of the crime. The article updates the reader on the current status of the legal proceedings and regarding the defendants in El Salvador and in the United States. It concludes with some observations about the significance of the case as well as its purpose to honor the lives and legacies of Martín-Baró and his colleagues.

Keywords: El Salvador, Jesuit massacre, accountability, Spanish National Court, universal jurisdiction

The massacre of six Jesuit priests, Ignacio Martín-Baró, Ignacio Ellacuría, Armando López, Joaquín López y López, Segundo Montes, and Juan Ramón Moreno, and their housekeeper, Julia Elba Ramos, and her daughter, Celina Mariceth Ramos, in the early hours of November 16, 1989 was a calculated act

planned at the highest levels of the military leadership of El Salvador (The Commission on the Truth for El Salvador, 1993). The High Command and its allies used the ultimate political weapon—murder—to put a roadblock in efforts to negotiate a peaceful settlement to El Salvador's decade-long conflict. Ironically, the

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massacre, which engendered an outpouring of outrage from across the globe, ended up catalyzing a political settlement to the conflict.

This article documents the efforts to seek justice and accountability for this horrific crime in El Salvador, the United States, and Spain. Despite the fact that the Salvadoran High Command engaged in an extensive cover-up and disinformation campaign about the origin of the murder and the military's responsibility, international pressure, as well as the revelations of a U.S. military adviser, forced their hand. One colonel, several junior officers, and the direct perpetrators quickly were offered up as sacrificial lambs. After further investigations marred by the destruction of evidence, false testimony and stonewalling, and continued attempts to shield the intellectual authors of the crimes from responsibility, a trial was held in El Salvador. Two convictions resulted, and even those who confessed to their own participation in the murders were acquitted. Multiple teams of trial observers filed highly critical reports about the trial and concluded that its validity was questionable (Doggett, 1993).

Two years later, after the peace accords had been signed and a U.N. Truth Commission report named the military as responsible for this crime, as well as for thousands of others, the right wing-controlled legislature passed a sweeping amnesty. The two men convicted were set free (Commission on the Truth for El Salvador, 1993; Doggett, 1993). This reality set the stage for the current legal case in Spain.

Efforts at Justice in El Salvador

On the day of the massacre, human rights organizations filed a complaint at the Inter-American Commission of Human Rights (IACHR or Commission), the human rights arm of the Organization of American States. Ten years passed before the Commission decided that case (IACHR Rep. No.139/99). It found El Salvador in violation of one of the most fundamental duties of a state—to investigate, prosecute, and punish those who commit crimes. As a result, the Commission ruled that the Salvadoran amnesty was in violation of this international law obligation as it prevented wrong-doers from facing the appropriate punishment (IACHR Rep. No.139/99, ¶¶). Further, it held that El Salvador had violated its

duty to reveal the full truth of how the Jesuit massacre had happened.

With this judgment in hand, the Human Rights Institute of the University of Central America (IDHUCA) took the case to the public prosecutor's office in El Salvador to request the initiation of criminal proceedings against the intellectual authors of the crime. The prosecutor sent the case to the Criminal Judge with jurisdiction to process it. However, despite the explicit findings of the Inter-American Commission, the first instance judge applied the amnesty law. The case eventually was appealed to the Constitutional Chambers of the Salvadoran Supreme Court. The Court ruled in favor of the petitioners and held that the amnesty could not be applied to human rights violations committed by public officials while in office. How sweepingly this ruling would be applied was yet to be determined.

When the case was remanded to the judge, he quickly resolved the case by ruling that the statute of limitations—a legal principle limiting how many years can intervene between the carrying out of an act and a later trial—had expired. The intellectual authors were protected from prosecution. Since then, no case has been brought by the Salvadoran prosecutor for any crimes committed during the decade-long state terror and civil conflict.

Efforts at Justice in the United States for Crimes Committed in El Salvador

At the same time that human rights advocates in El Salvador pursued accountability for the massacre of the Jesuits as well as for other crimes, lawyers in the United States actively began to pursue options for accountability in U.S. courts. Several different factors were influential in looking to U.S. courts as a possible accountability venue.

First, two unique U.S. statutes make federal courts available as a forum for civil actions for torts, or civil wrongs, committed in violation of international law (Stephens, Chomsky, Green, Hoffman, & Ratner, 2008). In light of the lack of willingness to pursue cases in El Salvador itself, the U.S. option became more attractive. Second, several high ranking Salvadoran military officials, including two former Ministers of Defense and one former Vice Minister of De-

fense, were residing permanently in the United States. Human rights activists had identified their whereabouts. Third, federal courts seemed a particularly appropriate venue because of the intimate involvement of the United States in the conflict in El Salvador. U.S. military and economic aid as well as U.S. training both in-country and at the School of the Americas and other military bases were key mechanisms in propping up Salvadoran military and security forces during the civil war. Without this massive U.S. support, the Salvadoran military could not have stayed in power throughout the 1980s. Finally, as a result of the state terror and civil conflict of the decade, hundreds of thousands of Salvadorans fled their homeland, many to the United States. Instead of welcoming them as refugees deserving of asylum, the United States systematically denied them protection. Litigation on behalf of or in the name of those victims and denial of safe haven to the perpetrators and commanders of abuses who had received refuge in the United States seemed worthy goals.

Simultaneously, the Center for Justice and Accountability (CJA) was becoming internationally known for its significant work in Latin America; it then became the only organization to litigate a series of three cases filed in U.S. courts to advance accountability for crimes committed in El Salvador (<http://www.cja.org/article.php?list=type&type=199>). These cases combined a focus on extraordinary crimes—for example, the 1980 assassination of Archbishop Óscar Romero and the murder of one of the leaders of the Democratic Revolutionary Front (FDR), the left wing political umbrella organization—with the cases of ordinary Salvadorans, some living in the United States, who had endured torture or the assassination of relatives, like tens of thousands of others. In two of the three cases, the defendants were high ranking officials who had taken refuge in the United States (as mentioned above); in another, the defendant was the key organizer of the assassination of Archbishop Romero. Over the course of this litigation, we and our cocounsel familiarized ourselves with the legal parameters; became expert in the law of command responsibility; identified, worked with, and solicited the testimony of expert witnesses from overseas as well as the U.S. academy; indexed and requested further declassifications of thousands of pages of U.S. government documents; reviewed

every report on the human rights situation in El Salvador and met with and solicited testimony from a range of human rights investigators. All three cases ended in resounding victories for the plaintiffs.

In the course of this work, we built confidence in our abilities to pursue these cases and in the value of suing in alternative forums as long as redress within El Salvador was not available. More importantly, we gained the confidence of allies in El Salvador who felt buoyed by our victories at a time when the accountability landscape in El Salvador continued to remain barren. We built linkages with counterparts there who assisted us as each new case unfolded and who began a discussion with us about the possibility of seeking a forum to demand justice for the Jesuit murders.

The Spanish National Court

The case against Augusto Pinochet in Spain brought to light the real possibility of turning to Spanish courts as a venue to seek accountability for the massacre of the Jesuits. It also stimulated renewed enthusiasm in Chile as well as in other countries to demand accountability—"the Pinochet Effect" (Roht-Arriaza, 2005). A 2005 Spanish Constitutional Court ruling defined the broad parameters of the Spanish statute under which prosecution for Pinochet had been sought: the universal jurisdiction statute. Universal jurisdiction laws refer to criminal codes which require a nation to pursue criminal prosecution of persons who commit crimes so heinous that jurisdiction is conferred even if no direct connection exists between the crime and that nation.

The Jesuit massacre case presented a set of circumstances which did not require the invocation of this pure form of universal jurisdiction. Five of the six priests, including Ignacio Martín-Baró, were citizens of Spain. Spain's statute clearly allowed for cases to be brought on behalf of victims who were Spanish citizens.

Additionally, as a civil law country, Spain allows private parties to present information to the public prosecutor and the Spanish National Court, the court that hears universal jurisdiction cases, regarding the possible criminal liability of defendants for crimes such as assassination, crimes against humanity, cover up of crimes against humanity, and state terrorism. These are

the crimes for which Salvadoran defendants are implicated in the killing of the priests, their housekeeper, and her daughter.

During this period, a Spanish lawyer joined CJA's staff and became the lead attorney on a range of cases relating to Latin America, including work closely linked to that before the Spanish National Court. For example, CJA became lead counsel in the Guatemala genocide case, and its standing in those efforts bolstered its reputation and capacity to assume leadership in the Jesuit case as well. Working closely with allies in El Salvador, including from the UCA and IDHUCA, CJA and a Spanish human rights organization, Spanish Pro Human Rights Association (APDHE), prepared a filing, equivalent to a civil complaint in a U.S. case, of more than a hundred pages documenting the political context of the killings and naming those involved as planners, commanders, and direct perpetrators of the crime. The case was filed on November 13, 2008, the nineteenth anniversary of the murders.

Accepted for investigation by the court, the case was assigned to Judge Eloy Velasco. As required by Spanish law, Judge Velasco undertook an in-depth inquiry into the crimes. Multiple evidentiary hearings were held in Spain in which Velasco received thousands of pages of reports and other documents and heard the testimony of key witnesses brought to the court by the attorneys in their capacity as private prosecutors. Witnesses included two Salvadoran lawyers who had resigned from the team of prosecutors handling the criminal prosecution in El Salvador because of the gross irregularities in the investigation; they then became representatives for the Society of Jesuits as private parties to the Salvadoran criminal case. Building on her testimony in prior CJA cases, expert witness Professor Terry Karl of Stanford University's Department of Political Science presented a detailed report, supported by thousands of pages of appendixes, in which she carefully laid out the political context of the killings, particularly the escalating attacks on the church and on the peace efforts of Ellacuriá and others, the evidence which indicated the deliberative nature of the crime, the involvement of a group of top commanders concerned with maintaining their own power in the decision to kill the priests, and the step-by-step process of implementing the crime.

Eventually, one participant in the criminal conspiracy came forward and testified as a protected witness before Judge Velasco. His testimony reinforced prior testimonial and documentary evidence that the crime was ordered by the top commanders. He also painted for the judge a vivid picture of the carrying out of the crime.

In May, 2011, Judge Velasco issued a 75-page indictment against 20 defendants for the crime. This indictment itself is an important milestone in the journey to end impunity for the massacre. It makes clear that the trial, which occurred in El Salvador, was a sham and would have no controlling effect or validity on any criminal proceedings in Spain. As a result, Velasco included the two defendants who had been convicted in El Salvador in his indictment as well as renaming all the direct perpetrators who had been tried and acquitted. Judge Velasco enlarged the group of defendants from those named in prior investigations, such as the UN Truth Commission report. In particular, Judge Velasco included the involvement of the Salvadoran National Intelligence Directorate (DNI). Long suspected of having greater involvement than publicly credited, the head of the DNI and a DNI agent who participated in a reconnaissance search of the Jesuit residence on the UCA campus two nights before the killings were included in the indictment. In addition, the indictment named all of the top commanders, including the Minister of Defense, two Vice-Ministers of Defense, the Chief of Staff of the Armed Forces (now deceased), the commander of the Air Force, the Commander of the First Brigade, the commander of the Atlacatl Battalion, and another commander in the joint Armed Forces command.

Judge Velasco then issued the first group of arrest warrants, which were transferred to Interpol for international implementation. One of the defendants, Inocente Orlando Montano, is a resident in the United States. Thanks to the Spanish indictment, U.S. authorities arrested Montano for multiple criminal acts of immigration fraud for failing to disclose his successive command positions in the Salvadoran military—which culminated in his position as Vice-Minister of Defense for Public Security at the time of the massacre—on his application to obtain temporary protected status in the United

States. At the time of this writing, the U.S. criminal case against Montano is pending.

In August 2011 in El Salvador, nine of the defendants turned themselves in to military authorities. Their efforts were intended as an end run around civilian control, as they argued they should only be subject to military jurisdiction. Unfortunately, the Salvadoran Supreme Court issued a problematic ruling that the arrest warrants were invalid because the Spanish judge had not yet issued an extradition request. Even though these nine defendants are free in El Salvador, they cannot travel outside the country without risking arrest elsewhere.

In January 2012, extradition requests for 13 Salvadoran defendants, issued by Judge Velasco, arrived in El Salvador. These requests are pursuant to the formal requirements of the El Salvador-Spanish extradition treaty. The defendants likely will challenge their extradition, and this will be the next obstacle along the road to accountability for the massacre. Similarly, a formal extradition request for Col. Montano (and another U.S.-based defendant) has been issued. U.S. courts once again will be a site to contest the impunity of a top Salvadoran military commander.

The Road Traveled Thus Far

The Spanish National Court case to gain criminal accountability for the murder of Martín-Baró and the five other priests, their housekeeper, and her daughter, although still ongoing, has already proven its significance. Despite previous efforts of accountability and important preexisting investigations, such as the U.N. Truth Commission and the U.S. Congress Task Force on the murders led by Congressman Joseph Moakley, this crime has never been properly and fully investigated and prosecuted by appropriate criminal justice authorities. The timeliness and importance of this effort is shown by the tens of thousands of pages of U.S. government declassified documents that, finally, have been organized and reviewed, and the dozens of newly disclosed documents obtained and admitted as evidence in a court of law.

Moreover, the case raises critical legal issues about the role of commanders in the execution

of crimes of this nature. It also challenges whether El Salvador and the United States will make good on the legal requirements of their extradition treaties with Spain. It tests the political will of both governments and the mettle of incipient judicial institutions in El Salvador, a decisive step to be taken by a young democracy facing an unpredictable transitional justice moment. The necessary conversation in El Salvador about these killings, killings which can never be forgotten, is a significant aspect of a larger legal, political, and social struggle to end impunity not only for the crimes of the repressive military regime in El Salvador but also to ensure that gross human rights abuses must never be tolerated and must be prosecuted.

Finally, and in our opinion as important, the efforts of the legal team, the Jesuits' relatives, and the Spanish National Court to investigate and seek final justice have revived the discussion about the critical work of these men and their legacy to the world. For example, in Spain, Ignacio Ellacuría and Ignacio Martín Baró's work has long been ignored by the press, the TV, and the general public. Their work and their commitment to the poor, however, is timeless. The hope instilled by their words and acts—for the still-suffering people of El Salvador and for all of us, seeking justice for the victims of human rights violations—is a priceless gift that they left us.

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Aiding and Abetting Terror in El Salvador:

Holding the United States Responsible for War Crimes Committed During the Salvadoran Civil War

Written and Edited By Brenna Dilley and Kristina-Aiad Toss



*“The army wanted to exterminate the thinking and the idea of our rights in El Salvador. You exterminate the idea by exterminating the people; the women, the children, everyone. Especially the children because you kill the idea by preventing the growth of the idea. **You kill the root to prevent the change.**”*

– José, Salvadoran Civil War survivor and guerilla fighter

Executive Summary

We present this report to identify the U.S.' facilitation of war crimes during the Salvadoran Civil War through the El Mozote Massacre case study. International Partners in Mission is a 501(c)(3) nonprofit that gave two law students from Case Western Reserve University School of Law the opportunity to travel and gain insight into Salvadoran human rights realities and community attempts at reconstruction following the Civil War. Initially, we gathered local testimonies and researched international law. Our research focused on academic analysis regarding the Peace Accords and laws created in response to the victims who survived the Civil War. We further gathered testimonies from civilians who escaped massacres orchestrated by Salvadoran military fighters, from guerilla fighters who took up arms in opposition to the military, and from community members living in areas that are now controlled by gangs. We discovered that the Salvadoran government further divides the nation by failing to provide accountability of Salvadoran political leaders accused of committing war crimes during the Civil War. To conduct our interviews, we used local translators as we gathered these testimonies and broke bread with Salvadorans who wished to share their experiences.

Introduction

While conducting academic research and gathering local testimonies, we discovered evidence that the U.S. aided and abetted the Salvadoran government in committing war crimes for political and economic gain. As we compounded our research, we realized the necessity to disclose our findings about the U.S. role in the Civil War as our societal and political climate fails to address the reasons why Central American citizens flee to our border. Information about Central America and Latin American citizens overall is constructed to diminish U.S. accountability for Latin American conflicts, and we believe is achieved by biased and xenophobic national news reporting, inaccurate statements made by the Trump administration, and the policy of detaining immigrants which violates national and international laws.

We express awareness through this white paper in honor of more than 75,000 Salvadoran civilians who perished at the hands of self-serving U.S. policies. We seek to honor all Latin

American citizens who flee their countries in hopes of asylum. Using the Massacre of El Mozote as a case study, we have compiled factual reasons outlining how the U.S. contributed and perpetuated in the violence against civilians during the Salvadoran Civil War. By demonstrating the U.S.'s responsibility for the deeply rooted conflicts in El Salvador today, we advocate that the U.S. is indebted to the Salvadoran people and should accept and aid Salvadorans facing challenges posed by economic instability, gang violence, and migration. Finally, we hope to capture the resilience that Salvadoran people embody through the words of local testimonies and inspire accountability from local and international legal bodies. We can all learn from the courage of a highly misunderstood population that has nonetheless remained strong while protecting and promoting human rights after enduring heinous war crimes and witnessing the worst of humanity.

Historical Context

The Salvadoran Civil War

On the morning of March 24, 1980, Archbishop Oscar Romero was celebrating mass at the chapel of the Hospital of Divine Providence in San Salvador. A red car stopped in front of the doorway. A man stepped out of the car and aimed a rifle down the long aisle where Romero stood preaching to the crowd of churchgoers. The church grew silent as a single bullet propelled down the aisle and hit Romero's chest. The crowd watched as Romero fell to the ground. Fellow clergy members and parishioners flocked to save him. The bullet entered his heart, and Romero died instantly.¹

Beloved by the people in the rural regions of the country, Romero was a human rights advocate and a voice for the poor; speaking out against poverty, social injustice, and violence amid a growing war between left and right-wing forces. El Salvador's left-wing supporters swelled as priests preached that the poor should seek justice in this world, not wait for the next. Romero was among them, earning a spot as a target. Romero's assassination by an extreme right-wing politician² was the final straw of numerous attacks

¹ Miglierini, Julian. "El Salvador Marks Archbishop Oscar Romero's Murder." *BBC News*, March 24, 2010. <http://news.bbc.co.uk/2/hi/8580840.stm>.

² Brockett, Charles D. *Political Movements and Violence in Central America*. Cambridge University Press. ISBN 9780521600552.

against human rights activists in 1980. It marked the beginning of a civil war that would plague El Salvador for 12 long years and kill 75,000 civilians.

Although Romero's assassination marked the war's beginning, El Salvador's deep-rooted history of political divisions and structural injustices created the tense climate that eventually led to the Civil War. In the late 1880s, the coffee market boomed in El Salvador. Although it comprised 95% of the country's income, only 2% of the population consisting of 14 families controlled this wealth.³ As economic opportunities diminished for the poor and living conditions dwindled, tensions grew between the classes. In 1932, the Central American Social Party was created by banding together poor, rural communities and indigenous peoples in an uprising against the government that killed around 150 soldiers and noncombatants in Western El Salvador. The government-supported army responded with overwhelming force to the Communist-supported rebellion, conducting a massively disproportionate slaughter of 10,000 rural villagers and indigenous people, in an event known as *la matanza* or the massacre.⁴

Following *la matanza* until the late 1970s, El Salvador experienced a series of military dictatorships that attempted reform, some of which were successfully implemented, but none of which had the staying power to quell the rising tide of opposition.⁵ Military death squads continued to fight various left-wing guerilla groups in an endless string of assassinations and coups. At the time, the military controlled the national guard, treasury police, national police, national intelligence agencies, and paramilitary civil-defense forces.⁶ In 1979, a new military junta gained power and promised reforms to improve living conditions for the poor. But the promised reforms never came, and the state repression continued. Instead, the military violently targeted labor and peasant organizations, church officials, religious workers, political opponents, the media, and human rights activists.⁷

³ Dunkerley, James. 1982. *The Long War: Dictatorship and Revolution in El Salvador*. London: Junction Books.

⁴ Green, Amelia Hoover. "CIVIL WAR IN EL SALVADOR." In *The Commander's Dilemma: Violence and Restraint in Wartime*, 59-78. ITHACA; LONDON: Cornell University Press, 2018. <http://www.jstor.org/stable/10.7591/j.ctt21h4xfr>.8.

⁵ Ching, Erik. "Setting the Stage: El Salvador's Long Twentieth Century." In *Stories of Civil War in El Salvador: A Battle over Memory*, 24-54, 35. Chapel Hill: University of North Carolina Press, 2016. Available at: www.jstor.org/stable/10.5149/9781469628677_ching.6.

⁶ *International Institute for Strategic Studies*. "The Military Balance" (1991). 1991-1992, London: Brassey's, p. 198.

⁷ *Americas Watch Committee*. "El Salvador's Decade of Terror: Human Rights Since the Assassination of Archbishop Romero" (1991). New Haven, Conn.: Yale University Press, pp. 17-63.

The struggle between the right and left continued to grow more and more divided through the 1970s.⁸ As the right-wing elites and military leaders continued to forestall the democratic process by holding fraudulent elections and using violence to suppress subsequent protests, leftist reformers began to radicalize and soon more people embraced the left's revolutionary message to oppose the government.⁹ Five leftist groups existed within El Salvador; the two largest were the *Fuerzas Populares de Liberación* (FPL) and the *El Ejército Revolucionario del Pueblo* (ERP). While leaders who broke away from El Salvador's Communist Party formed the FPL to push for the overthrow of the Salvadoran state, university students and supporters of liberation theology formed the ERP to establish a social-democratic system.¹⁰ In the 1980s, various reformist and left-wing parties, popular groups, and unions formed the *Farabundo Marti National Liberation Front* (FMLN),¹¹ preparing the guerrillas to wage war against the Salvadoran state.¹²

Following the unification of the guerrillas, the formal beginning of the war was on January 19, 1980, when guerilla soldiers launched an offensive on the military in various El Salvadoran cities.¹³ Desperation from the January offensive fueled counterattacks as the FMLN responded to the military's acts by conducting a campaign of terror and guerrilla warfare against the Salvadoran government and civilian supporters.¹⁴ Generally, the guerillas targeted the army in rural areas close to guerilla-controlled territories.¹⁵ To defeat the spread of "communism," the right-wing, government-supported military targeted anyone suspected of supporting the FMLN. While aiming at guerillas, everyday citizens in rural towns became the main targets of the security forces and right-wing paramilitary groups."¹⁶ Aided by U.S.' training, the military used a strategy known as "draining the sea to get the fish," or "scorched earth," where the army killed men, women, and children and

⁸ *Id.* at 36-8

⁹ *Id.*

¹⁰ *Id.*

¹¹ Yurtoğlu, 163-4.

¹² *Id.* at 40.

¹³ *Id.*

¹⁴ McClintock, Cynthia. "Revolutionary Movements in Latin America: El Salvador's FMLN and Peru's Shining Path" (1998). Washington, D.C.: U.S. Institute of Peace Press.

¹⁵ Ching, at 42.

¹⁶ Yurtoğlu, 163-4.

destroyed anything the guerillas used to survive, like animals, food, and infrastructure.¹⁷ Often, the military used this strategy in small towns. Among the worst of the scorched earth attacks was the massacre of 600 civilians at the Sumpul River at the Salvadoran-Honduran border, the slaughter of over 750 peasants and their families in and around El Mozote, the murder of Jesuit priests at their home at Central American University,¹⁸ and the killings of four North American churchwomen providing aid to war victims.¹⁹

Throughout the war, 75,000 civilians perished, and over 1 million Salvadorans — roughly one-fifth of the population at the time — were displaced. Incidents of grave violence included murders, forced disappearances, torture and rape. The UN Truth Commission report concluded that 85% of the violations — the El Mozote massacre among them — were committed by government forces, 10% by military death squads, and the remaining 5% by the FMLN.²⁰ Meaning that 95% of the civilian casualties were attributed to the *U.S.-supported* Salvadoran right-wing government.



“I was close to one of the biggest massacres. My partner was one block away. He survived that massacre, but the corpses were everywhere. People were starving, so the armed forces told the people to get in a line in order to receive some food. When the people were all lined up, the military killed them all.”

– Victoria, Salvadoran Civil War survivor

After 1984, the war turned into a stalemate.²¹ Four key events led to the conclusion of the conflict. First, the guerrillas launched a massive, nationwide offensive in 1989 to target major urban areas, including San Salvador. A few days after the offensive began, the government responded by bombing poor neighborhoods and assassinating six Jesuit priests

¹⁷ Ching, 42.

¹⁸ Informe de la Comisión de la Verdad 1992-1993, De la locura a la esperanza , 57f

¹⁹ Bonner, Raymond. “The Diplomat and the Killer” (2016). *The Atlantic*. Available at: <https://www.theatlantic.com/international/archive/2016/02/el-salvador-churchwomen-murders/460320/>.

²⁰ Informe de la Comisión de la Verdad 1992-1993, De la locura a la esperanza , 57f; See also Binford, 75.

²¹ Ching 44-7.

along with their housekeeper and her daughter at the *Universidad Centroamericana José Simeón Cañas* (UCA). That resulted in widespread international condemnation.²² Second, the guerillas acquired air missiles and began launching air attacks. Third, the Cold War, which was the U.S.' primary justification for funding the war, ended, and President Bush began pushing his Salvadoran allies to reach a peace agreement.²³ The fourth and final event was the electoral loss by the Sandinistas in Nicaragua in 1990, which eliminated a key ally for the Salvadoran guerrillas.²⁴

In 1990, the UN began peace negotiations. On January 16, 1992, a final agreement, the Chapultepec Peace Accords, was signed by the combatants in Mexico City, formally ending the conflict. The leadership of the FMLN agreed to accept the liberal democratic model and capitalist modernization in exchange for political participation and limited economic reforms. The civil wars did not change the socioeconomic power structure in El Salvador.²⁵

Following the peace agreement, the United Nations formed a Truth Commission comprising Central and Latin American experts, along with a variety of professionals worldwide.²⁶ The Truth Commission conducted an impartial investigation into the illegal acts committed during the Salvadoran Civil War to provide accountability for post-war reconstruction. Examination of alleged systematic atrocities provided evidence that human rights violations were carried out by members of the armed forces and also by members of the guerilla forces.²⁷ Ultimately, collected testimony concluded that State agents (right-wing military members) carried out 85% of the violent acts, which took place predominantly in rural areas, and the FMLN carried out approximately 5% of the violent acts.²⁸

The Truth Commission exposed dark State truths and consequently the Salvadoran Supreme Court rejected the Truth Commission's report, asserting, "[the report] passes over the legitimate

²² Burgerman, Susan D. "Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights Principles." *Human Rights Quarterly* 20, no. 4 (1998): 919. <http://www.jstor.org/stable/762793>.

²³ Jones, Seth G., Olga Oliker, Peter Chalk, C. Christine Fair, Rollie Lal, and James Dobbins. "Front Matter." In *Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes*, 22-3. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2006. <http://www.jstor.org/stable/10.7249/mg550osi.1>.

²⁴ Ching 47-8.

²⁵ Jenny Pearce, "From Civil War to Civil Society: Has the End of the Cold War brought Peace to Central America?" *International Affairs* 74: 3 (July 1998): 587-616.

²⁶ Scott, Douglas D. "Firearms Identification in Support of Identifying a Mass Execution at El Mozote, El Salvador." *Historical Archaeology* 35, no. 1 (2001): 79-86.

²⁷ *Id.*

²⁸ Truth Commission 1993.

and the permanent interests of the country.”²⁹ In other words, the Supreme Court in El Salvador rejected the report by justifying the violent acts committed against citizens as merely a way to protect Salvadoran national security interests. National security in this context took precedence over all other legal and constitutional requirements.³⁰ Remnants of this lack of accountability linger in today’s El Salvador.

The Role of the United States

Between 1980 and 1992, the U.S. sent more than \$8 billion in military and economic aid – an average of over \$1 million per day – to aid the Salvadoran army during the Civil War. Aid is a term that is often assumed to be donative. However, \$8 billion in aid was and is still a debt owed to the U.S. following the conflict.³¹ During the 1980s, El Salvador was the largest Central American recipient of U.S. aid and the third-largest recipient of U.S. foreign aid overall.³²



“My family was divided during the Civil War. Our government was aligned with the government of the U.S. – a government that provided 100% of help to the Salvadoran government. They started to send weapons to the country and then military advisors. The weapons were not free. The military advisors were not free. The U.S. helped repress the human rights movement. A lot of the people in the military went to the School of the Americas to learn how to torture. They came back and killed women and children. No one was safe.”

– Esmeralda, Salvadoran Civil War survivor

During the Cold War, President Ronald Reagan described Latin American involvement as the prevention of “Latin American Communism,” a deceptive front to mask a human rights

²⁹ Loveman, Brian. “Protected Democracies and Military Guardianship: Political Transitions in Latin America, 1978-1993.” *Journal of Interamerican Studies and World Affairs* 36, no. 2 (1994): 105-89.

³⁰ *Id.*

³¹ Quan, Adán. “Through the Looking Glass: U.S. Aid to El Salvador and the Politics of National Identity.” *American Ethnologist* 32, no. 2 (2005): 280.

³² Yurtoğlu, 170-1.

movement for the peasants.³³ This fact was evidence by a White Paper by the State Department focused on developments in El Salvador and drafted during Reagan's first year in office: "The situation...presents a strikingly familiar case of Soviet, Cuban, and other Communist military involvement in a politically troubled Third World country. By providing arms, training, and direction to a local insurgency and by supporting it with a global propaganda campaign, the Communists have intensified and widened the conflict..."³⁴ This dedication to quashing "Latin American Communism" did start with Reagan. In March 1961, President Kennedy informed the U.S. Congress that the West was being "nibbled away at the periphery" by a Soviet strategy of "subversion, infiltration, intimidation, indirect or non-overt aggression, internal revolution, diplomatic blackmail, guerilla warfare or a series of limited wars."³⁵ Policy and international affairs analysts assert that U.S. involvement in Latin America suppressed change and stifled the voice of the leftist guerillas in El Salvador by keeping Salvadoran peasants impoverished and illiterate. ³⁶

U.S. aid to El Salvador during the Civil War was not limited to military funding; the Salvadoran Army received copious amounts of aid in weapons and strategic training. According to the Small Arms Survey, between 1980-1993, the U.S. supplied the Salvadoran military with almost 37,500 guns (including 32,500 M-16s) and nearly 270,000 grenades, making the country the number one recipient of U.S. military hardware in the Western Hemisphere during the 1980s.³⁷ The U.S. also delivered sophisticated weaponry for the Salvadoran air force, like fixed-wing fighters and attack helicopters.³⁸ After the increased commitment by the U.S. in late 1983 and early 1984, the Salvadoran air force came to have more than fifty operational helicopters, some A-37 attack jets, and some AC-47 gunships that could hover over a battlefield for hours.³⁹

³³ Jones, Seth G., Olga Oliker, Peter Chalk, C. Christine Fair, Rollie Lal, and James Dobbins. *Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes*, 22-3. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2006. <http://www.jstor.org/stable/10.7249/mg5500si>.

³⁴ Yurtoğlu, 167; See also *United States. Department of State. Bureau of Public Affairs. Communist Interference in El Salvador. Special Report N. 80. Washington D.C. February 23, 1981.*

³⁵ Jones, Seth G., Olga Oliker, Peter Chalk, C. Christine Fair, Rollie Lal, and James Dobbins. *Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes*, 10. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2006. <http://www.jstor.org/stable/10.7249/mg5500si>.

³⁶ *Id.*

³⁷ Godnick, William, Robert Muggah, and Camilla Waszink. "Stray Bullets: The Impact of Small Arms Misuse in Central America." *Stray Bullets: The Impact of Small Arms Misuse in Central America*. Vol. No. 5, n.d.

³⁸ Ching II, Erik. "Setting the Stage: El Salvador's Long Twentieth Century." In *Stories of Civil War in El Salvador: A Battle over Memory*, 44. Chapel Hill: University of North Carolina Press, 2016. http://www.jstor.org/stable/10.5149/9781469628677_ching.6.

³⁹ *Id.*

Because of U.S. funding, the Salvadoran army grew from just 10,000 troops to more than 50,000 toward the end of the conflict. Primarily under U.S. training in El Salvador, Panama, and the U.S. at the School of the Americas, the army created five new *Batallones de Infantería de Reacción Inmediata* (BIRIs). These were elite fighting units comprised of roughly 1,000 men, the mission was to go into the field and eliminate guerrillas.⁴⁰

The most notorious of these new battalions was the Atlacatl Battalion, which committed the most egregious human rights violations throughout the war. In the early years of the war, the Battalion carried out extensive sweeps that resulted in the mass extermination of civilians, including women, children, and the elderly.⁴¹ The scorched earth strategy involved “the indiscriminate annihilation of one or several villages during a single operation.”⁴² The military's objective was to destroy the villages by setting fire to crops, homes, and victims' possessions. The main objectives were to massacre civilians, cause mass enforced displacements and destroy the people's means of subsistence to dismantle essential social relations in those communities that could provide logistic support to the guerrilla.⁴³

The U.S.'s main policy objectives in El Salvador ended as the Cold War came to a close. After providing aid to the military for over ten years, the U.S. put significant pressure on El Salvador to negotiate a peace settlement and threatened to withdraw aid if an agreement was not reached. The United Nations (UN) verified the negotiated ceasefire, and reconstruction efforts began to rebuild the country.⁴⁴

⁴⁰ Ching, Erik. *Stories of Civil War in El Salvador: A Battle over Memory*, 43. Chapel Hill: University of North Carolina Press, 2016. http://www.jstor.org/stable/10.5149/9781469628677_ching.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Jones, Seth G., Olga Oliker, Peter Chalk, C. Christine Fair, Rollie Lal, and James Dobbins. *Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes*, 22-3. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2006. <http://www.jstor.org/stable/10.7249/mg5500si>.

Case Study: The El Mozote Massacre



Human Rights Archives of the Human Rights Commission of Segundo Montes

The Massacre

Seventy-five thousand Salvadoran civilians perished over the period of a little more than a decade during the Civil War in dozens of massacres across the country.⁴⁵ The largest massacre in the Salvadoran Civil War and all of Latin American history took place on December 11, 1981, when over 1,000 civilians were killed in the village of El Mozote, El Salvador.⁴⁶ Over 100 children were executed; their average age, six.⁴⁷ The U.S.-trained and funded Atlacatl Battalion of the Salvadoran Army surrounded the village of El Mozote and

⁴⁵ Brigada, Anna-Catherine. *Salvadorans await justice in civil war killings as one of its first victims sainted*: The Guardian, Oct. 2018, <https://www.theguardian.com/world/2018/oct/14/el-salvador-oscar-romero-civil-war-saint-justice>

⁴⁶ UN Truth Commission Report, *The Commission on the Truth for El Salvador*, 31, 1991. Available at: <http://www.derechos.org/nizkor/salvador/informes/truth.html>.

⁴⁷ *Id.* at 31; See also *The El Mozote Massacre: Human Rights and Global Implications Revised and Expanded Edition*. University of Arizona Press, 2016. 75. <http://www.jstor.org/stable/j.ctt19jcgm9>.

held every civilian at gunpoint. Men and young boys were separated and brought into rooms to be brutally tortured.⁴⁸ Women and girls as young as six years old were brought into other rooms to be raped. In the end, every single civilian was executed.⁴⁹ A Salvadoran Civil War survivor reported, “the soldiers killed children; they killed the elderly. If they found a pregnant woman, they cut her stomach in half. They took the fetus outside of the woman and killed them both.”⁵⁰

During this time, El Salvador was receiving more military and economic aid from the U.S. than any country except for Egypt and Israel.⁵¹ President Ronald Reagan used a deceptive front, “Latin American Communism,” to fuel the Civil War for the leftist movement in El Salvador, in which those from rural communities and low-income areas demanded access to basic necessities, economic opportunities, and human rights.⁵² The Salvadoran army did not set out to exterminate the human rights movement in El Salvador by its own volition; the U.S. political machine orchestrated the desire to suppress change and stifle the voice of the Salvadoran people by keeping Salvadoran peasants impoverished and illiterate.⁵³

U.S. Involvement

The Atlacatl Battalion, the Salvadoran military group responsible for the El Mozote massacre, committed the most egregious war crimes during the Salvadoran Civil War. The Battalion’s use of murder, torture, and rape against civilians living in the Morazón region are classified as war crimes under the Geneva Convention – a treaty ratified by El Salvador.⁵⁴

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Victoria. Interview conducted on June 2019 in El Salvador. Translated by Adela Zayas, IPM Regional Director for Latin America and the Caribbean.

⁵¹ Bonner, Raymond. “America's Role in El Salvador's Deterioration. Many Salvadorans stayed in the U.S. after a devastating earthquake. But other disasters in the country were man-made.” *The Atlantic* (January 2018). Available at: <https://www.theatlantic.com/international/archive/2018/01/trump-and-el-salvador/550955/>.

⁵² Jones, Seth G., Olga Olikier, Peter Chalk, C. Christine Fair, Rollie Lal, and James Dobbins. *Securing Tyrants or Fostering Reform? U.S. Internal Security Assistance to Repressive and Transitioning Regimes*, 22-3. Santa Monica, CA; Arlington, VA; Pittsburgh, PA: RAND Corporation, 2006. Available at: <http://www.jstor.org/stable/10.7249/mg5500si>.

⁵³ *Id.*

⁵⁴ International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, Available at: <https://www.refworld.org/docid/3ae6b36d2.html>.

Beginning in 1981, the Atlacatl troops completed their training under the supervision of the U.S. military advisors.⁵⁵ For over 30 years, the U.S. had disseminated anti-communist ideology to Salvadorians to reinforce preexisting fears and to justify the use of any methods to defeat the enemy.⁵⁶

Nine of the eleven Salvadoran officers cited by the United Nations as participants in the El Mozote massacre were trained at the U.S. Army School of the Americas at Fort Gulick in the Panama Canal Zone.⁵⁷ During training, the U.S. advisors taught the Salvadoran military scorched earth strategy. This strategy led to the Mozote massacre. The Atlacatl Battalion of the Salvadoran Army had just completed a 3-month counterinsurgency training course at the School of Americas in Fort Benning, Georgia. The El Mozote operation – or *massacre*, as it is now known – was the battalion's very first operation on completing the military course.⁵⁸ As a result of the systematic attack on the villages near El Mozote, the region of Northern Morazán's population has declined by roughly 50%, and the entire area around Lake Suchitlán was more or less depopulated by 1983.⁵⁹

In addition to training the unit to destroy villages, the U.S. armed the battalion with the most effective weapons available. The majority of weapons collected during the El Mozote exhumations ordered by the United Nations Truth Tribunals were made in the U.S. All bullet cases found at the site appeared to have been fired from U.S. M-16 military rifles.⁶⁰ Headstamps on the cartridge cases, which are a mark that identifies the government or commercial manufacturer, were headstamped "LC" – indicating cartridge case manufacturing for the U.S. government at Lake City Ordnance Plant located near Independence, Missouri.⁶¹

⁵⁵ Scott, Douglas D. "Firearms Identification in Support of Identifying a Mass Execution at El Mozote, El Salvador." *Historical Archaeology* 35, no. 1 (2001): 80. <http://www.jstor.org/stable/25616895>.

⁵⁶ Binford, at 55.

⁵⁷ Binford, Leigh. "The eye of the Oligarchy." In *The El Mozote Massacre: Human Rights and Global Implications Revised and Expanded Edition*, 34-57. 55. University of Arizona Press, 2016. Available at: <http://www.jstor.org/stable/j.ctt19jcgm9.10>.

⁵⁸ Ching, Erik. *Stories of Civil War in El Salvador: A Battle over Memory*, 43. Chapel Hill: University of North Carolina Press, 2016. http://www.jstor.org/stable/10.5149/9781469628677_ching.

⁵⁹ CHING, ERIK. *Stories of Civil War in El Salvador: A Battle over Memory*. Chapel Hill: University of North Carolina Press, 2016. Available at: http://www.jstor.org/stable/10.5149/9781469628677_ching.

⁶⁰ Scott, Douglas D. "Firearms Identification in Support of Identifying a Mass Execution at El Mozote, El Salvador." *Historical Archaeology* 35, no. 1 (2001): 83-4. <http://www.jstor.org/stable/25616895>.

⁶¹ *Id.*

Although the events of El Mozote are well-known as the largest massacre in Latin America, in the aftermath of the killings, the Salvadoran government and the army denied that such a massacre happened.⁶² Relying on data from the Salvadoran military, the U.S. State Department denied the massacre and declared it guerilla propaganda.⁶³ Following the publication of two newspaper articles in the New York Times and the Washington Post in 1982, news of the Mozote massacre broke in the U.S. and the international community.⁶⁴

The U.S. Embassy only completed one investigation of El Mozote. The purpose was damage control, to prevent leakage of negative information that might jeopardize military aid or the election to replace the discredited civilian-military junta.⁶⁵ The U.S. government said that “there was no proof to confirm that government forces had massacred civilians in the areas of operation,” adding that “there were probably no more than 300 people living in El Mozote at the time of the massacre.”⁶⁶ Available resources indicate that the U.S. Embassy in San Salvador prepared these findings without having visited the scene of the events.⁶⁷ At the national level, “an army spokesperson [...] assured that the accounts of a massacre committed by members of the army were ‘completely false’ and that they had been invented by the subversives.”⁶⁸ The attempts to erase the story of the massacre were so complete and successful that “a decade later, in mid-1991, human rights and other political officers at the U.S. Embassy in San Salvador questioned by America's Watch had *never even heard* of the massacre at El Mozote, much less of the involvement of the Atlacatl Battalion.”⁶⁹ The U.S. government repeatedly dismissed accounts of the massacre for lack of “concrete” or credible evidence.⁷⁰

⁶² Blanke, S. “El Salvador's Civil War and Civic Foreign Policy.” *El Salvador's Civil War and Civic Foreign Policy*. Berlin, 2003. <http://webdoc.sub.gwdg.de/ebook/diss/2003/fu-berlin/2003/122/Kapitel4.pdf>. See also Danner, Mark. *The Massacre at El Mozote: a Parable of the Cold War*. London: Granta, 2005.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Binford, Leigh. *The El Mozote Massacre: Human Rights and Global Implications Revised and Expanded Edition*, 72. University of Arizona Press, 2016. <http://www.jstor.org/stable/j.ctt19jcgm9>.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.* See also Human Rights Watch. “The Massacre at El Mozote: The Need to Remember.” *News from Americas Watch IV*, no. No. 2 (March 4, 1992). <https://www.hrw.org/legacy/reports/pdfs/e/elsalvdr/elsalv923.pdf>

⁷⁰ Binford at 72.

International Humanitarian Law

Armed Conflict

Warring parties in El Salvador, as a ratifying state, must adhere to international humanitarian law, including Common Article 3 to the Geneva Conventions of 1949, Additional Protocol (II) to the Geneva Conventions of 1977, and customary international humanitarian law. The main principles of international humanitarian law include the following: (1) Obligation to take all feasible precautions in attack; (2) Effective advance warning of attacks which may affect the civilian population; (3) Protection of objects indispensable to the civilian population; (4) Prohibition on indiscriminate attacks; (5) Prohibition on disproportionate attacks; (6) Prohibition on attacks directed against civilian objects and/or civilian targets; (7) Obligation to investigate and prosecute; and (8) Obligation to make reparations.⁷¹ According to international humanitarian law, warring parties must distinguish between war combatants and civilians, never deliberately targeting civilians. In the interest of substantiating war crimes under aiding and abetting, it is crucial to understand that no party to a conflict may use disproportionate harm to the civilian population and *must minimize any potential harm to civilians* during an armed conflict. Military objectives from all parties must take into account densely populated areas and remove civilians from the vicinity if they are within range of these military objectives. Even if one party fails to take precautions to protect civilians, the other party still has obligations to protect civilians under the laws of war.⁷² A conflict's unequal environment does not create mutual lawlessness.

Aiding and Abetting

Aiding and abetting, which occurs when one country assists another in committing war crimes and crimes against humanity, is a crime recognized under international law.⁷³ Under the Rome Statute of the International Criminal Court, aiding and abetting a war crime

⁷¹ UK Royal Courts of Justice, *Campaign Against the Arms Trade v. Secretary of State for International Trade* (July 2017). Available at: <https://www.caat.org.uk/resources/countries/saudi-arabia/legal-2016/2017-07-10.judgment.pdf>.

⁷² *Human Rights Watch*, "Q & A on The Conflict in Yemen and International Law." 16 April 2015. Available at: <https://www.hrw.org/news/2015/04/06/q-conflict-yemen-and-international-law>.

⁷³ International Residual Mechanism for Criminal Tribunals, "Aiding and Abetting." Available at: <https://cld.irmct.org/notions/show/1033/aiding-and-abetting#>

requires three elements: 1) a person or entity committed a war crime; 2) another actor committed an act that had a substantial effect on the commission of the war crime; and 3) the other actor knew that the act would assist, or have a substantial likelihood of assisting, the commission of a war crime.⁷⁴

Evolution of Aiding and Abetting War Crime

International criminal law elements required to prove aiding and abetting during the armed conflict have evolved in recent cases. First, the International Criminal Tribunal for the former Yugoslavia (ICTY) considered the *actus reus* of aiding and abetting during an armed conflict. The Appeals Chamber found that it must be proven beyond a reasonable doubt that the aiding and abetting had been “specifically directed” at the crime to reach a conviction.⁷⁵ Meanwhile, in September 2013, the Special Court for Sierra Leone (SCSL) Appeals Chamber came to a different conclusion regarding the beyond a reasonable doubt requirement. The SCSL Appeals Chamber concluded that it must be proven that the assistance provided by the aider and abettor has had a “substantial effect” on the crime committed. Lastly, the ICTY Appeals Chamber in the January 2014 *Perisic* case agreed with the conclusion in the *Taylor* Appeal judgment stating that “specific direction” was not an element of the *actus reus*, and it was enough to prove “substantial effect” to reach a conviction.⁷⁶

Legal Standard

States may be held liable for aiding and assisting the commission of war crimes by Article 16 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA). Article 16 states:

A state which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

⁷⁴ U.N., Report of the International Law Commission on the work of its fifty-third session. United Nations General Assembly Official Records Supplement No. 10, at 27, U.N. Doc A/56/10 (2001). *Reprinted in* [2007] 2 Year Books International Law Commission 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1[hereinafter ARSIWA Report].

⁷⁵ ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 23, 26 (February 2007). Available at: <https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>.

⁷⁶ Vij, Vanshika. *Die Friedens-Warte*. “Individual Criminal Responsibility Under Aiding and Abetting after the Specific Direction Requirement in the Taylor and Perišić Cases” (2013). Available at: *JSTOR*, www.jstor.org/stable/23774954.

(a) that state does so with knowledge of the circumstances of the internationally wrongful act; *and*

(b) the act would be internationally wrongful if committed by that State.”⁷⁷

The international law commission’s commentary explains, in three parts, that

1. the relevant State organ or agency providing aid or assistance must be aware of the circumstances making the conduct of the assisted State internationally wrongful;
2. secondly, the aid or assistance must be given with a view to facilitate the commission of the act, and must actually do so; *and*
3. thirdly, the completed act must be such that it would have been wrongful had it been committed by the assisting State itself.⁷⁸

The knowledge element of subpart (a) is not straightforward. The commentary expands the element to include awareness of the wrongfulness and awareness that the assistance is facilitating the wrongful act. Subsequent case law, however, has again narrowed the reading of the statute. Therefore, knowledge is closest to awareness of the wrongfulness as initially set out by the Draft Articles – the state facilitates with knowledge of the circumstances of the internationally wrongful act, and the act would be internationally wrongful if committed by the State itself.⁷⁹ We conclude that the U.S. facilitation of war crimes by the Atlacatl Battalion can be proven to meet the legal standard set out by ARSIWA.

The Provision of Aid or Assistance

The provision of aid or assistance was purposefully written to include a broad measure of activities. The commentary lists examples such as providing an essential facility or financing the activity in question, providing means for the closing of an international waterway, facilitating the abduction of persons on foreign soil, or assisting in the destruction of

⁷⁷ U.N., Report of the International Law Commission on the work of its fifty-third session, United Nations General Assembly Official Records Supplement No. 10, at 27, U.N. Doc A/56/10 (2001). *Reprinted* in [2007] 2 Year Books International Law Commission 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1[hereinafter ARSIWA Report].

⁷⁸ U.N., Report of the International Law Commission on the work of its fifty-third session. U.N. GAOR Supp. No. 10, at 66, U.N. Doc A/56/10 (2001). *Reprinted* in [2007] 2 Y.B. Int’l Law Comm’n 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1.

⁷⁹ U.N., Report of the International Law Commission on the work of its fifty-third session, United Nations General Assembly Official Records Supplement No. 10, at 27, U.N. Doc A/56/10 (2001), *reprinted* in [2007] 2 Year Books International Law Commission 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1[hereinafter ARSIWA Report].

property belonging to nationals of a third country.⁸⁰ The assisting state explicitly needs only to perform a support role. The commentary does not limit what support fulfills the element. In its consideration of Article 16 in the Bosnian Genocide, an ethnic conflict that dominated the Balkans in the 1990s following the breakup of Yugoslavia and where thousands of civilians were killed or displaced, the ICJ refers specifically to the “provision of means to enable or facilitate the commission of the crime...”⁸¹ International law only excludes classic forms of complicity based on influencing the principal, such as inducing, instigation, and abetting — from state responsibility for complicity in the wrongs of other states.⁸² Anything that enables or facilitates the commission of a war crime counts toward “aid or assistance.”

Bosnia and Herzegovina contended that Serbia and Montenegro (Federal Republic of Yugoslavia) committed several violations of international law, such as breaches of articles I through V of the UN Genocide Convention, among others, through its complicity in alleged acts of genocide against the Muslims of Bosnia and Herzegovina.⁸³ The most pertinent contention raised related to the states’ support of “its agents and surrogates” in paramilitary actions directed against Bosnia and Herzegovina. Support from the Federal Republic of Yugoslavia allegedly consisted, in part, of training, arming, equipping, financing, supplying, and aiding, all of which, according to Bosnia and Herzegovina, violated treaty obligations under Article 2(4) of the UN Charter.⁸⁴ The opposition countered, by contending that it could not be liable for any alleged violations because they were not committed by any organs of its government, were not committed on its territory, and were not committed by any party under its control.⁸⁵

The aid furnished to the paramilitary groups was significant. The court noted “...that the Respondent [Federal Republic of Yugoslavia] was thus making its considerable military and financial support available to the Republika Srpska and had it withdrawn that support, this

⁸⁰ U.N., Report of the International Law Commission on the work of its fifty-third session, U.N. GAOR Supp. No. 10, at 66, U.N. Doc A/56/10 (2001), *reprinted* in [2007] 2 Y.B. Int’l Law Comm’n 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1.

⁸¹ ICJ, Case Concerning Application Of The Convention On The Prevention And Punishment Of The Crime Of Genocide (Bosnia & Herzegovina v. Serbia). Judgment, 2007 International Court of Justice Report at 43, 26 February 2007. Available at: <https://www.icj-cij.org/en/case/91/judgments>.

⁸² Miles Jackson, *Complicity in International Law* 150 (2015).

⁸³ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 23, 26. February 2007. Available at: <https://www.icj-cij.org/files/case-related/91/091-20070226-JUD-01-00-EN.pdf>.

⁸⁴ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 24. 26 February 2007.

⁸⁵ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 27. 26 February 2007.

would have greatly constrained the options that were available to the Republika Srpska authorities.”⁸⁶ However, this was not enough to attribute the acts of genocide to the Federal Republic of Yugoslavia because the perpetrators were neither a part of the organs of the state or under its direct control.⁸⁷ Additionally, the court noted that a state could be complicit in the crimes of another actor through the “...Provision of means to enable or facilitate the commission of the crime...”⁸⁸ as long as the state had knowledge that the perpetrators intended to commit the crime; without knowing that the perpetrators intended to commit a crime, liability cannot attach to the state that only furnished aid or assistance. In this case, the court concluded that the Federal Republic of Yugoslavia did not have knowledge of the paramilitary units’ intentions to commit war crimes when it furnished aid and assistance, and thus it was not complicit.⁸⁹

Application & Analysis

States may bear responsibility for aiding and assisting the commission of war crimes. The Salvadoran army committed the war crimes of murder, forced disappearance, torture, and rape against civilians living in rural villages. The U.S. provided military logistical support on the ground in El Salvador, trained Salvadoran military members at the School for The Americas, and sold weapons to the Salvadoran government. Without this logistical support, training, and more than \$8 billion worth of arms sales, the Salvadoran government never could have inflicted the deaths of over 70,000 Salvadorans, many were innocent civilians, massacred indiscriminately.

A state which aids or assists another State in the commission of an internationally wrongful act by the latter is internationally responsible for doing so if:

- (a) that state does so with knowledge of the circumstances of the internationally wrongful act; *and*
- (b) the act would be internationally wrongful if committed by that State.”⁹⁰

⁸⁶ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 103. 26 February 2007.

⁸⁷ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 176. 26 February 2007.

⁸⁸ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 178. 26 February 2007.

⁸⁹ ICJ. *Bosnia and Herzegovina v. Serbia and Montenegro*, pg. 179. 26 February 2007.

⁹⁰ U.N., Report of the International Law Commission on the work of its fifty-third session, United Nations General Assembly Official Records Supplement No. 10, at 27, U.N. Doc A/56/10 (2001). *Reprinted in* [2007] 2 Year Books International Law Commission 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1[hereinafter ARSIWA Report].

The international law commission's commentary explains, in three parts, that

4. the relevant State organ or agency providing aid or assistance must be aware of the circumstances making the conduct of the assisted State internationally wrongful;
5. secondly, the aid or assistance must be given to facilitate the commission of the act, and must do so; *and*
6. thirdly, the completed act must be such that it would have been wrongful had it been committed by the assisting State itself.⁹¹

Substantial Effect

The U.S. military advisors trained and supplied weapons to the Atlacatl Battalion. Without the “scorched earth” strategy and the high caliber weapons that the U.S. provided, the El Mozote massacre likely would not have happened, and over 1,000 civilians would not have perished in the region of Morazón. The Salvadoran military leaders in the Atlacatl Battalion received direct instructions from the U.S. military and followed the military strategy that the U.S. proscribed. Under U.S. guidance, the Salvadoran battalion entered the village of El Mozote and systematically executed civilians. If it weren't for the U.S. explicitly teaching the Salvadoran military this strategy, the Salvadoran government likely would not have targeted civilians in an attempt to weaken the guerilla movement.

Furthermore, the majority of the weapons found in the El Mozote exhumations originated in the U.S. These high-tech weapons enabled the Salvadoran military to target civilians in a grossly unequal capacity. The military used these weapons to murder and torture innocent civilians. The U.S. providing such weapons enabled and empowered the Salvadoran army to commit such war crimes.

Knowledge of War Crimes

An essential element for a prosecution to prove the U.S. involvement in aiding and abetting this war crime is establishing a requisite mental state. In the case of El Mozote, the U.S.

⁹¹ U.N., Report of the International Law Commission on the work of its fifty-third session. U.N. GAOR Supp. No. 10, at 66, U.N. Doc A/56/10 (2001). Reprinted in [2007] 2 Y.B. Int'l Law Comm'n 65, U.N. Doc. A/CN.4/SER.A/2001/Add.1.

possessed the requisite mental state by instructing the Salvadoran army in scorched earth tactics. The American military strategy directly taught the armed forces to commit war crimes; scorched earth strategy commanded the Salvadoran military to target and execute civilians if suspected of being guerillas. There is no better example of this strategy in action than the murders that took place at El Mozote. This direct instruction satisfies the requisite mental state.

Furthermore, *Operation Resucate*, which included the attack at El Mozote, was completed under the instruction of the U.S. advisors. Following the battle, the U.S. embassy had the opportunity to investigate the massacre further but elected to turn a blind eye. After news articles describing the events of El Mozote, U.S. Department of State called the articles communist propaganda and denied that the massacre ever happened. In the years following Mozote, the U.S. chose not to confirm the details of El Mozote for lack of evidence. It was not until the U.N. Truth Commission report came out that the events of the massacre came to light.

Even though the legal standard for requisite mental state is unclear, it can be proven the U.S. had knowledge and purpose for aiding and abetting in the El Mozote massacre and the Salvadoran Civil War as a whole. The U.S. justified its involvement in the Civil War to end “Latin American Communism,” and thus, the knowledge element of the war crimes can be substantiated. Any prosecution seeking to prove purpose faces a more difficult challenge, but even the purpose element may be met. State liability for war crimes in El Salvador must result in prosecution, provided that international powers and institutions can find the political will and moral strength to hold the U.S. accountable.

What Does Justice Look Like Today?

As of October 2016, Inter-American Court Judge Guzmán Urquilla reopened the El Mozote case. However, only 18 men are facing charges associated with orchestrating and executing scorched earth assault tactics during the Mozote Massacre.⁹² The high-ranking officials include three retired Generals: (1) Rafael Flores Lima, (2) Juan Rafael Bustillo Toledo

⁹² Malkin, Elisabeth. “Survivors of Massacre Ask: ‘Why Did They Have to Kill Those Children?’.” *New York Times* (May 2018): <https://www.nytimes.com/2018/05/26/world/americas/el-salvador-el-mazote-massacre.html>.

(former Minister of Defense), and (3) José Guillermo García. García, 84, was initially granted asylum by the U.S. in 1990 and argued that the scorched earth tactics occurred without his knowledge. However, in 2015, Judge Michael Horn rejected García’s claim and wrote they were part of García’s “deliberate military policy,” and deported García back to El Salvador.⁹³

Information is a crucial issue in the trial as records about the El Mozote massacre could exist but have not been found. In 2018 testimony, the head of the Armed Forces General Archives and another officer indicated that actions such as those taken in El Mozote could not have been carried out without the knowledge and authorization of the highest levels of the military. Consequently, military-affiliated sectors originally pushed for the amnesty law, arguing that the El Mozote case would best be left in the past.⁹⁴

The trial is ongoing and expected to go well into 2020 as the international community criticizes the lengthy amount of time without a verdict for those charged.⁹⁵



Photos were taken by Larry Towell / Magnum Photos 1991 — Morazan, El Salvador

⁹³ *Id.*

⁹⁴ Mejía, José. “Personal archivo FAES: podría existir más información en otras unidades castrenses sobre El Mozote.” *Transparencia Activa* (February 2018): <https://www.transparenciaactiva.gob.sv/personal-archivo-faes-podria-existir-mas-informacion-en-otras-unidades-castrenses-sobre-el-mozote>.

⁹⁵ Malkin, Elisabeth. “Survivors of Massacre Ask: ‘Why Did They Have to Kill Those Children?’”.

“I saw when they killed Sinforsoso Reyes with their machetes, and his wife Eugenia Díaz, who was pregnant, and their four children, who were minors. The children were talking to their father and mother. They said, ‘Mommy, get up!’ But how could they get up? They were already dead.”

– Testimony from Lidia Chicas, witness to the El Mozote massacre.

*55 of Lidia’s relatives were killed during the massacre,
making up 5% of the total amount of civilians massacred during El Mozote.

Conclusion

History Repeats Itself

The U.S. has spurred much controversy for its involvement in the Yemen war by providing military training and weapons that appear similar to ways in which the U.S. fueled the Salvadoran Civil War. The United Nations reports that over 7,500 children have been killed or maimed since 2013, among 11,779 grave violations against children during the period between April 2013 and January 2019.⁹⁶



(January 2019) <https://impakter.com/yemens-ongoing-conflict/>

According to a recent report, the U.S. military trained over 5,000 United Arab Emirates forces between 2009 and 2016, and Saudi Arabia receives about \$10,000 a year in

⁹⁶ Lederer, Edith. “U.N. Report Says 7,500 Kids Have Been Killed or Wounded in Yemen Since 2013.” *Time* (June 2019). Available at: <https://time.com/5617791/un-report-7500-kids-killed-wounded-yemen/>.

International Military Education and Training assistance from the U.S. under the Foreign Assistance Act.⁹⁷

In 2018 alone, the U.S. sold \$18 billion in arms to Saudi Arabia.⁹⁸ The Trump Administration has become brazenly closer to the Saudis compared to any of its predecessors. Additionally, President Trump's National Security Council has reduced the wait time for foreign governments to purchase American weapons. This is a part of President Trump's "Arms Transfer Initiative," which is meant to boost American jobs by increasing weapon sales abroad.⁹⁹ There have been twenty-five unlawful airstrikes in which the Saudi-led coalition appeared to use munitions made in the U.S., killing civilians. The airstrikes left behind 375 live, unexploded submunitions that killed and injured even more civilians following the deadly airstrikes.¹⁰⁰ Lack of accountability for past arms sales and military intelligence that knowingly caused mass civilian casualties allows for only more war crimes to occur at the hands — in the *pockets* — of the wealthiest and most military-advantageous nations.

Salvadoran Consequences

As the South American Continent moves, the rocks that make up El Salvador shift and violent fractures occur, resulting in earthquakes. Our first night in El Salvador, we awoke to one of these earthquakes at a 6.6 magnitude. We stared at one another in disbelief while the aftershocks rumbled beneath our beds. The following morning, a local Salvadoran explained how earthquakes operate as two Midwesterners expressed *shock* about El Salvador's unanticipated welcome. He further indicated that aftershocks follow an earthquake when some of the energy released from the sudden fracturing of rock is transferred to the rocks nearby. This energy adds stress to the rocks that are already fractured. These stresses are too much for the rocks to bear and they too fracture, releasing a new round of energy that

⁹⁷ Chughai, William Hartung. *Center for International Policy*. "US Arms Transfers to the UAE and the War in Yemen." (Sept. 2017). Available at: <http://www.ciponline.org/research/entry/us-arms-transfers-to-the-uae-and-the-war-in-yemen>.

⁹⁸ CBS News. "Saudi Arabia is America's No. 1 weapons customer." *CBS News* (October 2018). Available at: <https://www.cbsnews.com/news/saudi-arabia-is-the-top-buyer-of-u-s-weapons/>.

⁹⁹ *Id.*

¹⁰⁰ Mwatana. "Day of Judgment." pg. 108 (2016). Available at: <http://mwatana.org/en/day-of-judgment/>.

creates new fractures in the rock. We discovered that aftershocks can be even more severe than the earthquake themselves, lasting for days, months, years, or even decades.

Similarly, El Salvador's societal, economical, and political climate shifts over decades, resulting in class and institutional fractures. Societal earthquakes have proven lethal but the aftershocks may be even deadlier. The energy released from initial societal fractures transfer to fractured institutions. This energy adds stress to already fractured classes as promised reforms never come, state repression continues, military violence overrules, and no accountability is given. Distrust spreads throughout the regions and desperation causes more catastrophic shifts societally, economically, and politically. As a Salvadoran Civil War survivor asserts, "even as I carried injured children from the massacre site and watched my other friends shot down, I think this is worse. Gang violence is a hidden civil war and none of us know who the enemy is." Even so, fractures are not a death sentence as proven by Salvadoran community members, leaders, and activists who mend societal cracks through empowerment and resilience initiatives. The U.S. has the duty and capacity to not only prevent further aftershocks from a societal earthquake perpetrated through our deadly involvement, but to join a movement to help mend cracks from the initial earthquake.

The impact of U.S. involvement during the Civil War on Salvadoran society lingers in the violence and corruption that the country is facing today. Today, Salvadoran society is facing the same corruption as before the onset of the Civil War. Right-wing officials, the same individuals who advised the military to execute civilians during the massacres of the Civil War, remain in power. Families who lost loved ones during the Civil War are still awaiting justice. Rural villages, still perceived as guerilla sympathizers, have been overlooked by the government, and often must look to international organizations to build their communities.

What's more, the gang violence plaguing the country originated from U.S. criminal networks when men migrated to California during the civil war. During the Civil War, many Salvadoran refugees fled to the U.S. They found themselves in the underserved areas of Los Angeles, and were swept up by the gang culture there. MS-13 and Barrio 18 originated in the streets of California. After the close of the Civil War, gang members, who had been living in the U.S. for ten years, were deported back to a war-torn and politically unstable El Salvador.



A mother mourns her 25-year-old son at his wake in San Martín, San Salvador, on Nov. 7, 2018. Stanley's face is covered by a bandana after he was strangled by members of La 18 for not fulfilling the missions the gang asked of him. He is also survived by his wife and 6-year-old son. Tariq Zaidi for *Foreign Policy*

Upon returning home, economic opportunities were sparse, living conditions were poor, and government corruption was rampant. Such conditions became the perfect environment for the returned refugees to bring the gang lifestyle to El Salvador. In efforts to build communities in which the government failed to provide restoration after a bloody civil war, gang affiliation developed into a community restoration project in which members tried to allocate resources and protect their neighborhoods. El Salvador's Defense Ministry estimates 8% of the population (500,000 individuals) affiliate with gangs through direct participation, coercion, or extortion.¹⁰¹ According to *2019 World Population Review*, there are 85,000 members of MS-13 and M-18 affiliated gangs located in El Salvador in a total population of 6.4 million.¹⁰² Police brutality and governmental corruption fueled the violence we now associate with El Salvador gangs, home to some of the highest homicide rates and gang violence in the world. Outside of fleeing violence, Salvadorans attempt

¹⁰¹ Zaidi, Tariq. "El Salvador: A Nation Held Hostage by Gang Violence." *Foreign Policy* (November 2019). Available at: <https://foreignpolicy.com/2019/11/30/el-salvador-gang-violence-ms13-nation-held-hostage-photography/>.

¹⁰² Motlaugh, Jason. "Inside El Salvador's battle with violence, poverty, and U.S. policy." *National Geographic* (March 2019). Available at: <https://www.nationalgeographic.com/magazine/2019/03/el-salvador-violence-poverty-united-states-policy-migrants/>.

migration because gangs now control a vast majority of economic revenue in the country. According to the Central Reserve Bank, gangs' control 15% of the country's GDP and 70% of all businesses nationwide.¹⁰³ If individuals want a chance for financial stability, then they must succumb to gang extortion for survival.



The more troubling ones, the ones more recently, are small infants,” said Bryan Kemmet, the Border Patrol agent in charge of Eagle Pass. Ilana Panich-Linsman for the *New York Times*

Moral Obligation

In 2012, El Salvador’s former president, Mauricio Funes, went to El Mozote to apologize on the 20th anniversary of the civil war’s end for what he called “the worst massacre of civilians in contemporary Latin American history.”¹⁰⁴ He apologized for the human rights violations, for all the abuses perpetrated by the Atlacatl Battalion of the Salvadoran Army, and for the indiscriminate massacre of innocent civilians in the mountainous region of northeastern El Salvador.¹⁰⁵ President Funes pled for forgiveness of the families and victims as he laid flowers on the monument, wiping away tears.¹⁰⁶

¹⁰³ *Id.*

¹⁰⁴ *BBC News*. “El Salvador head apologises for 1981 El Mozote massacre.” January 2012. Available at: <https://www.bbc.com/news/world-latin-america-16589757>.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

Today, more than 300,000 people from El Salvador are internally displaced each year, many of whom seek asylum in the U.S. fleeing gang violence and lack of economic opportunities.¹⁰⁷ The choice to leave El Salvador is one made out of desperation and, acknowledging the country's recent bloody history, may not be a choice at all. The U.S. contributed to the 75,000 Salvadoran deaths — a considerable amount of which came from civilian massacres — capitalized on arms sales, and silenced human rights in the region.

The U.S. will likely never be expected to apologize, nor will the state likely ever be held responsible for aiding and abetting war crimes in El Salvador during the Civil War that likens to a Latin American genocide. However, the U.S. has an opportunity to assist Salvadorans, who flee to our border due to instability and violence that we helped create. We must not turn yet another blind eye to the Salvadoran immigrants who die crossing our border or perish while in our detention centers. We not only have the opportunity but a moral obligation to prevent more deaths, to build more bridges and to destroy walls. We can't change our past, but we can improve the outcomes for those needing us in the present.

¹⁰⁷ *International Rescue Committee*. "El Salvador," Available at: <https://www.rescue.org/country/el-salvador>.

interplay between them, to understand the emergence and expansion of revolutionary movements. In addition, she incorporates into her model the organizational capacities of the movements and the impact of US policy on the relative success of revolutionary movements in Latin America. In applying the model to El Salvador and Peru, McClintock finds that "the reasons for the emergence, expansion and ultimate fate of the two revolutionary movements were different." (p. 11) In El Salvador, political exclusion by the military regime as opposed to economic deprivation was the principal factor behind the emergence of the FMLN. Moreover, the political opening during the 1980s combined with the large-scale US support for the regime, were crucial in preventing a successful assault on state power. According to McClintock, this pattern resembles the revolutionary trajectory of other Latin American countries during the Cold War. The Peruvian case, however, "may be the harbinger of new revolutionary patterns during the post-Cold War era." (p. 11) Unlike the FMLN in El Salvador, the Shining Path emerged and expanded within the context of a civilian democratic regime. By most standards, elections during 1980-91 were free and fair. Consequently, political exclusion was not the most salient factor in Peru. Instead, economic variables, including rural inequality and land scarcity, as well as the deepening economic crisis during the 1980s, provided the catalyst for revolution. Moreover, the US government's neglect of the revolutionary challenge in Peru and its minimal assistance to the Peruvian government may have facilitated the expansion of the Shining Path.

The rest of the book is organized in a straightforward fashion. Chapter 2 analyzes the differing organizational capacities of the two movements, and argues that both were on the verge of taking power at different moments in their evolution. Chapters 3 and 4 examine the relative importance of political and economic variables in explaining the emergence and evolution the two movements. In Chapter 5, McClintock assesses the varying impact of US policy, and in chapter 6 she incorporates original survey data from interviews with the revolutionaries themselves to bolster her argument. Finally, a concluding chapter considers policy options for the US and other international actors in addressing future revolutionary challenges.

Although I agree with the general thrust of her argument, I do take issue with the author on a couple of scores. First, while McClintock does not neglect economic variables in the Salvadoran case, her discussion lacks historical perspective, focusing almost exclusively on the 1970s and '80s. As several scholars have argued, the expansion of non-traditional agro-exports in the 1950s and '60's contributed to the massive displacement of the peasant population in El Salvador.¹ Moreover, the expulsion of 130,000 Salvadorans from Honduras after the Soccer War in 1969 and the growing inadequacies of the urban economy closed off the traditional escape valves for the growing landless population during the 1970s. Many of the peasants who would be mobilized by the FMLN in Chalatenango and Morazán had been displaced by the expanding agro-export economy. They rented or purchased subsistence plots on marginal lands while working as migratory farm labor for three to four months of the year. Moreover, a good number of these peasants were first mobilized by progressive elements of the Catholic church and participated in church-affiliated peasant organizations.² In Chapter 6, several of the FMLN members interviewed refer to the influence of progressive priests on their political formation and participation. Unfortunately, the church's role in mobilizing the peasantry in El Salvador is never made an explicit element of McClintock's overall argument.

Despite these shortcomings, the book represents the first comprehensive comparative treatment of two of Latin America's most important revolutionary movements. It is a valuable contribution to the literature and will be of interest to students and scholars of Latin American politics, as well as those interested in social movements and revolution.

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Endnotes

1. See Charles Brockett, *Land, Power and Poverty: Agrarian Transformation and Political Conflict in Central America*. 2nd. ed. (Boulder, CO: Westview, 1998).
2. Jeffrey Paige, "Land reform and Agrarian revolution in El Salvador," *Latin American Research Review*, 31, no. 2 (1996), pp. 127-39.

