

## **Briefing**

### **Central America Caucus and Tom Lantos Human Rights Commission**

#### *Briefing Series on Accountability*

## **Forced Disappearances during El Salvador's Civil War and their Consequences Today**

**Thursday, March 31<sup>st</sup>, 2016**

**1:00 – 2:00 PM**

**2261 Rayburn House Office Building**

### **Opening Remarks**

Good morning. On behalf of the Tom Lantos Human Rights Commission, which I co-chair, and the Central America Caucus, of which I am a member, it gives me great pleasure to welcome you to our briefing on forced disappearances during El Salvador's civil war, and their continuing consequences for victims and family members, and for human rights and rule of law in El Salvador.

I would like to recognize the four distinguished organizations that are co-hosting this briefing along with the Caucus and the Commission:

- the Mauricio Aquino Foundation, founded by relatives of persons disappeared in El Salvador;
- the Washington Office on Latin America, founded to promote human rights in U.S. foreign policy;
- the Due Process of Law Foundation, dedicated to strengthening the rule of law throughout Latin America; and
- the Center for Human Rights of the University of Washington, which is partnering with the Institute for Human Rights of the Central American University (IDHUCA) to apply international justice precedents in the Salvadoran context.

I can't imagine a better, more committed group of organizations and people with whom to share the stage today.

As many of you know, I got my start in human rights in El Salvador. Before I was elected to the U.S. Congress, I was privileged to serve for 14 years as a senior aid to Congressman Joe Moakley. In that capacity, I was appointed by Joe and the Speaker of the House to lead a congressional investigation into the brutal murders of six Jesuit priests, their housekeeper and her

daughter committed in 1989 at the Central American University in the context of the Salvadoran civil war. The investigation was successful in the sense that we were able to determine who was responsible – the Salvadoran military ordered and carried out the murders – and because it led to changes in U.S. policy towards El Salvador.

But justice for the victims has been much more elusive. Two convictions from a first trial in El Salvador in 1991 were set aside by the 1993 amnesty law. More recently, there have been some advances at the international level – just recently in February, a U.S. judge cleared the way for Inocente Orlando Montano, a former Salvadoran colonel, to be extradited to Spain to face charges that he helped plan the slayings. Montano had been in U.S. custody because he was convicted of immigration fraud, after living happily in my home state of Massachusetts for 10 years. But this important step forward has taken more than 25 years to achieve.

As unsatisfactory as that experience has been, now think about the situation of the people we will hear from today, who are victims of the human rights violation known as enforced disappearance: the arrest, detention, or abduction of a person by agents of a State, who then refuse to acknowledge the deprivation of liberty or conceal the fate or whereabouts of the person, leaving him or her without any legal protections.

Alexandra Aquino and Sara Aguilar were babies when their fathers were forcibly disappeared, never to be seen again. Jimmy Ortiz has lived most of his life in the shadow of the forced disappearance of two of his uncles. Their relatives are among at least 5,500 people whose fates remain unknown – and the number may be much higher. Each of those people had families – mothers, fathers, sisters, brothers, spouses, and/or children. All had hopes and plans for a future that was brutally denied to them, and to their loved ones.

Forced disappearance is a terrible crime because it doesn't end. There is no body to bury, there are no rites to perform – only unceasing questions about what happened and why, along with the perhaps inevitable tiny hope that maybe somehow one's loved one managed to survive, and is out there somewhere. Forced disappearance is a kind of torture imposed on all those left behind.

In December of 2010, a new UN treaty, the International Convention for the Protection of All Persons from Enforced Disappearance, went into effect. The convention affirmed that enforced disappearances constitute a crime against humanity when practiced in a widespread or systematic manner, and states clearly that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked to justify the practice.

Unfortunately, neither El Salvador nor the United States has signed or ratified the convention.

So what are the prospects today for justice for El Salvador's victims of forced disappearance? And not only justice: what are the prospects for learning the truth? For receiving reparations? And for guaranteeing that forced disappearance does not continue to occur? These are the questions we are here to discuss this morning.

I look forward to your statements and your recommendations as to how the U.S. Congress can help Salvadoran victims of the terrible practice of enforced disappearance.