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The Fate of Many, the Brutality of Others:
Human Rights Documentation and the
Margins of Subjectivity in El Salvador

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Information Studies

by

Mario Hugo Ramirez

2017

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ABSTRACT OF THE DISSERTATION

The Fate of Many, the Brutality of Others:
Human Rights Documentation and the
Margins of Subjectivity in El Salvador

by

Mario Hugo Ramirez

Doctor of Philosophy in Information Studies

University of California, Los Angeles, 2017

Professor Michelle L. Caswell, Chair

Taking a critical archival studies approach, this dissertation engages critical discourse analysis as a means of analyzing the analogous treatment and representation of political dissidents from the civil war and alleged gang members in post-conflict El Salvador through the medium of human rights documentation. By analyzing a cross section of records, including case files, reports, videos and newspapers from three nongovernmental human rights organizations (the Comisión de Derechos Humanos de El Salvador, the Fundación de Estudios para la Aplicación del Derecho and Servicio Social Pasionista) and one dedicated archival repository (Centro de Información, Documentación y Apoyo a la Investigación) in San Salvador, El Salvador, it plots the recurrent discursive formations that evoke the socio-political and cultural marginality of those targeted for human rights violations.

Furthermore, this dissertation examines how human rights records engender a critical reflection on continuities of violence in the country that perpetuate these parallel discourses of ontological expendability for those “victims” of human rights violations deemed most abject to the body politic, and on the persistence of discourses of social and political subversion. It poses an argument for “subversion” as a power inflected, multi-faceted and ideologically perpetuated discourse that is evident in human rights records and popular texts that cuts across both the civil war and post-conflict era in El Salvador, and has material repercussions that are embodied in socially and politically sanctioned human rights violations and abuses. In addition, it maintains that human rights records are critical tools in combating the dehumanization of victims, in disinterring standard definitions of the “human” in human rights and in providing an avenue towards subjectivity that contradicts the silencing and ontological erasure of individuals.

The dissertation by Mario Hugo Ramirez is approved.

Johanna R. Drucker

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2017

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- Ramirez, Mario H. “The Task of the Latino/a Archivist: On Archiving Identity and Community,” *InterActions: UCLA Journal of Education and Information Studies*, Vol. 5, No. 1, 2009, <https://escholarship.org/uc/item/5d4366f9>.

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Introduction

This dissertation examines the contemporary social, political, discursive and ontological valence of human rights¹ archives from the civil war in El Salvador and recent records documenting human rights violations against alleged gang members and poor youth, specifically those produced by three human rights nongovernmental organizations (HRNGOs). Barred from being used for legal recriminations due an extant amnesty law barring the prosecution of perpetrators until 2016,² records attesting to human rights violations from the civil war took on added cultural and mnemonic significations that enabled affected communities to continue to remind broader Salvadoran society of the unresolved character of the negotiated post-conflict

¹ Enshrined in the Universal Declaration of Human Rights of 1948, (“Universal Declaration,” 2015) and subsequently expanded during the 1993 Vienna World Congress on Human Rights, human rights are defined as being guaranteed to all people despite color, nationality, sex, religion, place of residence, and national or ethnic origin. They include a range of “...civil and political rights such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination” (“What are human rights?,” 2015). A response to the atrocities committed during the Second World War, particularly those of the Nazis against Jewish populations in Western and Eastern Europe, the deliberate articulation of the parameters of human rights was intended to create a vehicle for legal and moral recourse for victims of human rights violations throughout the world. Whether at the hands of state or non-state actors, abuses of these human rights were deemed criminal and therefore constituted a punishable offense. Debates abound about the efficacy, and conditional and theoretical boundaries, of human rights are also integral to their consideration. Posner claims that “human rights law has failed to accomplish its objectives,” that there is “little evidence that human rights treatise...have improved the wellbeing of people,” and that “[t]he language of rights...is too spongy to prevent governments from committing abuses...” (Posner, 2015). In humanities scholarship, a “critical archeology” “about the human as the ground of human rights” (Butler, 2006, p.1659) has taken place that interrogates the ontological foundations of the concept of human rights, and its dependence on a contingent and prejudiced juridical, moral and ethical rhetoric that deprives others, not deemed ‘human’, of the privilege of being a rights bearing subject (Cheah, 2006, p.1552-57). An invitation to “...think about what it means to be human, and what it means to have the right both to live and to be human ...,” (Balfour and Cadava, 2004, p.277) the universalizing and transcendent aspirations of human rights discourse are constantly being challenged by the rampant dispossession, violence and destruction of the property and lives of individuals that fall outside the margins of neoliberal and Western comprehension. As Spivak states, “‘Human Rights’ is not only about having or claiming a right or a set of rights, it is also about righting wrongs, about being the dispenser of these rights” (2004, p.523). Therefore, being a rights claimant portends an implicit power differential that is conditioned by past histories of colonialism, access to centers of power and desubjectivization. Or as Brown asserts, “...human rights take their shape as a moral discourse centered on pain and suffering, rather than political discourse of comprehensive justice” (2004, p.453). In turn, human rights do not fully interrogate the “tactics and vehicles of governance and domination” (Brown, 2004, p.459) that continue to perpetuate inequality.

² “El Salvador Rejects Amnesty Law in Historic Ruling,” accessed July 26, 2016, <https://www.amnesty.org/en/latest/news/2016/07/el-salvador-rejects-amnesty-law-in-historic-ruling/>. “El Salvador Strikes down Amnesty for Crimes during Its Civil War - The Washington Post,” accessed July 26, 2016, https://www.washingtonpost.com/world/the_americas/el-salvador-strikes-down-amnesty-for-crimes-during-its-civil-war/2016/07/14/5eef2ec-49bf-11e6-8dac-0c6e4acc5b1_story.html.

peace. In revisiting the purposefulness of these records, in the midst of a culture of impunity, this study asks what applications and impact these historical materials have on current human rights discourse and documentation practices, and how the types of violations they document are echoed in contemporary records. Indeed, many of the organizations that were founded and operated during the civil war continue to actively document human rights violations which are moreover related to contemporary escalating levels of violence and criminality that target youth, women and children.

Therefore, there is a continuity of mission, intent and practice that links the periods of conflict and post-conflict regardless of the origins and perpetrators of violence. But what is distinct about the current moment is the moral and ethical clarity that is no longer easily ascribed to the application of human rights tenets, particularly when it concerns gang members.

Themselves the source of acts of brutal violence, alleged gang members have, since the rise of gang activity in the 1990s, been subject to disappearance and extrajudicial executions that are a result of government policies, and clandestine police and death squad activities.³ Parallels can be certainly be drawn between the policies, treatment and procedures applied to political subversives during the civil war and alleged gang members today that demonstrate the persistence of state sanctioned abuse. Public sentiment regarding the targeting and victimization of alleged gang members, however, unlike that regarding those who were targeted and victimized during the civil war, is less than sympathetic. In speculating on the impact of human rights records from the civil war on perspectives and approaches to human rights today, the accompanying question is then how this documentation, insofar as it retains socio-cultural and

³ Elana Zilberg, "Gangster in Guerilla Face A Transnational Mirror of Production between the USA and El Salvador," *Anthropological Theory* 7, no. 1 (2007): 37–57.

historical valence, might reflect that the relationship between state-sanctioned violence and social transgression has not changed significantly since the civil war.

In examining and making the case for the analogous treatment and representation of political dissidents from the civil war and alleged gang members in post-conflict society, this study also focuses on records of human rights abuses as reminders of the easy slippage into historic patterns of violence that contradict the aspirations of the peace accords and the democratic visage the Salvadoran government projects to the outside world. Although distinctions are often made between the “politically” motivated tenor of violence during the conflict, and the more “socially” inflicted permutations found today,⁴ there are nonetheless striking similarities in the construction “...of populations to be contained, to be kept out of the democratic polity...”⁵ that place the political victim of human rights abuse alongside the vilified gang member. Both in their respective time periods have been held to blame for obstructing the “natural” progression of political regimes and have been figured as marginal to the “true” character of Salvadoran citizenry. Abject in the sense that they are “radically excluded” from society and disturb “...identity, system, [and] order ...,”⁶ political dissidents and alleged gang members both transgress their socio-political intents and resist control and assimilation.⁷

⁴ Ibid.

⁵ Ellen Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy* (University of Pennsylvania Press, 2011). 183.

⁶ Julia Kristeva, “Powers of Horror: An Essay on Abjection,” Trans. Leon Roudiez. New York: Columbia University Press, 1982. 2,4.

⁷ The abject stands in opposition to normative considerations of the subject that reject deviance, difference and contestation. A product of phobia and fear, the abject is the projection of those elements of society that threaten to undermine its continuity, uniformity and control. As Kristeva argues, “There looms, within abjection, one of those violent, dark revolts of being...” that is inimical to the social fabric but cannot be assimilated. Standing in opposition to the stability of being, and representing its monstrous elements, the abjection of self is the experience of the loss of the foundations of being and the apotheosis of transgression. In turn, this highlights the abject’s eschewal of the rule of the law and prohibitions, and its “perverse” desire to traverse boundaries and reveal the “horror of being” (1982, p.208). Embodying the interstitial space of negation, the abject stands as reminder of that which

Foucauldian in inspiration, insofar as it focuses on the complex interplay of power/knowledge, discourse and the construction of regimes of truth, this dissertation moreover tracks the ways in which human rights documentation is agentic, itself contributing to the formation of subjectivities, identities, and socio-political and cultural perceptions. In looking comparatively at both past and current human rights materials, and concomitant popular texts such as newspaper and journals, this study further seeks to demonstrate the intricate connections between documentation, ideology and power in which archives are embedded. More specifically, the intent is to examine the articulation of systems of power, ideology and marginalization in human rights documentation through the negotiation of the terms and conditions of subversion⁸ and the “inhuman” in Salvadoran society, both during the civil war and in the post-conflict era. It seeks to do this as a means of making explicit the factors that advanced the legitimization of human rights violations and the desubjectification of groups of individuals deemed peripheral to public concern or nation building. The ultimate goal of this study is to argue for the extent to which “subversion” and formulations of the “inhuman” as a discursive formations that are evident in human rights documentation and popular texts cut across both the civil war and post-conflict era in El Salvador and have material repercussions that are embodied in socially and politically sanctioned human rights violations and abuses.

troubles idealized manifestations of the self, and which contests ideological efforts to suppress difference. Therefore, extreme measures can sometimes be taken to disavow the recognition of the abject/abjection that resides at the heart of society, resulting in brutally empirical phenomena such as torture.

⁸ A moniker and trope asserted throughout the Cold War, subversion appeared on the landscape as a reaction to the triumph of communism in Russia in the early twentieth century, and was subsequently used to dismiss movements towards social or political change that threatened established and often repressive socio-political orders. Deemed ostensibly anti-democratic and as a vehicle for communist insurrection, subversion as a label for “political enemies” came into maturation during the post-World War II period as mechanism for contending with purported “[s]ecurity threats emanating from the deteriorating social, political, and economic fabric...” (Holden, 1999, p.4) of those Latin American nations whose regimes were in ideological concert with U.S. political and economic interests, and which impressed a vehemently anti-communist world agenda. With the success of the Cuban revolution in 1959, mounting fears that communism would spread “...in the Western Hemisphere through subversion and insurrection...,” (Sanchez, 1983, p.44) contributed to its use as a repressive measure and excuse for the surveillance, capture, imprisonment and torture of those who challenged or were perceived as seeking to undermine entrenched regimes.

Situated within the burgeoning field of critical archival studies, which Michelle Caswell, Ricky Punzalan and T-Kay Sangwand define as building “...a critical stance regarding the role of archives in the production of knowledge and different types of narratives, as well as identity construction...”⁹ this dissertation is furthermore grounded in the rich literature on human rights and archives.¹⁰ Ascribing to a broad definition of “human rights archives” as not only “collections of records that document violent and systematic abuse of power,”¹¹ but also as records that “...must be activated by individuals (including archivists) communities, and institutions in order to fulfill a human rights function ...,”¹² this study moreover emphasizes participatory models for human rights archives which Gilliland and McKemmish state offer “a negotiated space built around critical reflection” wherein “different communities share stewardship and expertise”¹³; and which proffer those who have been disenfranchised, silenced

⁹ Michelle Caswell, Ricardo Punzalan, and T.-Kay Sangwand, “Critical Archival Studies: An Introduction,” *Journal of Critical Library and Information Studies* 1, no. 2 (2017): 2.

¹⁰ Michelle Caswell, *Archiving the Unspeakable: Silence, Memory, and the Photographic Record in Cambodia* (University of Wisconsin Press, 2014). Anne J. Gilliland, “Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-Conflict Croatia,” *Archival Science* 14, nos. 3–4 (2014): 249–74. Louis Bickford, “Human Rights Archives and Research on Historical Memory: Argentina, Chile, and Uruguay,” *Latin American Research Review*, 2000, 160–82. Bruce P. Montgomery, “Fact-Finding by Human Rights Non-Governmental Organizations: Challenges, Strategies, and the Shaping of Archival Evidence,” *Archivaria* 1, no. 58 (2004). David A. Wallace et al., “Stories for Hope—Rwanda: A Psychological–archival Collaboration to Promote Healing and Cultural Continuity through Intergenerational Dialogue,” *Archival Science* 14, nos. 3–4 (2014): 275–306. Verne Harris, “Contesting Remembering and Forgetting: The Archive of South Africa’s Truth and Reconciliation Commission,” *Innovation* 24, no. 1 (2004): 1–9. Graham Stinnett, “Archival Landscape: Archives and Human Rights,” *Progressive Librarian* 32 (2008): 10–20. David Kaye, “Archiving Justice: Conceptualizing the Archives of the United Nations International Criminal Tribunal for the Former Yugoslavia,” *Archival Science* 14, nos. 3–4 (2014): 381–96. Ricardo L. Punzalan and Michelle Caswell, “Critical Directions for Archival Approaches to Social Justice,” *The Library* 86, no. 1 (2016). Sue McKemmish et al., “Resetting Relationships: Archives and Indigenous Human Rights in Australia,” *Archives and Manuscripts* 39, no. 1 (2011): 107.

¹¹ Michelle Caswell, “Defining Human Rights Archives: Introduction to the Special Double Issue on Archives and Human Rights,” *Archival Science* 14, nos. 3–4 (2014): 207–13. 208.

¹² *Ibid.*

¹³ Anne J. Gilliland and Sue McKemmish, “The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery,” *Atlanti: Review for Modern Archival Theory and Practice*, 24 (2014): 4.

or otherwise marginalized or victimized by archives and recordkeeping”¹⁴ to assert their agency and advocate for their rights. In addition, this dissertation adheres to Caswell’s assertion of a “survivor-centered approach to records documenting human rights abuses”¹⁵ as a corrective to a focus on a “governmental or intergovernmental framework” for the analysis and control of human rights records. This approach most importantly posits that “survivors should maintain control over the decision making process related to records documenting their abuse,”¹⁶ and participate in a form of “shared stewardship” that establishes an ongoing relationship between archives and the communities represented in their records.

This dissertation contributes not only to the growing body of literature on the use of critical discourse analysis in Information Studies and on the integral role of records in the struggle for accountability, reconciliation, subjectivity¹⁷ and identity in post-conflict societies in the literature on human rights and archives, but also specifically advances the critical study of the documentation human rights violations in El Salvador. Prominent as a news item and object of study in the English-speaking world throughout the civil war, analysis of Salvadoran society has severely dissipated in recent decades and focused almost exclusively on sensationalist accounts of violence in the country. This dissertation redresses this oversight and ascribes added nuance

¹⁴ Ibid. 1.

¹⁵ Michelle Caswell, “Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse: Lessons from Community Archives,” *Archival Science* 14, nos. 3–4 (2014): 307–22.

¹⁶ Ibid. 308.

¹⁷ Constituted by a subject whose manifestation through power relations lies “...deep in the social nexus...,” (Foucault, 1982, p.791) subjectivity as the expression of the subject as the “...*condition of possibility* for a radically conditioned form of agency...,” (Butler, 1997, p.15) belies a fortitude that counterbalances the emergence of the subject as the “...effect of a prior power...” (Butler, 1997, p.14) that is “...subject to someone else by control and dependence...” (Foucault, 1982, p.781). This assertion of agency, consciousness and ability to possess a formative power in identity, society, culture and politics, in the midst and despite of countervailing regimes of power encompasses a state of subjectivity that recognizes what Butler terms the “ambivalence” of its emergence, (Butler, 1997, p.14) but nonetheless maintains outlets for the attribution of agency and empowerment.

and complexity to its subject matter by conducting multidisciplinary research into the contributing socio-historical factors that led to the human rights crisis in El Salvador during the civil war, as well as those circumstances that now determine the violation of human and civil rights. By concentrating on the process of documenting human rights violations and ultimately archiving that documentation, the intent is to trace the constitutive importance of records and archives in the human rights endeavor. Moreover, the object is to gauge the impact of records and archives on human rights discourse and questions of subjectivity, and the extent to which the mobilization of records¹⁸ has the potential to curb decades of impunity in El Salvador.

Building on a review of literature on the intersection of archives and human rights, as well as a range of work in Salvadoran/Central American studies on the civil war and contemporary violence, this study further aims to center the endeavors of human rights nongovernmental organizations and social services agencies as a means of highlighting grassroots and aforementioned participatory efforts at attesting to human rights violations. Distinguished by their structural and ideological independence from the government, military and police, these organizations have often plotted a distinct and interrogative trajectory that more clearly reflects the conditions and everyday struggles of the Salvadoran people. Finally, as noted earlier, this study will look closely at the parallels to be drawn between the treatment and representation of political “subversives,” and “inhuman” or “monstrous” gang members as reflected in society, political policy, and human rights discourse and documentation. While not equivocating the two figures and scenarios, the contention is that there are striking similarities in the policies and procedures that are applied to and result(ed) in the violation of the human rights of these individuals and groups.

¹⁸ Stacy Wood, Kathy Carbone, Marika Cifor, Anne J. Gilliland and Ricardo Punzalan, “Mobilizing Records: Re-Framing Archival Description to Support Human Rights,” *Archival Science* 14, nos. 3–4 (2014): 397–419.

Research Questions

This dissertation was focused on asking three broad questions:

1. Does human rights documentation construct discourses of subversion and subjectivity in El Salvador?
2. If so, how does human rights documentation construct discourses of subversion and subjectivity in El Salvador?
3. What parallels exist in the discursive representation of political dissidents and gang members as subversive in human rights documentation from the civil war and post-conflict era?

Methodology

The primary methodology for this dissertation is critical discourse analysis. The study is framed by data collected while conducting fieldwork in 2016, including historical research and in-depth semi-structured interviews. All materials focus on the documentation of human rights violations in El Salvador, from the civil war and the recent past, and were culled from three human rights non-governmental organizations (HRNGOs) and one university based archival repository in San Salvador, El Salvador. Positioning discourse as a “form of social practice” that is “socially constitutive as well a socially shaped,”¹⁹ Critical Discourse Analysis (CDA) establishes a dialectical relationship “between a particular discursive event and all the diverse elements of the situation(s), institution(s), and social structure(s) which frame it.”²⁰ Implicitly imbued with issues of power due to its social position vis-à-vis language, discourse narrates the complex interplay of relationships of domination and oppression among groups that belie the

¹⁹ Norman Fairclough, Jane Muldering and Ruth Wodak, “Critical Discourse Analysis,” *Critical Discourse Analysis, Volume 1: Concepts, History, Theory*, 2013, 79-101. 79-80.

²⁰ Ibid.

Western Marxist roots of CDA, and its explicit political and analytic intents. Often inspired by Michel Foucault's work on knowledge systems, and indeed his formative work on the intersection of power/knowledge,²¹ CDA moreover points towards the power of language and discourse in the shaping of subjectivities, material realities and group perceptions.²² It is this Foucauldian-inflected version of CDA that has manifested itself within Information Studies,²³ analyzing the emergence of information as "an effect of social practice" with "material and institutional properties"²⁴ that constructs "specific identities for information, its users, and its uses."²⁵ Moreover, CDA has been used to expose how the production, organization, dissemination and institutionalization of information have functioned to exercise power through the constitution of "authoritative and legitimate knowledge of persons, objects, processes, and events"²⁶ that has subsequently marginalized alternative voices and subjectivities.²⁷ These "regimes of truth,"²⁸ following Foucault, exert subjective power vis-à-vis their claims to

²¹ Gillian Rose, *Visual Methodologies: An Introduction to Researching with Visual Materials* (Sage, 2012). Michael Olsson, "Power/Knowledge: The Discursive Construction of an Author," *Power* 77, no. 2 (2007).

²² Siegfried Jäger and Florentine Maier, "Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis," *Methods of Critical Discourse Analysis*, 2009, 34–61. 37.

²³ For a linguistically based analysis, see: John M. Budd and Douglas Raber, "Discourse Analysis: Method and Application in the Study of Information," *Information Processing & Management* 32, no. 2 (1996): 217–26.

²⁴ Bernd Frohmann, "Discourse and Documentation: Some Implications for Pedagogy and Research," *Journal of Education for Library and Information Science*, 2001, 12–26. 12-13.

²⁵ Bernd Frohmann, "Discourse Analysis as a Research Method in Library and Information Science," *Library & Information Science Research* 16, no. 2 (1994): 119–38. 123.

²⁶ Frohmann, "Discourse and Documentation: Some Implications for Pedagogy and Research."Frohmann, "Discourse Analysis as a Research Method in Library and Information Science." 16.

²⁷ Dave Hudson, "Unpacking" Information Inequality": Toward a Critical Discourse of Global Justice in Library and Information Science/Pour Exposer La Question de «l'inégalité de l'information»: Vers Un Discours Critique de La Justice Mondiale En Sciences de l'information et Bibliothéconomie," *Canadian Journal of Information and Library Science* 36, no. 3 (2012): 69–87.

²⁸ Rose, *Visual Methodologies: An Introduction to Researching with Visual Materials*. 193.

foundational integrity and, insofar as they are intertextual and intradiscursive,²⁹ belie the complex interplay of historical and socio-political influences that have shaped their discursive and ideological makeup.

The use of CDA within this dissertation circulated around the constitutive powers of discourse in the formation of subjectivities,³⁰ and particularly the emphasis of Foucauldian discourse theory on the “...constitution of the subject in its historical and social context from a diachronic (i.e. longitudinal) and synchronic (i.e. cross-sectional) perspective...”³¹ More pointedly, the primary and secondary texts that form the basis for the research conducted were read for the manner in which they framed human rights subjects as “subversive,” and the types of discourses engendered regarding socio-political, cultural and corporeal belonging that have shaped often brutal material outcomes for human rights victims. As its point of departure, this study engaged Gillian Rose’s framework for Critical Discourse Analysis 1³² which, although intended for the analysis of visual images, can be fruitfully adapted to the study of a wide breadth of textual and media formats. This entailed 1) locating and selecting sources; 2) intratextual and intradiscursive reading and coding of identified sources for recurrent and key themes; 3) an examination of the “effects of truth” of discursive formations (i.e., how does a particular discourse secure its claims to legitimacy and truth); 4) an investigation into the apparent and implicit complexities and contradictions expressed in discourses (i.e., the different

²⁹ Martin Reisigl and Ruth Wodak, “The Discourse-Historical Approach (DHA),” *Methods of Critical Discourse Analysis* 2 (2009): 87–121.

³⁰ Rose, *Visual Methodologies: An Introduction to Researching with Visual Materials*. 190.

³¹ Jager and Maier, “Theoretical and Methodological Aspects of Foucauldian Critical Discourse Analysis and Dispositive Analysis.” 38.

³² Rose, *Visual Methodologies: An Introduction to Researching with Visual Materials*. 187-226.

arguments that the same terms produce); and 5) a constant attention to what is rendered invisible or absent by identified discourses.

With archival documentation from the Comisión de Derechos Humanos de El Salvador (CDHES), the Fundación de Estudios para la Aplicación del Derecho (FESPAD), Servicio Social Pasionista (SSPAS) and the Centro de Información, Documentación y Apoyo a la Investigación (CIDAI) as its base, this study looked comparatively at the ways in which human rights documentation from HRNGOs worked with official and popular textualities to formulate ontological narratives that either supported or countered the figuration of those subject to human rights violations as “subversive,” and therefore marginal, members of Salvadoran society.

The impetus for this approach came from preliminary research that I conducted during the summer of 2015 at El Rescate (a community based organization in Los Angeles that participated in human rights work during the civil war and that houses a rich archive of material from several HRNGOs in El Salvador) inspired this line of inquiry. Conceptualized as a short archival ethnography intended to support a comparative analysis of the praxis of human rights documentation from both the civil war and the post-conflict era, that research also importantly brought together my own streams of personal and professional engagement as a Salvadoran and archival scholar. In the El Rescate study, I located documents from the civil war that exhibited discursive patterns linked to the ascription and/or articulation of subversion, or affiliated constructs of marginality, primarily within reporting from HRNGOs, Salvadoran as well as North American, but also from newspaper clippings and media representations published by more conservative venues. The discursive patterns of marginalization evidenced through tropes such as subversion found in the reports and testimonials of HRNGOs, and newspaper clippings from the Salvadoran media proved more compelling and opened up avenues towards a more

profound analysis of the continuities of language as a mechanism of repression in the history of human rights violations in El Salvador. Not only were these areas of study yet to be explored in English language scholarship in Information or Critical Archival Studies, which has a relative paucity of research on Latin America, Central America and El Salvador, but also a focus on discourse was in keeping with my own previous research and study into the exigencies of language, rhetoric and subjectivity undertaken throughout my academic career, and applied in my recent writings on torture, materiality, witnessing and testimony in the Latin American context produced during my coursework and as part of a Graduate Summer Research Mentorship that culminated in the research conducted at El Rescate.

In the past decade, my interests as an archival scholar have turned increasingly to the situation of human rights archives and records documenting the civil war in El Salvador. This has been a product of both an interest in delving deeper into a history of conflict, violence and forced migration that directly impacted my own familial trajectory, and a desire to discern the condition and relevance of archives from that period on contemporary Salvadoran society. Preliminary research into ensuing issues of memory, identity and the history of violence in El Salvador and conversations with scholars of the region revealed deep connections with the recent phenomena of gang violence that today prevails in news reporting on El Salvador and which had brought the country back into the consciousness of the North American public. As a diasporic Salvadoran, whose relationship to the country has been marked by reductive figurations of both of these socio-political and historical events, my interest was in delving further into the particularities of each through archival research, textual analysis and discussions with stakeholders in order to contribute to a more nuanced portrait of the region in the English speaking world.

Following Gillian Rose, this study was conducted in the following manner:

1. *The location and selection of materials on human rights violations at research sites and online that articulated the socio-political marginalization and subsequent abuse of those identified as “subversive.”* The four sites chosen for this study (CDHES, FESPAD, SSPAS and CIDAI) hold substantive amounts of materials chronicling the trajectory of human rights from the civil war until today, and have also been at the forefront of documenting and accounting for human rights violations. The materials examined were located and selected at all three sites using finding aids, by searching through archival containers, filing cabinets, storage spaces, hard drives and Internet database platforms, and through interviews and recommendations. Materials included case files, reports, newspaper clippings and organizational files, in paper and digital format, that pertained to the policies, procedures, analyses and historical context of human rights violations committed in El Salvador both during the civil war and in the post-conflict era. The case files produced by CDHES, and written and video testimonies from FESPAD and SSPAS provided details about the resultant treatment and conditions of victims of human rights violations, and the ideological reasons for such violations. Organizational files from all three agencies spoke to policies, procedures, priorities and socio-political challenges faced in documenting human rights violations. Bulletins and reports produced by agencies, and also retained at the CIDAI, furnished cumulative analysis of case studies, as well as the socio-political conditions that contributed to human rights violations. Semi-structured interviews conducted with staff from CDHES, FESPAD, and SSPAS provided needed personal and professional comparative insights on the changing landscape of human rights discourse and documentation in El Salvador, and reasons behind the

targeting of particular groups. Newspaper clippings, reports, both print and Internet based, from both left and right leaning newspapers (such as *El Faro*, *El Mundo* and *La Prensa Grafica*) were chosen for their content and references to the “subversive” or “criminal” activities of political dissidents and gang members, and how they helped frame popular perceptions of human rights violations and victims.

2. *The identification of patterns in these sources of statements and terminologies that articulated socio-political and cultural subversion and marginality of those targeted for human rights violations.* As noted by the examples provided and examined in Appendix A (see also Appendix B for list of primary sources), terms such as “subversive,” “terrorist” and “suspicious” were found to be continuously attributed to those involved in leftist political activity and who were targeted for persecution, torture and detainment. Primarily derived from statements made by the military, police or government, as well as the pronouncements of local newspapers, these patterns of discourse attributing subversion to political contestation were located in a cross section of materials (human rights reports, the popular press, official pronouncements), and demonstrated the logic behind human rights violations, as well as the social marginalization necessary to the committing of acts of brutality against others. Similar patterns appeared in discourses surrounding gang members, as is indicated in the popular press and in official policies such as *Mano Dura* (Iron Fist or Firm Hand) and *Super Mano Dura* (Super Iron Fist or Firm Hand) that identified them as “terrorists” or simply as a group of people that “disrupts the public order and offends decorum or good customs”³³ and therefore outside the space of protection and the social contract.

³³ Laura Pedraza Fariña, Spring Miller, and James Cavallaro, *No Place to Hide: Gang, State, and Clandestine Violence in El Salvador*, vol. 3 (Human Rights Program at Harvard law, 2010). 110.

3. *The ways in which these statements and discursive patterns made claims to being representative and accurate, and their subsequent impact on human rights discourse, subjectivity and the documentation of violations.* Human rights documentation and official and newspaper reporting all purport to explicate the “truth” or accuracy of their statements and analysis and to provide factual representations of political activists and/or victims of human rights violations. The three HRNGOs that are part of this study have stalwart reputations in the human rights community and have played a seminal role in the reporting and analysis of human rights violations committed during the civil war and in the post-conflict era. As such, their statements on victims and the conditions surrounding their persecution have shaped national and international perceptions of the state of human rights in El Salvador, political repression and the subjective circumstances surrounding violations. Equally, newspaper reports and official decrees make claims of representational truth, and perceive their depictions of victims of abuse, and the reasons behind that abuse, as authentic. A comparative analysis of these discursive representations, and their subsequent impact on human rights discourse, subjectivity and the documentation of violations will reveal the agentive power of their respective representations and how different “regimes of truth” have shaped the material lives of human rights victims.
4. *The different and contradictory ways in which “subversion” was articulated and framed within human rights documentation, and “official” and popular discourse.* As is evidenced in the sample documents in Appendix A, materials from CDHES, FESPAD, SSPAS and CIDAI demonstrated patterns of ideological positioning that presented “subversion” in contrasting ways, and contained variegated levels of criticism of the

concept and the reasons for its use. Although, as the examples noted, the greatest contradictions may be between more politically conservative and left-leaning sources, this study also looked at the ways different HRNGOs articulated social marginalization. The majority of materials analyzed reflected accounts of human rights violations taken after the fact, as evidenced by eyewitness narratives culled from case files or cumulative reports. More recent analysis of online newspaper reports on gang activity, pertinent to this study, indicated striking evidence of the vacating of the possibility that gang members can stand as valid human rights subjects, affirming their striking (de-) ontological dissimilarity from the rest of the Salvadoran polity and authorizing the continued assertion of civil war techniques of subjective cleansing such as death squads.³⁴ All records were read for comparative discursive markers that sought to marginalize their target populations and to further justify their abuse. This, again, necessitated the recognition of discursive patterns, associative references between some form of socio-political dissidence and targeted violence, and ultimate questioning of any protective status, vis-à-vis human rights, that could be accorded to them. The processes of filtering and selecting the records that were ultimately used in this study entailed the location of records that demonstrated the most comparative consistency and which corroborated the relationship between violence, abuse and a marginal socio-political status accorded by the government, military or security agencies. Materials were organized in the study by period, overlap, chronology and prevalence of discursive recurrence of identified terms, such as “subversion”, “subversive”, “terrorist,” etc., that sought to dehumanize the subjects/objects of the discourse. Continual weeding of primary

³⁴ “‘Escuadrones de La Muerte’ Se Dedicar a Matar a Los Violentos Pandilleros de El Salvador,” Libertad Digital, October 8, 2004, <http://www.libertaddigital.com/mundo/escuadrones-de-la-muerte-se-dedicar-a-matar-a-los-violentos-pandilleros-de-el-salvador-1276234704/>.

and secondary sources was conducted accordingly to highlight those materials in which discursive patterns were most robust.

5. *A focus on what was absent from discourses on subversion that were a product of ideological and political differences, the subsequent material ramifications and how this affected the positing of alternative human rights subjectivities.* This analytical focus was intended not only to further impress the extent to which human rights documentation, and the institutions that create it, are interwoven with the social, political and cultural environs that contribute toward the production of that documentation, but also to elaborate upon the documentation's own role in the construction of identities and subject positions that are intrinsic to the assessment of human rights discourses in El Salvador. In the examples from the civil war that are provided in Appendix B, what is occluded are the multiple reasons, personal or political, that brought the individuals discussed to the point where they found themselves, i.e., were they collaborating with guerilla forces? Why? If not, what other reasons prevailed that made them a target of the police or military forces? What ideological or historical assumptions were being made? Why were the government, military or police trying to silence targeted individuals and sectors? Similar questions were posed regarding gang members, but more pointedly around the lack of contextual information on the social, economic and transnational history of the gang phenomena from non-HRNGO sources and the reasons for their growth and expansion. What this, in turn, is replaced with (such as narratives of terrorism) subsequently furnishes a different story that disallows the possibility of victimization of these individuals and their status as rights bearing subjects. Relatedly, what goes unsaid about the contradictory positioning of gang members as both victims and perpetrators of

violence was analyzed as a means of delving into how HRNGOs negotiated the seemingly irredeemable subjective states of individuals vilified as “subversive” or “terrorists,” but who also merited violations of their rights being monitored and contested, even in the face of governmental and public enmity.

Historical Research

With its focus on primary documents chronicling human rights violations and delving into the socio-political history and motivations behind atrocities committed, this study also availed itself of historical research. Playing a “...vital role in the development of theory and practice...”³⁵ historical research, as Pickard notes, “... is concerned with reconstructing the past, identifying pieces of a puzzle and putting them together to provide insight and understanding of a situation, event or process.”³⁶ The examination of records documenting human rights atrocities during the civil war and the post-conflict era are integral in chronicling the everyday extremes and conditions to which individuals accused or suspected of political subversion were subjected. But moreover, records of an event are not only demonstrative of this historical context, but are themselves a product of social, cultural and political currents that embody historical events and which shape their content and definitional parameters. Furthermore, historical research guarantees that one is able to trace the impact policies and procedures, legislation and the trajectory of institutions on record formation.³⁷

In addition, primary documents were consulted in order to ascertain the history, policies and procedures pertaining to the documentation of human rights violations within all institutions involved in the study. More generally, these sources were used to provide a context for an

³⁵ Alison Pickard, *Research Methods in Information* (Facet publishing, 2012).167.

³⁶ Ibid.

³⁷ Ibid. 169.

understanding of the civil war, the positioning of participating institutions during the conflict, and the phenomenon of contemporary violence and human rights in El Salvador. When available, “...primary documents provide a rich sense of history...”³⁸ and can aid the researcher in answering questions about “...how long social and cultural phenomena have been in existence and to build a larger picture that considers historical antecedents and the course of social and cultural change.”³⁹

Semi-Structured Interviews

Semi-structured interviews were also conducted during this study with three individuals concerned with and directly involved in the documentation of human rights violations and archiving of human rights materials. Interview subjects included Miguel Montenegro, Director of the Comisión de Derechos Humanos de El Salvador (CDHES), Antonio Rodríguez López, a Consultant and Conflict Analyst at the Fundación de Estudios para la Aplicación del Derecho (FESPAD) and Verónica Reyna, Deputy Director of Human Rights at Servicio Social Pasionista (SSPAS). All interviews were conducted in Spanish in the offices of the individuals concerned. Reyna was the only participant interviewed twice. These semi-structured interviews, although based on a set of predetermined questions, allowed for greater flexibility and availed themselves more of the perspective of the interviewee.⁴⁰

Broadly, subjects were queried as to their participation in their organizations, in the documentation of human rights violations, their perspectives on the status of human rights both during the civil war and afterwards, and their comparative views on human rights advocacy for

³⁸ Julian Murchison, *Ethnography Essentials: Designing, Conducting, and Presenting Your Research*, vol. 25 (John Wiley & Sons, 2010). 162.

³⁹ Ibid.

⁴⁰ Barbara M. Wildemuth, *Applications of Social Research Methods to Questions in Information and Library Science* (Libraries Unlimited Westport, CT, 2009).

political dissidents and gang members. They were also asked to reflect on the impact of recordkeeping, specifically around human rights violations, as a means for curbing the current climate of impunity in El Salvador, and as a contributing factor in supporting efforts at accountability, reconciliation and collective memory. This approach was used in order to ascertain the levels at which past and current documentation measures permeated public opinion and sentiment on topics related to human rights, the civil war and the post-conflict climate, as well as to gauge what the future of archive building looked like in El Salvador.⁴¹

Participating Sites

The four research sites selected for this study were chosen because of their distinct policies and procedures for chronicling human rights violations, and collecting and preserving human rights materials, as well as for the comparative knowledge they offered for discussing praxis and forms of representation from the civil war and the post-conflict era. The research sites included three human rights non-governmental organizations: Comisión de Derechos Humanos de El Salvador (CDHES), Fundación de Estudios para la Aplicación del Derecho (FESPAD) and Servicio Social Pasionista (SSPAS). Additional research was conducted at the Centro de Información, Documentación y Apoyo a la Investigación (CIDAI) at the Universidad Centroamericana “José Simeón Cañas.”

The Comisión de Derechos Humanos de El Salvador (CDHES) was founded in 1978 in San Salvador at the behest of Monsignor Oscar Arnulfo Romero by several prominent lawyers. The organization was at the forefront of reporting human rights atrocities committed by the government, police and military against leftists and lay people during the civil war. Through interviews, site visits and personal experience, they amassed an extensive archive of materials

⁴¹ This aspect of the study adhered to the general guidelines for qualitative research with human subjects. The identities of interview participants are revealed per human subjects approval (IRB#16-000492).

that they deployed nationally as well as internationally to make public the extent of the human rights crisis in the country, particularly at the beginning of the conflict. Today they maintain the Centro de Documentación e Investigaciones de la Memoria Historica "Marianella Garcia Villa" (Center for Documentation and Research on Historical Memory) which provides access to these resources, as well as additional materials on the civil war, to scholars and the general public. During my research at CDHES, I was able to access hundreds of pages of testimonies, analyses of human rights, torture and other forms of imprisonment and abuse on the part of state actors, photographs of mass graves, audio-visual resources documenting violations and community forums on human rights, administrative records, and supplemental reports from other local and international human rights agencies. Despite the lack of formal guides, trained staff, and minimal upkeep of records, the ready availability of materials, their organization into broad subject-based categories (by incident, organization, etc.) on open shelving, and dedicated organization of and space for records made the research process a rich experience. The process also helped support the research questions at the heart of this study, as well as providing additional avenues of inquiry and an invaluable overview of the human rights crisis that took place in El Salvador during the civil war.

The Fundación de Estudios para la Aplicación del Derecho (FESPAD) is a human rights organization established in 1988 that has a broad based mission seeking to contribute to community empowerment and the support of democratic and constitutional initiatives in El Salvador. It intervenes at the policy level in both academic and governmental settings, and as such is active in developing publications and programming (monitoring and documenting) that focus on transparency, social, cultural, and economic rights, gender equality, legislation, gangs, impunity and prisoners. It offers courses on themes ranging from the rights of minors and

families, to conflict resolution. It also provides legal services and consultation, and both a bookstore and a library focused on human rights. The focus of this study was on its Department of Citizen Security and Penal Justice that is charged with the documentation of human rights violations committed against alleged gang members and poor youth, and which maintains an archive of video testimonies. It works collaboratively with the Procuraduría para la Defensa de los Derechos Humanos de El Salvador (Human Rights Ombudsman Office of El Salvador) to bring attention to abuses committed by the National Civil Police (in Spanish, PNC). The research process at FESPAD entailed a review of over 30 video testimonies that chronicled these human rights violations on the part of the PNC against both gang members and unaffiliated youth. Given the fact that these materials are meant to be viewed publicly and within legal proceedings, access to digital copies of videos for later research and use was possible. Nonetheless, affiliated case files remained private and unavailable for review because they were considered internal organizational files restricted to concerned staff members. FESPAD is a functioning office without a dedicated archival repository, so therefore it was necessary to be given permission to access and copy materials on organizational computers by staff members. There were no guides to documents at FESPAD and so I had to rely upon the knowledge, insight and recommendations of staff members. Often, materials were not adequately labeled, which made their location challenging. There are no protocols set in place for how to contend with researchers, and access is determined on a case-by-case basis.

Servicio Social Pasionista (SSPAS) is a non-profit, social justice organization based in Mejicanos, a suburb of San Salvador, dedicated to the prevention of violence, human rights and the development of programs and social services targeting vulnerable populations in the local vicinity. Areas of focus include health, restorative justice, human rights, and training and

employment. Its Human Rights Observatory – Rufina Amaya documents human rights violations committed by the PNC against youth in Mejicanos and adjacent regions and neighborhoods. SSPAS also works closely with the Procuraduría to bring cases before the Attorney General of El Salvador. They produce yearly reports on these violations, providing testimonies and comparative analysis, and conduct workshops and community forums to address issues of violence and human rights. They are one of the few organizations conducting this work, and the testimonies they cull from their community are hard won in the face of potential retaliation from the PNC for discussing their experiences. As a consequence, all dialogues are kept anonymous to protect the identities of participants, and case files were not accessible for use by this study. Research was focused on the aforementioned analytic reports that supplied anonymized excerpts of testimonies pre-selected by the staff of SSPAS, as well as interviews with the Deputy Director of Human Rights. Like FESPAD, SSPAS is an active organization that does not have a dedicated archival repository for its records, which would nonetheless be restricted, therefore access to materials, the bulk of which were internal organizational files, was dependent on staff member agreement and, again, restricted to cumulative reports and other secondary sources.

The Centro de Información, Documentación y Apoyo a la Investigación (CIDAI) is located in the Biblioteca “P. Florentino Idoate, S.J.” at the Universidad Centroamericana “José Simeón Cañas,” the CIDAI contains extensive archival resources on the civil war that include collections on the revolutionary forces, student movements, unions and labor, political parties, paramilitary groups, the Peace Accords and human rights. Materials available to researchers include photographs, bulletins, newspapers, reports, journals and other primary source documents that chronicle the progression of the conflict and the human rights crisis that ensued. In addition, the CIDAI offers a fair amount of reporting and material on contemporary conditions

of violence and criminality as the main repository of the publications of *Estudios centroamericanos (ECA)* and *Proceso*. The CIDAI in particular was key towards the analysis of anticommunist materials from both before and during the civil war, and the repeated discursive use of tropes of subversion to dismiss political contestation, and imprison and torture activist and lay people. In addition, they are the repository for the records of Socorro Jurídico, whose materials were instrumental in the tracking of abuse for reasons of “subversion” in the lead up to the civil war. The majority of their collections are divided by broad categories (e.g., anticommunist groups, Armed Forces, etc.) and accessible via collection lists that are easily provided by the coordinator to the public in digital format. The majorities of materials are organized according to international archival standards, and are housed in acid free boxes and folders that were all labeled, and featured names and dates. As a more formal repository, CIDAI has a dedicated space for researchers in the university library that is accessible by registering with the library and paying a nominal fee for the day, month or week.

Limitations

The parameters and breadth of this dissertation were impacted by several factors specific to the prevailing conditions for discourse and documentation of human rights violations in El Salvador. With regard to the work of CDHES, the challenge lay not so much in access to or preservation of archival material, although this is an ongoing issue with other repositories considered for this study, but instead with the ability to locate and interview past staff members who could have given the history of the organization’s vital efforts greater comprehensiveness. Due to the fact that many had sought refuge outside of El Salvador during the conflict as a consequence of threats of violence or death because of their work with CDHES, and maintained little or no contact with the organization, it was challenging to track them down in the course of

fieldwork. Insofar as this was not the case with SSPAS or FESPAD, outside the difficulties involved in coordinating schedules between two different countries, the issue here were the barriers that existed in accessing primary source materials that had to do with the more contemporary nature of the phenomenon and the need to protect the privacy of individuals reporting police abuse. Filtered primarily through reports, the voices of youth and community members of necessity remained anonymous, except for those video interviews from FESPAD already cited that provide the names of individuals involved. In both cases, I was unable to interview alleged gang members or youth directly, and had to rely on the interpretations and perspectives of staff members from both organizations.

Chapter Outline

This dissertation is comprised of four chapters that provide both historical context and theoretical support for the analysis of tropes of marginalization such as “subversion,” “inhuman” and “gang member,” and their manifestation and impact in human rights records, archives and relevant literatures. In addition, it is guided by a questioning of the constitutive “human” of human rights, and ensuing issues of ontology, abjection and precarity⁴² as these apply to conditions and states of human rights in El Salvador during the civil war and the post-conflict era.

⁴² Alternately defined and articulated through the parallel notions of “precariousness” and “precaritization,” (Puar, 2012, p.163-77) precarity is a “...politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death” (Butler, 2009, p.25). Characterized as outside ontological apprehension, and thereby rendered non-living, those caught in a state of precarity are at their most vulnerable in their marginality to constitutive norms of belonging. For those experiencing “maximized precariousness” and the concomitant vicissitudes of state violence, the negation of their lives is the very condition of their recognition by the nation-state. Insofar as violence serves to reanimate their existence, these precarious lives nonetheless fail to achieve “real” ontological representation and continue to persist in a “state of deadness” that prefigures the lack of regard given to the violence exerted upon them (Butler, 2006, p.33). A demonstration of power, the unequal distribution of precarity moreover shapes and determines the value of lives, and therefore those that are deserving of protection, sustenance and “grievability.” As Butler states, “...specific lives cannot be apprehended as injured or lost if they are not first apprehended as living” (2006, p.1). In other words, if there is no recognition of the subjective worth of an individual or group, by the state, society, etc., then any violence committed on their corpus or psyche does not register as an action meriting punishment or accountability. This theorization is of particular import in the thinking about the targeting of certain populations during conflict and the attempt to reconcile these acts in its aftermath (See also, Berlant, 2011).

The study begins with a brief history of violence and conflict in El Salvador; subsequently it focuses on “subversion,” anticommunism, the ongoing persecution of political dissidence and the lead up to the human rights violations committed during the civil war through which the work of the Comisión de Derechos Humanos de El Salvador (CDHES) is discussed. It then turns to the post-conflict human rights environment and the shift to the abuse of “delinquents” and alleged gang members by the PNC that uses the former’s violence and apparent monstrosity to dehumanize them and legitimize their abuse and execution. Finally, the dissertation turns to a discussion of the future of human rights in El Salvador, the willingness to accept the humanity of gang members, and the path forward for HRNGOs in the country.

Chapter One: “A History of Violence: Conflict and Criminality in El Salvador.” This opening chapter provides historical background on the origins of violence and inequality in El Salvador, from the founding of the country as a nation state, up to the period before the eruption of the civil war in 1979. It analyzes the social, political and economic conditions that directly contributed to the civil war and argues for a continuity of violence, repression and inequality that manifested itself during the conflict, and continued to appear in the post-conflict era -- first in the explosion of “common crime” and delinquency in the 1990s, and secondly by creating a fertile environment for the flourishing of gang activity. It looks at both national and international factors that contributed to conditions in El Salvador.

Chapter Two: “*Así como matamos los terroristas, así los vamos a matar todos ustedes*”: Civil War, Dissidence and the Repression of Difference.” This chapter begins with an analysis of the rhetoric of subversion in early historical accounts that reveal a legacy of anticommunism in El Salvador. This is tracked through archival documentation from anticommunist groups, including tracts, flyers and newspaper clippings, and select accounts of human rights violations

from Socorro Jurídico, a human rights, nongovernmental organization founded in 1975, which primarily chronicled the capture and torture of political dissidents and lay people from the early to mid 1970s. An argument is made for the ways in which the discursive distancing and denaturalization of victims of human rights abuses from the categories of the “citizen” and the “human” directly contributed to a state of abjection that further legitimized their torture and disappearance.

Furthermore, emphasis is placed on how human rights documentation from the period takes on multiple roles. In its formatting, it neither critiques nor readily appropriates terminology, but deploys it as a descriptor of the rhetorical devices behind the empirical victimization of individuals suspected of anti-government dissidence, amassing a descriptive compendium of testimonials, torture techniques and familial duress. It also stands as a witness, testifying to the violations committed, in the hopes of current and possibly future restitution, however. Examples are taken from the archives of the non-governmental Comisión de Derechos Humanos de El Salvador (CDHES) whose history, scope of work and breadth of documentation will be summarized. Excerpts from an interview with Miguel Montenegro, long time staff member and current director, are used as supporting evidence. Finally, this chapter concentrates on the case of Herbert Anaya Sanabria, former President of CDHES, as a means of tracking the impact and consequences of being labeled “subversive,” and to reveal the lengths to which the government and military went to obscure their role in his death; which included developing a case that accused two other men of killing Anaya.

Chapter Three: The Most Unsympathetic of Victims, the Most Monstrous of Citizens *Pandilleros* and the Limits of Human Rights Discourse.” This chapter opens with a discussion on the origins of gangs and gang violence in El Salvador, the factors that have contributed to their

growth, the policies that have been developed to stem their expansion, the increasing rumination on discourses of national and personal security and the concomitant return of civil war era tactics of control and repression, including extrajudicial killings. Discussed as well is the increased targeting and criminalization of poor youth, rather than gang members themselves, by the National Civil Police (PNC). An argument is made for the material and discursive parallels with the civil war era, and the need to vilify and actively persecute a segment of society deemed outside the normative and therefore posing a threat to the polity. Case studies and testimonies that testify to police abuse, and which detail patterns of abuse and profiling, are culled from the work of both the Fundación de Estudios para la Aplicación del Derecho (FESPAD) and Servicio Social Pasionista (SSPAS), two community organizations on the front lines of documenting police abuse. Interviews with Antonio López Rodríguez (former Director of SSPAS and consultant at FESPAD) and Verónica Reyna (Assistant Director of the Human Rights Observatory at SSPAS) are used to underline the importance of documenting incidents, but also the precautions taken to protect victims against retribution.

Chapter Four: “At the Interstices of Impunity and Reconciliation: El Salvador’s Reckoning with Human Rights.” The concluding chapter provides a summary discussion that brings the threads of analysis of the tropes of subversion and their resultant material effects in El Salvador during both periods. How has terminology shifted? Has it mattered in its material effects? It argues that tropes of marginality and subversion have been replicated in the twenty-first century and are evident in government policies, police actions and the dissolution of human rights, contributing to the continuity of discursive and physical violence in El Salvador. Looking towards the future, it revisits interviews with staff members from CDHES, FESPAD and SSPAS to discuss where documentation efforts go from here and how there can be innovation or change

if there is a continued lack of cooperation among human rights non-governmental organizations in El Salvador. Is the recent call for coordinated efforts to standardize procedures a path forward? Moreover, what is the ultimate role of those documenting human rights violations to take up alternative discursive practices that inaugurate different regimes of power? How are practices and transgressions contextualized comparatively with those from the civil war? Is this a productive dialogue? What does this portend for the future of documenting human rights as well as the willingness or ability in El Salvador to contend with the political and socio-economic conditions that contribute to them? All of these questions will be considered in the context of the recent repeal of a post-civil war amnesty law that barred the prosecution of individuals and groups known to have committed human rights violations.

In sum, the chapters of this dissertation serve to undergird the study's analysis of subjective and discursive marginalization in El Salvador through a categorical interpellation as "subversive" or "inhuman"/"monstrous," the ramifications this has for the violation of human rights in the country and their embodiment within the records of local HRNGOs. Framed by an interrogation of the parameters of the "human" with human rights and their documentation, the dissertation moreover engages issues of ontology, abjection and precarity in order to argue for their integration into the analysis of human rights violations in El Salvador, and how they are manifested and asserted by human rights records. This is done as means of locating material and ideological confluences between past and contemporary praxis, and of speculating about a path forward for the documentation of human rights in the face of a slowly eroding impunity regarding previous atrocities and the concomitant revival of historic forms of repression.

Chapter One: A History of Violence: Conflict and Criminality in El Salvador

Introduction

This chapter provides socio-political and historical background on El Salvador in order to contextualize discussions found in subsequent chapters, and to begin exploring some of the themes and issues addressed throughout this dissertation, particularly arguments for the agentic properties of records and their use to contest efforts at the discursive and material marginalization of victims of human rights violations. Rife with repression since its inception as a nation, El Salvador has been marked by structural violence intent on maintaining profound social, economic and cultural inequities. Manifested through the capture, arrest and torture of political dissidents, union leaders, university students or anyone deemed a threat to the goals of an established and multipronged socio-political and military hierarchy, this violence has reached into all sectors of society and borne some rather deadly fruit. The failure of democratic purpose in El Salvador, wherein (neo)liberal aspirations are met with violent repression, has framed human rights violations in the country, and translated into the relentless use of surreptitious and bloody means of controlling the population and fate of the nation. The intent of this chapter is to trace this history of precarity in El Salvador and the material conditions that have led to the repeated assertion of violence as means of contending with conflict and difference.

Furthermore, the desire is to supply a framework for understanding the brutal logic behind human rights violations, and the use of discursive and ideological tropes of exclusion and marginalization such as “subversive” and “inhuman” to punish and erase the past and future presence of a disloyal otherness that is now expressed in the figure of the gang member. Historically tied to the 1932 massacre of indigenous peasants, the current persecution of alleged gang members bespeaks of the continuity of violence in the nation, and the use of terror to orient

Salvadoran society. As will be discussed in ensuing chapters, the records production of human rights nongovernmental organizations (HRNGOs) and their documentation of atrocities committed against marginalized groups, particularly during the civil war and in the post-conflict era, has not only testified to historic violations and provided necessary counter-narratives to the open vilification of these groups, but also supplied ontological recourse in the face of subjective erasure. Working against the discursive and material violence exerted by the government and its security agencies, these HRNGOs have become an integral part of Salvadoran history, and protested the persistent vicissitudes that have sought to violently influence the nation's teleology.

Looking Towards the Past to Spite the Future: El Salvador's Legacies of Repression

Nations, like narratives, lose their origins in the myths of time and only fully realize their horizons in the mind's eye.¹

Observers often find a paradox when trying to understand El Salvador's recent history. On the one hand El Salvador seems to be a nation without history – that is, its people, institutions, and government have only a weak and fragmented sense of their own past. Yet El Salvador often appears to be deeply, even overly, engaged with its “rootedness,” with a sense that where it is now and where it has been lately are all tightly determined by its past, a past in which things are known to have occurred but remain for the more demanding observer elusively ambiguous and vague.²

Terror is the given of the place. Black-and-white police cars cruise in pairs, each with a barrel of a rifle extruding from an open window. Roadblocks materialized at random, soldiers fanning out from trucks and taking positions, fingers always on triggers, safeties clicking on and off.³

Born in the aftermath of colonial dissolution, El Salvador is a nation that has encountered extant periods of repression and political instability since its founding as an independent

¹ Homi K. Bhabha, *Nation and Narration* (Routledge, 2013). 1.

² Aldo Lauria-Santiago and Leigh Binford, “Local History, Politics, and the State in El Salvador,” *Landscapes of Struggle: Politics, Society, and Community in El Salvador*, 2004, 1–12. 2.

³ Joan Didion, *Salvador* (Simon and Schuster, 1983). 14.

republic in 1839. A profoundly unequal society, the tightening grip of the oligarchy on land, wealth and power, and their manipulation of politics and the law to promote their own interests, precipitated the conditions for repeated conflicts with the peasantry, indigenous and middle class populations of the nation throughout the latter 19th and 20th centuries. Founded on the axiom that “...independent political activity on the part of the masses threatened social order,”⁴ socio-political life in El Salvador, from local to national levels, was tempered by the need to provide the semblance of reform while continuing to maintain entrenched hierarchies. As Erik Ching demonstrates, patronage systems that primarily benefited the country’s elite were buttressed by a rhetoric of democracy that readily appropriated the language of liberal reform as a mechanism for acquiring power and political office; rather than a legitimate attempt at social, political or judicial change.⁵ Although these maneuverings did not completely disallow contestation, and indeed predominantly indigenous municipalities exerted a fair amount of autonomy and independence in decision-making,⁶ the establishment and growth of the coffee economy in the late 19th century expanded the control of the national government over local affairs. Indeed, James Dunkerley notes that coffee was key to the formation of El Salvador’s “veritable aristocracy,” and the “...axis around which the contemporary class structure evolved.”⁷ Furthermore, this period witnessed the increasing role of the military as a disciplinary (and political) force, for both peasant and elite alike, that contributed to the centralization of power and its increasing concentration in the hands of the few. Ching states, “Military posts sat on the

⁴ Erik Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*, 2014. 107.

⁵ Ibid. 74.

⁶ Ibid. 121.

⁷ James Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador* (Verso Books, 1985). 7-8.

frontline of state centralization, and the soldiers manning these posts often had to subdue local patronage networks and bring stubborn political bosses into the fold of the centralizing system.⁸

This latter development would be prescient insofar as it was a military coup that ended brief periods of democratic development and openness under presidents Pío Romero Bosque (1927-1931) and Arturo Araujo (1931), through the figure of the latter's Vice President General Maximiliano Martínez, and "...would usher in five decades of dictatorial military rule..."⁹ Only the end of the civil war in El Salvador would see the ultimate dislodging of the military from state politics and their influence over multiple sectors of Salvadoran society. In fact, their relative independence as an institution, lack of loyalty towards the elite and hostility towards political insurgency among lay people, rendered the military a political wild card that contributed greatly to socio-political destabilization. In commenting on the ascension of military rule under General Hernández Martínez in 1931, Ching asserts that although the military advocated for social and economic reforms that were contrary to the dictums of the country's elites, that they nonetheless "...maintained strict vigilance over the masses' autonomy and crushed any signs of independent organizing..."¹⁰

It was under the orders of General Hernández Martínez that the newly consolidated military forces (known as the Defense Ministry) violently suppressed a peasant rebellion in the western part of the country in 1932, killing anywhere from 10-40,000 people. Known as *La Matanza*, the massacre, this incident had deep repercussions for Salvadoran society and helped put in motion an ongoing cycle of repression that subsequently informed government policies and greatly affected Salvadoran civic life. In fact, many consider it as laying the groundwork for

⁸ Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*. 156.

⁹ *Ibid.* 1.

¹⁰ *Ibid.* 248.

the continued suppression of movements for social change and right-wing attempts to curb systemic reforms. Therefore, the velvet hammer of military rule, ostensibly beneficent and reform minded though it was, brought with it levels of repression that were precedent setting for Salvadoran social and political culture (establishing what Ching terms the “reform/repress dichotomy”), and which contributed directly to the circumstances that led to the civil conflict at the tail end of the 1970s. Indeed, by 1975, with the kidnapping and execution of university students by the National Guard and the Treasury police during a protest, one could already witness the fruit of this violent shift in Salvadoran governance, and was a precursor to subsequent levels of terror.¹¹

El Salvador’s twelve-year civil war (1980-1992) was the consequence of a series of political events that were intensely rooted in this history of oppression and inequality. Dunkerley contends that it was the immediate consequence of a “qualitative change” in the political landscape that saw the country move from “widespread social conflict and a breakdown in the regime of the ruling class”¹² to a state of internal hostilities. Precipitated by the ousting of General Carlos Humberto Romero from the presidency by a joint junta of reformist minded military officers and politicians in October 1979, the subsequent failure of this junta in December of that same year, due to its offer of “limited reforms under conditions of absolute and exceedingly violent control,”¹³ contributed to an unstable socio-political environment that was rife for eruption. In addition, the unification of the left under the umbrella of the *Coordinadora Revolucionaria de Masas* (CRM) in January and February 1980, the consolidation of leftist and guerilla groups under the flag of the Frente Farabundo Martí para la Liberación Nacional

¹¹ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 31.

¹² Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*. 132.

¹³ *Ibid.* 134.

(FMLN)¹⁴ in October 1980, and subsequent fears of their increasing influence in the face of the recent victory of the Frente Sandinista de Liberación Nacional (FSLN) in Nicaragua, led the United States to intervene by supporting the more moderate and civilian Christian Democrats. Rather than tempering the repressive tendencies of right wing elements of the junta, this move only served to paint a gentler face on what was now “...an extensive counter-insurgency campaign and drive to annihilate the left.”¹⁵ Although the progressive junta had intervened in the presidency of Romero precisely to curb growing levels of state repression, and the rogue activities of such vigilante paramilitary groups as ORDEN (Organización Democrática Nacionalista), these efforts were ineffective in the face of growing social and political instability, as well as the junta’s own internal divisions.

In fact, many scholars of the period agree that the 1979 victory of the FSLN and the apparent ascent of a second revolutionary, socialist-oriented regime in the Western Hemisphere, spurred deep fears on the part of the U.S and its allies that El Salvador (with its history of strong workers and student movements, leftist traditions and growing dissent) would take heed from its neighbor and instigate a revolution, conditions which bore a striking resemblance to events after the 1959 Cuban Revolution. As Dunkerley again points out, even before the revolution in Nicaragua, El Salvador had in place an “advanced radical culture” with a large and highly mobilized working class, and a prominent communist party, the Partido Comunista Salvadoreño

¹⁴ Americas Watch Committee (US), *El Salvador’s Decade of Terror: Human Rights since the Assassination of Archbishop Romero* (Human Rights Watch, 1991). 9. Preceded by the Dirección Revolucionara Unificada (DRU), the FMLN served to coordinate strategies and operations among formerly disparate groups that included the Partido Comunista de El Salvador, the Ejército Revolucionario del Pueblo, the Resistencia Nacional, the Partido Revolucionario de Trabajadores Centroamericanos and the Partido Revolucionario Salvadoreño against the government and military. See, Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*.

¹⁵ Ibid.

(PCS).¹⁶ All of these factors were indicative of the possibility that El Salvador was primed for a communist insurrection. Starting at the tail end of the Carter presidency, increased funding to the Salvadoran military was directly tied to this renewed concern in the U.S., and was decisive in perpetuating the civil war and in sealing El Salvador's bloody fate for the next twelve years.

With the assassination of Monsignor Oscar Arnulfo Romero on March 24, 1980 by right-wing military officers, whatever tenuous peace that may have taken place as the product of attempts at reform were shattered and the threat of a full-fledged conflict became imminent.¹⁷ Murdered while delivering a sermon at Sunday mass, Romero had become increasingly critical of the government, denouncing the military led junta's violent tactics, and subsequently encouraged internal rebellion by stating that "no soldier is obliged to obey an order to kill if it runs contrary to his conscience."¹⁸ This statement drew unconditional ire from the current administration and contributed to Romero's death at the hands of right wing military forces organized and led by Roberto D'Aubuisson; one of the founders of the *Alianza Republicana Nacionalista* (ARENA) party. For Dunkerley, this was a tipping point that spurred the beginning of a guerilla war with ill-defined lines of control and highly variable intensities of conflict¹⁹ that served as a staging ground for the United States in its ongoing, Cold War inspired battle against Soviet and communist influence in Latin America. Indeed, at the dawn of the Reagan administration in 1981, "[t]he issue was no longer how to suppress communism with reforms in

¹⁶ James Dunkerley, *Power in the Isthmus: A Political History of Modern Central America* (Verso Books, 1988). 340.

¹⁷ Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador* (Verso Books, 1985). 156.

¹⁸ Ibid.

¹⁹ Ibid. 162.

El Salvador but how to fight communism on a world scale with the front line in El Salvador.”²⁰ This conditioned the ferocity of the conflict, particularly in its early years, and had a significant impact on the level and extent of extrajudicial executions, the rise of clandestine death squads and rampant human rights violations, all as a consequence of now existing ideological justifications, and monetary funding, for the routing out of oppositional forces.²¹

The levels of repression reached during the civil war were quite extreme and stemmed from El Salvador’s ongoing political instability. As noted earlier, violence and repression had historically operated as tools of social control by the ruling elites, the military and their political allies. Seeking to suppress reform and popular dissent, they consistently unleashed local police forces (*patrullas cantonales*), and later the National Guard and the National Police to curb the organizing activities of workers’ rights groups, as well as any possible strikes and/or demonstrations²²; *La Matanza* in 1932 was but the most egregious example of these actions. But simultaneously, the military regime of General Hernández Martínez laid the building blocks for the expansion of intelligence and security forces that saw the conversion of police agents into spies, civilians into informants (*orejas*), which greatly augmented the controlling reach of his government through surveillance²³ and manufactured internal enemies such as communists, students and intellectuals as a means of justifying its coercive policies and actions.²⁴ Stanley

²⁰ Ibid. 178.

²¹ For additional information on the role of the U.S. in anticommunist inspired counterinsurgency measures in El Salvador and Central America, see: Michael McClintock, *The American Connection*, vol. 1 (Zed books London, 1985). and Walter LaFeber, *Inevitable Revolutions: The United States in Central America* (WW Norton & Company, 1993).

²² Ibid. 2-3.

²³ Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*. 259.

²⁴ Ibid. 275-276.

argues that it was in 1981 when “government killing hit its peak,”²⁵ with its violence directed principally against civilians who either did or were suspected of supporting the FMLN. Perpetuated primarily by internal security forces, which included the National Guard, the Treasury Police and the National Police, as well as covert death squads, this suppression and killing of “subversives” took on incredibly brutal tonalities, involving torture and the widespread dismemberment of bodies.²⁶ Unceremoniously dumped into mass graves such as “El Playón,” located in a lava field northwest of San Salvador, or the Puerta del Diablo at the Parque Balboa,²⁷ these early victims of the conflict were but a precursor to the continued physical and psychological violence that would be visited upon the Salvadoran public throughout the conflict.

Although Stanley goes on to assert that the level of killing “declined dramatically” starting in 1982, he nonetheless maintains that this was only replaced by an increase in imprisonment and torture. This contributed to the designation of Salvadoran state terror as “among the most severe in the hemisphere.”²⁸ The human rights crisis precipitated by these actions was conditioned by the façade of reform that “...made it easier and more legitimate to kill more people...”²⁹ insofar as continued insurrection identified one as a politically active leftist, and therefore a target for the military. The frequent persecution of human rights workers,³⁰ union organizers, and progressive students and intellectuals, despite waxing and waning levels of brutality, speaks to the ongoing commitment on the part of extremist forces in

²⁵ William Stanley, “The Protection Racket State,” *Elite Politics, Military Extortion, and Civil War in El*, 1996. 2.

²⁶ *Ibid.* 1.

²⁷ Didion, “Salvador.” 19-20.

²⁸ Stanley, “The Protection Racket State.” 3.

²⁹ *Ibid.* 195.

³⁰ See also, Ralph Sprenkels, *The Price of Peace: The Human Rights Movement in Postwar El Salvador*, vol. 19 (Centre for Latin American Studies and Documentation, 2005).

the Salvadoran government to the figuration of those involved in socio-political contestation and critique as “ideological enemies” whose presence in the country was “a sign of weakness and a loss of sovereignty...”³¹

The growing sophistication of the state security apparatus in the 1950s and 60s, and its policing and intelligence capabilities, as Lauria-Santiago points out, also contributed to the growing ability of the state to monitor its population and suppress insurgent activities during the civil war.³² Notably, between 1960 and 1964 the administration of Colonel José Alberto Medrano developed the Servicio de Seguridad (Security Service), which linked intelligence gathering agencies such as the National Guard, the National Police, the Immigration Bureau and the regional Telecommunications Security Network. This ultimately culminated in the creation of ORDEN. Initially acting as a covert intelligence-gathering agency, ORDEN evolved into an openly political organization charged with the “dissemination of the democratic ideology and the maintenance of public order.”³³ When the Servicio de Seguridad (also known as the Sistema Nacional de Inteligencia) later became ANSESAL (Agencia Nacional de Servicios Especiales) in the 1970s, ORDEN played a significant role in its intelligence gathering efforts. Funded in part by the United States, institutions such as ANSESAL and ORDEN were part of a network of “highly sophisticated state-security agencies that later facilitated the successful practice of state terror.”³⁴

³¹ Stanley, “The Protection Racket State.” 248.

³² Aldo Lauria-Santiago, “The Culture and Politics of State Terror and Repression in El Salvador,” *When States Kill: Latin America, the US, and Technologies of Terror*, 2005, 85–114. 91-92.

³³ Michael McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 206.

³⁴ Lauria-Santiago, “The Culture and Politics of State Terror and Repression in El Salvador.” 97.

In tandem with the National Guard, Treasury Police and National Police, these organizations developed an extensive intelligence gathering apparatus that commandeered civilians, police and military alike in the identification, persecution, torture and death of “subversives.” Later joined by clandestine death squads like the Mano Blanca (White Hand), this “machinery of repression” was, according to Lauria-Santiago, decentralized, but nonetheless highly organized, deriving its tactical sophistication from the widespread role of military and other figures of officialdom in both clandestine and governmental actions. Moreover, given the intrinsic role of community informants in the targeting of leftist sympathizers, or those assumed to be, the reach of the security forces was even more vast and intimate.

Dissolved by official decree in 1979, ANSESAL and ORDEN continued to operate unofficially under the auspices of the army general, with ANSESAL eventually merging with the general’s Civic Affairs office. ORDEN proved an effective model for death squad activities, contributing to a trend of vigilante groups whose members included reactionary factions of the military forces, as well as a network of local police and former military personnel throughout the different regions of the country. These groups exemplified the decentralized, yet highly organized nature of state repression in El Salvador by the dawn of the civil war, and the increasing difficulty of stemming the tide of terror, torture and forced disappearances inflicted upon those presumed to have leftist sympathies. Repression in El Salvador, unlike its counterparts in the isthmus and the Southern Cone, was never the product of a single, repressive agent, but a dispersed entity that attacked the body politic from multiple vantage points.³⁵

In addition to ORDEN, groups such as the Fuerzas Armadas de Liberación Nacional – Guerra de Exterminación (FALANGE, Armed Forces for National Liberation – War of

³⁵ Ibid. 95.

Extermination) sprang up starting in the mid-1970s with the explicit goal of exterminating ‘all communists and their collaborators’³⁶ and very publicly directed its energies towards the suppression of public dissent. Under its new moniker of the Unión Guerra Blanca (UGB, White Warriors’ Union), the organization continued to pursue extrajudicial assassinations that, although not officially sanctioned, functioned to assert social control of, among others, leftist groups. Engineered primarily by the national government, these individual agents of repression helped extend the reach of the practice of state terror and created an environment of fear and suspicion that dictated everyday life for the majority of Salvadorans.

In fact, given the military’s dominance of national politics and the extent to which its members held key political posts, terror and repression were largely institutionalized and, rather than being counter posed, were actually enabled by attempts at reform at the debut of the civil war.³⁷ Under the Junta de Gobierno Revolucionario (which unseated Romero, governed between 1979 and 1984 and was ultimately run by the military), political killings increased ten-fold to 41,769 and disappearances climbed to 3,805 from the previous decade.³⁸ Besides the vigilante groups already mentioned, these actions were again led by the National Guard, Treasury Police and National Police who raided communities suspected of harboring ‘subversives’ and proceeded to brutally kill and torture their victims; ultimately dumping their bodies in mass graves on the peripheries of San Salvador, as well as on the streets of the capital.³⁹ In addition

³⁶ Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*. 103.

³⁷ Stanley, “The Protection Racket State.” 184-185.

³⁸ Lauria-Santiago, “The Culture and Politics of State Terror and Repression in El Salvador.” 96.

³⁹ Stanley, “The Protection Racket State.” 1.

these groups notably targeted human rights workers and the National Guard in particular most famously abducted, raped and murdered four American nuns in 1980.⁴⁰

Although decreasing somewhat with the election of José Napoleón Duarte to the Presidency in 1984, the multi-pronged arm of the military and the police continued to effectively promote violence during the twelve years of the conflict through its local and regional offices; as well as a network of community informants that were allied with the military and the police. Nonetheless, tempered by the very public excesses of the early years of the conflict, and the consequences to their public image, funding and legitimacy, right wing factions within the government, police and military curbed the extent, if not the methods, of their reach for socio-political control. The well publicized case of the murder of six Jesuit priests, along with their cook and her daughter, on the campus of the Universidad Centroamericana José Simeon Cañas (UCA) in 1989 was but one of the most recognized examples of the continued repressive and violent tactics being used to quell criticism.⁴¹

By the time that the U.N. mediated peace negotiations formally began between the Salvadoran government and the FMLN in 1990, close to 75,000 people had already been murdered, 7,000 were disappeared and there was potentially no end in sight to the continuing carnage and aggressive violence. But with the signing of the San Jose Human Rights Accord on July 26, 1990, which committed all parties to taking "...all necessary steps and measures" "to avoid any act or practice which constitutes an attempt upon the life, integrity, security or freedom of the individual..."⁴² there took place a more concerted effort to curb levels of

⁴⁰ Margaret Popkin, "Peace without Justice," *Obstacles to Building the Rule of Law in El Salvador*, University Park, Pennsylvania, 2000. 50.

⁴¹ Ibid. 52.

⁴² Ibid. 83.

violence. Nevertheless, although these negotiations and the ultimate signing of a peace agreement on January 16, 1992 at the Chapultepec Palace in Mexico City formally ended the conflict and dissolved many of the agencies at the forefront of perpetuating violence, the legacy of the atrocities committed was never fully contended with, consequences of which would be felt both in the immediate post-conflict era and thereafter.

As a consequence of the Chapultepec Peace Accords, an Ad Hoc Commission was constituted in order “...to purge the military of human rights violators...”⁴³ and to reckon with a reconciliation process that necessitated the displacement of the military from circles of power to which they had been intrinsically linked for decades. Made up of three civilian members and two representatives of the military, the Commission’s work and subsequent report and recommendations set the stage for what would be the more involved reckoning with the violence and human rights violations committed during the conflict by what came to be known as the Commission on the Truth for El Salvador. Equally as mandated by the peace accords, this Commission’s work would account for and attempt to seek redress for the atrocities enacted on both sides of the ideological divide by “...investigating particularly notorious and representative cases...,”⁴⁴ that would in turn demonstrate patterns of violence during the conflict. Registering “...more than 22,000 complaints of serious acts of violence that occurred in El Salvador between January 1980 and July 1991...,”⁴⁵ the Commission, which was headed by three international representatives that included Colombian law professor Belisario Betancur, Venezuelan Congress

⁴³ Ibid. 105.

⁴⁴ Ibid. 112.

⁴⁵ Ibid. See also, Belisario Betancur, Reinaldo Figueredo Planchart, and Thomas Buergenthal, “From Madness to Hope: The 12-Year War in El Salvador: Report of the Commission on the Truth for El Salvador,” *UN Security Council (1993) From Madness to Hope: The*, 1993.

member Reinaldo Figueredo Planchart and U.S. law professor Thomas Buergenthal,⁴⁶ concentrated its efforts on thirty-two cases that exemplified some of the “most egregious acts”⁴⁷ committed during the conflict.

Almost immediately, the Commission was criticized for what some, mainly on the right, considered its under representation of cases involving the FMLN, who only made up eight of the thirty-two investigated, but moreover for its decision to include the names of perpetrators in its reporting. Tasked with unmasking the circumstances behind human rights violations, tempering the impunity of the armed forces and forging a path towards reconciliation, the Commission’s hefty mandate was not shy about exposing political and military figures to the possibility of prosecution and accountability. Of course, given the fact that the peace process did not mandate a significant change in governing bodies, or had the agency to oust then current political or military figures from their respective offices, it was inevitable that the Commission’s efforts at identifying perpetrators of violence would result in a political backlash. And indeed, shortly after the Commission’s report was released to the public on March 15, 1993, President Alfredo Cristiani, whose ARENA party was deeply implicated in human rights violations, delivered a speech in which he not only criticized the findings of the report (for its purportedly uneven handling of cases), but moreover emphasized the need for the nation “...to see what has to be done to erase, eliminate and forget everything in the past.”⁴⁸

By virtue of the fact that it was primarily Cristiani’s allies who were designated as responsible for the bulk of human rights violations committed during the conflict, including

⁴⁶ Betancur, Planchart, and Buergenthal.

⁴⁷ Ibid.

⁴⁸ Ibid. 150.

Roberto D'Aubuisson's (founding member of ARENA) plotting of the assassination of Monsignor Romero, his claim that "...it would be unjust to take legal or administrative measures against some but not others...",⁴⁹ and subsequent push for a broad amnesty law that barred the prosecution of perpetrators, was sadly not surprising. A mere two days after this speech was given, and a week after the release of the Commission's report, on March, 20, 1993, Legislative Decree 486, which granted amnesty for political or common crimes committed during the conflict, was passed. Although heavily contested by human rights groups, who claimed the law was unconstitutional, Decree 486, which had been preceded by a National Reconciliation Law of January 23, 1992 that granted partial amnesty to all parties involved, was not discredited and remained in place until recently. In an ironic twist, as both Popkin and Sprenkels maintain,⁵⁰ the FMLN also benefited from the amnesty law insofar as the lack of public accountability and possible prosecution allowed them to legitimize their political stance and aid their transition from guerilla group to political party.

In contradistinction to parallel situations in the Southern Cone and even other countries in Central America, reconciliation in El Salvador translated into the willful forgetting and erasure of the atrocities experienced and committed during the civil war. Although this certainly aided and abetted the careers and livelihoods of many an official, this also left the majority of the Salvadoran population with little recourse. It was not until 2010 that then President Mauricio Funes, the first FMLN candidate to gain that office, even apologized for past human rights abuses and the assassination of Monsignor Romero, and 2012 when he did the same for the El Mozote massacre; in which close to 1,000 men, women and children were killed by the Atlacatl

⁴⁹ Ibid.

⁵⁰ Popkin, "Peace without Justice." Sprenkels, *The Price of Peace: The Human Rights Movement in Postwar El Salvador*.

Brigade in the mountains of Morazán.⁵¹ This were rare moments of public recognition on the part of a political official of governmental responsibility for the death toll of the conflict, but also of the past as a phenomenon that needed to be reckoned with in the contemporary moment.

Efforts in September 2013 on the part of five magistrates from the Constitutional Chamber of the Supreme Court to once again declare the amnesty law unconstitutional were not only resisted, but resulted in the closing of Tutela Legal (a human rights office affiliated with the Archbishop of San Salvador that had been heavily involved in the documentation of human rights violations during the conflict), and the break in and vandalizing of the offices of Pro-Búsqueda Association for Missing Children (an organization dedicated to finding children who went missing during the civil war).⁵² Although Archbishop José Luis Escobar provided spurious reasons for the shuttering of Tutela Legal, including accusations of employee corruption and the obsolescence of the organization's mission, public sentiment was critical of the move due to the fact that it came at the heels of a renewed questioning of the legality of the amnesty law. Equally, the break-in at Pro-Búsqueda, and subsequent theft of their computers and burning of their archives by three armed assailants, was eerily timed just a mere two months after the events at the Supreme Court and Tutela Legal.⁵³ Given the comparatively contemporary nature of the conflict in El Salvador, these actions demonstrated the extent to which there remained forces at large that wanted to evade prosecution and perpetuate a climate of impunity wherein past actions and events remained obscured. Moreover, the targeting of these organizations asserted a desire to

⁵¹ Robin Maria DeLugan, *Reimagining National Belonging: Post-Civil War El Salvador in a Global Context* (University of Arizona Press, 2012). 127.

⁵² Dulcinea Flores and Amparo Marroquín, "El Obispo y La Memoria: Crónica Sobre El Archivo de Tutela Legal En El Salvador," *A Contracorriente* 12, no. 1 (2014): 54–72.

⁵³ "Ataque a Pro-Búsqueda Destruyó Expedientes de Causa Contra Militares Que Estudia Sala Constitucional," *elfaro.net*, accessed January 23, 2016, <http://www.elfaro.net/es/201311/noticias/13926/Ataque-a-Pro-Búsqueda-destruyó-expedientes-de-causa-contra-militares-que-estudia-Sala-Constitucional.htm>.

destroy physical evidence of past transgressions that continued to contest rhetorical policies that foregrounded forgetting as a viable socio-political and cultural option for a nation struggling to contend with legacies of violence. The final repeal of the amnesty law in 2016⁵⁴ has opened a breach in this impunity and has started to witness incipient steps towards reconciliation.

In the immediate post-civil war era, Salvadoran society witnessed a “stunted transition to democracy”⁵⁵ due much in part to these un-reconciled circumstances and the rush to demonstrate that El Salvador was a nation prepared to forgo its violent past for a neoliberal future. Ostensibly a model economic success during the 1960s, through its participation in the Central American Common Market (CACM), Salvadoran and international financial interests now attempted to re-set the clock, and herald El Salvador’s return to the more profitable and less messy business of generating economic opportunities. But in tandem with this enthusiastic adherence to “free-market models of capitalism,” came the insidious increase of “common crime” that continued to guarantee violence an embedded place in the lives of everyday Salvadorans.⁵⁶ Distinct from politically motivated forms of criminality experienced during the civil war, violence and crime in the post-conflict moment were instead characterized by “...random acts of violation aiming for simple material gain.”⁵⁷ Fueled by social, cultural and economic uncertainty, this transfiguration of the criminal was increasingly informed by the deportation of gang members from diasporic epicenters such as Los Angeles, and the reconstitution of gangs such as Barrio 18 and MS-13 on Salvadoran soil. This phenomenon contributed further to the de-systemization of violence, as that

⁵⁴ “El Salvador Rejects Amnesty Law in Historic Ruling.” “El Salvador Strikes down Amnesty for Crimes during Its Civil War - The Washington Post.”

⁵⁵ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 2.

⁵⁶ Ibid. 78.

⁵⁷ Ibid. 3.

perpetrated by a nation-state or entity, and instead identified the gang member as the generative space for individualized atrocities.

As Moodie notes, the 1990s were awash with “crime stories” that demonstrated a lack of faith in the ability of state agencies to forestall increasing levels of crime, but in addition there was a greater expression of the very personal, and non-state driven, sources and consequences of violence.⁵⁸ Indeed, Salvadoran society in the immediate aftermath of civil war lost a certain socio-political coherence oriented by “authoritative state and global entities,” and began a process of “unraveling” that saw the ordinary lives of Salvadorans being imbued with a “radical uncertainty.”⁵⁹ By 1995, just three years shy of the signing of the Peace Accords ending the civil war, the violence that contributed to this uncertainty had escalated dramatically, at times surpassing war time levels; inspiring the popular refrain that peace was “worse than the war.”⁶⁰ With the aggravated increase in gang violence in the past decade, an individuated perspective on violence, and the concomitant interpellation of the gang member as its source, has only continued to be posited as one of the primary sources of socio-political instability in the nation. If by the 1990s the increasing focus on the “crime problem” was perpetuating a shift in human rights discourse, whereas “...Salvadorans...came to believe that international covenants of 'human rights' principally protected the rights of criminals rather than those of 'ordinary citizens'...,”⁶¹ the contemporary moment only demonstrates a greater investment in this belief.

The gang member, rather than the political subversive, is now at the heart national fears of democratic instability, and spurred equally as repressive tactics, in the guise of *Mano Dura*

⁵⁸ Ibid. 2-3.

⁵⁹ Ibid. 15.

⁶⁰ Ibid. 2.

⁶¹ Ibid. 68.

policies,⁶² to stem their violent interventions into the body politic.⁶³ First introduced in 2003, the *Mano Dura* (Iron Fist) policy, and its successor *Super Mano Dura*,⁶⁴ was implemented as means to combat rising levels of violence and murder that were increasingly identified with the parallel surge in gang membership. Advocating the immediate imprisonment of gang members for displaying gang related tattoos or “flashing signs,”⁶⁵ the *Mano Dura* policy, in its repressive and often violent response to gang related crime, was “indicative of the endurance of a hegemonic political project of exclusion and polarization in El Salvador”⁶⁶ wherein youth gangs and crime replaced political deviance as the internal threat to democratic order⁶⁷; as had been the case during the civil war. Engineered primarily by the right wing ARENA party, and couched within a rhetoric of “punitive” or “authoritarian populism,”⁶⁸ that fed off popular fears, the policy further inspired the renewed growth of death squads, like the *Mano Blanca* (White Hand), that sought to “clean communities of gang members and to murder ‘*todo aquel tatuado*’ (everyone bearing supposedly gang tattoos).”⁶⁹ It was not surprising to discover the dismembered corpses of gang members throughout San Salvador, the capital, as a consequence of this pledge. In turn,

⁶² Ibid. 48.

⁶³ See also: Mo Hume, “‘(Young) Men With Big Guns’: Reflexive Encounters with Violence and Youth in El Salvador,” *Bulletin of Latin American Research* 26, no. 4 (2007): 480–96. Mo Hume, “El Salvador: The Limits of a Violent Peace,” 2008. and for a perspective on gender and violence, see: Mo Hume, *The Politics of Violence: Gender, Conflict and Community in El Salvador* (Wiley-Blackwell, 2009).

⁶⁴ For further information on this legislation, see also, Fariña, Miller, and Cavallaro, *No Place to Hide: Gang, State, and Clandestine Violence in El Salvador*.

⁶⁵ Mo Hume, “Mano Dura: El Salvador Responds to Gangs,” *Development in Practice* 17, no. 6 (2007): 739–51. 759.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid. 746.

these echoes of the civil war and designation of gang members as far outside normative society, further demonstrated the extent to which contemporary forms of violence could not be “...divorced from the political history of the country, where violence has been ‘pivotal’ in shaping society.”⁷⁰

This legacy of “post-war violence,” concentrated as it is in the social sphere, thus provides a fertile environment for the continued focus on gang members as emblems of the pitfalls of democratic transition and the state. Functioning as the “‘packed and displaced sign’ for the trauma of post-civil war violence,” and indicating the “failed promise of peace,”⁷¹ gang members embody all that has gone awry with the effacement of repressive tactics, and the agencies and policies that inspired them, in the aftermath of the 1992 Peace Accords.⁷² With the increase in violent crime and dissolution of the social fabric, right wing forces maligned democracy in El Salvador, even in its neoliberal guise, as being out of step with the lawlessness of the post-conflict moment.⁷³ As Zilberg notes, “Gang youth has become the repository of fears over and criticisms of ‘liberal excesses’ of democracy and anxieties attached to the new political inclusions and constitutional rights imposed by the Peace Accords.”⁷⁴

The renewal of extrajudicial and repressive tactics for dealing with gang violence is thus a “return of the repressed,” of a form of “political violence that is both familiar and strange” that is “strangely reminiscent” of productions of violence during the conflict, and which is

⁷⁰ Ibid. 740.

⁷¹ Zilberg, “Gangster in Guerilla Face A Transnational Mirror of Production between the USA and El Salvador.” 38.

⁷² Ibid. 44.

⁷³ Ibid.

⁷⁴ Ibid.

acknowledged as being the purview of the government and police.⁷⁵ A mimicry of the civil war, the identification of the gang member with ostensibly democratic changes brought on by the FMLN and its insurgency draws further parallels with persecution of political activists during the conflict and, in turn, witnesses the resurgence of the figure of the subversive as the excuse for the rekindling of historically repressive tactics for negotiating difference and dissent. But in contrast to the civil war, the post-conflict rendering of socio-political deviance has merited little public sympathy, and witnessed a discernable shift away from a discourse of human rights to one in support of social cleansing due much in part to the brutal violence perpetrated by gang members themselves.⁷⁶

Thus, after falling into journalistic obscurity in the immediate post-civil war era, El Salvador is once again a prominent news item. Although violence in the country persists as the running thread throughout these stories, lending a macabre continuity to what the international audience learns about Salvadoran society, the focus now is on ever escalating levels of murder, extortion and other forms of brutality that are primarily perpetrated by local gang members. But simultaneously, and as reported in such liberal news venues as the online newspaper *El Faro*, state responses to this violence has come to bear a frightening similarity to that perpetrated by the government, police and military towards leftists and their presumed sympathizers during the civil war. Indeed, extrajudicial executions, mass graves and an increasingly militarized police force have become the norm in a national context plagued and beleaguered by endless body counts, and a societal fear spurred by the pervasiveness and destabilizing influence of everyday violence. Ever the topic of conversation, violence in El Salvador, from the wealthiest to the

⁷⁵ Ibid. 41.

⁷⁶ See also, Elana Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador* (Duke University Press, 2011).

poorest neighborhoods, is a constant presence, filtering its way through how life is conducted and constructed.

Like during the civil war, it is sadly not surprising to be subject to its brutal wrath without warning or reason, but what is distinct about violence in El Salvador today is the categorical blurring of the lines between victim and perpetrator, rights bearing subject and abject object, that has come to shape and inform human rights discourse and records. As noted earlier, already in the 1990s there was significant shift away from a thinking among “ordinary citizens” that international covenants of human rights were applicable to their lives; being believed instead to be preserved primarily for the protection of “common criminals.” To the extent that this continues to be popular belief, public sympathy and understanding of the increasing brutality of state agencies towards gang members will remain undeterred, willfully ignoring the disturbing revival of civil war tactics in the face of a deadly and exhausting climate of violence that is engineered by the unsympathetic ‘victims’ of the state. What results of this development is still to be seen, but this is nonetheless a crucial juncture at which to intervene as a means of helping to forestall the legacies of repression sustained and perpetuated by the destructive confluence of the state, military and police in Salvadoran history.

Summary

This chapter provided historical background on the circumstances surrounding human rights violations in El Salvador, and the continued application of violence and repression to control the direction and fate of the nation, in order to supply a framework for successive chapters that trace these parallel phenomena through the records of local HRNGOs and one university-based repository; and that detail the material manifestation of the discursive and ideological exigencies of consecutive Salvadoran governments, regardless of political affiliation.

Used against those interpellated as “communists” or “subversives” before the civil war, the surveillance, torture and disappearance of Salvadoran citizens permeated the conflict and has recently come to manifest itself in the persecution and extrajudicial execution of alleged gang members. Indeed, the history of El Salvador is imbued with recourse to violence as a means of contending with internal conflict or difference on the part of those in power, which in turn has enabled their use of brutal physical and psychic tactics to repress any challenges to their dominance.

As the next chapter demonstrates, what began with the kinds of inequities and suppression of dissent in late 19th and early 20th century El Salvador described by Ching,⁷⁷ and which came to a head during the 1932 massacre of indigenous peasants protesting disproportionate land and power distribution,⁷⁸ was given free reign in a post-WWII environment replete with communist scares and fears of “subversives.” Buttressed by a quickly developing surveillance system and an ideological kinship to the U.S., which subsequently funded vigilant efforts at routing out “communist” threats, the persecution of contentious individuals and populations escalated and resulted in the indiscriminate capture, torture and disappearance of thousands. The records from anticommunist groups and HRNGOs such as the Comisión de Derechos Humanos de El Salvador (CDHES) and Socorro Jurídico discussed in the next chapter attest to the extent of the material ramifications of being interpellated as “communist” or “subversive” through the period of the civil war, and how the inscription of human rights violations into records contradicted the intentional erasure of both the culpability of the government and its security agencies, and the identities of those persecuted. Testifying to the

⁷⁷ Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*.

⁷⁸ Jeffrey L. Gould and Aldo A. Lauria-Santiago, *To Rise in Darkness: Revolution, Repression, and Memory in El Salvador, 1920–1932* (Duke University Press, 2009).

discursive and material injustices committed in the name of “democratic” nation building, these records further birth into presence the narratives of communities pushed into abjection and exhibit powers of subjectification that center the experiences of victims, survivors and their families, shedding reductive representations of them as “subversive” enemies of the state.

Chapter Two: “*Así como matamos los terroristas, así los vamos a matar todos ustedes*”: Civil War, Dissidence and the Repression of Difference”

Introduction

In this chapter, I will explore the tropes of “subversion” and the “subversive,” the extent to which they acted as synecdoches for communism and the threat of social, political and economic change in El Salvador and Central America, and how archival records from the period manifested, reinforced and opposed these narratives. Using a Foucauldian inflected critical discourse analysis I will read the content of secondary and primary sources as means of locating the intersections of political dissidence, abjection, surveillance and the violent material consequences of difference in the context of the Salvadoran civil war. Moreover, I argue for the seminal role of archival documentation, about anticommunism and human rights violations, in animating the desubjectification of those interpellated as “subversive,” both during and before the conflict, and the extreme measures (such as torture and disappearance) taken to silence them. As Teresa Macias points out, archives “...exercise biopolitical functions through practices of inscription/inclusion and erasure/exclusion that capture life through recording, filing, registration, and organization.”¹ Acting as “power/knowledge devices with ontological characteristics,”² archival records are embodiments of not only the power regimes and systems that sustain them, but also of the lives and fates of communities and individuals. This constitutive role in the representation of subjectivity, and the stripping thereof, in records attesting to anticommunist sentiment and human rights violations will be the focus of this chapter, analyzing the extent to

¹ Teresa Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories,” *Intersectionalities: A Global Journal of Social Work Analysis, Research, Polity, and Practice* 5, no. 1 (2016): 20–45. 27.

² Ibid. 26.

which “[c]ollecting information constitutes individuals”³ and “the processes of subjectification [is] made possible...through the very idiom of the archive.”⁴

Beginning with an overview of the history of anticommunist and anti-subversive discourses, and their interrelationship with heightened levels of violence directed towards oppositional thinking and individuals in Central America, this chapter then turns to the discursive and historical valence of these terms and concepts in El Salvador, both before and during the country’s civil war. Traced through secondary socio-political and historical accounts, and primary sources derived from the archives of the Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA) and the Comisión de Derechos Humanos de El Salvador (CDHES), this section gives necessary context for understanding the evolution of the discursive power of subversion, its concrete ramifications for individuals in Salvadoran society, and the manner in which the terms and state of subversion was articulated in records from both left wing and right wing sources. Subsequently, I concentrate on the work of CDHES and their valiant efforts towards documenting human rights violations committed by the government, military, police and their extrajudicial proxies. Manifesting “subversion” and “subversive” as rhetorical devices of description, as well as counter narratives, in the testimonies, reports and press releases produced during the height of their activities, the records of CDHES provide for an exemplary viewfinder into the material consequences of political difference during the conflict, and the ways which the documentation process protested these measures. While not explicit in their discursive contestation of the terms of “subversion” or anticommunism, narratives of capture,

³ Eric Ketelaar, “Tacit Narratives: The Meanings of Archives,” *Archival Science* 1, no. 2 (June 1, 2001): 131–41, <https://doi.org/10.1007/BF02435644>. 134.

⁴ Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (Duke University Press, 2009). 3.

disappearance and torture, through the re-inscription or embodiment of the individual, contradict the strategic erasure of biographical circumstance from the scant records of the government and its security agencies.

The chapter ends with a look at the case of Herbert Anaya Sanabria, former director of CDHES, and his assassination in October 1987 by a death squad populated by members of the Hacienda Police, one of three notorious branches of El Salvador's police forces; the others being the Treasury Police and the National Police. This as a means of examining both the violence to which members of CDHES were subjected to because of their work documenting human rights violations, and also to explore the visceral repercussions of being labeled as "subversive" or enemy of the state by security agencies. A strident critic of the government of President José Napoleon Duarte and advocate for political prisoners, as well as a dedicated human rights worker, Anaya exemplified the type of personage that the Salvadoran status quo sought to root out. Sitting at the crossroads of "subversive" activities and ideologies, he threatened to destabilize and corrupt the social order, and so therefore was needed to be made disposable. By reading and analyzing the records of his case, and the contradictory ways in which parallel forms of evidence were used and deployed, the intent is to further demonstrate how records are imbued with contentions of power and embody contrasting ontologies.

Communism and Subversion in Central America: Defining and Confronting the Enemy Within

*The free world's security can be endangered not only by nuclear attack but also by being slowly nibbled away at the periphery, by forces of subversion, infiltration, intimidation, indirect or non-overt aggression, internal revolution, lunatic blackmail, guerilla warfare or a series of limited wars.*⁵

*Records in our surveillance society reveal as much about the administering as about the administrated.*⁶

⁵ John F. Kennedy, as quoted in: McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 13.

According to Robert H. Holden, the Central American isthmus has historically demonstrated a penchant for the explicit and very public demonstration of violence and repression. Embedded within an epoch that he designates as “humanity’s golden age of killing,”⁷ the emergent and public expression of social and political violence in Central America, moreover, was distinguished by “...the tendency to see opponents as fiendish villains, hopelessly corrupt and so utterly beyond the reach of reason that killing them was the only rational solution to the difficulties they posed.”⁸ This “demonization” of the opposition was only further manifested by the rise of anticommunist ideologies that, at dawn of the twentieth century, vilified legitimate movements towards social, economic and political equity. Indeed, by mid-century, there was a marked impulse towards labeling adversaries as “*comunistas*,”⁹ and to invest in policies, institutions and behaviors that reinforced the violent recrimination of dissidence.

Spurred in part by World War II concerns over internal security and an adherence to U.S. sponsored anti-fascist and anti-totalitarian policies, the aggressive suppression of “communist” subversion in the region quickly became the primary focus of military funding and counter-insurgency efforts. Before its entry into the war in 1941, the United States had already coordinated, via the Pan American Union, local efforts to “suppress subversion in the Americas”¹⁰ as a means of promoting neutrality and stability, and to guarantee its ideological hold on its global neighbors. Although pro-Nazi sentiments abounded in the governments of

⁶ Eric Ketelaar, “Archival Temples, Archival Prisons: Modes of Power and Protection,” *Archival Science* 2, no. 3–4 (September 1, 2002): 221–38, <https://doi.org/10.1007/BF02435623>. 229.

⁷ Robert H. Holden, *Armies without Nations: Public Violence and State Formation in Central America, 1821-1960* (Oxford University Press, 2004). 10.

⁸ Ibid. 31.

⁹ Ibid.

¹⁰ McClintock, 1985. *The American Connection Vol 1: State Terror and Popular Resistance in El Salvador*. 3.

Guatemala and El Salvador,¹¹ a fact that only dissipated once the U.S. pressured them to have an ideological change of heart, it was a fear of “reds under the beds”¹² that motivated greater investments in military training and equipment; and increasing U.S. interest in Central American political life.¹³ The 1948 ratification of Resolution XXXII of the “Final Act” of the Ninth International Conference of American States in Bogota, Colombia, officially diverted attention away from the former Nazi threat, to that of a Communist one. Besides outlining the “anti-democratic nature” of international communism, and requiring a commitment from the States “to eradicate and prevent activities...tending to overthrow their institutions by violence, to foment disorder in their domestic political life...,”¹⁴ the freedom of movement of citizens was to be restricted in order to “prevent “subversives” from carrying on consultations, receiving training, or imparting secrets from abroad.”¹⁵

Warning against “subversive propaganda,” as the intellectual perpetuation of “acts of political aggression,” the resolution moreover equated participation in labor organizations as an act of subversive treason. This resolution provided an ideological framework and justification for what McClintock maintains was the already present stifling of dissent via torture, exile and arbitrary imprisonment in countries such as Guatemala and El Salvador. Rather than having a significant impact on attitudes towards internal security and political opposition, the resolution laid the groundwork for the heightened repression of political dissent in the region beginning in

¹¹ Ibid. 4.

¹² Ibid. 5.

¹³ McClintock asserts that the U.S. military was initially reluctant to enter the internal security field, rather than that of external threats, in Latin America given their aversion to the clearly repressive use of purchased weaponry from the U.S. by regional governments. A fact that is interesting given the intrinsic role of the U.S. military training and arms in local conflicts in the latter half of the twentieth century.

¹⁴ Ibid. 6.

¹⁵ Ibid. 7.

the 1950s and 1960s; one that would see a continuing increase in extra legal modes of persecution. Indeed, by 1960, the figuration of alleged communists by military establishments in Guatemala, El Salvador and Nicaragua as “demons waiting to seize the throats of the unwary,”¹⁶ resulted in an equally virulent “dedication to rooting out Communists”¹⁷ that legitimized the continued torture, intimidation and exile of suspected political agitators.

The development of more sophisticated surveillance technologies in Central America during the Cold War was directly linked to this effort on the part of local governments to stem the tide of “subversive” activities that were framed as threatening to destabilize burgeoning capitalist economies. Primarily supported by the United States, the growing surveillance apparatus in the isthmus was used to reframe “political enemies” as “subversive” and a “security threat,” and, in turn, to label political contestation as a menace to governments in power.¹⁸ Rather than look towards “[s]ecurity threats emanating from the deteriorating, social, political, and economic fabric...”¹⁹ of their nations, military governments in Central America vilified genuinely democratic efforts at reform as communist maneuverings that needed to be monitored and repressed.

“Controlling subversive behavior” became all the more tantamount after the success of the communist revolution in Cuba in 1959, and growing concerns in the United States regarding its economic and ideological investments in Latin America. As Holden maintains, not only did new surveillance regimes expand the reach of individual Central American governments, but

¹⁶ Ibid. 11.

¹⁷ Ibid.

¹⁸ Holden, “Securing Central America against Communism: The United States and the Modernization of Surveillance in the Cold War.” 3.

¹⁹ Ibid. 4.

“...they also enhanced the surveillance capacities of the U.S. government itself.”²⁰ Historically implicated in the progression of Central American civic, political and economic life, the United States became all the more engaged in the direction of regional societies and governing bodies once the threat of further communist incursion became increasingly material. Preventing the threat of “[c]ommunist-inspired or utilized subversion and the potential threat of subversive insurgency,”²¹ was subsequently prioritized, and resulted in a growing investment of resources towards that goal in the region.²² Surveillance activities and initiatives, such as Guatemala’s National Security Subversive Activities Group (NSSAG), directly fed into this increased need to possess information monitoring the movements of oppositional groups purportedly demonstrating communist tendencies.

It is important to note that after the revolution in Cuba, U.S. military doctrine “tended toward the broadest possible definition of subversion, lumping together any and all opposition to the status quo as either incipient or actual insurgency.”²³ Moreover, “insurgency” itself was defined by the U.S. Joint Chiefs of Staff in 1962 as “a condition of “illegal opposition to an existing government” that could range from passive resistance, illegal strike action or demonstrations, to large scale guerilla warfare...”²⁴ Therefore, the application of surveillance regimes and their concomitant rhetoric of suspicion cast a wide net that included almost any group or individual legitimately contesting governmental transgressions. University communities,

²⁰ Ibid. 6.

²¹ Ibid. 17.

²² It bears pointing out that in a footnote to his article, Holden maintains that U.S. investment in surveillance regimes intended on curbing “subversive activities” in Latin America were already being carried out during World War II. See footnote 7, pg. 24.

²³ McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 30.

²⁴ Ibid.

student groups, labor organizations and the political opposition all were subject to interpellation as the “insidious,” “perverted” and “pernicious” communist enemy whom could only be resisted through the act of annihilation.²⁵

Throughout the 1960s and early 1970s, there was a steady flow of intelligence between the United States and Central American agencies that was a direct product of this financing of “countersubversive” infrastructures whose detailed recordkeeping practices were used to identify, control and suppress designated “internal enemies”; and to continuously prop up repressive regimes sympathetic to U.S. interests. What began after 1960 as collaboration between the CIA and local police forces and security personnel in the development of training regimes to better combat communist inspired subversion (which included surveillance, interrogation and “other techniques and skills necessary in effective investigation”²⁶), evolved into the building of paramilitary intelligence networks supported by regional communications organizations. The founding of the Central America and Panama Security Telecommunications Network in 1964, which permitted police and security agencies throughout the region to share information on the “identity, movements, activities and plans of subversive and criminals,”²⁷ further integrated the U.S., and its military in particular, into surveillance activities. Indeed, the monitoring of the communications network fell under the auspices of the U.S. military, via the CIA sponsored “AID Public Safety Program.” It was through this latter initiative and other “police assistance programs” that the CIA, in turn, sought to develop “investigative mechanisms capable of detecting subversive individuals and organizations,” as well as to collect information on their activities.

²⁵ Ibid. 31.

²⁶ Ibid. 59.

²⁷ Ibid. 67.

Integrated into the ranks of the AID Program, CIA personnel took an active role in identifying and subsequently neutralizing “subversives” in the region, contributing intelligence, advice and assessment of individual cases, and influencing their outcome. In fact, McClintock maintains that this at times resulted in the extralegal targeting of people and their ultimate torture, detention or assassination, adding that “[a]ny list of subversives (true or false) could at some time lead to irremediable, violent action against those included”²⁸; although the CIA often left the actual detention or elimination of individuals in the hands of its local partners.²⁹ Once ingested into newly developed data processing systems, these computerized “hit lists,” such as the CIA’s own LYNX list, established shareable databases that easily identified so-called communists and subversives, and made effective use of local records, such as identity cards, to provide a full biographical sketch of a person and their family. Moreover, as was the case in Guatemala and El Salvador, detailed records of membership in any political group, whether clandestine or legal, as well as labor organizations or professional associations were maintained as a means of tracking potential subversive intents.³⁰ If found to warrant action beyond suspicion, people on these list could be the targets of a range of punishments including but not limited to blacklisting, detention, interrogation or death. The very real consequences of the information revealed and contained in these databases is only highlighted more when considering the fact that the AID’s police assistance program provided data processing equipment and techniques to some of the most repressive regimes in Latin America.³¹

²⁸ Ibid. 68.

²⁹ After accusations of the teaching of torture techniques and involvement in “other aspects of police terrorism,” Congress phased out the Public Safety Program in 1974, but this did little to stop the continued participation and influence of the CIA, FBI and other U.S. intelligence agencies in the region. See McClintock, pgs. 70-72.

³⁰ Ibid.

³¹ Ibid. 69.

Indeed, as Kirsten Weld notes, these U.S. initiated police assistance programs concentrated their energies on “...security forces’ need to improve their archival surveillance methods...” as a means of “...enabling them to more effectively eradicate “subversion.””³² Asserting the “...role of archival practice in the militarization of modern regimes...,”³³ Weld furthermore emphasizes that the work of counterinsurgent containment and Cold War ideology was conducted not just by “...guns, helicopters, and development programs...” but also by “...three-by-five inch index cards, filing cabinets, and training in records management.”³⁴ Namely, the records of anticommunist and anti-subversive surveillance exerted a very concrete power over the lives they identified and classified, violently imposing often mistaken modes of representation, and extending the legitimizing reach of state power and aggression. In tandem, they created a recognizable class of “political actors” and concomitantly functioned as mechanisms of their social control through the documentation of activities and characteristics deemed suspect.

Never wholly satisfying the United States’ desire for oversight and control, surveillance practices in Central America, and the accompanying trail of records they created in their wake, were nonetheless instrumental towards the suppression and control of political opposition in the region. Fueled by anticommunist rhetoric and ideologies, the moniker of subversion worked to further demonize differing perspectives and opinions, and to isolate and repress potential changes to the status quo. In turn, demonstrating an unfortunate historical continuity that promoted the vilification and potential eradication of legitimate political movements and their members. Asserted throughout the isthmus, this equivocation between subversion/communism

³² Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (Duke University Press, 2014). 15.

³³ Ibid.

³⁴ Ibid.

and progressive political change was but the latest iteration of centuries' long struggles against repressive regimes (colonial, military or otherwise) whose foundations were fortified by rampant socio-political, economic and cultural inequities. Therefore the rhetoric of subversion is itself an embodiment of all that is under threat in the reach for democratic systems of governance. Indeed, as has been evident in this discussion, it is more often than not the forces of social and political control that deploy marginalizing tropes, such as communism and subversion, as means of isolating if not eliminating political dissidence or opposition. This "take no prisoners" approach to political difference has culminated in the undermining of democratic processes, and supported regimes of power that feed on a steady diet of exploitation, surveillance, suspicion and violence. By focusing on the enemy within, as Holden notes, and solidifying its presence through records of surveillance, these regimes only served to divert attention away from the larger structural problems at hand. A fate that, as we will see in the next section, El Salvador did not escape.

El Salvador: Specters of Communism

*El Salvador will be the tomb where the Reds end up*³⁵

In El Salvador, the already hazy dividing line between the civil and the military, notable since its' founding as a republic,³⁶ readily culminated in the permeation of forceful tactics and techniques into civic and political life. As has already been pointed out in the previous chapter, the "reform/repress dichotomy"³⁷ characteristic of military governance in the country, particularly since the early 1930s, resulted in the repression of political opposition under the guise of social and economic reform. This "carrot and stick" approach to government policy and administration was demonstrative of a desire to curb and control leftist opposition, and to

³⁵ Roberto D'Aubuisson, as quoted in: Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*.

³⁶ Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*.

³⁷ Ibid. 5.

forestall the threat of violent insurgency. Fueled by the specter of a 1932 peasant uprising, which was endorsed by the Salvadoran Communist Party, entrenched oligarchs formed an alliance with the military as a means of maintaining control and suppressing even moderate opposition. Opting for a program of “controlled revolution” in which the military posed moderate reforms that rarely challenged its dominance, reigning oligarchs more than tacitly endorsed the concomitant political repression of its opponents.³⁸

Otherwise known as *La Matanza*, the violent suppression of the 1932 indigenous led rebellion resulted in the death of thousands, left an indelible mark on the Salvadoran psyche, and contributed extensively to the building of a repressive security apparatus in the country.³⁹ A consequence of the collapse of the economy and drastic fall in coffee exports after the crash of 1929, the 1932 uprising was also the culmination of surging dissent and organizing efforts among workers, students, peasants, teachers and indigenous communities that ultimately met increased repression on the part of the ostensibly democratic administration of then president Pio Romero. As Dunkerley details, events such as the well attended and popular May Day march in San Salvador in 1930, attended by 80,000, and the succession of demonstrations protesting working conditions, among other issues, ended with Pio Romero “decreeing the prohibition of all demonstrations and banned the printing and circulation of left-wing propaganda.”⁴⁰ As a result, there was an increase in the harassment and imprisonment of political activists and potential

³⁸ William M. LeoGrande and Carla Anne Robbins, “Oligarchs and Officers: The Crisis in El Salvador,” *Foreign Affairs* 58, no. 5 (1980): 1084–1103. 1086.

³⁹ For a detailed description of the events of the day, see Gould and Lauria-Santiago, *To Rise in Darkness: Revolution, Repression, and Memory in El Salvador, 1920–1932*. Chapter Six, 170-208.

⁴⁰ Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*. 22.

sympathizers, among them “leading militants” such as Miguel Marmol and Agustín Farabundo Martí.⁴¹

Alongside this persecution, was a growing commitment to anticommunist rhetoric and ideology that disregarded distinctions in political affiliation for the blanket vilification and castigation of all leftist activism. As attested to by the newspaper *La Patria* in November 1930, “‘Communist’ is today a facile expression that is used to condemn any act that is approved by persons who fear the laws of God and man. It is customary in the Republic to call communism any demand for justice. If Santa Tecla agitates for more humane electricity rates, the extortioners are ready to call that demand ‘communist’...If the unemployed ask for work and better wages they are immediately labeled ‘communists’.”⁴² Presaging the equally as hasty and virulent anticommunism of the post-World War II era, this assault on the rights of the Salvadoran citizenry to demand equitable treatment, and its subsequent characterization as “communist” or “subversive,” had a direct impact on reactions to the 1932 uprising.

Union organizer and left-wing leader Miguel Marmol later observed that, “Since that accursed year, all of us have become other people, and I believe that El Salvador has become another country. El Salvador is today above all a creature of that barbarity...The style of the rulers may have changed but the basic way of thinking that still governs us is that of the perpetrators of the massacre of 1932.”⁴³ Locating subversion in legitimate contestations of inequity subsequently served as a mechanism for the further consolidation of power in the ruling hierarchy and military, and the sanctioning of local dictatorships as justifiable forms of

⁴¹ Ibid. Marmol would go on to provide one of the few recorded accounts of the massacre of 1932, and Martí would later serve as the inspiration and name for revolutionary forces during the civil war in 1979.

⁴² Ibid. 23.

⁴³ As quoted in, McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 100.

government⁴⁴; that innately resisted and suppressed dissent. Moreover, it confirmed a historical commitment to violence as a remedy or solution for internal problems, and anticommunism and subversion as organizing principles for imprisonment, torture and death, a precedent that would become more explicit during the Cold War and serve as a template for the pending civil war.⁴⁵

McClintock notes that, “In the 1970s, Salvadorean elites began to look on 1932 as a model response to the threat of rebellion,,,” and warned “...a similar remedy remained a possibility should “subversives” continue their activities...”⁴⁶ But moreover he claims that Marmol’s aforementioned testimony is one of the few historical remnants of the period insofar as all records of the period were destroyed in the massacre’s wake. He states, “...in the immediate aftermath of the massacre, revulsion, guilt and, perhaps fear of revenge contributed to an effort to erase the events from Salvadoran history. Those involved in the killing preferred that nothing remained on paper. The archives of daily newspapers removed all material from the year 1932. Government archives were purged of all documents which might be incriminating and historians found that Salvadorean civil and military authorities hold almost no records on the events of 1932, and have been informed that all were destroyed at the end of the Martínez regime.”⁴⁷ Although shreds of this history exist in the records of American and British officials who were stationed in the country at the time, the near total erasure of the archival history of the massacre by Salvadoran officials attests to not only their desire to escape recriminations and responsibility,

⁴⁴ Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*. 31.

⁴⁵ According to Elisabeth Jean Wood, the legacy of *La Matanza* also resulted in the eradication of indigenous cultures; the linking of communism with indigeneity among the elite; a model of development based on the repression of labor, preemptive militarization and policing by the state; and “a fifty-year political arrangement in which the military ruled directly, while economic elites directed economic policy from various cabinet posts.” See, Elisabeth Jean Wood, *Forging Democracy from below: Insurgent Transitions in South Africa and El Salvador* (Cambridge University Press, 2000). 31-33.

⁴⁶ McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 99-100.

⁴⁷ Ibid.

but also to manipulate the evidentiary memory of the event by substituting the facts of the day with the fear and myths of subversion and its corrupt and destabilizing effects. Insofar as the records destroyed could have embodied "...the extremes of repression and the lengths to which power is sometimes exercised by the state against the individual...",⁴⁸ there is a cruel absence at the heart of the history of the 1932 massacre that disallows future generations from attempting any counter reading of the records of repression, and the concomitant recovery of any instruments of indictment or empowerment that could contest continued impunity and violence. Furthermore, this destruction of records perpetuated the ongoing expunging of peasant and indigenous histories, identities and agency from the Salvadoran historical narrative, and solidified the continued hold of the country's elite on power, memory and national importance.

Shortly after the events of 1932 Hernández-Martínez founded the Legión Nacional Pro-Patria and its successor the Guardias Civiles as a means of "identifying and capturing suspected communists,"⁴⁹ and exposing subversive activities. Initially made up of combat veterans of the 1932 uprising, these deputized surveillance arms of the national government served as hotbeds of anticommunist sentiment, and perpetuated the ongoing, and often violent, demonization of the opposition. These groups, in turn, laid the groundwork for the establishment of organizations such as the Organización Democrática Nacionalista (ORDEN) in 1966 which also deployed civilian and military members "to report subversive political activities to the government," and played a key role in the led up to the civil war in the 1970s.⁵⁰ As Aldo Lauria-Santiago notes, ORDEN, and its parent organization the Sistema Nacional de Inteligencia (SNI; later known as

⁴⁸ Montgomery, "Fact-Finding by Human Rights Non-Governmental Organizations: Challenges, Strategies, and the Shaping of Archival Evidence." 23.

⁴⁹ Holden, *Armies without Nations: Public Violence and State Formation in Central America, 1821-1960*. 63.

⁵⁰ *Ibid.* 64.

the Agencia Nacional de Servicios Especiales de El Salvador, ANSESAL) were a product of “...an increasing hemisphere-wide concern over communist-sponsored revolution led by U.S. programs and ideology...” that “...later facilitated the successful practice of massive state terror.”⁵¹ McClintock also points out that the paramilitary forces of ORDEN “were heavily indoctrinated to fear Communism as a threat to their lives, livelihood, and religion.”⁵² And for what ultimately was a very undemocratic organization, Sarah Gordon Rappaport emphasizes that ORDEN billed itself as a supporter of democratic systems in the fight against the aggressions of international and dictatorial communism.⁵³ Constituted as the grassroots “eyes and ears” of the Salvadoran security apparatus, ORDEN’s membership was culled from the garbage collectors and maintenance workers of the nation, and was demonstrative of the quotidian permeation of anticommunist and anti-subversive rhetoric. Moreover, their insidious presence within local communities provided for their destabilization, and the extension of an ideology of fear that emanated concentrically from the capital to the homes of their fellow neighbors.

As asserted by Weld in the previous section of this chapter, and corroborated by Lauria-Santiago in the case of El Salvador, the marked increase in surveillance agencies and regimes was concomitant with an upsurge in the creation of records and the establishment of meticulous documentation practices aimed at tracking and accounting for the movement and ultimate fate of subversive elements in Salvadoran society. Indeed, Lauria-Santiago writes that the “machinery of repression,” and the rise and activities of agencies such as ORDEN and ANESAL, in El Salvador was “well-documented, and that “[i]nformation on supposed subversives was received from both above and below, from centralized information gathering and from “the leading

⁵¹ Lauria-Santiago and Binford, “The Culture and Politics of State Terror and Repression in El Salvador.” 97.

⁵² McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 34.

⁵³ Sara Gordon Rapoport, *Crisis Política y Guerra En El Salvador* (Siglo XXI, 1989). 142.

citizens from the community...,” as means of maintaining “social order.”⁵⁴ Supplemented by the “massive documentary record from U.S. agencies,”⁵⁵ which, as noted before, supported and partnered with security agencies in the region, institutions in El Salvador easily paired the persecution of political activists, students and other “subversives” with the production of records aimed at controlling and ultimately eradicating their presence in the nation. An organized affair from its inception, the repression of dissidents in El Salvador, like in the countries of the Southern Cone or the Khmer Rouge in Cambodia,⁵⁶ deployed records, classification and subterfuge to identify, capture, torture and disappear its own citizenry.

By the 1950s, U.S. sponsored military buildup was paralleled by a rise in anticommunist and anti-subversive rhetoric that manifested itself in the legal, and at times extra-legal, suppression of what was labeled as communist activity. The 1951 signing of the “Ley de Defensa del Orden Democrático y Constitucional” (Law in Defense of Democratic and Constitutional Order) by President Oscar Osorio, which outlawed communism (alongside Nazism, fascism and anarchism), and the 1957 push on the part of the U.S. embassy for the “legal suppression” of communists,⁵⁷ are examples of even pre-Cuban revolution efforts to contend with post-WWII fears of communist incursion in the Western Hemisphere; and which contributed to the growth of the intelligence apparatus in El Salvador. The subsequent collaboration between U.S. and

⁵⁴ Lauria-Santiago, “The Culture and Politics of State Terror and Repression in El Salvador.” 96-99.

⁵⁵ Ibid. 96.

⁵⁶ Louis Bickford, “The Archival Imperative: Human Rights and Historical Memory in Latin America’s Southern Cone,” *Human Rights Quarterly* 21, no. 4 (1999): 1097–1122. Bickford, “Human Rights Archives and Research on Historical Memory: Argentina, Chile, and Uruguay.” Amanda Strauss, “Treading the Ground of Contested Memory: Archivists and the Human Rights Movement in Chile,” *Archival Science*, n.d., 1–29. Antonio Gonzalez Quintana, “Archives of the Security Services of Former Repressive Regimes,” *Janus*, no. 2 (1998): 7–25. Michelle Caswell, “Khmer Rouge Archives: Accountability, Truth, and Memory in Cambodia,” *Archival Science* 10, no. 1 (2010): 25–44.

⁵⁷ Holden, *Armies without Nations: Public Violence and State Formation in Central America, 1821-1960*. 162 and 169.

Salvadoran police forces, and the build-up and training of the National Police, were extensions of anticommunist policies encouraged by the U.S. embassy which was convinced that “the gravest threat to Salvadoran security...” was the “...border infiltration of “subversive agents...[and]...introduction to subversive literature...”⁵⁸ In an effort to secure additional funds for what ostensibly was a weapon’s cache to combat communism in the country, U.S. embassy and Salvadoran police officials impressed upon the fact that El Salvador was a “prime target” of Castroism and international communism. Furthermore, the embassy reported increased levels of “clandestine” activity that threatened to destabilize public order. Indeed, playing the “anticommunist card” proved effective throughout this period for gaining the increased financial confidence of the U.S., and took advantage of fears that communism would envelope the region.⁵⁹

This adoption of the rhetoric of “subversion” and counterinsurgency after the Cuban revolution, and ideological adherence to anticommunism, thus, profoundly affected any push or potential demonstration of progressive social, economic or political change in El Salvador. Even coups and counter-coups that held the promise of land reform, economic redistribution or power sharing were viewed with suspicion, particularly by the U.S., and were quickly ousted by regimes committed to routing out communist subversion. The displacement of President José María Lemus, a lieutenant colonel in the military that had fervently appealed for anticommunist aid from the U.S., by a left-leaning military-civilian junta in October 1960, that “...imposed new taxes on coffee exporters, hinted that it would depoliticize the military and promised absolutely

⁵⁸ Ibid. 170.

⁵⁹ Ibid. 172.

free elections...,”⁶⁰ was initially suspected by the CIA, U.S. Embassy and the Defense Department of being a Castro inspired communist plot, and fueled concerns that El Salvador was coming under communist domination.

Although these fears subsequently dissipated, and the junta was itself expelled by a countercoup in January 1961, this nevertheless proves the extent to which progressive change was equivocated with communism and threatening, subversive intentions. So entrenched was this belief that between FY 1961 and FY 1971, El Salvador received close to four million dollars in “security assistance” from the United States to fund counterinsurgency measures against a “Cuban-style revolution.”⁶¹ While LeoGrande and Robbins contend that El Salvador in fact contained no guerillas to combat during this period,⁶² maintaining that the strength of military governments precluded the development of a strong far left, the mere threat of communist inspired political disorder was sufficient for this small Central American nation to receive the financial and ideological support of the U.S. Even the center left party in El Salvador, the Christian Democrats, was the target of government repression due to its push for a greater political liberalism. Eventually, the government’s extreme treatment of the center left did in fact produce communist inspired guerilla organizations that, in threatening the political establishment, themselves galvanized the growth of clandestine death squads focused on eradicating their members, which included peasant leaders, trade unionists, political activists and priests⁶³; a clear demonstration of the very real and material consequences of being labeled a communist or subversive. This, in turn, inspired a parallel records production to that of surveillance agencies in

⁶⁰ Ibid.

⁶¹ LeoGrande and Robbins, “Oligarchs and Officers: The Crisis in El Salvador.” 1089.

⁶² A point also corroborated by: Stanley, “The Protection Racket State.” 83.

⁶³ LeoGrande and Robbins, “Oligarchs and Officers: The Crisis in El Salvador.” 1087-1088.

the country that both functioned to identify and vilify so-called subversives, and as an expressive ideological engine for these anticommunist and extrajudicial elements in Salvadoran society. Indeed, as the following record demonstrates, these groups were certainly not reluctant to publicly express their hatred and ire, discursive and otherwise, towards political activists, real or otherwise. Furthermore, records served to reinforce their agenda and sought to seed fear among the lay population.

A 1962 tract titled “El Movimiento Anticomunista Nacionalista” (M.A.N.): Expone su origen, constitución, y principios a cumplir en su lucha contra el comunismo” (The National Anticommunist Movement: Explains its Origins, Constitution and Principles to Fulfill in its Fight against Communism) published in San Salvador further demonstrates the entrenched nature of anticommunism during this period, and its resistance to change and oppositional thinking and movements [CIDAI, “Grupos Anticomunistas”].⁶⁴ Tracing its origins to the aforementioned events of 1932, “in the savage attack of illiterate peasants, maliciously led by communist leaders,”⁶⁵ M.A.N. methodically lays out its plans to save the Salvadoran nation from the anti-democratic influence of Bolshevism as means of contradicting the tide of misinformation and falsehoods perpetuated by Fidel Castro, Cuban infiltrators and the motivating legacy of the 1932 uprising. Fearful of communism’s threat to “private, property, parental authority, religion, marriage and the principles that make up life in a democracy,”⁶⁶ the rhetoric of the anticommunist movement as the savior of the nation, as progenitors of justice and democracy, pervades this text. Indeed, declarations of themselves as “lovers of liberty,” as a movement

⁶⁴ “El movimiento anticomunista nacional (M.A.N.): Expone su origen, constitución, y principios a cumplir en su lucha contra el comunismo.” 1962, “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁶⁵ Ibid. 3.

⁶⁶ Ibid. 14.

committed to human rights and socio-economic reform, are all aimed at dissuading the general public from seeking redress through political organization, and foregrounded their naiveté in the face of communist insincerity and collusion.

Equally, the ongoing figuration of presumed communists as external elements, the veritable puppets of Cuba and the Soviet bloc, insidiously distances socio-political contestation outside of the body politic, and justifies their expulsion insofar as they pose a threat to El Salvador's internal stability and capitalist aspirations. Although the language of the tract is relatively tempered, given the typically virulent tone of anticommunist rhetoric at the time, its message is nonetheless consistent with pervading sentiments that "communism," again interpreted as indicating ostensibly legitimate calls for socio-economic and political equality, and its representatives are inconsistent with the past, present and future of the nation; which as this and the previous chapter have demonstrated, are consistent with the ongoing stranglehold of the oligarchy on most avenues of power and influence. And this tract is certainly not free of the invocation of monstrous characteristics and goals that are attributed to communism/communists. Among the purported "Ten Commandments of Communism," are included a penchant to "kill without scruples," to "steal anything possible," and to "deceive in order to rule."⁶⁷ Thus, even within this tract, with its comparatively moderate rhetorical approach, the exertion of stereotype, resentment and power are nonetheless evident. In fact, its language proves fitting with right-wing attempts at sounding "reasonable" in the hopes of legitimizing their rhetoric, notwithstanding its often-deadly consequences.

A particular focus, as well, is the potentially insidious influence of communist subversion over youth and university students. As noted before, besides peasants, laborers and oppositional political parties, university students were an additional locus of dissent that was subject to

⁶⁷ Ibid. 8.

inordinate communist influence. Warning that the natural rebellion of youth could be poisoned by strange and deplorable principles of communism, transforming them into instruments of felony and disassociation, the tract moreover cautions university students to be wary of communism in their desire to “fix the world;” and reminds them of its propensity for enslavement and propagandistic illusions.⁶⁸ These paternalistic pronouncements, couched in a language of parental concern and protection, veiled the brutal repercussions of not adhering to this anticommunist advice, and, furthermore, demonstrate the focused ways in which power can be articulated and asserted through record for repressive means. The ramifications of refusing to fall in line with this ideology and, instead, expressing dissent, are evidenced by the numerous students and youth targeted, interrogated and disappeared by the types of security agencies previously discussed.

An undated publication by the Frente Unido Anticomunista (FUAC) (United Anticommunist Front) titled “La reforma universitaria y los comunistas que la dirige: Conozcalos” (University Reform and the Communists that Lead It: Know Them) provides a clear visualization of the concomitant association of communism with university life⁶⁹ and the ways in which records, in this case print media, were used to manifest derided subjectivities [CIDAI, “Grupos anticomunistas,” See Appendix A]. As can be seen in Figures 1-2, the grafting of the hammer and sickle, a symbol directly associated with the Soviet Union, unto the profiles of Carlos Humberto Henríquez, Rafael Antonio Osegueda, Raúl Castellanos Figueroa and Gabriel Gallegos Valdés connotes their suspect affiliation with communism and the danger they pose to the social order. Using inflammatory language to characterize the individuals pictured,

⁶⁸ Ibid. 14 and 17.

⁶⁹ “Alerta de la Frente Unido Anticomunista al pueblo Salvadoreño, La reforma universitaria y los comunistas que la dirige: Conozcalos,” undated. “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA). 3 and 6.

FUAC accuses them of being “subversives,” “terrorists,” “agitators” fomenting subversion, of wanting to be the Salvadoran Fidel Castro, and to be under the influence of China, Russia and Cuba. Distancing these persons from the national narrative, and casting them as an abject foreign element to be feared, places them outside the acceptable and normative. Furthermore, it engenders suspicion of intellectual milieus and generates a populist rhetoric that works towards justifying the pursuit and punishment of suspected radicals.

The election of Colonel Arturo Armando Molina to the presidency in 1972 brought the added entrenchment of anticommunist sentiment and policies as a means of not only guaranteeing the survival of his administration, but also to clothe his relatively weak attempts at reform under the guise of more assertive law and order measures.⁷⁰ Ever at the whim of the military establishment and the ruling elites, Molina demonstrated his proactive assertions against subversion early in his administration by sending troops into the National University, which he claimed “had fallen into the hands of the Communists,”⁷¹ and having arrested 800 of its members.⁷² Heeding the far right’s call for “a campaign of “sanitation” to eliminate “Communists” in public life...,”⁷³ which demonstrated a fearful reaction to burgeoning and admittedly violent guerilla responses to repressive acts by the National Guard, Molina’s administration laid the groundwork for the transformation of the strategies and measures taken to contend with dissidence.

Incidents such as the November 1972 beheading of peasant José Vásquez Pérez in the hamlet of Copinolito, Santa Ana mere weeks after his arrest by representatives of the Treasury

⁷⁰ Stanley, “The Protection Racket State.” 82.

⁷¹ Ibid.

⁷² McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*. 171.

⁷³ Ibid.

Police, and the 1974 killing of six peasant farmers along with the detention and disappearance of 13 others in the hamlet of La Cayetana in San Vicente,⁷⁴ are both demonstrative of the increasingly deadly nature of authorities' reactions to dissent, and the salient power of rhetoric and discourse. McClintock states, "The government move against the guerrillas gradually brought into full operation the paramilitary and intelligence apparatus built up since the 1960s. The traditional style of repression – prolonged imprisonment and exile – was gradually transformed, until, by 1977, "disappearance" and extra-judicial executions became the accepted way of dealing with the opposition."⁷⁵ The July 1975 killing and disappearance of students protesting government expenditures in Santa Ana, which included their being fired upon with automatic weapons by security forces and the wounded never being seen alive again, served as additional proof of the progressively destructive impulses of the military and police.

In addition, this period witnessed the birth of the FALANGE (Fuerzas Armadas de Liberación Anti-comunista – Guerras de Eliminación or Anti-Communist Liberation Armed Forces – Wars of Elimination), a clandestine organization or death squad linked to the far right whose aim was to route out and eliminate so-called communist infiltration. Rumored to be an arm of the security agency ANSESAL, the FALANGE called for a return to the repressive tactics used by General Maximiliano Hernández Martínez during the 1932 rebellion, and the "immanent liquidation not only of Communists, but those of who collaborated or had dealings with them."⁷⁶ Furthermore, it harked back to Cold War justifications for the use of extra-legal measures and counterinsurgency warfare against dissidence "as a valid contribution to the global fight against

⁷⁴ Ibid. 172-173.

⁷⁵ Ibid. 172.

⁷⁶ Ibid. 175.

International Communism.”⁷⁷ According to an August 8, 1975 article from the newspaper *La Prensa Grafica* that announced the founding of FALANGE,⁷⁸ the intent was to indeed to organize all anticommunist groups, along with the armed forces and security agencies, under the umbrella of the FALANGE in order to “kill all communists they can,” and to forestall the relinquishment of the country to communist rule [CIDAI, “Grupos Anticomunistas”]. It also warned the members of ANDES, a powerful teacher’s union, as well as “various communist professors” and unnamed government officials that they were already sentenced to death.

Assuming the moral high ground and promising the pursuit of “authentic democracy,” the FALANGE sought to aggressively effect political change by invoking the by now common specter of communism and that of the communist bogeyman. Its dedication to the latter’s elimination, as laid out in the organization’s name, only served to reinforce decades long and brutal responses towards advocacy for the poor, the disenfranchised and the marginalized. Furthermore, it should be pointed out the very public inscription of the FALANGE’s origins and intents, a committing of their ideological truth to the record, was indicative of not only the level at which their actions and stance were officially sanctioned, but moreover the use of records forum to assert their agenda and reinforce the rhetoric of subversion. As “power/knowledge devices” that have a “...mutually constitutive relationship to the power regimes and systems that sustain...” them,⁷⁹ archives and records are also interlocutors of violence, exerting it while simultaneously representing it. The FALANGE’s murderous intentions, their clearly articulated goal to kill any communist they can identify, is further ideologically and materially disseminated

⁷⁷ Ibid. 210.

⁷⁸ “Comunicando FALANGE dice eliminará a los comunistas,” *La Prensa Grafica*, August 8, 1975, “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁷⁹ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.” 30.

through the records format, placing itself in the populous and affirming its own brand of violence and interpellation in its reception and legibility.

This violent approach was only later supplemented by the arrival of other death squads focused on the extrajudicial killing of the political opposition as well as clergy members deemed to have radical or communist leanings. In a press release dated June 21, 1977, one of these groups, the Union Guerra Blanca, indeed accused the clergy of harboring communist elements and ordered all Jesuits to abandon the country [CIDAI, “Grupos Anticomunistas”].⁸⁰ Another group, La Mano Blanca, which Ernest Volkman and John Cummings claim was made up of Cuban exiles trained by the CIA,⁸¹ was also dedicated to violently routing out communist elements, and reached such heights of deadly infamy that even the CIA and secret police forces tried to divorce themselves from their actions [CIDAI, “Grupos Anticomunistas”]. By the mid-late 1970s, executions by death squads became a common occurrence that only increased concertedly with the onset of the civil war. According to Dunkerley, victims, or those opposing the government, were typically issued a threat, vis-à-vis the press, or simply accused of being “subversive,” and subsequently seized and executed, their bodies later found dismembered “carrying some macabre message or warning...”⁸² intent on dissuading further insurgency.

By 1977, in reaction to the assassination of industrialist Raul Molinas Canas, the government had passed the Law for the Defense and Guarantee of Public Order which made it illegal to oppose the government, and “...instituted press censorship, banned public meetings, outlawed strikes, made it a crime to disseminate information that “tends to destroy the social

⁸⁰ Parte de Guerra No. 6, Union Guerra Blanca, June 21, 1977, “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁸¹ “La Mano Blanca,” Ernest Volkman and John Cummings, “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁸² Dunkerley, *Power in the Isthmus: A Political History of Modern Central America*. 376.

order,” and suspended normal judicial procedures for such offenses”⁸³; effectively criminalizing the production and possession of records that critiqued the government and its security agencies, and supplied needed counter narratives to their deadly stereotyping of activists and lay people alike. The passage of this law further reinforced and codified the figuration of political dissent as a subversive act driven by communist ideologies, and moreover legalized the active persecution and punishment of leftist activism. This emboldened groups in league with the country’s security apparatus to lash out, and resulted in continuous waves of violent repression against guerilla and civilian alike. Indeed, in suspending constitutional rights, the law gave security forces license to heighten their “arbitrary arrest and detention powers against demonstrators, labor activists, and others suspected of “subversive” speech.”⁸⁴ Moreover, arrests and disappearances focused not on designated guerilla organizations, but on “an increasingly broad range of labor, student, neighborhood, Church, and Christian Democratic activists, without regard to whether they could reasonably be considered a threat to the state.”⁸⁵

Only in effect from December 1977 to March 1979, the law nonetheless precipitated the increased figuration and persecution of larger swaths of the population as subversive elements somehow outside of the legitimate body politic; a population that could actively be tortured and discarded, what Judith Butler and Athena Athanasiou have termed “disposable subjects.”⁸⁶ The ultimate suspension of the law did little to curb the levels of death and disappearance committed, particularly by death squads, and in fact, incidents would only continue to increase and become more virulent as it became clear that the activities of activists and the burgeoning revolutionary

⁸³ LeoGrande and Robbins, “Oligarchs and Officers: The Crisis in El Salvador.” 1090.

⁸⁴ Stanley, “The Protection Racket State.” 116.

⁸⁵ Ibid.

⁸⁶ Judith Butler and Athena Athanasiou, *Dispossession: The Performative in the Political* (John Wiley & Sons, 2013).

movements were gaining in strength and support at the tail end of the 1970s. Indeed, as attested to by three newspaper clippings from *La Cronica* (see Figures 3-5), dated October 17, November 9 and December 18, 1978, respectively, the detention and torture of suspected communists and political dissidents was an incredibly commonplace occurrence, leaving families to publicly seek redress from the government and its security agencies⁸⁷; a great irony given the fact that it was these institutions that were responsible for the mistreatment of their relatives [CIDAI, “Recortes,” See Appendix A] .

Furthermore, the records of Socorro Jurídico chronicle the indiscriminate capture, interrogation and disappearance of individuals by security agencies such as the National Police. Of particular note are the records pertaining to José Gilbert Mena Pérez that are explicitly for those captured and subsequently disappeared for political reasons, and points towards the material consequences of even being suspected of subversive activities [CIDAI, Records of Socorro Jurídico, Arzobispado de San Salvador].⁸⁸ The documentation itself attests to the scant information that was often available regarding these instances, and many unanswered questions and lack of resolution left by being disappeared at the hands of security forces for the mere conjecture that someone had contrary and subversive political affiliations. And as is made clear by the date stamp attributed to when the report was filed, it often took several years for these types of human rights violations to come to light. Nevertheless, insofar as “...archivization produces as much as it records the event...,”⁸⁹ revealing “tacit narratives” through the processes

⁸⁷ “Queremos la libertad de...,” October 17, 1978, “Crece el número de detenidos,” November 9, 1978 and “Torturan presos,” *La Cronica*, December 18, 1978. “Recortes,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁸⁸ “José Gilbert Mena Pérez,” November 1979, Records of Socorro Jurídico, Arzobispado de San Salvador, Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁸⁹ Ketelaar, “Tacit Narratives.” 134-135.

of categorization, codification and labeling, slivers of the histories and conditions of those subjected to human rights violations can be tentatively deciphered.

The cases of Salvador Alejandro Beltrán Peña and Jaime Hernández Ramírez (Figures 6-7),⁹⁰ who are both listed as disappeared, also highlight the conditions of precarity frequently experienced by those unfortunate enough to be considered politically suspect [CIDAI, Records of Socorro Jurídico, Arzobispado de San Salvador, See Appendix A]. Having both been disappeared in May 28, 1978, though in different locations, there are parallels between their cases insofar as the question of their ultimate fate is left unanswered. Although it is clear from both the initial report from Socorro Jurídico and the statement supplied by Vicenta de Jesús Beltrán Silva, Beltrán Peña's mother, that he was known to be imprisoned in cell number 12, on the third floor of the headquarters of the National Police, and had suffered a broken clavicle (information that had been communicated to the family vis-à-vis other prisoners), what happened subsequently is not clear. For the family of Hernández Ramírez, circumstances are even direr given that a search of area hospitals and security agencies, among other institutions, reveals little evidence of his whereabouts or what has happened to him. Instead, we are left with the knowledge that he never came home and with the type of biographical information that gives us but the impression of a life formerly lived.

Crucial in its chronicling of these brutal incidents, there is a poverty at the heart of this human rights documentation that is owed to the paucity of details made available by security agencies and the government regarding the fate of Beltrán Peña and Hernández Ramírez, and the many other individuals that experienced similar circumstances. As Macias argues, the "...process of signification and symbolization that is characteristic of the process of giving voice

⁹⁰ "Alejandro Beltrán Peña," July 22, 1978, and "Jaime Hernández Ramírez," October 22, 1979, Records of Socorro Jurídico, Arzobispado de San Salvador, Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana "José Simeón Cañas" (UCA).

and assigning meaning to unspeakable experiences...⁹¹ through testimony and documentation is fraught with limitations and failures. And as Lauria-Santiago notes, "...much of the torture [that occurred in El Salvador] was aimed at making the victims unidentifiable rather than extracting information from them."⁹² Whether a communist subversive or not, it is the erasure of the subjectivity of these individuals through the withholding of information which is the heart of their disappearance and their continued externalization as legitimate subjects of the nation state; conditions that can only be replicated through the textual exigencies of the human rights report. The implicit interpellation of individuals as having subversive or communist leanings is enough for this disavowal of being to take place, and for their capture and disappearance to be justified.

If indeed "[c]ollecting information constitutes individuals"⁹³ and "the processes of subjectification [is] made possible...through the very idiom of the archive,"⁹⁴ as noted in the introduction to this chapter, then the lack of information supplied by security agencies, and subsequently gathered and available to, in this instance, Socorro Jurídico, has the opposite effect of engendering records that dissolve identities and buttress deadly stereotypes; as demonstrated by the anticommunist records studied so far. Nonetheless, the recovery and inscription of these scant details, the creation of a counter record to the one we can only suppose was conceived by security agencies, functions to effectively build the profile of an individual and their fate subsequent to their capture. Providing for a crucial engine of identification for victims and families, and future efforts at justice and restitution.

⁹¹ Macías, "Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories." 28.

⁹² Lauria-Santiago, "The Culture and Politics of State Terror and Repression in El Salvador." 98.

⁹³ Ketelaar, "Tacit Narratives." 134.

⁹⁴ Arondekar, *For the Record: On Sexuality and the Colonial Archive in India*. 3.

The communist peril became even more of a visceral probability in El Salvador with the success of a leftist revolution in Nicaragua in July 1979. As Dunkerley states, “Nicaragua was seen as embodying the successful realisation in the specific conditions of Central America of the lessons learnt from anti-imperialist struggles elsewhere in the world since the Second World War.”⁹⁵ Of course, although this turn of events proved inspiring in El Salvador, it also provoked a resurgence of Cold War concerns over the strength of “Soviet-Cuban military activism in the Third World.”⁹⁶ The subsequent failure of then President General Humberto Romero’s promised reforms, and ultimate ouster in a bloodless coup by progressive elements of the military only served to exacerbate the situation. Given El Salvador’s history of fairly conservative military rule, direct or indirect, the persistence of the military as a governing agent prompted skepticism on the part of leftist forces. Their tacit approval of the new governing body was indeed short lived when the latter itself collapsed under the weight of ongoing internal disputes and contrasting levels of commitment to reform. The lack of desire to revisit the violent transgressions of the Romero regime, in the form of the persecution of political activists, peasants, students and workers, also managed to undermine their legitimacy and dedication to striking a new path that contradicted the rhetoric of subversion and communism continuously affiliated with the forces of progressive/revolutionary change in the country. The ultimate collapse of the junta and onset of the civil war only served to exacerbate this paradigm, and to perpetuate the brutal persecution of many of the same aforementioned groups, their ongoing surveillance and the building of a record’s regime based on their surveillance and disappearance, and rampant fears of communist subversion.

⁹⁵ Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*. 119.

⁹⁶ *Ibid.* 121.

“Los Cantos de Sirena de Subversion”⁹⁷: Civil War and the Subversive Self

*Today, the Salvadoran people is living with the scourge of subversion, which, like the horsemen of the apocalypse, sows death and terror among a people that has been and will be a lover of liberty and peace...*⁹⁸

In a proclamation issued by the Secret Anti-Communist Army (in Spanish, ESA) on May 11, 1980 (see Figures 8-9), they decree that, besides dedicating themselves to the extermination of members of the Salvadoran Communist Party, the Frente Democrático Revolucionario (National Democratic Front), the Frente de Acción Popular Unificada (United Popular Action Front), Fuerzas Populares de Liberación (Popular Liberation Forces), Ejército Revolucionario del Pueblo (People’s Revolutionary Army) and Bloque Popular Revolucionario (Revolutionary Popular Bloc), among others, that their laundry list of death includes: common killers, thieves, rapists, homosexuals, drug addicts, shameless lawyers, poisonous university professors, prostitutes and any member of the corrupt masses [CIDAI, “Grupos anticomunistas,” See Appendix A].⁹⁹ Conflating all that are perceived as subverting the integrity of the nation state, the Secret Anti-Communist Army, vis-à-vis this record, interpellates a category of persons that by its very abjection exists outside the purview of morality and proper Salvadoran citizenry. Already blaming the current “anarchy” and chaos in the country, and alleged spate of bombings, assassinations, kidnappings and bus burnings, on the “salaried communists of Russia, China, and

⁹⁷ “The Siren Songs of Subversion.” Trans. Author, Press Release, Frente Político Anti-Comunista (Anti-Communist Political Front), undated. “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁹⁸ “Del frente político anti-comunista, F.P.A., al pueblo salvadoreño,” Trans. Author, Press Release Frente Político Anti-Comunista (Anti-Communist Political Front), undated. “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁹⁹ “Proclama del Ejército Secreto Anticomunista,” Trans. Author, May 11, 1980, “Grupos anticomunistas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

Nicaragua, and their fanatical gangs of paid guerrillas,”¹⁰⁰ the ESA simultaneously absolved the oligarchy of any responsibility by contending that the purported pretext for communist insurrection, the exploitation of the peasants at their behest, was a fallacy.

Made up of representatives of such previously discussed groups as La Mano Blanca and La Union Guerra Blanca, the ESA’s membership also included such illustrious organizations as the Escuadrón de la Muerte (Squad of Death), Organización para La Liberación del Comunismo (Organization for Liberation from Communism), Frente Anticomunista para La Liberación de Centroamerica (Anticommunist Front for the Liberation of Central America), La Legión del Caribe (Caribbean Legion) and the Brigida Anticomunista Salvadoreña (Salvadoran Anticommunist Brigade). Adamant in their continued vilification and virulent fear of the corrupting influence of communism, the ESA furthermore demonstrates a by now historic affinity for perceiving any pretense of left-wing political agitation or change as emblematic of communist ideologies seeking to usurp public order and historically entrenched regimes of power, and to “enslave” the Salvadoran people.

Issued within months of the start of civil war in El Salvador,¹⁰¹ this proclamation attests to the enduring legacy of anticommunist sentiment in the country, and the discursive and material marginalization of legitimate socio-economic and political dissent. In addition, it affirms records and archives as “...sites where larger discourses, theories, values, histories, culture, politics, and power manifested so as to produce reality, truth, and subjectivity.”¹⁰² As

¹⁰⁰ Ibid.

¹⁰¹ Most accounts place the start in October 1979. See, Dunkerley, *Power in the Isthmus: A Political History of Modern Central America*. Dunkerley, *The Long War: Dictatorship and Revolution in El Salvador*. Stanley, “The Protection Racket State.” McClintock, 1985. *The American Connection Vol I: State Terror and Popular Resistance in El Salvador*.

¹⁰² Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.” 31.

discussed in other sections of this chapter, anticommunist and anti-subversive ideologies in El Salvador that had their roots in the 1932 peasant and indigenous uprising, had only been further developed and exploited in the post-WWII era, and by the time of the civil war had become a hard line stance that was a synecdoche for any left-wing political movement. Granted, declarations of communist allegiance were not uncommon among the many political factions that eventually made up the FMLN, as is clear from their names and ideological platforms, but the moniker of subversive was also applied to, as noted earlier, such relatively moderate parties as the Christian Democrats. Indeed, it sufficed that one was reform minded to merit the accusation of fomenting subversion. Although subsequent invocations of “terrorist” began to displace the terms “subversive” and “communist” by the mid-1980s, or appear alongside them, they nevertheless persisted throughout the conflict.

As corroborated by two statements from the ESA included in the journal of the Universidad Centroamericana, *Estudios Centroamericanos* (ECA), from September 6 and 28, 1983 (Figures 10-11)¹⁰³ and a press release from the nongovernmental Comisión de Derechos Humanos de El Salvador (CDHES) from December 27, 1988 (Figure 12-13),¹⁰⁴ this form of rhetoric continued to have valence, and speak through the overt proclamations allowed by the format and materiality of the record [CDHES, See Appendix A] . In both of the previous statements, which detail a series of bombings perpetrated by the ESA and their motivations, communism and subversion remain as mitigating factors and the primary justifications for the

¹⁰³ “Documentación, 1. La ola de terror, 1.1 Comunicados de los escuadrones paramilitares, a. Comunicado del ESA, atribuyéndose las acciones terroristas del 6 septiembre de 1983, b. Comunicado del ESA, anunciando medidas político-militares contra el diálogo,” *ECA Estudios Centroamericanos* (1983), vol. 38, no. 412, p. 903-904. (1983). Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

¹⁰⁴ “Fuerza armada destaca sus estructuras paramilitares,” December 27, 1988, Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

actions taken. Still convinced that they are embroiled in the fight for peace and democracy, the ESA wield the discursive and ideological power of the subversive as a means of shifting the narrative away from the historic inequities in Salvadoran society, to a fear of destabilization and change. By calling members of the FMLN or FDR “unscrupulous,” “vulgar terrorists,” “enemies of the people” and “traitors of the nation,” they encourage a disassociation between lay people and the considerations of those critiquing deep-seated structural problems. Indeed, the consequences for those who chose to support these forces were quite drastic as attested to by human rights documentation from Socorro Jurídico discussed in the previous section of this chapter. Furthermore, this serves as additional pretext for the mistreatment, capture, torture and disappearance of those presumably involved in leftist activities, and repudiation of their embodiment of national interests. The power of these records to constitute identities, their “biopolitical” capacity to engender meaning and capture life through the process of inscription, is clearly evident here insofar as the naming and representation of communist or subversive typologies, and the subsequent grafting onto political dissidents, makes manifest material, human forms. Moreover, this demonstrates the continuous efforts on the part of agencies such as the ESA to engender a discursive device through the record in order as a means of asserting a level of social control.

The press release from the CDHES details the rise of the paramilitary group “Acción Anticomunista Revolucionaria de Exterminio” (Revolutionary Anticommunist Action of Extermination) that, like the ESA, targeted leftist activists and served as a repressive vehicle of the Armed Forces. Moreover, it served as a propaganda tool for the government and Armed Forces that attempted to answer and control the increasing strength of revolutionary movements, and to perpetuate their rhetorical adherence to “democracy” in the face of their increasingly

obvious, and internationally recognized, brutality and use of “institutional terror” to repress the Salvadoran population. What is integral to this record is the manner in which it interrogates the discursive deployment of anticommunist rhetoric by revealing its mainly propagandistic uses and its continued, if perhaps dissipating, effectiveness in rallying anti-leftist sentiment. In addition, the record dismantles the rhetoric’s intentionality by demonstrating that its resurgence is owed to its weakening control of the right in the course of the civil war. In contrast to some of the aforementioned records from Socorro Jurídico, as well as similar records from the CDHES archives, which will be discussed later in this chapter, this press release is more explicit in its critique of anticommunist groups and rhetoric, and the discursive and subjective agency of subversion. Questioning the very language that seeks to substantiate the conflation of subversive with leftist agitation, as well as the assertion of its strength, the record transforms this discursive representation and lays a claim to interpretive power.

Equally, clippings from the early part of the civil war, sourced from such sympathetic newspapers as *La Prensa Grafica* and *El Diario de Hoy*, perpetuated the conflation of leftists with subversion, violence and terrorism, and served to buttress the anticommunist campaign of these types of extrajudicial forces; and the “legitimate” government, police and military institutions from which many derived. With headlines such as “Subversives Block Buses and Detonate Bombs” (Figure 14) and “Subversives Detain Cars and Demand Money” (Figure 15), both from 1981, there is a persistent connection made between leftist activity and criminality [CDHES, “Informe periodístico, Año 1981, Tomo 127,” See Appendix A].¹⁰⁵ No longer university students, professors, labor organizers or peasant workers, these “subversives” are now constitutive of the most base underbelly of Salvadoran society that, like the common killers,

¹⁰⁵ “Subversivos atraviesan buses y detonan bomba,” ca. 1981, “Subversivos detienen los vehículos y piden dinero,” December 22, 1981, *El Diario de Hoy*, “Informe periodístico, Año 1981, Tomo 127,” Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

thieves, rapists, homosexuals, drug addicts and prostitutes also targeted by the ESA, are deservedly hunted and expelled from the body politic. In his classic works, *The Scapegoat* and *Violence and the Sacred*,¹⁰⁶ René Girard points towards society's need to identify and expulse groups or individuals from within its own ranks that are perceived as disruptive to the social order, and whose sacrifice will restore its balance. These "scapegoats" or "sacrificeable" victims render possible a return to normativity if and when they are extracted from the collective consciousness and the material world. Their discursive or rhetorical derision is therefore an integral tool in their denaturalization and subsequent disassociation from frameworks of reference that would conceptualize of them as fellow citizens, family members and colleagues.

Indeed, descriptions in these clippings and other records of armed and disguised "terrorists" and "subversives" plundering and victimizing the innocent feed into this process, and create an environment where violence and retribution are perceived as valid recourse. Additional clippings from these very same newspapers subsequently reveal these dire consequences. Reporting on the "cleansing" of "subversive strongholds" and the death of a group of "subversives" during an ambush that were allegedly holding a town hostage with weapons sourced from China and Nicaragua (connoting a clear alliance with communism), serve to illustrate the brutal and material fallout of this branding [CDHES, "Informe periodístico, Año 1981, Tomo 128," See Appendix A].¹⁰⁷ Moreover, they highlight the willingness of certain sectors of the media to support this kind of anticommunist rhetoric and to contribute to fueling the accompanying mania of the organizations and institutions that perpetuated it.

¹⁰⁶ Girard, *The Scapegoat*. René Girard, "1977. Violence and the Sacred," *Trans. Patrick Gregory. Baltimore: Johns Hopkins University Press*, n.d.

¹⁰⁷ "Operaciones de limpieza de reductos subversivos," and "Subversivos mueren en emboscada, 1981, *El Diario de Hoy*. "Informe periodístico, Año 1981, Tomo 128," Centro de Documentación de la Memoria Histórica "Marianella García Villa," Comisión de Derechos Humanos de El Salvador (CDHES).

Suffice it to say, right wing forces and anticommunist groups in El Salvador were hardly reluctant to enunciate and inscribe their hatred and resentment towards so-called subversives in a variety of venues; performative acts that frequently had deadly material repercussions. These typographical and phonetic gestures were in turn embodied in the corpus of students, labor organizers, university professors, peasants and others rendered suspect for their assumed insurrectionary or communist leanings. As Jean-Luc Nancy notes, “Writing in its essence touches upon the body....,”¹⁰⁸ providing evidence of its subjectivity, its being, its very corporeality. Troubling as the rhetoric of subversion was in El Salvador, it birthed into presence a type of abject subject, through a parallel corpus of records, which served to dispossess a diverse cross section of Salvadoran society. Whether or not there was validity in claims of revolutionary affiliation, which in some cases were admittedly true, the venal apparition of the “subversive” as described and contextualized vis-à-vis anticommunist channels subscribed to a particular form of denigration that purposely distorted the nature of the persona and intent of the individuals in question.

But as Julia Kristeva asserts, hatred and desire are co-existing phenomena that are indissociable from the human condition.¹⁰⁹ If the specter of the communist or subversive was a repeated, if not central presence in the discursive production of anticommunist organizations (the product of a hatred towards political and class difference, and indigeniety), it simultaneously served the desired purpose of stoking paranoia, fear, insecurity and destabilization in the Salvadoran consciousness. Therefore, the engendering of the abject, that Kristeva notes is where hatred lies dormant, is a manifestation of the equally as fervent need for a disparaged figure onto which to project right wing and oligarchic fears of political change, peasant revolts and the

¹⁰⁸ Jean-Luc Nancy, *Corpus* (Fordham Univ Press, 2008). 11.

¹⁰⁹ Julia Kristeva, *Hatred and Forgiveness* (Columbia University Press, 2011). 184.

contestation of historically entrenched socio-political and economic regimes and hierarchies. Like Girard's "scapegoat" or "sacrificeable" victim, this abject subject is carved out as a space somehow outside the sphere of the normative, residing in the nether regions of society where its purpose is defined as undermining neoliberal progress, traditional family values, Catholic propriety and class divisions that favored the elite. A safety valve for the inevitable tensions that arose from the aforementioned "reform/repress" dichotomy, that posed cosmetic socio-economic and political innovation while continuing to uphold military rule and control, the subversive, in turn, allowed for an ideological diversion from the material concerns of the nation, and to create an environment of fear and resentment that justified brutality towards others.

A series of press releases from August and October 1989 issued by the Public Relations Department of the Ministry of Defense and Public Security illustrate the persistence and utility of the figure of the "subversive" insofar as they continue to connote its nefarious association with public disruption and violence, and, in turn, legitimizes the description of the assault or demise of its representative bodies as necessary and inevitable (Figures 16-17) [CIDAI, "Fuerzas Armadas," See Appendix A].¹¹⁰ Whether illustrating an offensive in San José Villanueva on the part of "groups of subversives" where they allegedly killed three members of the Civil Defense and wreaked havoc on the local peasantry, the bombing of a series of telephone booths in San Salvador, or the alleged murder of officials and civilians, the rhetorical ascription of "subversive," and increasingly terrorist, functions to remove any doubt of the dubiousness of the character of these individuals, and point towards the odious nature of their actions.

¹¹⁰ "Boletín Informativo No. 261: Encuentran cadavers de terroristas en rastreos de osicala," August 23, 1989 and "Boletín de Prensa No. 321: Terroristas secuestran a siete campesinos en San Miguel," October 23, 1989. "Fuerzas Armadas," Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana "José Simeón Cañas" (UCA).

Of course, it should be noted that leftist groups and members of the FMLN were documented as committing some of these acts during the conflict,¹¹¹ and brutality and human rights violations of any political stripe should not be tolerated. But moreover what is addressed here is the power of language to shape perception, subjectivity and fate. If we are to adhere to Michel Foucault's claim that, "We must conceive of discourse as a violence which we do to things...",¹¹² then we must also consider the power of interpellation as "subversive" and the consequences it has for the physical or material treatment of those which are hailed as such. For beyond a focus on the agentive strength of logocentrism itself, the interest here is in rather looking at how language is embodied in action through archives, records and the process of inscription. When we again consider the press releases from the Ministry of Defense and Public Security, it is obvious that the intent of continuing to use what is ostensibly dated Cold War terminology is to exploit the vestiges of an ideology that continues to bind El Salvador to U.S. political doctrine and policy in the region, and, as noted earlier in this chapter, to necessary military funding streams. What by now is an archival or archived inscription of discursive and physical violence visited upon the socio-political other, is also evidence of global context in which it arose. The tracing of subversion across media and event is precisely a tracking of the evolution of U.S./El Salvador relations, and the geopolitical transformations brought about by economic interests in the region. But moreover, it highlights the human casualties of these incursions and interests.

And one need not look further than arrest reports from the Armed Forces/National Police to find evidence of these casualties. Produced in October 15, 1979 and April 1984,

¹¹¹ See, Betancur, Planchart, and Buergenthal, "From Madness to Hope: The 12-Year War in El Salvador: Report of the Commission on the Truth for El Salvador."

¹¹² Michel Foucault, *The Order of Discourse*, *Language and Politics*, Michael Shapiro (Blackwell, Oxford, 1984). 127.

respectively,¹¹³ these documents (Figures 18-23) constitute listed, alphabetical profiles of individuals with claimed affiliations to a number of guerilla factions during the civil war. Introduced as a compendium of arrests targeting “...persons for having participated in activities of subversive – terrorist nature and who have traveled to communist countries such as: Russia, Cuba, and Nicaragua...,” and “...persons associated with acts of subversion and terrorism...,” these reports detail “crimes” committed that include the distribution of subversive propaganda, kidnapping, political assassinations, arms trafficking, assault, sabotage, attacks on the armed forces and bombings [CIDAI, “Fuerzas Armadas,” See Appendix A]. These descriptions are brief, many resulting in an appearance before a military judge and with the absence of the resulting fate of the person concerned. Be it Víctor Amílcar Chávez Renderos, who, among other things, is accused of intending to kill the Attorney General of El Salvador, or Jorge Alberto Cerrato Melgar who is an alleged member of the Fuerzas Populares de Liberación (FPL) that is guilty of seizing/purchasing weapons, as well as traveling to Cuba, Panama, Ecuador and Nicaragua to meet with other union members, there is a common theme that links all of the individuals featured, subversive or communist transgression.

Indicative of heightened surveillance during the period, the reports moreover track the rise and repression of dissent, and the widening net that the Armed Forces and National Police were casting in order to maintain control. Many people would spend several years from the date of their capture to experience here-undetailed precarity and brutality at the hands of their captors. The fact that their fate is little resolved at the end of the paragraph length narrative that

¹¹³ “Resumen sobre capturas realizadas por la Policía Nacional de personas por participar en en actividades de tipo subversive – terrorista y que han manifestado haber viajado a paises comunistas, así: A Rusia, Cuba, y Nicaragua. Periodo 15Oct1979 A la fecha”, October 15, 1979. “Capturas mas relevantes: Realizadas por la Policía Nacional desde 15Oct1979 a la fecha, de personas relacionadas con actos de subversión y terrorismo,” April 1984, Fuerza Armada de El Salvador, Policía Nacional, Departamento II Informaciones, “Fuerzas Armadas,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

summarizes their collective defiance only contributes further to speculation on the extremity of their treatment. Indeed, what individual branded a guerilla, revolutionary, subversive or communist could ever hope to find justice in the hands of judge that represents the very institution(s) that eagerly seek their capture and demise? Without access to additional records from the Armed Forces, it is difficult to ascertain subsequent actions. Even tomes such as the infamous “Libro Amarillo” (Yellow Book),¹¹⁴ which is also a product of the Armed Forces and was billed as “photographic album of delinquents – terrorists of different organizations that form part of the FMLN/FDR,”¹¹⁵ and provides biographical details and photographs of persons captured and probably, tortured, interrogated and disappeared, there is little concrete evidence of the ultimate fate of those featured. And this was certainly part of the environment of fear and uncertainty that the Armed Forces and its proxy the National Police sought to cultivate and enforce. If the community at large could only wildly speculate on the end result of a “subversive” act, then perhaps they would be less inclined to commit one. Although dumping grounds for corpses, such as El Playón, were well known, it was still hard to pinpoint what was done to a person, and, if it came to it, what had become of their body.

Comisión de Derechos Humanos de El Salvador: Exhuming Subversion

*Yes, the archive is an instrument of power. It is a technology of rule.
A set of apparatuses producing and reproducing dominant narratives.
An omnipotence-other. But it is also a subversive space. It is about a feigning
and a fomentation, a resisting. It is a domain hospitable to resistance.*¹¹⁶

¹¹⁴ For more information, see: “Los Archivos Secretos de La Dictadura,” *elfaro.net*, accessed July 16, 2017, https://elfaro.net/es/201512/el_salvador/17578/Los-archivos-secretos-de-la-dictadura.htm.

¹¹⁵ Ibid. The “Libro Amarillo” is also of interest given the author’s enthusiasm for codification and classification as a means of identifying and controlling the subjects of their lists, photographs and narratives. Individuals were assigned a code that could later be used to refer to them.

¹¹⁶ Verne Harris, “Insisting Derrida: Cixous, Deconstruction, and the Work of Archive,” *Journal of Critical Library and Information Studies*, no. 2 (2017). 13.

Again, records of human rights organizations, such as those of Socorro Jurídico discussed earlier, extend the narrative of subversion and subversive selves to its inevitable conclusion, articulating the capture, torture and demise of persons caught up in the deadly cycle of rhetorical and political accusations. More than mere graphic inscriptions that formulaically divide the essential information pertaining to a life brought to the brink of disaster, documents attesting to violence committed against “subversives” present the curious assimilation and (re-)interrogation of the relationship between language and the self. For example, the records of the Comisión de Derechos Humanos de El Salvador (CDHES), which will be the focus of the rest of this chapter, follow a similar trajectory as those of Socorro Jurídico, providing “incontrovertible” facts and numbers, as well as legally substantiated testimonies. In an interview with the author, current director and longtime member, Miguel Montenegro, commented that the documentation standards followed by CDHES emulated those of international human rights organizations in a reach for legibility and connection [CDHES, Interview].¹¹⁷ Facing towards the world outside of El Salvador, the records included in the CDHES archives were fashioned not only to chronicle human rights violations for a Salvadoran audience (legal, civic, or otherwise), but moreover meant to impress the magnitude of the human rights crisis taking place in the country to an international community. Indeed, Bruce P. Montgomery comments that the rich “archival trail” left by human rights organizations in El Salvador such as CDHES was motivated by a fact-finding resolve aimed at institutionalizing human rights norms in the world community, and integrating the organization into this world of praxis and dialogue, in tandem with highlighting

¹¹⁷ Miguel Montenegro. Interviewed by Mario H. Ramirez at the Comisión de Derechos Humanos de El Salvador, May 4, 2016.

and curbing violations¹¹⁸; the latter of which admittedly still made space for local needs and conditions.

Founded in 1978 in San Salvador at the behest of Monsignor Oscar A. Romero by a number of prominent lawyers, the CDHES was at the forefront of reporting atrocities committed by the government, police and military against leftists and lay people. Through interviews, site visits and personal experience, they amassed an extensive archive of materials that includes case files, testimonies, statistical reports, photographs and newsletters, as well as documents from numerous local and international human rights bodies. All of these records are housed in their Centro de Documentación e Investigaciones de la Memoria Histórica "Marianella García Villa" (Center for Documentation and Research on Historical Memory, "Marianella García Villa") which provides access to these resources, as well as additional materials on the civil war. The spotlight herein will be on the extensive testimonies of victims, and subsequently the case of former director Herbert Anaya Sanabria and the apparent use of tropes of subversion to mask the real reasons and culprits behind his assassination. Temporarily putting aside the rich discussions on archives and human rights that speak to the agentive power of victims and families documented,¹¹⁹ which will be of greater concern in the following chapter, the focus here is on the discursive agency of “subversive” as it begins to reside in the pages of victim’s testimonies and agency reports, and the manner in which records make manifest subjectivities; or what Macías, via Judith Butler, articulates as the lives that records make “knowable and recognizable.”¹²⁰

¹¹⁸ Montgomery, “Fact-Finding by Human Rights Non-Governmental Organizations: Challenges, Strategies, and the Shaping of Archival Evidence.” 27 and 31.

¹¹⁹ Gilliland and McKemish, “The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery.” Caswell, “Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse: Lessons from Community Archives.”

¹²⁰ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.” 27.

Confronting an uneasy appropriation of terminology, the inscription of the appellation “subversive” in victim’s accounts from CDHES displays an almost deadened assimilation, functioning as a descriptor without an apparent effort at redefinition or re-appropriation. Although certainly not intentionally complicit in the assertion of the regimes of power associated with the term, the ready and rather unquestioned use of “subversive” begs the question of whether or not the testimony of the “real” circumstances of the person being discussed serves as enough of a counterbalance to the discursive weight of the term itself; given the recognized vicissitudes of oral testimony, it can be construed that the “real” in this case is a subjective property. Nonetheless, it can be argued that the ingestion of the parlance of anticommunism, in concert or conversation with the testimonial narrative, effectively neuters the original connotations of its terminology; that the terms of subversion, by being transported to the human rights report, are transformed and contested. This redemptive gesture is one that these records aspire to, and which the very graphic and phonetic consumption of the testimonial seeks to commit. According to Giorgio Agamben, “Testimony is a potentiality that becomes actual through an impotentiality of speech; it is moreover, an impossibility that gives itself existence through a possibility of speaking.”¹²¹ Constituting subjectivity through the speech of the witness, who speaks “...for those who cannot speak...,”¹²² testimony, in existing “...between the sayable and unsayable in every language...,” has the capacity to circumvent the exigencies of the terms of subversion. Its subsequent embeddedness in the genre of the human rights report, and within human rights archives, therefore can create paths to the recovery of fragments of subjectivity for individuals and families that reinscribe lived realities that combat reduction to a maligned,

¹²¹ Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive* (Zone books, 1999). 146.

¹²² Ibid.

abused and non-agentic stereotype. A genre of record that functions to “ontologize remains,”¹²³ the testimonial can, in turn, localize and identify the captured, tortured and disappeared in a manner that disassembles the discursive vis-à-vis a representation of the empirical.

In two undated press releases issued by CDHES, there is what seems an apparent absence of an explicit critique of the term “subversive,” and its being couched within a descriptive framework that does not fully question the regimes of power asserted by its use [CDHES, See Appendix A].¹²⁴ The first (Figure 24), which details the capture of “subversives” (members of the FMLN-FDR) by the Armed Forces, takes its information directly from a communiqué supplied by COPREFA (Comité de Prensa de la Fuerza Armada), the press affiliate and mouthpiece of the Armed Forces. Indeed, the headline, “COPREFA Reports the Capture of Various Subversives,” would connote a merely reiterative style of reporting that replicates the information derived verbatim save for a few interpretive gestures. But the relatively speculative tone of the document supplies some indication of a questioning of the terms of classification, and rarely confirms the legitimacy of the information being communicated. Throughout the document, it is clear that it is COPREFA and therefore the Armed Forces that are convinced of the saliency of their claims of subversion or FMLN-FDR affiliation, and that the reporting by CDHES is a means of further unmasking their potential fallacy; as well as disseminating this information among their networks and communities of concern.

Although the tone of such a brief document is hardly the space for a contestatory treatise, and CDHES was not shy in critiquing government and security agencies for their human rights

¹²³ Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International* (New York: Routledge, 1994). 9.

¹²⁴ “COPREFA Informa Captura de Varios Subversivos,” undated. “Capturan Veintidos Maestros,” undated. Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

violations, it is nonetheless necessary to question the power asserted by terms such as “subversive” given their history and ultimate consequences. Moreover, the power of naming those targeted for capture and retribution cannot be underestimated. In his book, *On the Name*, Jacques Derrida asks, “And what occurs when one gives a name? What does one give then?”¹²⁵ In this case, naming contradicts the actions taken to disappear and forget the individuals in question. Rather than joining an unfortunate tribe of bodies and identities erased from consciousness, the inscription of their names inspires a recognition of lives lived, and contests their disposability. Berta Alicia Cosme and Victor Jovel, alongside the rest who are described in this document, are re-inscribed and testified to as persons, named and interpellated outside of the confines of the “subversive.”

But moreover, naming “on the record,” indeed the creation of a public record of this event by CDHES, stands in contradistinction to the copious, but shadowy documentation that one can safely assume was maintained by the Armed Forces and their allies; further proof of how “...the power to describe is the power to make and remake records...”¹²⁶ As Weld notes, in order for Guatemala’s National Police to effectively assert its powers of social control, they equally had to harness the power of documents to track and account for the movements and activities of “subversives” and “communists.” Insofar as acts of policing relied “...directly, and inseparably, upon acts of archiving...”¹²⁷ counterinsurgency and the violation of human rights, thus, existed in nefarious parallel universe to the efforts of HRNGO’s, like CDHES, to document, witness and create counter narratives for victims of human rights abuses. Equally in El Salvador, as the

¹²⁵ Jacques Derrida, *On the Name* (Stanford University Press, 1995).

¹²⁶ Wendy M. Duff and Verne Harris, “Stories and Names: Archival Description as Narrating Records and Constructing Meanings,” *Archival Science* 2, no. 3–4 (2002): 263–85. 272.

¹²⁷ Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala*. 13.

aforementioned “Libro Amarillo” and various documents from the Armed Forces indicate, the engines of classification and documentation, and subsequent archiving of the “subversive” self were a compulsive obsession of right wing forces and their extrajudicial allies. So blatant and public was the animosity towards acts and actors of dissidence during the civil war, which, as discussed earlier in this chapter, was the culmination of decades of anticommunist ideologies, that the Armed Forces, for example, had no qualms of making a spectacle of their brutal actions. By producing lists of subversives and compendiums of alleged crimes committed, right wing forces committed to the record not only a belief in the righteousness of their cause, but the validity of their actions taken against fellow Salvadorans in order to fulfill it. And, again as Weld points out, these records were in turn used to track, control and repress the very subjects of their articulation and subjection.

The second press release (Figure 25), which speaks of the capture of twenty-two teachers by the Hacienda Police during a planning commission for a future meeting with the Minister of Education, details their characterization as “degrading persons” before the eyes of society and the entire Salvadoran people [CDHES, See Appendix A]. In addition, the reason given for their capture is the police’s accusations that the commission was a “subversive” gathering intent on plotting actions that could threaten the Salvadoran economy.¹²⁸ Following a historical pattern of the persecution of teacher’s unions and their organizing efforts, in fact the document mentions the frequently maligned union ANDES (Asociación Nacional de Educadores Salvadoreños/National Association of Salvadoran Educators) as taking part in a previous gathering, this latest arrest under the specter of “subversion” points to its use as a placeholder for any action taken that is perceived as being contrary to then current regimes of power. Although

¹²⁸ “Capturan Veintidos Maestros,” undated. Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

not explicitly mentioned, the allusion of communism is still in evidence insofar as union organizing was cast as a hotbed of Marxist beliefs.

Posed as a condemnation of the capture of the teachers, this press release supplies additional facts that seek to contradict the appellation of “subversive” as the legitimizing force behind the arrests. Pointing towards evidence of a previous meeting between educators and the Minister of Education where the latter was in agreement with many of plans for reform posed, the authors of the press release undermine, if implicitly, the arbitrary logic used by the Hacienda Police; and unmask the extent to which accusations of subversion are empty signifiers which the right wing wielded at its convenience. Indeed, the analytical approach in many of the records created by CDHES is one not so much of rhetorical, but “fact” based, gathering and supplying contrary evidence that highlights the lack of “truth” in the claims and accusation made by the government, police or military. Effective to the extent that it brings an element of the “real” or empirical to bear on the plight of individuals, which, as mentioned earlier, brings to the fore necessary details that are otherwise erased from the “official” record, it lacks a direct engagement with how the terms of discourse engender the conditions of persecution and repression recounted. Granted the immediacy of the human right crisis in El Salvador during the war, and the level of conjecture used as reasoning for perpetuating violence against the Salvadoran populous, could stand as valid reasoning for the relative lack of reflection on the impact of discursive matters.

But as has been asserted before in this chapter, vis-à-vis Foucault, language and discourse are constitutive to the assertion of power and the constitution of identities, and specifically through the medium of records. Insofar as CDHES was an organization that produced numerous insightful analytic reports on the history of the conflict, the human rights situation in the country

and the often-nefarious role of the United States in matters regarding the military and police, one would hope that their attentions could extend beyond factual redress. Caught up in the legacy of the legalistic framework expected of human rights reporting, which Caswell, among others, have skillfully contested,¹²⁹ that collectively maintains the affective and descriptive needs of individuals and communities within human rights reporting and records, CDHES perhaps cannot be faulted for its adherence to an evidence and fact-based outlook that continuously informs its accounts. Indeed, it served its purpose, communicating necessary information to a local and international audience. Nevertheless, to extend the analysis to the discursive aspects of its records, and its use and appropriation of “subversive” and “subversion” specifically, is to investigate further not only the alienation faced by human rights victims, but also the position of human rights organizations in respect to the ideological rhetoric of the time.

Throughout the numerous testimonials contained in the CDHES archives, and which the organization used to chronicle violations as an avenue for possible legal restitution, there is certainly an affiliation for a legal rhetoric and format that serves to provide legitimacy for what could be labeled as the spurious and unfounded accusations of a communist. Although, in contrast with much of the testimonies from Socorro Jurídico, the materials from CDHES lack some of the accouterments of court verified testimony (fingerprints, stamps, etc.), there is nonetheless a rhetorical density and pattern that resembles a police incident report. This notwithstanding, there is a sense that the level of factual recount is an eager attempt to combat the severe absence of detail conferred by the disappearance of a person, and the accompanying lack of communication on the part of the security agencies responsible. Overwhelming in their

¹²⁹ Caswell, “Defining Human Rights Archives: Introduction to the Special Double Issue on Archives and Human Rights.” Wood et al., “Mobilizing Records: Re-Framing Archival Description to Support Human Rights.” Gilliland, “Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-Conflict Croatia.”

textual concentration, and only occasionally highlighted by a capitalized plea for help, condemnation to death, or hair raising quote from a torturer, military figure or local official, these testimonials, although perhaps not explicit in their references, painstakingly attest to the material ramifications of being considered as a subversive element or abject outsider of the body politic. Accusations of “subversion” pepper these testimonies and serve as the backbone for the arbitrary retrieval of people from their homes, street corners and workplaces. Indeed, the distribution of subversive propaganda or participating in a gathering suspected of fomenting subversive acts against the government were regular causes for arrest, and played into an ongoing pattern of abuse centered on the historical fear of insurrection and regime change. The appearance of this rhetoric within human rights documentation communicates the severity of the situation during the conflict, and the ideological machinations that continued to drive right wing thinking and reactions to leftist activity.

Subversion within the Ranks: The Persecution of the Comisión de Derechos Humanos de El Salvador and the Case of Herbert Anaya Sanabria

Another way of intimidating us would be to put dead bodies at our door. In September we found three dead bodies at our front door. On October 3, (1980) they kidnapped and murdered María Magdalena. On October 25, they kidnapped our administrator Ramón Valladares. Everybody thought there was going to be a third victim afterwards because they had left three bodies at the door. We were all very scared to know who would be the next.¹³⁰

From the outset, CDHES’s mandate was to doggedly chronicle human rights violations committed by the government, police and military, even before the onset of the conflict. At great personal risk, members of the organization would fan out to El Salvador’s various regions in order to record (via text, audio, photographs, and video) incidents that had transpired in the immediate past, but many that also took place years beforehand. In an undated report released in

¹³⁰ Former CDHES staff member, as interviewed in: Sprenkels, *The Price of Peace: The Human Rights Movement in Postwar El Salvador*.

what appears its early years, the organization details its mission as follows: 1). To fight for the respect of human rights; 2). Defend the rights of all victims and punish those responsible; 3). To denounce the violation of the fundamental rights of individuals; 4). Promote and carry out activities aimed at preventing such violations; and 5). Function as instrument for the recognition of human rights [CDHES, “Administrative Records,”].¹³¹ Titled “The Capture of One of Its Members and Repressive Acts Committed Against Him/Her,” the document also aspires to be testament or public declaration of protest of the organization before “the national and international conscience” about the persecution of its own members in the struggle to document human rights violations. Subject from its inception to repeated arrests, harassment and violence by the government and its security agents, members of CDHES were in constant risk of being captured, disappeared, tortured or imprisoned.

This report specifically details the capture and disappearance of Carlos Eduardo Vides (20 years old), Francisco Antonio Cortez (27 years old) and Norberto Martínez Flores (25 years old), all members of CDHES, who were stopped en route to the city of San Vicente and were never heard from again [CDHES, “Administrative Records,”].¹³² Although their families inquired about them at area hospitals, security agencies and the Red Cross, and even submitted a legal demand before the Supreme Court, the whereabouts of these individuals continued to be unknown. In addition, the report tells of an incident that took place at the offices of CDHES wherein twenty camouflaged soldiers with automatic rifles, under the pretense of pursuing an individual unrelated to CDHES, fired into the offices, threatening the lives of everyone inside,

¹³¹ “La Comisión de Derechos Humanos de El Salvador, Ante la conciencia nacional e internacional: La captura de uno de sus miembros y hechos represivos en su contra,” undated. “Administrative Records,” Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

¹³² Ibid. 2.

including many people who were there to denounce and testify about human rights violations committed against them [CDHES, “Administrative Records,”].¹³³ Clearly an intimidation tactic, this and other incidents discussed demonstrated the threat posed by the work of CDHES and the recording of human rights violations during the conflict.

In a timeline supplied within the document that begins in 1978, the year the organization was founded, we discover that their first president, Marianella García Villas, was captured by the National Police and the National Guard for acting as the defense lawyer for political prisoners (May 12-June 13, 1978); of the machine gun attack on the car of the vice-president (April 19, 1979); the explosion of a bomb in an area close to CDHES (March 13, 1980); the explosion of another bomb within proximity of the offices of CDHES (September 4, 1980); the kidnapping and assassination of María Magdalena Henríquez, a member of the board of directors of CDHES, by plain clothes officers of the National Police (October 3, 1980); the assassination of Ramón Valladares Pérez, also a member of the board of directors, by what appeared to be a contingent of civilians (October 25, 1980); and the kidnapping of board member Víctor Medrano by local forces (January 17, 1981), among other incidents [CDHES, “Administrative Records,”].¹³⁴ And in an additional timeline located in the report titled “Human Rights in El Salvador: The First Six Months of 1983,”¹³⁵ we learn of the disappearance of staff member América Fernanda Perdomo (August 20, 1982); the detention and disappearance of Dr. Roberto Rivera Martelli, a member of CDHES February 10, 1983); and the ultimate assassination of CDHES president Marianella García Villas (March 14, 1983) [CDHES, “Informes 1983,”]. All of this in tandem with continual

¹³³ Ibid. 2-3.

¹³⁴ Ibid. 3-4.

¹³⁵ “Primer semestre del año de 1983: Los derechos humanos en El Salvador,” Comisión de Derechos Humanos de El Salvador (no gubernamental), 1983, “Informes 1983,” Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

threats, intimidation and assassination attempts that sought to disrupt the activities undertaken by CDHES. Suffice it to say, the work of documenting human rights during the civil war, much like that of political organizing or dissidence, was subject to the ramifications of being perceived as promoting the “subversion” of the government, and engendered similar gestures towards their erasure.

Although current director Montenegro corroborates that the brutality of these years at CDHES paralleled the levels of extreme violence experienced by the Salvadoran people at the outset of the war, which abated somewhat by 1984,¹³⁶ the members of CDHES nonetheless continued to be subject to the threat of imprisonment and death throughout the conflict [CDHES, Interview]. In 1986, several individuals, including Montenegro, were imprisoned in the “La Esperanza” prison in San Mariona by the Hacienda Police for their participation in denouncing human rights violations on the part of military, government and security forces. There they were held there for fifteen days and tortured repeatedly [CDHES, Interview].¹³⁷ Nonetheless, they took the opportunity to interview over 400 inmates and chronicle the 40 types of psychological and physical torture used at the prison. The final report, “Torture in El Salvador,”¹³⁸ although containing only a fraction of the testimonies taken, is nonetheless a powerful condemnation of the extreme conditions to which prisoners were subjected. A mixture of statistical measures (classified by levels of political prisoners remitted and released, and the security forces

¹³⁶ Miguel Montenegro. Interviewed by Mario H. Ramirez at the Comisión de Derechos Humanos de El Salvador, May 4, 2016.

¹³⁷ “Entre El 26 Al 30 de Mayo de 1986 Secuestran a Miembros de CDHES – Simpatizantes FMLN,” accessed July 22, 2017, <http://www.simpatizantesfmln.org/blog/?p=45026>. Miguel Montenegro, interviewed by Mario H. Ramirez at the Human Rights Commission of El Salvador, May 4, 2016. Montenegro also gives a powerful account of his torture in the film, “Los ofendidos” (2016), by Marcela Zamora, “La Memoria de Los Ofendidos,” *Revista Factum* (blog), May 13, 2016, <http://revistafactum.com/la-memoria-los-ofendidos/>.

¹³⁸ “Torture in El Salvador: From “La Esperanza” (Mariona) Prison, San Salvador, El Salvador,” September 1986, Human Rights Commission of El Salvador (CDHES).

responsible for their capture), the listing and illustration of the 40 types of torture, testimonies and commentary, the report demonstrates the violence and brutality that were a cumulative product of the decades' long honing of strong arm tactics dedicated to the repression of dissent. Already in place before the civil war, as discussed earlier, the torture techniques detailed here were a vehicle for the literal exorcism of the subversive self through the application of electric shocks, the threat of rape, the repeated beatings, the waterboarding, the drugging and the burning with cigarettes, among other things. Confessing to a false accusation or in order to expose other purported accomplices, too functioned to eschew the abject in the hopes of achieving redemption, even if that path led to death. Historically, this text, and the original documentation that accompanies it in the CDHES archives, is a primer on the status and nature of torture not only in El Salvador, but also Latin America. Several of the persons interviewed noted that the voices of their torturers reflected accents from various countries of Latin America, as well as the United States. Therefore, like the anticommunist and anti-subversive policies and ideologies of the mid-twentieth century, torture in El Salvador during the civil war was a hemispheric family affair, conscripting military and police alike across borders.¹³⁹

Among the members of CDHES captured alongside Montenegro in 1986 was its then president Herbert Anaya Sanabria, who although released on February 2, 1987, would later be assassinated in front of his home and family on October 26, 1987. The rest of this chapter will focus on Anaya's case and the ways in which it exemplifies the culmination of the power of the discourse of subversion, and its visceral impact on the lives of those accused of activities perceived as threatening to the established order. Moreover, the documentation of the subsequent

¹³⁹ Although outside of the scope of this dissertation, it is important to note the seminal role of the School of the Americas in this endeavor, see, Lesley Gill, *The School of the Americas: Military Training and Political Violence in the Americas* (Duke University Press, 2004). Bill Quigley, "The Case for Closing the School of the Americas," *BYU J. Pub. L.* 20 (2005): 1. Gregory Weeks, "Fighting the Enemy within: Terrorism, the School of the Americas, and the Military in Latin America," *Human Rights Review* 5, no. 1 (2003): 12–27.

investigation of Anaya's death, both from CDHES and the Armed Forces, is notable for the commentaries it makes on the malleability and contradictory nature of archival memory, and its repercussions for the material circumstances of Anaya, his family and the man falsely accused of killing him. Indeed, the radically contrasting narratives posited by the book compiled by CDHES that commemorates Anaya (that contains important information regarding his capture, torture and death),¹⁴⁰ and copies of the case file maintained by the Armed Forces/National Police,¹⁴¹ although certainly expected, are telling insofar as they use some of the same basic circumstances and records of Anaya's life and death to construct strikingly different sets of archival documentation [CDHES, "Herbert Anaya," "Criminal contra,"]. As Brien Brothman reminds us, records as "cognitive artifacts" act as multivalent mnemonic devices that open up "...the possibility that multiple perspectives are permissible on "what the past" might mean..."¹⁴² This "double-edged power of archives,"¹⁴³ is particularly acute in human rights records wherein, as Ketelaar notes, oppression and empowerment, inclusion and exclusion, reside side by side. Furthermore he states, "If the fact that oppression appears in records originally inscribed for surveillance and tyranny, they can also be used for reclaiming human rights and regaining freedom."¹⁴⁴ The fact that the records detailing the circumstances surrounding Anaya's death, many derived from the same sources, can simultaneously be used to articulate the culpability of

¹⁴⁰ "Herbert Anaya: Su voz no la callarán nunca," undated, Centro de Documentación de la Memoria Histórica "Marianella García Villa," Comisión de Derechos Humanos de El Salvador (CDHES).

¹⁴¹ "Criminal contra: Jorge Alberto Miranda Arévalo, por asesinato en Herbert Ernesto Anaya Sanabria, asociaciones subversivas, actos de terrorismo," Fuerza Armada de El Salvador, Policía Nacional, Centro de Documentación de la Memoria Histórica "Marianella García Villa," Comisión de Derechos Humanos de El Salvador (CDHES).

¹⁴² Brien Brothman, "The Past That Archives Keep: Memory, History, and the Preservation of Archival Records," *Archivaria* 1, no. 51 (2001). 50.

¹⁴³ Ketelaar, "Archival Temples, Archival Prisons." 224.

¹⁴⁴ *Ibid.* 231.

the Armed Forces/National Police and that of an ostensibly innocent man is demonstrative of this capacity of records to assert multiple narratives and interpretations of the past.

According to testimony from Mirna Antioneta Perla Jiménez, Anaya's widow, contained in the records compiled by CDHES, her husband was killed at 6:35 am on October 26, 1987 in the parking garage of their home in the José Simeón Cañas suburb of San Salvador as he was preparing to take their children to school. The culmination of months of threats that involved frequent phone calls and constant surveillance both at home and the office, the harassment that Anaya and his family experienced before and after his release from his eight months in prison was relentless, and meant to deter him from continuing with his work at CDHES and to openly criticize the Armed Forces; who he had accused, on national television, of working in concert with death squads in the capture and imprisonment of the heads of human rights organizations, trade unionists, cooperative members, displaced and repatriated refugees, as a means of undermining popular political movements and human organizations concerned with defending human rights [CDHES, "Herbert Anaya,"].¹⁴⁵

Perpetuated, she suspects, by members of the Hacienda Police, who had originally imprisoned Anaya, Perla, moreover, holds this security agency responsible for the assassination of her husband. Though later attributed to leftist forces and, specifically one Jorge Alberto Miranda Arévalo (who, as will be discussed later, confessed and then recanted), Perla, the members of CDHES and most non-governmental and non-military sources maintained it was the very Hacienda Police who undertook the killing. Perla contends that the military official who personally ordered Anaya's torture during his time in prison, Colonel Rinaldo Golcher of the Hacienda Police, was adamant in his accusations and continued harassment of Anaya, effectively

¹⁴⁵ "Herbert Anaya: Su voz no la callarán nunca," undated, Centro de Documentación de la Memoria Histórica "Marianella García Villa," Comisión de Derechos Humanos de El Salvador (CDHES).

demonstrating the Hacienda Police's responsibility for Anaya's assassination. She states, "Golcher publicly threatened Herbert; asserting that he was a guerilla commander on the radio, repeating the same words that his interrogators said to him during his torture, and in addition, they threatened him with death. Let's consider, then, that it was they that killed him. Let's not dismiss the participation of the uniformed national police, elements of which, according to witnesses, were seen 200 meters from the house" [CDHES, "Herbert Anaya"].¹⁴⁶ Equally, before the Human Rights Assembly of the United Nations held in Geneva in February 1988, Perla asserts that a death squad composed of members of the Hacienda Police and the National Police were responsible for her husband's death [CDHES, "Herbert Anaya"].¹⁴⁷

Of course, the case put forth by the Armed Forces/National Police in their investigation into the matter, detailed in the copies of their case file on Anaya's murder housed at the CDHES archives,¹⁴⁸ used some of the same circumstances surrounding the shooting to absolve the police from any involvement in Anaya's death [CDHES, "Criminal contra"]. Focused on the prosecution of student Jorge Alberto Miranda Arévalo, as the unfortunate representative of the insurgent forces accused of fomenting the assassination, the incredibly elaborate "evidence" compiled here manufactures a portrait of subversion unhinged, toting a Russian machine gun, dynamite, a Beretta handgun, detonators, overflowing amounts of ammunition and flyers spouting "subversive propaganda." Although in the past it was not unknown for competing revolutionary factions to attack each other's members, the rather obvious enmity of the police towards Anaya, and their aforementioned role in his capture and torture, make the case built here

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Criminal contra: Jorge Alberto Miranda Arévalo, por asesinato en Herbert Ernesto Anaya Sanabria, asociaciones subversivas, actos de terrorismo," Fuerza Armada de El Salvador, Policía Nacional, Centro de Documentación de la Memoria Histórica "Marianella García Villa," Comisión de Derechos Humanos de El Salvador (CDHES).

and the accusations lauded against Miranda appear all the more suspect. In her address to the United Nations, Perla noted that in his retraction, Miranda maintained that his confession had been extracted through torture and beatings.

Originally arrested for puncturing the tires of a Mercedes Benz, Miranda would subsequently “confess” to being a member of the “terrorist organization,” the Ejército Revolucionario del Pueblo (ERP, People’s Revolutionary Armed Forces), forming part of their urban commandos unit, trafficking in arms and explosives, disseminating “terrorist” propaganda and conspiring with several members of the ERP to assassinate Anaya [CDHES, “Criminal contra”].¹⁴⁹ According to Miranda’s signed and witnessed confession, taken by agents of the National Police, Anaya was targeted by the ERP because he was now “quemado” (burned), turning informant for the Armed Forces after his arrest and torture in February [CDHES, “Criminal contra”].¹⁵⁰ Accused of passing information regarding leftist (revolutionary) activity to the enemy, Anaya was now considered ineffective in his position as director/coordinator of CDHES, and so therefore was targeted for elimination. Conveniently, Miranda “corroborated” that from its inception, the plan was to shift the blame to the Armed Forces for the killing as a means of misleading the public and continuing to affirm the efforts of the guerillas to undermine the government and military; and, of course, maligning the Armed Forces and its related police agencies.

In what is an elaborate and detailed account of subterfuge, the fairly easy terms of association developed between Miranda and the members of ERP that also participated in Anaya’s assassination, who also conveniently only went by pseudonyms, was reinforced with the facility through which weapons were assembled, Anaya’s home was staked out and the final

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

murder was committed. Although it is apparent that the rest of the group was able to elude the authorities, Miranda, who has “confessed” to being the primary shooter, was caught and able to provide for an alternative narrative to the popular suspicion that the Hacienda Police was itself responsible for Anaya’s death. Supplying motive and method, Miranda moreover revealed a backstory of intra-leftist rivalry, revenge and cold-bloodedness that placed little value on human life and rewarded betrayal with death. The accompanying documentation to the confession, which is made up of sketches of the ERP members involved, photographs of reenactments, images of the weapons used, testimonies from agents of the National Police and local citizens, schematic drawings of what transpired, photographs of the vehicles involved and a weapons cache purportedly found, and, finally, macabre images of Anaya’s body at the morgue, all function to manufacture the semblance of a thorough, effective and serious investigation on the part of the National Police that demonstrates the innocence of any government, military or police body in Anaya’s death [CDHES, “Criminal contra”].¹⁵¹

Constructing the evidentiary from a mixture of narrative fiction and empirical fact, and really, a fictional empiricism, the documentation contained in the report is a blatant attempt at the fabrication of an alternative reality that occludes the nefariousness of security and police agencies, and displaces blame onto a convenient target. In using subversion against subversion, guerilla group against human rights advocates, the National Police endeavored to divert attention away from the obvious motivations for its possible participation in Anaya’s assassination (their harassment of him and his family, his imprisonment and torture), and to instead focus on the ultimate deviousness and murderous nature of *all* leftist elements; demonstrating their lack of character, allegiance to one another and untrustworthiness. This as a means of absolving itself of all responsibility for the crime, and to cultivate an image of itself in the popular imaginary as a

¹⁵¹ Ibid.

representative of public order and of a legitimate government and military regime that should be maintained in power. Posing themselves as an alternative to the chaos and instability threatened by the ongoing advocacy for revolutionary change or guerilla fervor, the National Police, here a synecdoche for the entrenched oligarchs of El Salvador, continue their material and rhetorical fight against “subversion,” and to replicate the repressive steps and methods that they have historically taken to forestall its expansion in the nation.

Nonetheless, the agentic or constitutively truthful impact of these records was undermined by local and international observations that contradicted the narrative they helped weave for the National Police, and which, in turn, corroborated the accusations posed by CDHES. Indeed, a look at press clippings at the time, from a number of sources (Figures 26-29),¹⁵² attests to the fact that public sentiment was more inclined to believe that death squads, proxies of the government and military, were responsible for Anaya’s death, instigated by his open and ongoing criticism of the policies of then President José Napoleon Duarte of the Christian Democrats; specifically the fate and treatment of political prisoners, the indiscriminate bombing of towns and villages accused of supporting the FMLN and the imprisonment of human rights workers [CDHES, “Herbert Anaya,” See Appendix A]. Rather than the work of a rival group or faction, the local and international press reinforced the contention that Anaya’s assassination was one among a string of deaths and disappearances tied to rising tides of political organizing and dissent that were critical of the trifecta of government, military and police repression and violence. Furthermore, it was speculated that Anaya’s death was being used as a warning shot to leftists leaders, such as Rubén Zamora of the Frente Democrático Revolucionario (FDR, Revolutionary Democratic Front), who were then living in exile and planning a return to the

¹⁵² “Herbert Anaya: Su voz no la callarán nunca,” undated, Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

country with the intent of continuing their organizing efforts against the government [CDHES, “Mas violencia”].¹⁵³

Suffice it to say, the case manufactured by the National Police did little to impact public opinion, which had already observed the continual brutality and carnage of the government and its security forces. Instead of silencing dissent, Anaya’s death spurred anti-government protests, the exit of the FMLN from cease-fire talks with the Duarte government and increased international pressure to remedy the conditions and behaviors that contributed to the state of human rights in the country [CDHES, “Herbert Anaya”].¹⁵⁴ Although lamentable in its ramifications for the accused, Miranda, the “evidence” and subsequent case invented by the National Police to occlude its central role in the assassination were repeatedly demonstrated to be false by virtue of the fact that they contradicted the very public actions of the government and its security forces. Fraudulent while they were functional, the documents that make up the case, now in their archival permutation, provide a record of the lengths to which right wing forces went in order to not only abscond from responsibility for their actions, but to perpetuate a belief in the dangers posed by the “subversive.” Through both discursive and material means, and the creation of spurious “evidence” (the exploitation of the pliability of the evidentiary) and records, they re-inscribed Cold War fears of subversion and anticommunist insurrection into a civil war discourse as a means of legitimizing their tactical use of torture, disappearance and extrajudicial executions to contend with the threat of socio-economic and political change. But moreover, their actions further highlighted how the engendering of records is deeply imbricated, as Macias

¹⁵³ “Más violencia en El Salvador,” undated, Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

¹⁵⁴ “Herbert Anaya: Su voz no la callarán nunca,” undated, Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

asserts, in a power/knowledge nexus that is a continual site of struggle for meaning, the right to name and signify, and the right to author and perpetuate differing versions of the “truth” as a legitimate narratives.

Given that he was a very public figure, the assassination of Anaya called attention, both nationally and internationally, to the continued utility of the discourse of subversion and its concomitant deployment of fear, paranoia and nationalist fervor as mechanisms for the repression of dissent. But, as the many testimonial records in the CDHES archives attest to, Anaya’s fate can only be multiplied by the thousands of other, less well known, people in El Salvador who suffered at the hands of security agencies and death squads during the civil war, and whose names are regularly forgotten. Often indiscriminately interpellated as “subversive” or “communist,” these individuals are the real tragedy of the civil war, having enjoyed the full benefits of vilification without the agentive prosperity savored by the perpetrators of their violent treatment or demise. These “sacrificeable” victims were what was needed for the discourse of subversion to survive, and for it to be deployed during the conflict. It was their very disposability that buttressed the regime then in power and fed its ideological engines, allowing the country to devolve into a state of terror.

Summary

In this chapter, I explored the history of anticommunist and anti-subversive discourse in Central America and El Salvador as a means of pinpointing its contributions to attitudes towards political dissidence before and during the latter’s civil war, and the material consequences of socio-political marginalization vis-à-vis the violation of human rights. Moreover, it analyzed the discursive and power imbricated articulation of the terms of subversion as a means of

foregrounding the “biopolitical”¹⁵⁵ and (de)subjectifying valence of records from both the right wing and left wing during the conflict. Focused on primary and secondary sources, culled from archival repositories in El Salvador such as the Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA) and the Comisión de Derechos Humanos de El Salvador (CDHES), this chapter also highlighted the vital role of human rights documentation, from Socorro Jurídico as well as CDHES, as a means of demonstrating its capacity for interrogating the power of the rhetoric of subversion. Already working against the erasure precipitated by the physical, as well textual/informational disappearance of individuals, human rights documentation (in this case, testimonies, case files, press releases and reports), provides narratives of self that implicitly contradict the scant details often available about the victims of human rights violations. Though imperfect in their contestations, human rights records nonetheless provide a space for the discovery of embodied forms of information that attest to the lives lived before their plunge into the precarity of capture and disappearance.

Finally, the case of Herbert Anaya Sanabria was examined as a way to analyze a very public instance of the interpellation and physical assertion of subversive marginalization, and the continued valence of such concepts as “subversive” and “communist” in repressing aspirations of socio-political and economic change in El Salvador. In tandem, the records from his case were examined in order to look at the multivalent paths that archival truth, evidence and memory are constructed, and to again assert how the embeddedness of archives and records in often-contentious regimes of power/knowledge formulate competing narratives of identity. Although taking place within and as a consequence of Cold War ideologies, the civil war was also a legacy

¹⁵⁵ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.”

of the 1932 peasant and indigenous insurgence that had solidified the use of the rhetoric of subversion towards these ends. As the next chapter will demonstrate, these notions, although experiencing a semantic and subjective shift, unfortunately continue to pervade in Salvadoran society, and have led to the resurgence of the kinds of human rights violations seen during the conflict. Though now aimed at alleged gang members, and so therefore perceived as more socially legitimate, they nonetheless perpetuate parallel notions of disposability and desubjectification that are alarming when considering human rights, and re-assert regimes of power that are hardly reluctant to use disappearance and extrajudicial executions as the necessary techniques of social cleansing. Equally, the chapter will explore the ways in which contemporary human rights organizations counter these aims through the process of documentation and records creation, and how they narrate human rights violations as means of re-inscribing the subjectivity of these individuals and community members. Further challenged by shifts in human rights discourse and public sentiment, they face the often-difficult task of advocating for some of Salvadoran societies most disregarded and vilified social elements.

Chapter Three: The Most Unsympathetic of Victims, the Most Monstrous of Citizens: *Pandilleros* and the Limits of Human Rights Discourse.”

Introduction

In this chapter, I will examine the pervasive legacy of tropes of marginalization and persecution in Salvadoran society, the subsequent discursive and material transformation in the post-conflict era of the socio-politically dangerous “subversive” into that of the violent and monstrous gang member, and how the records creation of two Salvadoran HRNGOs contributes toward the ontological integrity of gang members and poor youth. Providing an overview of the historical and ideological roots of the gang phenomena in El Salvador, and the engendering of a disposable, dispossessed and “inhuman” population, the chapter moreover hones in on the efforts of Servicio Social Pasionista (SSPAS) and the Fundación para la Aplicación del Derecho (FESPAD) to document human rights violations committed against alleged gang members and poor youth that have found social, political and cultural legitimacy in an environment of increased fear, insecurity and paranoia. Located within interviews, reports and testimonies, the records of human rights violations from SSPAS and FESPAD, besides standing as crucial witnesses to otherwise hidden crimes of impunity, are created as means of empowering local communities, as engines for the (self-)inscription and subjectification of marginalized youth, and to shift narratives of representation across media that focus exclusively on the vilification of alleged gang members and result in the sanctioning of violence towards them. Recognizing that “...testimonies and human stories collected in archives [are] contested forms of representation...” whose “...contestability is a result of the limitations associated with the process of signification and symbolization that is characteristic of processes of giving voice and assigning meaning to

unspeakable experiences...,”¹ it is nonetheless crucial to point out how, particularly in this instance where levels of abjection are so extreme, archives can serve as mnemonic spaces wherein “...people’s experiences can be transformed into meaning...”² and serve to interrogate and reconfigure discursive and material perceptions.

In contrast to the human rights records discussed in the previous chapter, whose questioning of the rhetoric of subversion was relatively implicit, the project for both SSPAS and FESPAD is to disinter public notions of what defines a gang member (broadening their socio-economic and cultural portrait), and to reveal that behind the spectral threat of gang violence are mainly poor and disenfranchised youth. Framed by a precarity defined as a “...politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death...,”³ alleged gang members and poor youth have become “...the repository of fears over and criticisms of the ‘liberal excesses’ of democracy and anxieties attached to the new political inclusions and constitutional rights imposed by the Peace Accords.”⁴ As such, they have been targeted for eradication as a means of avoiding a more rigorous and self-reflective interrogation of the failings of the neoliberal Salvadoran state in the post-conflict era. Their “humanity” put in question, gang members and poor youth are disregarded as rights bearing subjects, and therefore openly subjected to harassment, detention and torture, often with little to no recourse to channels of social or political contestation.

¹ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.”. 28.

² Eric Ketelaar, “Archives as Spaces of Memory 1,” *Journal of the Society of Archivists* 29, no. 1 (2008): 9–27. 21.

³ Butler, *Frames of War: When Is Life Grievable?* 25.

⁴ Zilberg, “Gangster in Guerilla Face A Transnational Mirror of Production between the USA and El Salvador.” 44.

Therefore, this chapter, besides highlighting interviews with key staff members at SSPAS and FESPAD, concludes with the testimonies of poor youth in the community of Mejicanos (a suburb of San Salvador), culled from reports produced by SSPAS, who have been subjected to heightened levels of violence by the National Civil Police (PNC) and who also suffer at the hands of local gangs. Caught between the assumptions and interpellations of the PNC, and the violent recruitment measures of gangs, the youth of Mejicanos find themselves at an impossible crossroads that renders them unable to negotiate the complex landscape of violence, impunity and retribution which is their legacy and condition. By focusing on the human rights violations committed on this population, within the context of national statistics and trends, and chronicling these experiences through the co-creation of records attesting to them, SSPAS seeks to stimulate a community led endeavor of empowerment and contestation that brings to presence the lived realities of what the nation defines as “suspicious” youth. Moving beyond fear based questions of insecurity, the portrait provide here is one of the daily challenges faced by a disenfranchised population in the midst of what are unresolved levels of poverty, violence and inequity.

As Macías maintains, archives exercise “biopolitical functions” and reflect “ontological characteristics” that, although imbricated in the recursive and interdependent cycles of power/knowledge regimes, nonetheless serve fundamental and constitutive roles.⁵ In turn, the documentation of human rights violations against gang members and poor youth by SSPAS and FESPAD supplies a crucial engine for the consideration of their ontological breadth insofar as records creation deliberately provides narrative space for the enunciation of abuse and torture experienced, for the expression of the struggles faced by this population as it confronts violence and marginalization from the government, police and gangs, and the statistical reality that it is

⁵ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.” 26-27.

often unaffiliated poor youth that are subject to the most harassment and brutality. This allows us to look past the mask of fear and violence that has unquestionably been superimposed upon gang members and youth towards thinking about them as embodied national subjects whose daily realities are a product of the nation's troubled history. In turn, critiquing the discursive devices that have limited their expressions of being and more clearly informing the public about the material and socio-political conditions that have contributed to their abjection. Furthermore, in acknowledging archives as "contested sites of power" that create the histories and social realities they describe,⁶ the efforts of SSPAS and FESPAD to chronicle human rights violations through testimonies, first person accounts, and community forums works to contradict the dehumanization of gang members and youth in the media and public imaginary, and to combat equivalent records production that constitutes them as disposable monsters and not political subjects with a claim to *human* rights and avenues for agency.

Heirs to an Inimical Violence: Maras, Criminality and Post-Conflict Subversion

*Strangely, the foreigner lives within us: he is the hidden face of our identity, the space that wrecks our abode, the time in which understanding and affinity founder.*⁷

*In his biospecularity, his monstrosity, he was a site through which to mutually construct a nervous community, to externalize the inner fantasy of (a certain kind of) order. He also became a dense, contradictory sign of the remembered Other, a sign that in its excess simultaneously signified victim and perpetrator...*⁸

*...violence speaks elegiacally of the very general angst about the anomic implosion of the established order of things.*⁹

⁶ Joan M. Schwartz and Terry Cook, "Archives, Records, and Power: The Making of Modern Memory," *Archival Science* 2, no. 1–2 (March 1, 2002): 1–19, <https://doi.org/10.1007/BF02435628>. 7.

⁷ Julia Kristeva and Leon S. Roudiez, *Strangers to Ourselves* (Columbia University Press, 1991). 1.

⁸ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 201.

⁹ Jean Comaroff and John L. Comaroff, "Criminal Obsessions, after Foucault," *Law and Disorder in the Postcolony*, 2006, 273–98. 278.

One evening during my second research trip to El Salvador in August 2016, I was headed back to the room I rented in the Colonia Libertad neighborhood of San Salvador after a long day of research, interviews and discussions at the offices of Servicio Social Pasionista (SSPAS). Located in the suburb of Mejicanos, just outside the city limits and close to the now gang ridden *colonia* that I left as a child, SSPAS had become a focus of my research upon the recommendation of its former director, Antonio Rodríguez López, who was now a consultant with the Fundación de Estudios para la Aplicación del Derecho (FESPAD), due to its concerted efforts to document human rights violation committed against gang members and poor youth in the area by the National Civil Police (PNC). As was the custom during all of my trips to San Salvador, and upon the concerned recommendation of friends and colleagues, I rode a taxi, *de confianza*, to and from Mejicanos as a preventative measure. Given the region's reputation as a locus of gang activity, the taxi company assigned me a driver that was not only from the neighborhood, but also insisted on waiting for me while I conducted my research and interviews. As we headed home, in the midst of some banter about the purpose of my stay in El Salvador and a rather revealing story about the driver's ex-wife's infidelity (and his admittedly violent recriminations), we inevitably started discussing the security situation in El Salvador and the fact of gang activity.

Throughout the three research trips that I took to El Salvador in 2016, after having read and heard about the general and murderous enmity that the Salvadoran populous was rumored to have for gang members, I had been curious to discern for myself the extent of this acrimony. In general, I found that most people were more than willing to offer their opinion on the matter and only needed a casual prompting to discuss it further. Such was the case with my driver who expressed a by now commonplace opinion that indeed all gang members should be killed and

that they were at the root of much that ailed Salvadoran society. But what made this interaction distinct, and the reason for this perhaps belabored introduction, was that the driver subsequently disclosed that he had been a member of an aerial battalion of the Armed Forces during the civil war. Beyond being a mere biographical detail, the fact of his participation in the military, and presumed actions combating “subversive” elements during the conflict, continued to influence his perspective on post-conflict criminality and the individuals at the heart of it. Indeed, linking political dissidence during the civil war and gang activity in the present day, he declared that if only he and his fellow soldiers had been allowed to “finish the job,” otherwise to effectively repress and eliminate political activists and “communists” in the country, that El Salvador would not find itself in the dire situation that it was now in.

I share this anecdote in order to demonstrate the historical thread that continues to connect the civil war and contemporary post-conflict El Salvador, how the gang member is intimately tied to its “subversive” antecedents and, subsequently, to analyze the impact this continues to have on human rights records and reporting in the nation; and the dire need for HRNGOs to persist in their efforts to document violations. As Mo Hume and Moodie both assert, the “communist threat” or “subversive/guerilla” invoked during the conflict as interceding on the stability of the body politic, has now reemerged in the vilified figure of the gang member.¹⁰ Posing an existential threat to a consideration of Salvadoran citizenry and its relationship to its violent past, the specter of the gang member is a haunting reminder of the irresolution of the legacies of impunity and human right violations committed during the civil war. Moreover, s/he has been equally cast as the symptom, the synecdoche, the abject diversion from the problems of contemporary El Salvador that, like the communist or subversive, must actively be pursued and

¹⁰ Hume, “Mano Dura: El Salvador Responds to Gangs.” 746. Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 190.

ultimately eliminated. But what differentiates the gang member from the “political” victim of the civil war, which will be discussed throughout this chapter, is precisely this profound and readily expressed rancor that at the level of policy and popular opinion, has resulted in the utter suspension of their human rights, and a questioning of the undertaking of protective measures, such as advocacy through records creation about human rights violations committed against them, that could serve to constitute their “humanity” and not their monstrousness. Although, as Moodie and José Miguel Cruz demonstrate,¹¹ the application of human rights tenets has ironically come to be identified by the public as the exclusive purview of criminal elements throughout the post-conflict era, the level of disregard for the fate of gang members, and in many cases, poor youth presumed to be gang members, has led to the reintroduction of extrajudicial measures on the part of the PNC in particular, that emulate those liberally used during the civil war.

Of course, it is exactly these processes of capture, torture and disappearance that were exercised during the conflict to root out subversion from Salvadoran society (and which were amply documented in the records of CDHES and Socorro Jurídico discussed in the previous chapter), that directly contributed to the displacement and forced migration that helped engender the expansion and character of the gang phenomena in El Salvador. If we briefly recall the maligned and nefarious representation of purported communists and political dissidents within primary sources from anticommunist groups, and the concomitant manifestation of records from HRNGOs that attested to the visceral and extreme tangibility of the punishments meted out by the government and its security agencies, then it is clear that the flight of Salvadorans abroad and their imbrication in gang life in urban centers like Los Angeles is tied to the rhetorical branding of political contestation as subversive that foregrounded harsh stereotypes and fear. In addition,

¹¹ Ibid. José Miguel Cruz Alas, “Violencia, Democracia y Cultura Política,” *Nueva Sociedad* 167 (2000): 132–46.

taking into account Cruz's astute assertion that gangs in the country had historical roots in the increasing urbanization and industrialization that El Salvador experienced starting in the 1950s,¹² the contemporary manifestation of gangs in the country is deeply connected to the civil war and its aftermath. As Cruz again points out, the pattern of "turf-based youth gangs" or *maras* that "...populated not only San Salvador outskirts and peripheral areas of the big cities, but also downtown and blue-collar neighborhoods that were experiencing a decline of city services as a result of the ongoing civil war...", and which "...engaged in some criminal activities, but spent most of their time hanging out together, and consuming "soft" drugs...",¹³ changed with the end of the conflict and the arrival of Salvadoran deportees from the U.S.

A result of the passing of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) in 1995, which "...established that any alien who was serving a longer-than-a-year sentence would be subject to removal from the U.S. after completing the full prison term...",¹⁴ the deportation and subsequent introduction of U.S. based gang members and their methods, styles and modes of conduct contributed to the transformation of Salvadoran gangs by "...facilitating the flow of identities, norms, and symbols associated with gang membership."¹⁵ These cultural modes were comprised not only of the use of hand signals for communication, tattoos for identification or the adoption of imported gang monikers, but also the use of heightened levels of violence and criminality to assert territorial grasp and gang affiliation. As

¹² José Miguel Cruz, "Global Gangs in El Salvador: Maras and the Politics of Violence," in *Ponencia Presentada En El Global Gangs Workshop, Centre on Conflict, Development, and Peacebuilding, Génova, Mayo, 2009*, 14–15.

¹³ *Ibid.* 3.

¹⁴ *Ibid.*

¹⁵ José Miguel Cruz, "Central American Maras: From Youth Street Gangs to Transnational Protection Rackets," *Global Crime* 11, no. 4 (2010): 379–98. 384.

Jamie A. Lee asserts, "...bodies perform and present modes of knowing..."¹⁶ that are "multiply-situated" and suggest a "...locatedness that is both dominant and non-dominant, normative and non-normative, proper and improper, legitimate and illegitimate."¹⁷ The illegitimate "archival body" of the deported gang member in this case served as a repository of codes and embodied knowledge that transmitted new forms of subversion that emphasized diasporic exchange and the transplanting of North American modes of delinquency to the Salvadoran landscape. As transnational subjects that were multiply situated at the interstices of violence, forced migration, conflict, impunity, and poverty, gang members, furthermore, simultaneously personified dominant U.S. cultural postures, and the subalternity and criminality that had become their purview as refugees from an under recognized conflict. Moreover, the body of the gang member, as the "living archive of the diaspora,"¹⁸ represented the resultant trauma, forced migration and marginalization of the civil war that was as of yet unresolved in Salvadoran society and served as a haunting reminder of a past set of experiences that the nation was doing its best to suppress.

The two primary gangs that asserted the most influence were the by now infamous Mara Salvatrucha (or MS-13) and the 18th Street Gang (or Barrio 18). Originating in the Pico-Union area of Los Angeles, with their current formations only beginning to coalesce in the early 1980s,¹⁹ these two gangs were populated by young Salvadoran refugees from the civil war who had been forced to migrate due to the conflict, had lost family members or "...were left by

¹⁶ Jamie Ann Lee, *A Queer/Ed Archival Methodology: Theorizing Practice through Radical Interrogations of the Archival Body* (The University of Arizona, 2015). 82.

¹⁷ Ibid.

¹⁸ Stuart Hall, "Constituting an Archive," *Third Text* 15, no. 54 (2001): 89–92. 89.

¹⁹ Zilberg notes that the 18th Street Gang is the oldest of the two having been established in 1959 and was originally comprised of Mexican immigrants. It subsequently admitted newly arriving Salvadoran refugees. This is opposed to MS-13, which was a product of the 1980s and was made up primarily of the latter. See: Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. 27-28.

parents on the run from political persecution or for reasons of mere economic survival.”²⁰ Often alone, homeless and subject to the violent assertions of other local Latino/Chicano gangs, these refugees generally selected to join a gang as a measure of protection. Moreover, it may have been a mechanism to contend with what Zilberg points out is the resulting trauma of having to witness “...tortured corpses and severed body parts on their way to school...,” and of potentially being conscripted by the guerillas or military and being taught to torture and maim.²¹ Indeed, as demonstrated in the records of CDHES, the proliferation of corporeal markers left in the streets of towns and cities throughout El Salvador as repressive warning signs to the local populous was indeed extensive. Even if we only observe a few examples from the records of CDHES (Figures 30-31),²² the carnage, brutality and geographical breadth of this phenomenon are notable, and intent on creating environment of pervasive fear that often prompted the forced migration of people aboard as a means of avoiding being branded a communist or subversive and subsequently targeted [CDHES, Book 7, See Appendix A]. What these images of Patricia Méndez, Julio Cesar Pacheco and Ricardo Innacio Juarez, alongside those of their unnamed compatriots, transmit are the ontological ends to which transgression in the eyes of the government, military and police could take someone, and the pervasiveness of violence and death as recourse for conflict and ideological differences. Susan Sontag comments that, “...the scale of war’s murderousness destroys what identifies people as individuals, even as human beings.”²³ And indeed, the stripping and abdication of the “humanity” of human rights victims

²⁰ Ibid. 28.

²¹ Ibid.

²² Book 7 of images of dead and tortured victims, undated. Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES). I supply these images purely for illustrative reasons and not in order to simply shock or horrify the reader.

²³ S. Sontag, “Regarding the Pain of Others. Picador,” *New York*, 2003, 5. 61.

during the civil war, as attested to by the records from CDHES,²⁴ had severe ramifications for the psychic and ontological investments and capacities of the Salvadoran public. It is a witnessing of these bloody and traumatic events to which Zilberg speaks, and, as will be discussed later in this chapter, would not only deeply affect gang members, but also serve as a haunting template for their own fates at the hands of authorities.

Subsequently, these newly minted “criminal deportees,” whose criminality had been redefined and made more severe by the passing of IIRIRA,²⁵ arrived in a post-conflict El Salvador that was wracked by “violence and social discrimination and new forms of poverty unleashed by neoliberal economic reforms.”²⁶ In addition, the country was witnessing “...the flourishing of organized crime, the incomplete disarmament of a highly militarized society, the reemergence of the extralegal social cleansing practices of the death squads of the 1980s, the uneven progress of police and of judicial reforms, and finally, the adaptation of the zero-tolerance gang abatement strategies used in the United States.”²⁷ As noted vis-à-vis Moodie in the first chapter of this dissertation, the immediate period after the signing of the Chapultepec Peace Accords in 1992 was characterized by a rise in delinquency and “common crime” that

²⁴ Both Sontag and Judith Butler engage in thought provoking discussions on the troubled nature of visually documenting the pain and torture of others. Documentary in their intent, and aimed at accounting for and communicating to national and international audiences the extent of the brutality of the conflict, these photographs from the records of CDHES also engender questions about their ultimate effectiveness in providing a rather gruesome visualization of the civil war. See, Susan Sontag, “Regarding the Torture of Others,” *New York Times Magazine* 23, no. 5 (2004): 04. Judith Butler, “Torture and the Ethics of Photography,” *Environment and Planning D: Society and Space* 25, no. 6 (2007): 951–66.

²⁵ Zilberg asserts that the rebranding of low level “crimes of moral turpitude,” such as shoplifting, simple battery and the selling of small amounts of drugs, into “aggravated felonies” within immigration law was part of assault on immigrant rights in the U.S. that, in combination with the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA), allowed the government to activate “alien terrorist removal procedures” and expedite the deportation process of undesirables. See: *Ibid.* 36-37.

²⁶ *Ibid.* 152.

²⁷ *Ibid.*

fostered an environment of insecurity and dispersed victimization; wherein the criminal act was indiscriminate and did not make allowances for political affiliation, economic standing or geographic location. Indeed, Cruz maintains that the transitions from authoritarian rule in Central America, in general, and El Salvador, in particular, "...yielded another type of criminal violence..."²⁸ that laid hostage to the region and resulted in heightened levels of insecurity.

Thus, the arrival of MS-13 and Barrio 18 in El Salvador did not so much inaugurate new regimes of violence or engender formerly unseen paradigms of brutality, but, instead, served to provide added modes, tools or avenues for its expression. With the country's poverty, social inequality and political violence as its backdrop, the flourishing and coalescing power of these gangs resided in the rampant marginalization of youth and the disenfranchisement they experienced at the hands of local and national authorities and state formations; in tandem with shattered familial structures. As Cruz again notes, "Youth gangs thrived in environments of economic marginalization, social exclusion, and violence. Every research project on gangs conducted since the early 1990s...point to poverty, the existence of poor quality formal education, the lack of career education, and the ubiquity of violence as the factors that remain behind the local emergence of youth gangs."²⁹ Therefore, although there was a certainly a diasporic exchange and dissemination of knowledge between gang affiliated deportees and local gangs and youth at their inception, the strength and evolution of MS-13 and Barrio 18 was very much owed to the instability and precarity of post-conflict El Salvador, and the relative

²⁸ José Miguel Cruz, "Criminal Violence and Democratization in Central America: The Survival of the Violent State," *Latin American Politics and Society* 53, no. 4 (2011): 1–33. 1.

²⁹ Cruz, "Global Gangs in El Salvador: Maras and the Politics of Violence." 5.

disposibility of its poor youth. The growth of cliques (or *clikas*)³⁰ throughout the country is indicative of just how widespread these conditions were and continue to be in the country. And, furthermore, of the residual and unresolved violence and trauma from the civil war that, due to the state of impunity imposed by the amnesty law,³¹ left many individuals and families with little legal or affective recourse for the violence and carnage they experienced at the hands of authorities and security agencies during the conflict. Indeed, even the report produced by the Commission on the Truth for El Salvador shortly after the end of the civil war in 1993,³² and which documented human rights violations committed primarily by government and security agencies during the conflict, not only provided little restitution as a result of the amnesty laws, but moreover only concentrated on the most prominent or evidence robust incidents, subsequently, if inadvertently, excluding the vast majority of individuals who had undergone torture, imprisonment or capture; in certain respects inaugurating what Tonia Sutherland has called an “archival amnesty” that, in this case, almost gives a “tacit provision of clemency” to human rights violators by being complicit in the supplying a lack of information about other instances of abuse.³³

³⁰ According to Cruz, these cliques are “...made up of a federation of gangs recognized as a single *barrio* – either Eighteenth Street Gang or MS-13.” See, Miguel Cruz, “Central American Maras: From Youth Street Gangs to Transnational Protection Rackets.” 387.

³¹ In an unprecedented move, on July 14, 2016, the Supreme Court of El Salvador declared the 1993 amnesty law, which had barred the prosecution of the government and its security agencies for human rights violations committed during the conflict, unconstitutional, effectively ending twenty-three years of impunity. See, “El Salvador Rejects Amnesty Law in Historic Ruling.” *Amnesty International*. July 14, 2016. <https://www.amnesty.org/en/latest/news/2016/07/el-salvador-rejects-amnesty-law-in-historic-ruling/>; Sarah Esther Maslin, “El Salvador Strikes Down Amnesty for Crimes during Its Civil War,” *The Washington Post*, July 14, 2016, https://www.washingtonpost.com/world/the_americas/el-salvador-strikes-down-amnesty-for-crimes-during-its-civil-war/2016/07/14/5eeef2ec-49bf-11e6-8dac-0c6e4accc5b1_story.html.

³² Betancur, Planchart, and Buergethal, “From Madness to Hope: The 12-Year War in El Salvador: Report of the Commission on the Truth for El Salvador.”

³³ Tonia Sutherland, “Archival Amnesty: In Search of Black American Transitional and Restorative Justice,” *Journal of Critical Library and Information Studies*, no. 2 (2017). 2.

Concomitant with this rise in gang membership was an ever-increasing focus on the violence experienced in post-conflict El Salvador as the condition most debilitating to eventual neoliberal progress and socio-political evolution. Moodie writes, “It was precisely after the war, when peace had been declared, that Salvadoran mass media and academics and policymakers (left and right) began to frame violence as the *problem* (rather than a symptom of ideological opposition, or of communism, or a repressive state apparatus).”³⁴ As demonstrated in the previous chapter through the anticommunist and human rights records studied, the use of a “scapegoat”³⁵ or externalized figure as the locus of the nation’s displaced ire or woes, as a mechanism for evading structural problems in order to maintain the status quo (oligarchy, repressive security agencies, exploitative neoliberal policies, etc.), was already an unfortunate historical happenstance in El Salvador. Whereas the rhetoric of the greater part of the twentieth century in the country and throughout the Americas had honed in on “communists” or “subversives,” and their materialization in the bodies of political dissidents, students, peasants, the indigenous and others interpellated as such. Post-conflict society’s concentration on gang members, and the violence and crime that was their assigned purview, targeted those almost irredeemable poor youth that existed at the furthest margins of society. Cruz notes that individuals seek to identify the origins of social instability and insecurity in others, often concentrating on the most vulnerable populations, classifying them as different and outside the norm. These groups are then, in the name of the security of the nation and their fellow citizens, desubjectified as members of the body politic, legitimizing their segregation, surveillance and

³⁴ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 47.

³⁵ Girard, *The Scapegoat*.

abuse.³⁶

Engendering the “...very enemy they seek to eradicate...,”³⁷ society and its regimes of fear, power and marginalization therefore use the specter of the gang member as the repository of its social ills, and perpetuate a discourse and rhetoric of their superlative monstrosity as a means of not only forestalling necessary societal shifts, but also occluding as of yet unresolved socio-political and economic circumstances that contributed to the growth of gangs from the outset. Although this would certainly become even more evident in ensuing decades, the immediate post-conflict period of which Moodie writes, with its unstable social landscape, crime, delinquency, insecurity, and emergent and syncretic gang activity, laid the groundwork for the ever increasing focus on gang members as the ur-subversive element in Salvadoran society; a status that, as will be discussed later in this chapter, records demonstrate was disproportionate to their actual impact and role in everyday violence in the country.³⁸ Indeed, as “...ominous images of baggy-panted, tattoo faced youths...” displaying a “...defiant, degenerate physicality...” became the norm in Salvadoran media in the late 1990s, the more that a certain “monstrous ‘foreignness’” came to be grafted onto the bodies of gang members, demanding their necessary expulsion from the body politic.³⁹

Parallel to this rise in delinquency and gangs in the period immediately following the civil war and its accompanying insecurity and paranoia was the resurgence of death squads and the use of extrajudicial measures to contend with perceived transgressions. Like their

³⁶ Alas, “Violencia, Democracia y Cultura Política.” 143.

³⁷ Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. 227.

³⁸ Fariña, Miller, and Cavallaro, *No Place to Hide: Gang, State, and Clandestine Violence in El Salvador*. 62.

³⁹ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 182.

counterparts during the conflict, these new organizations catered to fears of violence and subversion intimately linked to the figuration of an enemy within that needed to be expelled and was somehow not a creature, a historical product, of Salvadoran society. Chief among these was La Sombra Negra or The Black Death. Described as a “...paramilitary group that redirected the social cleansing apparatus of the death squads of the 1980s at a new enemy – no longer the guerilla, the clergy, or the student activist but now the *delincuente, mara*, or gang youth...”⁴⁰ La Sombra Negra was one among several death squads and informally armed groups that, according to Cruz, had survived the civil war and “...continued to protect traditional power structures.”⁴¹ In fact, despite a “...shift away from an overtly political logic...,” “death squads that engaged in social cleansing involved many of the individual and institutional actors linked to death squads during the civil war. Extrajudicial executions of alleged criminals in the 1990s, like those of political activists in prior decades, appeared to be driven by efforts of powerful actors in Salvadoran society to control the population through fear.”⁴² And indeed, as Moodie demonstrates, these tactics of terror-induced control were effective, and the Salvadoran public responded in kind, with close to half approving of vigilante justice by 1996 and the equivalent amount sanctioning the actions of La Sombra Negra.⁴³

Disappointed by the perceived ineffectiveness of the PNC, and its peace accord mandated adherence to human rights norms, Salvadorans launched a rebellion against the changes set into place in the aftermath of the civil war. Although they more than likely would have been hard pressed to disapprove of the application of international human rights covenants to the family

⁴⁰ Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. 151.

⁴¹ Cruz, “Criminal Violence and Democratization in Central America: The Survival of the Violent State.” 17.

⁴² Fariña, Miller, and Cavallaro, *No Place to Hide: Gang, State, and Clandestine Violence in El Salvador*. 201.

⁴³ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 46.

members, friends and colleagues caught up in the communist/subversive paranoia of the civil war, who had been subjected to torture and disappearance for their alleged political beliefs, their use for the protection of gang members, as perpetrators of violence themselves who appeared to contribute little else to society, seemed contradictory. Moodie states, “As the crime problem became the primary discourse of the postwar decade, many Salvadorans – like many other Latin Americans – came to believe that international covenants on “human rights” principally protected the rights of criminals rather than those of “ordinary citizens.”⁴⁴ She goes on to note that a survey conducted in 1995 by a “respected research institute” found that 61.2% of the respondents agreed with the statement, “Human rights favor criminals, so we’ll never stop crime.”⁴⁵

Provoking a “nostalgia for authoritarianism,” this also fomented more extreme measures for which to contend with the “new subversives of the twenty-first century...”⁴⁶ Thus setting the stage for the contemporary disregard for the lives of gang members and poor youth, the increase of extrajudicial methods for contending with them and the disinterring of human rights discourse. As noted earlier, the correlation with criminality and the misapplication of human rights tenets had become normative during the post-conflict period, and disassociated from its affiliation with legitimate claims of injustice and the imposition of violence. Furthermore, human rights legislation had come to be perceived as the stuff of more “utopian” societies, as “...*leyes para los suizos* (laws for the Swiss)...,”⁴⁷ perpetuating the belief that “such monsters [gang members]

⁴⁴ Ibid. 68.

⁴⁵ Ibid. 144.

⁴⁶ Ibid. 145.

⁴⁷ Zilberg refers to, “Human rights as enshrined in the 1988 Penal Code...”, See, Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. 170.

could not be controlled in “civilized ways.”⁴⁸ As Teresa Caldeira argues, “disjunctive democracies”⁴⁹ such as El Salvador’s, with their histories of colonialism, state repression and inequality, already have troublesome relationships to “rights” (human, civil, political, etc.), that often stand in contradistinction to their European and North American counterparts. Indeed, “...anti-crime discourses and legislation in El Salvador [in the 1990s] elided the complex historical relationship that El Salvador bears to violence: namely, a class system based on the outright coercive force of power; the absence of postwar reconciliation efforts as the result of the suppression of the human rights record and the generalized amnesty for violent offenders...”⁵⁰

Therefore, “human rights” in the post-conflict period was a contested property that bore a complex and uneasy relationship to its valence during the civil war, and its effective agency and legacies after the signing of the peace accords. The irresolution of violations from the civil war (despite the efforts of HRNGOs such as CDHES and Socorro Jurídico to document them), combined with a distancing from the systems and agents of violence associated with them, resulted in a displacement of human rights tenets as mechanisms for social justice and their subsequent transformation into protective measures for “monsters” and delinquents; that helped them evade justice and accountability to the Salvadoran public. With a shift among the Salvadoran populous towards the abandonment of human rights discourse as avenue for the reclamation of belonging and subjectivity, and as a mechanism for contesting the actions of the state and its security agencies, an opening was created for the use of “...memories of past

⁴⁸ Ibid. 185.

⁴⁹ Teresa Pires do Rio Caldeira, *City of Walls: Crime, Segregation, and Citizenship in São Paulo* (Univ of California Press, 2000). 374.

⁵⁰ Zilberg is paraphrasing comments delivered by “Salvadoran researcher Mauricio Chavez” during a presentation at California State University, Northridge in 1999. Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. 169.

subversion, as well as anxiety about local crime and insecurity in the latest phase of capitalism...,”⁵¹ to sanction the abuse of gang members and poor youth. This at unprecedented levels that far exceeds the resources available to organizations such as SSPAS and FESPAD to record and keep track of.

Elimination, Dehumanization and Dispossession: Assailing the Stranger Within

*Those we kill are not quite human, and not quite alive, which means that we do not feel the same horror or outrage over the loss of their lives as we do over the loss of those lives that bear national or religious similarity to our own.*⁵²

*We give the nation its coherence because we're its underbelly.*⁵³

The historical trajectory from this moment to that with the taxi driver one August evening in 2016 is evident, and bespeaks of the lack of accountability and reconciliation that has characterized the post-conflict era. Furthermore, as will be discussed in greater detail when addressing the efforts of SSPAS and FESPAD, it makes the process of documenting human rights violations against these populations, of committing these clandestine crimes to the record, all the more challenging insofar as the importance of this gesture is minimized because of their vilification and status as perpetrators of violence. Nonetheless, even in the immediate post-conflict period, human rights organizations such as CDHES began to observe and record-increasing amounts of violence against “delinquents” amongst the lingering human rights violations committed on the basis of political affiliation. Bridging the civil war and its aftermath, as well as demonstrating the continuity of violence and its perpetrators in the country, these records testify to the shift in culpability that transpired at this juncture for the purported and

⁵¹ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 186.

⁵² Butler, *Frames of War: When Is Life Grievable?* 42.

⁵³ Saidiya V. Hartman and Frank B. Wilderson, “The Position of the Unthought,” *Qui Parle* 13, no. 2 (2003): 183–201. 187.

ongoing dissolution of Salvadoran society from the “subversive” political dissident, to the delinquent and subsequently the gang member. By tracking the emergence of incidents, and semantic transition in the terminology of vilification and victimization, the records of CDHES from the early post-conflict years also chronicle the types of societal changes noted earlier in this chapter, and the manifestation of new forms of state persecuted criminality.

At times perceived as the detrimental consequences of democratic reform and the neutering of the police and military, increasing levels of insecurity, crime and delinquency perpetuated, as noted by the aforementioned resurgence of death squads, the interpellation of a contemporary enemy within whose abuse or elimination purported to ameliorate the conditions of instability and “unknowing”⁵⁴ that had been wrought by the end of the conflict. If post-conflict peace was “worse than the war,”⁵⁵ then this was certainly perceived, by the authorities and general public alike, as the responsibility of the rising number of crimes of delinquency occurring at the hands of disaffected and poor youth pushed further to the societal margins by violence and the social, economic and political disarray evident in the period immediately following the civil war. Furthermore, in a gesture that again links civil war “subversion” with post-conflict delinquency, these youth were contended to have persistent leftist/FMLN affectations and affiliations that contributed to their participation in criminal activity and violence [Records of CDHES, CIDAI].⁵⁶

In a communiqué titled “Report on the Human Rights Situation in El Salvador, 1993”

⁵⁴ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*.

⁵⁵ Ibid. 2.

⁵⁶ “In some cases of common delinquency, the participation of ex-members of the FMLN has been confirmed.” “Informe sobre la situación de los derechos humanos en El Salvador, 1993” Comisión de Derechos Humanos de El Salvador (CDHES), San Salvador, January 1994. 11. Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

that was distributed by CDHES in 1994, it is indeed noted that arbitrary “round-ups of suspected delinquents” or suspicious youth by the police have witnessed an increase, and that “ The CDHES received numerous complaints throughout the year of young people detained for their style of dress, for having tattoos or for their coincidental presence at the place and time of a “batida” [round-up], without concrete evidence that the person had participated in a crime, and without an order for their arrest”⁵⁷ [Records of CDHES, CIDAI]. Buttressed by the application of the 1953 “Law of Dangerous Condition,” which mandated the indefinite internment of individuals found to display “anti-social or dangerous behavior,”⁵⁸ this early correlation between delinquency, modes of bodily display and self-representation, and threatened disorder demonstrates the origins of this transition from the identification of the communist subversive as the progenitor of national disarray, to that of the delinquent or gang affiliated youth. And moreover, these records testify to the fact that, as Cruz contended, the presence and targeting of poor youth, as well as the gang phenomena, prefigured the deportation of gang members from the U.S. insofar as they document the incipient turn towards delinquents, and subsequently gang members,

Equally, in a report titled “Cases of Extrajudicial Executions and Death Threats Denounced before the Human Rights Commission of El Salvador (CDHES),”⁵⁹ youth accused of belonging to “bandas de mafia” or gangs are documented as being actively pursued by resurgent death squads such as “Los Ángeles de la Muerte” (Angels of Death) and “Mensajero de la

⁵⁷ “Report on the Human Rights Situation in El Salvador, 1993” 11. Comisión de Derechos Humanos de El Salvador (CDHES), San Salvador, January 1994. 11. Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁵⁸ Ibid.

⁵⁹ “Casos de ejecuciones extrajudiciales y amenazas a muerte denunciadas ante la Comisión de Derechos Humanos de El Salvador (CDHES), 1 de enero al 10 de noviembre de 1993 (en orden cronológico de los hechos), San Salvador, viernes 12 de noviembre 1993, Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

Muerte” (Messenger of Death), that are in some instances are populated by “contracted assassins” from the notorious National Police (the precursor to the peace accord mandated National Civil Police and a leftover from the civil war), for alleged stealing or appearing suspicious [Records of CDHES, CIDAI]. In addition, as early as January 1993, in a letter addressed to then Minister of Justice Dr. René Hernández Valiente,⁶⁰ officials at CDHES were concerned about a proposal to create a militarized “super police” under the auspices of the Attorney General’s Office ostensibly to combat crime and delinquency, but which CDHES was concerned would be a merely a revamped version of the National Police that would continue to abuse its powers of detention and submit so-called delinquents or enemies of the state to torture and violence [Records of CDHES, CIDAI].

Indeed, the proposed group’s mandate to detain persons when “there were indications of culpability” was considered overly broad and dangerous by CDHES, and created the opportunity for arbitrary arrests motivated by political ideology or personal discontent; arrests which could potentially go underreported or unchecked due to the police’s close relationship to the attorney general. According to Derrida, “The police become omnipresent and spectral in so-called civilised states once they undertake to *make the law*, instead of contenting themselves with applying it and seeing that it is observed.”⁶¹ And in fact, officials at CDHES worried that like during the civil war and the National Police, this too would be the case with the proposed “super police”; a matter that would arise again with the PNC in the 21st century, which will be discussed later in this chapter. Although these records, and additional reports produced in this period

⁶⁰ Letter to Minister of Justice Dr. René Hernández Valiente, January 19, 1993, Comisión de Derechos Humanos de El Salvador (CDHES), Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁶¹ Jacques Derrida, *On Cosmopolitanism and Forgiveness (Thinking in Action)* (Routledge, 2001). 14.

between 1993 and 1994,⁶² continue to maintain that the bulk of violations denounced are still motivated by political affiliation, the last murderous gasp of a marginally resolved conflict, the emergent presence of abuses towards suspected “mafia” or gang members indicates the historical evolution of the types of maltreatment seen today [Records of CDHES, CIDAI]. In addition, they chronicle the rise of a select group within the police that was slated to have extrajudicial powers to suppress and eradicate so-called delinquents and others seen as contrary to normative Salvadoran citizenry. Moreover, this highlights the seminal presence of human rights organizations in documenting these violations from the very beginning, with CDHES proving an important connection between the work of FESPAD and SSPAS, and the tracking of the discursive shift that occurred during this period from communist/subversive, to delinquent, to gang member. Not only do the records produced attest to these changes in terminology within the descriptive premises for their reporting, but they also prove the continuity of punishments for difference that was by now historic in El Salvador. In addition, they chronicle the rise of a group within the police that threatened to be accorded extrajudicial powers that could be potentially used to suppress and eradicate so-called delinquents.

Verne Harris argues that the “...the call of justice in relation to the archive is a call to activism – a call to open the archive in a fundamental way to those alienated, or estranged, in it and by it; to open the archive to the alien, the stranger, the *xenos*.”⁶³ Equally he states that for Derrida, “...the call to justice is a call to invite ‘the other’ in, a call to work with hostility, to tent

⁶² “Informe: Situación de los derechos humanos en El Salvador. Presentado a Comisión Interamericana de Derechos Humanos, 84o periodo de sesiones, Washington, D.C., octubre de 1993,” “La situación de los derechos humanos en El Salvador en el primer trimestre de 1994, San Salvador, mayo de 1994,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA).

⁶³ Verne Harris, “Archons, Aliens, and Angels: Power and Politics in the Archive,” *The Future of Archives and Recordkeeping: A Reader*, 2011, 103. 104.

to it, to subvert it with hospitality...”⁶⁴ HRNGOs like CDHES and Socorro Jurídico create(d) a records environment that invited the subversive, the purported delinquent and even the perpetrator of violence into its annals as recourse to the flagrant abuse of power on the part of the government, police and military, demonstrating a legacy of hospitality and concern for those most marginalized elements of society that have suffered under regimes of repression and surveillance that have sought to suppress their dissent and their disorganizing threat to the body politic. Foucault notes that the emergence of the criminal as “social enemy” in the eighteenth century implied a larger change from crime as a source of personal injury, to that of a harm perpetrated towards society at large.⁶⁵ Defined as waging a war on society, the criminal, in this case the gang member, is in turn, cast out of normative channels of subjectivity, and treated to unmitigated regimes of punishment. By bringing the gang member/delinquent/criminal into the archival fold, despite historically exclusionary archival practices that opposed the narration of marginalized histories, HRNGOs interrogated both the casting of the criminal outside of the polis, and legitimacy of not exhibiting an investment in the documentation of violations committed towards perpetrators of violence. Ketelaar writes, “...an archive is not just an agency of storage, but a process, a mediated social and cultural practice.”⁶⁶ And indeed, changing practices of human/citizen accountability and ontological (re-)constitution through human rights records can impact social and cultural perceptions of national identities and paradigms of belonging through the inclusion of those interpellated as monstrous or violent, and contesting moves towards normalizing and codifying representations of criminality and culpability that reinforce

⁶⁴ Verne Harris, “Antonyms of Our Remembering,” *Archival Science* 14, no. 3–4 (2014): 215–29. 219.

⁶⁵ Michel Foucault, *The Punitive Society: Lectures at the Collège de France, 1972-1973* (Springer, 2016). 32.

⁶⁶ Eric Ketelaar, “A Living Archive, Shared by Communities of Records,” *Community Archives: The Shaping of Memory. Facet, London*, 2009, 109–32. 121.

dichotomous discourses that make easy differentiations between “victims” and “perpetrators”; which, in turn, also occlude a necessary consideration of the socio-economic, political and cultural factors that have contributed to the emergence of gangs and gang membership in El Salvador.

If as Comaroff and Comaroff contend, “...”the body of the criminal” has become the alibi against the integrity of the nation and the law is asserted...,”⁶⁷ then the figure of the gang member, and with the drafting of the *Mano Dura* laws in 2003 and 2004, respectively, subsequently became the vehicle for the assertion of security measures that sought to support the power of the state and its security agencies, and provide the illusion of effectiveness. Borrowing largely from California’s Street Terrorism Prevention Act (STEP) and anti-loitering laws, “...which were designed to retake command over the politically marked space of the street and to prohibit all forms of association and communication between two or more so called ‘gang members’...,”⁶⁸ policies such as *Mano Dura* (2003) and its legislative successor *Super Mano Dura* (2004) functioned to further criminalize “delinquent” activities, and specifically targeted those semantic and bodily signs associated with gang membership. Focused on physical appearance (dress, tattoos, etc.) and the use of hand gestures as reasons for arrest and harassment, these policies “..aimed to facilitate the detention and prosecution of suspected gang members based on the newly classified felony of “illicit association” (*asociación ilícita*) and gang membership.”⁶⁹ Moreover, they greatly expanded the power of the police to arbitrarily arrest and detain purported gang members, and subsequently any youth between the ages of 12 and 18, and

⁶⁷ Comaroff and Comaroff, “Criminal Obsessions, after Foucault.” 279.

⁶⁸ Zilberg, “Gangster in Guerilla Face A Transnational Mirror of Production between the USA and El Salvador.” 45.

⁶⁹ J. M. Cruz, “Maras and the Politics of Violence in El Salvador,” *J. Hazen & D.*, 2014. 132.

diminished their civil rights.⁷⁰

The immediate material consequences of these policies, the first of which was declared as unconstitutional by the Salvadoran Supreme Court, was a dramatic increase in the detention and abuse of thousands of young people, with "...20,000 being arrested in the first year..."⁷¹ according to a 2004 report from FESPAD. Furthermore, between "July 2003, when the *mano dura* programme started, to July 2005 the police arrested 30,934 youngsters accused of being gang members, but most of them (84%) were later released without charges."⁷² Facilitating the deployment of "specialised military anti-gang units (*Grupos Territoriales Antipandilleros* – territorial anti-gang groups),"⁷³ which reintroduced the use of the military in matters of public security in direct contradiction to the demands of the peace accords, *mano dura* policies moreover helped buttress a "punitive populism" in Salvadoran society that figured "...youth gangs as a common enemy of good citizens..."⁷⁴ and supported use of extreme measures to eradicate the problem they posed. As noted earlier, the rise in delinquency in the immediate post-conflict era witnessed the revival of death squads and the use of extrajudicial tactics to brutally contend with the threat, imagined and otherwise, posed by "common crime" and daily confrontations with violence. A fact that, as the reports from FESPAD cited demonstrate, that did not go unnoticed and undocumented by HRNGOs in the country and which early on noted discursive and material parallels with the civil war.

By engendering "an 'othering' and dehumanising discourse" that fed into a "vicious

⁷⁰ Miguel Cruz, "Central American Maras: From Youth Street Gangs to Transnational Protection Rackets." 390.

⁷¹ Hume, "El Salvador: The Limits of a Violent Peace." 328.

⁷² Miguel Cruz, "Central American Maras: From Youth Street Gangs to Transnational Protection Rackets." 390.

⁷³ Ibid. 327.

⁷⁴ Hume, "Mano Dura: El Salvador Responds to Gangs." 745.

circle of violence whereby fear and chaos became legitimising agents for increased repression and a continuation of authoritarian measures....”⁷⁵ *mano dura* policies further embolden these extrajudicial elements in Salvadoran society and their use of brutal techniques borrowed directly from the civil war. As Hume points out, just in 2003, a number of decapitated corpses and the dismembered bodies of several young women were found dumped in San Salvador.⁷⁶ And the stated commitment of emergent death squads such as Mano Blanca (White Hand) to social cleansing and the “...murder of ‘*todo aquel tatuado*’ (everyone bearing supposedly gang tattoos)...”⁷⁷ directly contributed to an uptake in human rights abuses and a rapid increase in extrajudicial executions. Indeed, by 2005, FESPAD had documented 622 possible instances of these types of executions.⁷⁸ And that same year, a report by the Forensic Institute (Instituto de Medicina Legal) in El Salvador “... stated that 59 percent of the more than thirty-eight hundred murders committed that year were by unknown assailants, many of them bearing the marks of summary executions.”⁷⁹

Thus, the parallel investment in a rhetoric of fear and disposability legitimized the stripping of gang members and youth of their human rights, and contributed to their further abjection at the hands of not only the government and its security agencies, but also the Salvadoran public. As Moodie states, “Antigang legislation passed in 2003 targeted certain visible bodies as degenerate rather than particular acts as illegal.”⁸⁰ The dichotomous figuration

⁷⁵ Ibid. 739.

⁷⁶ Ibid. 745.

⁷⁷ Ibid. 746.

⁷⁸ Fariña, Miller, and Cavallaro, *No Place to Hide: Gang, State, and Clandestine Violence in El Salvador*. 184.

⁷⁹ Cruz, “Maras and the Politics of Violence in El Salvador.”134.

⁸⁰ Moodie, *El Salvador in the Aftermath of Peace: Crime, Uncertainty, and the Transition to Democracy*. 69.

of youths/gang members as “criminal” and therefore monstrous and inhuman, and of the rest of Salvadoran society, including the progenitors of repressive policies and extrajudicial measures, as “upstanding citizens,” created the necessary distance to bring into presence an overdetermined and terror laden figure (made up a performative representation of signs and symbols) that could effectively be used to divert attention away from the violence and inequities facing El Salvador. As Holden maintained in the previous chapter, violence, repression and the interpellation of an internal enemy were tactics often used by Central American governments in order to avoid identifying “[s]ecurity threats emanating from the deteriorating, social, political, and economic fabric...,”⁸¹ and to instead focus on an externalizable element within society that could act as the proverbial straw man for the nation’s woes.

Be it a communist, subversive or monstrous gang member, it is the fear of an imminent threat from within that is used to reinforce the same repressive and unequal regimes of power that have historically been in place. But moreover, as Hume asserts in the case of El Salvador, the contrast between so-called upstanding citizens and a criminal underclass was used to support violence and repression as historic “tools of governance” that in turn reinforced mistrust and polarization in society wherein “...the logic of the state as an agent of repression...has not been displaced.”⁸² Acting as a diversionary tactic and justification for the continued use of violence, the specter of the gang member therefore is fundamental to the public acceptance of the resurgence of detention, torture, disappearance and killing as an effective means of contending with criminality and subversion. Indeed, Hume again notes that “...survey data found that 46.6 per cent of respondents [in El Salvador] would ‘understand’ another person/group killing

⁸¹ Holden, “Securing Central America against Communism: The United States and the Modernization of Surveillance in the Cold War.” 3.

⁸² Hume, “El Salvador: The Limits of a Violent Peace.” 328.

‘undesirables’; 15.4 per cent would condone it....some 58.2 per cent of respondents declared themselves in favour of the death penalty.”⁸³ Complicit with the social cleansing of some of the most marginal members of society, the Salvadoran public is also acquiescent with a climate of impunity that leaves the trauma of civil war crimes and human rights violations unresolved and perpetuates the notion that violence towards others is an effective mechanism for achieving stability and security.

Judith Butler writes, “If violence is done against those that are unreal, then, from the perspective of violence, it fails to injure or negate those lives since those lives are already negated.”⁸⁴ The continued use and abuse of the body and figure of the gang member (youth) as a means to exorcise the nation’s neoliberal crises, in tandem with the extreme precarity they experience as a product of socio-economic marginalization and their concomitant perpetuation of violence, highlights their very disposability as a category of (in)human. Simultaneously, the records production of the government, police and right-wing media, embodied in reports, news features and security policies, expressed a material and discursive disregard for the lives of gang members insofar as they were categorized as a problem that need to be rectified, at any cost. Rendered “illegitimate inhabitants” of the nation, whose statelessness is the means by which they are “...discursively constituted within a field of power and juridically deprived...,”⁸⁵ gang members and youth are in turn rightless subjects that are “not mattering, not being worth listening to” and whom are defined by their existence on the edge of our understanding of the

⁸³ Ibid. 329.

⁸⁴ Butler, *Precarious Life: The Powers of Mourning and Violence*. 33.

⁸⁵ Judith Butler and Gayatri Chakravorty Spivak, *Who Sings the Nation-State?: Language, Politics, Belonging* (Seagull Books Pvt Ltd, 2007). 31.

human.⁸⁶ Dispossessed of the power to fully impact governmental policy and the terms of public sentiment or discourse, and indeed “...disowned and abjected by normative and normalizing powers...,”⁸⁷ these individuals moreover tarry on the necropolitical margins of the living dead, fated to be hunted and disposed of, and existing at the precarious interstices of death and subaltern adolescence.⁸⁸

Notwithstanding the agentic facets of the brutality and extortion asserted by gangs, which one could argue exist within very different regimes of power, the vilification of gang members and youth, and the ascription of near total responsibility for El Salvador’s violence, criminality and insecurity to them, has certainly led to their disproportionate representation within the nation’s murder statistics.⁸⁹ With the passing of such legislation as *Mano Dura* and *Super Mano Dura*, and later the Anti-Gang Law of 2010 and the designation of gang members as terrorists by the Supreme Court in 2015,⁹⁰ the floodgates were opened to human rights abuses, the remilitarization of society and the production of a carceral and surveillance state that “...marked the return in El Salvador of the low-intensity warfare of the 1980s...”⁹¹ In other words, as the rhetoric surrounding the threat of gang violence has ramped up in the post-conflict era, it not

⁸⁶ A. Naomi Paik, *Rightlessness: Testimony and Redress in US Prison Camps Since World War II* (UNC Press Books, 2016). 3.

⁸⁷ Butler and Athanasiou, *Dispossession: The Performative in the Political*. 2

⁸⁸ *Ibid.* 20.

⁸⁹ Jeannette Aguilar and Lissette Miranda, “Entre La Articulación y La Competencia: Las Respuestas de La Sociedad Civil Organizada a Las Pandillas En El Salvador,” *Maras y Pandillas En Centroamérica: Las Respuestas de La Sociedad Civil Organizada* 4 (2006). 55-56.

⁹⁰ The Anti-Gang Law of 2010 was passed by President Mauricio Funes of the FMLN and made “any legal act performed as part of a gang’s criminal activity by its members or others on its behalf unlawful.” The 2015 designation of gang members as terrorists means that they can be charged under anti-terrorism laws and therefore be subject to longer prison sentences.

⁹¹ Zilberg, *Space of Detention: The Making of a Transnational Gang Crisis between Los Angeles and San Salvador*. 200.

only has become a synecdoche for a civil war era fear of communist incursion, but also has led to a justification for the “...reintroduction of coercive measures...”⁹² that dehumanize gang members and subject them to extrajudicial tactics reminiscent of those used against political dissidents during the conflict. As Jeanette Aguilar and Lissette Miranda point out, *mano dura* policies were not only intended to repress and control, but enabled the use of excessive force by the PNC, leading to grave human rights abuses against gang members,⁹³ as was demonstrated by the reports from FESPAD cited. This reanimation of the “...elimination of opposition through macabre extra-judicial style killings that took place during the war years...”⁹⁴ reaffirmed the need to interpellate a category of disposable citizens whose human rights are inconsequential in the reach for security, social control and national coherence. The precarity of gang members and youth, the extent to which they are “...differentially exposed to injury, violence, and death...” and are “...exposed to arbitrary state violence...,”⁹⁵ results as a consequence of this stripping of their ontological status and the affirmation of their inhumanity in the face of their perpetuation of violence.

In his discussion of Hortense Spillers notion of the “hieroglyphics of the flesh,” Alexander G. Weheliye writes that if differentially signified, this concept can ascribe a negativity, lack or subhumaness that although hypervisible, is nonetheless desubjectivized and occluded.⁹⁶

To the extent that tattoos and other physical markings then attributed to gang members

⁹² Hume, “Mano Dura: El Salvador Responds to Gangs.” 746.

⁹³ Aguilar and Miranda, “Entre La Articulación y La Competencia: Las Respuestas de La Sociedad Civil Organizada a Las Pandillas En El Salvador.” 61.

⁹⁴ Zilberg, “Gangster in Guerilla Face A Transnational Mirror of Production between the USA and El Salvador.” 41.

⁹⁵ Butler, *Frames of War: When Is Life Grievable?* 25-26.

⁹⁶ Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Duke University Press, 2014). 111.

functioned as a language, a veritable archive according to Harris,⁹⁷ of overdetermined marginality, then their flesh and bodies, as signifiers of degradation, violence, criminality and subversion, were ascribed an inhumanity that both made them a target of public and official ire, and an obscured native inhabitant, losing all subjective and communal specificity. Equally, Butler and Gayatri Spivak note that those who inhabit the “jettisoned life,” “the one both expelled and contained,” “...is saturated with power precisely at the moment in which it is deprived of citizenship.”⁹⁸ Insofar as gang members and the criminalization of youth are a national obsession in El Salvador (permeating quotidian conversations, academic discourse, governmental policies and media reporting), and a great emphasis is placed on the power they exert through physical violence, extortion, rape and murder (empirical facts that are indisputable), their dehumanization at the hands of authorities, security agencies and the public should not be discounted.

This overdetermined presence in the Salvadoran imaginary is in sharp contrast with the historic under reporting of human rights violations committed against alleged gang members and youth, as attested to by staff members from FESPAD and SSPAS interviewed, and assertion of repressive power and abuse on the part of the PNC. Although, as Weheliye asserts, one must be wary of re-inscribing “...the humanist subject (Man) as the personification of the human...,”⁹⁹ on not locating a humanity that “...has been imagined and lived by those subjects excluded from this domain...,”¹⁰⁰ it is nonetheless productive to consider and for HRNGOs in El Salvador to

⁹⁷ Harris asserts that the “‘The archive’...is all around us; it is on us and inside us...,” and is inclusive of tattoos. See, Harris, “Archons, Aliens, and Angels: Power and Politics in the Archive,”” 105.

⁹⁸ Butler and Spivak, *Who Sings the Nation-State?: Language, Politics, Belonging*. 40.

⁹⁹ Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*. 9-10.

¹⁰⁰ Ibid. 8.

document, via the creation of human rights records chronicling incidents, the abjection or (in)humanization of gang members and youth in Salvadoran society due to the extreme marginalization they experience as a result of the socio-political and economic precarity that is a general condition in the nation, and their status as perpetrators of violence. Indeed, this latter fact disallows facile recourse to a model of the “humanist subject” that is in any way noble and idealized, and demands for an accounting of the sometimes nasty complexities of human endeavors and the multifarious characteristics, both problematic and impressive, that constitute human life.

As Hume and Cruz remind us, we should be wary of disregarding the social, political and economic contexts in El Salvador that have contributed greatly to the material conditions (such as poverty, violence and exclusion) and profound structural inequities that have enabled the rise of gangs. These factors, in turn, position gang members and poor youth at the locus of dispossession, reinforcing their precarity and disposability, and supporting the very problematic circumstances that have engendered their transformation into some of the most vilified elements of Salvadoran society. In their conversations on dispossession, Butler and Athena Athanasiou describe it “...as a way of abjecting, a way of killing with impunity, a way of producing the human and its unassimilable surplus.”¹⁰¹ Pointing towards the liminality of the category of the human and “...the differential allocation of humanness...,”¹⁰² dispossession moreover interpellates disposable beings that are disavowed of their ability to belong to the legitimately “human,” of possessing an ontological means that makes a claim for their subjective importance

¹⁰¹ Butler and Athanasiou, *Dispossession: The Performative in the Political*. 146-147.

¹⁰² *Ibid.* 31.

and status as “lovable and grievable” beings; relegating them instead to a “slow death.”¹⁰³

The process of dehumanization is, according to Butler, surrounded by a profound discursive silence not so much about its subject/object, but regarding their torture, murder and abuse. If “[v]iolence against those who are already not quite living, that is, living in state of suspension between life and death, leaves a mark that is no mark...” vacated of public grieving, then there is “...a refusal of discourse that produces dehumanization as a result.”¹⁰⁴ Conditioned by an allocated “level of dangerousness” that takes the (de)human outside the bounds of the law and society, and suspends the recognition of injury and grievability, this discursive silence is most evidenced through the lack of government acknowledgement in El Salvador of the “human” value of the gang or youth lives taken by either officially sanctioned or clandestine measures. Although excessively present in discursive spaces and records that attest to their monstrosity and brutality, and that also discuss their deaths in state of statistical apathy and resentment, gang members and poor youth are nonetheless refused a discursive entry way into the human which would forestall their unadulterated abuse, torture and detention. Furthermore, as Butler again notes, “...it seems important to recognize that one way of “managing” a population is to constitute them as the less than human without entitlement to rights, as the humanly unrecognizable....,”¹⁰⁵ therefore justifying their socio-economic and cultural marginalization and abuse.

Excluded from the protection of the law while simultaneously “...they are not excluded

¹⁰³ Ibid. 32.

¹⁰⁴ Butler, *Prekarious Life: The Powers of Mourning and Violence*. 36.

¹⁰⁵ Ibid. 98.

from the law's discipline, punishment and regulation...¹⁰⁶ gang members and poor youth represent a permanently criminalized underclass that is perpetually "ineligible for personhood" and therefore rightless; made inhuman or dehumanized by virtue of their "irreducible otherness," or inability to be tamed or controlled.¹⁰⁷ Cast into a state of what Lisa Marie Cacho has called "social death," "...where demands for humanity are ultimately disempowering because they can be interpreted only as asking to be given something sacred..."¹⁰⁸ and therefore unattainable, gang members are moreover considered "...too unsympathetic, too irredeemable..."¹⁰⁹ to qualify for human status. This interstitial position at the margins of victim and victimizer, their ultimate "illegibility" as the former and "irrationality" as the latter, subsequently subjects them to the state's meting out of the severest of punishments as "...preemptive measures and methods of social protection."¹¹⁰ Indeed, the extrajudicial execution of gang members and poor youth are interpreted by the Salvadoran government, the general public and the state's security agencies as an effective, if desperate, means of preventing the growth of the phenomena and safeguarding the populous from further violence. Again, in reference to my conversation with the taxi driver in August 2016, he made it very clear that only the complete corporeal eradication of any alleged gang member would stem the tide of brutality and insecurity that currently gripped El Salvador.

As early as 1996, the Salvadoran public, in reaction to the rapid increase in delinquency and "common crime" already discussed, demanded harsher punishments for suspected criminals,

¹⁰⁶ Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (NYU Press, 2012). 5.

¹⁰⁷ Jacques Rancière, "Who Is the Subject of the Rights of Man?," *The South Atlantic Quarterly* 103, no. 2 (2004): 297–310. 308.

¹⁰⁸ Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. 7.

¹⁰⁹ Ibid. 63.

¹¹⁰ Ibid. 96.

a restoration of the death penalty and even proposed the right of the people to take the law into their own hands, circumventing any legal protections for so-called delinquents.¹¹¹ Therefore, the appearance of *mano dura* policies, and their deepened construction of a defined and identifiable criminal underclass that was rightless and subject to greater legal and extralegal retribution, was to be expected. As Zilberg argues, “Gang youth has become the repository of fears and criticisms of the ‘liberal excesses’ of democracy and anxieties attached to the new political inclusions and constitutional rights imposed by the Peace Accords.”¹¹² Thus, the stripping of their rights, their being rendered ostensibly inhuman, is the debt that gang members pay for the “defeat” of the repressive regimes that preceded the civil war, and for the democratic dissolution of social order and purported cultivation of crime. The aforementioned nostalgia for authoritarianism that has accompanied this gesture is therefore exemplified in the reinvigorated creation of a “scapegoat” or vilified class of individuals that can be castigated, punished and eliminated as a means of restoring security and balance to the nation.

A. Naomi Paik notes, [r]ightless subjects...are defined by the violence that their removal requires...¹¹³ Equally, as was demonstrated in the previous chapter, the nations of Central America were characterized by the perpetuation of violence by the state and its extrajudicial accomplices towards those considered subversive, communist, inhuman and subhuman. Democratic transitions, as Cruz points out, did little to wipe out state violence or the “illegal groups and rogue agents” in the region that had collaborated with governing bodies to repress

¹¹¹ José Miguel Cruz, “El Impacto Psicosocial de La Violencia En San Salvador,” 1999. 296.

¹¹² Zilberg, “Gangster in Guerilla Face A Transnational Mirror of Production between the USA and El Salvador.” 44.

¹¹³ Paik, *Rightlessness: Testimony and Redress in US Prison Camps Since World War II*. 3.

political dissidence.¹¹⁴ Therefore, "...constructing gang members as physical threats to the health and well-being of the national body...",¹¹⁵ and seeking to eradicate them, serves to reinforce the continuing existence of state and extrajudicial violence as legitimate solutions for contending with an uncontrollable difference. But, as the previous chapter demonstrated, and as the next section of this chapter will corroborate, the continued exertion of violence, and the concomitant flourishing of torture, disappearance and execution, did not go uncontested.

The documentation efforts of human rights organizations and the subsequent creation of human rights archives/records served as an important mechanism for the subjectification of those who experienced violations, and worked in contradistinction to the dehumanization they encountered at the behest of the state and its security agencies by re-inscribing them as subjects with rights, and with rights in records, that contests prevailing representations of gang members as monstrous creatures that should be accorded little ontological regard. Although complicated by the extent to which gang members themselves perpetuate violence against others, their necessary contextualization in an aforementioned history of socio-economic and cultural marginalization empowers HRNGOs working in their favor to advocate for their "humanization" and for a historical perspective on the continued use and abuse of state violence. With their efforts, these organizations combat the discursive silence and de-ontologized hypervisibility that Butler and Weheliye alluded to, and provide avenues for restitution and create records that enable the (re)subjectification of their community members by foregrounding the needs and complex circumstances of their lives.

In contradistinction to prevailing records production, via news reporting and the discourses of security agencies, which reduces the representation of communities in conflict and

¹¹⁴ Cruz, "Criminal Violence and Democratization in Central America: The Survival of the Violent State." 9.

¹¹⁵ Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected*. 69.

their populations to one-dimensional portraits of threat and fear (abandoned to the dissolution of their towns and neighborhoods), the engendering of human rights records by SSPAS and FESPAD, as will be discussed in the next section of this chapter, is an effort to provide nuance to the debates surrounding gangs and security in El Salvador, and to remind the nation of the flesh and bone individuals that lie behind the scrim of security policies, media coverage of police raids and public enmity. As Harris asserts, “Power...is always already at play in the archive. And how this power is used, how it is deployed, is always already a question of politics.”¹¹⁶ As a result, politics informs “...archive formation, or,...sites of recordkeeping.”¹¹⁷ Thus, in the case of records creation by SSPAS and FESPAD not only does the prevailing political environment directly inform the generation of human rights records, but also its’ motivations to itself have an impact on dominant social and political discourses that are reductive and marginalize, and which strip individuals of their subjectivity and humanity. A complex endeavor in the face of discursive and material regimes committed to the emulation of violence and the irredeemable gang member as mechanisms of social control, and as diversions from corruption, impunity and social inequity, the centering of gang members and poor youth within the discursive terrain of the human rights record is nonetheless necessary in the face of ever increasing state sanctioned, extrajudicial violence, and the flagrant and underreported killing of Salvadoran citizens.

The Subject Presumed to Kill: Human Rights Records and the Reach for Ontological Integrity

*What does it look like, entail, and mean to attend to, care for, comfort, and defend, those already dead, those dying, and those living lives consigned to the possibility of always-imminent death, life lived in the presence of death...*¹¹⁸

¹¹⁶ Harris, “Archons, Aliens, and Angels: Power and Politics in the Archive.” 112.

¹¹⁷ Ibid.

¹¹⁸ Christina Sharpe, *In the Wake: On Blackness and Being* (Duke University Press, 2016). 38.

*The ghosts demand that we take responsibility before them. Not responsibility for them – responsibility before them, in front of them, seeing them, seeing them again, and re-specting them. They demand that we work to make our lives meaningful by working to make their lives meaningful. The work of memory, and the work of archive, in these framings, is about just such a taking of responsibility.*¹¹⁹

*Is it possible to construct a story from the “locus of impossible speech” or resurrect lives from the ruins?*¹²⁰

In an editorial published on August 22, 2017 in the online magazine *Revista Factum* titled “Asesinos en el estado” (“Assassins in the State”),¹²¹ the editors discuss the results of a recent investigation into the activities of an elite battalion within the National Civil Police (PNC) called the Fuerza Especializada de Reacción El Salvador (FES – Special Reaction Forces of El Salvador).¹²² Made up of police officers and members of the Fuerzas Armadas (Armed Forces), the FES was created by President Salvador Sánchez Cerén at the beginning of 2016 as a means of contending directly with the threats posed by MS-13 and Barrio 18. Given carte blanche by the president to “...kill, assault, rape and torture...,” a tragic irony due to the fact that Sánchez Cerén was the FMLN candidate and had a history of leftist activism, the FES deployed units of 4-5 members, in locales throughout the country, to hunt down alleged gang members and, in theory, arrest them and bring them to justice through explicitly legal channels. What the journalists at *Revista Factum* found instead was the institutionally sanctioned restitution of death

¹¹⁹ Harris, “Antonyms of Our Remembering.” 218.

¹²⁰ Saidiya Hartman, “Venus in Two Acts,” *Small Axe* 12, no. 2 (2008): 1–14. 3.

¹²¹ Iobe Dice, “Asesinos En El Estado,” *Revista Factum* (blog), August 22, 2017, <http://revistafactum.com/asesinos-en-el-estado/>. Accessed September 1, 2017.

¹²² Helena Martinez dice, “En La Intimidad Del Escuadrón de La Muerte de La Policía,” *Revista Factum* (blog), August 22, 2017, <http://revistafactum.com/en-la-intimidad-del-escuadron-de-la-muerte-de-la-policia/>. Accessed September 1, 2017.

squad tactics that in contrast to their civil war counterparts, met with explicit governmental and organizational consent and acknowledgment. Indeed, whereas death squad activity in the past had been a suspected officially sanctioned affair, often deriving its membership from current or past security agents, its ostensibly clandestine nature kept it in the shadows of anti-subversive activities.

In contrast, the FES, as the editors point out, is a publicly recognized and sanctioned battalion at the heart of the PNC whose tactics are met with great acceptance and forthright approval. Demonstrating the “macabre face” of the PNC, which had been established by the peace accords precisely to combat the murderous tendencies of its police and military forebears, the FES, in being allowed to “...commit extrajudicial killings, extortion, the rape of minors and torture...,”¹²³ manifests its own gang or *pandilla* within the halls of officialdom that uses the pretext of gang membership to blatantly kill and assault poor youth. In the report in question, which describes the confrontation with and killing of a suspected Barrio-18 member called *Bam Bam*, it is revealed that rather than arrest the youth, the FES beat him, killed him and only “desperately” called for back up after his death, claiming that they were facing a lethal showdown with a gang member; and notifying their colleagues and superiors after staging the death scene, with the young man halfway in his *champa* (a small, improvised, corrugated metal structure) with a rifle by his side.¹²⁴ What is even more disturbing about these by now commonplace scenarios are the efforts made by the FES officers to document these assassinations. Indeed, before shooting *Bam Bam* at point blank, the officer asked him to smile and took a picture of him. These photographs, along with some video, were subsequently shared

¹²³ Dice, “Asesinos En El Estado.”

¹²⁴ dice, “En La Intimidación Del Escuadrón de La Muerte de La Policía.”

on social media platforms such as WhatsApp, YouTube¹²⁵ and Facebook, and circulated as vehicles for bragging and machismo, but also to exploit the image of the (dead) body of a gang member as a warning and means of social control; a twenty-first century version of the ways in which bodies were deposited and put on display in the streets of El Salvador's cities as deterrents to political activism.

In writing about the Tuol Sleng prison mug shots, Caswell notes that they "...both discursively produced the criminals they claimed to document and enabled the administration of mass murder within the Khmer Rouge."¹²⁶ Equally, the photographs and videos shot and displayed by the FES, on very public platforms, interpellate the individuals featured as monstrous gang members deserving of death, manufacturing their inhuman personas while enabling their systematic elimination by the Salvadoran state; with the exchange of messages on WhatsApp in particular constituting an "informal intelligence network."¹²⁷ Circulated with glee, these images, these agentic records of extrajudicial executions, speak further to the deeply ingrained enmity towards gang members within the Salvadoran populous, and official sanctioning of impunity. Although shared primarily between units and individuals within the FES, and sourced through a leak for the report, the lack of discretion shown in the exchange of comments, images and videos, and utter disregard displayed on the Facebook pages created for the same purpose, are evidence of the dearth of value placed on the lives of alleged gang members and their assumed accomplices. As Butler reminds us, "...specific lives cannot be

¹²⁵ The sheer number of videos available on YouTube documenting the humiliation and abuse of suspected gang members is astonishing, more so given their very public nature and fairly easy identification of all parties involved. A subject onto itself I intend to take this issue up in a future article.

¹²⁶ Caswell, *Archiving the Unspeakable: Silence, Memory, and the Photographic Record in Cambodia*. 26.

¹²⁷ dice, "En La Intimidación Del Escuadrón de La Muerte de La Policía."

apprehended as injured or lost if they are not first apprehended as living.”¹²⁸ The devaluation of the lives of poor youth and gang members, their ontological lack, is subsequently used to legitimize their killing and disregard for their corporeal integrity. Subsequently, the records produced in the process, in being used for the purposes of fear and control, exhibit their dichotomous nature as “instruments of oppression and domination”¹²⁹ insofar as they reinforce the precarity and disposability of gang members and young people, further investing in a regime of power and influence that is intent on maintaining them as a distracting force of ill will and misbegotten strife in the nation.

The incident with *Bam Bam* is but one among many chronicles of disposability that cram the narrative landscape in El Salvador,¹³⁰ and which serve as reminders of this resurgence of the use of extra-legal measures for negotiating conflict and violence in the country. In order to shift these narratives, and to repudiate what Étienne Balibar has called “the phenomenology of exclusion,”¹³¹ human rights organizations such as SSPAS and FESPAD account for the lives of gang members and poor youth through the documentation of human rights abuses committed against them. Working at both community and policy levels, these organizations are also clearly intent on using the reporting of human rights violations as a tool for the empowerment and subjective reconstitution of community members. Although one must work to complexify “the relationship between humanization and representation,”¹³² of which I will speak further later in

¹²⁸ Butler, *Frames of War: When Is Life Grievable?* 1.

¹²⁹ Ketelaar, “Archival Temples, Archival Prisons.” 224.

¹³⁰ With a well known case happening in 2016. See, “Police Massacre at the San Blas Farm,” *elfaro.net*, accessed June 8, 2016, <http://www.salanegra.elfaro.net/es/201508/cronicas/17289/Police-Massacre-at-the-San-Blas-Farm.htm>.

¹³¹ Etienne Balibar, “Difference, Otherness, Exclusion,” *Parallax* 11, no. 1 (2005): 19–34. 33.

¹³² Butler, *Precarious Life: The Powers of Mourning and Violence*. 140.

this chapter, the inscription of marginalized individuals into records allows for a certain “reclaiming of erased lives”¹³³ that works in contradistinction to their interpellation as criminals, subversives, terrorists or abject. Tempered by a contestability that “...is the result of the limitations and failures associated with the process of signification and symbolization that is characteristic of processes of giving voice and assigning meaning to unspeakable experiences...”¹³⁴ the records creation process nevertheless enables the “political constitution of life,”¹³⁵ profoundly imbricated, yet critical, of regimes of power.

Founded in 1988, FESPAD is an organization with a broad based mission that seeks to contribute to community empowerment, and the support of democratic and constitutional initiatives in El Salvador. It seeks to intervene at the policy level in both academic and governmental settings and as such is active in developing publications and programming that focus on transparency; social, cultural and economic rights; gender equality; legislation; gangs; impunity; and prisoners. Although coordinated across units, it has a program specifically dedicated to citizen security and penal justice that attends to human rights violations committed against youth and gang members. SSPAS is a social justice organization based in the San Salvador suburb of Mejicanos dedicated to the prevention of violence, human rights and the development of programs and social services targeting vulnerable populations in the local vicinity. Areas of focus for SSPAS include: health, restorative justice, human rights, and training and employment. Their Human Rights Observatory – Rufina Amaya spearheads the documentation of human rights violations experienced by youth and Mejicanos and adjacent

¹³³ Hariz Halilovich, “Reclaiming Erased Lives: Archives, Records and Memories in Post-War Bosnia and the Bosnian Diaspora,” *Archival Science* 14, no. 3–4 (2014): 231–47.

¹³⁴ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.” 28.

¹³⁵ *Ibid.* 27.

regions and neighborhoods. Linking these two organizations is the figure of Antonio Rodríguez López who served as the Director General of SSPAS for twelve years and founded the human rights observatory. He is now a consultant at FESPAD where he focuses on issues of security and violence. Verónica Reyna who is Deputy Director of Human Rights at SSPAS now heads the human rights observatory.

As discussed in the previous section of this chapter, both organizations frame the abuse of gang members and poor youth by the PNC as a question of their broader socio-political and economic disenfranchisement. Exacerbated by the empirical vicissitudes of gang violence, and its incrementing hold on brutality and terror in the country, FESPAD and SSPAS nevertheless acknowledge that the desubjectification of gang members, and the reintroduction of extrajudicial tactics that violate their corpus, belie an agenda of repression that is gravely connected to El Salvador's troubled past. Indeed, in a panel held at the Washington Office on Latin America (WOLA) on April 5, 2016,¹³⁶ Reyna and Abraham Ábrego, Director of FESPAD, corroborated that the remilitarization of the police is a consequence of increased security measures and policies, such as *mano dura* or the fairly recent El Plan Salvador Seguro,¹³⁷ which in turn witnessed a rise in repressive tactics, physical abuse, unlawful detentions and extrajudicial executions. These are concomitantly buttressed by a political establishment whose rhetoric incentivizes policies of extermination and violent suppression, and which is hardly reluctant to express its freewheeling approach to the lives of gang members and youth. During the same discussion at WOLA, Reyna noted that in January 2015, the former director of the PNC, who is

¹³⁶ "Citizen Security Strategies, Hardline Policing, and Human Rights Issues in El Salvador | Washington Office on Latin America," accessed June 30, 2016, http://www.wola.org/video/citizen_security_strategies_hardline_policing_and_human_rights_issues_in_el_salvador.

¹³⁷ "Gobierno Recicla Ideas y Estrena El Plan El Salvador Seguro," *elfaro.net*, accessed July 26, 2016, <http://www.elfaro.net/es/201507/noticias/17195/Gobierno-recicla-ideas-y-estrena-el-plan-El-Salvador-Seguro.htm>.

now Minister of Justice and Security in El Salvador, gave police officers tacit permission to shoot to kill gang members by recommending that they use their weapons without inhibitions. Thus, the subsequent appearance of the FES, given this context of open acrimony, is not surprising. Moreover, the rampant disregard for the subjective status of gang members, and the disposability of their lives, is affirmed and foregrounded as a legitimate framework for thinking about their presence, or lack thereof, in the nation.

According to Butler, “Power not only *acts on* a subject but, in a transitive sense, *enacts* the subject into being.”¹³⁸ The increased harassment of poor youth and their ready interpellation as gang members that are a consequence of fear based legal and militarized regimes has engendered, as noted earlier, a permanently criminalized underclass that has delimited ontological recourse, and whose repression is openly sanctioned. In an interview with the author,¹³⁹ Reyna confirmed that policies ostensibly enacted to combat alleged gang members have instead been used primarily against unaffiliated youth who are themselves the targets of gang violence and aggression [SSPAS, Interview]. Indeed, she went on to state that in Mejicanos alone, between 2014 and 2015, reports of police abuse, despite fears of retribution from both police and gang members, increased dramatically [SSPAS, Interview].¹⁴⁰ If the act of “subjection,” “...signifies the process of becoming subordinated by power as well as the process of becoming a subject...,”¹⁴¹ the repression of poor youth, on multiple fronts, inaugurates heightened levels of dispossession that stigmatize an entire generation of individuals whose only crime is being young and poor in contemporary El Salvador. Fearful of leaving their homes and

¹³⁸ Butler, *The Psychic Life of Power: Theories in Subjection*. 13.

¹³⁹ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), May 6, 2016.

¹⁴⁰ Ibid.

¹⁴¹ Butler, *The Psychic Life of Power: Theories in Subjection*. 2.

fully participating in their communities due to this stepped up police harassment, and threats of gang violence and recruitment, poor youth are prematurely disenfranchised of their national belonging and suffer further socio-economic and political marginalization.

Discussions held at a forum at FESPAD on April 29, 2016, similarly maintained that it was poor youth who were suffering the brunt of human rights violations, with close to 50% of homicides perpetrated by the PNC being committed against individuals between the ages of 15 and 29. The human rights organizations gathered also confirmed the rampant criminalization of youth by the government, military and police; and the increased detention of alleged gang members under the auspices of anti-terrorist legislation enacted after the Supreme Court's designation of gang members as terrorists in 2015. In addition, it was noted that the Procuraduría para la Defensa de los Derechos Humanos (Human Rights Ombudsman's Office) had registered at least 30 cases of extrajudicial executions, and that the combined efforts of FESPAD and the other HRNGO's were not sufficient to register the exceeding amounts of human rights violations currently taking place. Those gathered nevertheless reaffirmed the importance of documenting human rights violations and the need to systematize recordkeeping practices across agencies and the country, maintaining the importance the archiving of abuse are to contesting repression, social cleansing, and the silence and erasure that exists around the wholesale elimination of Salvadoran citizens.

Indeed, in separate conversations with López Rodríguez and Reyna,¹⁴² both maintained that the work of chronicling human rights violations committed against gang members and youth was seminal to contesting the policies and maneuvers of the government, police and military, and

¹⁴² Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), August 15, 2016. Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

as a means of empowering community members against the structural violence they face on a daily basis by making available to them a means to articulate their abuse and the frustrations they face as a marginalized group [SSPAS/FESPAD, Interviews]. Furthermore, in speaking about the reasons for founding the human rights observatory at SSPAS, Reyna went on to note the act of archival inscription was a clear mechanism for combatting the forgetting of the violations being suffered by youth within Mejicanos, and as way of exposing the challenges the community continuously faced [SSPAS, Interview].¹⁴³ In a national context where, according to López Rodríguez, human rights are criminalized,¹⁴⁴ and human rights organizations and workers are faced with defending the “human” rights of individuals presumed to be guilty of some of the most “inhuman” and unspeakable acts (an environment where, as mentioned before, human rights are perceived as concomitant with the protection of criminals), the act of creating a record whose sole purpose is to attest to the “humanity” and “victimization” of its subject is a transgressive act [FESPAD, Interview].

If we recall Anjali Arondekar’s statement from the previous chapter that “...the processes of subjectification [is] made possible...through the very idiom of the archive...”¹⁴⁵ then we can recognize the ways in which human rights records production can contribute towards the recapturing of dispossessed identities through the discursive capture and formation of subjects whose *human* rights have been violated. Moreover, they can be used to contest what Reyna determined was a discursive control exerted by a rhetoric of fear and paranoia regarding gangs that permeated all sectors of Salvadoran society, even those not experiencing direct contact with

¹⁴³ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), August 15, 2016.

¹⁴⁴ Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

¹⁴⁵ Arondekar, *For the Record: On Sexuality and the Colonial Archive in India*. 3.

gang members. Harris states that “attending to the ghosts” is perceived by structures and systems of power as subversive, insofar as “...it questions everything, it tends to disturb dominant narratives...”¹⁴⁶ Equally, “attending” to gang members and poor youth, and the violence committed against them, helps undermine narratives of abjection and dispossession that seek to, as Reyna noted, maintain them at the bottom of the human totem pole, and strip them of the ability to contest the socio-economic conditions and structural violence they inhabit and experience.

López Rodríguez was even more explicit in stating that the purpose of the work of human rights documentation is to transform victims into political subjects that can participate in the social and political transformation of their rights, fundamentally challenging normative power structures and the narratives they create to exclude large swaths of the Salvadoran population from the access to power [FESPAD, Interview].¹⁴⁷ A crucial engine for this agentic metamorphosis, as identified by López Rodríguez, was the engaged and dialogic documentation of the many hostile and dangerous interactions that poor youth and gang members were experiencing when confronted by the PNC, and which more often than not led to brutality intent on reinforcing inequity and the power of the state. Records inscription, in turn, was form of public contestation against the assertion of this power imbalance, a recapturing of agency on the part of those targeted and a reconceptualization of themselves as rights bearing subjects with a legitimate claim on national and international accountability and restitution; the latter of which, though hard to come by, is key to claim as a means of reconfiguring Salvadoran society and its culture of impunity. In speaking of Derrida and Hélène Cixous, Harris states, “[f]or both...the

¹⁴⁶ Harris, “Insisting Derrida: Cixous, Deconstruction, and the Work of Archive.” 14.

¹⁴⁷ Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

archive is a construction, one, which issues and expresses relations of power, and which is the condition for any engagement with information and any exercise of power. In these readings, archive reaches *everywhere* – across the geopolitical spread of an empire into the depths of an individual psychic apparatus. For them the archive is the very possibility of politics.”¹⁴⁸ In turn, confirming López Rodríguez’s emphasis on human rights records as necessary political and ontological engines that enable the very possibility of political agency within the Salvadoran context.

Furthermore, as Caswell maintains, in order for archives to “...play a key role in helping societies deal with painful pasts and build peaceful futures...” “...they must actively forge a path ahead that leads to meaningful and contentious dialogues and debate, that promotes the rights of victims...”¹⁴⁹ Equally, Anne Gilliland and Sue McKemmish hold “...that in human rights contexts, there is a moral and ethical imperative for an archive that works in the interests of those who have been wronged.”¹⁵⁰ Complicated by the fact of that many of its “victims” also perpetuate violence towards others, the work of defining gang members as human rights subjects, and acknowledging, as López Rodríguez reminds us, the fact that they are often victims of violence themselves, vis-à-vis human rights records is nonetheless tantamount, and serves as an engine for the redefinition of Salvadoran citizenry and democracy. Indeed, López Rodríguez goes on to contend that it is only when Salvadoran society is capable of granting (alleged) gang members “rights,” that it will be able to transform the state of violence in the country and

¹⁴⁸ Harris, “Insisting Derrida: Cixous, Deconstruction, and the Work of Archive.” 9.

¹⁴⁹ Caswell, “Defining Human Rights Archives: Introduction to the Special Double Issue on Archives and Human Rights.” 209.

¹⁵⁰ Gilliland and McKemmish, “The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery.” 4.

provide for greater stability, democracy, liberty, security and peace [FESPAD, Interview].¹⁵¹

Records are at the heart of this endeavor, and hold the promise of agency, accountability and participatory rights formation through inscription and testimonial enunciation, and interrogation of just who has the right to have their death, torture and harassment contested.

In writing about the work of Emmanuel Levinas regarding the relationship between humanization, dehumanization and representation, Butler argues that for Levinas, "...the human is indirectly affirmed in the very distinction that makes representation impossible, and this disjunction is conveyed in the impossible representation. For representation to convey the human, then, representation must not only fail but it must *show* its failure. There is something unrepresentable that we nevertheless seek to represent, and that paradox must be retained in the representation we give."¹⁵² Perpetually tempered by the status of "perpetrator," the gang member as human rights victim, that is chronicled in the human rights record/archive, must in a sense be interpellated as such for the reinterrogation of human rights discourse in El Salvador to take place. Keeping in mind that "human rights" are already popularly and negatively seen as the purview of alleged gang members, what López Rodríguez contends when he suggests that a revolution in rights consideration would be the source of necessary democratic change in Salvadoran society, is to maintain that it is only when the local population is able to recognize gang members as embodiments of the national self, (fathers, mothers, brothers, sisters, uncles and aunts whose lives mirror theirs), that the foundational violence of El Salvador can be negotiated and begin to be resolved.

The human rights record is key to this process by bringing the gang member or

¹⁵¹ Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

¹⁵² Butler, *Prekarious Life: The Powers of Mourning and Violence*. 144.

disenfranchised youth back into the fold of the “grievable,” of someone whose capture, torture or death is just as lamentable as that of those mistreated by security agencies during the civil war and so therefore needs to be accounted for. Indeed, the numerous video testimonies that FESPAD records of gang members and unaffiliated poor youth who have suffered abuse at the hands of the PNC attest to this attempt to center their experiences as a means of reminding the Salvadoran public of their “humanity” and the fact that they themselves are caught up in self-perpetuating regimes of violence that put them at a disadvantage. The testimony of twenty-year old Moris Amílcar Flores Durán is a case in point [FESPAD, Interview/Video].¹⁵³ Headed to his place of work picking vegetables on the morning of May 7, 2015 in the region of Joya Grande, he was verbally harassed, physically abused and shot at by local members of the PNC under suspicion of being a gang member. Arrested and taken to a local hospital with a broken leg, he quickly discovered that he was being framed as a justification for the brutality expressed towards him, and was being held against his will at the hospital, accused of being a “delinquent,” an “assassin,” the “trash of the nation.” Forced to sign a confession, he was subsequently imprisoned, and was only spared further suffering due to the intervention of FESPAD. Posed in front of the camera, with his crutches by his side, we see and hear in this video testimony the results of the overwrought victimization of ostensibly innocent individuals in the name of police brutality and a national panic over gang activities. Himself caught up between these factors, what we witness in this video is not only the story of one individual whose interpellation as a gang member transformed him into a “legitimate” object of abuse by the police, but is also emblematic of the circumstances that the bulk of poor youth face on a daily basis. Bringing this to the fore, these video testimonies, besides serving a legal function, also serve to highlight the empirical realities of these individuals, lending a “human” facet that challenges over-determined notions of

¹⁵³ Moris Amílcar Flores Durán Interviewed by FESPAD. April 4, 2016. Courtesy of FESPAD.

the monstrous criminal that can be so easily grafted onto even those who pose no threat to the body politic.¹⁵⁴ Moreover, this fraught representation in records holds a mirror up to Salvadoran society, reflecting the unresolved circumstances that have brought it to the point of looking askance at the reintroduction of extrajudicial measures towards remedying internal conflicts, and of the willing dehumanization of its fellow citizens as a way to avoid challenging perceptions of the national self and the insidious yet integral nature of violence to daily life.

As both Reyna and López Rodríguez posited in their interviews, [SSPAS/FESPAD] and as already noted in this chapter, the current state of violence in the country, and the socio-economic, political and cultural conditions that have contributed to it, are deeply tied to the irresolution and impunity surrounding the civil war and the human rights violations committed during the conflict. Regardless of the July 14, 2016 decision of the Supreme Court of El Salvador to declare the 1993 amnesty law, which had prohibited the prosecution of war crimes, unconstitutional,¹⁵⁵ the lingering legacy of violence, death, forced migration and neoliberal decision making that accompanied the war and the post-conflict era shaped the circumstances that contributed to the gang phenomena. To acknowledge this in the formation of the gang member as a human rights subject through the medium of the human rights record/archives is to recognize, as Butler maintains via Levinas, that the concept of the “human,” in this case considered as synecdoche for the Salvadoran citizen, is troubled by an “inhuman” twin that too forms the nation and the self. As Pheng Cheah and Butler note, the “inhuman” is the “critical point of departure” of the “human,” reminding us of all that contaminates and erodes our

¹⁵⁴ It should be noted that during the civil war, CDHES also had a history of going out into communities and filming testimonies and sites of abuse as a means of providing further evidence of the human consequences of the state perpetrated violence. These are available at: Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES).

¹⁵⁵ “El Salvador Rejects Amnesty Law in Historic Ruling.”

being.¹⁵⁶ Therefore, what is ultimately required is a complex and multivalent perspective on the (in)human that incorporates the full breadth of positionalities within its subjective purview. Rather than place (violent) difference outside of the body politic, engendering a “scapegoat” for the nation’s woes, the embodiment of the (in)human attests to the performative display of multiple facets of Salvadoran belonging.

In advocating for a “survivor-centered approach to records documenting human rights abuse,” Caswell argues for the need “...to move beyond the Manichean language of victim and perpetrator in favor of the “gray zones” that many people occupy during times of widespread human rights abuses.¹⁵⁷ Gang members reside within these “gray zones,” both victims and perpetrators of violence, they are moreover what Caswell calls “survivors” of a set of “complex and shifting social, historical, and cultural contexts of widespread violence...”¹⁵⁸ that have contributed to their multilayered status within the nation and human rights documentation. This rhetorical shift disinters a historically entrenched recourse in Salvadoran society towards the interpellation of an enemy within whose rights were considered legitimately disregarded due to the fact that they had been rendered “subversive” or as undermining repressive of power structures. Taking into account the critical knowledge of the precarity of the lives of gang members and poor youth, the move away from a dichotomous language that preternaturally assigns negative or positive moral and ethical designations to the divide between victim and perpetrator furthermore makes a space for representation of a broader scope of “humanness” that recognizes its dependency on the “inhuman” or abject in society.

¹⁵⁶ Pheng Cheah, *Inhuman Conditions: On Cosmopolitanism and Human Rights* (Harvard University Press, 2006). 230-231. Judith Butler, *Giving an Account of Oneself* (Oxford University Press, 2005). 105.

¹⁵⁷ Caswell, “Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse: Lessons from Community Archives.” 308.

¹⁵⁸ *Ibid.*

As Stacy Wood et. al. maintain, “In order to enable the inclusion of...[the]...multiplicity of voices in the archives, one must begin with the issue of language.”¹⁵⁹ And indeed by altering the language of victim and perpetrator within the human rights context in El Salvador, the material and semantic legacy of the civil war is eschewed wherein clear differentiations were made between victims of political persecution, who may or may not have had any affiliation with the FMLN, and the nefarious perpetrators of violence, death and torture embodied by the government and its security agencies. As noted earlier, the lack of clarity that ensued in the post-conflict era with the increase in “common crime” contributed to a public alienation from the tenets of human rights insofar as their use in the defense of so-called delinquents (read as criminal and underserving) challenged its identification with the struggles and persecution of political dissidents and those protesting the repressions of the civil war. By altering this semantic landscape, human rights records, reporting and description can further encompass more socio-politically and culturally nuanced perspectives on those suffering human rights violations in post-conflict societies, and, as Caswell points out, a greater accounting for the complexity of what transpires in the communities within which they find themselves.

Furthermore, by focusing on the agency and active participation of survivors and victim’s families in the “memory work” of archival constitution, Caswell supports the centrality of communities being documented and their taking a leading role in the stewardship and narrative construction of their records. This inclusion of community members is evident in a January 2017 report, “Inseguridad y violencia en El Salvador: El impacto en los derechos de adolescentes y jóvenes del municipio de Mejicanos” (Insecurity and Violence in El Salvador: The Impact on the

¹⁵⁹ Wood et al., “Mobilizing Records: Re-Framing Archival Description to Support Human Rights.” 408.

Rights of Adolescents and Youth in the Municipality of Mejicanos),¹⁶⁰ produced by SSPAS in its efforts to attest to human rights violations being committed in Mejicanos. The product of a number of community forums and focus groups held to discuss and document heightened levels of harassment and abuse in the community, the gatherings additionally served as crucial spaces for the sharing of information and youth empowerment. As Reyna expressed repeatedly during interviews,¹⁶¹ reporting human rights violations, police abuse and gang violence in the community of Mejicanos is a fraught endeavor that could involve retribution from both the PNC and local gangs [SSPAS, Interview]. For the bulk of unaffiliated youth, who, as stated earlier, suffer the brunt of violence, the lack of existing protections against the brutal excesses of extra-legal agents and actions on both sides of the government/police/military and gang divide translates into the severe underreporting of human rights violations. In those cases in which community members do come forward, considerable effort is made to restrict knowledge of the identity of individuals and to anonymize all personal information in records documenting incidents.

Again, in discussions with Reyna,¹⁶² she noted that although measures are taken to amass sufficient amounts of records that can corroborate an incident report (including victim testimonies, PNC agent ID numbers, extensive descriptions of the event, eye witness, newspaper clippings and video), a climate of pervasive state repression and police impunity make the public denunciation of violations difficult [SSPAS, Interview]. Indeed, she observed that the situation is

¹⁶⁰ Iberians Electronic | www.iberianselectronic.com, “Investigación: ‘Inseguridad y Violencia En El Salvador, El Impacto En Los Derechos de Adolescentes y Jóvenes Del Municipio de Mejicanos,’” Servicio Social Pasionista, January 18, 2017, <http://sspas.org.sv/inseguridad-violencia-salvador-impacto-los-derechos-adolescentes-jovenes-del-municipio-mejicanos/>.

¹⁶¹ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), May 6, 2016 and August 15, 2016.

¹⁶² Ibid.

such that it is enough for a police officer to accuse a young person of involvement in gang activity for the latter's detention, torture and possible death to be justified. Thus, the gesture of interpellation as gang member or anti-social (subversive) element in the community, as discussed throughout this chapter, is sufficient to precipitate the mistreatment and eventual corporeal eradication of individuals who have often little to do with the empirical realities of gang warfare in El Salvador. This, in tandem with a public assumption of the culpability of youth killed, and little to no critical thought given to the inordinate brutality of the police who are doing the killing, leads to a sense of futility regarding the reporting of human rights abuses and the continued attacks experienced by the youth of Mejicanos. So charged and potentially devastating is the information that has been collected against the PNC, that great efforts are made on their part to make it, like their victims, disappear. In an incident attested to by Reyna, a Ramón Romero publicly declared that he had information on more than 100 cases of extrajudicial executions committed by the PNC, threatening the possibility of legal action against them. Romero was subsequently detained by the attorney general's office and accused of attempting to defame the police with the information he claimed to have. According Reyna, the information later disappeared and little has been heard of Romero since [SSPAS, Interview].¹⁶³

Nevertheless, Reyna maintains that SSPAS is there to document human rights violations not only to support community members, but also to make the PNC and government aware of the fact that there are people and organizations in the community and El Salvador that were witnessing and documenting their crimes, and holding them accountable for the violations they continue to commit [SSPAS, Interview].¹⁶⁴ Limited to approximately three organizations

¹⁶³ Ibid.

¹⁶⁴ In interviews with both Reyna and López Rodríguez, it was noted that the role of their organizations is to conduct the on the ground gathering of documents and testimonies that speak to and corroborate the commission of human

(besides SSPAS and FESPAD, Reyna includes the Instituto de Derechos Humanos de la Universidad Centroamericana [IDHUCA]), this work is tantamount in the face of what translates in areas like Mejicanos into the utter breakdown of community, the creation of an environment riddled with fear, the silencing of dissent and the added marginalization of youth. Conditions are so extreme that young people in Mejicanos are reluctant to step outside their doorsteps and occupy public spaces, and resistance to police harassment on the street is often met with escalated levels of violence that result in beatings (kicks, punches, etc.), the application of electric shocks and pistol whipping. The situation only worsens if the young person is arrested and detained, given that conditions are dire within the jails, and it is possible that they will be subjected to waterboarding, psychological torture and more brutal forms of physical abuse.

Therefore, although SSPAS is able to report on a number of incidents given their trusted role in the community, 215 at the time of my second interview with Reyna in August 2016, the ever-present threat of retribution on the part of the police, and its extremity, nonetheless makes many in Mejicanos reluctant to report abuses committed against them or a family member. Moreover, while a shift in political parties and positioning has seen the adoption of the more leftist rhetoric of the FMLN, that ostensibly would be more concerned with human rights abuses given the history of the civil war, and use of human rights discourse, the extant corruption at the heart government institutions, according to Reyna, further limits accountability for police abuses and protections for communities such as Mejicanos. In fact, the presidencies of the FMLN have further sanctioned repressive policies that have encouraged police brutality, as is evidenced by Sánchez Cerén's aforementioned establishment of the FES in 2016, and although publicly

rights violations. These are subsequently transferred to the Human Rights Ombudsman's Office (Procuraduría para la Defensa de los Derechos Humanos de El Salvador) for potential prosecution. Potentially problematic in its bureaucratic exigencies, the role of SSPAS and FESPAD for measures of accountability is crucial given their deep connections with local communities and relative inattention paid at the national level to their struggles.

supportive of human rights advocacy, have done little to initiate the necessary structural changes to realize a dedicated human rights platform. With inadequate protective measures in place, that are reinforced by government agencies themselves, save for the Human Rights Ombudsman's Office, then it is clear why community members in Mejicanos hesitate to come forward with complaints. In addition, the open vilification and fear of such communities, as was made clear by the numerous warnings and protections I received regarding my trips there, contribute to a suspended belief in the possibility of their suffering at the hands of the police, and gangs themselves, and the lack of need for the application of human rights tenets to their lives. Furthermore, the socio-economic and cultural marginalization they experience, as has already been discussed in this chapter, only serves to prohibit their access to restitution as full citizens and human subjects.

Thus, the anonymizing safeguards put in place by SSPAS, and their use of summarizing statistics and unnamed excerpts from community testimonies, though challenging to a researcher seeking access to primary sources, are certainly necessary to help guarantee the safety of those brave enough to register their cases, and hopefully encourage others to report their own abuse.¹⁶⁵ Moreover, as Butler asserts, the obscuring of names, faces and other markers of an individual who has been victimized can be strategic, affirming this limit is to affirm the humanity of the person, to avoid the exposure of their identity helps to avoid the reiteration of the crime and the assertion of strict parameters that delimit the definition of what constitutes a fully embodied

¹⁶⁵ Generally in agreement with Macías' statement that "...archiving tools, such as statistics, deployed by the state to collect, organize, and archive these stories [of torture and abuse] resulted in the subjugation of stories of violence and their submission to hegemonic nation- and subject-making projects." (Macías, "Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories." 23), this strategic occlusion of biographical detail on the part of SSPAS, as a community organization familiar with the landscape of persecution faced by local youth, is not only necessary, but enables the chronicling of stories and, as I note, provides avenues for contestation through these protective measures.

human.¹⁶⁶ In addition, Gilliland and McKemmish write of the need for “...an integrated set of rights in records that acknowledge and respect the interests of different agents who are involved or implicated in records or recordkeeping practices.”¹⁶⁷ And indeed, by protecting the identities of the young people reporting human rights violations, SSPAS acknowledges their rights in the constitution of their records and chronicling of their experiences.

Of course, as noted earlier, much can be attributed to SSPAS’s dedicated work in the community, through its numerous social services, and the deep trust that has already been cultivated between staff, families and youth. A factor in all endeavors involving the reporting of human rights violations or community led archival initiatives, trust or *confianza* in the Salvadoran context, where concerns about safety and security pervade all aspects of daily life, is even more crucial to the amassing of information and creation of records. As Caswell argues, using trust as a “...guiding principle in records dealing with human rights abuses...,”¹⁶⁸ presents additional gains in justice for victims that also helps ensure their rights in records. Dependent on the goodwill and dedication to social justice of Reyna and other staff at SSPAS, community members must place much faith in the intentions behind their inscription into the human rights record and the agency that may afford them in the face of blatant impunity.

Structured around the politics and contexts for insecurity, security and violence in El Salvador, and subsequently inclusive of a review of relevant policies, national homicide statistics, terrorism claims and the increasingly militarized approach to the policing of alleged gang members, the SSPAS 2017 report moreover provides valuable insight into the specific conditions

¹⁶⁶ Butler, “Torture and the Ethics of Photography.” 965.

¹⁶⁷ Anne J. Gilliland and Sue McKemmish, “Rights in Records as a Platform for Participative Archiving,” 2015. 101.

¹⁶⁸ Michelle Caswell, “Rethinking Inalienability: Trusting Nongovernmental Archives in Transitional Societies,” *The American Archivist* 76, no. 1 (2013): 113–34. 127.

found in Mejicanos and the subsequent experiences of its youth in the face of police abuse. The focus of interest here are the testimonial excerpts that are used to support the more academic analysis of the body of the report insofar as they supply insight into visceral, on the ground realities, and stand as among the few pieces of primary source material available due to the aforementioned need to protect the identities of community members. Filtered through the knowledge that, according the PNC's own statistics, 5,673 adolescents and youth, or 52.3% of all homicides in the country, were killed between January 2015 and November 2016,¹⁶⁹ in confrontations with the PNC; that of the 581 police officers involved in incidents where gunfire was exchanged with a supposed gang member, only in 40 cases was an investigation opened as a possible homicide, only 23 of those were actually filed and only one was sanctioned¹⁷⁰; that although according to the Attorney General's office itself, there was a marked increase in police officers being charged with criminal homicide against a gang member between 2014 and 2016, but of the 56 registered cases, none have been made public¹⁷¹; and that gunfights between gang members and the Armed Forces have also significantly increased, with the number of dead youth growing from 20 in 2014 to 116 within the first nine months of 2016¹⁷²; testimonials supplied by local youth point towards the ways in which national circumstances and attitudes are manifested in the microcosm of Mejicanos. Indeed, they provide additional evidence of the material consequences of the types of discursive interpellations discussed throughout this chapter.

The report is concerned with the rights of adolescents and youth insofar as they include: personal integrity; freedom from violence; personal liberty and freedom of movement; privacy;

¹⁶⁹ www.iberiansselectronic.com, "Investigación." 23.

¹⁷⁰ Ibid. 29.

¹⁷¹ Ibid.

¹⁷² Ibid. 30.

assembly and political participation; recreation; and property. In addition, it focuses on the limitations to those rights as they concern the community, families and individuals. It also discusses the impact of the excessive force used by security agents against community members, the lack of confidence in and fear of the PNC and Armed Forces, the gradual militarization of public security, and the socio-economic stigmatization and discrimination faced by youth. Accordingly, the testimonial excerpts contained speak to the combined ramifications of these factors, and how they shape and impinge upon community life in Mejicanos. Moreover, outside of the 45 documented cases of human rights violations committed in Mejicanos in 2015, the testimonials, again derived from focus groups and community forums, provide proof of the pervasiveness of harassment and the extent to which these incidents go unreported within this community, but more broadly throughout the nation, and the patterns of behaviors and abuses established since the inception of the gang phenomena in El Salvador. Indeed, parallels are found in the historical location of gang affiliation in styles of dress, as attested by young men who testify to being targeted for their haircuts, outfits, tattoos or shoes,¹⁷³ or for being out after dark, congregating in the wrong area outside or inviting previously unseen friends over to visit,¹⁷⁴ but more alarming are the statements that testify to heightened levels of relentless violence that, as noted by Reyna in her interviews, result in brutal beatings, intimidation and imprisonment. One young man is quoted as stating, “They threw me onto the floor, they started kicking me with their boots and they scarred my face...when I got up I was covered in blood, my entire face, my entire shirt was covered in blood...”¹⁷⁵ Another young man testified, “And they started hitting

¹⁷³ Ibid. 57.

¹⁷⁴ Ibid. 58.

¹⁷⁵ Ibid. 49. Original in Spanish. Trans. Author.

me all over my body, they struck my face with various blows, also my feet...I also had bruises on my ribs, it was difficult for me to breath...”¹⁷⁶ Others speak to the torture suffered at the hands of the police: “Until recently I had a scar that they made with a knife, that they made on my neck...they started by heating a knife and then they placed it on my neck...They were also telling me that they take lighters from young men and start to burn them, to burn their hair or stomach...,”¹⁷⁷ or “The took me to the local [police] office. Well, they also beat me, they took my clothes off and the put me in...the put my head into a bucket of water, they put toothpaste in my mouth...they wanted me to say something about the ‘muchachos’ [alleged gang members] that they had run off...She went to pick me up at the local [police] office, when she arrived, the told her that they were speaking with me, and the truth was that they were beating me, I couldn’t walk because they had fractured my foot.”¹⁷⁸

Furthermore, if youth protest this treatment, it can lead to more unprovoked abuse. Several young men provided statements to the fact, including: “You can’t say anything to the police, they shut you up, they bend your feet [backwards], they hit you in the ribs.”¹⁷⁹ Or, “The beatings are daily and if you talk back to them, the angrier they get.” And finally, “With us they have more confidence in beating us since we have no right to defend ourselves...”¹⁸⁰ With rampant assumptions and accusations of gang membership, and the proliferation of trumped up charges (one young man stated: “I’ve come to realize that they [the police] invent things, they try to extract...to put something on you, it’s what you are, you did this, it’s that you’re a part of,

¹⁷⁶ Ibid.

¹⁷⁷ Ibid. 50.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid. 48.

¹⁸⁰ Ibid.

then with those excuses, I feel that with those excuses, they see you as a bad person, then they have the right to beat you, like they have the right to assault you...verbally or physically...”¹⁸¹) as motivations for police abuse, there are few defenses against daily harassment outside of vacating and ceding control of public spaces. Indeed, many young people attested to the fact that they rarely tread far away from their homes, or are reluctant to go out, and that, in comparison with their past habits, their time inside has only increased. One young man stated, “I play Nintendo in my house, before I used to go to the soccer field, but not now. I hardly go out.”¹⁸² Or another, “Now if I have to go out, because I have a community meeting or I have to run errands, I do go out, but to the contrary, I avoid it, because since they started seeing you outside with a phone in your hands, in other words, as if being outside of your house is to be a delinquent, wherever you go, but if you’re outside your house you’re a delinquent and whomever can, he can stop you, he can search you, he can say something to you...”¹⁸³ And many, again, are profiled for their appearance, with the police taking their photographs and filing them away as a method of surveillance, marking them as gang members *avant la lettre*. One young man observed: “They [the police] get kids used to being stopped for their outfits, they take their pictures in order to identify them, although they are not gang members.”¹⁸⁴ This, in turn, brings into full circle the types of harassment and control exerted on estranged populations before and during the civil war, and interpellates a new generation of “subversives” whose existence must be suppressed, even to the point of death.

Anonymous in nature, the power in these testimonial statements resides in the fact that

¹⁸¹ Ibid.

¹⁸² Ibid. 58.

¹⁸³ Ibid.

¹⁸⁴ Ibid. 53.

they represent direct communal input in the inscription of records attesting to human rights violations in Mejicanos. Although still siphoned through the work of a central HRNGO, the focus groups used to amass the information and descriptive content were dialogic and participatory forums that were designated safe spaces from which to witness and launch a critique of police abuse, the disposability of youth, and repressive state structures and policies; creating "...opportunities to reduce shame, promote empowerment, encourage social connections, reaffirm cultural identity, and challenge mindsets that underscore violence."¹⁸⁵ Committing their experiences and recollections to the record, these young people take advantage of one of the central tenets of the human rights observatory at SSPAS, as articulated by Reyna, to foreground the empowerment of community members and disallow the forgetting of the abuses they are experiencing. Centering the role of "survivors," SSPAS is in addition planting the seeds of a "participatory archive" that is "...a negotiated space built around critical reflection...created by, for and with multiple communities, according to and respectful of community values, practices, beliefs and needs."¹⁸⁶ And which moreover redefines "...the notion of agency in records..." and repositions "...the subjects of records and all other involved in the events and actions documented as participatory agents with a suite of legal and moral rights and responsibilities relating to records and archives."¹⁸⁷

Heeding the advice that "...while non governmental bodies often have the trust, resources and ethical authority to serve as stewards of records, their vulnerabilities must also inspire the possibility that in the absence of a record, archival descriptions may take on evidentiary value in

¹⁸⁵ Wallace et al., "Stories for Hope—Rwanda: A Psychological—archival Collaboration to Promote Healing and Cultural Continuity through Intergenerational Dialogue." 278.

¹⁸⁶ Gilliland and McKemmish, "The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery." 4.

¹⁸⁷ Gilliland and McKemmish. 5.

and of themselves...,”¹⁸⁸ which speaks to the precarity of the records generated by organizations such as SSPAS whose work threatens powerful state agents, the subjectifying potential of the record, its ability to “...constitute realities...”¹⁸⁹ and lend ontological integrity, cannot be discounted. While acknowledging “the hurley burley of power relations”¹⁹⁰ and the “...mutually constitutive relationship to power regimes and systems of rule that sustain and are sustained by the archive...”¹⁹¹ (which can also result in subjects that are “...inseparable and always situated in social power relations...”¹⁹²), with communities of concern involved in the formation of records regarding their experiences, then opportunities for agency are expanded, “...repositioning records subjects as records agents.”¹⁹³ Even under the cover of anonymity, or perhaps because of it, the young men and women whose words and memories are inscribed in these testimonies, these human rights records, discursively and materially start to shift the ideological paradigms that have been imposed upon them. In turn, joining the innumerable “subversives” of El Salvador’s past whose subjection to torture, arbitrary detentions and disappearance did not go uncontested or inscribed in the record.

Summary

*Las pandillas muchas veces son el fruto de las cosechas de la sociedad.*¹⁹⁴

¹⁸⁸ Wood et al., “Mobilizing Records: Re-Framing Archival Description to Support Human Rights.” 412.

¹⁸⁹ Ketelaar, “Archival Temples, Archival Prisons.” 222.

¹⁹⁰ Duff and Harris, “Stories and Names: Archival Description as Narrating Records and Constructing Meanings.” 264.

¹⁹¹ Macías, “Between Violence and Its Representation: Ethics, Archival Research, and the Politics of Knowledge Production in the Telling of Torture Stories.” 26.

¹⁹² Macías. 22.

¹⁹³ Eric Ketelaar and C. Brown, “Archives, Memories and Identities,” *Archives and Recordkeeping: Theory into Practice*, 2013, 131–70. 153.

¹⁹⁴ “Often gangs are the fruit of society’s harvest,” Trans. Author. Giovanni. Interviewed by Antonio López Rodríguez, February 27, 2014. Courtesy of Antonio López Rodríguez.

*Archives capture and can expose, knowingly and unwittingly, intimate aspects of people's lives, activities, and relationships, whether they be still alive, in living memory, or passed out of direct memory. As such, they also play a critical role in how people come to be characterized to the public mind. Once people are no longer alive to tell their own stories or to correct or refute those told about them, archives become their voice, and one hopes, their protector.*¹⁹⁵

In this chapter, I investigated the genealogy of the gang phenomena in El Salvador in order to make a case for its discursive and historical relationship to the interpellation and persecution of “subversives” in the periods before and during the civil war. Similarly characterized by the identification and vilification of an enemy within, the eventual replication of methods of surveillance, detention and torture in the post-conflict era spoke to a continued climate of impunity and irresolution that resorted to violence, legalized or extrajudicial, as legitimate methods for contending with conflict and difference. In both instances, the work of HRNGOs and their creation of records documenting human rights violations were instrumental towards attesting to injustices being committed in the name of national stability and security. But with a shift in public opinion on human rights after the civil war, and its maligned identification with delinquents and gang members, the justification for accounting for abuse and protecting the rights of assumed perpetrators became challenging. Into the fray have stepped organizations such as SSPAS and FESPAD who have disputed popular perceptions of gang members and poor youth, and have made the case for a broader analysis that takes into account the historical, social, economic, political and cultural trajectories that have brought El Salvador to this juncture as a nation, and which have created the conditions for the emergence of gangs and contemporary forms of violence.

By focusing on primary and secondary source materials from both organizations, as well

¹⁹⁵ Gilliland and McKemmish, “Rights in Records as a Platform for Participative Archiving.” 117.

as interviews with staff members directly involved in documentation/records work, this chapter highlighted the seminal importance of records in empowering and re-centering “survivors” of police abuse, contesting the misinformed and reductive representations of them as irredeemable gang members that, again discount their socio-historical trajectory, and in turn advocating specifically for the participatory models posited by SSPAS through its report, “Inseguridad y violencia en El Salvador: El impacto en los derechos de adolescentes y jóvenes del municipio de Mejicanos” (Insecurity and Violence in El Salvador: The Impact on the Rights of Adolescents and Youth in the Municipality of Mejicanos),¹⁹⁶ which used focus groups and community forums to cull insight from the residents of Mejicanos it serves. Though currently limited in its ability to fully participatory, as defined by Gilliland and McKemmish,¹⁹⁷ due to concerns of privacy and possible retribution, SSPAS nonetheless achieves greater involvement and transparency than found in past iterations of HRNGOs in El Salvador. Indeed, with the contested nature of human rights discourse, and its applicability to suspected gang members, in El Salvador, it is perhaps advisable that SSPAS retain some level of anonymity for community members.

It is these vicissitudes and future challenges of documenting human rights in El Salvador that will be taken up in the next chapter. Looking towards the historical patterns and contextualizations that are provided by the praxis and materials detailed in this and the last chapter, it will also discuss whether there is a commitment to developing alternative archival models and engendering discursive practices that inaugurate different regimes of power. Indeed, what does the human rights landscape look like in El Salvador after the 2017 repeal of amnesty laws that applied to human rights violations occurring during the civil war, and escalating

¹⁹⁶ www.iberiansselectronic.com, “Investigación.”

¹⁹⁷ Gilliland and McKemmish, “The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery.”

concerns about security and violence that still contribute to a repressive environment for alleged gang members? Will human rights continue to deteriorate for the latter in the face of the FES and public licensing of extrajudicial executions? What is the role of the human rights record at this moment in Salvadoran history and what can be learned from past methods of inscription?

Chapter Four: “At the Interstices of Impunity and Reconciliation: El Salvador’s Reckoning with Human Rights”

Introduction

In the concluding chapter of this dissertation, I turn to the state of human rights and the human rights record in El Salvador in the wake of the repeal of the 1993 amnesty law and the continued extrajudicial execution of alleged gang members as a means of arguing for the enduring interrogative and subjective force of records even in the face of steadfast social, historical, political and cultural barriers. Hindered for decades by rampant impunity and an impeded process of reconciliation that indemnified human rights violators, and occluded the atrocities committed, the valence of human rights records from the civil war has remained fairly muted. Although the archives of CDHES are a rich resource for victims and their families, as well as an international bevy of researchers, their other intended utility as testaments for legal or governmental action has been circumvented by an official desire to blindly move beyond the traumas of the past in the search for a future replete with neoliberal success. The extent to which this is changing with the aforementioned repeal of the amnesty law in 2016 is yet to be determined, but the legacy of chronicling past atrocities is abutting with the simultaneous reintroduction of death squad tactics by the president and PNC against alleged gang members which has compelled the uncanny inscription of human rights records to account for these haunting parallels with the past.

Contrasted with the work of CDHES, the efforts of FESPAD and SSPAS to document the abuse of gang members and poor youth is equally a gesture intended on empowering communities to assert a subjectivity and political agency that they have been denied by the behaviors and policies of the state and its security agencies. But with the discursive shift from “subversive” to “gang member” as the onus of a relentless and empirical violence, the disruptive

“foreign” element within the nation is now assigned a disposability that witnesses little public protest. To guard human rights in the face of past impunities alongside contemporary enmity towards these monstrous others, is to confront the combined ambivalence and resentment of both the state and the general population. “Human rights,” therefore, is a ceaselessly contingent construct whose advocacy is once again viewed as suspect, and disregarded as posing a “truth” that must be engaged and attended to. The parallels between the periods of the civil war and the contemporary moment asserted throughout this dissertation, insofar as rhetorics, figurations and resultant material violence are hauntingly similar, are integral to this evaluation of the path forward for El Salvador, and was a theme echoed throughout discussions held with members of CDHES, SSPAS and FESPAD.

Thus, this chapter delves into what these agencies can learn from one another, whether a productive dialogue has already taken place between them, and what they consider the future of human rights and the human rights archive to be in El Salvador given their fraught history. Once again revisiting interviews with staff members from CDHES, FESPAD and SSPAS, the intent is to let their voices lead the way towards a summation of some of the issues discussed in this dissertation, particularly regarding the impact of the discursive and material shift in human rights “victims” on human rights recording, and the next steps to be taken to account for the violence which continues to plague the nation. Skeptical about the capacity of the Salvadoran public or governmental institutions to come to terms with past atrocities, and their ongoing ramifications for contemporary society, Reyna, López Rodríguez and Montenegro nevertheless emphasize the need to critique the discursive, social, cultural and political conditions that have led and continue to lead to the persecution and abuse of some of the country’s most marginalized citizens.

Working against the precaritization and further abjection of their communities of concern, and an erasure of the historical factors that have contributed to their situation, they moreover insist on the urgency of documenting human rights violations and committing them to the record. This as a means of advocating for and sustaining the subjective agency of their communities, but also to contest the duplicitous rhetoric of governments and policing agents intent on interpellating and persecuting scapegoated internal enemies in the name of democratic progress or national security. Therefore, although there is a recognition of the corruption, inequities of power, apprehension towards human rights and the impulse towards historical erasure that permeate Salvadoran society, Reyna, López Rodríguez and Montenegro continue to promote the efficacy of their work and the need for communities to advocate for their rights, despite the socio-political, economic and cultural factors intent on depriving them of these. This chapter will subsequently explore their complex approach towards accomplishing this, and their use of records inscription as an instrumental tool towards facing the contemporary and historical challenges posed in accounting for human rights, and really for the “human” status of their communities, in El Salvador.

El Salvador in the Wake of the Monstrous: Human Rights, Archives and Precarity

*...how does one rewrite the chronicle of a death foretold and anticipated, as a collective biography of dead subjects, as a counter-history of the human, as the practice of freedom?*¹

*Dissent is quelled, in part, through threatening the speaking subject with an uninhabitable identification.*²

*It is here, beneath the surface whirl and clatter of information, that the instruments of power are forged. Instruments which in their most fundamental of operations create and destroy, promote and discourage, co-opt and discredit, contexts.*³

¹ Hartman, “Venus in Two Acts.” 3.

² Butler, *Precarious Life: The Powers of Mourning and Violence*. xix.

On September 27, 2017, President Salvador Sánchez Cerén established the National Commission for the Search for Adults Disappeared during the Armed Conflict in El Salvador (Comisión Nacional de Búsqueda de Personas Adultas Desaparecidas en el contexto del conflicto armado en El Salvador, CONABÚSQUEDA).⁴ Charged with the arduous task of determining the whereabouts of thousands of the dead and disappeared from the civil war, the commission's mandate, beyond being challenged by the vicissitudes of time, memory and forensics, faces the added obstacle of the negation of archival evidence regarding forced disappearances or massacres that may exist among the records of the Armed Forces. As detailed in an article on the subject by *El Faro*,⁵ the Armed Forces have continuously refused to allow public access to their archives, and deny the possibility that they contain any information on the countless individuals that were captured or terminated during the conflict at their behest; a fallacy in the face of documents unearthed by journalists at *El Faro* in 2015, such as the Libro Amarillo, that contain detailed information on citizens detained, tortured and disappeared.⁶ This notwithstanding, the inauguration of this commission, in tandem with the reopening of the case of the massacre at El Mozote,⁷ are indicative of an incipient reckoning with the ghosts, trauma and carnage of the conflict which has only been further emboldened by the repeal of the 1993 amnesty laws in 2016,

³ Harris, "Archons, Aliens, and Angels: Power and Politics in the Archive," 109.

⁴ "El Salvador Crea Comisión Nacional de Búsqueda de Desaparecidos," WOLA, September 27, 2017, <https://www.wola.org/es/2017/09/el-salvador-crea-comision-nacional-de-busqueda-de-desaparecidos/>. "El Salvador Launches to Find Those Missing from Civil War," *Reuters*, September 28, 2017, <https://www.reuters.com/article/us-elsalvador-missing/el-salvador-launches-commission-to-find-those-missing-from-civil-war-idUSKCN1C305R>.

⁵ "Gobierno Crea La Comisión de Búsqueda de Adultos Desaparecidos En La Guerra," *elfaro.net*, accessed October 11, 2017, https://elfaro.net/es/201709/el_salvador/20958/Gobierno-crea-la-Comisión-de-búsqueda-de-adultos-desaparecidos-en-la-guerra.htm.

⁶ "Los Archivos Secretos de La Dictadura."

⁷ "Juez Ordena Reapertura Del Caso El Mozote y Abre Proceso Contra El Alto Mando de 1981," *elfaro.net*, accessed October 11, 2017, https://elfaro.net/es/201609/el_salvador/19339/Juez-ordena-reapertura-del-caso-El-Mozote-y-abre-proceso-contra-el-Alto-Mando-de-1981.htm.

that had previously barred the prosecution of those responsible for human rights violations committed.⁸ Although justice continues to remain elusive in El Salvador given the ongoing corruption and impunity of the government,⁹ these gestures at reconciliation stand in sharp contrast to the years of denial that had surrounded the civil war within the halls of officialdom, and the marginalization of efforts to confront the troubled legacies of the conflict; responsibility for which had continued to fall on the shoulders of HRNGOs such as CDHES and IDHUCA.

Of course, the great irony at the heart of these endeavors is that they have arisen in the midst of what ostensibly is the state sanctioned, extrajudicial execution of gang members and poor youth. As noted in the *Revista Factum* investigation cited in the previous chapter, only a year before establishing the CONABÚSQUEDA, Sánchez Cerén had also ordered the formation of an elite battalion within the National Civil Police (PNC), the Fuerza Especializada de Reacción El Salvador (FES – Special Reaction Forces of El Salvador),¹⁰ that has been discovered to deploy death squad tactics to contend with the forces behind MS-13 and Barrio 18. Often inventing and staging armed confrontations with alleged gang members, the FES has targeted and killed hundreds of individuals since being given its mandate, and shows no signs of diminishing its efforts due to support for its actions at governmental and societal levels. Indeed, as discussed previously, the scale of enmity towards gang members is so extreme, that the very public display of murderous intent towards them is met with little protest, and is in sharp contrast with the predominantly clandestine nature of similar extrajudicial tactics used during the civil war.

⁸ “El Salvador Rejects Amnesty Law in Historic Ruling.” “El Salvador Strikes down Amnesty for Crimes during Its Civil War - The Washington Post.”

⁹ “El Mozote: El Juicio Que Tambalea Hacia La Impunidad — Por Roberto Burgos Viale,” *elfaro.net*, accessed October 11, 2017, <https://elfaro.net/es/201710/columnas/20992/El-Mozote-el-juicio-que-tambalea-hacia-la-impunidad.htm>.

¹⁰ dice, “En La Intimidad Del Escuadrón de La Muerte de La Policía.” Accessed September 1, 2017.

In a recent interview with The Washington Office on Latin America (WOLA),¹¹ investigative journalists Héctor Silva (*Revista Factum*) and José Luis Sanz (*El Faro*) comment that degree of tolerance displayed within the government for the abusive behavior of the FES and its open sharing of photographs and information about the profiling and execution of alleged gang members via applications such as WhatsApp, belies an environment of permissiveness that no longer requires the FES to cloak its actions from the public. In fact, calls for revenge against gang members on the part of a nation weary of their violence and extortion, and people's exhaustion at being caught in the crossfire of measures directed towards controlling them, has led to a tacit, if not enthusiastic, acceptance of the direct elimination of alleged gang members. Furthermore, Silva and Sanz confirm that the material and spectral presence of gangs, their real and imagined threat to the body politic, has been used by "political elites" to circumvent contending with the socio-economic, cultural and political inequities that continue to plague the nation, as well as allowing them to avoid confronting the elevated levels of corruption in place at the heart of governmental institutions. Using the public's legitimate desire to avoid further violence in a cynical reach for political power, officials and politicians across the ideological spectrum perpetuate a dichotomous rhetoric that counter poses the "bad" behavior of alleged gang members with the "good" and contributive extrajudicial actions of units such as the FES. Therefore, it is no surprise that according to a study conducted by the Universidad Centroamericana "José Simeón Cañas" (UCA) cited by Silva and Sanz in their interview, that one in three Salvadorans approve of extrajudicial executions and promote the additional use of more extreme measures against gang members. This invocation of the monstrous other, in turn, justifies the reintroduction of brutal civil war methods of contending with violence, conflict and

¹¹ "Death Squads in El Salvador's Police," WOLA, accessed October 12, 2017, <https://www.wola.org/analysis/death-squads-el-salvadors-police/>.

difference that the peace accords were intent on renouncing, and reinforces historical power imbalances that accorded the police and military unquestioned control over the fates of society's most disposable subjects.

When thinking about the fate and purpose of human rights archives in El Salvador in the face of these parallel, yet distinct historical currents, it is useful to consider the concomitant questions addressed within this dissertation on the discursive tropes or regimes that have been (re)kindled in Salvadoran society to contend with difference in conflict, their material effects and what role records have in either replicating or undermining their valence. If the “subversive” of the civil war merited salvaging due to their ultimate dedication to a larger vision of leftist or revolutionary political reform, that abutted against a history of violence and repression, the “inhuman” or monstrous gang member is a more ambivalent “victim” of extrajudicial brutality whose inscription within the human rights records is debated, if not resented, by the general population. In discussions with Miguel Montenegro,¹² the Director of CDHES, it was clear that the lack of resources allocated to the preservation of records on civil war era human rights violations was a connected to a local aversion to confronting El Salvador's troubled past, and the inability to rely on any measure of accountability for the torture and disappearances that had taken place [CDHES, Interview]. While grassroots organizations such as CDHES, and more institutional repositories like the Centro de Información, Documentación y Apoyo a la Investigación (CIDAI) at the UCA, have persisted in their efforts to maintain the testimonials, reports and audio-visual legacy of the human rights atrocities committed during the conflict, they have done so in the face of rampant impunity and, at least during the reign of the ARENA party, the continued assertion of the “subversive” character of civil war protests.

¹² Miguel Montenegro. Interviewed by Mario H. Ramirez at the Comisión de Derechos Humanos de El Salvador (CDHES), May 4, 2016.

With the discursive and empirical shift from “subversive” to “delinquent” to “gang member” as the embodiment of a feared and disruptive presence within Salvadoran society, the landscape of human rights recording has also been transformed, retaining some of its ontologizing powers but in the face of a complex disenchantment with human rights which places the efforts of organizations such as SSPAS and FESPAD in contradiction to public sentiment. As evident in interviews with both Verónica Reyna and Antonio López Rodríguez,¹³ the agreed upon urgency in documenting cases of police abuse of alleged gang members and poor youth is more than often paired with the need to justify demonstrating a concern for the lives of those assumed to be irredeemably violent and expendable, who are beyond the pale of the *human* of the human rights paradigm [SSPAD/FESPAD, Interviews]. In fact, what López Rodríguez maintains is the “criminalization of human rights” in the Salvadoran context is the direct product of what Reyna has also observed as the sole identification of human rights advocacy with the defense of gang members; which in turn allows for the ready dismissal of claims of abuse, and the foreclosure of any possible investigation into violations committed. Fueled by a punitive populism that is, again, invested in a dichotomous casting of “good” and “bad” societal divisions as a means of quelling fears of violence and disorder, the refusal to recognize gang members as *human* victims who are themselves products of cycles of violence and brutality results in a process of disassociation that sees little harm in their execution.

And this is the crucial point at which the human rights record, as a means of subjective inscription, can be a testament to the existence of the gang member as an embodied individual whose psyche and person are capable of being injured, and whose elimination at the hands of authorities should be a harbinger of the reintroduction of the types of repressive excesses that

¹³ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), May 6, 2016 and August 15, 2016. Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

have plagued El Salvador well beyond the twentieth and twenty-first centuries. As emphasized throughout this dissertation via the work of Judith Butler, the precarity of individuals or groups within a society is reinforced by their negation as lives capable of being injured, and whose loss is worthy of being grieved. Beyond chronicling the bare facts of a life-changing instance of violence, the human rights record helps place the gang member within the arcana of the “human” in the sense that there is a presumed responsibility to recognize their presence as one that needs to be observed and protected. Critical as we should be of the Occidental and legal inadequacies of human rights paradigms, the placement of the gang member within international circuits of rights recognition aids in reinforcing their subjectivity, even though this is contingent on a questionable language of human constitution and a potentially wrought relationship between the so-called “developing” and “developed” worlds.

But moreover, as has already been argued, the creation of records, particularly within communities such as Mejjicanos which is the focus of SSPAS’s work, serves as a crucial vehicle for the self-empowerment of victims and the affirmation of the fact that their lives matter, notwithstanding prevailing discourses of fear and (in)security that argue for their marginalization and destruction. Within the Salvadoran context, where exposure to extreme levels of violence and the vacating of ontological purpose have become normative, these gestures of (self)recognition through testimony and records cannot be discounted. As Reyna noted,¹⁴ the significance of documenting violations against alleged gang members or poor youth, in the face of the numerous challenges the Salvadoran people confront on a daily basis, lies in the fact that it highlights the extent of the structural violence exerted by the government and its security agencies; information that they would rather not be reported or in any way made tangible to an international audience [SSPAD, Interview]. With the human rights record as its apparatus,

¹⁴ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), August 15, 2016.

incidents of state sponsored violence are rendered legible not as horror inducing entertainment, as the numerous videos on YouTube featuring members of the PNC assaulting suspected youth attest to, or as objects of surveillance and ridicule, such as the videos, photographs and intelligence shared by members of the FES via WhatsApp, but as examples of gross violations and abuse that compel engagement, concern and action.

As has been evident throughout this dissertation, a dialogue between periods and praxis of human rights records from the civil war and the contemporary moment from the outset reveals the dramatically contrasting attitudes among the Salvadoran people about human rights and their application. Although organizations such as CDHES, SSPAS and FESPAD all struggle(d) to justify their efforts and legitimize their claims through local, national and international engines, often taking great risks to report human rights violations, the fundamental rectitude of chronicling the torture, death and disappearance of those deemed as “innocents” in the face of political repression outweighs the “questionable” morality and ethics of documenting the mistreatment and elimination of violent gang members. Echoed throughout interviews with Reyna and López Rodríguez,¹⁵ this sentiment belies a post-conflict weariness with delinquency and crime that witnessed a growing identification of “human rights” with the protection of criminals, and subsequently gang members, which was divorced from its previous affiliation with the plight of non-violent victims [SSPAD/FESPAD, Interviews]. Despite the fact that human rights violations from the civil war remained un-reconciled, and their concomitant records were becoming historical artifacts, there nevertheless persisted an investment in the righteousness of the beliefs and circumstances which had led to the atrocities committed by the government, police and military.

¹⁵ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), May 6, 2016 and August 15, 2016. Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

Comparatively speaking, the gang member whose harassment and potential death at the hands of the very same agencies, and with the use of similar tactics, has no revolutionary or ethical recourse, but instead is viewed, and perhaps rightly so, as a figure of disorder and violence whose contributions to society constitute continual fear, extortion, intimidation and murder. To advocate for the rights of such individuals, although falling within a comparable civil war narrative of accounting for the vilified other, is perceived as itself criminal in its seeming disregard for the “legitimate” victims of their ostensibly criminal behavior. But as was discussed in the previous chapter, and was invariably highlighted by Reyna and López Rodríguez,¹⁶ the reality was that the bulk of alleged gang members who were targeted by the PNC and subject to mistreatment were in fact unaffiliated poor youth who themselves were being victimized within their own communities by representatives of MS-13 or Barrio 18 [SSPAS/FESPAD, Interviews]. Fearful for their own lives given past murders of police officers by gangs, the PNC has turned their focus upon those who could least protect themselves, and who are caught up in the tangle of post-conflict violence and poverty. Subaltern in the sense that they have little access to power, or voice in determining the fates of their communities through official channels, these youth are further distanced from national concern through their interpellation as criminals. This criminalization of youth provides a certain clarity to the Salvadoran government insofar as the woes of the nation can be attributed to or superimposed upon a reviled population, but its ultimate effect is to turn the Salvadoran people against themselves, once again engendering an enemy within whose elimination will help resolve historical inequities and abuses.

The impact of this for human rights reporting and for the inscription of the human rights records is significant. Although the *practice* of chronicling violations continues to circulate around similar mechanisms such as the testimonial, the statistical body count and an adherence

¹⁶ Ibid.

to an international vocabulary of rights, elements that both the periods of the civil war and the current juncture share, the *ideological* frameworks for the creation of human rights records has changed. Not only is there no longer a clearer dividing line between “victim” and “perpetrator,” generating an existential confusion of national belonging and a difficulty in easily distributing blame, but popular support for acts that violate human rights, such as torture, disappearance and extrajudicial execution, constitutes a break with past public contestations of these very forms of abuse. To therefore document human rights violations at this moment in El Salvador, insofar as it concerns the lives of alleged gang members, is to be in contradiction to the state, *as well as* the interests and desires of much of the Salvadoran population.

Despite the fact that patterns and continuities of state abuse that link civil war “subversives” and monstrous gang members are acknowledged and considered integral to analyzing the present moment by these HRNGOs, this recognition does not permeate the consciousness of the general public. Still persistent in their belief that justice needs to be found for the victims of the civil war, Salvadorans apparently do not feel similarly about alleged gang members and their open pursuit at the hands of the PNC or the FES. In an environment where violence at numerous levels has become normative, the persecution of the less than sympathetic figures whom in the immediate moment appear to be predominantly responsible for the perpetuation of this violence would seem to be “logical,” indeed their elimination would imply the elimination of the problem; a popular opinion among several of the members of the general public that I encountered during my research. But as has been noted before, this is merely a scrim for the under recognized structural violence that is visited upon the Salvadoran people by the state and its security agencies, and the accompanying violence that is wrought by poverty, marginalization and the vicissitudes of neoliberal capitalism.

Kristeva argues that "...the foreigner is a "symptom": psychologically he signifies the difficulty we have of living as an *other* and with others; politically, he underscores the limits of nation-states and of the national political conscience that characterizes them and that we have all deeply interiorized to the point of considering it normal that there are foreigners, that is, people who do not have the same rights we do."¹⁷ The rhetoric surrounding gang members that permeates all avenues of social, political and cultural discourse in El Salvador have shaped a "foreigner" in the midst of society that is perceived as the "differance" of the body politic, belonging yet not, familiar but also deeply alien. No longer welcome on their national shores, measures are instead sought to exile the gang member and to occlude the dissolution brought on by the country's histories of violence.

In discussions with Reyna and López Rodríguez,¹⁸ it was notable that despite their obvious dedication and belief in the need to give account of the injuries caused to the lives and bodies of gang members and poor youth that the unresolved legacies of the civil war combined with pervasive corruption, insecurity, fear and permissiveness towards violence as a form of conflict resolution, left them with a sense of hope averted [SSPAD/FESPAD, Interviews]. As persistent as they were in creating records of abuse, of taking video testimonies, of holding focus groups and discussion forums to help their communities articulate the turbulence they confronted as they stepped out of their front doors, there lingered a lack of expectation that things could change: that the brutality could eventually end; that the FES, PNC and the government of President Sánchez Cerén would stop investing their time and money in policies and anti-gang measures that only served to perpetuate violence and further entrench repression; that the country

¹⁷ Kristeva and Roudiez, *Strangers to Ourselves*. 103.

¹⁸ Verónica Reyna. Interviewed by Mario H. Ramirez at Servicio Social Pasionista (SSPAS), May 6, 2016 and August 15, 2016. Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

could learn from its immediate past and uphold the changes brought on by the Chapultapec Peace Accords. But this seemed far off when only FESPAD, SSPAS and IDHUCA were among the few organizations even interested in affirming the human rights of alleged gang members, with a ripple pool effect that was admittedly limited in such small and densely populated country.

When speaking with Montenegro,¹⁹ there was still some expectation that the records in the CDHES archives could have a significant impact on civil war atrocities and already there had been movement in this respect in the form of increased public discussions and incipient legal proceedings that sought to address past crimes [CDHES, Interview]. But insofar as the policies of previous, and to some extent current, administrations and extant amnesty law had placed a stranglehold on this possibility, it was still unknown as to the level(s) of engagement with the records that would take place. One must be reminded that until recently, there were still vigorous efforts to destroy or prevent access to records documenting human rights violations from the conflict that could implicate individuals from across the political spectrum. Two notable incidents from 2013 alone include the destruction of records of Pro-Búsqueda Association for Missing Children (an agency dedicated to locating children who were declared missing during the civil war) during a break-in and vandalization of their offices,²⁰ and the abrupt closing of Tutela Legal (a prominent human rights agency affiliated with the Archdiocese of San Salvador with an extensive archive chronicling violations from the conflict).²¹ Both occurred within

¹⁹ Miguel Montenegro. Interviewed by Mario H. Ramirez at the Comisión de Derechos Humanos de El Salvador (CDHES), May 4, 2016.

²⁰ “Ataque a Pro-Búsqueda Destruyó Expedientes de Causa Contra Militares Que Estudia Sala Constitucional.” “Ataque a Pro-Búsqueda,” *elfaro.net*, accessed October 14, 2017, <https://elfaro.net/es/201311/opinion/13964/Ataque-a-Pro-Búsqueda.htm>. Wood et al., “Mobilizing Records: Reframing Archival Description to Support Human Rights.” 412.

²¹ Flores and Marroquín, “El Obispo y La Memoria: Crónica Sobre El Archivo de Tutela Legal En El Salvador.” “El Cierre de Tutela Legal,” *elfaro.net*, accessed October 14, 2017, <https://elfaro.net/es/201310/opinion/13504/El-cierre-de-Tutela-Legal.htm>.

months of each other and were assumed to be a consequence of an attempt on the part of the Constitutional Chamber of the Supreme Court to declare the existing amnesty law unconstitutional in September 2013. The extent to which the repeal of this law in July 2016 has now allowed for the opening and litigation of human rights cases such as the aforementioned massacre at El Mozote, and subsequently the use of archives to corroborate the details of these incidents, is a constructive development, but all interviewees were skeptical of the degree of restitution this would accomplish due to corruption within governmental institutions.

Although an April 29, 2016 forum at FESPAD cited earlier also placed a call for the establishment of a collaborative and cross-institutional investment in the development of standards and policies to help orient archival practices, López Rodríguez later admitted that there was little cross-generational dialogue or cooperation between organizations regarding the documentation of human rights violations during the civil war and now, and that the struggle for scarce resources to some degree forecloses the possibilities of partnerships and the sharing of information [FESPAD, Interview].²² It certainly was clear that despite the fact that their trajectories maintained several similarities, that the documentation of civil war violations and those of alleged gang members remained distinct entities. Indeed, additional discussions with representatives from other human rights organizations in El Salvador, such as Tutela Legal,²³ revealed that there was scant cooperation even among those who were also involved in chronicling violations from the civil war, both during the conflict and in the post-conflict era [TL, Interview]. Incipient plans on the part of Tutela Legal to create an umbrella organization called Fundamemoria that, in addition to other activities, would serve as a central repository for the

²² Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

²³ Alejandro L. Díaz Gómez. Interviewed by Mario H. Ramirez at Procuraduría para la Defensa de los Derechos Humanos de El Salvador, June 23, 2015.

records of several HRNGOs in the region, although in collaboration with the Procuraduría para la Defensa de los Derechos Humanos de El Salvador and the Comisión de Memoria Histórica, did not also involve CDHES.²⁴ Montenegro appeared adamant in striking a singular path for his organization that incidentally preferred funding from European sources, as opposed to from the U.S., due to a continued unease with the role of the U.S. during the conflict; although by my last visit to El Salvador in October 2016, Montenegro mentioned he was in discussions with a university in the U.S. to undertake some digitization projects.

This lack of cross-pollination of praxis has translated into a heavy reliance on international human rights frameworks that despite the deep communal focus of HRNGOs featured in this dissertation, serves as the connective tissue that orients method and discourse. In fact, as López Rodríguez pointed out,²⁵ the extent to which the Salvadoran government commits itself to international human rights mandates is linked to demands on the part of international partners and agencies entering into agreements with El Salvador for their recognition and adherence [FESPAD, Interview]. This has certainly been consequential for HRNGOs in the region insofar as external paradigms come to exert a legitimizing influence in the language and structure of human rights reporting and records formation, one that continues to rely on outside recognition for internal conflicts. But moreover, this reveals the ongoing displacement of responsibility for chronicling human right violations and for victims of brutality from the government itself to these local HRNGOs who are reliant on international funding and standards for their existence. Displaying what is by now a historic pattern, the administration of Sánchez Céren, while espousing policies that appear to acknowledge human rights and the impact of

²⁴ Ibid. Unable to get in contact again with Díaz Gómez during the course of research for this project, I am not aware of the fate of this initiative. I hope to address this again in future endeavors.

²⁵ Antonio López Rodríguez. Interviewed by Mario H. Ramirez at the Fundación para la Aplicación del Derecho (FESPAD), October 21, 2016.

violence on the lives of everyday Salvadorans, simultaneously adopts repressive measures that violate the very human rights they purport to uphold. The 2016 “Plan Salvador Seguro” is a case in point,²⁶ at the same time that it proposed reforms in education, arms control and youth employment which would go towards alleviating some of the socio-economic and cultural burdens of the populous, it also licensed the increased presence of the PNC in local communities and encouraged them to undertake more extreme measures to combat alleged gang members and their activities.

Therefore, HRNGOs are hard pressed to find local funding, solutions and recognition for their work due to the fact that the government itself is often involved in the perpetuation of human rights violations against its own citizens. This was certainly the case during the civil war, when CDHES and its sister organizations relied on external support for their survival because they were chronicling human rights violations committed by period administrations and their security agents, and, as has already been pointed out, this is clearly the situation in the documentation of the abuse and extrajudicial execution of alleged gang members by SSPAS and FESPAD. Though the latter organizations have some collaborative recourse to the Procuraduría para la Defensa de los Derechos Humanos de El Salvador (Human Rights Ombudsman’s Office of El Salvador), a product of the peace accords through which they legislate cases, the impression is that this agency is incapable of keeping up with the volume of abuse being carried out and is hindered by bureaucracy.

Of course, this relative independence has afforded CDHES, FESPAD and SSPAS a level of agency that is necessary to the observation and critique of the human rights situation in El Salvador, granting them the liberty to consistently protest egregious forms of abuse that would probably remain hidden. As in the case of SSPAS, this has led to measures intent on empowering

²⁶ “Gobierno Recicla Ideas y Estrena El Plan El Salvador Seguro.”

the community of Mejicanos through focus groups, community forums and informational workshops that create spaces for youth and their families to learn about their human rights, which encourages their ownership and transformation of the concept, and to create counter-narratives that articulate their harassment at the hands of the PNC. FESPAD for its part is helping shape policies regarding the treatment of alleged gang members, producing reports and publications about violations, like SSPAS, but also attempting to affect the nation's consciousness through the video testimonials of youth and the broadening of the dialogue to include discussions on the socio-economic, political and cultural factors that deeply impact communities and the persistence of gangs in El Salvador.

These shifts in discourse, contingent as they are on the exigencies of "human rights" as an international construct, nonetheless have an influence on perceptions and definitions of youth as criminals and disposable outsiders. Like civil war era contestations of the "subversive," though in ways more explicit, the refiguration of gang members as the products of El Salvador's histories of violence locates them within a national narrative that makes them tangible as *human* subjects caught up in the vicissitudes of post-conflict society, and not "inhuman" strangers whose own brutality is born of some surreal and innate monstrousness. The extent to which CDHES's own undermining of the categorical dismissal of lay people, university students, union organizers and other political dissidents as "subversive" and outsiders to the ultimate purpose of the nation-state during the civil war, vis-à-vis the many incidents of abuse it accounted, demonstrated a form of discursive protest by example. Teetering on (re)appropriation, they nonetheless pointed to the empirical circumstances that discounted claims that most victims were propagating disorder and not invested in the future of the nation. Reaffirming their *human*

potential, the inscription of these human rights records reified the belonging of the nation's most dispossessed citizens and contradicted attempts at further asserting their precarity and abjection.

Thus, the path forward is a collaborative opposition to the continued marginalization of difference in Salvadoran society, no matter how contradictory it may seem to the nature of the body politic, and the ongoing assertion of the claim to human rights through the inscription of the record. Challenging as it may be to coordinate efforts in the midst of pushes towards historical erasure and a climate of acute enmity towards alleged gang members, it is nonetheless key towards highlighting the deeply interwoven character of these phenomena, and how they are examples of the enforcement of a precarity that discourages reckoning with the revival of state sponsored violence. The human rights record is at the ontological crux of this confluence of contestations, and can only contribute to the disinterring of normative impositions of the "human" in El Salvador.

Summary

We heed a profound call when we engage what is "other;" when we strive to hear voices which are marginalized or silent; when we confront our own story telling and seek ways of telling better, more inclusive stories.²⁷

...there is no document of humanitarianism that is not at the same time a document of inhumanity, inequality and violence...²⁸

...which legacies of the human do human rights presuppose? And is it possible that human rights do not so much presuppose the human as conjecture or posit its future possibility?²⁹

²⁷ Duff and Harris, "Stories and Names: Archival Description as Narrating Records and Constructing Meanings." 280.

²⁸ Ian Balfour and Eduardo Cadava, "The Claims of Human Rights: An Introduction," *The South Atlantic Quarterly* 103, no. 2 (2004): 277-96. 293.

²⁹ Judith Butler, "Afterword: The Humanities in Human Rights: Critique, Language, Politics," *PMLA* 121 (n.d.): 1658-61. 1659.

In this final chapter, I discussed the state of human rights and the documentation of violations in El Salvador in light of the historically parallel repeal of the 1993 amnesty law and the founding of the FES by President Sánchez Céren within months of each other in 2016. Dependent on strikingly opposed human rights ethos, that Brown notes are contingent on moral determinations of “good” and “bad” human rights subjects,³⁰ advocacy for human rights and the creation of human rights records between the civil war and the post-conflict era has come to hinge on deteriorating public support that more readily identifies “human rights” with gang members, criminals and delinquents, and not the brothers, sisters, family and community that it recognized during the conflict. Indeed, the possible future rise of human rights claims and protestations from the civil war and the concomitant deployment of records to corroborate these statements and enable the prosecution of human rights crimes coincide with the near utter silence on the extrajudicial execution of alleged gang members and the reintroduction of death squad tactics into the nation’s security agencies (PNC). Routed out by the Chapultepec Peace Accords, which mandated the divestment of military and civilian led clandestine influences from the police force, extrajudicial strategies and actions have now re-emerged with the official sanctioning of the government and the enthusiastic acquiescence of the general public.

The consequence for HRNGOs like FESPAD and SSPAS, where part of their mission is focused on documenting human rights violations against alleged gang members and poor youth, is their vilification for upholding the rights of “criminals” and perpetrators of violence, and a constant struggle to justify the *humanity* of individuals popularly considered monsters. Despite the fact that most of the victims of the PNC are poor youth, who are themselves harassed by gangs, this perception continues to persist. This chapter, by revisiting interviews with staff

³⁰ Wendy Brown, “‘The Most We Can Hope For...’: Human Rights and the Politics of Fatalism,” *The South Atlantic Quarterly* 103, no. 2 (2004): 451–63.

members of CDHES, FESPAD and SSPAS, postulated the path forward for human rights and records in El Salvador given this environment, and what kind of cross-general dialogue could be had between periods, agencies and records. Framed by wanton corruption and a state of precarity that extends through all sectors, the challenges to human rights advocacy and restitution are indeed extensive, and are only further exacerbated by the lack of resources and minimal collaboration between institutions. Nonetheless, if a public reckoning with the aftermath and continued impact of the civil war is to take place, an equal acknowledgement of how gangs in El Salvador are the fruit of that conflict needs to occur.

Taking into account the role of the U.S. in both phenomena, it is the histories of violence and the maligning of difference that are at hand here, and which HRNGOs on both sides of the historical divide are equipped to help spur dialogue about. Already, as noted in the previous chapter, CDHES had started to track the transition between the persecution of political dissidents and that of “delinquents” as early as 1994, how then can these organizations work together to foreground these historical parallels to the public as a means of preventing the continued replication and buttressing of repression and inequality? How can records, despite their own exigencies, contribute to this process? These are the questions that need continued pondering as El Salvador makes its way through this “new” post-amnesty world, and which could have a significant impact on how the nation wrestles with the ghosts of past, present and future, and its’ possible commitment to a “...conception of ethical obligation that is grounded in precarity...”³¹ and the other. As noted earlier, a collaborative approach that highlights historical, discursive and socio-political similarities between periods, and an investment in the continued expansion of the teleology of the record, its capacity to be a dialogic and communal product, are certainly key.

³¹ Puar, “Precarity Talk: A Virtual Roundtable with Lauren Berlant, Judith Butler, Bojana Cvejić, Isabell Lorey, Jasbir Puar, and Ana Vujanović.” 170.

But moreover it is the use of archives and records as living and interrogative devices, what Cifor identifies as their “liveliness,”³² that will be instrumental towards their effectiveness in not only combatting past impunity, but also in questioning the virulent denial of a *human* and therefore subjective status to alleged gang members and poor youth. Already there is an engagement among HRNGOs in El Salvador with the human rights record as a touchstone for individual and communal recognition and expression, but it is when these agentic properties of the record are affirmed and deployed that it can be recaptured as more compelling tool in the struggle against historical amnesia and contemporary abuse.

³² Marika Cifor, “Stains and Remains: Liveliness, Materiality, and the Archival Lives of Queer Bodies,” *Australian Feminist Studies* 32, no. 91–92 (2017): 5–21.

Conclusion

... "the knowledge of the other marks me," because the of the pain experienced in my encounter with the scraps of the archive...¹

Uncanny, foreignness is within us: we are born foreigners, we are divided.²

I am the only one who can testify to my death – on the condition that I survive it.³

At its core, this dissertation examined the historical interpellation of an enemy within Salvadoran society, the subsequent abuse of that enemy at the behest of the government and its security forces, and the accounting for this violence within the records of local HRNGOs whose tireless efforts span a more than thirty year expanse between the years before the civil war until the contemporary moment. Focused primarily on the work of CDHES, SSPAS and FESPAD, primary sources from Socorro Jurídico, the Armed Forces and several anticommunist organizations were used to argue for the extent to which monikers such as “subversive,” “terrorist” and “gang member” have been used in El Salvador to construct a dehumanized/”inhuman”⁴ “scapegoat”⁵ whose sacrifice at the altar of national security and integrity has resulted in the perpetuation of flagrant acts of torture, disappearance and extrajudicial executions. Beginning well before the advent of the civil war, indeed historically entrenched by a “reform/repress” dichotomy⁶ that maintained deep inequities and used violence as a method of negotiating conflict and difference, the assault on those deemed outside national

¹ Hartman, “Venus in Two Acts.” 4.

² Kristeva and Roudiez, *Strangers to Ourselves*. 181.

³ Maurice Blanchot, *The Instant of My Death*, Meridian (Stanford, Calif: Stanford University Press, 2000). 45.

⁴ Jean-François Lyotard, *The Inhuman: Reflections on Time* (Stanford University Press, 1991).

⁵ Girard, *The Scapegoat*.

⁶ Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940*.

purpose followed a predictable discursive and material trajectory wherein only the rhetorical brand shifted. Shortly into the twentieth century, and as a result of the 1932 uprising and resultant massacre,⁷ it was the specter of communism and the foreigner within purportedly controlled by external agents that was used to dismiss and vilify legitimate concerns over the equitable distribution of wealth and land, and the agency of indigenous peasants. Subsequently fueled by post-WWII communist scares and the onset of the Cold War, anticommunist paranoia in El Salvador, as a strategic mechanism of repression and social control, ramped up and was evident in the U.S.-funded elevation of the surveillance apparatus, the persecution of political dissidents (real or imagined) and the concomitant production and inscription of affiliated records that Weld and Lauria-Santiago have pointed towards as being equally as responsible for enabling violence and the deadly interpellation of thousands as communist subversives.⁸ This discursive and empirical legacy continued to haunt the civil war, and as attested to by the records of CDHES, was discussed by the Armed Forces and anticommunist groups thus persisting in the undermining of the social fabric, and the capture, imprisonment, torture and execution of what ostensibly were individuals with little or no affiliation with the revolutionary forces. Much like contemporary victims of the PNC, many of the individuals caught up in the lethal nets of the state security agencies (the Treasury Police, the National Police and the National Guard) and their extrajudicial partners (death squads), were lay people who had no role in the progression of the conflict and were presumed suspicious because of their location, advocacy for land reform or mere desire for socio-political and cultural equity.

⁷ Gould and Lauria-Santiago, *To Rise in Darkness: Revolution, Repression, and Memory in El Salvador, 1920–1932*.

⁸ Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala*. Aldo Lauria-Santiago, “The Culture and Politics of State Terror and Repression in El Salvador,” *When States Kill: Latin America, the US, and Technologies of Terror*, 2005, 85–114.

The numerous testimonies, reports, and video and audio recordings culled and created by CDHES during these years demonstrate the bloody extent of these experiences, and the heightened levels of human rights violations committed, particularly in the early years of the conflict. These records, although adhering to the orienting norms of international human rights frameworks, nonetheless spoke to local conditions of abjection that were conditioned by the ongoing, violent and indiscriminate persecution of thousands, and were crucial vehicles for bringing national and international attention to the human rights atrocities being committed in El Salvador. Furthermore, they provided contradictory portraits of victims that worked against figurations of them as disposable subversives who had no place within the nation, who in fact had to be eliminated for the maintenance of a status quo intent on keeping them disempowered. Subtle in their contestations, the records of CDHES nevertheless exercised their “biopolitical functions” and inscribed the lives, experiences and histories of those subjected to torture, if not death, for the duration of the conflict.

It is this persistence in the injury of the other and the place of human rights records in their ontological integrity that the dissertation continued to explore in the precarious figure of the gang member. A result of the civil war’s legacies of carnage, forced migration, trauma and displacement, alleged gang members have come to haunt the Salvadoran imaginary, compelling the formulation of policies, repressive measures and extrajudicial actions that have reinscribed the worst tactics of the civil war into the national narrative. Admittedly perpetrators of violence, alleged gang members have come to be victimized themselves by a state and a nation whose weariness in having to negotiate extremes of daily violence has resulted in a reduced investment in human rights tenets and a “punitive populism”⁹ that triggers calls for the outright elimination of gang members as a means of eradicating violence in the country. For years unable to contend

⁹ Hume, “Mano Dura: El Salvador Responds to Gangs.” 745.

with the ghosts of its civil war past due to rampant impunity and a disabling amnesty law, the Salvadoran populous was barred from contending with its histories of violence and their impact in the formation of the current state of brutality that they were experiencing. Although the repeal of the 1993-amnesty law has witnessed incipient moves towards reconciliation and the adjudication of past human rights crimes, a certain historical disconnect perseveres and support for the execution of alleged gang members continues to be popular. The work of FESPAD and SSPAS highlighted in this dissertation, insofar as it performs the crucial task of documenting human rights violations committed against this population, is key in understanding the socio-political and cultural complexities of this issue and the ongoing importance of records in the inscription of subjectivity and agency. Demonstrating that it is predominantly poor youth in communities throughout El Salvador who are victims of police abuse, both organizations prove the ineffectiveness of policies aimed at the eradication of gangs and gang culture, and moreover point toward the war that is being waged against equity and the poor in the name of corruption and impunity.

Through fieldwork, community forums, workshops and other collaborative initiatives, FESPAD and SSPAS are invested in raising awareness of the ownership and application of human rights within their communities, and the co-creatorship of records¹⁰ that attest to the suffering caused by agencies such as the PNC and FES. Concomitantly, they seek to affect the rhetorical narrative surrounding poor youth that flagrantly interpellates them as criminals, and assumes their investment in a gang culture by which the majority is concurrently victimized. This contestation of precarity, of the engendering of an abject population that is responsible for

¹⁰ McKemmish et al., "Resetting Relationships: Archives and Indigenous Human Rights in Australia." Anne J. Gilliland, "Contemplating Co-creator Rights in Archival Description," *Knowledge Organization*, 39, no.5 (September 2012): 340-346.

the nation's woes, is at the heart of the efforts of FESPAD and SSPAS, and has clear parallels with the work of CDHES and Socorro Jurídico that is also discussed in this dissertation. Furthermore, their equal attention to the interrogation of regimes of power/knowledge and the use of blanket discursive markers to marginalize and exclude targeted populations bespeaks of the agentic potential of the human rights record during both periods, and its transgressive role within both human rights and archival praxis. Indeed, this dissertation also raised the question of the "human" in human rights as a means of arguing for an ontological analysis of the human rights archive/record, and to inquire into the historical, cultural, social and political exigencies that have circumscribed the application of human rights and the subsequent creation of a record.

Contingent on an "inhuman" other, the humanist subject of Man, as the territorial locus of human rights, has been premised on the Occidental and colonial exclusion of large swaths of the world's population. The subsequent assertion of "human rights" in the Salvadoran context is fraught with the legacies of the abjection of the poor and indigenous, and the more contemporary depreciation of political dissidents, union organizers, alleged gang members and poor youth. The (co)creation of records has served to foreground the contamination and changing of the definitional boundaries of the "human," and helped enforce a widening interpretation, often against violent protests, of what it means to belong to the currents of "humanity." This has been key to the struggle for the recognition of gang members as capable of being victimized by the state and their fellow Salvadorans, and the historic acknowledgement of the civil war's "subversives" as citizens of the nation deeply invested in its future. The same but different, an example of Derridean "*differance*," these two examples of the deployment of the ontologizing

powers of the human rights record nonetheless bespeak of the ability of records to trouble paradigms of naming and exclusion, but also to heed the call for justice in the face of the other.¹¹

The final portion of this dissertation speculated on the future for human rights and human rights archiving in El Salvador, primarily through revisiting interviews with staff members from CDHES, FESPAD and SSPAS. Although recent archival literature on human rights propose necessary changes towards the disinterring of the legal vicissitudes of international human rights frameworks, and foreground more participatory and feminist possibilities,¹² the struggle in El Salvador, in the face of the depletion of resources and lack of standards, continues to call out for some international intervention. Committed as they continue to be to the empowerment of their communities and more participatory models of human rights inscription, they nonetheless find themselves compelled to look beyond their borders for funding and recognition. At a crucial historical juncture with the simultaneous dissolution of the amnesty law and the amped up extrajudicial execution of alleged gang members, organizations such as FESPAD, SSPAS and CDHES find themselves at a crossroads of impunity and possible reconciliation, at the mercy of a corrupt state and population that concomitantly calls for justice for victims of the civil war and the elimination of gang members. These contradictory currents make for a fraught path forward when it comes to the assertion of human rights and the human rights record in El Salvador, and disallows the possibility of facile or ready answers to the question of their future efficacy, despite the persistent, but skeptical hopes of even their most vehement supporters.

¹¹ Verne Harris, "The Archival Sliver: Power, Memory, and Archives in South Africa," *Archival Science* 2, no. 1–2 (2002): 63–86. 85-86.

¹² Gilliland and McKemmish, "The Role of Participatory Archives in Furthering Human Rights, Reconciliation and Recovery." Caswell, "Toward a Survivor-Centered Approach to Records Documenting Human Rights Abuse: Lessons from Community Archives." Gilliland, "Moving Past: Probing the Agency and Affect of Recordkeeping in Individual and Community Lives in Post-Conflict Croatia." Michelle Caswell and Marika Cifor, "From Human Rights to Feminist Ethics: Radical Empathy in Archives," *Archivaria*, 2016.

Nonetheless, it is this tentative, yet persistent optimism that makes the work of FESPAD and SSPAS in particular all the more critical. Faced with what is ostensibly an untenable situation, documenting and defending the human rights of a nationally vilified population, it would seem that the impact of their efforts would be circumvented by apathy towards the preservation of the lives of alleged gang members and a refusal to recognize them as legitimate national subjects. Indeed, the undeniably insurmountable barriers towards restitution or reconciliation, despite having recourse to the Procuraduría para la Defensa de los Derechos Humanos (Human Rights Ombudsman's Office), could be perceived as daunting, and result in a refusal to invest time and effort in the chronicling of human rights atrocities against individuals who are frequently themselves responsible for brutal acts of violence. But it is precisely this willingness to take up this Sisyphean task, to account for the lives of perpetrators, and moreover to trouble the easy differentiation between "victim" and "perpetrator," which makes a discussion and analysis of the circumstances for human rights and human rights archiving in El Salvador all the more pertinent to archival studies. Besides focusing on a region and a country that are highly underrepresented in the English language literature, whose rich history of documenting human rights violations is yet to be given its due in the wider field, this study of the conditions in El Salvador presents a robust evolution of theoretical currents regarding human rights archives that complicate the records' relationship to the self, question the categorical inclusiveness of the paradigm of human rights archives and what it means to constitute records.

Although records documenting human rights violations from the civil war in El Salvador maintain a certain methodological and material continuity with those from conflicts in Guatemala (Weld) or the Southern Cone (Bickford), those produced by SSPAS and FESPAD strike a distinct path that have the potential to leave human rights advocates and the general

public uneasy. As discussed previously in this dissertation, the already complex dividing lines between victims and perpetrators experienced during the civil war came to be more obscured in the post-conflict era; with the origins of violence no longer residing exclusively in the hands of the government or military. With an increase in gang activity and the concomitant enforcement of laws and policies that witnessed their abuse, the applicability of human rights and how they were conceived was further complicated.

But in addition to presenting a forcible case for the consideration of the blurring of categories of victimization, the accounting of human rights violations against alleged gang members has served as rich ground for the study of the discursive genealogy of tropes of marginalization that have successively been used in El Salvador to repress social, political or economic change, to interpellate an enemy within, and to justify the capture, torture, imprisonment of thousands. Previously undertheorized within archival studies, this focus on a critical discourse analysis of terminology used to engender material human rights violations further contributes to the aim within studies of human rights archives to expand beyond the parameters of legal or evidentiary paradigms that ascribe a functional role for records and leave unexplored the totality of social, cultural, political, ontological and affective factors that constitute and are inscribed within archives, in general, and human rights archives, in particular.

Tracing terms such as “subversive,” “delinquent” and “gang member” through the records of HRGNOs and those of the government, military, security agencies and clandestine proxies demonstrated the valence of language and inscription in perpetuating and supporting human rights violations, and the disassociation of rights from groups or individuals defined as outside national interests or who challenged the status quo. Both a historical and rhetorical product of El Salvador’s legacies of violence, gang members are the latest in a trajectory of

groups blamed for what ails the nation and used as means of drawing attention away from the inequities, impunity and corruption that are actually forestalling progress and democratic initiatives.

Moreover, in highlighting the use of language and discourse within human rights records from HRNGOs to engender counter narratives that subvert the ideological and de-ontologizing intentions of the rhetorics of security policies, military and police reportage, the popular press and governmental proclamations, this study traversed into what is a burgeoning territory within archival studies that concentrates on questions of ontology, agency and subject formation through records inscription. Beyond engaging with the phenomena of archives as constitutive of identity through memory, communal representation, or shifting paradigms of historical consideration, the intent was to push the boundaries of praxis further. The study did this by closely examining the material repercussions of language, and the extent to which human rights records offered alternative and recuperative models of ontological representation through rhetorical reappropriation or critique that combated the use of terminology such as “subversive” and “gang member” to interpellate precarity and disposability.

Inspired by poststructuralist interventions evident in the archival literature since the 1990s,¹³ and certainly the Foucauldian origins of the strain of critical discourse analysis used, this study moreover foregrounds the rich interdisciplinarity and insight to be gained from an ongoing relationship with critical theory and the constitution of hybrid theoretical models within archival studies that demonstrate a deep engagement with the vast literature on questions of

¹³ See for example: Brien Brothman, “Declining Derrida: Integrity, Tensegrity, and the Preservation of Archives from Deconstruction,” *Application of Philosophy of Jacques Derrida to Archival Practice*, no. 48 (October 15, 1999): 64–88. Brien Brothman, “The Limits of Limits: Derridean Deconstruction and the Archival Institution,” *Archivaria* 1, no. 36 (January 1, 1993), <http://journals.sfu.ca/archivar/index.php/archivaria/article/view/11945>. Terry Cook, “Archival Science and Postmodernism: New Formulations for Old Concepts,” *Archival Science* 1, no. 1 (March 1, 2001): 3–24, <https://doi.org/10.1007/BF02435636>.

being, precarity, abjection and the exigencies of human rights discourse. In bringing together an analysis of discourse in the context of human rights archives in El Salvador, this dissertation is certainly distinct in its contributions, and introduced necessary discussions around the trajectory of human rights archiving in El Salvador, the historical use and power of language to identify and persecute an enemy within, and the tragic continuity of abuse and violence as recourse for repressing change and difference. Furthermore, it extended the study of the role of archives and records in the formation of subjectivities to the Central American context, and specifically of how their agentic properties could be used to empower and strengthen local communities in the face of impunity and corruption. It is hoped that this study will itself inspire further interest in the region, particularly Central America and El Salvador, and serve as a reminder that our focus within the field needs to exceed the boundaries of its Western prejudices and proclivities.

Appendix A: Figures

Alerta del Frente Unido Anticomunista (F.U.A.C) al Pueblo Salvadoreño: La reforma universitaria y los comunistas que lo dirigen, conozcalos, undated, Collection of Grupos Anticomunistas, Centro de Información, Documentación y Apoyo a la Investigación (CIDA) at the Universidad Centroamericana "José Simeón Cañas." The combination of text, image and illustration in Figures 1-2 demonstrates the extent to which the powers of connotation and interpellation were used to cast aspersions about the character and intent of the individuals figured, and their ultimate transgression of social and political norms, as determined by a repressive regime. Evoking subversion and communism, and suspect voyages to Cuba for training in armed communist insurrection, the explicit use of connotative terms such as "terrorist," "criminal" and "agitator," in tandem with affiliations to the labor and student movements, further serves to render these sites as locations of dangerous discontent and unwelcomed insurrection. Subversive by dint of their desire to enact change in normative and repressive social and political systems, the individuals pictured are identified as figures to be feared and pursued, disassociated from all that is designated as "democratic" and in keeping with the intents of the nation state.

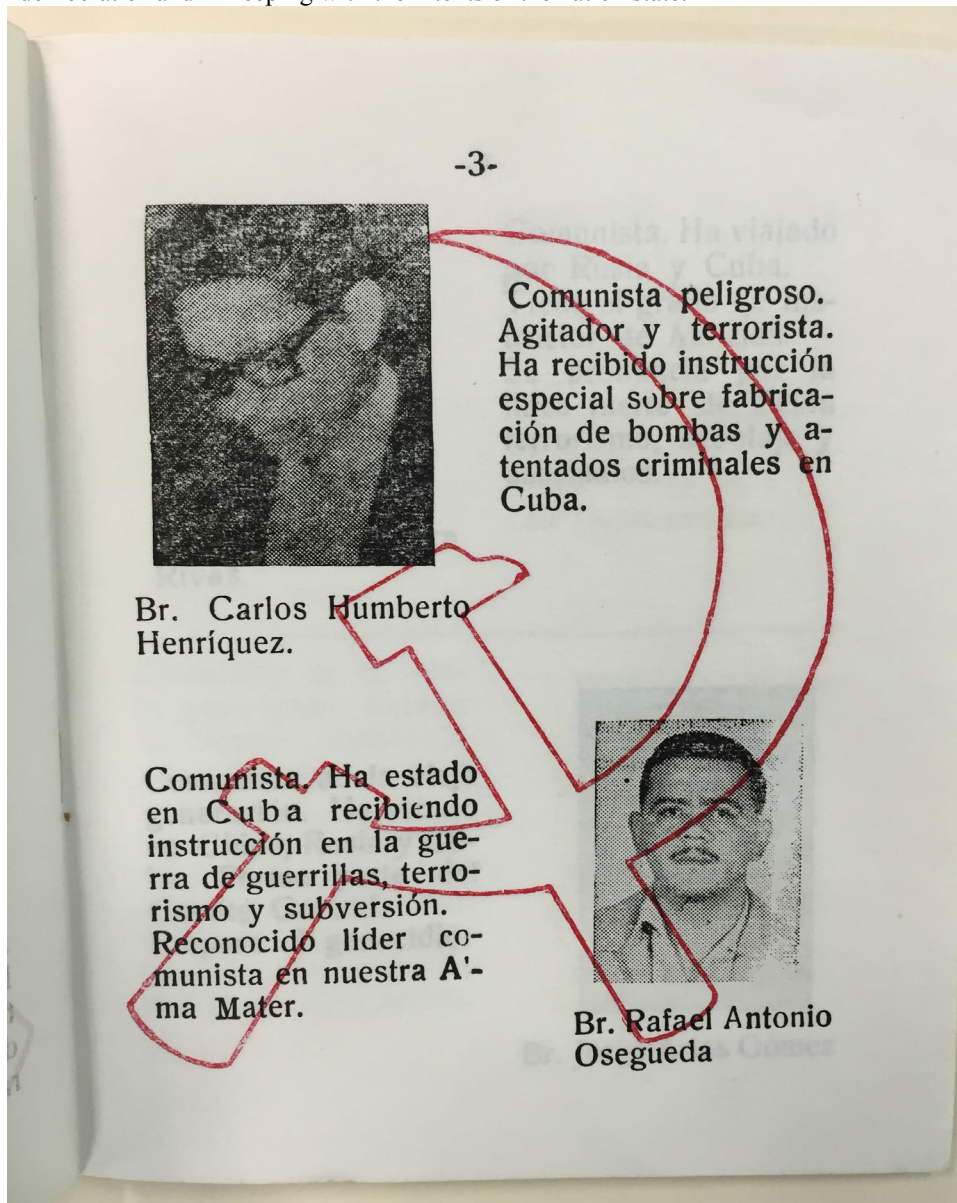
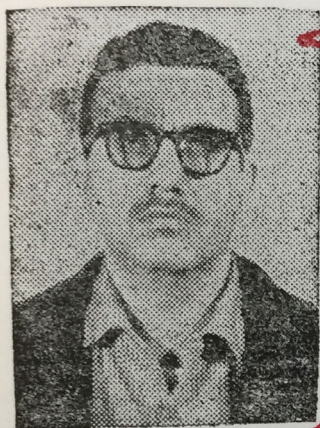


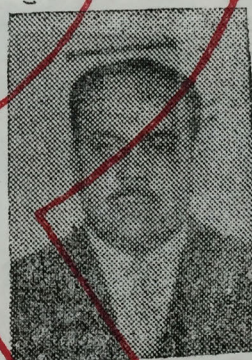
Figure 1



Br. Raúl Castellanos Figueroa.

Comunista peligrosísimo. Agitador y terrorista. Dirige las milicias de la Universidad. Aspira a convertirse en el Fidel Salvadoreño. Director Intelectual del acto de terrorismo en el Palacio Nacional.

Comunista Internacional. Terrorista, instructor de guerrilleros. Dirige la subversión del movimiento obrero. Ha viajado a Cuba, Rusia y China. Sigue la línea fuerte de Mao.



Dr. Gabriel Gallagos Valdés.

Figure 2

“Queremos la libertad de...,” October 17, 1978, “Crece el número de detenidos,” November 9, 1978 and “Torturan presos,” *La Cronica*, December 18, 1978. “Recorts,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA). The three articles featured in Figures 3-5 demonstrate the consequences of the steady interpellation of lay people (students, laborers, peasants) as communists, political dissidents and ultimately subversive elements in need of imprisonment and torture for their purported intents in the lead up to the civil war. At this precipice of outright conflict, the capture and disappearance of the individuals named belies the long history of vilification of progressive forces as “communist,” “subversive” or as somehow a threat to the then reigning oligarchy, which had historically maintained power in concert with the military. Although it is only within the first article that a form of critique is posed regarding the treatment received, the other two articles nonetheless note the extreme and unjust doling out of torture to what is a vast array of individuals, who one can perhaps assume are but innocent bystanders caught up in the net of paranoia and brutality being exerted by the government and its proxies. Indeed, these three articles serve as guideposts for the conditions to come and what was a mounting death count in the early years of the conflict. Finally, the youth of the individuals pictured in the first article presents echoes of what would be seen in the post-conflict era with the rampant criminalization of young people and their pursuit by the PNC.

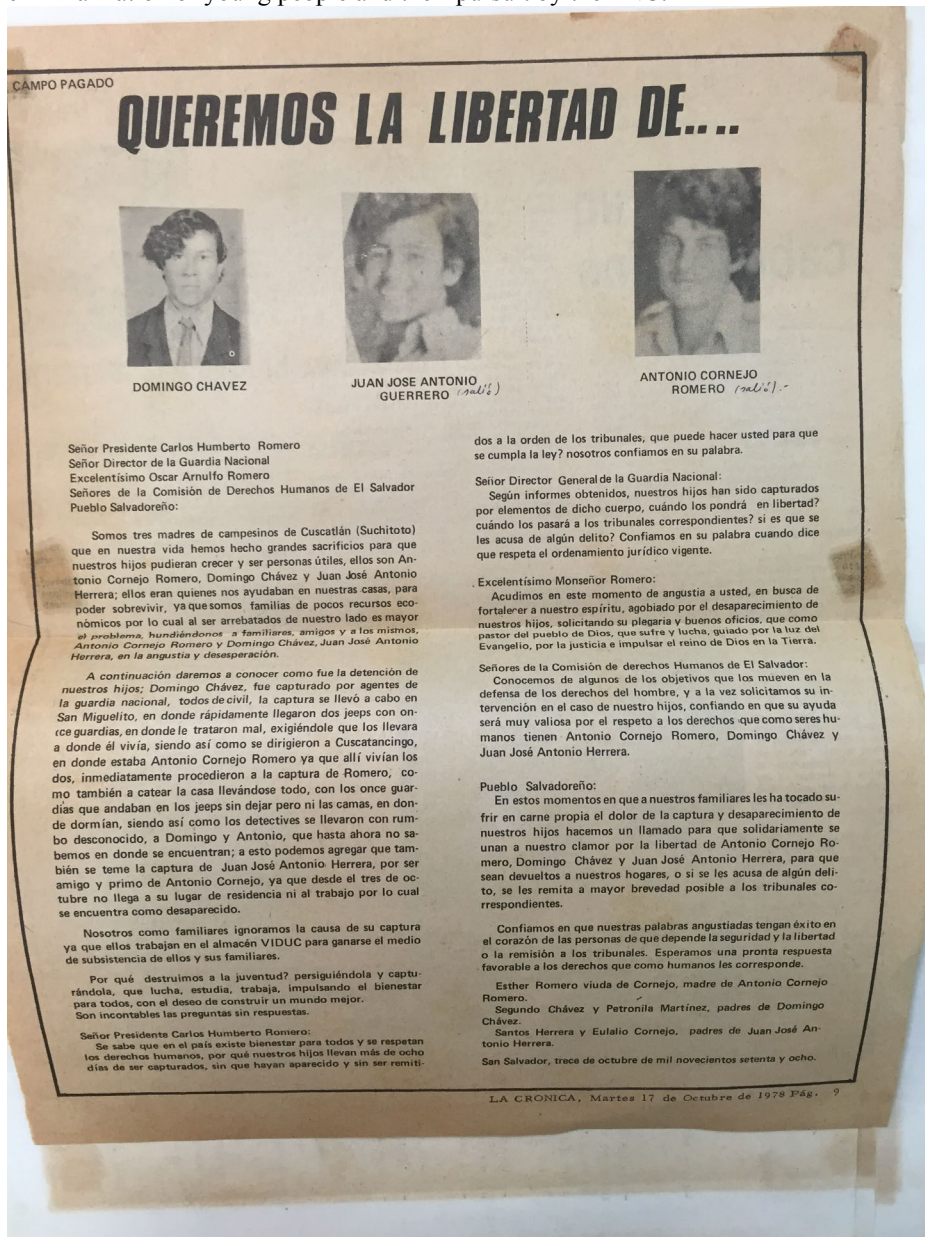


Figure 3

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CRECE EL NUMERO DE DETENIDOS

Con la captura de Rafael Arriola Merino, por agentes de la guardia nacional el sábado 4 de noviembre y otros que a continuación detallaremos, crece el número de detenidos en los últimos días, expresan miembros del Comité Pro-Libertad de los Presos Políticos. Arnoldo Merino, fue capturado en San Ni-

colás Lempa. El referido Comité, denuncia además la captura de Vicente Ricardo Navarro Peña de 33 años de edad, jornalero del Cantón Santa Rica, jurisdicción de Cabañas, Departamento de Cabañas. Esta captura, explican, la realizaron las autoridades el 23 de octubre como a las tres de la

tarde. También los agentes de la guardia nacional capturaron a Helio Fuentes, de 28 años y a Elfidio Fuentes, de 35 años, ambos jornaleros, casados y originarios de Ciquera, Departamento de Cabañas.

Sobre estas capturas, afirman los denunciantes, que hay testimonios de que fue-

ron golpeados y salvajemente torturados.

Otras capturas, dicen miembros del Comité, son las de Carmelo Fuentes de 25 años de edad con domicilio en San Francisco, jurisdicción de Tejutepique; la de Evaristo Valle, de 20 años, también jornalero con domicilio en el mismo lugar del ante-

rior. Señalan que el día 31 de octubre en la población de Arcatao, un operativo militar de las autoridades dejó un saldo de 15 campesinos capturados. Ese mismo día fueron capturados también los campesinos José Victoria no Arévalo y Francisco Baltazar Campos Mendoza, finalizando explicando.

LA CRONICA, Jueves 9 de Noviembre de 1978

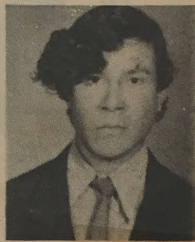
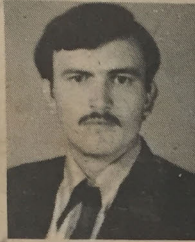
Figure 4

TORTURAN PRESOS

Las señoras Francisca Eulalia Cornejo y Petronila Martinez, madres de los reos por cuestiones politicas, Santos Catalino Herrera, (izquierda) de 27 anos de edad y Domingo Chavez, respectivamente, denunciaron en nuestra Sala de Prensa, las capturas y torturas de que son objeto —según testimonios— en las carceles del pais. Afirma la señora Cornejo, que su hijo Santos Catalino Herrera, fue capturado hace tres meses en la ciudad de Santa Ana, sin que las autoridades den informes del paradero de

este. Similar actitud ocurre con la señora Martinez, a quien las autoridades niegan el paradero de Domingo Chavez, quien fue capturado por agentes de la guardia nacional el 4. de octubre

de este ano. Ambas madres expresan que hay testimonios de que sus hijos estan sufriendo las mas crueles torturas en la Guardia Nacional.




LA CRONICA, Lunes 18 de Diciembre de 1978

Figure 5

“Alejandro Beltrán Peña,” July 22, 1978, and “Jaime Hernández Ramírez,” October 22, 1979, Records of Socorro Jurídico, Arzobispado de San Salvador, Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA). The records captured in Figures 6-7 attest to the scant information available to family members upon the capture and disappearance of their husbands, wives, sons or daughters. Used as a mechanism for the erasure of an individual’s identity and subjectivity, the stonewalling by the military and governmental authorities regarding the fate of the imprisoned communicated a disregard for their humanity and asserted their disposability. The effort in these records by Socorro Jurídico to account for the details of the lives of Alejandro Beltrán Peña and Jaime Hernández Ramírez is moreover an attempt to recapture and embody their corporeal and subjective selves. What is furthermore evident in the blanks and silences on the page of each record is the flagrant withholding of information and effort to stamp out subversion both discursively and materially.

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EXPEDIENTE

EXHIBICION PERSONAL

"SOC
Arg
TERNADO
Salvador" FECHA: 22 Octubre, 79
LO RECIBIO: RM

. NOMBRE: JAIME HERNANDEZ RAMIREZ.-, EDAD: 32 años.
 OFICIO o PROFESION: ayudante electricidad-ESTADO CIVIL: soltero
 DIRECCION PARTICULAR: Reparto Santa Martha, final calle Lara No. 23, San Jacinto.
 DIRECCION LABORAL: ayudante electricidad teleférico San Jacinto.S.
 FAMILIA QUE DEJA: Regina Hernández (madre, 68 años), Carlos Ramírez (padre, de 65 años.). Hermanos: Ana Gladys, 30, Ramón, 34, Genoveva, de 38, Francisco, 18, Rosa Suyapa, de 16 años.
 LO REPIERE: personas particulares., DIO DATOS: Ana Gladys Hernández
hermana, PARENTESCO: hermana, LUGAR ADON
 DE SE LE PUEDE ENVIAR TELEGRAMA: la misma dada anteriormente.

. EXHIBICION PERSONAL:
 FECHA DE CAPTURA: 28 de mayo-78, HORA: 16.00 hrs.
 LUGAR: Soyapango., CAPTURADO POR: ?
?, TESTIGOS: ?

CIRCUNSTANCIAS RELACIONADAS:
Dice que su hermano fue capturado en la fecha y lugar mencionado.
Que ese día había ido a visitar a un amigo cuyo nombre no se acuerda
en estos momentos, pero que a partir de ese día y hora ya no llegó a
a su casa. Lo han buscado en todos los cuerpos de seguridad, hospitales,
etc, y no dan razón de él.

PRESENTARA EL RECURSO: Ana Gladys Hernández
 EDAD: 31 años, DOMICILIO: Pje No. 1. Block 2, casa 23, Reparto Santa Mar-
ta.
 CEDULA DE IDENTIDAD PERSONAL No.: 1-1- 038788
 EXTENDIDA EN: San Salvador, FECHA: 14 Octubre 78
 OFICIO: domésticos, PARENTESCO: hermana
 SABE FIRMAR: si., HA ACUDIDO A OTRA INSTITUCION: no
JURA QUE LO DECHARADO ES LA VERDAD.

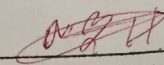

FIRMA o HUELLA.

Figure 6



DESAPARECIDOS

Nombre SALVADOR ALEJANDRO BELTRAN PEÑA Edad 22 Sexo masculino
 Nombre de sus padres Vicenta de J. Beltrán Silva
 Vecino de Esta ciudad.
 Estado civil soltero Profesión estudiante
 Documentos que prueban su existencia _____
 Fecha de la captura 28/V/78 Capturador Agentes de Migración
 Lugar de la captura Frontera Las Chinamas
 Circunstancias de la captura Cuando ingresaba de la República de Guatemala.

¿Hubo testigos de la captura?: No Sí ¿Cuántos? _____ ¿Son localizables? _____
 Organización a la que pertenece MERS

Familia que deja:

Nombre Vicenta de J. Beltrán Peña Edad 49 Parentesco madre
 Nombre Miriam Edad _____ Parentesco hermana
 Nombre Sonia Edad _____ Parentesco hermana
 Nombre _____ Edad _____ Parentesco _____
 Nombre _____ Edad _____ Parentesco _____
 Nombre _____ Edad _____ Parentesco _____
 Nombre _____ Edad _____ Parentesco _____
 Nombre _____ Edad _____ Parentesco _____

Situación económica en que queda la familia:

¿Necesita ayuda económica?: No Sí ¿Cuánto? _____
 ¿Cuándo se presentó a la Corte o Cámara el recurso de exhibición personal? 7 Ago/78
 Nombre de quien lo presentó Vicenta de J. Beltrán
 ¿Dónde se ha publicado su desaparecimiento? _____
 ¿Cuándo? _____
 ¿En qué cárceles se ha buscado? todas ¿Cuándo? _____
 ¿Se pidió ayuda al Arzobispado? _____ ¿Cuándo? _____
 ¿A qué organismos internacionales se ha acudido? _____
 Alguna otra cosa (especificando qué) Se le mando carta al presidente Romero el 29/8/78 sin obtener respuesta alguna.
 ¿Ha sido visto en alguna cárcel? si ¿En cuál? celda #12 de la Policía Nacional (3 piso)
 Fecha en que se recibieron estos datos 22 Julio 78 ¿Han sido confirmados? si
 Fecha en que se encontró _____
 ¿Cuál es su situación actual? _____

Figure 7

Proclama del "Ejercito Anticomunista," May 11, 1980. Collection of Grupos Anticomunistas, "Grupos anticomunistas," Centro de Información, Documentación y Apoyo a la Investigación (CIDAI) at the Universidad Centroamericana "José Simeón Cañas." Conflating communism, anarchy and criminality, this decree from the Secret Anti-Communist Army (in Spanish, ESA) (Figures 8-9) (an organization that was a vehicle for several notorious death squads) is explicit in naming several contemporary revolutionary factions and accusing them of using the pretext of combatting oligarchic inequality as a scrim for undermining the stability and social cohesion of the nation. Cloaked amidst declarations of democracy, liberty, order and the ultimate interest of the Salvadoran public, the deadly intentions of the ESA to eliminate communist subversives and affiliated social criminals such as homosexuals, prostitutes and drug addicts, is both a discursive and a material device whose effectiveness is linked to the power of naming and interpellation. Subversion as it manifests in these records is further intended to induce an alliance of fear among the Salvadoran population intended to conscript them into the enmity directed towards these agents of change/disruption, and to guarantee that they too are complicit with the blatant killing of their fellow citizens.

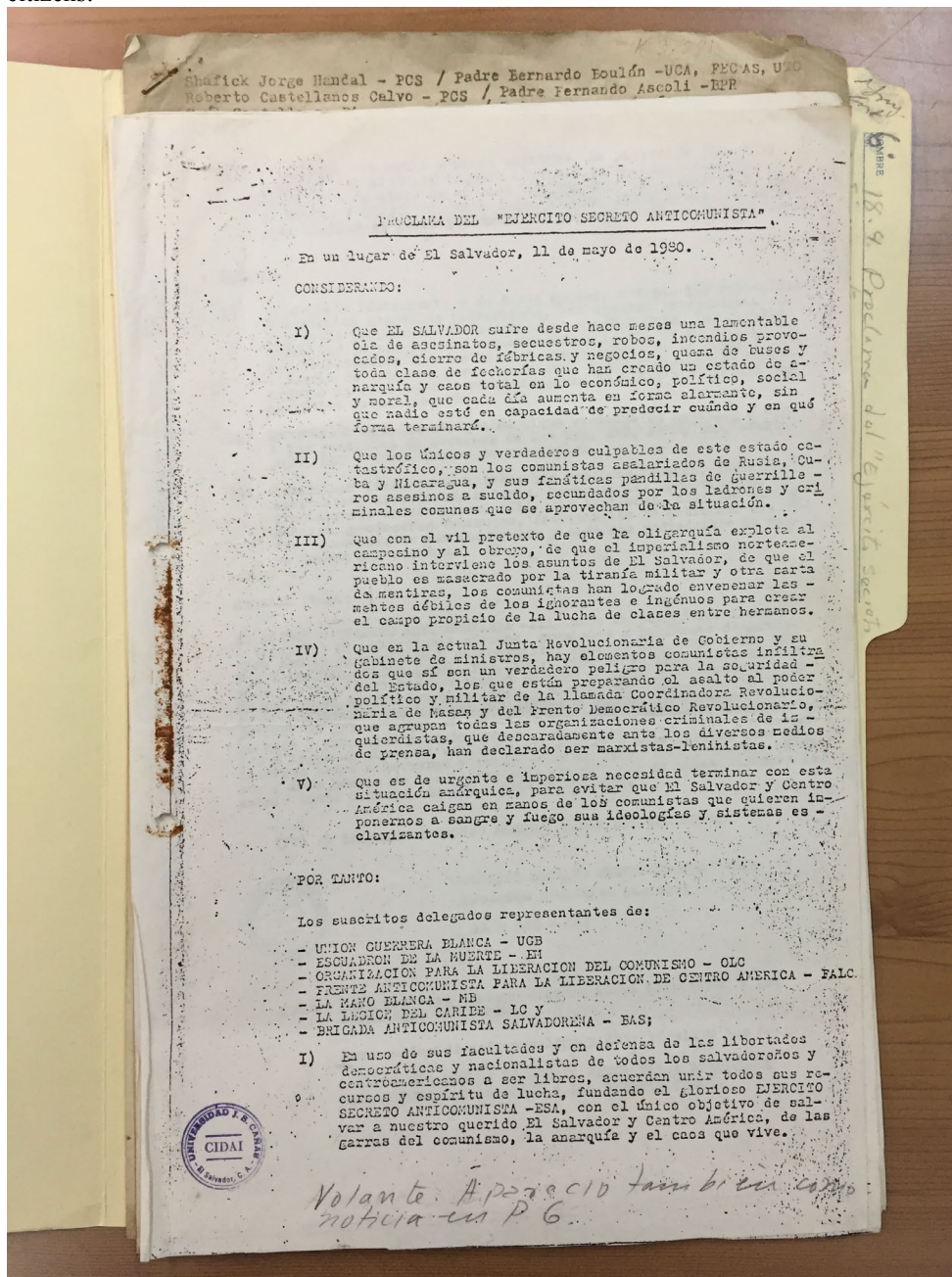


Figure 8

18.9 Proclama del "Ejército Secreto"

"II) Para lograr su noble y justo objetivo, la Dirección Ejecutiva Nacional del EJERCITO SECRETO ANTICOMUNISTA -ESA, desarrollará la primera etapa de su PLAN METEOROLOGICO DE OPERACIONES, ES TRATEGIAS Y OBJETIVOS, como única e imperante alternativa de fuerza para limpiar el honor pisoteado de nuestra patria centroamericana.

DECRETA:

- I) Exterminar físicamente y en forma urgente a todos los cabecillas del Partido Comunista Salvadoreño, los agentes internacionales que están preparando más asesinatos en nuestro país, los autollamados dirigentes de esas organizaciones populares de criminales, así como también a todos los que desde dentro de la Junta Revolucionaria de Gobierno y sus ministros, están preparándole el terreno a la Coordinadora Revolucionaria de Masas y al Frente Democrático Revolucionario.
- II) Exterminar físicamente con su misma medicina de metralla y muerte a las pandillas de asesinos de las EPL, ERP, FARM, EPR, LP-28, MAPU, MLP y otras bandas de criminales.
- III) Exterminar físicamente a todos los asesinos comunes, ladrones, asaltantes, violadores, rateros, homosexuales, prostitutas, drogadictos, falsos curas, militares traidores, abogados sinvergüenzas, profesores venenosos, funcionarios de gobiernos corruptos, prestamistas sin escrúpulos y toda esa podredumbre de salvadoreños mal nacidos.

MENSAJE FINAL:

EL EJERCITO SECRETO ANTICOMUNISTA -ESA, hace un patriótico llamado a todas las organizaciones cívicas, gremiales y políticas de auténtico sentir democrático y nacionalista, como el FAN, MNS, MAES, PCH, PAZ Y TRABAJO, ORDEN (PDM), PPS, PUCA, POP, ANEP, ASI, FARG, MENAPES, SOCS y otras, para que nos apoyen EN TODO SENTIDO y formemos un solo frente común contra los comunistas y traidores vendepatrias, a fin de ganar la batalla final a los comunistas y lograr instaurar en nuestra patria, un gobierno que sí garantice nuestras libertades, que respete la vida y propiedad privada, que no imponga leyes absurdas y gansteriles y logre un clima de verdadera paz social y tranquilidad para dedicarnos todos a levantar y reivindicar al país, trabajando con el tesón y amor propio de los buenos salvadoreños que ya están cansados de sufrir tanta miseria, zozobra, terror y muerte.

VIVA EL SALVADOR Y CENTRO AMERICA LIBRE DEL COMUNISMO.



"EJERCITO SECRETO ANTICOMUNISTA" -ESA
Dirección Ejecutiva Nacional

11 - 329 - 187

NOTA: Como patriota únete a nuestra lucha eliminando a los comunistas traidores.

Saca copias de esta proclama y distribuyela a tus amigos.

A TODOS LOS MEDIOS DE PRENSA FAVOR DAR A PUBLICIDAD ESTA PROCLAMA O ATENERSE A LAS CONSECUENCIAS.

Figure 9

"Documentación, 1. La ola de terror, 1.1 Comunicados de los escuadrones paramilitares, a. Comunicado del ESA, atribuyéndose las acciones terroristas del 6 de septiembre de 1983, b. Comunicado del ESA, anunciando medidas político-militares contra el diálogo," *ECA Estudios Centroamericanos* (1983), vol. 38, no. 412, p. 903-904. (1983). Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana "José Simeón Cañas" (UCA). (Figures 10-11)

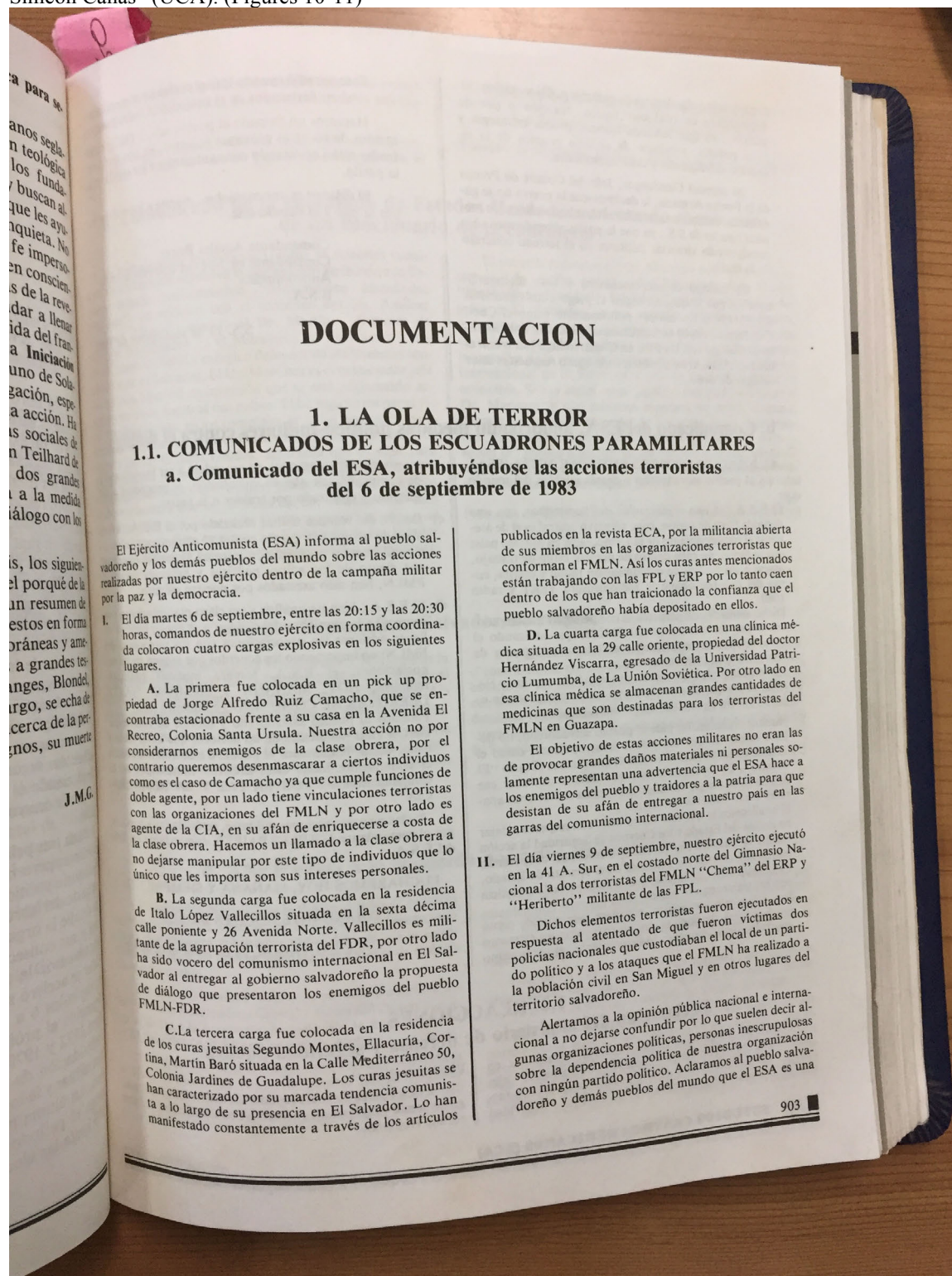


Figure 10

organización clandestina de carácter político militar, independiente de cualquier fuerza, fracción o partido político, ya que tenemos nuestra propia estrategia y línea política, producto de análisis propios de la situación salvadoreña y centroamericana.

Al coronel Cienfuegos, Jefe del Comité de Prensa de la Fuerza Armada, le decimos que la guerra no se gana en los escritorios y mucho menos bailando en los mejores hoteles de S.S., ya que la paz la obtendremos sólo consiguiendo victorias militares en el terreno concreto de la acción.

El diálogo es una maniobra y sólo dialogarán aquéllos que le quieran seguir el juego a los terroristas del FMLN o los miopes políticamente como el Cnel. Cienfuegos, cuyos antecedentes se remontan a un intento de diálogo con las FPL en Chalatenango junto con el coronel Peña Arbaiza obteniendo como respuestas unas ráfagas de tiro.

b. Comunicado del ESA, anunciando medidas político-militares contra el diálogo

EL EJERCITO SECRETO ANTICOMUNISTA (ESA), informa al pueblo salvadoreño y demás pueblos del mundo que:

a) El E.S.A., es una organización político-militar, con una definida línea de acción; cuyo objetivo central es el de asegurar el mantenimiento de la Democracia en nuestro país; por lo tanto, no cabe dentro de nuestro estilo de trabajo, atacar a los medios de comunicación radial y escrita, como del que fue objeto la radiodifusora YSKT y radio 1080.

Dicho atentado fue perpetrado por personas inescrupulosas o por los terroristas del FMLN, que utilizando el nombre de una organización anticomunista, tratan de confundir a la opinión pública.

Por otro lado; los terroristas, que el E.S.A. captura y ejecuta, es porque al enjuiciarlos se les ha comprobado su participación en las filas comunistas.

b) Nuestra organización pide al pueblo salvadoreño, no dejarse confundir por individuos inescrupulosos, como el caso de un tal CARLOS NORIA, que plantea (Diario "El Mundo", 24 de septiembre), que nuestro accionar cae dentro de un simple voluntarismo y trata de hacernos aparecer como vulgares terroristas.

Si analizamos lo que éste sujeto dice, con respecto a dejar en manos del Estado y los Cuerpos de Seguridad la acción contra la subversión, entonces estaríamos cooperando con la alta corrupción existente en el aparato de Estado, que constantemente impide que se haga verdadera justicia con los traidores a la patria.

Los falsos planteamientos que hace este sujeto, como muchos otros, lo pone al descubierto como un elemento más, vinculado directa o indirectamente, al comunismo

Esto sucedió cuando los coroneles antes mencionados estaban destacados en el cuartel de Chalatenango.

Hacemos un llamado al pueblo salv. a (SIC) en los atentados de nuestras próximas acciones, ya que nuestros fusiles están apuntando constantemente a los traidores a la patria.

El diálogo es una maniobra, muerte a los traidores por la paz y la democracia.

Comandante Aquiles Baires
Comandante en Jefe del Ejército Secreto
Anticomunista
E.S.A.

S.S. 13 de septiembre de 1980

internacional y como tal, se procederá a ser investigado de comprobarse alguna vinculación, se procederá a ser juzgado y ejecutado por traidor a la patria.

c) Dentro del balance militar realizado por el E.S.A. a tres años de iniciada la guerra contra el comunismo Internacional, nuestra organización informa al pueblo que el 80 por ciento de los golpes políticos y militares dados al FMLN, han sido asestados por nuestro ejército.

d) El E.S.A., hizo un análisis y un claro planteamiento con respecto a la maniobra del diálogo y ya que se persiste en llevar adelante las negociaciones con los terroristas del FMLN; no importando los acuerdos que saquen en las negociaciones, el E.S.A. tomará medidas políticas y militares, HOY, MAÑANA Y SIEMPRE, HASTA DERROTAR AL COMUNISMO en nuestro país. Pedimos al pueblo salvadoreño y medios de comunicación, a estar pendientes de las acciones que llevaremos a cabo, donde llamaremos al pueblo a manifestarse contra el comunismo; todas estas acciones enmarcadas en la campaña militar "POR LA PAZ Y LA DEMOCRACIA".

Todas nuestras acciones militares, serán dadas a conocer por el comandante AQUILES BAIREs, comandante en Jefe del E.S.A.

LUCHAREMOS HOY, MAÑANA Y SIEMPRE !!!!!!

COMANDANTE AQUILES BAIREs

EL SALVADOR, 28 de septiembre de 1980

1.2. REACCIONES

a. Declaración del ministerio de defensa y seguridad pública

Frente al incremento de la violencia destructora en nuestro país, representada por el plagio y amenazas de "ejecución" de un funcionario de Gobierno y la agresión a medios de comunicación, el Ministerio de Defensa y Seguridad

Pública declara:

1.- La Fuerza Armada repudia todo acto terrorista, venga de donde venga, porque constituye una violación a los Derechos Humanos.

Figure 11

Fuerza armada destaca sus estructuras paramilitares,” December 27, 1988, Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES). The press release from the CDHES in Figures 12-13 details the rise of the paramilitary group “Acción Anticomunista Revolucionaria de Exterminio” (Revolutionary Anticomunist Action of Extermination) that, like the ESA, targeted leftist activists and served as a repressive vehicle of the Armed Forces. Moreover, it served as a propaganda tool for the government and Armed Forces that attempted to answer and control the increasing strength of revolutionary movements, and to perpetuate their rhetorical adherence to “democracy” in the face of their increasingly obvious, and internationally recognized, brutality and “institutional terror” used to repress the Salvadoran population. What is integral to this record is the manner in which it interrogates the discursive deployment of anticommunist rhetoric by revealing its mainly propagandistic uses and its continued, if perhaps dissipating, effectiveness in rallying anti-leftist sentiment. In addition, the record dismantles the rhetoric’s intentionality by demonstrating that its resurgence is owed to its weakening control of the right in the course of the civil war. In contrast to some of the aforementioned records from Socorro Jurídico, as well as similar records from the CDHES archives, this press release is more explicit in its critique of anticommunist groups and rhetoric, and the discursive and subjective agency of subversion. Questioning the very language that seeks to substantiate the conflation of subversive with leftist agitation, as well as the assertion of its strength, the record transforms this discursive representation and lays a claim to interpretive power.

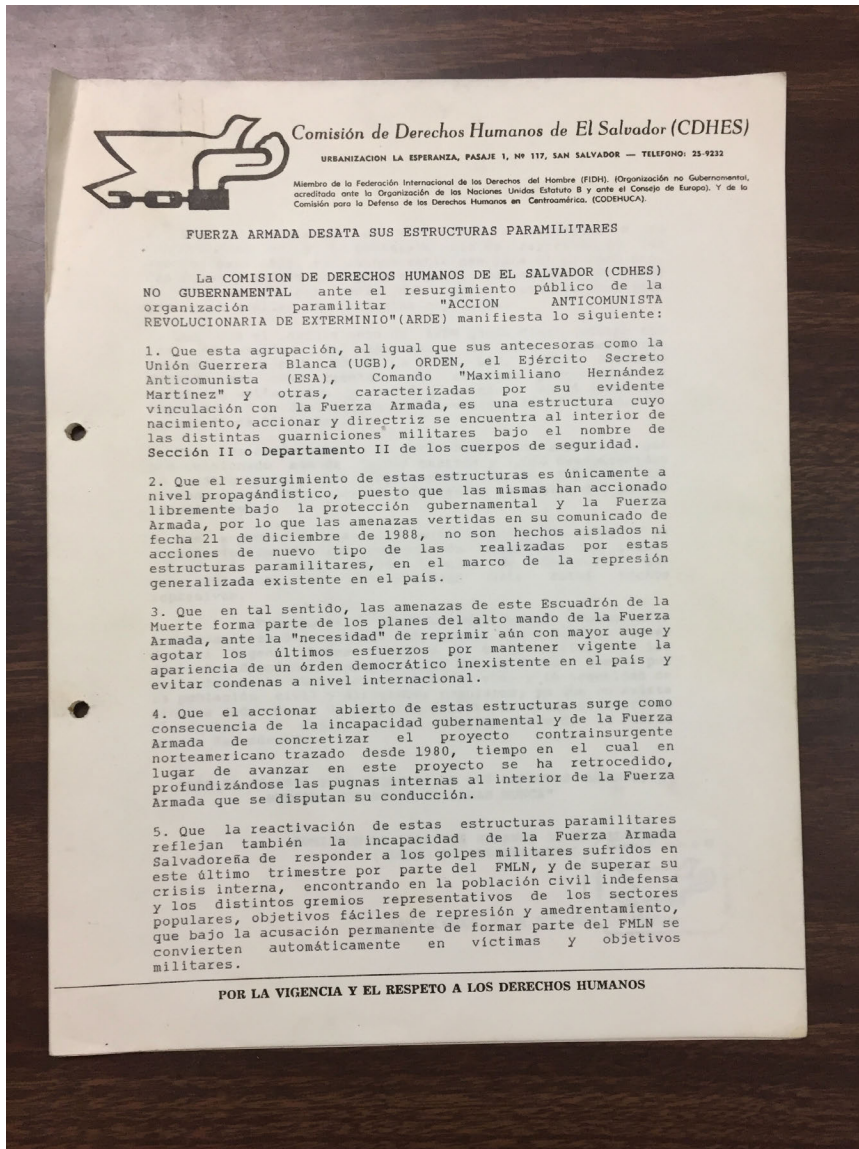


Figure 12

6. Que el nacimiento de ARDE (en lo referente a su autodenominación) y la posterior ola de represión que se avecina para 1989, únicamente vaticinan para el próximo año, más dolor y sufrimiento para el pueblo salvadoreño por parte de aquellos que por medio del terror institucionalizado pretenden acallar las protestas populares.

7. Que con el surgimiento de ARDE queda claro quienes son los responsables del asesinato de los trabajadores universitarios RAUL ESCAMILLA y la LIC. IMELDA GONZALEZ MEDRANO, así como también, del atentado perpetrado por elementos uniformados y vestidos de civil en el local del Departamento de Biología de la Universidad de El Salvador el pasado 23 de Diciembre.

8. Que los responsables de estos hechos son los mismos que han ocasionado más de 70,000 muertes y 7,000 desaparecidos en nuestro país y han implementado en El Salvador una permanente ola de violencia y represión en contra del pueblo salvadoreño.

9. Que a pesar de ese alto costo humano y las amenazas ya características de los cuerpos de seguridad, el pueblo salvadoreño mantiene elevados niveles de organización que inevitablemente se multiplicarán ante estos hechos represivos.

Finalmente, nuestra Institución Humanitaria responsabiliza directamente al Coronel René Emilio Ponce, General Eugenio Vides Casanova y a los jefes de las distintas Secciones Paramilitares de la Fuerza Armada por cualquier hecho atentatorio contra la vida y la seguridad de la población civil y dirigentes populares, ya que no existe ninguna duda de la vinculación directa de estas estructuras clandestinas de represión con el Alto Mando de la Fuerza Armada Salvadoreña.

"POR EL RESPETO Y LA VIGENCIA DE LOS DERECHOS HUMANOS,
NUESTRA VOZ NO LA CALLARAN NUNCA"

COMISION DE DERECHOS HUMANOS DE EL SALVADOR
(CDHES) NO GUBERNAMENTAL.



SAN SALVADOR, 27 DE DICIEMBRE DE 1988MES

Figure 13

“Subversivos atraviesan buses y detonan bomba,” ca. 1981, *El Diario de Hoy*, “Subversivos detienen los vehículos y piden dinero,” December 22, 1981, *El Diario de Hoy*, “Informe periodístico, Año 1981, Tomo 127,” Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES). The articles reproduced in Figures 14-15 demonstrate the continued conflation of subversion with terrorism, and the attempt to vilify and criminalize political dissent. Although conceding that armed insurrection can be consequential, the repeated allusion to exclusively violent acts rather than differences in political opinion, without context detailing the circumstances surrounding the acts documented, in both news reports, belies an ideological predisposition towards the maligning of difference and the interpellation of contestation as subversive or criminal, and contrary to the state. Indeed, it is assumed that it is the so-called subversives who are responsible for the actions chronicled, with little recourse to the empirical details involved. Here ideology and discourse are sufficient to determine culpability, and to induce fear.



Figure 14

Subversivos Detienen los Vehículos y Piden Dinero

Unos 60 subversivos armados, detuvieron ayer a las seis de la mañana a todo vehículo que circu-

lababa por la carretera a Santa Ana, en el Km. 63, a inmediaciones del beneficio La Mica.

Informan que los conductores eran obligados a parar y salir de los vehículos. Los extremistas les dispararon a las llantas para que no pudiera huir ninguno.

Cuando habían detenido a muchos vehículos, reunieron a los conductores y les dirigieron un mensaje subversivo, además de pedirles dinero que dijeron era "para contribuir a la causa".

Los subversivos tenían el rostro cubierto con gorras navarone. Bajaron gente de buses, camiones, automóviles, etc.

Cuando los sujetos despojaron del dinero a los circunstantes, huyeron del lugar por las fincas cercanas. Después llegó una patrulla del ejército pero no encontró a ningún terrorista, según informan.

También se supo ayer, que en los alrededores de esta ciudad habían sido encontrados 17 cadáveres. La mayoría eran jóvenes. No hubo mayores detalles de este hallazgo.

Llamado a la Concordia Hace Mons. Rivera Damas

Que esta Navidad no sea para nosotros un parentesis en la violencia, sino el principio del fin de toda violencia, dice en su mensaje pastoral de Navidad, monseñor Arturo Rivera y Damas.

Agrega que "ese es nuestro deseo y ferviente voto para 1982, que se aproxime y hacia el cual marchamos con paso confiado, con la bendición de Dios".

"Paz a los hombres de buena voluntad es también nuestro saludo de Navidad en este año de 1981. También aquí, en nuestro país, la situación es violenta. También ahora se dan cita en una situación injusta, las ambiciones políticas de unos y de otros, causando

un derrame de sangre que obstaculiza el advenimiento de la paz tan deseada. Esta violencia institucionalizada en la que vivimos desde hace ya demasiado tiempo, ha a florado en estos últimos años con una crueldad que no tiene nombre, azuzada por las pasiones más execrables del hombre cegado por el egoísmo, el lucro, la ambición, la venganza, el odio", agrega monseñor Rivera y Damas.

En nombre del Evangelio, la Iglesia ha llamado a los salvadoreños a curar el mal de la injusticia en su raíz y a renovar las instituciones para acabar con la injusticia estructural. La

—Favor pase a la página 24.

Llamado a la

Viene de la Página 4.—

reacción ha sido en general un "no" rotundo. Acaso, porque imbuidos de una mentalidad materialista utilitarista, nos hemos ido acostumbrando a ver la situación económica y política con demasiado

egoísmo, añade.

IGLESIA SIEMPRE DENUNCIA LA VIOLENCIA

También otra parte del mensaje, dice que "como hombres de fe, nosotros sabemos que no es necesaria la violencia para que la paz que nos anuncia el Jesús de Belén sea una realidad entre nosotros los hombres. No es necesaria la violencia para que se

haga realidad la paz de Cristo, pero donde quiera que se haga violencia, solamente se le puede hacer frente con el Sí del amor y de la justicia del Cristo crucificado. De ahí que la Iglesia, a la vez que no se cansa de denunciar el pecado de la violencia como es su deber, se aplica a orientar al pueblo para buscar juntos las soluciones de paz por los caminos de la no violencia activa".

CONCLUSION DEL MENSAJE

"Este es el sentido de la paz que Jesús nos anuncia desde el portal de Belén: la determinación de cambiar nuestras voluntades, de convertir las tinieblas del pecado en luz de amor, de hacer buenas las malas voluntades".

"Este es el sentido de nuestro saludo de paz en esta Navidad: un llamado a no entorpecer con el

egoísmo y miras estrechas absolutistas cualquier mecanismo que, por muy imperfecto que sea, puede ayudarnos a enderezar los caminos de la paz. Un llamado para crear un clima de distensión por medio del perdón mutuo, del diálogo y la mutua estima. Un llamado a no excluir a nadie como enemigo, sino a incluir a todos como necesarios colaboradores, aunque no con las mismas ideas".

Figure 15

“Boletín Informativo No. 261: Encuentran cadavers de terroristas en rastreos de osicala,” August 23, 1989 and “Boletín de Prensa No. 321: Terroristas secuestran a siete campesinos en San Miguel.” October 23, 1989. “Fuerza Armada de El Salvador – Policia Nacional,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA). Issued by the Ministry of Defense and Public Safety, the press releases featured in Figures 16 and 17 contain unadulterated references to “subversive groups,” terrorism, extremism and armed insurrection, and detail the efforts taken by military force to combat their disruptive actions. Although chronicling maneuvers against military battalions, the second press release in particular lists the kidnapping of seven peasants in San Miguel, and the possibility that the FMLN is single minded in its assertion of “terrorism,” and does not have the interests of the public in mind. Moreover, these two records document the extent of the conflation between the FMLN, subversion and terrorism, and the levels of ideological inculcation that existed at the Ministry and at official government levels.

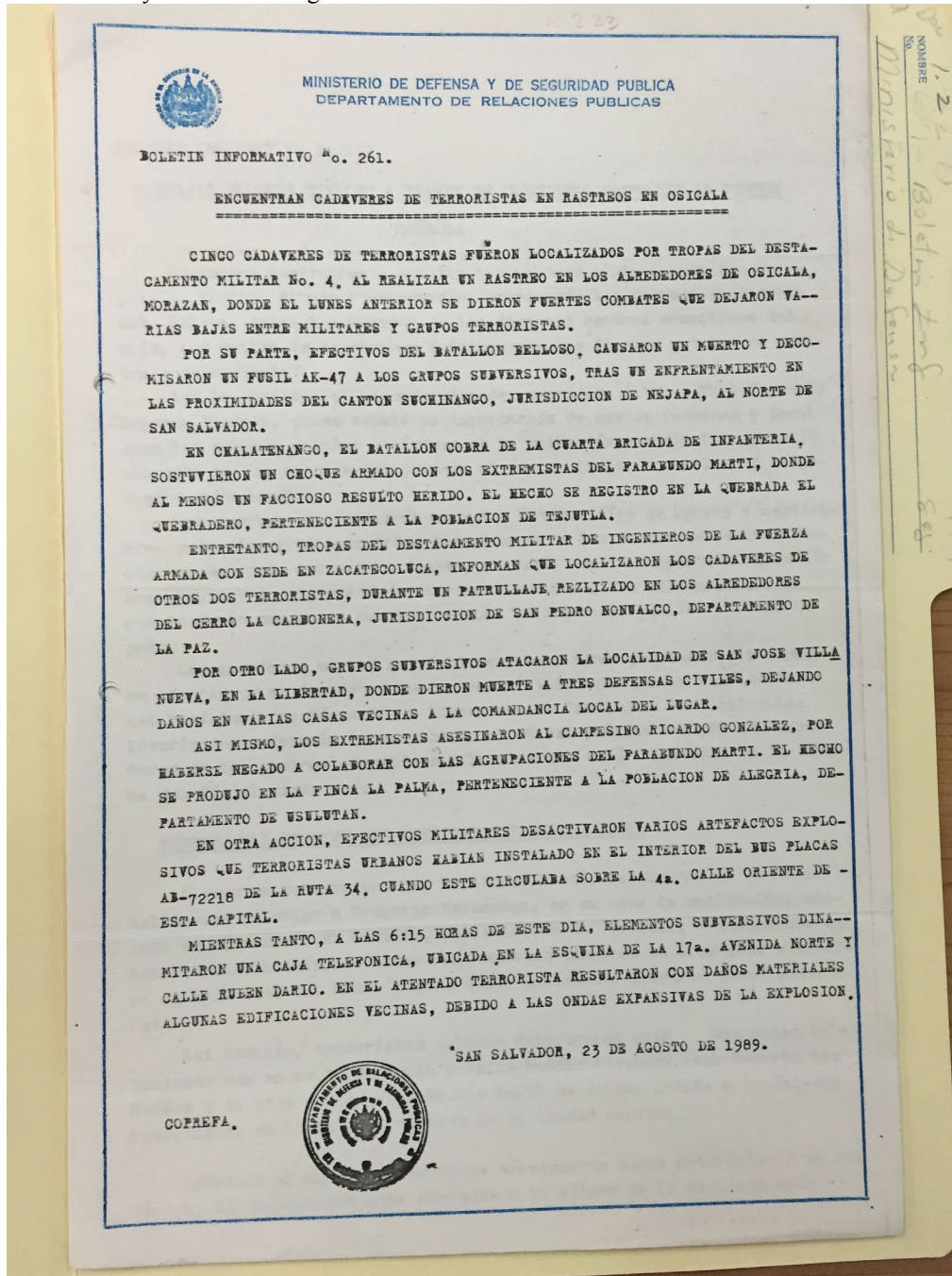


Figure 16



MINISTERIO DE DEFENSA Y DE SEGURIDAD PUBLICA
DEPARTAMENTO DE RELACIONES PUBLICAS
BOLETIN DE PRENSA No. 321

TERRORISTAS SECUESTRAN A SIETE CAMPESINOS EN SAN MIGUEL

Siete campesinos fueron secuestrados el pasado viernes por grupos subversivos del Farabundo Martí, quienes los sacaron de sus respectivas casas, en el caserío San Andrés, jurisdicción de San Gerardo, departamento de San Miguel.

Las personas secuestradas fueron identificadas como Eugenio Argueta, Ovidio Vasquez, Sergio Portillo, Rodrigo Portillo, Juvenec Quinteros, Daniel Vasquez y Mimecho Fuentes, a quienes los subversivos se llevaron con rumbo desconocido, aseguró el comando de la Tercera Brigada de Infantería.

EBRIO MUERE Y DEJA CUATRO HERIDOS AL HACER ESTALLAR UN EXPLOSIVO

El Regimiento de Caballería, informó que anoche a eso de las diez, el individuo Juan Ramírez, en estado de ebriedad hizo estallar una granada fragmentaria en su casa de habitación, habiendo provocado heridas en Lucila Ruiz, Leticia Ruiz, en Angel y José Ruiz. El hecho se registró en el cantón San Francisco, de la población de Zaragoza, La Libertad. Los lesionados fueron conducidos a un centro asistencial de Santa Tecla. El sujeto murió en el mismo acto, detalló la unidad militar.

DOS SUBVERSIVOS MUEREN EN COMBATE CON EL EJERCITO

Dos extremistas del Farabundo Martí resultaron muertos el sábado a eso de las seis de la tarde, durante un enfrentamiento registrado con efectivos del Batallón Suchitlán del Destacamento Militar No. 1, quienes patrullaban los alrededores del cantón Plan de Las Pozas, de la localidad de Potonico, en Chalatenango.

Los soldados incautaron en dicho lugar, un fusil AK-47 y un G-3, 410 cartuchos para AK-47 y 50 para G-3, así como cargadores, arneses y otros materiales bélicos.

Mientras tanto, siete efectivos entre ellos un oficial, resultaron lesionados tras una emboscada terrorista en las proximidades del desvío Los Cobanitos, perteneciente a El Paraíso, en Chalatenango. En los hechos, que se registraron a las diez de la mañana del pasado sábado, sufrió heridas de bala el Teniente Julio César Domínguez Coronado, quien juntamente con los otros lesionados, fueron trasladados al Hospital Militar de esta ciudad capital.

CUATRO SUBVERSIVOS CAPTURA LA TERCERA BRIGADA

Cuatro insurgentes del Farabundo Martí, fueron capturados por unidades del Batallón Ponce de la Tercera Brigada de Infantería, en las afueras de la población de San Luis de La Reina, en el departamento de San Miguel.

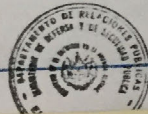
El comando de la citada guarnición, señaló que los detenidos son: José Evelio Pineda Martínez, María Haydee Hernández, Isidra Claros y María Florinda Ramos, quienes fueron capturados al mediodía del sábado. Los cuatro serán puestos a la orden de los tribunales competentes, indicó la brigada.

HOSTIGAMIENTO SUBVERSIVO EN TEJUTEPEQUE SIN BAJAS

Elementos extremistas hostigaron anoche a eso de las 11:30, a posiciones militares de la Guardia Nacional, en la población de Tejutepeque, en Cabañas. Los atacantes fueron repelidos por los efectivos de dicho cuerpo, sin que se hayan registrado bajas entre ambas partes, de acuerdo a lo confirmado en la zona de los hechos.

San Salvador, 23 de octubre de 1989.

COPPEPA



No. 1. 22. 1989
 Ministerio de Defensa y Seguridad Pública
 Boletín de Prensa
 1989

Figure 17

Resumen sobre capturas realizadas por la Policia Nacional de personas por participar en en actividades de tipo subversive – terrorista y que han manifestado haber viajado a paises comunistas, asi: A Rusia, Cuba, y Nicaragua. Periodo 15Oct1979 A la fecha”, October 15, 1979. “Capturas mas relevantes: Realizadas por la Policia Nacional desde 15Oct1979 a la fecha, de personas relacionadas con actos de subversion y terrorismo,” April 1984, Fuerza Armada de El Salvador, Policia Nacional, Departamento II Informaciones, “Fuerz Armada de El Salvador – Policia Nacional,” Centro de Información, Documentación y Apoyo a la Investigación (CIDAI), Universidad Centroamericana “José Simeón Cañas” (UCA). The records included in Figures 18-23 constitute the opening pages of compendiums of arrests and alphabetical profiles of individuals with claimed affiliations to a number of guerilla factions during the civil war, or who were suspected of participation of subversive activities. The descriptions are brief and many result in an appearance before a military judge but do not indicate the resulting fate of the person concerned. Be it Víctor Amílcar Chávez Renderos, who, among other things, is accused of intending to kill the Attorney General of El Salvador, or Jorge Alberto Cerrato Melgar who is an alleged member of the Fuerzas Populares de Liberación (FPL) and is guilty of seizing/purchasing weapons, as well as traveling to Cuba, Panama, Ecuador and Nicaragua to meet with other union members, there is a common theme that links all of the individuals featured as subversive or communist transgressive. Indicative of heightened surveillance during the period, the reports also track the rise and repression of dissent, and the widening net that the Armed Forces and National Police were casting in order to maintain control. Many people would spend several years from the date of their capture experiencing here-undetailed precarity and brutality at the hands of their captors. The fact that their fate is little resolved at the end of the paragraph-length narrative that summarizes their collective defiance only contributes further to speculation on the extremity of their treatment.

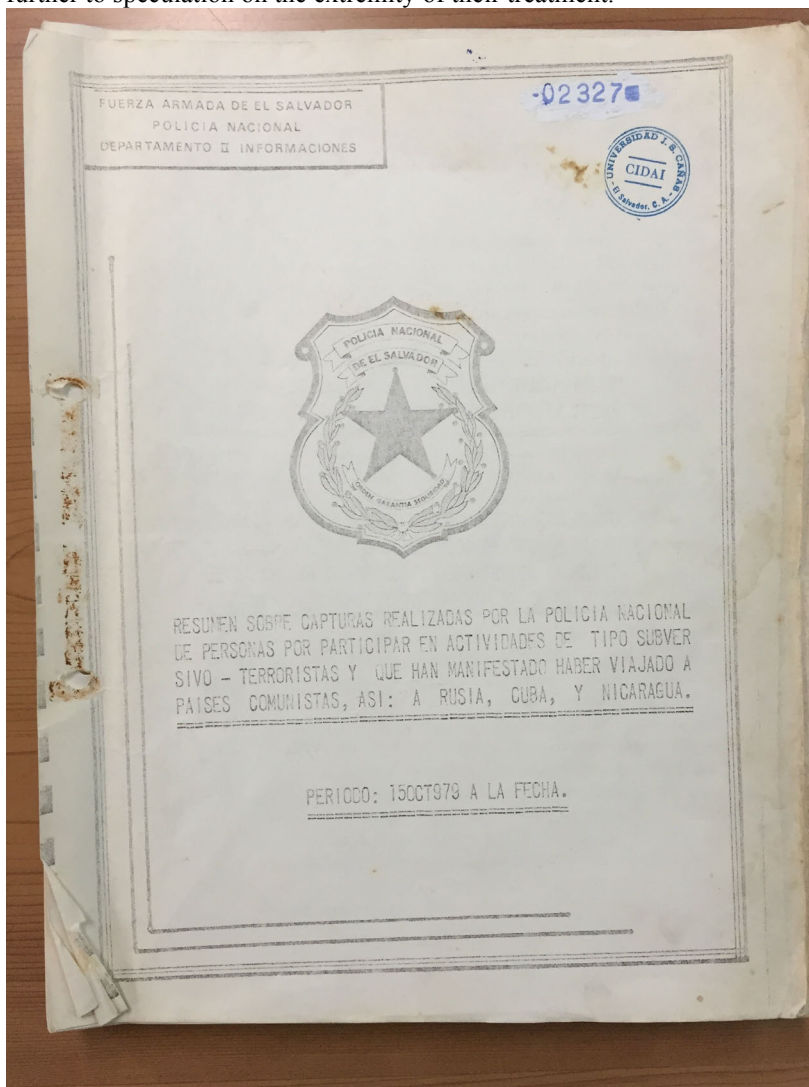
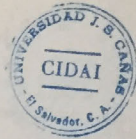


Figure 18



RELACION DE PERSONAS DETENIDAS POR RAZONES DE TIPO SUBVERSIVO Y QUE HAN MANIFESTADO HABER VIAJADO A RUSIA A PARTIR DEL PERIODO 15 OCT 1979 A LA FECHA

RELACION DE PERSONAS DETENIDAS POR RAZONES DE TIPO SUBVERSIVO Y QUE HAN MANIFESTADO HABER VIAJADO A RUSIA - PERIODO 15 OCT 1979 A LA FECHA

(A N E X O)

COMPOSICION FOTOGRAFICA QUE MUESTRA ARMAMENTO, MUNICION Y OTROS OBJETOS PROCEDENTES DE PAISES DE LA ORBITA SOVIETICA Y DECOMISADOS A ORGANIZACIONES TERRORISTAS QUE OPERAN EN EL SALVADOR.

Figure 19

RELACION DE PERSONAS DETERMINAR POR RAZONES DE TIPO
SUSPENSIVO Y QUE HAN MANIFESTADO HABER VIAJADO A
PAISES COMUNISTAS - PERIODO 1967/78 A LA FECHA.

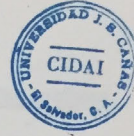


NAM VIAJADO A RUSIA

1 - ROBERTO SOSA VARGAS

Cenchrada 17 OCT 1981 - Por eleccion de este Grupo, en 33a. Calle
Sta. No. 612 de esta ciudad, por ser miembro de las FUERZAS ARMA-
DAS DE LIBERACION (FAL.) braia armado del PARTIDO COMUNISTA SAL-
VADOREÑO (PCS.); generales: 37 años edad, soltero, motorista, --
originario y vecino de esta ciudad, con residencia en 33a. Calle
Oriente No. 612, Colonia La Sabida de esta ciudad, hijo de RAMON
SOSA FRANCIA y SARA VARGAS, el primera residente en Calle Felipe
Sosa No. 328, Barrio La Vepa de esta ciudad y la segunda ya fe-
licidad; apudónimo: "GUM" y "LOLO"; cargo: político ideológico;
actividades: desde abril de 1975 se encuentra organizado en el
PARTIDO COMUNISTA SALVADOREÑO (PCS.), siendo reclutado por ANTONIO
HERRERA, en esa época también fueron catequizados: RAMON CASTI-
LLO, FELIX ULLDA ex-Rector Universidad Nacional (ya fallecido),
GABRIEL CALLEGOS VALDEZ y CARLOS DELGADO; siendo HERRERA quien
le eligió para viajar a Rusia a recibir un curso de adiestra-
miento marxista en un centro denominado "Escuela Política de la
Juventud", en una población de nombre Vichiki, en las afueras
de Moscú. A su regreso fue directivo de la Federación Unitaria
Sindical Salvadoreña (FUS.), desde esa fecha por motivos de se-
guridad se ha documentado con nombres falsos de ROBERTO MONTES
GOMEZ, EDUARDO ANTONIO ROQUE ALAS y CARLOS MORENO CAMPOS; a par-
tir de esa época se dedicó a catequizar adeptos para la organiza-
ción hasta en 1977 que decidió irse a la clandestinidad, habién-
dole sido asignadas varias casas de seguridad en distintos luga-
res de esta ciudad, siendo la última donde fue capturado; para
éste mensualmente recibe de parte de un individuo de apudónimo
"ALEX" la cantidad de \$ 500.00. Que para una nueva ofensiva se
había planeado atacar el Aeropuerto Internacional "El Salvador",
para lo cual ya tenían hasta planes y datos sobre la seguridad
con que cuenta dicho Aeropuerto.

Figure 20



FUERZA ARMADA DE EL SALVADOR
POLICIA NACIONAL
DEPARTAMENTO II INFORMACIONES

CAPTURAS MAS RELEVANTES

REALIZADAS POR LA POLICIA NACIONAL
DESDE 15OCT979 A LA FECHA, DE PER-
SONAS RELACIONADAS CON ACTOS DE --
SUBVERSION Y TERRORISMO.

SAN SALVADOR, ABRIL /84.-

Figure 21

FUERZA ARMADA DE EL SALVADOR
POLICIA NACIONAL
DEPARTAMENTO II INFORMACIONES

DATOS ESTADISTICOS SOBRE CAPTURAS MAS RELEVANTES
REALIZADAS POR LA POLICIA NACIONAL, DESDE EL 15-
OCT979 A LA FECHA, DE PERSONAS RELACIONADAS CON
ACTOS DE SUBVERSION Y TERRORISMO.

RESUMEN

a.-	"FPL"	.....	114
b.-	"FARN"	.....	102
c.-	"FAL"	.....	81
d.-	"ERP"	.....	69
e.-	"RPTC"	.....	7
f.-	"FDR"	.....	7
g.-	"EGP"	.....	1

			381
			=====

San Salvador, 24 de abril de 1984.

Figure 22



CAPTURAS MAS RELEVANTES, REALIZADAS
DESDE 15OCT979 A LA FECHA, DE PERSONAS
RELACIONADAS CON ACTOS DE SUB--
VERSION Y TERRORISMO.
=====

No.

DETALLE

- 1 JUAN ANGEL CHACON VASQUEZ
Capt. 25FEB980 - San Salvador; pertenece "BPR"; cargo: Secretario - General; actividades: dirigir ocupaciones de oficinas de ANDA y de Comercio Exterior, exigir al Banco de Fomento Agropecuario varias - peticiones, amenazando que si no eran aceptadas tomaría medidas de hecho y promover varias manifestaciones que culminaron en desórde-- nas públicas y daños a establecimientos comerciales. Al momento de su captura se le decomisó un revólver Cal. 38 con 6 cartuchos del - mismo calibre y propaganda subversiva del "BPR".
- Fue consignado a la orden del señor Juez 52 de la Penal, en Ofic. No. 506 de fecha 27FEB980.

- 2 SALVADOR RICARDO SAMAYOA LEIVA y PAULITA LEONORA PIKE TENNANT, la - última originaria de Filadelfia, E.U.A.
Capt. 27MAY980 - San Salvador; por pertenecer a las "FPL". El pri-- mero tenía el cargo de distribuir propaganda subversiva, la cual -- pasaba a recoger en casa de la PIKE TENNANT, quien colaboraba en -- ese sentido. Dentro de sus actividades SAMAYOA LEIVA, dijo están la de haber declarado en conferencia de prensa que se iría a la clan-- destinidad cuando fungía como Ministro de Educación, y ya incorpora-- do por completo se dedicó a la distribución de propaganda, también estuvo redactando cartas e incluso trabajó en la elaboración de un plan de gobierno revolucionario.
- Fueron consignados a la orden del señor Juez Militar de Instruc-- ción, en Oficio S/N de fecha 29MAY980.

- 3 JOSE ANTONIO MORALES CARBONELL e José Ricardo Funes Zepeda, ROSALI-- NA LAZO GOMEZ, FREDY HERNANDEZ BARDALES, HUGO CRUZ QUEZADA y MARCO TULLIO SOLORZANO ARTEAGA.
Capt. 13JUN980 - San Salvador; por pertenecer a las "FPL". En el -- momento de su detención, MORALES CARBONELL trató de sorprender a --

:::::

Figure 23

“COPREFA Informa Captura de Varios Subversivos,” undated. “Capturan Veintidos Maestros,” undated. Centro de Documentación de la Memoria Histórica “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES). The two press releases highlighted in Figures 24 and 25 detail the reporting and critique of information by the Armed Forces and Hacienda Police, respectively, and their arrest and imprisonment of purported subversives, as well as the ongoing persecution of individuals, and civic and political organizations for their contestations of governmental policies and actions. By asserting the “capture of various subversives,” or characterizing trade unionists as “degrading persons” involved in subversive activities, the discursive connotations and their material effects are wielded at the discretion of security agents as a pretense for halting socio-political dissent. The records themselves pose implicit critiques of the information contained and by naming some of the individuals captured, as is done in the first press release, combat efforts to erase and disappear them.

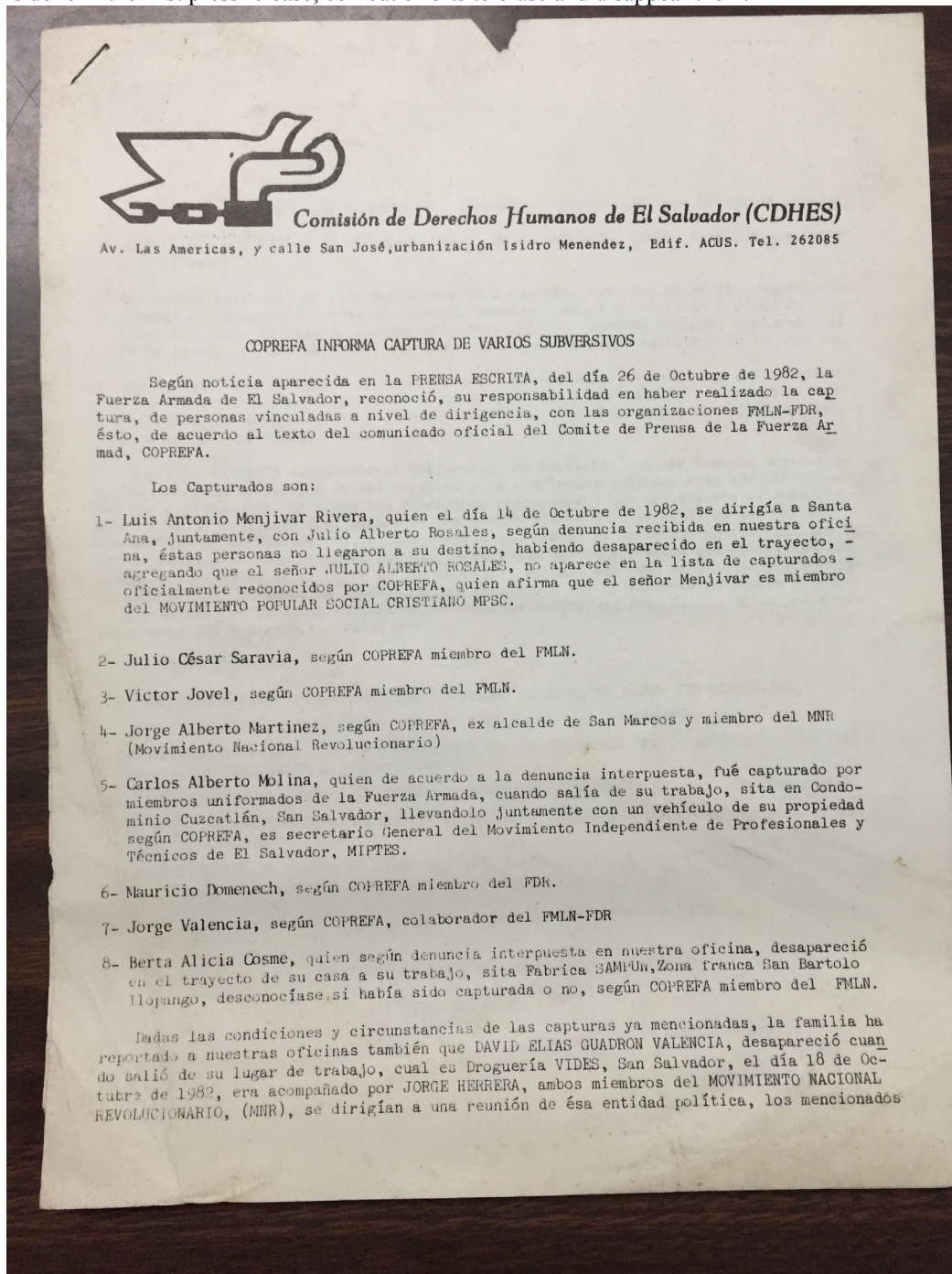
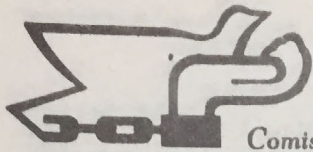


Figure 24



Comisión de Derechos Humanos de El Salvador (CDHES)

Av. Las Americas, y calle San José, urbanización Isidro Menendez, Edif. ACUS. Tel. 262085

CAPTURAN VEINTIDOS MAESTROS.

"EN ARAS DE LA SEGURIDAD NACIONAL", 22 maestros, de uno u otro sexo, fueron capturados por agentes de la Policía de Hacienda, cuando éstos se encontraban planificando comisiones ya que dentro de pocos días se entrevistarían con el señor Ministro de Educación, para discutir una plataforma reivindicativa, y otros problemas del magisterio en general.

LA COMISION DE DERECHOS HUMANOS DE EL SALVADOR, no puede dejar desapersibido, éste hecho, por considerar que tal como ha sucedido en otras ocasiones se han tergiversado los hechos, haciendo aparecer a las víctimas como personas denigrantes ante la sociedad y ante todo el pueblo salvadoreño.

El hecho tal como lo han querido hacer aparecer los miembros de la Policía de Hacienda, es que los maestros capturados fueron sorprendidos en una reunión de carácter subversiva, donde supuestamente éstos planificaban actividades en contra de la economía de nuestra patria.

Por otra parte personeros del Magisterio y familiares de los capturados han manifestado a nuestra institución, así como también a la oficina de Tutela Legal del Arzobispado, que los maestros capturados el sábado recién pasado, en la escuela "REPUBLICA FEDERAL DE ALEMANIA", se encontraban en una reunión de planificación, referente a la plataforma reivindicativa, la cual ya había sido presentada al señor Ministro de Educación.

Expresamos además que el señor Ministro de Educación y los miembros de "ANDES 21 DE JUNIO", en la última reunión, acordaron que los maestros hicieran una comisión para que con la participación de el Ministerio se discutieran algunos puntos de la plataforma reivindicativa la cual en su mayoría fue aprobada por dicho ministro y por esa razón se encontraban reunidos el día de la captura.

POR LO ANTERIORMENTE EXPUESTO, la Comisión de Derechos Humanos de El Salvador, manifiesta su condena de éste hecho, en tanto que la captura de dichos maestros es desde todo punto de vista injusta, por cuanto los maestros se encontraban en una reunión de asuntos relacionados a sus justas reivindicaciones y que era inclusive del conocimiento del señor Sub-Secretario de Educación Profesor ROBERTO SERRANO ALFARO.

Figure 25

“Herbert Anaya: Su voz no la callarán nunca,” undated, Centro de Documentación de la Memoria Histórica
 “Marianella García Villa,” Comisión de Derechos Humanos de El Salvador (CDHES) (Figures 22-25)

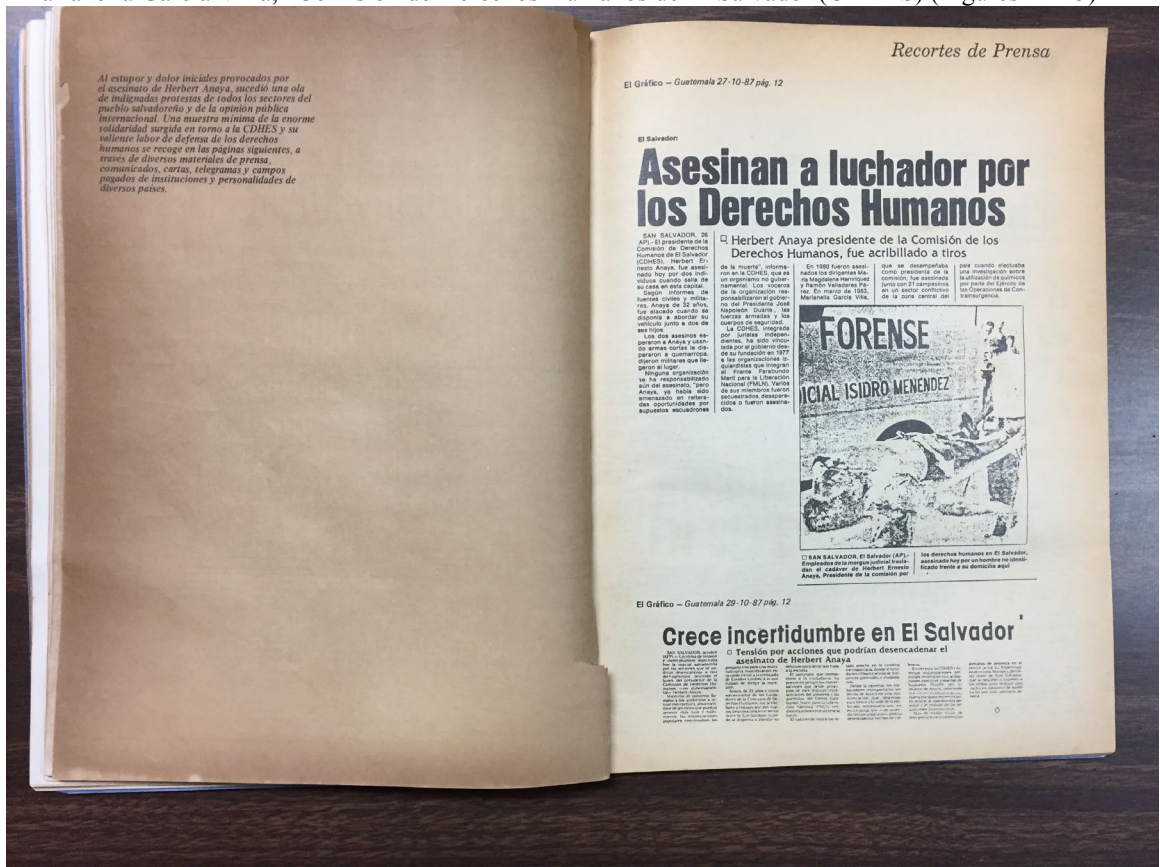


Figure 26

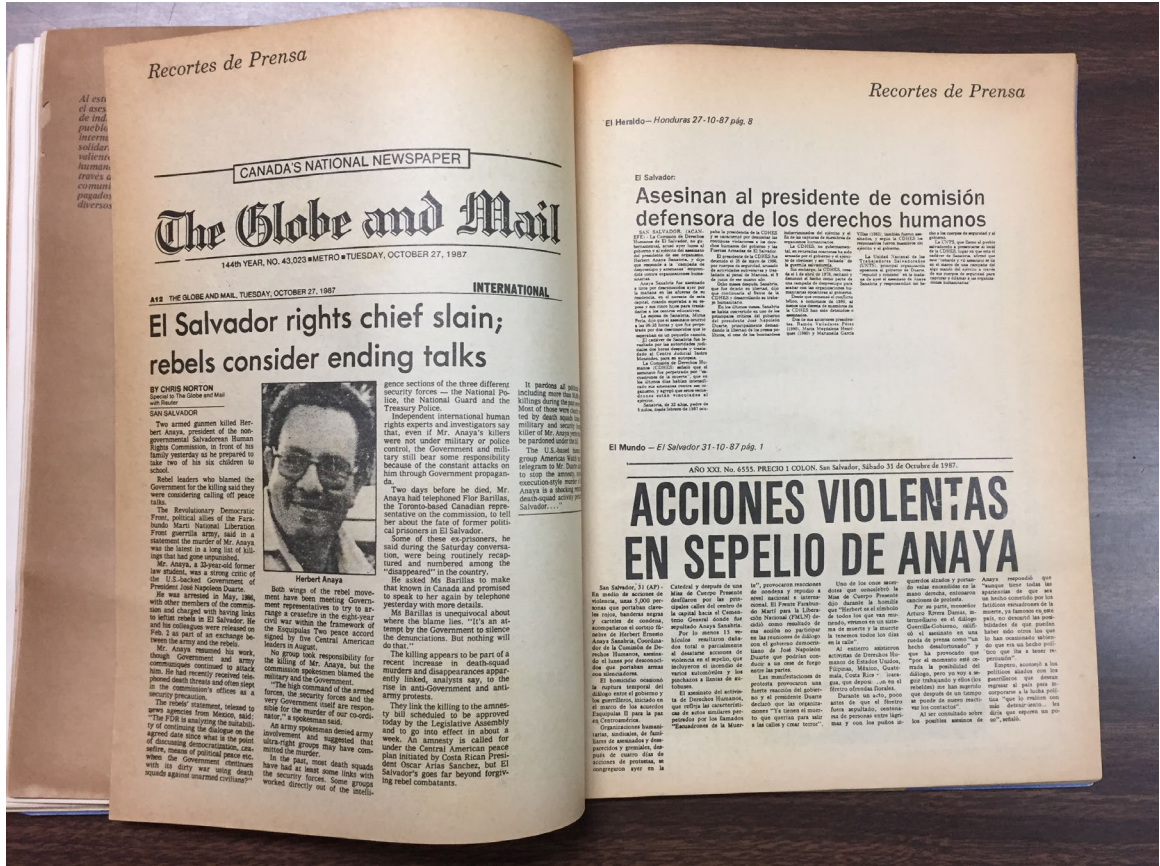


Figure 27

Recortes de Prensa

Al con-
ciencia
de los
países
internos
solidari-
dad
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traves a
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diversos

CANADA'S NATIONAL NEWSPAPER

The Globe and Mail

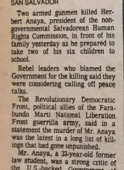
144th YEAR, NO. 43,023 METRO TUESDAY, OCTOBER 27, 1987

A52 THE GLOBE AND MAIL, TUESDAY, OCTOBER 27, 1987

INTERNATIONAL

El Salvador rights chief slain; rebels consider ending talks

BY CHRIS HORTON
Special to The Globe and Mail
and
IAN DALYWOOD



Two armed gunmen killed Herbert Anaya, president of the non-governmental Salvadorean Human Rights Commission, in front of his family yesterday as he prepared to take care of his six children at school.

Rebel leaders who blamed the Government for the killing said they were considering ending off peace talks.

The Revolutionary Democratic Front, political allies of the Farabundo Martí National Liberation Front guerrilla army, said in a statement the murder of Mr. Anaya was the latest in a long list of killings that had gone unreported.

Mr. Anaya, a 59-year-old former law student, was a strong critic of President José Napoleón Duarte, who was installed in May, 1986, with other members of the commission to bring about a settlement in El Salvador. He Feb. 2 as part of an exchange between the army and the rebels.

Mr. Anaya resumed his work, though Government and army commissions continued to block him. He had recently reported that he had received threats and often shot security precautions.

The rebel statement, issued in a newspaper from Mexico, said that the FDN is a strategy for the continuation of the dialogue on the of discussing demilitarization, the safety, means of political peace accords with the Government (President Duarte) have had at least some links with the security forces. Some groups sounds against unarmed civilians.

Independent international human rights experts and investigators say that, even if Mr. Anaya's killers were not under military or police control, the Government and military still bear some responsibility because of the constant attacks on him through Government propaganda.

Two days before he died, Mr. Anaya had telephoned Flor Barillas, the Toronto-based Canadian representative on the commission, to tell her about the fate of former political prisoners in El Salvador.

Some of these ex-prisoners, he said during the Saturday conversation, were being routinely recaptured and numbered among the "disappeared" in the country.

He asked Mr. Barillas to make that known in Canada and promised to speak to her again by telephone yesterday with more details.

Mr. Barillas is unequivocal about where the blame lies. "It's an act perpetrated by the Government to silence the denunciations. But nothing will do that."

The killing appears to be part of a recent increase in death-squad murders and disappearances apparently linked, analysts say, to the rise in anti-Government and anti-army protests.

They link the killing to the amnesty bill scheduled to be approved today by the Legislative Assembly and to go into effect in about a week. An amnesty is called for under the Central American peace plan initiated by Costa Rican President Oscar Arias Sanchez, but El Salvador's goes far beyond forgiving rebel combatants.

It pardons all acts, including those that led to the killing during the war. Most of those who were not by death squad military and security forces were pardoned under this program. The U.S.-based group American Human Rights Program is Mr. Barillas to stop the amnesty unconditionally until.

Mr. Barillas is a leading death-squad critic in El Salvador.

Both wings of the rebel movement have been meeting Government representatives to try to arrange a ceasefire in the eight-year civil war within the framework of the September 2 peace accord signed by five Central American leaders in August.

Mr. Barillas has responsibility for the killing of Mr. Anaya, but the commission spokesman blamed the military and the Government.

The high command of the rebel forces, the security forces and the very Government could not be responsible for the murder of our co-ordinator," a spokesman said.

An army spokesman denied army involvement and suggested that ultra-right groups may have committed the murder.

In the past, most death squads have had at least some links with the security forces. Some groups worked directly out of the military.

Recortes de Prensa

El Herald - Honduras 27-10-87 pág. 8

El Salvador:

Asesinan al presidente de comisión defensora de los derechos humanos

El Salvador, 27 de octubre. (AP) - El presidente de la Comisión Defensora de los Derechos Humanos de El Salvador, Herbert Anaya, fue asesinado ayer por dos hombres armados en un momento en que se preparaba para ir a la escuela con sus hijos.

Anaya, de 59 años, fue asesinado en un momento en que se preparaba para ir a la escuela con sus hijos. Los asesinos lo mataron en un momento en que se preparaba para ir a la escuela con sus hijos.

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El Mundo - El Salvador 31-10-87 pág. 1

AÑO XXX, No. 655, PRECIO 1 COLÓN, San Salvador, Sábado 31 de Octubre de 1987

ACCIONES VIOLENTAS EN SEPELIO DE ANAYA

San Salvador, 31 (AP) - El presidente de la Comisión Defensora de los Derechos Humanos de El Salvador, Herbert Anaya, fue asesinado ayer por dos hombres armados en un momento en que se preparaba para ir a la escuela con sus hijos.

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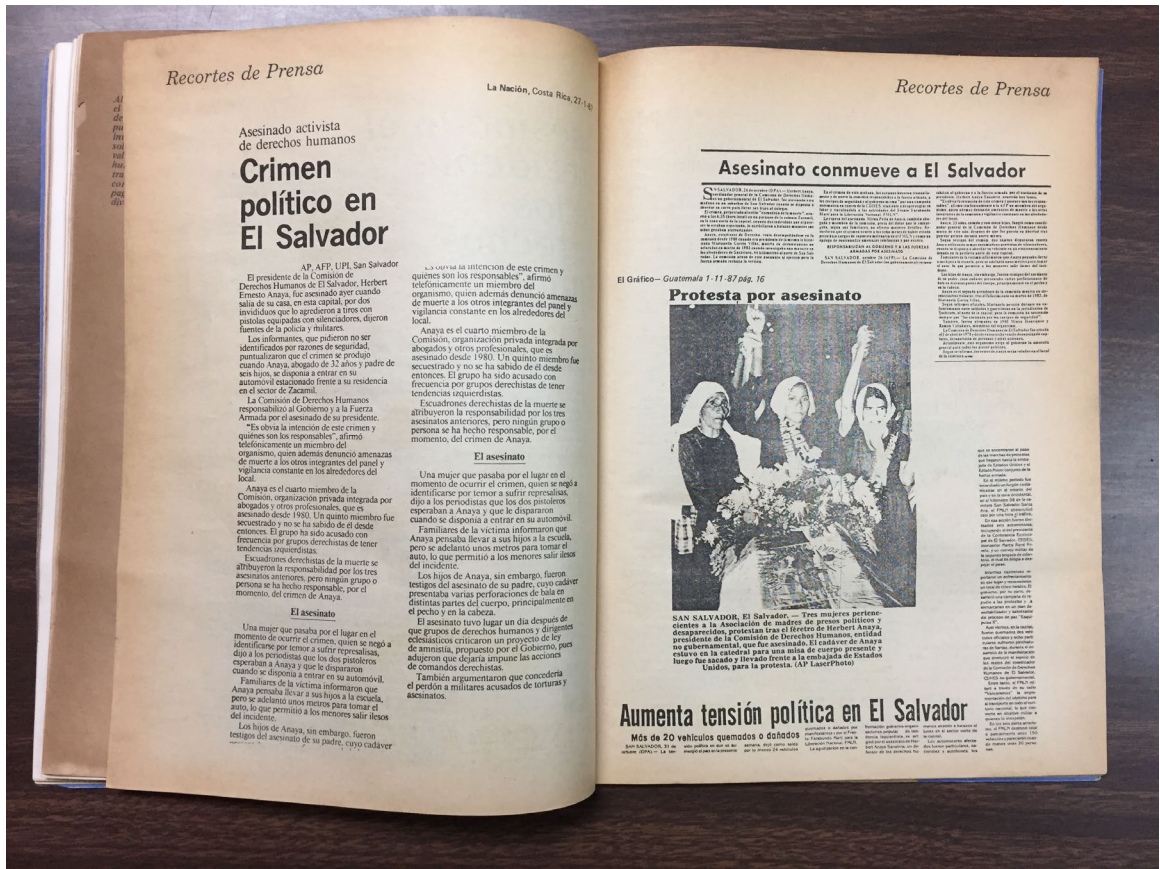


Figure 28

Recortes de Prensa

Asesinado activista de derechos humanos
Crimen político en El Salvador

AP. AFP. UPI. San Salvador. El presidente de la Comisión de Derechos Humanos de El Salvador, Herbert Anaya, fue asesinado ayer cuando salía de su casa, en esta capital, por dos individuos que lo agredieron a tiro con pistolas equipadas con silenciadores, dijeron fuentes de la policía y militares.

Los informantes, que no fueron identificados por razones de seguridad, puntualizaron que el crimen se produjo cuando Anaya, abogado de 32 años y padre de seis hijos, se disponía a entrar en su automóvil estacionado frente a su residencia en el sector de Zacam.

La Comisión de Derechos Humanos responsable al Gobierno y a la Fuerza Armada por el asesinato de su presidente.

"Es obvia la intención de este crimen y quienes son los responsables", afirmó telefónicamente un miembro del organismo, quien además denunció amenazas de muerte a los otros integrantes del panel y vigilancia constante en los alrededores del local.

Anaya es el cuarto miembro de la Comisión, organización privada integrada por abogados y otros profesionales, que es asesinado desde 1980. Un quinto miembro fue secuestrado y no se ha sabido de él desde entonces. El grupo ha sido acusado con frecuencia por grupos derechistas de tener tendencias izquierdistas.

Escuadrones derechistas de la muerte se atribuyeron la responsabilidad por los tres asesinatos anteriores, pero ningún grupo o persona se ha hecho responsable, por el momento, del crimen de Anaya.

El asesinato

Una mujer que pasaba por el lugar en el momento de ocurrir el crimen, quien se nega a identificarse por temor a sufrir represalias, dijo a los periodistas que los dos pistoleros esperaban a Anaya y que le dispararon cuando se disponía a entrar en su automóvil.

Familiares de la víctima informaron que Anaya pensaba llevar a sus hijos a la escuela, pero se adelantó unos metros para tomar el auto, lo que permitió a los menores salir ileso del incidente.

Los hijos de Anaya, sin embargo, fueron testigos del asesinato de su padre, cuyo cadáver presentaba varias perforaciones de bala en distintas partes del cuerpo, principalmente en el pecho y en la cabeza.

El asesinato tuvo lugar un día después de que grupos de derechos humanos y dirigentes eclesásticos criticaron un proyecto de ley de amnistía, propuesto por el Gobierno, pues aducían que dejaría impune las acciones de comandos derechistas.

También argumentaron que concedería el perdón a militares acusados de torturas y asesinatos.

El asesinato

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La Nación, Costa Rica, 27/1/87

Recortes de Prensa

Asesinato conmueve a El Salvador

El asesinato de un activista de derechos humanos, el presidente de la Comisión de Derechos Humanos de El Salvador, Herbert Anaya, fue asesinado ayer cuando salía de su casa, en esta capital, por dos individuos que lo agredieron a tiro con pistolas equipadas con silenciadores, dijeron fuentes de la policía y militares.

Los informantes, que no fueron identificados por razones de seguridad, puntualizaron que el crimen se produjo cuando Anaya, abogado de 32 años y padre de seis hijos, se disponía a entrar en su automóvil estacionado frente a su residencia en el sector de Zacam.

La Comisión de Derechos Humanos responsable al Gobierno y a la Fuerza Armada por el asesinato de su presidente.

"Es obvia la intención de este crimen y quienes son los responsables", afirmó telefónicamente un miembro del organismo, quien además denunció amenazas de muerte a los otros integrantes del panel y vigilancia constante en los alrededores del local.

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El Gráfico - Guatemala 1-11-87 pág. 16

Protesta por asesinato



SAN SALVADOR, El Salvador. — Tres mujeres pertenecientes a la Asociación de madres de Heriberto Anaya, desaparecido, protestaron ante la Comisión de Derechos Humanos, entidad responsable del crimen político que fue asesinado. El cadáver de Anaya estuvo en la capital para una misa de cuerpo presente y luego fue sepultado frente a la embajada de Estados Unidos, para la protesta. (AP LaserPhoto)

Aumenta tensión política en El Salvador

Más de 20 vehículos quemados o dañados

San Salvador, El Salvador, 27 de enero. Un grupo de personas quemó y dañó más de 20 vehículos en un acto de protesta por el asesinato de Herbert Anaya, presidente de la Comisión de Derechos Humanos de El Salvador.

Los manifestantes quemaron y dañaron 20 vehículos, entre ellos camionetas y autos particulares, en un acto que se desarrolló en la zona de Zacam, en San Salvador.

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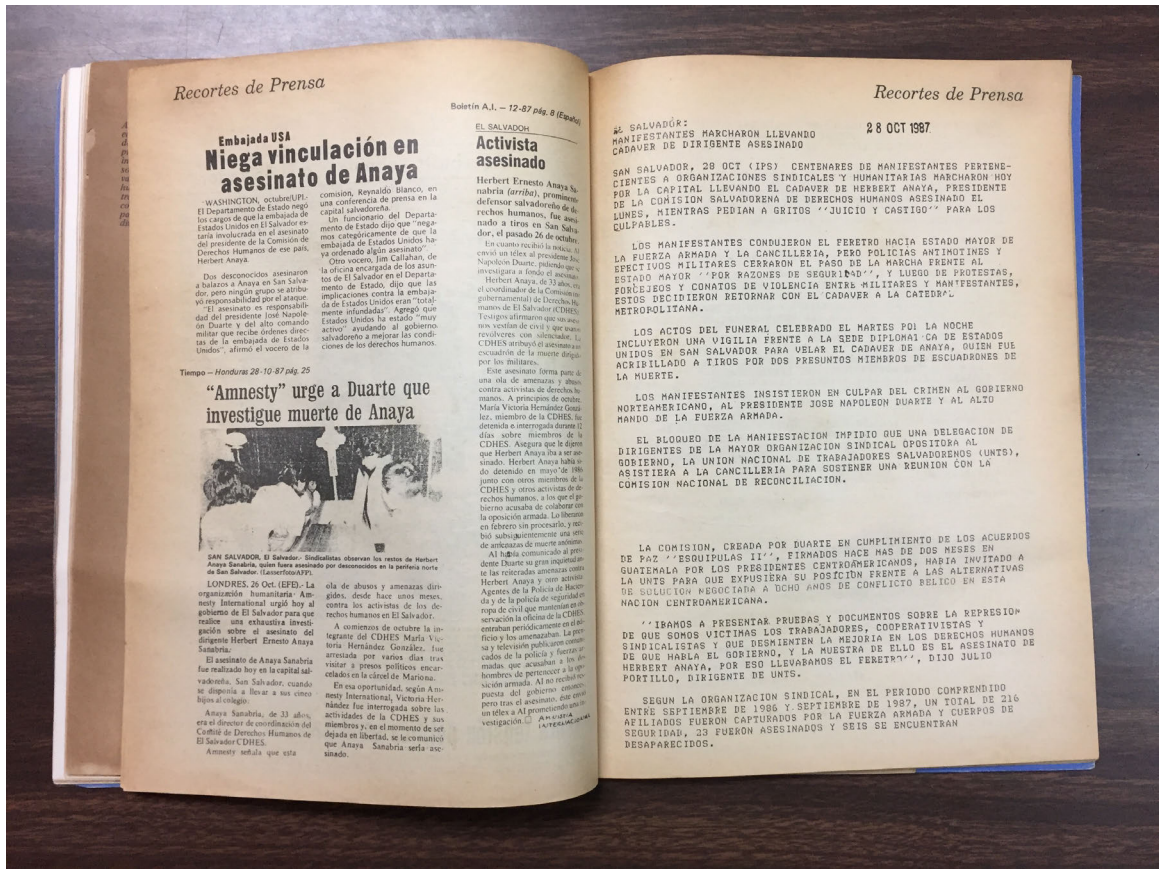


Figure 29

Embajada USA Niega vinculación en asesinato de Anaya

WASHINGTON, 26 Oct. (EFE). El Departamento de Estado niega los cargos de que la embajada de Estados Unidos en El Salvador está o haya estado involucrada en el asesinato del presidente de la Comisión de Derechos Humanos de ese país, Herbert Anaya.

Los funcionarios del Departamento de Estado dicen que "ninguna responsabilidad por el ataque al asesinado es responsabilidad del presidente José Napoleón Duarte y del alto comando militar que recibe órdenes directas de la embajada de Estados Unidos", afirmó el vocero de la

Timeo - Honduras 28-10-87 pág. 25

"Amnesty" urge a Duarte que investigue muerte de Anaya



SAN SALVADOR, El Salvador. Sindicalistas observan los restos de Herbert Anaya Sanabria, quien fuera asesinado por desconocidos en la periferia norte de San Salvador. (Luzphoto/APP)

LONDRES, 26 Oct. (EFE). La organización humanitaria, Amnesty International, urgió hoy al gobierno de El Salvador para que realice una exhaustiva investigación sobre el asesinato del dirigente Herbert Ernesto Anaya Sanabria.

El asesinato de Anaya Sanabria fue realizado hoy en la capital salvadoreña, San Salvador, cuando se disponía a llevar a sus cinco hijos al colegio.

Anaya Sanabria, de 33 años, era el director de coordinación del Comité de Derechos Humanos de El Salvador (CDHES).

Amnesty afirmó que está

EL SALVADOR

Activista asesinado

Herbert Ernesto Anaya Sanabria (arriba), presidente del defensor salvadoreño de los derechos humanos, fue asesinado a tiros en San Salvador, el pasado 26 de octubre.

Los cuatros recibidos la noche del 26 de octubre, el defensor salvadoreño de los derechos humanos, fue asesinado a tiros en San Salvador, el pasado 26 de octubre.

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Este asesinato forma parte de una ola de amenazas y ataques contra activistas de derechos humanos. A principios de octubre, María Victoria Hernández González, miembro de la CDHES, fue detenida e interrogada durante 12 días sobre miembros de la CDHES. Anaya había sido detenido en mayo de 1986 junto con otros miembros de la CDHES y otros activistas de derechos humanos, a los que el gobierno acusaba de colaborar con la oposición armada. Los líderes caídos fueron un procedimiento y recibió subsecuentemente una serie de amenazas de muerte.

Al haber comunicado al presidente Duarte su gran preocupación por las reiteradas amenazas contra Herbert Anaya y sus actividades y de la policía de seguridad de la ciudad que mantenían en observación la oficina de la CDHES, se intensificó el peligro de su vida y la de su familia. La policía y efectivos policiales fueron enviados a la oficina de la CDHES, que acababa de ser bombardeada por la oposición armada. Al no recibir respuesta del gobierno salvadoreño, el defensor salvadoreño de los derechos humanos, fue asesinado a tiros en San Salvador, el pasado 26 de octubre.

28 OCT 1987

EL SALVADOR: MANIFESTANTES MARCHARON LLEVANDO CADAVER DE DIRIGENTE ASESINADO

SAN SALVADOR, 28 OCT. (EFE). Centenares de manifestantes pertenecientes a organizaciones sindicales y humanitarias marcharon hoy por la capital llevando el cadáver de Herbert Anaya, presidente de la Comisión Salvadoreña de Derechos Humanos asesinado el lunes, mientras pedían a gritos "juicio y castigo" para los culpables.

Los manifestantes condujeron el féretro hacia el Estado Mayor de la Fuerza Armada y la Cancillería, pero policías antiterroristas y efectivos militares cerraron el paso de la marcha frente al Estado Mayor "por razones de seguridad", y luego de protestas, pulejeles y conatos de violencia entre militares y manifestantes, estos decidieron retornar con el cadáver a la Catedral Metropolitana.

Los actos del funeral celebrado el martes por la noche incluyeron una vigilia frente a la sede diplomática de Estados Unidos en San Salvador para velar el cadáver de Anaya, quien fue acorralado a tiros por dos presuntos miembros de escuadrones de la muerte.

Los manifestantes insistieron en culpar del crimen al gobierno norteamericano, al presidente José Napoleón Duarte y al alto mando de la Fuerza Armada.

El bloque de la manifestación pidió que una delegación de dirigentes de la mayor organización sindical opositora al gobierno, la Unión Nacional de Trabajadores Salvadoreños (UNTS), asistiera a la Cancillería para sostener una reunión con la Comisión Nacional de Reconciliación.

La comisión, creada por Duarte en cumplimiento de los acuerdos de paz "Esquipulas II", firmados hace más de dos meses en Guatemala por los presidentes centroamericanos, había invitado a la UNTS para que expusiera su posición frente a las alternativas de solución negociada a ocho años de conflicto bélico en esta Nación Centroamericana.

"Irábamos a presentar pruebas y documentos sobre la represión de que somos víctimas los trabajadores, cooperativistas y sindicalistas y que desmenten la memoria en los derechos humanos de que habla el gobierno, y la muestra de ello es el asesinato de Herbert Anaya, por eso lleváramos el féretro", dijo Julio Portillo, dirigente de UNTS.

Según la organización sindical, en el período comprendido entre septiembre de 1986 y septiembre de 1987, un total de 216 afiliados fueron capturados por la fuerza armada y cuerpos de seguridad, 23 fueron asesinados y seis se encuentran desaparecidos.

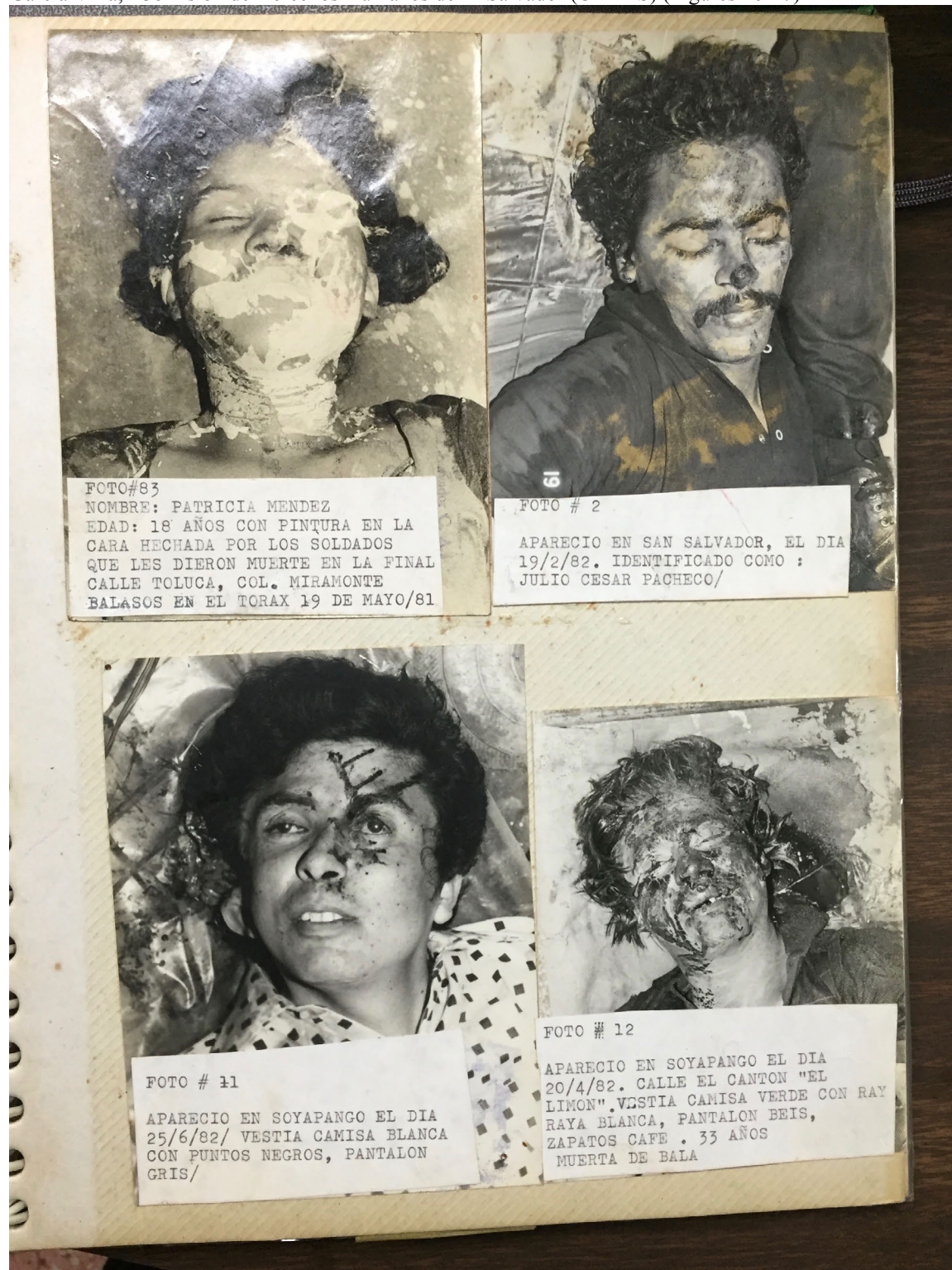


Figure 30



Figure 31

Appendix B: Interview Protocol

Interview Protocol Title: _____

Date: _____

Time: _____

Location: _____

Interviewer: _____

Interviewee(s): _____

Opening statement including a brief description of project will be made detailing the investigator's motive; purpose of study; protection of respondents, including confidentiality, willingness to continue participation, use of data, access to final report, and permission to record interview.

Background of the participant:

1. How long have you worked/did you work at this organization?
2. How did you come to work here?
3. What are/were your title and duties?
4. How long have you been/were you in this position?
5. Did you have any background in human rights before working here and if so what was it and for how long?

[Researcher thoughts bracketed here during interview]

About the organization:

1. What is/was the primary mission of the organization?
2. How long has the organization been documenting human rights violations?
3. What kinds of human rights documentation are among their records?
4. Do you know if they have and/or had relationships with other organizations, such as archives, libraries, other human rights advocacy groups or universities that conduct(ed) the same kind of work?
5. What is/was the nature of the relationship?

[Researcher thoughts bracketed here during interview]

Human Rights in El Salvador:

1. What are your impressions of the status of human rights during the civil war?
2. Has your perception of human rights changed since the end of conflict? In what ways? What do you think has influenced these changes?
3. What do you feel are the roots of many of the human rights violations committed?
4. Have you noted a shift in public opinion on human rights since the end of the conflict? What are they? What has influenced them?
5. What challenges are posed to advocating for human rights in El Salvador at this moment? How does those compare with challenges faced during the conflict? With the immediate post-civil war era?
6. In what ways is this complicated by pervasive gang violence?
7. Whose human rights do you feel your advocating for? Why? What challenges do you face with each group?

8. How has the face of victimhood changed since the conflict? Is there any continuity? Has it become more complicated?
9. What future challenges do you think human rights in El Salvador face? Are these in any way related to past histories of conflict and violence? If not, why not? If so, how?
10. What policies do you think need to put into place for there to be an effective human rights agenda in El Salvador?
11. What is the role of the Procuraduría para la Defensa de los Derechos Humanos in these efforts?
12. What do you think your role and/or the role of your organization is?

[Researcher thoughts bracketed here during interview]

Documenting Human Rights during the Civil War:

1. What initially inspired you and/or your organization to start documenting human rights violations?
2. What kinds of challenges did you face?
3. What processes and procedures did you use to document violations? How did you and/or your organization develop these?
4. Who was responsible for going out into the field and documenting violations?
5. What kinds of evidence were they looking for?
6. How did they corroborate this evidence?
7. What kinds of documents did this search for evidence produce? What was their intended purpose?
8. What groups were reporting violations? What kinds?
9. Did you have different strategies for gathering information about different types of violations and/or from different groups? What were they?
10. What happened to materials gathered after the end of the conflict?
11. What purpose do they serve now?
12. Do you think maintaining them in an archive is important? Why or why not?
13. What impact do you think they have or can have on society now?
14. Who is using them and for what purpose?
15. What challenges do you face in preserving them? What steps have to taken to do so?
16. What future do you envision for these records?

[Researcher thoughts bracketed here during interview]

Documenting Human Rights in Contemporary El Salvador:

1. How are you or your organization made aware of a possible human rights violation?
2. How are these incidents reported or verified?
3. Who is responsible for going out into the field and documenting the incident?
4. What are the processes undertaken to document them?
5. What are some the challenges involved?
6. What kinds of materials need to be assembled in order to fully document the violation?
7. What confidentiality issues do you confront? How do you deal with these?

8. What happens after an incident is documented? Is a case file established? What systems are used to process it?
9. How long to cases remain active? What happens to the paperwork or digital files during this time?
10. What happens to materials/files after a case is resolved or otherwise closed? Is it stored? If so, for how long? If not, what happens to the material?
11. Is anyone specifically responsible for these documents? If so, whom?
12. What challenges do you face in storing material? What are they? Can you take any measures to resolve them?
13. What purpose do you think these materials serve now?
14. To what extent are you aware of the work of other human rights organizations and does this inform your organization's processes and procedures?
15. What, if any, role do you think documentation of past human rights violations has on current thinking and practices on the matter?
16. Does this have any impact on your or your organization's thinking on human rights today? Why or why not?
17. What, if any, impact do you think they have on society, government, policy, or accountability?

[Researcher thoughts bracketed here during interview]

Additional Comments or Feedback

1) I would appreciate any additional comments or feedback that may be of interest in this study.

[Researcher thoughts bracketed here during interview]

Probes used:

[Thank participants]

Post Interview Comments or Leads:

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