CHILDREN AND TRANSITIONAL JUSTICE

Truth-Telling, Accountability and Reconciliation

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CHAPTER 8

DISAPPEARED CHILDREN, GENETIC TRACING AND JUSTICE

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Family reunion of a child who was disappeared during the armed conflict in El Salvador.

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INTRODUCTION

During the latter part of the twentieth century, several authoritarian regimes in Latin America “disappeared” subversives or suspected subversives. Children, in particular, were disappeared during the “Dirty War” in Argentina (1976-1983) and in El Salvador during its armed conflict (1980-1992). The regimes in Chile, Guatemala, Peru and Uruguay also carried out disappearances. In the years since, genetic tracing has become an important tool to identify persons who were disappeared, bring perpetrators to account, and seek justice for the families of victims. Civil society groups have played a key role in advocating for the use of genetic tracing to document these crimes. Genetic tracing is a tool for identifying the remains and recovering the personal histories of those who were disappeared.

It is critical to provide survivors with the truth about what happened to their loved ones, to ensure accountability and to provide some form of reparation. These are fundamental elements in transitional justice, paving the way toward more democratic and

2 In the case of forced disappearance, the word disappear is used transitively, or actively. Persons are said to “have been disappeared” when force is used, often by authorities or State officials, to abduct, detain, frequently torture and then kill the victims, without leaving evidence or any trace of the murder. In international human rights law, disappearance at the hands of the State has been codified as enforced or forced disappearance. It has been defined in a number of international treaties: The Inter-American Convention on Forced Disappearance of Persons, adopted at Belem do Para (Brazil) on 6 September 1994 and entered into force 28 March 1996 (Article II); the Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force 1 July 2002 (Article 7); and the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly on 20 December 2006 (Article 2), which is yet to come into force. As of February 2010, it has been ratified by eighteen countries. For further elaboration, see “International and National Law Regarding Enforced Disappearances” in this chapter.

3 While the armed conflict in El Salvador is commonly referred to as a civil war, the active and influential role played by the United States in providing military assistance and thereby increasing the duration, scope and level of violence has led some to argue that it amounted to international armed conflict. Regarding US involvement in the Salvadoran war, see “From Madness to Hope: The 12-Year War in El Salvador,” Report of the UN Commission on the Truth for El Salvador 1993, at 22, 109, 129, footnote 34 [hereinafter “From Madness to Hope”].
peaceful societies. Finding the truth and acknowledging crimes helps to restore the dignity of the victims,\(^{4}\) which can lead to reconciliation.

Among the thirty thousand people who were disappeared in Argentina were an estimated five hundred pregnant women and young children. The military kept the pregnant women captive and subjected them to torture until the birth of their babies. The infants were then taken from their mothers and given away through adoption agencies, which proceeded without documentation and often placed the infants in the homes of military or police officers. The mothers were never seen again. Young children were also abducted along with their parents. Some were immediately placed with neighbors or relatives, while others disappeared, only to later reappear in orphanages or schools under falsified birth certificates, in homes of women known not to have been pregnant, or in military or police households living among the very individuals responsible for the murders of their parents.

In El Salvador, the military raided villages suspected of being rebel support bases. Families were separated; the parents were often killed and the children taken to orphanages. Some of these children were adopted by military or police households, and others were put up for international adoption. It is believed that hundreds of infants and children may have been disappeared by the military.

A number of explanations have been given as to why the Argentine and Salvadoran governments systematically disappeared children. In some cases, such acts – described as removing children from subversive influences and giving them an opportunity to be raised as model citizens and servants of the State – were presented as “patriotic”. For the troops, abducting children may have been less...

\(^{4}\) “When a victim is forgotten or excluded from the rightful acknowledgment of his/her dignity, a double offense is committed against him/her. The first one, is the act that harms, tortures, violates or kills the victim. The second one, is to imply that nothing happened. That the crime committed against him/her is not a crime. That life goes on with no worries even though the whole of humanity has been harmed through the harm committed against the dignity of one single person.” (translated from Spanish). José M. Tojeira, “Necesidad de Símbolos,” Diario Co-Latino, 17 November 2009, available at www.diariocolatino.com/es/20091117/opiniones/73824/.
demoralizing than being ordered to slay them. In other instances, abducted children were given to members of the military and police as rewards for exemplary public service; children were bartered as “war booty.”

Enforced disappearances result in devastating harm. Children who are disappeared lose their history and their cultural and familial identities. This violates article 8 of the Convention on the Rights of the Child (CRC), which establishes the child’s right to an identity. Identification of the disappeared, family reunification, support for the disappeared and redress for their families have been identified as crucial to achieving justice in the wake of mass atrocities perpetrated during war.5

However, identifying the disappeared, particularly those who disappeared as children, remains extremely challenging for a number of reasons. Politically, tracing and identification typically require the cooperation of various state institutions, including the military and police, who may refuse to cooperate, especially in states where government forces continue to operate with impunity. Also, the judiciary may remain weak or lack independence from the executive branch, while at the same time the prevailing political climate may preclude civil society from advocating effectively.

Practically, tracing such children is more difficult when the child was disappeared at a very young age and significant time has elapsed. Children abducted as infants or toddlers may not be able to recount family histories, and, as children grow, they become unrecognizable to their families. Family reunification also poses complications when the disappeared child remains a minor and custody must be established.

In response to some of these issues, human rights investigators in Argentina and El Salvador turned to genetic tracing to identify disappeared children who are alive. While genetic tracing is the most accurate way of determining kinship, reliance on this technology has its own complexities. Establishing a system of

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genetic tracing requires an active and engaged civil society to seek out and coordinate the expertise of specialists in genetics, forensic criminology and mathematics, who understand applying this technology to solve human rights abuses. Genetic tracing requires the cooperation of living blood relatives. In addition, the laboratory work of DNA analysis is expensive and thus requires substantial political and financial support. Given these issues, genetic tracing frequently complements, but does not necessarily supplant, traditional investigative methods, including witness reports and public records searches.

This chapter presents case studies from Argentina and El Salvador on the use of DNA testing to identify disappeared children. The case studies illustrate the potential role of genetic evidence in the pursuit of justice for enforced disappearances and related human rights violations.

**INTERNATIONAL AND NATIONAL LAW REGARDING ENFORCED DISAPPEARANCES**

Enforced disappearances are prohibited under international human rights and criminal laws. The Inter-American Convention on the Forced Disappearance of Persons defines enforced disappearance as “the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.” Under article X, the Convention provides that neither a state of war nor “the threat of war, internal political instability or any other public emergency” can

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6 DNA analysis is defined as any technique used to analyze genes and DNA, including PCR (polymerase chain reaction), STR (short tandem repeat) analysis and DNA sequencing, among others.
be invoked to justify the forced disappearance of persons.

Committing such disappearances carries individual responsibility as a crime against humanity under international criminal law. Specifically, under article 7(i) of the Rome Statute of the International Criminal Court, enforced disappearances are considered crimes against humanity when conducted in a systematic manner or on a widespread basis. The Statute defines enforced disappearance as “the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.”

The prohibition against enforced disappearances has recently been affirmed by the international community in a treaty on the subject. The 2006 International Convention for the Protection of All Persons from Enforced Disappearance (yet to enter into force) defines enforced disappearance as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

The CRC establishes under article 8 every child’s right to an identity. During the drafting of the CRC, this article was proposed by the Argentine delegation on the grounds that it was necessary to secure the speedy intervention of the State when a child’s right to preserve his or her identity had been violated. The proposal came

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about as a result of the disappearance of children that Argentina was experiencing at that time. The article in the Convention reads as follows:

1. State Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, State Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

According to CRC article 8(1), identity is formed by three main elements: name, family relations and nationality. When a child is forcibly disappeared and then placed for adoption, concealing his or her origins, the right to identity has been violated, which results in serious harm. Armando, a boy who was disappeared as a child in El Salvador, said, “When I found my family, my life changed 180 degrees; it was the incentive I needed to try to give meaning to my existence…. I had a history, a reason for being.”

Article 8(2) of the CRC obligates State parties to reestablish the identity of the child who has been deprived of some or all aspects of identity. In this context, genetic tracing and other mechanisms to determine the child’s identity can play a fundamental role in realizing this international obligation.

In addition to existing obligations to prevent, investigate and punish violations on the prohibition of enforced disappearances, when dealing with grave violations of human rights, the right to an effective remedy must also be considered. This right is particularly relevant to the process of healing and reconciliation of the victims and/or their families. Remedies for victims of gross violations of human rights include the following:

- Equal and effective access to justice
- Adequate, effective and prompt reparation for harm suffered
• Access to relevant information concerning violations and reparations mechanisms.9

In responding to violations of the American Convention on Human Rights, the Inter-American Court of Human Rights is empowered to deliver remedies for such violations.10 The Inter-American Court has held that “it is a principle of international law that any violation of an international obligation that has produced damage entails the obligation to repair it adequately.”11 As a component of this right to an effective remedy, the Inter-American Court has defined reparations as “a generic term that covers the various ways a state may make amends for the international responsibility it has incurred.”12

In the case of Serrano-Cruz Sisters v. El Salvador (discussed later in this chapter), the Inter-American Court held that reparation of the damage caused by the violation required full restitution, meaning the reestablishment of the previous situation. However, in the case of enforced disappearances, such an approach is not possible, and therefore “the International Court must determine a series of measures to ensure that, in addition to guaranteeing respect for the violated rights, the consequences of the violations


10 See American Convention on Human Rights article 63(1): “If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.” On the interpretation of this article, see also Aloeboetoe et al. v. Suriname, Judgment of 10 September 1993 (Reparations and Costs), para. 43.


12 Garrido and Baigorria v. Argentina, para. 41.
are remedied and compensation paid for the damage caused. It is also necessary to add any positive measures the State must adopt to ensure that the harmful acts, such as those that occurred in this case, are not repeated.”

At the national level, Argentina has taken the lead in passing legislation to regulate the situation of the disappeared and their families. In 1994, Law No. 24.321 was approved, defining enforced disappearance and regulating the process for obtaining a judicial declaration of disappearance. Later that year, the approval of Law No. 24.411 established the right to pecuniary reparation for families of the disappeared.

El Salvador is yet to pass a national law concerning the practice of enforced disappearances. Nonetheless, the Salvadoran human rights group Pro-Búsqueda has presented to Parliament a draft law titled “Search for Children Who Disappeared during the Internal Armed Conflict.” The objective of the proposed legislation is to promote respect for the right to the truth, to justice and for reparations of the victims of enforced disappearance (article 1). It defines three types of disappearance:

a) Enforced or involuntary disappearance of children during the armed conflict, defined in terms similar to those of the Inter-American Convention on the Forced Disappearances of Persons.

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14 Law No. 24,321, approved 11 May 1994 and sanctioned 8 June 1994. For a definition of enforced disappearance, see article 2.

15 Ibid., articles 3-6.


17 The draft law is available (in Spanish) at www.probusqueda.org.sv/Docs/Anteproyecto_Ley_de_Busqueda.pdf.

18 Ibid., article 4.
b) Disappearances due to the failure of the State to fulfill its obligation to protect.

c) Other forms of disappearances, such as those perpetrated by guerrillas, insurgent armed groups and other non-state actors.

In the draft law presented by Pro-Búsqueda, genetic tracing is mentioned as a means of determining the biological affiliation of a person who was disappeared as a child.19

ARGENTINA: THE DISAPPEARANCE OF CHILDREN DURING THE “DIRTY WAR”

Between 1976 and 1983, up to an estimated thirty thousand20 Argentines disappeared during the rule of the military junta as part of a systematic purge of perceived political subversives. The military’s intentions in this campaign were clear: “First we will kill the subversives; then we will kill their collaborators; then…their sympathizers; then…those who remain indifferent; and finally we will kill the timid.”

− General Ibérico Saint Jean, Governor of Buenos Aires, May 197621

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19 Ibid., at article 22.

20 The official report of the National Commission on the Disappearance of Persons (CONADEP) reported a conservative estimate of nine thousand persons disappeared. Other accounts by Rita Arditti (1999) and Marguerite Guzman (1994) estimate thirty thousand and forty-five thousand disappeared, respectively. The most-often quoted estimate is thirty thousand, but this has not been supported by forensic evidence. It is more likely that the number of disappeared is closer to the number reported in the CONADEP report.

Men, women and children from all walks of life were systematically abducted, imprisoned in hundreds of detention centers, tortured and murdered. Estimates suggest that hundreds of pregnant women and young children were among those who disappeared.\textsuperscript{22}

Very early on, as disappearances increased and fear permeated the country, a small group of grandmothers banded together. In April 1977, at the peak of the disappearances, they marched publicly, wearing white head scarves embroidered with the names of their missing relatives, to the Plaza de Mayo in Buenos Aires, the center of federal government offices. There they asked for an audience with President Jorge Rapheal Videla.\textsuperscript{23} They were refused. From that day, the grandmothers – Las Abuelas de la Plaza de Mayo – have been a public presence. They march in the plaza every Thursday, along with other relatives of the disappeared, demanding to know the whereabouts of their disappeared grandchildren. They still march today.

Las Abuelas organized themselves and began a tireless search to document their missing. As investigations began, it became clear that transparency would be impossible without the involvement of the international community, due to the secretive political climate created by the military dictatorship and the many false documents and testimonies.\textsuperscript{24} Despite the pervasive fear in the country, people approached the grandmothers with snippets of information. During their weekly marches, notes were slipped into their hands. By telephone, in meeting places or on the street, people told them of children appearing in the houses of women who had never been pregnant, or who were unable to bear children. Schoolworkers

\textsuperscript{22} \textit{Nunca Más}, report of CONADEP, 1984, Part 1, Repression, Section Detention Centres. General Considerations.


notified them of falsified birth certificates of newly registered children. Neighbors told them of conversations overheard regarding the sudden appearance of a child.25 All of the information was documented and investigated.

Estella Carlotto, a member of Las Abuelas, described one such investigation. A child had suddenly appeared in the home of a woman known to have had a hysterectomy. Ms. Carlotto, disguised as a vacuum cleaner saleswoman, approached the house and offered to demonstrate the apparatus. Although her offer was declined, she was able to get a glimpse of a child through the doorway and to estimate the child’s age and stature.26 These types of clever techniques were the hallmark of Las Abuelas.

Detailed records, each dedicated to a particular grandchild, were kept in binders that lined their office walls. Traditional investigative techniques such as matching estimated birth dates, locations and testimonies successfully proved identity in many of their early cases,27 but Las Abuelas realized that more scientific proof would be required.28 Many children, especially those abducted at a young age, had no recollection of the event, and birth certificates were notoriously falsified.

Actions Taken to Trace Disappearances: Nunca Más

The disappearances continued until 1983. Then, with a worsening economy, growing attention to human rights abuses, and a failed attempt to gain control of the Falkland Islands from the United Kingdom, the Argentine military junta lost national and international support. Democratic elections were held in 1983, and

25 Ibid.


27 Traditional investigative techniques would rely more on subjective information such as personal experiences and memories gleaned from interviews.

28 Many cases have involved claims by the “imposed” (adoptive) parents that the child is their biological child.
Raúl Alfonsín won the presidency, partly through his focus on human rights. Soon after his election, President Alfonsín appointed the Commission on the Disappearance of Persons (CONADEP) to investigate and document the human rights abuses of the military government. Its report, Nunca Más (“Never Again”), was based on testimony from thousands of witnesses and visits to hundreds of secret detention centers. The widely published report documented the military’s systematic approach to the abduction, kidnapping, captivity, torture and murder of many thousands of victims. The report specifically addressed the issue of children who had disappeared:

When a child is forcibly removed from its legitimate family to be put in another, according to some ideological precept of what’s “best for the child’s welfare,” then this constitutes a perfidious usurpation of duty. The repressors who took the disappeared children from their homes, or who seized mothers on the point of giving birth, were making decisions about people’s lives in the same cold-blooded way that booty is distributed in war. Deprived of their identity and taken away from their parents, the disappeared children constitute, and will continue to constitute, a deep blemish on our society. In their case, the blows were aimed at the defenceless, the vulnerable and the innocent, and a new type of torment was conceived.

– Nunca Más

With CONADEP’s findings, the Alfonsín government began charging and prosecuting top military officials for their crimes. Although the trials were high-profile and set the stage for declaring the military responsible for the disappearances, expectations fell short. President Alfonsín was pressured into passing two partial impunity laws, Ley de Punto Final (the Full Stop Law) and Ley de Obediencia Debida (the Law of Due Obedience). In 1986, the Full

Stop Impunity law (Law 23,492) set a sixty-day deadline for initiating new prosecutions. Then, because it was not enough to stop prosecutions (although they became less far-reaching), the 1987 Due Obedience Law (Law 23,521) was passed. It stated that subordinate officers were the least criminally culpable when following orders issued by superiors. However, neither law exempted kidnapping and concealing children, or the substitution or misrepresentation of a child’s identity. Unfortunately, application of these exemptions was hampered by the early termination of Alfonsín's presidency in 1989. It was not until 2005, when the Supreme Court of Argentina repealed the two amnesty laws, that a more concerted effort could be made to charge former military officers under criminal law.

Despite the adverse political and judicial context throughout the regime of the junta and afterward, Las Abuelas de la Plaza de Mayo worked continuously to document and search for their missing grandchildren. Initially, identification of the children relied on more traditional techniques such as photos of children prior to their captivity, original birth certificates and personal testimonies from neighbors and friends of the disappeared. These techniques worked well for children not born in detention centers. But the secretive nature of the centers precluded photographs, legitimate birth records and personal accounts, which underscored the need for more objective techniques.

The Use of DNA to Determine Identity

In June 1984, Las Abuelas de la Plaza de Mayo took documentation of the disappearance of seventy-seven of their grandchildren to the international community. They requested assistance from the American Association for the Advancement of Science (AAS). The AAS provided DNA kits to the Grandmothers, which were used to collect samples from relatives and victims of the disappearances. This allowed for the comparison of DNA profiles from potential matches, increasing the accuracy of identifications. The DNA samples were sent to forensic laboratories in Argentina, where they were analyzed to determine the genetic relationships among the samples.

The process of DNA analysis was crucial in identifying remains and establishing the link between the disappeared children and their family members. It enabled the Grandmothers to present evidence of the atrocities committed during the junta's rule and to hold those responsible accountable. The use of DNA technology not only provided critical evidence for legal proceedings but also brought a sense of closure to the families of the disappeared.

30 This section summarizes the basic techniques used in forensic identification. For more detailed information, please refer to: US Department of Energy, Office of Science, 'Human Genome Project Information – DNA Forensics,' available at http://www.ornl.gov/sci/techresources/Human_Genome/elsi/forensics.shtml.
Science to establish scientific, objective procedures for forensic investigations. One such technique is genetic identification. A fundamental premise in establishing genetic identity is that significant genetic differences exist between unrelated individuals, and insignificant differences exist between related individuals. A genetic match indicates that two individuals are related biologically. The accuracy of genetic testing is unprecedented; virtually all cases have a greater than 99.9 percent certainty of biological match. This means that otherwise subjective evidence can be enhanced using genetic techniques, leading to more conclusive identification.

In 1984, the most reliable method for establishing genetic relationships was human leukocyte antigen (HLA) typing, the kind used for testing compatibility for organ transplantation. However this method has significant limitations, including limited population variability and the requirement for live cells and multiple close family members.

Two genetic methods are used today for genetic identification: mitochondrial DNA (mtDNA) sequencing and short tandem repeats (STRs). Two characteristics make mtDNA particularly useful in Argentina: its maternal inheritance (that is, men and women inherit mtDNA, but only women transmit it), and the fact that it rarely changes from generation to generation. Therefore, distant maternal relatives can be used for identification (for example, a maternal uncle or great-aunt). As a result of this inheritance pattern, even very distant maternal relatives may share the same sequence. However, if multiple relatives of the same maternal lineage are missing, it will not be possible to differentiate them by mitochondrial sequence alone.

STRs, areas of the human genome that have repetitive sequences that are three to five nucleotides long, are located throughout the human nuclear genome. These are highly variable between unrelated individuals but much less variable between related individuals. Nuclear DNA is inherited from both parents, resulting

in an almost unique combination. STR analysis, which works by comparing multiple STRs, is useful when there are living, direct biological relatives of the missing person. Currently, STR analysis is the primary genetic technique used for DNA databases internationally.

The Case of Paula Logares

In May 1978, Paula Logares, then twenty-three months-old, was abducted in Uruguay where she had been taken by her parents, who had fled from Argentina for safety. It is assumed her parents were murdered; their bodies were never recovered. After five years of searching for Paula with the help of Las Abuelas, her grandmother, Elsa Pavon, found her living with Ruben Lavallen, a police officer, and his wife. Paula had been registered in kindergarten using a false birth certificate.

Establishing Paula's identity was challenging. Court-ordered X-rays determined that she had the bones of a six-year-old – the age claimed by the Lavallens – while Pavon claimed Paula was seven years old. The Lavallens refused to take a blood test for DNA testing, but ultimately the court required them to be tested. HLA typing, the only genetic identification technique available at the time, established that the child registered as Paula Lavallen was in fact Paula Logares.

Once biological identity was determined, Pavon had to fight a legal battle. A lower court refused to grant her custody of Paula, who was left in the care of the Lavellens. Pavon appealed the federal lower court’s decision, and eventually the federal court determined that Paula should be returned to her biological family.

Prior to Paula's meeting with her grandmother, the judge told Paula what happened during the war, explaining how her grandmother had searched for her and how her biological identity had been established. The initial meeting between Paula and her grandmother was difficult. Gradually, she was able to accept her identity, assisted by photographs from her early childhood showing her biological parents, and by the return journey to her grandmother’s home, where she immediately went to the bedroom
where she had slept as a baby and looked for her toys.

The federal court custody decision galvanized other court cases on disappeared children, particularly cases regarding biological identity and legal custody. The case of Paula Logares set the legal precedent for genetic testing to identify a child who had been disappeared. The court noted the value of objective, highly accurate identifying information in the face of falsified documents, conflicting interests of various parties and the morphological changes of children over time. Additionally, the genetic testing established the basis of both exclusion – Paula was not the biological offspring of the Lavallens – and inclusion – Paula was biologically related to Elsa Pavon, the grandmother who had searched for more than seven years to find her.

The judges’ decision that Paula should learn the truth about her origins resulted from consultation with psychologists, who felt that her transition would be less difficult if she were to learn about her origins early and warned of a later psychological crisis should Paula find out as a young adult. Her case set a precedent for revealing and restoring the biological identity of a disappeared child without delay.

**National Genetic Database**

With the legal precedent established for the use of DNA in establishing biological identity, Las Abuelas lobbied nationally and internationally, eventually pressuring the Government to support the development of a national genetic database that would allow all relatives of missing children to submit a blood sample for genetic testing and that could also be used for comparison when disappeared children are found. Established in 1989, Argentina’s database continues to be instrumental in the investigation of disappeared children, as well as in other investigations regarding affiliation, such as testing for paternity, rape and incest. The precision and objectivity the database provides to cases of disappeared children was an unprecedented breakthrough.

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32 In most cases of disappeared children, the “imposed” (adoptive) parents claimed a biological relationship to the child.
Las Abuelas have been extremely successful in informing the public about the availability and accuracy of the genetic database. They have undertaken several extensive advocacy campaigns leading to notable increases in the submission of blood samples. Las Abuelas demanded that all children who suspected they may have been abducted should be able to search for their biological identity at any time during their lives, which underscores the need to maintain the database for decades. Personal testimonies fade and disappear with death, documents can be falsified, personal effects can be lost – but genetic evidence can be retained in perpetuity.

The Argentine genetic database set an important precedent and enabled the expansion of genetic tracing as an important tool in accounting for the disappeared and providing a remedy for victims. So far, about one hundred Argentinian grandchildren have been identified using the database established by Las Abuelas. The program is expanding to Guatemala and Peru, two countries that also experienced many disappearances.

With the passage of time since the “Dirty War,” the children of the disappeared have become adults. They are now initiating their own investigations, approaching Las Abuelas with questions about their origins, and they can submit blood samples to the genetic database as part of the investigation of their identities. Although in some cases family members have died before finding their disappeared children, it is a consolation that their genetic information may help young adults determine their biological identity. National and international funding for the database has been budgeted until the year 2050, covering both the generation of parents and grandparents who are searching for missing family members and the children (now reaching adulthood) who may want to determine whether they were disappeared.

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33 Abuelas de Plaza de Mayo, available at www.abuelas.org.ar. The number of grandchildren identified continues to increase as new cases are solved.

34 The children of the disappeared have formed an organization, HIJOS (Hijos por la Identidad y la Justicia contra el Olvido y el Silencio, in English, Sons and Daughters for Identity and Justice Against Forgetting and Silence). Part of their mandate is to encourage and support children who suspect or who have been identified as being children of disappeared parents.
Progress and Challenges

In May 2003, Nestor Kirchner became President of Argentina. Demonstrating his commitment to fully prosecute human rights abuses committed during the war, his government ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. This set the stage for the Supreme Court’s repeal of the two impunity laws in 2005. A number of prominent military officials and civilians have since been tried for their involvement in violating the human rights of children during the Dirty War. The trials related to children have focused primarily on two areas: the kidnapping and concealment of children, and the misrepresentation of a child’s identity. The news headlines are striking: “Former Argentine policeman handed 25-year prison sentence for human rights abuses”; “Argentine ex-leader faces kidnapping trial”, and “Dirty War adoption couple jailed.” Significant figures who have been arrested include General Jorge Rafael Videla, Admiral Emilio Massera and General Reynaldo Bignone, three of the military’s top-ranking officials. Their arrests prompted further arrests and the prosecution of subordinates previously protected under the amnesty laws. It is noteworthy that all of these trials have relied heavily on DNA-based identification of children who had been disappeared.


One recent case highlights the role of DNA in resolving cases of identity many years later. In December 1977, Leonardo Ruben Sampallo and his wife Mirta Mabel Barragán (who was six months pregnant), both union delegates and Communist party members, were arrested and taken to a clandestine torture and detention center. They have not been seen since and are presumed to have been murdered. Las Abuelas had evidence that Mirta had given birth to a girl, named Maria Eugenia. At age seven, the girl was told that she had been adopted and that her biological parents had been killed in a car accident. She initiated her own search, eventually going to Las Abuelas as an adult. Twenty-four years after Maria Eugenia Sampallo’s birth, Las Abuelas de Plaza de Mayo used genetic testing to confirm that she was not the daughter of the adults who had raised her – Osvaldo Rivas, a member of the military, and María Cristina Gómez Pinto – but the child of Ruben Sampallo and Mirta Barragán. She has since formed strong ties with her extended biological family.

Armed with the genetic evidence, Ms. Sampallo brought to trial the couple who raised her, along with Army Captain Enrique Berthier, who had provided her to them. In April 2008, Army Captain Enrique Berthier was sentenced to ten years in prison for kidnapping Ms. Sampallo. Osvaldo Rivas received an eight-year sentence for the “illegal retention and hiding of a minor under the age of 10” and for forging public documents to conceal the girl’s true identity. María Cristina Goméz Pinto received a seven-year sentence for illegal retention.

These trials highlight the role genetic evidence can play even decades after a disappearance by providing victims with undeniable proof of biological identity and objective physical evidence against the perpetrators. Not only is genetic evidence objective, it also

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40 Recent trials of many members of the junta have been complicated by the kidnappings and murders of key witnesses. Julio Lopez was disappeared after testifying against the former Buenos Aires Police Chief Miguel Etchecolatz. Juan Puthod was kidnapped prior to testifying in several high profile trials; he was released after the swift involvement of the
provides documentation of the occurrence of a specific event, such as a disappearance, murder or rape. Additionally, it gives the individual a proven legal identity and a sense of justice.

EL SALVADOR: FROM MADNESS TO HOPE

The Salvadoran military engaged in systematic disappearances during the country’s armed conflict from 1980 through 1992. At least 2,598 people were disappeared, including children living in areas believed to be rebel strongholds. The abductions resulted from efforts to quell a growing leftist rebellion.

On 24 March 1980, government agents assassinated the Archbishop of San Salvador, Oscar Arnulfo Romero, a champion of the poor, while he was saying mass. Days before, he had publicly denounced the ongoing state violence and abuse of human rights. Beloved by many, particularly the campesinos, for his compassion and outspoken nature, the Archbishop’s public slaying proved to be a lightning rod for organized armed resistance. His assassination helped coalesce leftist forces under the National Liberation Front (FMLN), which mounted an armed attack against the military and the civilian president, José Napoleón Duarte.

By 1984, the insurgents exercised control over the northern third of the departments of Morazán, La Unión, Chalatenango and Cabañas, as well as along the southeastern coast and around the Guazapa volcano near San Salvador. The military’s murder of six Jesuit priests, their housekeeper and her daughter on 16 November 1989 on the grounds of the University of Central America, brought

41 This heading echoes the title of the 1993 report of the UN Commission on the Truth for El Salvador.


43 Ibid., at 11.
heavy international criticism against the government and hastened
the peace process.

Under pressure from the United Nations and other persuasive
international players, the government and the FMLN entered into
peace talks, resulting in the United Nations-brokered Chapultepec
Peace Agreement, signed on 16 January 1992. The agreement called
for the establishment of the Commission on Truth to “investigate
serious acts of violence that have occurred since 1980 and whose
impact on society urgently demands that the public should know
the truth.”

On 15 March 1993, the Commission published its report,
*From Madness to Hope: The 12-year war in El Salvador*. Three days
later, President Alfredo Cristiani signed into law the General
Amnesty Law for the Consolidation of Peace, providing a blanket
amnesty to all those who had engaged in political crimes between
1980 and 1992. The law remains in effect today, preventing the
criminal investigation and prosecution of almost all civilian and
military leaders for crimes that may have been committed during
the armed conflict.

**The Search for Disappeared Children**

Guarjila, in the northeast sector of Chaletanango, witnessed
heavy fighting during the conflict. Shortly after the signing of the
peace agreement, Father Jon Cortina, a Jesuit priest in Guarjila,
began to hear from parishioners who had suffered abuses at the
hands of the military during the war. Father Cortina was
particularly struck by hearing from mothers and other family
members about government soldiers snatching their children,
sometimes from their very arms. Others recounted seeing their
abducted children boarded onto military helicopters and flown
away.

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44 The Chapultepec Peace Accords, article 2, signed 16 January 1992 at Castillo de
Chapultepec, Mexico.
In August 1994, Father Cortina, together with families of the disappeared, founded Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos (Organization for the Search of the Disappeared Children). Its mission is to locate children who were forcibly disappeared as a result of the armed conflict, and to seek both accountability for perpetrators and justice for families of the missing. To help find the disappeared, Father Cortina contacted human rights activist Eric Stover, who had been instrumental in bringing forensic scientists to Argentina to identify disappeared children. In response, Stover and a team of forensic scientists went to El Salvador to meet with Father Cortina and families of the disappeared.

Through this collaboration, DNA testing was used for the first time in El Salvador in 1995, reuniting Juan Carlos (originally known as Nelson) with his biological mother thirteen years after his disappearance at the age of six months. According to his mother, Maria Magdalena Ramos, the boy had been wrested away by government troops during a counterinsurgency sweep in May 1982 in San Antonio Los Ranchos, in the department of Chalatenango. The boy had been brought to an orphanage in San Salvador where he was being raised. Upon being reunited with his mother, Nelson expressed an interest in remaining at the orphanage to pursue his studies.

Through an active outreach and education campaign, including public talks, community meetings, radio programs, coordination with local and international organizations and a later developed website, by July 2007 Pro-Búsqueda had received 790 requests for

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45 Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos [hereinafter Pro-Búsqueda], available at www.probusqueda.org.sv.

46 With the help of the UN Observer Mission in El Salvador, Father Cortina communicated with Eric Stover, then the head of Physicians for Human Rights, requesting forensic assistance in finding the disappeared children. He invited Stover, together with a forensic team, to El Salvador to meet with him and families of the disappeared.

assistance. Of those, 331 cases have been resolved, resulting in 182 family reunions. A total of 459 cases remain under investigation.48 Pro-Búsqueda receives requests both from families seeking their disappeared children and from adoptees seeking information on their biological families. Children who had been abducted by the military or otherwise separated from their families under duress have been found not only in Salvadoran orphanages but also in Salvadoran military households, as well as in Honduras, Guatemala, the United States, France, Italy, Spain, the United Kingdom, Belgium and the Netherlands.

Pro-Búsqueda estimates that government troops and their allied security forces were responsible for the disappearances of children in 52 percent of their documented cases while the FMLN was responsible for 8 percent.49 The group further estimates that over 65 percent of the children who disappeared were under the age of seven.50 Their young ages underscore the need for genetic tracing since they may remember very little about their families.

Genetic Tracing as a Tool to Find Disappeared Children

Due to the evolution of DNA analysis, blood samples are no longer needed to trace the disappeared; DNA is now easily retrieved from a swab taken from the inner lining of the cheek. The swab samples are sent to the Alliance of Forensic Scientists for Human Rights and Humanitarian Investigations (the Alliance), a volunteer group of forensic scientists and mathematicians with ties to the Jan Bashinski DNA Laboratory of the California Department of Justice, United States of America. The Alliance analyzes the samples to develop genetic profiles, which can then be compared with those of family members to determine kinship.


49 In 40 percent of the cases, there was not sufficient evidence for Pro-Búsqueda to determine the party responsible for the disappearance.

DNA samples are taken, stored, transferred and analyzed in compliance with strict forensic standards so that they can withstand judicial scrutiny and be used as evidence in future war crimes trials. Pro-Búsqueda is careful to obtain informed consent from each DNA donor, and each donor’s information is collected and stored in a secure location. Pro-Búsqueda and the Alliance use a “chain of custody” form that accompanies each sample and records where it has been kept. Strict quality control mechanisms are in place to ensure accurate DNA analysis. When kinship is positively determined, a re-confirmation sample is taken from the adoptee and analyzed independently.

Following the Argentine example, the Alliance in 1993 proposed creating a DNA family reference database for Pro-Búsqueda that would contain genetic profiles of all the Salvadoran family members who are searching for their disappeared children. The database allows storage of genetic information from family members and permits simultaneous comparison of multiple families against a single adoptee’s genetic profile, resulting in what is known as a “cold hit” – a kinship determination that is not expected and could not have been discovered but for the database. The main difference between the two countries’ genetic databases is that the Salvadoran database is currently administered by Pro-Búsqueda, a non-governmental organization, whereas the Argentine database is administered by the State.

El Salvador’s database, available since 2006, now contains over nine hundred family genetic profiles. With the support of a grant from the US Department of State in 2007, Pro-Búsqueda has hired a geneticist to operate it. The Alliance is working closely with the geneticist to build the organization’s forensic capacity so that substantially more of the analysis can take place in the country.

One of the first cases using the family reference databank resulted in a cold hit, further underscoring the importance of using DNA analysis to trace disappeared children. A young man who had grown up in a Salvadoran military household had recently learned that he had been adopted. Without the knowledge of his family, he approached Pro-Búsqueda to learn of his biological origins. Curiously, his genetic profile matched the profiles of family
members who had been searching for two girls but no boys. Upon further discussions with the family, Pro-Búsqueda learned that indeed a boy, along with the two girls, had been lost when the military attacked their village, but it had been assumed the male infant had been killed along with his mother, who was holding him at the time of the attack. The young man turned out to be the family’s disappeared child. Family members had had no hope of recovering him and had not even mentioned his existence to Pro-Búsqueda. Eventually, a discrete family reunion was held.51

While DNA analysis may be the most accurate tool for identifying the disappeared, Pro-Búsqueda uses a broad range of investigative tools, including adoption, birth and court records, photographs, family histories and witness testimonies. Sometimes weak genetic kinship determination52 can be supplemented with other investigative methods to confirm the genetic results. The Alliance writes a report detailing the findings and kinship determination to Pro-Búsqueda, which in turn communicates this information to the adoptee and the family of the disappeared. Pro-Búsqueda’s psychosocial team then speaks with the adoptee, the biological family and the adopted family to discuss the possibility of a family meeting.

The Fight to End Impunity: Pro-Búsqueda and the Serrano Cruz Sisters

For nearly two decades, Pro-Búsqueda has tried to engage all three branches of the national government in searching for the disappeared children, with almost no success. However, the historic

51 The young man insisted on a very private and discrete family reunion because he did not want his adopted family to discover that he had found his biological family. Pro-Búsqueda suspects that the young man believed that his father, a former military officer, may have been complicit in his disappearance, and did not wish to cause him harm.

52 For example, kinship based on DNA results may be weak (i.e., the probability of kinship is low and does not meet the standard threshold) in cases where only a minimum number of remote references are available. In these cases, other evidence may be used to bolster a kinship determination.
prenzional election of Mauricio Funes of the FMLN party in March 2009 has generated hope that the new government may begin to play a more active role in the search for these children, and to more broadly seek accountability for crimes committed during the armed conflict.\textsuperscript{53}

Initially, Pro-Búsqueda and the families of the disappeared sought the help of the national courts. Despite the political risks, they persevered and achieved some groundbreaking results. One well-known effort was the case of the Serrano Cruz sisters. The case dates back to 2 June 1982, when a military operation known as the guinda de mayo (May stampede) took place. The family of Maria Victoria Cruz Franco was forced to flee from its home. After walking for three days and then hiding in the brush, her daughters Ernestina and Erlinda Serrano Cruz, aged seven and three, were discovered by a military patrol of the Atlacatl Battalion and flown away in a Salvadoran Armed Forces helicopter. Their older sister who was hiding nearby confirmed that after returning to the place where she had left the girls, they were no longer there.\textsuperscript{54}

In 1993, their mother filed a criminal complaint in the Chalatenango Trial Court against the Atlacatl Battalion.\textsuperscript{55} Two years later, in 1995, Ms. Franco asked the Constitutional Chamber of the Supreme Court of Justice to grant a writ of habeas corpus (asking the Court to “produce the body”) in favor of them. Both court actions went nowhere.

The following year, in 1996, Pro-Búsqueda filed a complaint before the Ombudsman’s Office concerning the disappearance of

\textsuperscript{53} National elections held in March 2009 brought sweeping political changes to El Salvador. The ARENA party lost the presidency for the first time since the peace agreements were signed in 1992, and Mauricio Funes of the FMLN party was elected president.


\textsuperscript{55} The Atlacatl Battalion, created in 1980, was an elite unit of the Salvadoran army trained as a rapid-response and counter-insurgency unit at the US Army’s School of the Americas. The Battalion was responsible for carrying out some of the worst atrocities of the armed conflict, including the massacre at El Mozote in December 1981 and the assassination of six Jesuit priests, their housekeeper and her daughter in November 1989. See “From Madness to Hope.”
145 children during the armed conflict, including the two girls. Franco and Pro-Búsqueda then turned to the National Assembly for redress. In 1999, Pro-Búsqueda submitted draft legislation to create a national commission to trace children who were disappeared as a result of the armed conflict. The proposal failed to garner support.

Later that same year, Pro-Búsqueda filed a petition before the Inter-American Commission for Human Rights on behalf of Ernestina and Erlinda Serrano Cruz. Eventually, the case of the Serrano-Cruz Sisters v. El Salvador made its way to the Inter-American Court of Human Rights, becoming the first case ever heard by the court against the Government of El Salvador for alleged human rights violations. Under the doctrine of continuing violation, the Court ruled in favor of the Serrano Cruz sisters, finding that the State had violated articles 8(1) and 25 of the American Convention on Human Rights, which secure the rights to judicial protection and a fair trial (due process of law). In particular, Article 8 (1) establishes that:

Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

56 The doctrine of continuing violation can be employed “in the case of a continuing or permanent violation, which begins before the acceptance of the Court’s jurisdiction and persists even after that acceptance, the Tribunal is competent to examine the actions and omissions occurring subsequent to the recognition of jurisdiction, as well as their respective effects.” Moiwana Village v. Surname, Inter-American Court of Human Rights (ser. C) No. 124 at 10 (15 June 2005). The doctrine of continuing violation has been used by the Inter-American Court or Inter-American Commission to exert authority over any failure to investigate a past violation on the grounds that an ongoing failure violates the victims’ convention-protected right to judicial protection. See Pablo A. Ormachea, “Moiwana Village: The Inter-American Court and The ‘Continuing Violation’ Doctrine,” Harvard Human Rights Journal, 19 Spring 2006: 283-288.
Article 25 establishes that:

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The State Parties undertake:
   a) to ensure that any persons claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
   b) to develop the possibilities of judicial remedy; and
   c) to ensure that the competent authorities shall enforce such remedies when granted.

To redress these violations, the Court required the state to do the following:\(^{57}\)

- Conduct criminal investigations and identify and punish those responsible and conduct a genuine search for the disappeared
- Establish a national commission to trace the children who were disappeared during the armed conflict with the participation of civil society
- Create a website to aid in tracing of disappeared children;
- Create a genetic data system to assist in the tracing of disappeared children
- Engage in a public act to acknowledge responsibility and to make amends to Ernestina and Erlinda Serrano Cruz and their next of kin
- Publish this judgment in a newspaper with national circulation

\(^{57}\) See Serrano-Cruz Sisters v. El Salvador.
• Designate a day dedicated to the children who disappeared during the armed conflict
• Provide medical and psychological care to the family of the disappeared sisters, and
• Pay monetary damages and costs and expenses.

However, because El Salvador did not accept jurisdiction of the Court until 6 June 1995, the Court declined to rule on the alleged underlying forced disappearance of the girls, which occurred in 1982.

For families of the disappeared and their advocates, the Serrano Cruz decision constituted a watershed. Previously, the State had refused to even acknowledge that children had been disappeared by the military. Although the case of the Serrano Cruz sisters remains unresolved, the judgment reaffirmed the importance of DNA analysis in tracing disappeared children and required the State to develop a system of genetic tracing similar to the one employed by Pro-Búsqueda.

With relative speed, the state declared 29 March as the Day of the Disappeared Child, which Pro-Búsqueda and families of the disappeared commemorate with public events including marches, demonstrations and educational programs. It also engaged in a public act of acknowledgement, published the text of the judgment; provided medical treatment to the Serrano Cruz family and paid some damages and expenses. However, the State failed to comply with the judgment with respect to creating a national genetic database and a national commission to search for disappeared

38 Pro-Búsqueda does not believe that this public act of acknowledgment fulfills the spirit of the Court’s decision because it did not include an apology to the Serrano Cruz family, but the Court has found the State action in compliance with its decision. Interview with Zaira Navas, Pro-Búsqueda staff attorney, 15 January 2009.

39 According to Pro-Búsqueda, the State provided medical assistance for two years to the Serrano Cruz family but did not provide any psychological support. Interview with Zaira Navas, Pro-Búsqueda staff attorney, 15 January 2009.
children, two areas of great importance for families of the disappeared.\textsuperscript{60}

In August 2009, the new administration announced that it intended to create a national Commission for the Disappeared to investigate cases of children forcibly disappeared during the armed conflict in accordance with the judgment in the Serrano Cruz case. In his announcement, the Minister of Foreign Affairs noted that the creation of such a commission would serve as payment of a historical debt to the Salvadoran people.\textsuperscript{61}

The State has also made progress in conducting a criminal inquiry into the disappearances of Ernestina and Erlinda Serrano Cruz by questioning top military officers. In June 2008, General Rafael Flores Lima, former Chief of State of the Armed Forces, was compelled to appear before Judge Morena Lainez of the First Criminal Court of Chalatenango to testify about military operations in and around Chalatenango, where the sisters disappeared.\textsuperscript{62} In October 2008, Colonel Juan Rafael Bustillo, who had commanded the Salvadoran Air Force during the time of the armed conflict, was also compelled to appear.

The court appearances of both men raised the expectations of the public and brought the issue of governmental accountability into the political limelight. Many people were surprised that the courts had the power to summon military officers and expressed a

\textsuperscript{60} Since the Executive failed to fully comply with the court judgment, Pro-Búsquedas sought redress in the National Assembly. In November 2008, legislation was introduced calling for the creation of a national tracing commission that meets the criteria articulated by the Court in the Serrano Cruz case, which would require all branches of the government to cooperate with the Commission, and that an invitation be extended to members of civil society to serve on the Commission. The proposed legislation also required that any kinship determinations made by the National Commission be confirmed by genetic testing and that the State must set aside public resources to establish and maintain a national genetic reference database.


hope of learning the truth. Others felt that this was an exercise in futility and accused leftist elements of reopening old wounds and revisiting the past purely for political gain. More military officers may be questioned. Judge Lainez has expressed interest in seeking the testimony of Colonel Mario A. Reyes Mena, who was in charge of the military brigade in Chaletanango during the armed conflict, and General Jose Guillermo Garcia, the former Minister of Defense.

The criminal inquiry and the government’s announcement of the Commission for the Disappeared both appear to be direct results of political pressure applied to the State by the Inter-American Court. The judgement in the Serrano Cruz case may well represent a milestone in the use of genetic tracing to identify the disappeared and end impunity.

CONCLUSIONS

Genetic tracing has played a key role in identifying disappeared children and in efforts to seek judicial accountability for enforced disappearances of children in Argentina and El Salvador. The success in both countries is anchored in an engaged and active civil

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63 Interview with Zaira Navas, Pro-Búsqueda staff attorney, 15 January 2009.

64 General Garcia currently resides in the United States. In 2000, Garcia and General Carlos Eugenio Vides Casanova, former director of the Salvadoran National Guard, were sued in US federal court under the Torture Victims Protection Act, for the rape, abduction and murder of three American nuns, Maura Clarke, Ita Ford and Dorothy Kazel, and Jean Donovan, a lay missionary, on 2 December 1980. The two generals were cleared by a jury. In 2002, both generals were sued again in US federal court (the case of Romagoza Arce et. al. v. Garcia and Vides Casanova) by Juan Romagoza, Neris Gonzalez and Carlos Mauricio, all of whom had been detained and tortured by the Salvadoran military. The jury found in favor of the plaintiffs and awarded them $54.6 million. In January 2006, an appellate court upheld the verdict. On 23 February 2009, the US Department of Justice charged General Garcia with two counts of immigration fraud. If convicted, he could face up to ten years in prison for using a passport procured illegally and up to five years for making a materially false statement to a federal officer. He could also be deported. (Center for Justice and Accountability Press Release, “Salvadoran Minister of Defense Indicted on Immigration Fraud Charges,” 23 February 2009).
society, in which families of the disappeared play an important decision-making role. Without the emergence of Las Abuelas de la Plaza de Mayo during the war in Argentina, and Pro-Búsqueda shortly after the signing of the peace agreement in El Salvador, little attention would have been paid to the disappearances of children.

Genetic tracing owes its success to the work of Las Abuelas and Pro-Búsqueda in publicly protesting the disappearances and conducting extensive outreach and education among the general public and in war-affected communities. This level of civic engagement laid the foundation for both organizations to politically pressure their respective national governments to search for disappeared children. In Argentina, Las Abuelas has succeeded in convincing the national government to maintain the DNA reference database. In El Salvador, the new central government has promised to create a national commission to search for the disappeared children, which would include procedural and organizational safeguards long sought by Pro-Búsqueda and the families of the disappeared.

In Argentina, disappeared children, now adults, are stepping forward to uncover their biological origins. Some are playing a role in the prosecution of their adoptive parents for their own disappearances. In El Salvador, a historic decision by the Inter-American Court for Human Rights requires the government to criminally investigate those who may be responsible for disappearing children, to establish a national commission to search for the disappeared and to create a DNA reference database, similar to the one used by Pro-Búsqueda, to identify those who were disappeared as children.

The work of Las Abuelas in Argentina and Pro-Búsqueda in El Salvador demonstrates that the future of solving some human rights violations, reuniting families and seeking justice requires the embrace of evolving scientific technologies such as DNA analysis. But technology is only useful where there is advocacy and pressure for its use. The successes of Las Abuelas and Pro-Búsqueda underscore the potential of community-based movements to achieve accountability and justice. The organized engagement of
civil society and victims must be supported and encouraged to remedy future human rights violations, including enforced disappearances.