

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
State of Exception in El Salvador

September 12, 2022 – 12:00 p.m.  
Virtual via Cisco WebEx

Statement of Noah Bullock  
Executive Director  
Cristosal

Good morning, honorable members of the commission and to my fellow panelists.

At the outset of the state of exception, Cristosal created an online platform where family members of victims of human rights violations could register complaints and request assistance. My testimony today is based on 2,698 complaints, involving 2,799 individuals that Cristosal has documented and verified through in-depth interviews with family members and former prisoners, corroborating secondary sources and field visits. Since the beginning our monitoring, Cristosal has received complaints from relatives of roughly 1 in every 20 people detained during the state of exception

Official public information on implementation of the state of exception has been mostly limited to government publicity reported on social media platforms, while public information requests by Cristosal have, for the most part, been denied. It is also difficult to obtain first-hand information from inside the prisons as relatives of detainees, their legal representatives and humanitarian organizations do not have access to detainees.

It is also important to note that data-gathering in communities targeted by security forces under the state of exception has been inhibited by an environment of fear and distrust and de facto and legal restrictions on the exercise of free speech, association, and circulation. Recently, Cristosal was informed by relatives of people detained that authorities were warning that they would suffer reprisals for speaking to human rights organizations, specifically mentioning Cristosal.

The 2,698 complaints documented by Cristosal represent a body of evidence sufficient to establish clear patterns of systematic and widespread violations of human rights being perpetrated in El Salvador under the state of exception. The abuses include the practice of mass arbitrary detentions, due process violations, torture, cruel, inhumane, and degrading treatment affecting tens of thousands of Salvadoran citizens causing the deaths of at least 76 individuals in state custody- many with signs of physical abuse characteristic of extrajudicial killings. To date, the Attorney General's Office has not opened investigation into any of the deaths of Salvadorans in state custody.

During the state of exception Cristosal has prioritized providing legal defense to detainees with chronic illness or disabilities. The experience has demonstrated that exercising legal defense of Salvadorans accused of crimes under the state of exception is impossible. There is no system for registering persons detained during the state of exception, preventing families from knowing in which prison the detainees are held and forcing them to look for them in all prisons. Relatives do not receive information on the date of the arraignment hearings from either the court or the public defender's office. All people detained under the state of exception are prosecuted en masse, Cristosal's attorneys have been present where 200 to 600 individuals are being arraigned and in which the accused are not present in the court.

The attorney general presents the requests for pretrial detention of six months without presenting individualized evidence against the accused. To date, despite over 50,000 detentions, no one has been held individually responsible for the killings at the end of March which were the justification for the state of exception. All judicial proceedings are private, at the request of the Attorney General. The judicial processes are carried out by specialized tribunals for organized crime where judges have been recently appointed to preside over these cases and their identities are kept secret. The judges almost automatically order provisional detention for six-months and generally do not make considerations for detainees with disabilities, chronic health issues or serious diseases. The court does not give equal participation to the parties and Cristosal's attorneys have not been able to even submit evidence of innocence during the hearings.

According to accounts from former prisoners, the tens of thousands of people detained during the state of emergency find themselves in overcrowded and unsanitary conditions, suffering deprivation or restriction of food, water and medicines or other necessities. Specific complaints have been received about collective torture against persons held in the Izalco and La Esperanza (Mariona) prisons through constant beatings, threats, the application of pepper spray and standing positions for hours.

In one emblematic case, members of the Armed Forces arrived at a family-run restaurant in San Salvador on April 13, 2022 and arrested a mother of three along with her 33-year-old daughter, and 36-year-old son. Although there was no arrest warrant, a pro-government Facebook account tagged the Ministry of Justice and Security, alleging that the business owners were gang members. On May 12, employees of a funeral home arrived at the family home in San Salvador to inform them that the son had died in Mariona prison from "pulmonary edema." No autopsy was performed, the man had no previous illnesses before he died in state custody.

In another case, Salvadoran police arrested a 49-year-old father with type 2 diabetes on April 18, 2022. He was taken to the local police station to verify his identity and later charged with illicit association under the state of exception. A month later, he died after being admitted to the hospital. The cause of death according to the hospital's death certificate was "septic shock" related to a gangrenous right lower limb which was previously amputated and type 2 diabetes mellitus. The family was informed of the death by employees of a funeral home who came to the house to offer their services. The authorities gave no explanation to the family as to the causes of his death. For fear of reprisals, the family is not willing to file a complaint with the Attorney General.

Billboards in San Salvador encourage citizens to report terrorists in their neighborhoods to the authorities. Internationally, the Salvadoran government frames and legitimizes the state of exception, its excessive restrictions of rights and abuses, based on misguided precedents set in the context of the global war on terror. Cristosal and our partners have denounced the state of exception as unconstitutional, morally wrong- and from a citizen security policy perspective- misguided repetition of repressive and punitive policy failures from the past.

History has shown, in El Salvador and around the globe, that state violence and human rights violations rarely produce lasting peace, rather, they seed and perpetuate new cycles of violence and inequality. The state of exception may have popular support in the short term, but over time will extract political, social, and economic costs on Salvadoran society, disproportionately affecting the poorest communities in El Salvador. The state of exception threatens the very democratic institutions and norms that protect fundamental freedoms and democracy for all Salvadorans and sets dangerous precedents that undermine Inter-American and international human rights standards in the region.

In El Salvador, the current situation demands urgent action to end the state of exception and the systematic violation of rights, to restore judicial independence, build accountability for abuses of power, and implement consistent, transparent, and vigorous law enforcement within the framework of the law. The United States and its Salvadoran counterparts should mobilize international and civil society cooperation to implement peacebuilding approaches and rehabilitation and reintegration programs to dismantle the structures of social violence and repair the harms.

I submit this testimony to the commission today as a reminder of the words enshrined in the Universal Declaration of Human Rights; “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.” Honorable members of the commission, human rights are not an obstacle for peace and security, they are indeed the very “foundation of freedom, justice and peace in the world.”