



## **Tom Lantos Human Rights Commission**

### **State of Exception in El Salvador**

**Monday, September 12, 2022**

**12:00 – 2:00 p.m.**

**Virtual via Cisco WebEx**

#### **As prepared for delivery**

Good afternoon and welcome to this Tom Lantos Human Rights Commission hearing on the human rights implications of the state of exception in El Salvador, imposed last March by the government of President Nayib Bukele.

On Saturday, March 26, 62 people were murdered in El Salvador in an explosion of gang violence – 62 in a single day. Eighty-seven killings were recorded within three days.

Faced with such a brutal rampage, any government would be under pressure to respond.

The response of the Salvadoran government was to impose a draconian “state of exception” that has deepened and expanded El Salvador’s preexisting human rights and governance crisis.

The state of exception, requested by President Bukele and approved by the Legislative Assembly, suspended the most basic civil and political rights, including the rights to freedom of expression and freedom of association, and due process rights.

Originally set for 30 days, it has been renewed five times and remains in effect today.

As you will hear from our witnesses, more than 50,000 people have been rounded up and placed in preventive detention since the state of exception began. That is an astounding number. I can think of no equivalent in Latin America, not even during the worst years of military dictatorship. It’s a number that brings to mind Turkey under Erdogan or Egypt under al-Sisi –

other supposedly “democratic” states whose elected leaders have turned sharply towards authoritarianism.

Those detained are reported to have little to no access to counsel and are not informed of the charges or evidence against them. Hundreds of cases of torture, physical and verbal abuse, denial of food and medicine, and other abuses have been documented. At least 73 people have died.

In 2021 the government fired the attorney general and purged five supreme court judges, resulting in a judicial system that can no longer be viewed as independent. Mass trials were already a practice before the state of exception was put in place.

Independent reporting on gangs and organized crime has been criminalized. Smear campaigns have been launched against journalists and at least nine have been forced to flee the country, including one of our witnesses today.

In short, the government has responded to one kind of human rights crisis, the crisis of gang violence, by creating another, the dismantling of rule of law.

The state of exception has been widely criticized, including by Secretary of State Blinken who urged the Salvadoran government to address the gang threat “while also protecting vital civil liberties.” But international expressions of concern have not worked to shift the calculus of the Bukele government.

The U.S. has redirected some foreign assistance away from the national police and toward civil society. Some targeted sanctions have been imposed, including some designations under the Global Magnitsky Human Rights Accountability Act. But only a couple of the sanctions are directly related to the state of exception. More people have been sanctioned for negotiating with the gangs than for undermining democracy.

U.S. bilateral cooperation is continuing in many areas, including counternarcotics. I was struck by the assertion in the 2021 *International Narcotics Control Strategy Report* that democratic backsliding has “had limited impact on El Salvador’s ability to act as a cooperative and willing partner for the United States in counternarcotics efforts.”

I would have thought that gutting the rule of law, as Bukele has done systematically since taking office, would be an obvious blow to serious efforts to deal with El Salvador’s entrenched gangs.

Let me be clear: I welcome the actions that the Biden Administration has taken in response to the situation in El Salvador. At the same time, I think the U.S. response needs to be

stronger, more strategic and affirmative of human rights, both for El Salvador and throughout the Central American region.

In country after country leaders are consolidating their power at the expense of the future of their people, using the same tactics: changing the rules so authoritarian populists can stay in power, undermining the independence of the courts, buying loyalty with corruption, shutting down the space for civil society and opposition, imprisoning people. Each case is different, but the overall trend is devastatingly clear.

The modest progress that had been made in reducing impunity and consolidating democratic governance is being systematically rolled back.

The objective of this hearing is to think together about what more can be done. Instructions to multilateral institutions, review of governance clauses in trade agreements, increased financial and political support for accountability at the regional and international level, travel warnings, audits of aid and loans, multilateral coordination – all these ideas need to be on the table. This is an emergency.

Finally, to those who counter criticism of the Salvadoran government by saying that President Bukele's actions are popular and that his approval ratings are high: popular doesn't equal right. The Salvadoran state has obligations under international human rights law with which it is not complying. All states in the international community have a responsibility to insist on compliance.

I've been deeply engaged in El Salvador and U.S. policy towards El Salvador since 1983. I regularly travel there and have developed enduring relationships that span the political spectrum and extend beyond the capital. On many occasions, I've met individuals and families who are victims of gang violence. According to government reporting, homicides have gone down significantly during the state of exception. But it's less clear what is happening with disappearances and extortion. Several mass graves have been found since 2019. I have heard from families who were afraid to let their sons and daughters go outside for fear that they would be forcibly recruited or killed by gangs. Many are now afraid to have them go to the store out of fear they will be swept up and imprisoned by the police or military.

Throughout my career, I have focused on the rights and well-being of the Salvadoran people, especially victims of violence. I have supported human rights in El Salvador for as long as I've worked in Congress because I believe every Salvadoran deserves to live in dignity and because it's the right thing to do. Popularity is not the guidepost.

Let me close by congratulating Carlos Dada, editor-in-chief and co-founder of the pioneering online new site *El Faro*, on receiving the International Press Institute's World Press

Freedom Hero award on September 9<sup>th</sup>. The award recognizes that Mr. Dada has faced extraordinary pressure from the government and criminal organizations, including being a victim of Pegasus spyware surveillance. I welcome this well-deserved recognition, but it also saddens me because it is one more indicator that the promise of the peace accords signed thirty years ago is eroding.

I turn now to Co-Chair Smith for his opening remarks.