

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
The State of Exception in El Salvador: Taking Stock

Tuesday, 12/10/2024 - 2:00 PM
2360 Rayburn House Office Building

Statement of Noah Bullock
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As this hearing is in session, hundreds of family members- mostly mothers, sisters, and wives - of innocent Salvadorans arbitrarily detained during the state of exception are on their second day of a march from El Salvador's airport on the pacific coast to the president's house in the capitol. Their objective is to demand freedom for the innocent victims detained in the state of exception and that the Salvadoran government respect their right to visit relatives detained in the state of exception. After months and years without contact, Salvadoran families want to know if their relatives detained during the state of exception are still alive.

Since the beginning of the state of exception in March of 2022, Cristosal has documented over 3,500 complaints of arbitrary detention¹. Our forensic investigative team has confirmed with photographic, documentary, and testimonial evidence the deaths of 320 prisoners caused by acts of torture. Our legal team has analyzed 1,178 cases of detentions during the state of exception to assess the legality of the detentions and the criminal proceedings brought by the state. In 100% of the cases studied, there was no legal basis to justify the detentions and no individualized evidence to substantiate the criminal case against the accused². In a study currently underway, Cristosal has confirmed that of 131 cases reviewed, 115 families of detainees have not received any information to confirm that whereabouts or wellbeing of their relatives- a situation constituting forced disappearance according to international standards. Due to reforms to the penal code and judicial procedures, people detained in the state of exception can be held at least four years before trial³. Cristosal's experience in exercising a legal defense for detainees with physical and mental

¹Cristosal. *El silencio no es opción: Investigación sobre las prácticas de tortura, muerte y justicia fallida en el régimen de excepción*. July 2024, p. 1. <https://cristosal.org/ES/wp-content/uploads/2024/07/El-silencio-no-es-opcion-1.pdf>.

² Ibid. 79-81.

³ Legislative Assembly of El Salvador. Decreto Legislativo N° 803, "Disposiciones Transitorias Especiales para Ordenar el Procesamiento de Imputados Detenidos en el Marco del Régimen de Excepción," *Diario Oficial*, No. 123, Volume 432, July 31, 2023, and Decreto Legislativo N° 339, "Reforma al Código Procesal Penal," *Diario Oficial*, No. 145, Volume 433, August 15, 2023.

handicaps and chronic illness demonstrates the systematic negation of the most minimum due process rights and the failure of the justice system to act independently and protect rights.

After nearly three years of a state of emergency, there is little doubt that the Salvadoran government has consolidated unrestricted power to detain citizens and hold them in prison indefinitely with no due process and in the absence of any public institution with sufficient independence to intervene to protect rights the rights of citizens. This unchecked repressive power has created a generalized climate of intimidation and fear to exercise political and civil rights and undermined the democratic life of the country.

Public opinion polls show that 65% of Salvadorans fear talking about politics and 53.9% maintain that they feel some level of fear of receiving some type of intimidation or threat for expressing themselves on any matter of national importance or about policy decisions of the current government.⁴

In February of 2024, Salvadorans went to the polls under a state of exception for the first time since the period of military dictatorship. In the weeks leading up to the election Cristosal verified and monitored the militarization of 13 committees and including the local polling stations⁵. Community members reported to Cristosal mass detentions conducted by police and soldiers going door to door with lists of names and quotas for captures. In one village, community leaders reported that eight people with no links to gangs were captured, two of which were elected members of the Community Develop Associations (ADESCO).⁶

In a meeting with members of a youth coalition in the department of Morazán one youth leader told Cristosal, *“I was born in a refugee camp, community organizing is part of our identity, but under the state of exception community organization is persecuted.”* In communities with long traditions of organization have been subjected to militarization and mass detentions. Many of them are marching today. In Bajo Lempa, Usulután, Cristosal has confirmed 134 detentions. In Guarjila, Chalatenango five community members were detained during while thousands of soldiers occupied the village in the interim between the presidential and legislative election, 2 of the detainees were the leaders of the community development organization, Association El Tamarindo⁷.

In Cristosal’s recent report on closing civic space, 99.2% of the 128 organizations interviewed reported at having suffered at least one violation of civil and political rights since the beginning of

⁴ Institute of Public Opinion (IUDOP). *Survey on the Evaluation of the 5th Year of President Nayib Bukele’s Government*, José Simeón Cañas Central American University (UCA), 2024, p. 12. <https://uca.edu.sv/iudop/wp-content/uploads/2024/06/Bol-Eva-Gob-5to-anio.pdf>.

⁵ Cristosal. *Elecciones de 2024 en El Salvador: Coerción, intimidación y detenciones arbitrarias*, p. 13, 2024. <https://cristosal.org/ES/elecciones-de-2024-en-el-salvador-coercion-intimidacion-y-detenciones-arbitrarias/>.

⁶ Ibid. 20

⁷ Ibid. 28

the state of exception, 86% self-censure to avoid attacks and 6.5% report that one of more of their members had to leave the country because of threats and persecution.⁸

In the wake of recent marches of medical personnel and teachers in November, Cristosal has confirmed 139 people fired after their participation in the march. Labor unions in El Salvador have registered more than twenty labor leaders detained in the state of exception, one died while in custody.

Cristosal has also documented the detentions of human rights defenders under the state of exception. Dina Hernandez is a community leader and human rights defender who volunteers in violence prevention programs and youth organizations that promote women's rights in the former municipality of Ayutuxtepeque. She is a volunteer teacher at community association that provides rehabilitation and social integration for people with disabilities. She is a co-founder of the Raquel Alert Collective that helps families of disappeared people search for relatives. Dina was 35 weeks pregnant when the National Civilian Police arrested her while walking home with her 5-year-old son in March of this year. Her daughter was born in the prison, on April 7th Dina's family was notified by authorities that Dina's baby had died. Cristosal has verified the death of four newborn children born to mother's incarcerated during the state of exception. Dina's family does not currently have communication with her or knowledge of wellbeing. She has not been released to her family despite two judicial orders for her release. Salvadoran prison authorities have detained her illegally 102 days in violation of the court order.

In recent days, Cristosal has documented and denounced publicly an escalation of harassment and persecution of our staff and close collaborators with our organization⁹. After implementing a series of community fairs using art to raise awareness about transparency for Cristosal, a social communicator was illegally detained and interrogated about his involvement with Cristosal by police officers. Last week, a journalist that hosts a weekly radio program with Cristosal on human rights had her house search by agents of the National Civilian Police and her computer and phones confiscated. Similarly last week a graphic design artist who donated work to Cristosal had his house searched and his equipment phone seized. It has been made public that the police maintain files on political opposition, human rights defenders and civic leaders including Cristosal staff.

In El Salvador, the population feels a sense a security from the gangs at the cost of their rights to participate freely in the political economic and social life of the country and a new situation of absolute insecurity before the repressive power of the state.

⁸ Cristosal. *Ver, Oír y Callar: La nueva realidad del espacio cívico en El Salvador*, October 2024, pp. 16-18. <https://cristosal.org/ES/ver-oir-y-callar-la-nueva-realidad-del-espacio-civico-en-el-salvador/>.

⁹ Cristosal. *Press Release: Systematic Harassment and Arbitrary use of State Institutions Against Cristosal*. November 27, 2024. <https://cristosal.org/ES/acoso-sistematico-y-uso-arbitrario-de-instituciones-estatales-contra-cristosal/>.