



Tom Lantos Human Rights Commission

The State of Exception in El Salvador: Taking Stock

Tuesday, December 10, 2024

2:00 – 4:00 p.m.

2360 Rayburn House Office Building

As prepared for delivery

Good afternoon.

Today is December 10th, celebrated as Human Rights Day around the world.

On this important day, I am pleased to welcome you to this afternoon's Tom Lantos Human Rights Commission hearing on human rights in El Salvador.

It has been almost three years since the government of El Salvador -- responding to an explosion of gang violence -- imposed a nation-wide state of exception that suspended constitutional guarantees and fundamental rights, including the rights to freedom of expression and association.

In September 2022 this Commission held a hearing on the human rights consequences of that state of exception. At that point, the state of exception had already been renewed several times, and we were already seeing mass detentions without any due process. We urged an approach to combatting gang violence that did not entail simply stripping Salvadoran citizens of their basic rights.

Today we are here again to raise the same concerns and more.

No one, absolutely no one, disputes that the Salvadoran government was and is obligated to respond to gang violence. The first substantive right listed in the Universal Declaration of Human Rights is that everyone has the right to life, liberty and security of person.

But states also have the obligation to respect, protect and fulfill the human rights of their citizens.

This obligation is not something imposed by outside actors – El Salvador has voluntarily ratified virtually every major international human rights treaty.

On December 6th the state of exception was renewed for the 33rd time, through January 5. Even if it is not renewed in the future, many of its provisions have been written into law.

More than 83,000 people have been detained under the state of exception, in excess of 1.6% of the population. El Salvador has gone from having the highest homicide rate in the world in 2015, to the having [highest per capita incarceration rate](#) in the world in 2023 – a rate higher than Cuba and more than three times that of Nicaragua.

The list of rights abuses is extensive, starting with the fact that there is no publicly accessible list of those detained. As we will hear today, human rights organizations have documented arbitrary detentions, enforced disappearances, torture and denial of due process at every level.

Those incarcerated are regularly denied their right to food, sanitation and health. 265 people have died in custody or shortly after release, including 4 recently born children. Hundreds of children remain in detention.

Meanwhile, it's not even clear that the statistics the government is publishing on the reduction in homicides are true.

A former commander in the U.S. Army Special Forces took a look at the data and [found](#) that the Salvadoran government has been undercounting homicides by as much as 47 percent.

How? By excluding bodies found in mass graves, police killings, and prison homicides.

In mid-November I traveled to El Salvador to commemorate the 35th anniversary of the assassination of six Jesuit priests, their housekeeper and her daughter at the hands of U.S.-trained Salvadoran security forces – and to talk with people about how things are going today.

What I found was an atmosphere of fear and self-censorship, quite frankly, as bad as what I witnessed during the civil war that raged from 1979 until 1992.

I met with family members who sobbed as they described the moment when their sons and husbands and brothers were taken from them by security forces under the state of exception. They told me how they did their best to find out where their relatives had been taken and why, and to provide them with life-sustaining food and medicine -- only to learn that they had died in custody in circumstances that have never been adequately clarified.

One mother begged me to help get her remaining son out of prison before he is killed, too.

I met with representatives of social movements whose peaceful exercise of their rights to freedom of association and expression has earned them threats of being detained under the state of exception – thrown into prison with no guarantees whatsoever.

I'm talking about unions, and youth groups, and peace groups. Civil society advocates of all kinds.

These people are not in gangs, and yet they are so threatened by the state of exception that several thought twice and three times about whether to take a picture with me.

I met with old friends whose heroic efforts contributed to the 1992 peace accords – and who are now evaluating whether they must once again go into exile.

I came away stunned and deeply, deeply, deeply concerned.

I know that President Bukele is popular. I've met with him many times over the years. I know he just won reelection – even though the constitution prohibits reelection.

But just because a policy may be popular at a given moment doesn't make it right.

Last night, the Embassy of El Salvador wrote me to say that, and I quote, "only representatives of civil society organizations opposed to the government" would be testifying here today.

That is incorrect.

Our witnesses are not here because they oppose the government.

They are here because they support human rights – in El Salvador, and everywhere else, including in the United States of America.

As I do – which is why I regularly call out human rights abuses in my own country.

We have encouraged the embassy to submit a statement for the record, and I hope that they do so.

The Inter-American Human Rights Commission recently published an extensive report on El Salvador that is full of recommendations about how to correct course and fight gang violence while protecting human rights.

El Salvador's next Universal Periodic Review is scheduled for early 2025. I expect that many governments will be making similar recommendations.

The current policy – keeping tens of thousands of people in preventative detention in terrible conditions with no end in sight – is not sustainable in any sense of the word.

I look forward to hearing our witnesses' recommendations on how the U.S. Congress can best contribute to this necessary course correction.

I expect one of those recommendations will be to end reprisals against journalists who try to report on the state of exception.

The Salvadoran Journalists Association documented 165 attacks against journalists between January and September of this year.

Just this week I was contacted about the case of Mónica Rodríguez, the news director of Bálsamo TV in El Salvador.

On December 4th, several police patrols went to her house, entered without a proper warrant, and seized all her electronics, including cell phones. When her lawyer asked why she was being investigated, they were told her case was sealed. She fears being detained and thrown in prison with no recourse.

Let me repeat what I said while I was in El Salvador, respectfully but with urgency: it is time to end reprisals against journalists and civil society, and protect the freedom to dissent in El Salvador.

Problems are not fixed by killing the messengers.

Again, we all believe countries and governments have an obligation to protect their people from criminal acts and gang violence. That's not what's happening here. This is well beyond that.

And with that I now yield to Commission Co-Chair Chris Smith.