

**Tom Lantos Human Rights Commission, United States House of Representatives  
Hearing on “The State of Exception in El Salvador: Year Five”**

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**Statement of Susana SáCouto, Director of the War Crimes Research Office,  
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Chairmen McGovern, Smith, and distinguished members of the Commission,

Thank you for the opportunity to testify today about the findings and recommendations of the recent [report](#) of the International Group of Experts for the Investigation of Human Rights Violations Under the State of Emergency in El Salvador (GIPES), of which I was a member.

I want to begin with a fundamental point. Responding to acts of violence attributed to gangs is entirely legitimate. The impact of gang violence is real and devastating, and States — including El Salvador — have an international obligation to protect their populations and ensure public security in accordance with the law. That duty, grounded in instruments such as the American Convention on Human Rights and the International Covenant on Civil and Political Rights, is not in dispute.

What is in dispute is the manner in which that duty has been carried out. Security policies cannot be implemented at the cost of human rights. They must comply with the rule of law and with regional and international human rights standards.

Our report reached the following conclusion: **there are reasonable grounds to believe that El Salvador’s response to gang violence since a state of emergency was issued in March 2022 has resulted in the commission of crimes against humanity**, as defined under the Rome Statute. This conclusion is based on extensive, verifiable sources that are fully documented in the report.

The figures alone are alarming. Thousands of the more than 90,000 detentions carried out under the state of emergency were arbitrary or conducted without due process. President Bukele himself has acknowledged that 8,000 detentions lacked legal grounds. At least 403 people have died while in state custody, including four children. As of February 2025, the last available number prior to the publication of our report, 540 enforced disappearances had been documented.

Even these figures may understate the reality. Official information remains fragmented and subject to secrecy, and many families still do not know the whereabouts of their loved ones.

The report also finds that the repeated and indefinite extension of the state of emergency — now prolonged more than forty times — combined with the undermining of judicial independence,

has transformed what were meant to be exceptional measures into a permanent and increasingly repressive system of governance. Thousands of people are held incommunicado, mass hearings proceed without individualized evaluation of evidence, and access to information is severely restricted. These practices are extensively documented in the report.

Under Article 7 of the Rome Statute, crimes against humanity are defined as a multiplicity of prohibited acts—constituting serious violations of human rights—committed against a civilian population, in furtherance of a State or organizational policy, carried out in a widespread or systematic manner, and with knowledge of the attack. In other words, crimes against humanity reflect a cumulative course of conduct involving extremely serious violations, rather than isolated incidents, which is why they are regarded as an affront to humanity as a whole and not only to those directly harmed.

The report identifies **two distinct but connected attacks, or patterns of abuse, against the civilian population**. The first targets alleged gang members or those perceived as such and includes arbitrary detentions, torture, enforced disappearances, deaths in custody, sexual violence, and other inhuman acts. The second targets political opponents or those perceived as opponents and includes arbitrary detentions, inhuman treatment, torture, deaths in custody, and political persecution. The report finds that practices, initially justified as extraordinary measures against gangs, were progressively extended to other segments of the civilian population, including those perceived as political opponents.

Importantly, the report situates these violations within a context of profound institutional breakdown, characterized by the adoption of emergency-related criminal and procedural reforms that have dismantled fundamental due process and other protections. Indeed, the report finds that the abuses documented are not isolated incidents but part of a sustained policy that has been publicly endorsed and executed over time.

As a result, the report concludes that there are reasonable grounds to believe that the documented acts satisfy the elements of crimes against humanity under Article 7 of the Rome Statute.

Given the gravity and seriousness of the violations documented, the **report calls on El Salvador to immediately restore the rule of law by ending the state of emergency and rescinding all emergency-related criminal and procedural reforms that suspend fundamental (non-derogable) rights**. It urges the demilitarization of public security, the reestablishment of judicial independence through transparent, merit-based appointments, and the repeal of laws that unduly restrict civic space and independent media. It also emphasizes the need for access to information on detentions, prison conditions and deaths in custody, and the restoration of an independent and effective Attorney General's Office.

To be clear, the report does *not* call for the release of all detainees. It fully acknowledges the extraordinary nature of the situation, including the fact that more than 90,000 individuals have been detained and may be subject to prosecution. Instead, the **report calls for the establishment**

**of an independent review commission**—ideally supported by international partners—to **assess all detentions carried out since the declaration of the state of emergency, determine whether there is a lawful and individualized basis for continued detention, and secure the release of those who are arbitrarily or unlawfully detained.** Judicial proceedings that strictly adhere to due process represent the strongest safeguard against future legal scrutiny. Beyond legal considerations, we think the humanitarian dimension must be taken into account, with priority given to reviewing the cases of elderly, infirm, and other especially vulnerable detainees.

The report also recommends public acknowledgment of State responsibility, protection for victims and witnesses, and the creation of a national registry of victims.

At the international level, the report calls for **support of accountability efforts** through independent investigations, the use of universal jurisdiction where appropriate, and targeted sanctions against those responsible for grave abuses. It urges the provision of protection and psychosocial support for victims, journalists, judicial actors, and human rights defenders, and recommends conditioning security cooperation on measurable progress toward restoring constitutional order. It also recommends that the UN Human Rights Council consider establishing an independent international investigative mechanism for El Salvador.

I will conclude by emphasizing this central point: our report concludes that **the state of emergency has enabled an extreme concentration of power under which grave, widespread, and systematic human rights violations have been committed**, giving rise to reasonable grounds to believe that these violations meet the legal threshold of crimes against humanity. The duty to guarantee public security cannot be fulfilled by any means or at any cost, especially not through the commission of crimes against humanity.