

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
The State of Exception in El Salvador: Year Five

April 16, 2026 - 2:00 p.m.
1334 Longworth House Office Building

STATEMENT SUBMITTED FOR THE RECORD

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Background and Context

As El Salvador enters its fifth year living under a state of exception, the Nayib Bukele government has systematically suppressed civil liberties and severely eroded press freedom in the country. Originally implemented under the premise of combating gang violence, the emergency measures have been continuously renewed and repurposed to suppress fundamental freedoms and dismantle democratic institutions.

The systematic dismantling of press freedom in El Salvador under the Bukele administration is not unique or an isolated phenomenon across Latin America. Rather, it reflects a deliberate adoption of authoritarian governance frameworks across the ideological spectrum. This is evidenced by the authoritarian systems imposed by Daniel Ortega in Nicaragua, Nicolás Maduro in Venezuela, and Miguel Díaz-Canel in Cuba. Despite the sharp ideological divide separating these administrations—which extends to Guatemala, where the institutional decay inherited from previous administrations continues to facilitate the judicial harassment of the press despite the election of Bernardo Arévalo—their authoritarian political practices are strikingly similar, characterized by the weaponization of the judiciary and administrative authorities, the criminalization of independent journalism, the imprisonment of independent journalists, the shuttering of independent media, and the forced exile of dissenters and independent voices, including journalists.

Three journalists are currently in prison or under house arrest in Latin America: [José Rubén Zamora](#) is currently under house arrest in Guatemala, preceded by prolonged pre-trial detention beginning in July 2022; [Elsbeth D'Anda](#) has been in detention in Nicaragua since October 2024; and [Yeris Curbelo Aguilera](#) has been detained in Cuba since June 2024. These

cases involve independent journalists who have been targeted by both former and current left-leaning and right-leaning governments.

The Committee to Protect Journalists (CPJ) presents the below overview of the state of press freedom in the country, highlighting significant threats to media freedom and journalist safety, and offers a set of concrete recommendations for the consideration of the U.S. Congress and President Donald Trump's administration.

Key Issues

The Salvadoran government's systematic criminalization of the press has engineered a profound climate of fear, triggering a mass exodus of media professionals and coercing those who remain to drastically self-censor as a basic survival mechanism to avoid arbitrary imprisonment.

Exile: According to CPJ's research, [at least 40 journalists have fled El Salvador](#) due to targeted state intimidation. This mass displacement was catalyzed by a restrictive [Foreign Agents Law](#), designed to defund independent media. It was further driven by severe retaliation against investigative reporting. Notably, [dozens of El Faro journalists](#) were forced into exile to evade imminent arrest warrants after their outlet published interviews alleging covert negotiations between the Bukele administration and criminal gangs. To avoid arbitrary, indefinite imprisonment and to preserve access to funding for their outlets, these journalists have uprooted their families and sought asylum in Costa Rica, Guatemala, and Mexico.

Self-censorship: For the journalists who remain in El Salvador, covering public safety, corruption, or crime carries serious legal risk. [Reporters routinely withhold their bylines](#) or omit any mention of gangs from their coverage.

Despite assertions by President Nayib Bukele and his government representatives that press freedom is respected and that no journalists have been imprisoned, CPJ research clearly demonstrates that journalists and their relatives have been routinely targeted with arrests. The following cases illustrate the government's approach:

- Víctor Barahona, a journalist for the digital radio station Tu Onda Club and Megacable's Canal 50, [was detained for more than 11 months in 2022](#) under the state of exception, baselessly accused of collaborating with gangs. The Salvadoran Journalists Association (APES) reported that he was subjected to psychological torture while held in maximum-security state custody. Authorities released him in May 2023 without explanation and provided no court documentation.
- In February 2023, authorities arrested Benjamín Amaya, the father of environmental journalist [Carolina Amaya](#), charging him with illicit association. Amaya reported that her independent outlet, Mala Yerba, faced escalating threats both before and after the arrest. She directly [attributed](#) both the harassment and her father's detention to an

investigation her outlet published regarding severe environmental contamination at Lake Coatepeque, a scandal that allegedly implicated the president's mother-in-law.

State institutions and private entities aligned with the government actively utilize the judicial system and advanced military-grade [surveillance technology](#) to deplete the financial resources of independent media and monitor their confidential communications.

Legal and financial harassment: State institutions weaponize legal and bureaucratic systems to financially drain independent newsrooms. The Ministry of Finance has targeted outlets like El Faro and La Prensa Gráfica with punitive audits. Fearing forced closure and manufactured criminal investigations, El Faro relocated its administrative operations to Costa Rica in 2023. Civil litigation is also utilized for censorship. A 2023 [\\$10 million lawsuit](#) against El Diario de Hoy forced the outlet to remove an article and publish an apology. The impact of these combined pressures: on March 27 of this year, the historic newspaper permanently [shut down its print edition](#).

Digital surveillance: A 2022 joint forensic report from [Citizen Lab and Amnesty International](#) verified that Pegasus spyware had infected the mobile devices of at least 35 journalists and civil society members between July 2020 and November 2021. El Faro, whose reporters and editors were among the most frequently and aggressively targeted by the surveillance technology, [subsequently filed a landmark lawsuit in a U.S. federal court](#) against NSO Group, the Israeli manufacturer of Pegasus.

Journalists are consistently targeted by high-level officials through coordinated smear campaigns, and access to public records is now systematically restricted, effectively obscuring government actions from public view.

Hostile rhetoric: President Bukele and allied public officials [frequently weaponize social media](#) to accuse independent media of publishing false information, labeling them as "pamphlets," and accusing journalists of collaborating with criminal organizations. This rhetoric signals to law enforcement and the public that journalists are permissible targets.

Restricted information access: The government has engineered a comprehensive information blackout. Authorities [aggressively classified public health](#) and spending data during the COVID-19 pandemic and subsequently [eliminated legal oversight of state contracts](#) during the 2022 state of exception. These critical transparency mechanisms have never been restored. Public officials are strictly forbidden from speaking to the press, forcing journalists to rely entirely on unverified citizen accounts or leaked documents due to the absence of official transparency and accountability.

Recommendations

CPJ presents the following recommendations to the U.S. Congress and the Trump administration, urging the government of El Salvador to:

- Guarantee the physical safety and freedom of all journalists, establishing the safe, democratic conditions necessary to allow the dozens of exiled media professionals to return to El Salvador without fear of arbitrary arrest, surveillance, or physical retaliation.
- Cease all forms of state-sponsored persecution, surveillance, and intimidation, specifically by halting the issuance of retaliatory arrest warrants against investigative reporters and ending the targeted harassment of journalists' family members.
- Halt the weaponization of administrative institutions and the judiciary, including through Ministry of Finance audits, the anti-press Foreign Agents Law, unsubstantiated criminal investigations, and punitive civil lawsuits, all of which are being deployed by the government to financially drain and censor independent media and civil society organizations.
- Restore public access to government information by declassifying government contracts and public security data, and to categorically cease the public stigmatization of the press by high-level officials.