

**NEW GOVERNMENT, ONGOING AGENDA: HUMAN  
RIGHTS, CORRUPTION, AND ACCOUNTABILITY IN  
EL SALVADOR**

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HEARING  
BEFORE THE  
**TOM LANTOS HUMAN RIGHTS COMMISSION**

UNITED STATES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND SIXTEENTH CONGRESS  
FIRST SESSION

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MARCH 13, 2019

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Official Transcript

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TOM LANTOS HUMAN RIGHTS COMMISSION

JAMES P. McGOVERN, Massachusetts,  
*Co-Chair*

KIMBERLY STANTON, *Senior Democratic Professional Staff*  
JAMIE STALEY, *Senior Republican Professional Staff*  
ROSIE BERMAN, *Bipartisan Staff Associate*

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**WEDNESDAY, MARCH 13, 2019**

HOUSE OF REPRESENTATIVES,  
TOM LANTOS HUMAN RIGHTS COMMISSION,  
*Washington, D.C.*

*The commission met, pursuant to call, at 10:01 a.m., in Room 2200 Rayburn House Office Building, Hon. James P. McGovern [co-chair of the commission] presiding.*

Mr. McGOVERN: Good morning, everybody. Welcome to the first hearing of the Tom Lantos Human Rights Commission in the 116th Congress, on Human Rights, Corruption, and Accountability in El Salvador. We are still awaiting the appointment of the commission's new Republican co-chair, but the human rights problems around the world are such that we wanted to go ahead and get the ball rolling.

I would like to extend a special welcome to our witnesses, all of whom have traveled to be with us today from El Salvador, San Francisco by way of Boston, and the Eastern Shore. We deeply appreciate the work that you do, and we thank you for your presence.

Can we just shut that door? Yes.

It has been more than 25 years since El Salvador's internal armed conflict ended. And I remember when the 1992 peace accords went into effect. And it was a moment of celebration and optimism. The war had been so brutal and so devastating. More than 70,000, maybe 80,000 people were killed, Catholic nuns, priests among them, union activists, student activists, campesino leaders. Yet peace was finally at hand. Except that it wasn't.

As you will hear today, violence in El Salvador is unrelenting. Since the civil war ended, El Salvador's homicide rate has consistently ranked among the top three in the world, excluding countries engaged in armed conflict. And in 2015, it exceeded for the first time the number of annual homicides during the period of the civil war.

In recent years those homicides have included targeted killings of security forces by gangs, extrajudicial killings of gang suspects by police, and among the world's highest rates of femicides, killing women and girls.

In addition to the more than 3,300 homicides committed in 2018, more than 3,000 people were reported as disappeared. Many of the disappeared are never found but are suspected dead.

What is going on?

Observers identify a combination of factors that interact and are mutually reinforcing: economic vulnerability, the unintended consequences of anti-drug and anti-

gang policies, institutions weakened by pervasive and entrenched impunity and corruption. In the end, social justice has been elusive.

Instead, the human rights of Salvadorans are violated every day in every conceivable way. No one should be surprised that people flee the country seeking escape. In fact, some 1.4 million Salvadoran immigrants, one-fifth of the country's current population, live in the United States, of whom nearly half a million are unauthorized, and another nearly 200,000 are beneficiaries of Temporary Protected Status, TPS.

In 2017, those 1.4 million immigrants sent home \$5 billion in remittances, 18 percent of El Salvador's gross domestic product. El Salvador's growth rate is already the second lowest in Central America. Were half of those immigrants suddenly deported to El Salvador the economic impact would be devastating.

So where does all this leave us?

U.S. policy makers have taken steps to respond to the human rights crisis in El Salvador. Our diplomats have emphasized the importance of addressing issues such as corruption, impunity, and human rights. Congress has appropriated more than \$2.6 billion over four years to fund the U.S. strategy for engagement in Central America to promote economic prosperity, strengthen governance, and improve security in the region, including at least \$342 million for El Salvador, subject to conditions that require the Salvadoran Government to take steps to address corruption and human rights abuses.

The State Department has worked with the Department of Justice to help fight financial crimes, extortion, and corruption, protect witnesses, and strengthen prosecutorial capacity. The U.S. helped the attorney general establish a gender unit that works on cases of femicides, domestic violence, and crimes against the LGBTI community, the human rights violators. And a war crimes unit in Immigration and Customs Enforcement has investigated past human rights violations in El Salvador.

But for many reasons it is not enough. It is not enough because we are, as we are about to hear, the terrible human rights situation persists; because as the new president prepares to take office we are seeing risks of back sliding, such as the Legislative Assembly's decision not to renew the mandate of former Attorney General Douglas Melendez; because the current U.S. administration has sent mixed signals about its support for creating a CICIG-like body in El Salvador to fight corruption; and because the U.S. has a moral responsibility to do more.

You know, we armed, and we trained, and equipped the Salvadoran armed forces during the war, including the infamous Atlacatl Battalion which was responsible for the murders of innocent women and children in El Mozote, and also the murders of six Jesuit priests, their housekeeper, and their daughter in 1989 at the University of Central America.

We trained people who are responsible for some of the most notorious human rights crimes committed during the civil war.

We deported Salvadoran youths involved in gang activity in the U.S. without regard for the consequences in El Salvador. MS-13 was not born in El Salvador, it was born in the United States of America. We exported that to El Salvador.

We have supported hard line militarized anti-drug and anti-gang policies that failed to stop and, instead, exacerbated the spiral of violence in the country.

And now the current administration seeks to deny the right to asylum for those fleeing the violence in El Salvador, including women and children.

So, we must do more. And I look forward to hearing the recommendations from our witnesses today. And, again, I thank you for being here.

Before I introduce our witnesses, I want to enter into the record statements and materials submitted by the Latin America Working Group Educational Fund, the Washington Office on Latin America, OXFAM America, Professor Jose Miguel Cruz of Florida International University.

And so let me begin by introducing our witnesses. Cristian Schlick Saldia, who is an attorney and human rights activist originally from Chile, who currently works as a legal consultant with the Justice Processes Team at the Human Rights Institute of the Jesuit University of Central America in El Salvador.

Noah Bullock is the Executive Director of Cristosal, which works to advance human rights in Central America through rights-based research, learning, and programming.

Dr. Christine Wade is a member of the faculty of Washington College and a specialist in the international and comparative politics of Latin America, with a focus on Central America and the Caribbean.

Jason Motlagh is a journalist, photographer, and filmmaker who has reported for media organizations including National Geographic, Rolling Stone, The Washington Post, the Guardian, and The Economist.

And I will insert in the record a more extensive biography of all of you, but for the purposes of time I want to get right to the testimony.

So why don't we begin, Mr. Saldia, we welcome you here. And make sure your microphone is on, make sure the green -- red or green, I don't know what it is, but make sure it is on. And appreciate you being here.

[The prepared statement of Co-Chair McGovern follows.]

**PREPARED STATEMENT OF THE HONORABLE JAMES P. McGOVERN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS AND CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION.**



**Tom Lantos Human Rights Commission Hearing**

**New Government, Ongoing Agenda: Human Rights,  
Corruption and Accountability in El Salvador**

**Wednesday, March 13, 2019**

**10:00 – 11:30 a.m.**

**2200 Rayburn House Office Building**

**Opening Remarks as prepared for delivery**

Good morning and welcome to the first hearing of the Tom Lantos Human Rights Commission in the 116<sup>th</sup> Congress on human rights, corruption and accountability in El Salvador.

We are still awaiting the appointment of the Commission's new Republican co-chair, but the human rights problems around the world are such that we wanted to go ahead and get the ball rolling.

I would like to extend a special welcome to our witnesses, all of whom have traveled to be with us today – from El Salvador, San Francisco by way of Boston, and the Eastern Shore. We deeply appreciate the work you do and thank you for your presence.

It has been more than 25 years since El Salvador's internal armed conflict ended. I remember when the 1992 peace accords went into effect, and it was a moment of celebration and optimism. The war had been so brutal and so devastating. More than 70,000 people were killed, Catholic nuns and priests among them. Yet peace was finally at hand.

Except that it wasn't.

As you will hear today, violence in El Salvador is unrelenting. Since the civil war ended, El Salvador's homicide rate has consistently ranked among the top three in the world (excluding countries engaged in armed conflict). And in 2015, it exceeded for the first time the number of annual homicides during the period of the civil war.

In recent years, those homicides have included targeted killings of security forces by gangs, extrajudicial killings of gang suspects by police, and among the world's highest rates of femicides - killings of women and girls.

In addition to the more than 3,300 homicides committed in 2018, more than 3,000 people were reported as disappeared. Many of the disappeared are never found but are suspected dead.

What is going on?

Observers identify a combination of factors that interact and are mutually reinforcing: economic vulnerability, the unintended consequences of anti-drug and anti-gang policies, institutions weakened by pervasive and entrenched impunity and corruption.

In the end, social justice has been elusive. Instead, the human rights of Salvadorans are violated every day, in every conceivable way. No one should be surprised that people flee the country seeking escape.

In fact, some 1.4 million Salvadoran immigrants – one fifth of the country’s current populations – live in the United States, of whom nearly half a million are unauthorized and another nearly 200,000 are beneficiaries of Temporary Protected Status (TPS).

In 2017 those 1.4 million immigrants sent home five billion dollars in remittances, 18% of El Salvador’s Gross Domestic Product.

El Salvador’s growth rate is already the second lowest in Central America. Were half of those immigrants suddenly deported to El Salvador, the economic impact would be devastating.

Where does all of this leave us?

U.S. policymakers have taken steps to respond to the human rights crisis in El Salvador.

Our diplomats have emphasized the importance of addressing issues such as corruption, impunity, and human rights.

Congress has appropriated more than \$2.6 billion over four years to fund the U.S. Strategy for Engagement in Central America to promote economic prosperity, strengthen governance, and improve security in the region, including at least \$342 million for El Salvador – subject to conditions that require the Salvadoran government to take steps to address corruption and human rights abuses.

The State Department has worked with the Department of Justice to help fight financial crimes, extortion and corruption, protect witnesses and strengthen prosecutorial capacity. The U.S. helped the Attorney General establish a *Gender Unit* that works on cases of femicides, domestic violence, and crimes against LGBTI individuals.

The Human Rights Violators and War Crimes Unit in Immigrations and Custom Enforcement has investigated past human rights violations in El Salvador.

But for many reasons, it's not enough.

It's not enough because, as we are about to hear, the terrible human rights situation persists.

Because as a new president prepares to take office, we're seeing risks of backsliding, such as the legislative assembly's decision not to renew the mandate of former Attorney General Douglas Melendez.

Because the current U.S. Administration has sent mixed signals about its support for creating a CICIG-like body in El Salvador.

And because the U.S. has a moral responsibility to do more.

We armed, trained and equipped the Salvadoran armed forces, including the infamous Atlacatl Battalion, responsible for some of the most notorious human rights crimes committed during the civil war.

We deported Salvadoran youths involved in gang activity in the U.S. without regard for the consequences in El Salvador.

We have supported hard-line, militarized anti-drug and anti-gang policies that failed to stop and instead exacerbated the spiral of violence in the country.

And now the current Administration seeks to deny the right to asylum for those fleeing the violence in El Salvador, including women and children.

So we must do more, and I look forward to hearing recommendations from our witnesses today.

**STATEMENTS OF CRISTIAN SCHLICK SALDIA, LEGAL CONSULTANT, JUSTICE PROCESSES TEAM, INSTITUTE OF HUMAN RIGHTS OF THE JESUIT UNIVERSITY OF CENTRAL AMERICA (IDHUCA); NOAH F. BULLOCK, EXECUTIVE DIRECTOR, FOUNDATION CRISTOSAL; DR. CHRISTINE J. WADE, PROFESSOR OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, WASHINGTON COLLEGE, AND; JASON MOTLAGH, INDEPENDENT JOURNALIST**

**STATEMENT OF CRISTIAN SCHLICK SALDIA, LEGAL CONSULTANT, JUSTICE PROCESSES TEAM, INSTITUTE OF HUMAN RIGHTS OF THE JESUIT UNIVERSITY OF CENTRAL AMERICA (IDHUCA)**

Mr. SCHLICK SALDIA: I think it is on.

Thank you, Mr. Chairman, and members of Congress, congressional staff, colleagues, on behalf of the Human Rights Institute of the Central American University of El Salvador, a Jesuit institution. I want to thank you for the invitation to speak today to you as part of this important and timely hearing on recognizing the current human rights situation in El Salvador.

2018 cannot be considered a positive year for human rights in El Salvador, even having in mind that some important statistic numbers are inferior than previous years. One of the important steps that the state made this year was the sentencing of important cases against high public officials like ex-president and ex-general attorney. For the first time since the peace agreements the Office of the General Attorney was able to touch interests that were historically perceived as untouchable by the government, by the militaries, and by some of the private actors.

Despite of this, another small achievement in the last three years by the Office of the General Attorney, the Legislative Assembly decided to change the General Attorney, electing a lawyer who is pretty close to the dominant party of the assembly, in contravention of the judicial precedent that is forbidden the nomination of candidates related to any political party.

The new Legislative Assembly did not only jeopardize the Office of the General Attorney but also drafted the previous agreement about the general law for water rights, plus a bill that adopted some 39 measures for the prison system, adding them to the ordinary law. And finally, the election of the new members of the Constitutional Chamber of the Supreme Court in a clear effort to elect people that could restore the rules that favor historically impunity.

All those measures adopted by the Legislative Assembly are in clear opposition of the general principle of progressiveness of human rights.

On the other hand, the government continues mistaking subsidies with social justice, and relevant problems like violence, inequality, and poverty remain as strong as always. Education and health are clear evidence of present social injustice and an offensive mechanism to perpetrate the unjust inequity in the country. The judicial branch does its part systematically mistreating to the poorest ones and ruling the cases without any international standard of human rights.

The Committee on the International Convention on Civil and Political Rights on their reports clearly state a concern on how the state witness institution, like the Procuraduria para la Defensa de los Derechos Humanos, not providing enough resources to ensure its mission of accountability for all the state agencies of human rights standards.

Our Institute on 2018 on its 33rd year of existence, and acting action of defense of human rights received around 370 requests of assistance for which we were only able to support only 279 cases of human rights violations, being two-third of those cases related to humanitarian protection assistance for people that is trying to flee the country.

The year 2018 also, according to the Instituto de Medicina Legal from El Salvador, the country closed the year with 3,341 homicides in total, with an annual rate of 53.98 murders for each 100,000 inhabitants. It is true that is a rate equal to the ones just before. That is clearly important to mention.

Not less important is the high number of femicide in the country, which is also one of the countries with the highest rates in the world. Reason why it is necessary to have a public policies and criminal justice policies with a gender perspective that can be effective on approaching those crimes, as well the crimes against LGBTQ community.

In addition, another hard reality is the high rate of sexual offenses that are committed in El Salvador against women, with rate of 50 percent severe crimes of sexual nature against women for every 100,000 inhabitants in the country.

One of the other things that have called the attention of civil society and the international community is the existence of extrajudicial killing. Actually, the special rapporteur on extrajudicial, summary, or arbitrary executions in their report to the Human Rights Council made this statement:

The Special Rapporteur learned of a large number of alleged extrajudicial killing or death resulting from excessive use of force by security agents. While officials acknowledge there might be some cases of extrajudicial killing, they insisted that they were isolated incidents. However, finds that the above-mentioned pattern of behavior by security personnel points to extrajudicial execution facilitated by an inadequate investigation and judicial responses.

The reality is that we cannot provide an exact number of how many extrajudicial killings might have happened in 2018. But according to the National Civil Police data, on 2018 the rate of people dead on the so-called illegitimate aggression was 125 people dead by one police band, a number out of any international rank for these kind of events. While it's true that the numbers of murders in the country have decreased in the last year, one of the biggest concerns is the number of disappearances continues to increase.

According to the Office of the General Attorney there were 3,514 complaints for missing people, double in comparison to the year 2017. And there are many that suspect that those disappearances are a way to cover some murders, and even some extrajudicial killings.

A sample of this was the case of the Agent Carla Ayala, a policewoman that was killed by other members of the police, which body was missing for a long time after the crime in a way to avoid prosecution.

A recent investigation documented different cases of human rights violations from agents of security in the country. And one of the conclusions is that the continued practice of criminalizing young people, mostly between 18 and 20 years old, and from low income communities as a member of organized crimes in the country without any

reasonable evidence to make those assumptions. This behavior proves that mistreatment, torture, cruel, inhuman and degrading treatment are common against these populations.

The General Inspector of Police Security reported many cases, as well as the Office of the General Attorney and the Procuraduria para la Defensa de los Derechos Humanos about complaints against police for committing really hard crime as murder, torture, injuries, threat to liberty, privation, robbery, arbitrary detention, extortion, femicide, and illegal trespassing.

Another important issue that we would like to make before we close is that more than two years since the Constitutional Chamber declared the unconstitutionality of the amnesty law there is no significant progress in the fight against impunity in the country.

Only the Office of the General Attorney took some steps in that direction, creating a special unit to investigate those cases. But until today, the only cases that are in court are the ones that have been imposed by private actors and not by the office in charge of the work.

The Legislative Assembly created an ad hoc commission to discuss what they have called national reconciliation. And so far the only proposal they have is to create a new amnesty law, in their terms, extensive and general for everyone involved in the crimes of the armed conflict, against all the rules of international law that mandate that there is no possible amnesty to the crimes against humanity and war crimes.

As instituted, we are really deeply committed to the fight against impunity because our founders of IDHUCA, Father Montes, was one of the Jesuits killed by the army on 2018. And the case, after two years of being in court, was just finally reopened this past Monday after many, many instances by the defense to delay the cases. But we are glad that finally the chamber of appealing have decided to reopen the case.

That is what I would like to say right now, and I would gladly share later some recommendations that we should consider.

[The prepared statement of Mr. Schlick Saldia follows]

## **PREPARED STATEMENT OF CHRISTIAN SCHLICK SALIDA**

House Foreign Affairs Committee

Tom Lantos Human Rights Commission

Hearing

on

NEW GOVERNMENT, ONGOING AGENDA:

HUMAN RIGHTS, CORRUPTION AND ACCOUNTABILITY IN EL SALVADOR

March 13, 2019 – 10:30 a.m.

2200 Rayburn House Office Building

Statement of Mr. Cristian Schlick

Legal consultant

Human Rights Institute of the Jesuit Central American University of El Salvador (Idhuca)

Members of the Tom Lantos Human Rights Commission, Chairman McGovern, Members of Congress, congressional staff, colleagues. On behalf of the Human Rights Institute of the Central American University of El Salvador, a Jesuit institution, I want to thank you for the invitation to speak today to you as part of this important and timely hearing on recognizing the current Human Rights situation in El Salvador.

2018 cannot be considered a positive year for human rights in El Salvador, even having on mind that some important statistics numbers are inferior than previous years.

One of the important steps that the state made this year was the sentencing of important cases against high public officials like the ex-president and the ex-general attorney. For the first time since the peace agreements, the Office of the General Attorney was able to “touch” interests that were historically perceived as untouchables by the government, the militaries and some private actors. Despite of this and other small achievements in the last 3 years by the Office of the General Attorney, the Legislative Assembly decided to change the general attorney electing a lawyer whom is really close to the dominant party of the Assembly in contravention of the judicial precedent that forbidden the nomination of candidates related to any political party.

The new Legislative Assembly did not only jeopardized the Office of the General Attorney but also dropped the previous agreements about the general Law for water rights, passed a bill that adopted some of the extraordinary measures for the prison system, adding them to the ordinary law; and finally delayed the election of the new member of the Constitutional Chamber of the supreme court in a clear effort to elect people that could restore the rules

that favored historical impunity. All those measures adopted by the Legislative Assembly are in clear opposition of the general principle of the progressiveness of Human Rights.

On the other hand, the government continues mistaking subsidies with social justice, and relevant problems like violence, inequality and poverty remain strong as always. Education and Health are clear evidence of present social injustice and authentic mechanisms to perpetuate the unjust inequity in the country. The judicial branch does it is part systematically mistreating to the poorest one and ruling the cases without any international standard of human rights.

The committee on the International Convention on Civil and Political Rights, on its report CCPR/C/SLV/CO/07, clearly states its concern on how the state weakens institutions like the Procurator Office for the Defense of Human Rights not providing enough resources to ensure its mission of accountability for all the states agencies in Human Rights Standards.

Our Institute on 2018, its 33rd year of active action in defense of the Human Rights, received around 370 requests of assistance, from which we were able to support only 279 cases of human rights violation, being 2/3 of those cases related to Humanitarian Protection assistance.

The year 2018 according to the Institute of Legal Medicine El Salvador, the country closed the year with 3341 homicides in total, with an annual rate of 53.98 murders for each hundred thousand people, a rate inferior to the ones years before.

Not less important is the high number of femicide of the country, which is also one of the countries with the highest rate of feminicides per hundred thousand habitants, reason why it is necessary to have public policies and criminal justice policies with a gender perspective that can be effective in approaching these crimes as well the crimes against the LGBTQ community. In addition, another hard reality is the high rates of sexual offenses that are committed in El Salvador against women with a rate of 54 severe crimes of sexual nature against women per every hundred thousand people in the country

One of the other things that have called the attention of civil society and the international community is the existence of extrajudicial killings. Actually, the Special Rapporteur on extrajudicial, summary or arbitrary execution on her report to the Human Rights Council A/HRC/38/44/Add.2 stated “The Special Rapporteur learned of a large number of alleged extrajudicial killings or deaths resulting from excessive use of force by security agents. While officials acknowledged there may be some cases of extrajudicial killings they insisted that these were isolated incidents. However, the Special Rapporteur finds that the above-mentioned pattern of behavior by security personnel points to extrajudicial executions facilitated by inadequate investigations and judicial responses”. The reality is that we cannot provide an exact number of how many extrajudicial killings might have happened in 2018, but according to the National Civil Police Data on 2018 the rate of people dead on the so-called “illegitimate aggressions” was of 125 people dead by 1 police dead, a number out of any international rank for these kinds of events.

While is true that the numbers of murders in the country decrease in the last year, one of the biggest concerns is that the number of disappearances continues to increase. According to the Office of the General Attorney on 2018 were 3514 complaints about missing people, the double in comparison to the year 2017; and there are many that suspects that those disappearances are a way to cover some murder and even extrajudicial killings. Example of this was the case of the agent Carla Ayala, a policewoman that was killed by other members of the police, which body was missing for a long time after the crime.

A recent investigation documented different cases of human rights violation from agents of security in the country and one the conclusion is the continued practice of criminalizing young people, mostly between 15 to 28 years old, and from low incomes community as member of the organized crime in the country, without any reasonable evidence to make those assumptions. This behavior produces that mistreatment, torture, cruel, inhuman and degrading treatment, are common against this population.

The General Inspectors of Public Security reported that open 111 investigations, until July 2018, against police members accused of committing crimes as murder, torture, injuries, threats, liberty privation, robbery, arbitrary detention, extortion, femicide, illegal trespassing. At the same time, the Office of the General Attorney reported 387 investigations where police member was investigated for crimes against life, personal integrity, liberty and property. And finally, the Procurator Office for the Defense of Human rights reported that between June 2017 to June 2018 they registered 111 complaints against police member for the same crimes.

The situation is not different in the prisons, with overcrowding that has decreased to a 300% on 2018, but still, have the problem of not enforcing the law at keeping the convicted intern separated with those are still under investigation.

Another important issue is that after more than 2 years since the Constitutional Chamber declared the unconstitutionality of the amnesty law, there is no significant progress in the fight against impunity in the country. Only the Office of the General Attorney took some steps in that direction creating a special unit to investigate those cases, but until today, the only cases that are at court today, are the ones that have been impuled by private actors and no the office work. The Legislative Assembly created an ad-hoc committee to discuss what they called “national reconciliation”, and so far the only proposal they have is to create a new Amnesty Law, “extensive and general” for everyone involved on the crimes of the armed conflict, against all the rules of international law that mandate that there is not possible to amnesty the crimes against humanity and war crimes.

We as Idhuca go through what impunity looks like, because on 2017 we file a requirement at courts to re-open the case for the massacre of the Jesuits on 1989 (the founder of our Institution father Segundo Montes was one of the victims of this cruel crime), and just yesterday the third Chamber of Criminal Law of San Salvador finally ordered the re-opening of the case, and after almost 30 years after there is a real chance of achieving justice against the intellectual authors of this crime.

At last, I would like to share the recommendations we did in our annual report of the human right situation for 2018:

- To evaluate the national tax system. Increasing the investment in public education, public health, public security and to create job opportunities for young people.
- To evaluate the current national system of pensions. Taking measures to correct the inequity that affect the poorest and women of the country; moving to a universal cover system.
- To approach the problem of public transportation as a national issue.
- To pass a law on water rights that recognizes it as a public good, prioritizing potable water and sanitization for the full country.
- To ratify the Indigenous and Tribal peoples Convention number 169 of ILO.
- To increase the national investment in favor of a more efficient and professional investigation and prosecution of crimes, including all the actors of this process: National Civil Police, Attorney General Office and the General Procurator of the Republic.
- To strengthen the salaries of the base agents of the National Civil Police, as well the staff of the General Attorney Office and Judicial Branch.
- To create a national policy to fight sexism and gender violence.
- To introduce the necessary changes in the criminal law to include the felonies of Extrajudicial Killings and hate crimes against LGBTQ community.
- To review the ordinary measures of penitentiary control approved in 2018 by the National Assembly.
- To improve the implementation of the protocol against the abuse of force is the National Civil Police.
- To ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- To pass a law for the protection of victims of internal forced displacement.
- To finally pass a law of Transitional Justice to find justice on the crimes against humanity and war crimes during the armed conflict, with no application of the statute of limitation like the international law demand for these crimes.

Thanks again Mr. Chairman for your invitation and the opportunity to put El Salvador back in the center of the discussion of Human Rights.

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Mr. McGOVERN: Thank you very much.  
Mr. Bullock.

**STATEMENT OF NOAH F. BULLOCK, EXECUTIVE DIRECTOR,  
FOUNDATION CRISTOSAL**

Mr. BULLOCK: Good morning, Congressman McGovern.

Mr. McGOVERN: Make sure your mike is on, okay? Because this is also being live streamed, so if you don't have your mike on I can hear you but no one else can.

Mr. BULLOCK: Good morning, Congressman McGovern and distinguished members of the commission. On behalf of Cristosal in Central America I would like to thank you for the opportunity to report on progress made in inventing justice for war crimes and crimes against humanity committed during the Salvadoran civil war, and the current situation of violence, and internal displacement, and human rights violations in El Salvador's penitentiary system.

In 2016, the constitutional branch of the Salvadoran Supreme Court declared the 1993 amnesty law unconstitutional. The ruling left null and void a law that froze investigation and prosecution for some of the worst atrocities perpetrated on the American continent in modern times for nearly three decades.

Political will among Salvadoran authorities to promote truth, justice, and reparations to the victims has been insufficient. On July 13th of 2018, in a hearing on compliance with the court's order, the court found that the attorney general was to be partially compliant for reopening cases of war crimes and crimes against humanity, while also failing to dedicate adequate resources and personnel to the cause. The Legislative Assembly was found to be noncompliant with the court order for failing to legislate a new national reconciliation law. And the Ministry of Defense was found to be noncompliant for failure to open access to military archives. While the executive was found to be noncompliant for failing to present a national plan for reparations for victims.

The 1981 El Mozote massacre is the most advanced of the cases reopened subsequent to the 2016 ruling. Sixteen senior and junior military officers have been charged with nine crimes, including mass murder, torture, and rape. The case is largely driven by efforts of the victims and their families for support, and legal representation from civil society organizations.

The Attorney General has neither contributed substantively to the process, nor acted as an obstacle for justice. The judge overseeing the discovery phase of the trials has acted with independence and demonstrated a commitment to adhering to international standards and transitional justice, and relevant inter-American and constitutional jurisprudence pertaining to the case.

After hearing victims present, 38 victims present testimonial evidence and reviewing forensic evidence, the judge determined in November of 2018 that in addition to the crimes of mass homicide, rape, and terrorism, the crimes committed in the village of El Mozote in 1981 constitute a crime against humanity.

Despite progress in the El Mozote case, there continues to be grave political risks to the still fragile transitional justice under way. In July of 2018, the Legislative Assembly created an ad hoc commission to study the constitutional court's ruling and propose new legislation for national reconciliation. The commission recently produced a

draft law proposing a new broad, absolute, and unconditional amnesty for crimes committed during the armed conflict.

As you know, extreme levels of violence, impunity, and a failure of public policy to protect victims persist in El Salvador today and continue to drive internal displacement, as well as cross-border movements of Salvadorans fleeing that violence. According to a national survey conducted by Cristosal and the Public Opinion Institute of the University of Central America, IOP, 5.2 percent of Salvadorans report to have been internally displaced due to violence in 2018.

Twelve percent reported that they or someone in their household were forced to flee the country because of violence. And 5.2 percent of households report to have children in their homes who were forced to abandon their studies because of violence.

In 2018, the constitutional wing of the Salvadoran Supreme Court in a landmark ruling declared that the state's failure to protect victims of internal displacement constitutes a systematic violation of constitutional rights of all Salvadorans. The magistrates ordered the executive to formally recognize internal displacement by violence, and the Legislative Assembly to reform the legal and policy framework to meet the international standards in response to internal displacement, while also prioritizing funding for programs to assist victims in the national budget.

The constitutional court's ruling sets a historic precedent establishing the rights of internally displaced people and charts a path forward for building a policy response to the humanitarian crisis in the Northern Triangle that merits international attention and support.

The failure to create programs to assist victims is one of -- in one of the most violent countries in the world is a consequence of a security policy approach that singularly prioritizes punitive and repressive actions against the population. The underlying premise of this approach to citizen security is the false theory that in times of insecurity it is necessary to violate the rights of some citizens to guarantee the rights of others.

Consistent with this doctrine, in April of 2016, following the failed gang truce, the Salvadoran legislature adopted a series of temporary reforms to the penal code aimed at reestablishing control over prisons, and reducing homicide and extortion perceived to be orchestrated from within the prison system. Under the extraordinary measures, 15,033 people, including both sentenced prisoners and people still awaiting trial, were kept in lockdown in their cells for two years with no pastoral or family visits or direct access to legal representation.

The approximate over population of those cells was over 280 percent. The conditions contributed to the disproportionate suffering and death of the population targeted by the extraordinary measures relative to the rest of the prison population. In 2017, 66 percent of overall deaths in the prisons occurred in prisons under the extraordinary measures.

Ninety-five percent of diagnosed cases of malnutrition among prisoners in the first nine months of 2018 were imprisoned under the extraordinary measures. And during that period of time 15 people died of malnourishment. The light and ventilation directly - in the cells directly contributed to the propagation of tuberculosis in the prisons where mates were not allowed to leave their over populated cells. In 2018 there were 1,400

cases of tuberculosis in the prison system, 44 percent of these were in just three of the ten prisons under the extraordinary measures.

Mr. Chairman, it is the position of our organization that the foundation of peace and security in El Salvador rests on truth and justice for the atrocities of the past and a commitment to protect and assist victims of violence in the present, and absolute respect for human rights of all citizens.

Thank you. And I look forward to your questions.

[The prepared statement of Mr. Bullock follows]

## **PREPARED STATEMENT OF NOAH F. BULLOCK**

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
On

New Government, Ongoing Agenda: Human Rights, Corruption and Accountability in El Salvador.

March 13<sup>th</sup>, 2019  
2200 Rayburn House Office Building

Statement of Noah F. Bullock  
Executive Director  
Foundation Cristosal

Good afternoon, Congressman McGovern and distinguished members of the Commission. On behalf of the Cristosal in Central America, I would like to thank you for the opportunity to report on progress made in advancing justice for war crimes and crimes against humanity committed during the Salvadoran Civil War, the current situation of violence and internal displacement, and human rights violations in the El Salvador's penitentiary system.

In 2016, the constitutional branch of the Salvadoran Supreme Court declared the 1993 Amnesty Law unconstitutional. The ruling left null and void a law that froze investigation and prosecution for some of the worst atrocities perpetrated on the American continent in modern times for nearly three decades.

Political will among Salvadoran authorities to promote truth, justice and reparation has been insufficient. In July 13, 2018, in a hearing on compliance with the Constitutional court's order, the court found the Attorney General to be partially compliant for reopening cases of war crimes and crimes against humanity while also failing to dedicate adequate resources and personell to their cause. The legislative assembly was found to be non-compliant with the court order for failing to legislate a new national reconciliation law. The Minister of Defense was found to be non-compliant for failure to open access to military archives, and the executive non-compliant for failing to present a national plan for reparations of the victims.

The 1981 El Mozote Massacre is the most advanced of the cases reopen subsequent to the 2016 ruling. Sixteen senior and junior military officers have been charged for nine-crimes including mass murder, torture and rape. The case is largely driven by efforts of the victims and their families with support and legal representation from civil society organizations. The attorney general has neither contributed substantively to the process nor acted as an obstacle to justice. The judge overseeing the discovery phase of the trial has acted with independence and demonstrated a commitment to adhering to international standards on transitional justice and relevant Inter-American and constitutional jurisprudence pertaining to case. After hearing victims present testimonial evidence and reviewing the forensic evidence, the judge determined that in addition to the crimes of mass homicide, rape and terrorism, the crimes committed in the village of El Mozote in 1981 constitute a crime against humanity.

Despite progress in the El Mozote case, there continue to be grave political risks to the still fragile transitional justice process underway. In July of 2018, The Legislative Assembly created an "Ad Hoc Commission" to "study" the Constitutional Court's ruling and propose new legislation for "national reconciliation." The Ad Hoc Commission recently produced a draft law proposing a new "broad, absolute and unconditional amnesty" for crimes committed during the armed conflict.

As you know, extreme levels violence, impunity, and a failure of public policy to protect victims persist in present day El Salvador and continue to drive both internal displacement and cross border movements of Salvadorans. According to a national

survey conducted by Cristosal and the Public Opinion Institute of the University of Central America (IUDOP), 5.2% of Salvadorans reported to have been internally displaced due to violence in 2018. 12% reported they, or someone in their household, were forced to leave the country because of violence and 5.2% percent households reported having children that were forced to abandon their studies because of violence.

In August 2018, the constitutional wing of the Supreme Court, in a landmark ruling, declared that the state's failure to protect victims of internal displacement constitutes a systematic violation of the constitutional rights of all Salvadorans. The magistrates ordered the executive to formally recognize internal displacement by violence, the legislative assembly to reform the legal and policy framework to meet international standards on response to internal displacement and prioritize funding for programs to assist victims in the national budget.

The Constitutional Court's ruling sets a historic precedent establishing the rights of internally displaced people and charts a path for building a policy response to humanitarian crisis in the Northern Triangle of Central America that merits international attention and support.

The failure to create programs to assist victims in one of the most violent countries in the world is a consequence of a security policy approach that singularly prioritizes punitive and repressive actions against the population. The underlying premise of this approach to citizen security is the false theory that in times of insecurity it is necessary to violate the rights of some citizens to guarantee the security of others.

Consistent with this doctrine, in April of 2016, following the failed gang truce, the Salvadoran Legislature adopted a series of temporary reforms to the penal code aimed at reestablishing control over prisons and reducing homicide and extortion perceived to be orchestrated from within the prison system.

Under the extraordinary measures, 15,033 people including both sentenced prisoners and people still awaiting trial, were kept in lock down in their cells for two years with no pastoral and family visits or direct access to legal representation. The approximate overpopulation of the cells was 280%, conditions that contributed to the disproportionate

suffering and death of the population targeted by the extraordinary measures relative to the rest of the prison population.

In 2017, 66% of overall prison deaths occurred in prisons under the extraordinary measures. 95% of the diagnosed cases of malnutrition among prisoners in the first nine months of 2018 were in prisons under the extraordinary measures, and during that period 15 people died of malnutrition. The lack of light and ventilation directly contributed to the propagation of tuberculosis in these prisons where inmates were not allowed to leave their overpopulated cells. In 2018 there were 1,400 cases of tuberculosis in the prison system, 44% of these were in just three of the ten prisons under the extraordinary measures.

Mr. Chairman, it is the position of our organization that the foundation of peace and security in El Salvador rests on truth and justice for the atrocities of the past, a commitment to protect and assist victims of violence, and absolute respect for the human rights of all citizens.

Thank you and I look forward to your questions.

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Mr. McGOVERN: Well, thank you very much. I appreciate your testimony.

And now, Dr. Wade, I want to, before you start I want to thank you for giving me a copy of your book "Captured Peace: Elites and Peacebuilding in El Salvador." I look forward to reading it. But I appreciate it very much and the floor is yours.

**STATEMENT OF DR. CHRISTINE J. WADE, PROFESSOR OF POLITICAL SCIENCE AND INTERNATIONAL STUDIES, WASHINGTON COLLEGE**

Dr. WADE: Thank you. Good morning, Mr. Chairman. I appreciate the opportunity to appear before the commission –

Mr. McGOVERN: Mic on. Yes.

Dr. WADE: Now it is on.

Mr. McGOVERN: There you go.

Dr. WADE: Good morning, Mr. Chairman. I appreciate the opportunity to appear before the commission today to discuss the relationship between past and present impunity in El Salvador.

El Salvador's 12-year civil war left an indelible legacy of violence and impunity in the country. Since the end of the war, weak institutions and rule of law, corruption, and low levels of economic development, even geography, have made the country particularly vulnerable to corruption, organized crime, and epidemic violence.

To understand the situation that El Salvador faces today one must understand how the legacy of impunity has influenced attitudes about crime and corruption and corrodes respect for rule of law. According to the Commission on Truth for El Salvador whose report "From Madness to Hope" was published in March 1993, the Salvadoran state engaged in criminal violence and crimes against humanity against civilians during its 12-year civil war. The Truth Commission attributed 95 percent of the violence and repression to state security and parastatal forces. The report documented the deliberate, systematic, and indiscriminate violence that resulted in extrajudicial killings, forced disappearances, torture, massacres, and other violations.

Reports of massacres were routinely dismissed, and there were no efforts to investigate such crimes during the war. As the report noted, were it not for the children's skeletons at El Mozote, some people would still be disputing that such massacres took place.

Unsurprisingly, there was resistance to the report, its findings and recommendations by political and military elites. Just five days after the report's release a sweeping amnesty law was passed which prevented the prosecution of crimes committed during the war. But the 1993 amnesty law not only prevented criminal prosecutions but the trying of civil cases and investigation regarding the status of victims during the war. By shielding perpetrators of gross human rights violations, the amnesty created a legacy of impunity that continues to undermine human rights, security, and democracy in the country.

The amnesty was overturned in 2016, and a trial for the massacre at El Mozote is currently under way. But in recent weeks, a proposal for a new amnesty law has surfaced. The proposed law threatens justice and accountability and would reinforce a general culture of impunity that is the legacy of El Salvador's brutal civil war. The refusal to accept accountability for past crimes is merely one example of the culture of

impunity emerging from the war. El Salvador's political elites routinely undermined reforms agreed to during the peace accords which ultimately limited the prospects for judicial reform, stalled electoral reform, and undermined both the integrity and functioning of El Salvador's security forces.

This legacy of impunity is manifested in various ways, but two of the most damaging are violence and corruption. Salvadorans experience violence in many forms, both physical and structural in public and private spaces. Violence in post-war El Salvador is a chronic violence, meaning that it is elevated and persistent. More Salvadorans have died in the post-war era than died during the war.

For nearly two decades El Salvador has had one of the world's highest homicide rates. Its femicide rates, which refers to the deliberate killing of women because of their gender, is the third highest in the world. Few of these crimes are every investigated, and even fewer make it to trial. Approximately 95 percent of homicides in El Salvador go unpunished.

Moreover, successive administrations have violated the terms and spirit of the peace accords through their reliance on militarized policing which has resulted in a number of serious abuses, including extrajudicial killings, disappearances, and arbitrary arrests and detentions.

Corruption in El Salvador is endemic. It can be found at all levels of government. It infects all public institutions, and none of the country's parties are immune. Some progress towards battling corruption was made under outgoing Attorney General Douglas Melendez who brought corruption charges against three former presidents, the former attorney general, and powerful businessmen. He also pursued cases against high-ranking police officers for extrajudicial killings, as well as establishing a Historic Crimes Unit to investigate war crimes atrocities, including the massacre at El Mozote, the assassination of Archbishop Romero, and the murders at the University of Central America.

And yet, with all of this, Melendez barely scratched the surface of impunity and corruption in El Salvador. It was perhaps unsurprising that Melendez' term was not renewed in December. But it is disconcerting that his chosen successor has no background in criminal law and no prosecutorial experience.

There are no easy solutions in dealing with this type of endemic corruption and impunity. It will require a concerted effort by El Salvador's public servants and civil society, with the assistance of the international community, to address them.

First, El Salvador needs significant support for meaningful institutional reform. We should support President-elect Bukele's quest for a more robust internationally supported anti-corruption body. Judicial independence must be strengthened. The process by which the attorney general and Supreme Court justices are selected must be made transparent. And the qualifications of those serving in the judiciary, as well as those selecting them, must meet appropriate standards.

Second, we should support meaningful police reform and the demilitarization of public security. Violence is a serious problem in El Salvador, but militarized policing has resulted in serious human rights abuses and should not be a substitute for a professionalized police force.

Finally, we should support victims' demands for justice and accountability for crimes committed during the war. The newly-proposed amnesty law threatens future

prospects for rule of law and societal reconciliation. There can be no real peace in El Salvador that coexists alongside impunity.

Thank you.

[The prepared statement of Dr. Wade follows.]

**PREPARED STATEMENT OF DR. CHRISTINE J. WADE**

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on

NEW GOVERNMENT, ONGOING AGENDA:  
HUMAN RIGHTS, CORRUPTION AND ACCOUNTABILITY IN EL SALVADOR

March 13, 2019 – 10:30 a.m.  
2200 Rayburn House Office Building

Statement of Christine J. Wade  
Professor of Political Science and International Studies  
Washington College

Good morning. Mr. Chairman, and members of the Commission. I appreciate the opportunity to discuss past and present impunity in El Salvador.

El Salvador's twelve-year civil war left an indelible legacy of violence and impunity in the country. Since the end of the war, weak institutions and rule of law, corruption, low levels of economic development, and even geography have made the country particularly vulnerable to corruption, organized crime, and epidemic violence. To understand the situation that El Salvador faces today, one must understand how the legacy of impunity has influenced attitudes about crime and corruption and corrodes respect for rule of law.

According to the Commission on the Truth for El Salvador, whose report *From Madness to Hope* was published in March 1993, the state engaged in criminal violence and crimes against humanity against civilians and armed insurgents during the 12 year civil war. The Truth Commission attributed 95 percent of the violence and repression to state security and para-statal forces. The report documented deliberate, systematic and indiscriminate violence that resulted in extrajudicial killings, forced disappearances, torture, and other violations. Reports of massacres were routinely dismissed and there were no efforts to investigate such crimes. As the report noted, "were it not for the childrens' skeletons at El Mozote, some people would still be disputing that such massacres took place."

Unsurprisingly, there was resistance to the report, its findings, and recommendations by political and military elites. Just five days after the report's release, a sweeping amnesty law was passed which prevented the prosecution of crimes committed during the war. The 1993 amnesty law prevented not only criminal prosecutions for abuses during the war, but the trying of civil cases and investigations regarding the status of victims as well. By shielding perpetrators of gross human rights violations, the amnesty created a legacy of impunity that continues to undermine human rights, security and democracy in the country.

The amnesty law was overturned in 2016 and a trial for the massacre at El Mozote is currently underway, but in recent weeks a proposal for a new amnesty law has surfaced. The proposed law threatens justice and accountability, and would reinforce a general culture of impunity that is the legacy of El Salvador's brutal civil war.

The refusal to accept accountability for past crimes is merely one example of the culture of impunity emerging from the war. El Salvador's political elites routinely undermined reforms agreed to during the peace accords, which ultimately limited the prospects for judicial reform, stalled electoral reform, and undermined both the integrity and functioning of El Salvador's new police force. This legacy of impunity is manifested in a variety of ways, but two of the most damaging are violence and corruption.

Salvadorans experience violence in many forms, both physical and structural, in public and private spaces. Violence in post-war El Salvador is a chronic violence, meaning that it is elevated and persistent. More Salvadorans have died in the post-war era than died during the war. For nearly two decades, El Salvador has had one of the highest homicide rates in the world. Its femicide rate, which refers to the deliberate killing of women because of their gender, is the third-highest in the world. Few of these crimes are ever investigated, and even fewer make it to trial. Approximately 95 percent of homicides in El Salvador go unpunished. Moreover, successive administrations have violated the terms and spirit of the peace accords through their reliance on militarized policing, which has resulted in a number of serious abuses, including extrajudicial killings and arbitrary arrests and detentions.

Corruption in El Salvador is endemic. It can be found at all levels of government. It infects all public institutions, and none of the country's parties are immune. Some progress toward battling corruption was made under outgoing attorney general Douglas Melendez, who brought corruption charges against three former presidents, the former attorney general, and powerful businessmen. He also pursued cases against high-ranking police officers for extrajudicial killings. He also established the Historic Crimes Unit to investigate wartime atrocities, including the massacre at El Mozote, the assassination of Archbishop Romero, and the murder of the Jesuits at the University of Central America. And with all of this, Melendez barely scratched the surface of corruption and impunity in

El Salvador. It was, perhaps, unsurprising that Melendez's term was *not* renewed in December. It is disconcerting that his chosen successor has no background in criminal law and no prosecutorial experience.

There are no easy solutions in dealing with this type of endemic corruption and impunity. It will require a concerted effort by El Salvador's public servants and civil society, with the assistance of the international community, to address them.

First, El Salvador needs significant support for meaningful institutional reform. We should support president-elect Bukele's quest for a more robust, internationally supported anti-corruption body. Judicial independence must be strengthened, the processes by which the attorney general and Supreme Court justices are selected must be made transparent, and the qualifications of those serving in the judiciary (and those selecting them) must meet appropriate standards.

Second, we should support meaningful police reform and the demilitarization of public security. Violence is a serious problem in El Salvador, but militarized policing has resulted in serious human rights abuses and should not be a substitute for a professionalized police force.

Finally, we should support victims demands for justice and accountability for crimes committed during the war. The newly proposed amnesty law threatens future prospects for rule of law and societal reconciliation. No real peace in El Salvador can coexist alongside impunity.

Thank you.

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Mr. McGOVERN: Thank you very much.  
And, Mr. Motlagh, welcome.

## **STATEMENT OF JASON MOTLAGH, INDEPENDENT JOURNALIST**

Mr. MOTLAGH: Good morning. I'd like to thank you, Chairman and the commission for allowing me to be here today.

I will start by saying that I am not a political scientist nor a social scientist. I am not an expert on El Salvador. I am a journalist and filmmaker who spent the last decade reporting on conflicts in failing states up close around the world.

Over the past several years a lot of my focus has been on El Salvador whose people are being squeezed from every direction. Today, a climate of hyperviolence and impunity continues to drive legions of Salvadorans to flee the country even as their prospects for safe passage and protection in the United States have withered.

Making matters worse, the Trump administration is determined to revoke Temporary Protected Status from some 200 Salvadorans living in the U.S., forcing them to return or risk deportation.

Last fall I traveled around El Salvador for a month on assignment for National Geographic Magazine. I wanted to survey the violence engulfing the country to examine the impact of both gang and state violence and shed light on the lives of people trapped in between. I also wanted to better understand how U.S. policies dating back to the country's 12-year civil war had stoked the climate of impunity that reigns today.

We spoke with a wide cross-section of society, security officials and illiterate farmers, gang members and their victims, academics and members of the LGBTQ community, serial killers and the brave public servants who work to unearth their crimes.

Simply put, El Salvador is a state of fear. A place where gangs operate from urban centers to mountain villages like a shadow authority, intimidating, extorting, killing; where elites are largely immune from their wrath, and the poor underclass lives at their mercy; where sexual violence is commonplace, and women are murdered and disappeared, never to be found; where even if someone rejects the gangs, a neighborhood or family affiliation can still get you killed either by gangs or police who are shooting suspects on site; a place, in other words, where you are damned if you do, damned if you don't.

And yet, several times a week U.S. immigration authorities fly plane loads of Salvadorans back to the hell they fled. I was surprised to learn that the main deportee processing center in San Salvador, the capital, a facility whose construction was partially funded by U.S. taxpayers, is situated in a gang-controlled territory. Gang graffiti greets deportees as they step outside. And some told me they were uncertain they would reach their families.

I met with Israel Ticas, a forensic criminologist who works for the Attorney General's Office. He is tasked with digging up mass graves, and can scarcely keep up with the workload. Most of the victims he digs up are women, used, abused, and targeted in revenge killings.

In 2017, 468 women were killed, one every 19 hours. Countless others are missing. One survey found that just 6 out of every 100 women would even report a rape, reflecting a deep fear of gangs and a near total loss of faith in the rule of law.

Several of the gang members I interviewed admitted to committing dozens of murders and dismemberments with the casual affect of young men who have known nothing but violence since childhood. For some, the only way out of gang life is finding God in prison where an evangelical revival is taking place. But that is no guarantee of safety back on the street.

Families describe how their children and grandchildren are being shot by militarized police squads, part of a rise in extrajudicial killings and abuses that echoes of 1980s era brutality. They refuse to pursue accountability for fear of reprisal from authorities. Instead, they are sending their other children to the U.S.

We must not, of course, forget that the violence we see now is part of a continuum that goes back to the civil war or even before. In the remote village of El Mozote I spoke with farmers who lost family members in the 1981 massacre by government forces armed and trained by the United States. More than 1,000 villagers were systematically murdered, mostly children. All these years later, relatives are still waiting for justice.

It's no secret that during the war we supported El Salvador's right-wing regime with billions in military and economic aid, prolonging a conflict that killed more than 75,000 people and uprooted more than one million. We have defended the government despite overwhelming evidence the military and allied death squads were killing with impunity.

In the aftermath of the war we began deporting thousands of Salvadoran criminals back to a state that could not contain them. Many of these men were refugees who carried the traumas of war and displacement with them back to a broken homeland. The story of one former gang member I spoke with illustrates the entire cycle.

After seeing relatives murdered by authorities at the start of the civil war, he fled to Los Angeles with his mother. He joined a street gang for solidarity, went to prison, and was deported back to El Salvador. In a vacuum of law and economic prospects his worst instincts flourished. Since then the gangs have become violent beyond belief, expanding into what he calls a social monster. Today that monster is tearing El Salvador apart. It is vital we protect Salvadorans who have found refuge in the United States and make every effort to support the rule of law, accountability, and justice in the country, as we bear some responsibility for their plight.

Thank you for your time.

[The prepared statement of Mr. Motlagh follows]

## **PREPARED STATEMENT OF JASON MOTLAGH**

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
NEW GOVERNMENT, ONGOING AGENDA:  
HUMAN RIGHTS, CORRUPTION AND ACCOUNTABILITY IN EL SALVADOR

March 13, 2019 – 10:30 a.m.

2200 Rayburn House Office Building

Statement of Jason Motlagh  
Independent Journalist  
Contributor, National Geographic

Good morning. I thank you all for giving me the chance to be here today.

I'll start by saying I'm not a political or social scientist -- nor am I an expert on El Salvador. I'm a journalist and filmmaker who has spent the last decade reporting on conflicts and failing states around the world up close.

Over the past several years a lot of my focus has been on El Salvador, whose people are being squeezed from every direction.

Today, a climate of hyper-violence and impunity continues to drive legions of Salvadorans to flee the country -- even as their prospects for safe passage and protection in the united states have withered.

Making matters worse, the Trump Administration is determined to revoke temporary protected status from some 200,000 Salvadorans living in the US, forcing them to return or risk deportation.

Last fall, I traveled around El Salvador for a month on assignment for national geographic magazine. I wanted to survey the violence engulfing the country, to examine the impact of both gang and state violence -- and shed light on the lives of people trapped in between.

I also wanted to better understand how us policies dating back to the country's 12-year civil war have stoked the climate of impunity that reigns today.

We spoke with a wide cross section of society: government officials and illiterate farmers, gang members and their victims, academics and members of the LGBTQ community, serial killers and the brave public servants who work to unearth their crimes.

Simply put, El Salvador is a state of fear.

A place where gangs operate from urban centers to mountain villages like a shadow authority: intimidating, extorting, killing.

Where Elites are largely immune from their wrath, and the poor underclass lives at their mercy.

Where sexual violence is commonplace, and women are murdered and disappeared, never to be found.

Where even if someone rejects the gangs, a neighborhood or family affiliation can still get you killed – either by gangs or police who are shooting suspects on sight.

A place where you're damned if you do, damned if you don't.

And yet -- several times a week, US immigration authorities fly plane loads of Salvadorans back to the hell they fled.

I was surprised to learn that the main deportee processing center in San Salvador – a facility whose construction was partially funded by us taxpayers -- is situated in gang-controlled territory.

Gang graffiti greets deportees as soon as they step outside, and some told me they were uncertain they would reach their families.

I met with Israel Ticas, a forensic criminologist who works for the attorney general's office. He's tasked with digging up mass graves and can scarcely keep up with the workload.

Most of the victims he digs up are women – used, abused and targeted in revenge killings.

In 2017, 468 women were killed, or one every 19 hours. Countless others are missing. One survey found that just six out of every hundred women would even report a rape, reflecting a deep fear of gangs and a near-total loss of faith in the rule of law.

Several of the gang members I interviewed admitted to committing dozens of murders and dismemberments, with the casual affect of young men who have known nothing but violence since they were children.

For some, the only way out of gang life is finding god in prison, where an evangelical revival is taking place. But that's no guarantee of safety back on the street.

Families described how their children and grand-children are being shot by police squads, part of a rise in extra-judicial killings and abuses that echoes of 1980's era brutality. They refused to pursue accountability for fear of police reprisals. Instead, they sent their other children to the us.

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More than 1,000 villagers were systematically murdered, mostly children. All these years later, relatives are still waiting for justice.

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We defended the government, despite overwhelming evidence that the military and allied death squads were killing with impunity.

In the aftermath of the war, we began deporting thousands Salvadoran criminals back to a state that could not contain them. Many of these men were refugees whose lives were shaped by the traumas of war and displacement.

The story of one former gang member I spoke with illustrates the entire cycle.

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In a vacuum of law and economic prospects, his worst instincts flourished. Since then, gangs have become violent beyond belief, expanding into what he calls "a social monster".

Today that monster is tearing El Salvador apart.

It's vital that we protect Salvadorans who have found refuge in the united states, and make every effort to support the rule of law, transitional justice and accountability in El Salvador --

As we bear no small responsibility for their plight.

Thank you for your time.



Mr. McGOVERN: Well, thank you all. Thank you very much for your excellent testimony. And I have to tell you I think this is an important hearing because I think we need to get Congress and our government to focus more on the realities of what is happening in El Salvador. You know, so much of our policy is just focused on our border. And we are not even getting into why people are fleeing places like El Salvador, it is just all about controlling our border, it is immigration, and drugs. And there is almost no discussion here about human rights or about, you know, our failed past policies in El Salvador.

Mr. Saldia mentioned Segundo Montes, Father Segundo Montes. I, you know, my first visit to El Salvador was in 1983, I think. And I remember meeting with Segundo Montes then along with Father Eliacuria, both of whom were assassinated in 1989. But I think, I want the record to reflect that we would not have TPS today, Temporary Protected Status, if it wasn't for Segundo Montes.

I worked for Joe Moakley, the congressman who actually wrote the statute. But Segundo Montes came up here repeatedly to testify on the realities in El Salvador and giving us the statistics of why people -- who was leaving and why they were leaving. And so I just want, I want that to be clear.

My last, well, my last visit was in last August, and before that I was there a year ago November. Mr. Bullock was kind enough to help arrange a visit for a delegation that the Washington Office on Latin America sponsored to El Mozote. And I brought my then 16-year-old daughter with me, you know, and I think she was, you know, struck by the sight of the list of the people who were murdered in El Mozote and their ages.

Because almost most of them were 16 years old or younger. And I think it was hard for her to comprehend that anybody could commit such a crime against children.

And some of the ages were zero because they were infants or they were, you know, fetuses. And it just it was such a horrific crime. And we look back, it was a crime that the United States at the time denied even happened. And there is one person in the current administration who I remember denying that it happened. And it still unnerves me that, you know, that he wasn't held to account for that misinformation.

But it is frustrating to me because I think our policy during the 1980s was misguided. I mean, human rights never played a factor. I remember being, going to New York during the peace accords and believing, like, this is, like, incredible. Right? We are going to end the war and then everything will be great. And I was wrong.

The war came to an end, the peace accords were signed. Unfortunately, an amnesty was passed. And everybody kind of walked away from El Salvador, including the United States. All the billions that you talk about going to El Salvador in the 1980s, you know, it diminished incredibly during the peace.

I mean, we were there for war but we didn't want to be there, for whatever reason, for peace. And as a result, El Salvador really never rebuilt. We never demanded that or never assisted in a meaningful way in dealing with the issue of impunity. We didn't complain when amnesties were passed that covered up and turned a blind eye to some of the worst atrocities imaginable. And, you know, and here we are today, I mean, with a situation where this is an incredibly violent and troubled country.

You know, when I visited El Salvador in the 1980s when the war was going on I didn't feel the insecurity that I feel now when I walk through neighborhoods alone. And, you know, and that's telling in and of itself. And we have had various presidents and

administrations from the right and from the left, and everybody talks the talk but nobody wants to walk the walk. Nothing really changes.

You know, I was happy to be part of an effort to support Pro-Busqueda which basically is aimed at trying to help families whose loved ones were disappeared during the war find their bones. And I remember we did a meeting at the UCA. And I, it was a town hall meeting I guess you would call it, I didn't expect that many people to come, but the auditorium was filled.

And it was filled not only with older people, you know, who remember, who were there during the war, but I, what struck me most were young people who weren't even born during the war, who were born after the war, holding up pictures of their distant relatives. It could have been a grandfather, or an uncle, or whatever. And I think what struck me was the fact that, you know, it is clear that, you know, unless you get to the truth, unless you, unless there is some effort to find out what happened, you know, those, those tragedies never go away. They get passed on from one generation to another to another, to another, another.

So, you know, people who say we don't -- we want another amnesty or we don't want to find the truth in El Mozote, or we don't want to, you know, find out what happened in the Jesuits' case, hold anybody accountable in the Jesuits' case, or a thousand other terrible crimes in El Salvador, those who think that if we could just brush it aside that it will all go away are wrong. It doesn't go away, it just festers. And it also decreases any confidence that the government is legitimate or is meaningful or really cares about justice of human rights.

So, you know, as we have had this big debate about, you know, children who are being separated from their parents at the border -- which in my opinion is a human rights crime in and of itself, and if it were happening in any other country we'd be demanding an international investigation, but I think we need to reengage on what is happening in these countries and, in particular, El Salvador. What is the reality that is happening on the ground? And we have to deal with it. And we have to understand that we have a responsibility here because we created a lot of the unrest and a lot of the turmoil, and a lot of the impunity quite frankly. Because during the war in particular, including with the murder of the Jesuits, our government was only too willing to turn a blind eye.

You know, so we have a moral obligation. And if we want to do something about immigration, we have an obligation to try to help El Salvador rebuild, and deal with the issue of impunity, and deal with the issue of, you know, of a lack of professional security force, if you will, in order to be able to move forward.

Now, I mean we just had an election in El Salvador. And we have President-elect Bukele. And, you know, and I, I met him. I read about him. I don't know a lot about him. But I guess my question to all of you is, you know, what is the most important message Congress can send to President-elect Bukele on human rights corruption and accountability?

And let me just add one other thing here. I mean, I, you know, when I met with him briefly I thought that he was sympathetic to the idea of maybe a CICIG type of, you know, presence in El Salvador to help, you know, deal with the issue of corruption. And now I am getting signals that maybe he is moving away from that. And I, I am just, I would like you to kind of give me, give us some guidance on, you know, what are the messages we should be sending to him? And, you know, and whether or not you think,

you know, a CICIG type of presence in El Salvador, you know, is not only appropriate but necessary given where we are today?

And I would open it up to anyone who wants to go first. Mr. Bullock.

Mr. BULLOCK: It is a big question that you are asking. President-elect Bukele doesn't necessarily have a political party in the assembly that will allow him to make through his own political party major changes in the policy or legislative framework, but he has significant communicational power. He can move the electorate and he can move public opinion. And I think we should encourage him to move public opinion in favor of combating corruption. But also, strong messaging from the executive that tolerance of human rights violations in pursuit of citizen security will no longer be the norm.

I think that we need to have strong messaging to make sure that the internal controls in the police and in the armed forces are in place so that when crimes are committed there can be investigation and justice. And these are messages that are sent back to the citizens that open up a series of other options to recontrol territory and reduce violence by community policing.

There is something that is going on in El Salvador where we have progress alongside violations. In the same prisons where some populations are being tortured there are good programs like Yo Cambio for rehabilitation of prisoners. Those need to be highlighted.

Or, in the communities there are community police. But then there are police operations in which violation and abuse are perpetrated.

The other thing that will be important is that President-elect Bukele makes a priority on assisting victims. Assisting victims will restore trust among the citizenry to engage in criminal justice processes, to cooperate with the police, and is an important step to combating impunity. Even impunity in terms of financial corruption, people that they don't believe the justice system will work for them, they don't activate it.

There's an under registration of crime because people fundamentally don't report it. So strong messaging on those lines I think would help to improve the human rights situation in the country.

Mr. McGOVERN: Dr. Wade.

Dr. WADE: The creation of the CCS was the cornerstone of Bukele's election campaign. So, I think he can't afford to turn away from a robust anti-corruption effort now. The question is, exactly what will that look like; right? Is a CICIG-type model appropriate for El Salvador or is there something that can be domestically owned but is more appropriate.

I think we have some very able public servants in El Salvador and some really great technical expertise who perhaps have some ideas about these things.

I think that we should be lending our support. We should be signaling that we are willing to support any type of effort to combat this. I think one of, you know, people though, well, Melendez has made decent enough progress, maybe we should just support it through the Attorney General's Office, things seems to be working. Melendez really barely scratched the surface –

Mr. McGOVERN: Right.

Ms. WADE: -- of corruption and impunity in El Salvador. And what the country really needs is a body that can investigate and make recommendations for broad systemic change within the country.

Mr. McGOVERN: And I think, you know, Attorney General Melendez, who I met with many times, but surely compared to his predecessors I thought was a welcome, you know, addition, you know, who I didn't feel was going out of his way to frustrate investigations, and in some cases was very, very helpful.

Mr. Saldia.

Mr. SCHLICK SALDIA: Thank you, Mr. Chairman.

The first thing is that the president-elect needs to recognize all the efforts and the baby steps that the current administration have done. There is some really good public policies that we have also such as social civil society as the El Salvador Seguro. There was this public policy that it was aimed to reduce violence and crime in the country. Suddenly the government reported that it wasn't implemented in the way that was meant to be.

That is, for example, a really good idea of things that we need to continue in time, and not change it just because of the change of administration.

And there are some other baby steps that have happened in the past years that we think that they should, like, continue to go. Everything in the way that defy against impunity will strengthen the state's agencies and will help us to the citizens of the country to recuperate the trust in the institutions. Because what we have today is that most of the citizens of the country do not trust the institutions, do not trust the system in any of the aspects. And we can see that as a reflection of many other issues.

The only way to deal peace in the country is really strengthening the agencies that are working with security, with justice, with historical memory.

And about CICIG, we support it in a way that first we need, we really need to know what he is thinking. We haven't really had any draft about what his idea is really about. But we consider that any effort to fight impunity must consider not only the corruption and serious violation of human rights happening today, but also it has to address the historical impunity happening in the country with the things of the armed conflict.

We also believe that the idea should be autonomous –

Mr. McGOVERN: Right.

Mr. SCHLICK SALDIA: -- agency that could support an Attorney's General Office but not replace them and find a way to work together.

The Guatemalan experience was a nice experience that maybe could be replicated in El Salvador, adapting to the reality of El Salvador as well.

Mr. McGOVERN: Right.

Mr. SCHLICK SALDIA: But we also believe that it doesn't matter how it is created, it shouldn't be directly under the presidency.

Mr. McGOVERN: Right.

Dr. WADE: And should be worked outside as an autonomous agency next to the General Attorney's Office.

Mr. McGOVERN: Mr. Motlagh, you have done, you know, you, I am sure you have talked to lots and lots of young Salvadorans during your, in your work, and average Salvadorans who are not connected with the government or who are not connected to the security forces. And I mean, I mean do you get the sense that they have trust in the institutions that exist? Do you believe that they think their future is going to get better?

Or, I mean, what is the, what is the sentiment that you have found when you talk to average Salvadorans in El Salvador?

Mr. MOTLAGH: Very bleak and cynical, I think is the shortest way to put it. You know, the 2-party system has had a death grip on politics in the country for so long. And the consensus was that it has just gotten so self-serving and stale and that the government is not looking out for the interests of the people.

I, you know, what was on the upside, you know, having worked there for several years I felt a nascent sense of optimism that Bukele does represent something of a change, and that there seems to be a meaningful window that he can take advantage within the country to build some good faith, and which the United States can support, I think, by being pro-active on supporting civil society organizations and accountability in the government.

On the street level, I think there's still a lot of doubt and concern. And rightfully so because insecurity is stifling, and that stretches from urban centers into the more remote pockets of the country.

I would advocate, you know, something that could immediately be done is improving supporting protective services inside the country, especially for women. You see so many women and children feeling. It is because they have zero, zero faith in what the government can do. There are very rigid policies they have even for shelters where there are time limits to the amount of time they can spend. And there is just not a lot of care and concern for their welfare.

And so I think finding ways to invest and support those kinds of agencies for people who can't leave the country.

Mr. McGOVERN: Right. So, here is my, for what it is worth, my view is that you do need somewhat of an independent force to come in. I think I would say Mr. Saldia has suggested it and to do kind of a CICIG-like operation in El Salvador because for years we have heard people on both sides, well, all parties, say they want to deal with corruption, and they don't. And, you know, I think unless there is pressure or an independent force, you know, obviously working in conjunction with the government but not necessarily under the auspices of the president, I am just afraid we are going to have the same old same old.

I mean, look, the reason why CICIG is a problem in Guatemala right now is because it is effective. And the people who are involved in corruption are very, very close to the top. And so, you know, they don't want to -- they don't like that idea.

But I just think we are at a point now where, I mean, something dramatically different has to happen, otherwise it is going to be a continuation of the same, same thing. You know I, I remember back when the Jesuits were murdered and we were -- I was working for Congressman Moakley -- we were doing, we were tasked with doing an investigation into who did the killings. And I remember meeting this Salvadoran who assisted us in the investigation, a guy named Leonel Gomez, who is a very interesting figure. But I remember Joe Moakley asking him at the time: What is this war all about? You know, what is the reason? What is the root cause of all the problems?

And he said one word: corruption. And these people who are basically corrupt and who want to protect what they have.

And as time has gone on I have come to believe that he was right.

Mr. Bullock, you are focused on the El Mozote case, which is something we care very -- let me before I get to that, let me just also say, too, I think the United States Government ought to be more vocal on this issue of corruption and impunity. I know we have a new, soon to have a new ambassador. I don't know a lot about him. But from what I have read of his testimony, or what I have heard about his testimony before the Senate, I don't think he talked about what you guys just talked about. And it seems to me that this is what we should be talking about.

You know, I didn't hear him talk about a CICIG type of operation in El Salvador to deal with impunity and corruption. I didn't hear, you know, about the issues, you know, the human rights issues. You know, I, and I think that, I don't know if we are going to meet with him at some point, but I am going to give him the benefit of the doubt right now, but it just seemed to me that if any of us were testifying to become ambassador to El Salvador, I think our testimony would reflect a lot of what all of you were saying here today.

And so it is a little bit troubling that that, you know, that that wasn't in his, in his written testimony.

But, Mr. Bullock, you are, you are focused on the El Mozote case, one of the worst atrocities that has occurred in Latin America ever. And it has been a struggle. It has been a struggle getting the government to cooperate. And by that I mean, and correct me if I am wrong, I mean key information that the Ministry of Defense has on the -- may have on the incident, which military forces committed, they have not been forthcoming to the judge or the attorney general.

Am I correct on that?

Mr. BULLOCK: Yeah, that is one of the unfortunate legacies that Sanchez Ceren will leave behind when he leaves office is he, as the commander in chief, didn't give a direct order to the Ministry of Defense to open the archives for the victims.

Mr. McGOVERN: And am I correct that technically the president of the country has, since he controls the armed forces as well, has that ability to be able to force them to turn over any information they have?

Mr. BULLOCK: He has the ability as well as the obligation given to him by the Salvadoran Supreme Court ruling.

One of the issues that will also be important of President Bukele is his commitment to rule of law and separation of powers. And that will mean complying with the Supreme Court ruling, even from the previous court.

Mr. McGOVERN: So our expectation would be that President, when he becomes president, Bukele will make a, issue a direct order to the Salvadoran armed forces, to the Minister of Defense, to comply. And if he doesn't, then we know we are in trouble. Is that accurate?

Mr. BULLOCK: That would be his obligation under the ruling of the court. And another recommendation that would be useful for President-elect Bukele would be in the naming of his cabinet. He could also mark a new precedent in the country naming true civilians to the position of Minister of Defense and profiles that would be alternative to the traditional profile of a police officer in the position of the Minister of Justice and Security.

There has always been a disbalance between the presidency, executive, and the military. And that still exists in the current dynamic.

Mr. McGOVERN: And but I think it is accurate to say that this will be a test; right? I mean, so if there was no direct order, if there is no ask, then that would be a cause for concern.

Let me also just say that, you know, we have had this conversation before. I mean, the United States was intimately involved in the war in El Salvador during the 1980s. We, correct me if I am wrong, are responsible for kind of the training of the Atlacatl Battalion and we kept records. I mean, we know names, we know, we know a lot.

Mr. BULLOCK: Right.

Mr. McGOVERN: You know, I can't believe during that time that, I don't think anybody can believe that we totally just turned a blind eye to everything and knew nothing that was going on.

We also believe it is very important that the -- that any information that has not been declassified, and I am assuming that the declassified information has been very helpful in your, in building the case on El Mozote, but that any information that may be, you know, in our intelligence agencies which has not been made known, that that information would be helpful, and the United States Government should make any, every effort to be working with those who are trying to get justice in that case.

Mr. BULLOCK: Declassified documents from the Department of Defense and the Secretary of State have been key for prosecution of war crimes across Latin America. And the same is true in the El Mozote case, as well as other cases of transitional justice in El Salvador.

But beyond that, I also think the United States has an obligation to the victims of the crimes and to open and declassify existing information about crimes committed during the war as an act of reparation to the victims.

Mr. McGOVERN: And I think, Mr. Saldia, I think that, you know, your institute can also play a role not only in helping to demand the U.S. be forthcoming in the area of the El Mozote case, but a whole range of other cases as well.

Mr. SCHLICK SALDIA: Yeah, we totally support that. It is necessary to declassify some documents that contain really strong historical perspective.

What we have recently done is to request that the United Nations Office in the headquarters of New York at least to give us access to the documents of the Commission on Truth. That, as you know, when the peace agreements were signed and the Commission on Truth was written, it was under a secrecy that it has been protected all these years. But we believe that it contains vital information about many of the cases that we are willing -- that we are trying to seek justice today.

But it is also true that not only the militaries in El Salvador but also the State Department and the Defense Department of the U.S. must have or might have some important information that really could help us to seek and find justice in cases like the Jesuits' one.

Mr. McGOVERN: And let me just say to everybody on this panel who I know is interested in getting to the truth of these cases, I mean, we want to work with you to make, to help fashion requests to the relevant agencies and departments in the U.S. Government to be more forthcoming. And not only in terms of written requests but, you know, as we debate things like the Defense Authorization Bill and other bills that are

relevant and germane to these issues, that maybe to insert language in that bill to compel the administration to be more forthcoming.

I mean, these events, many of these events have been many, many years ago. It is hard to make the case that there is, you know, national -- it is a national security threat to reveal the truth. But it is essential, you know, for these families of the victims, and the victims who are still alive.

You know, one of the things that I have realized every time I go to El Salvador is that a lot of the people that I first met with in the early 1980s, many of them by the way were killed during the war, but now many of them just, you know, are dying because they're getting older, you know. And so, you know, you know, a lot of the firsthand accounts, you know, are harder to obtain. And so the longer we wait, the more difficult it is going to be.

Let me ask a question here. You know, are there concerns for the safety? I mean, we talked about the safety of a lot of the, you know, people fleeing El Salvador, but in terms of this issue of impunity and dealing with justice, I mean, do the safety for the judges and the prosecutors who act with independence, I mean, are we, are we doing -- I know that, you know, I mean I have talked to many of them who I know are nervous. I mean, do we, do you feel that the United States is doing all that we need to do to provide them protection so they can operate with independence? Mr. Saldia?

Mr. SCHLICK SALDIA: We need to figure out first or put on the table that the last General Attorney was under protection measures from the Inter-American Commission on Human Rights. So, that shows you a little bit about the reality. Like, those that have been willing to and have done some efforts in the fight against impunity and corruption in the country still need security.

I believe that putting that over the table and realizing that it is the General Attorney that was in function until a few months ago was under this special protection, maybe some other people might need it as well.

Mr. McGOVERN: Mr. Bullock?

Mr. BULLOCK: Up to this point in the trial of El Mozote there haven't been major security concerns. But I think that that shouldn't be an assumption that we carry forward.

Mr. McGOVERN: Right.

Mr. BULLOCK: The international spotlight that the United States can shine on the trial and on the key actors in the trial and others will be really important.

I want to, if you -- if I could, just share a story of a village, one of the villages that was part of the massacre called Cerro Pando. The massacre of El Mozote was concentrated in the village of Mozote but affected also surrounding hamlets. And in December 11th of last year, which is also the anniversary of the El Mozote killing, one of the leaders of the victims' association in the village of Cerro Pando was executed in his home in front of his family.

Since that time four other people, a total of five people, were murdered in a small hamlet outside of El Mozote. And Cristosal's legal staff have checked in on the situation. There have been no significant investigations by the Attorney General opened about the murders. The police have not offered protection to any of the villages or the victims.

And when we speak with the victims about their willingness to come forward and cooperate in litigation or in the investigation process themselves they are too afraid.

We don't believe the murders are linked directly to the trial, but the effect and the terror that they have on the population is the same. So while transitional justice in this second opportunity doesn't carry the risk of returning to the same wars being conducted in an environment, generalized violence.

One statement by a 10-year-old, the 10-year-old boy who witnessed the murder of his father to a lawyer is telling. We asked if he would be willing to provide information to the investigators. And he said, I would rather just wait and take care of it myself later on.

Mr. McGOVERN: Yes, we talked about after the war there was an amnesty law, then the amnesty law was overturned. And now we are talking about a potential other amnesty law in El Salvador that the National Assembly may take up which will protect, you know, if it passed, all the people that we are trying to bring to justice and we want the truth about. I mean, what is the, I mean what is the, in your view, what is the likelihood of that passing? What can be done to prevent it from occurring? You know, how is the debate over a new amnesty law affected by the effort to pass such a law in Guatemala? I mean, what is, is this something that people can be concerned about, or anyone have an assessment of how real this is or?

Mr. BULLOCK: Jim, I have been surprised, Congressman McGovern, I have been surprised about the reaction of the -- against the amnesty law. I think that it would be wildly unpopular in public opinion and among the electorate in El Salvador. And I think increasingly people link the abuse of power that permitted these grave atrocities in the 1980s with the abuse of power that permits corruption. And that was the issue that brought President-elect Bukele to victory in the recent elections.

And so I think while the right wing party and even the FMLN could easily make a coalition within the assembly to pass a new law of this nature, they would pay severe consequences with the electorate.

Also, it is important to note the statement made by the Department of State in Guatemala against the amnesty law in Guatemala. A similar statement in El Salvador would go a long way to reaffirming the expectation of the international community that the ruling of the court be upheld and that justice and truth for these families be a responsibility held by the authorities.

Mr. McGOVERN: And I may have missed it, has the U.S. Government issued any statement on, potentially, you know, on the potential of a new amnesty law or?

Mr. Bullock. There was a declassified cable from the ambassador to the State Department here in Washington that was published in the press in El Salvador in which the ambassador is clearly supportive of investigation and prosecution for the El Mozote crime. But, again, that is an unclassified document and an informal statement. A formal statement as an official policy position is still needed.

Mr. McGOVERN: What explains the very high level of femicides in El Salvador? Because that is, you know, a very -- can raise that issue, why in your view are women and girls the targets of such violence? Have U.S. efforts to address the violence in El Salvador been sufficiently gender sensitive? And, you know, what should we be doing more on this issue? Dr. Wade?

Dr. WADE: I think that the level of gender violence is broadly reflective of societal norms in El Salvador. And I don't think that despite the creation of things like

Women Cities, for example, I don't think that there has been a concerted or serious effort to address gender violence at its roots.

In many ways when we talk about insecurity in El Salvador we think of these things, we treat the symptoms rather than the disease. And I think that in this case this is about, you know, shifting societal norms that could be signals more strongly through government policy that is adequately funded and adequately supported.

Women experience violence, both public and private, at epidemic levels in El Salvador. And we talked a lot about femicides today, but also adolescent maternity is a very serious problem in El Salvador. One in three girls becomes pregnant in El Salvador. And, again, this is sort broadly reflective of societal norms about women as property for men I think. This is part of the same phenomenon that Jason was talking about of women within gang territory, where women within gang territory are property.

But I think this is reflective of a broader societal problem about the role of women in society and generalized gender norms within the country.

Mr. MOTLAGH: Yeah, it is elusive, but I think that hits at one of the main roots of it. I think the devaluing of women over time, and that has been aggravated by lack of economic prospects for young men. The climate of violence that forces you from a very young age to be reactive and to strike back to meet violence with more violence, suddenly you are inured to the effects it has on others and to yourself.

And I think at its root it is about power, you know. Often these are disempowered young men who resort to acts of dramatic violence as a means of asserting themselves in a situation that largely feels beyond their control, in which the impetus is to act first before you are the victim. And I think women are by and large a casualty of that. They are treated as property. They are targeted as a way of getting back at rivals and their families. And they are caught up in the fray.

Dr. WADE: I think I just want to say because I think that probably the violence against women in El Salvador that is committed by gang members is perhaps some of the most more dramatic –

Mr. McGOVERN: Right.

Dr. WADE: -- or certainly more obvious. I mean, Jason talked about digging up mass graves and women who had been dismembered, and so forth and so on, but I think it is important to remember that the majority of women who are impacted by violence, it happens within their own homes.

Mr. McGOVERN: Right.

Dr. WADE: It happens within their workplaces. It happens in the street. It happens with people that they know.

Gang violence is a part of sort of the broader machista elements of violence within El Salvador, but women are violated in all spaces in the country.

Mr. MOTLAGH: If I must might add, too, the first time I actually went to El Salvador was to report on women's lack of reproductive rights. So it is the state as well.

Mr. McGOVERN: Right.

Dr. WADE: Yes.

Mr. MOTLAGH: The state is effectively sanctioning this.

Very conservative country, you know, where elites can afford to have abortions, use birth control on their own terms. And the poor are held to account. And, so, what

that yields is women who are, you know, doing backstreet abortions, sometimes dying, bleeding rather than going to authorities.

There are cases where women have been taken to the hospital having bad miscarriages only to wake up handcuffed to the hospital bed and to spend, you know, 10, 15 years in prison. I mean, this is what the state itself is doing. So that really, I think sets the tone. Women are dealing with this on all sides.

Mr. SCHLICK SALDIA: Just to add to what was already said, that it is a lack of policies with gender perspective, the country's lack of policies, public policies with gender perspective. And we have not only the femicide rate is high, but also the sexual assault and also sexually-related crimes against especially teenage women are really high, one of the highest in the world as well. And you have all this state structure that oppresses women's rights.

And as the colleague already said, let us just remind the case of Imelda, this women that was held in prison for mostly two years, for allegedly abortion, that after the two years she was absolved of all the charges. But also there are so many other girls that are still in prison waiting for trial. And the lack of general perspective even in the criminal policies because we have prosecutor prosecuting young women that have had a spontaneous medical miscarriage and they are prosecuting them, not only by the abortion crime which is in the criminal law in El Salvador, but they are prosecuting them for murder and aggravated murder. So they take them for more than 15 years. So it is a mix of many factors that we would really need to look at them and try to see how we can support to change those policies as well.

Mr. McGOVERN: Thank you. We have another maybe eight minutes here before we have to leave the room here. But let me try to get a couple other issues in here, too. The issue of the internally displaced Salvadorans. I mean, last couple of trips I have been there raised the issue to the government that doesn't want to talk about the internally displaced population. But it is a huge and growing number of people in El Salvador.

You know, I mean, what are the prospects for all these many internally displaced people being able to return to their homes? You know, what are the obstacles to improve strategy? I don't think it has been high enough on the international agenda. It is a big problem. It is a growing problem. You know, what international support would be useful on this issue?

And I know protection is a big part of it, but it seems that the protection efforts are, at least my assessment based on, you know, are not comprehensive. And there are a lot of people who need protection who aren't getting it.

Mr. BULLOCK: It is important to note that after the Supreme Court ruling last year, in July of last year, there has been some change in the policy and official position of the Salvadoran Government in relation to internal displacement. The state officially recognizes now displacement vis-a-vis the ruling. Members of the executive branch who don't officially recognize displacement do so in contradiction to the obligations they have under the court.

Cristosal, with support from victims' groups as well as other civil society organizations, we have presented a special law on internal displacement that would create an institutional framework to respond to internal displacement and help assist victims in finding solutions.

One of the things that we are doing is to try and develop models for effective response. The response can be challenging, and there is very little experience in the country in reality, beyond sort of temporary safe houses, about how to help people resolve the issues that drive them from their homes.

We believe that a good approach to this would be integrating protection into territorial development plans, to be able to work at the local level with communities and municipalities to be able to accompany families to reintegrate within the country and to be able to restore some of the exercise of the rights that they lost as a consequence of the internal displacement.

Mr. McGOVERN: What are the number of internally displaced? What is the guesstimate right now?

Mr. BULLOCK: I mentioned in my testimony that in the national survey that we did with the UCA, that 5.2 percent of the population reports to have been internally displaced by violence. If we extrapolate that number, it is about 230,000 people, new displacements annually.

Dr. WADE: Annually.

Mr. McGOVERN: Which is a very high number.

Dr. WADE: Right. So over the last three years we are talking about 700 and -- 600,000 to 700,000 people.

Mr. BULLOCK: It is also important to note the new numbers that I presented, too. When you talk about 12 percent of households saying that someone fled the country because of violence, when we look at the numbers of people repatriated who are unable to return to their homes or home communities because of violence, when you look at numbers of school desertions, these are all proxies to be --

Mr. McGOVERN: Right.

Mr. BULLOCK: -- able to indicate the magnitude of humanitarian need in the region.

What can be done by the international community? We need to strengthen protection systems within the region, to encourage governments in the region to create alternative pathways and alternative protection options, as well as strengthening protection systems within the region or within the countries of origin.

Mr. McGOVERN: Let me give each one of you an opportunity to fill in what I didn't ask, what you think is important for the record. So, Mr. Saldia, do you want to?

Mr. SCHLICK SALDIA: Thank you, Mr. Chairman. We would only would like to add that and sense is we, we strongly believe that a better El Salvador is possible, that peace can be built in El Salvador. But to achieve peace we need to take serious steps in fighting the general impunity and corruption in the country because these two factors are the ones that really have deteriorated the institutions of the country. So every effort that we can take in fighting a general impunity and corruption in the country will really help out for people to trust again the institution and try to do their best to do their work.

We believe that also migration and displacement certainly is something that is not going to stop soon because the conditions have not really changed in the last time. So every effort that you can take and your office can take to support people fleeing El Salvador would be also really helpful.

We also believe that we need to get in the center of the discussion again the victims. Sometimes we keep saying in this discussion at high levels, but there is human

beings that are suffering the consequences of violence, there is human beings that are going to die without seeking, without being able to seek justice and recuperate their historical memory.

IDHUCA have done really nice experience for the last 11 years of having that restorative justice trial every year for victims of the armed conflict, of the conflict that is willing to recognize the truth. And for them has been quite important just to someone to tell them that they are not lying, that what happens to them really happened.

And we should also support all the measures that strengthen and support historical memory for the country.

So, thank you, Mr. Chairman, for giving us the opportunity to make statement.

Mr. McGOVERN: Mr. Bullock.

Mr. BULLOCK: I think I will close hear in a story of a community outside on the outskirts of San Salvador in which a 14-year-old boy was recently killed in a police operation. The boy had developmental disabilities and was frightened by the police operation in which the young men of the village were being rounded up, and he ran. He was detained by the police, according to accounts of members of the community, and put on his knees and shot in the head.

Since that time the police have left writing on the walls of the community saying that if you speak, we know who you are and we will kill you all.

In our work with the community to try and incentivize them to activate justice for the crime, a comment from one of the matriarchs of the community stuck with me. She said, We loved that boy. He was our neighbor. We love that family. And we want things to get better in the country but we don't want to die, and they will kill us all.

So I wanted to highlight that because I think it is important to remember it is not an intractable situation. There are decisions that can be made and there's will of the people to continually to improve the country.

Even on the issue of torture within the prisons of gang members where it seems to be popular to say, we should just kill them all, we don't care, the same custodians who are part of that policy have said to us that we don't think that violating the rights of people has been effective, and we need to bet on something else.

And I think that is what we have to highlight as we talk, the United States talks to El Salvador, and as we look at our own political situation in the country. Human rights are not an added extra, they are key strategies for security and peace.

Mr. McGOVERN: Dr. Wade?

Dr. WADE: I think that when you are looking at a country that is faced with the level of overwhelming violence that El Salvador is faced with, all you can see is the to serve people rather than to prey upon people.

And I think that technical support, growing assistance for the development of institutions is where we should be focusing our efforts rather on the continuation of policies that have not only served to increase violence in the country, but increase human rights abuses as well.

Mr. McGOVERN: Thank you. Mr. Motlagh?

Mr. MOTLAGH: Yeah, we started talking about the plague of corruption and the weakness of institutions. I really think, you know, we, corruption is a symptom of impunity. And we have seen impunity in many different degrees, many shades. I think we need to acknowledge the ghost in the room and go back to some of the original sins

that have not been, have not been looked at and resolved, and exploring historical memory around crimes committed, El Mozote and other places.

I think there is a window now where we can use our leverage as a country and supporter of El Salvador to back those processes, to empower transitional justice. But also I think it is time to kind of lead by example a little bit. And I think part of that will mean reckoning in earnest with our role in the atrocities that happened, and the fallout of that. And perhaps that can mean taking some, some real initiative, and that can be a prelude to some kind of making amends in the future.

So I think that is kind of where we have to start, and that is where, you know, as an ally we can really lead by example.

Mr. McGOVERN: And I appreciate everybody's testimony here today. I do think we need to focus on institutions as well, you know. And I think we have to break the back, help El violence. All you can see are the gangs. All you can see are organized crime syndicates, or transportistas, or whatever. But I suggest to you that this type of violence is a symptom of something that is much greater. And I think that heretofore we have primarily, United States policy has focused on the violence: stop the violence.

It is important to stop the violence. But you can't stop the violence without treating the root causes of violence. And this is one area where our policy has been severely lacking. We need to support institutions.

This is, my students know that this is a big thing of mine, and this is the least sexy thing of all in political science I think, but institutions, institutions, institutions. Institutions matter; right? We need rule of law, we need institutions that work, we need to develop citizen confidence that institutions are capable of protecting them. We need institutions Salvador break the back of impunity. Because ultimately Salvadorans are going to control what El Salvador is going to be. But right now the deck is stacked against average Salvadorans because impunity is still such a big problem, corruption is still such a big problem. And, you know, and I will say indifference by the international community is a huge problem.

And I don't even know what the hell U.S. policy is toward El Salvador. I mean, if someone gave me a quiz, I don't, I wouldn't know what, if it was an essay question I wouldn't know what to write because I really don't know what it is. And it is not just this administration, I will say it has been a bipartisan problem for a while.

And the deal is is that we helped contribute to the chaos, and to the brutality, and to the killing, and to the impunity during the war. And we, in my opinion, all but abandoned El Salvador in the aftermath. And, you know, and I think, you know, if we, you know, if we want to live up to our own values I think we do have an obligation to help support institutions and individuals who have the courage, you know, to demand that human rights be front and center, and that accountability be there as well.

You know, I, that is why we are watching this El Mozote case so closely, I mean this is a big deal. Right? It is a huge human rights atrocity. And there is lots of international attention on this case. And, you know, and there is, you know, lots of people watching what is happening in that case. If you can't get justice in that case, you know, with all the support, with all the attention, then you are not going to get justice in that case of that young boy that you talked about who was murdered in that village and that nobody wants to speak up for.

You know, the problem is good people don't want to speak up because they don't think it matters, or they think they will end up with them being killed or their families being killed. And that is why this whole debate on immigration and migration at our border is so frustrating because if Congress spent a little bit more time trying to understand what is happening in countries not just like El Salvador but in Honduras as well, and Guatemala, and others, I think, you know, there would be more of a willingness to, I mean, to provide the resources because some of this is going to cost money, and to be part of the solution.

And I just, again, I got to go back -- you know, I don't want to, I don't want to trash our ambassador-to-be, but I hope that what will be coming out of the Administration will be more responding to the issues that you raised here today than just talking about drugs and immigration. I mean, it is, it is more complicated than that.

And I will just close with this. I mentioned my first visit was in 1983. I think that was when it was. And I got into and, you know, I got to know countless people from that time to now, some of whom are my dearest friends in the world, some of who perished in violence, some who died from natural causes, but I have always been bothered by the fact that some of the greatest people I have ever met are in El Salvador, you know, and yet these people have suffered so much. And much of that suffering could have been prevented by us.

And so, in any event, I appreciate your being here. And this hearing comes to a close. Thank you.

*[Whereupon, at 11:33 a.m., the commission was adjourned.]*

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# APPENDIX

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MATERIAL SUBMITTED FOR THE HEARING RECORD



## **Tom Lantos Human Rights Commission**

### **Hearing Notice**

## **New Government, Ongoing Agenda: Human Rights, Corruption and Accountability in El Salvador**

**Wednesday, March 13, 2019**

**10:00 – 11:30 a.m.**

**2200 Rayburn House Office Building**

Please join the Tom Lantos Human Rights Commission for a **hearing** on human rights, corruption and efforts to ensure accountability in El Salvador.

On February 3, 2019, Nayib Bukele, a 37-year old former mayor of San Salvador and candidate of the Grand Alliance of National Unity (GANU) party, won El Salvador's presidential election. He will assume the presidency on June 1. For more than a decade, the country Bukele will lead has had the lowest levels of growth and investment and the highest homicide rate in Central America. Gang-related violence is part of a broad spectrum of violence that often affects women and children; child abuse, spousal rape and femicide are major problems. Impunity for human rights abuses, including crimes against humanity committed during El Salvador's 12-year internal armed conflict, persists and is deeply rooted.

Important advances in the fight against high-level corruption were achieved under the leadership of former Attorney General Douglas Melendez, but the legislature's decision to deny him a second term has provoked concern about backtracking. Observers hope that new Attorney General Raul Melara will continue to advance cases against corruption, while also providing increased resources and focus on resolving past cases of human rights abuses and more recent cases involving extra-judicial killings by security forces and femicides.

Meanwhile, as of 2016, some 1.4 million people born in El Salvador resided in the United States, of whom nearly half are estimated to lack authorization. In 2017, remittances sent from Salvadorans abroad contributed close to 20% of El Salvador's GDP, according to the World Bank.

Witnesses will examine the multiple dimensions of El Salvador's human rights crisis, including the interaction among rights violations, criminality, corruption and impunity, and discuss measures needed to set the country on a different path.

**Panel I**

- **Cristian Schlick Saldia**, Legal Consultant, Justice Processes Team, Institute of Human Rights of the Jesuit University of Central America (IDHUCA)
- **Noah F. Bullock**, Executive Director, Foundation Cristosal
- **Dr. Christine J. Wade**, Professor of Political Science and International Studies, Washington College
- **Jason Motlagh**, Independent Journalist

The hearing will be open to Members of Congress, congressional staff, the interested public, and the media. The hearing will be livestreamed via the Commission website, <https://humanrightscommission.house.gov/news/watch-live>, and will also be available for viewing on the House Digital Channel service. For any questions, please contact Kimberly Stanton at 202-225-3599 or [Kimberly.Stanton@mail.house.gov](mailto:Kimberly.Stanton@mail.house.gov) (for Co-Chair McGovern).

Sincerely,

James P. McGovern  
Member of Congress  
Co-Chair, TLHRC

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## Tom Lantos Human Rights Commission Hearing

### Witness Biographies

## New Government, Ongoing Agenda: Human Rights, Corruption and Accountability in El Salvador

### Panel I



**Cristian Schlick Saldia** is an attorney and human rights activist, originally from Chile, currently working at the Human Rights Institute of the Jesuit University of Central America (IDHUCA) in El Salvador. At IDHUCA, he has been a Legal Consultant and part of the Justice Processes Team for the last two years. He has represented the Institute in a variety of international forums and meetings addressing the reality of human rights in El Salvador, mostly in the United Nations System, and researches the human rights situation in the country. He is also a Missionary of the General Board of Global Ministries working with migration issues in Central America and

Mexico and one of its representatives to the United Nations Geneva Office.



**Noah Bullock** is the Executive Director of Cristosal which works to advance human rights in Central America through rights-based research, learning, and programming. He first came to El Salvador as a human rights intern for Cristosal in 2005 after graduating from the University of Montana in Peace and Conflict Studies. That first year evolved into a more than a decade of crafting human rights-based programs to address problems from hurricane disaster relief

to community development. In 2007, he became the Community Development Program Director. Three years later, he became Cristosal's first in-country Executive Director, while also earning a post-graduate certificate in Local Development from the University of Central America José Simeón Cañas (UCA).



**Dr. Christine Wade** is a specialist in the international and comparative politics of Latin America, with a focus on Central America and the Caribbean. Much of her field research is conducted in El Salvador and Nicaragua, interviewing public officials, analysts and members of civil society. She has also served as an accredited election observer for various presidential, legislative and local elections in El Salvador. Dr. Wade has authored, co-authored, and edited several books and other publications related to peacebuilding and post-war politics in El Salvador and Central America. She joined the faculty of Washington College in the fall of 2003, after receiving her Ph.D. from Boston University that year.



**Jason Motlagh** is a journalist, photographer and filmmaker who has reported for media organizations including *National Geographic*, *Rolling Stone*, *The Washington Post*, *The Guardian* and *The Economist*. He was a Pulitzer Center International Reporting Fellow and former Kabul correspondent for TIME.

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House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
NEW GOVERNMENT, ONGOING AGENDA:  
HUMAN RIGHTS, CORRUPTION AND ACCOUNTABILITY IN EL SALVADOR

March 13, 2019 – 10:00 a.m.  
2200 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Latin America Working Group Education Fund  
([www.lawg.org](http://www.lawg.org))



**Recommendations for U.S. Engagement in the Northern Triangle of Central America - 2019**

U.S. policies to address the root causes of displacement and forced migration from the Northern Triangle countries of Central America must be consistent with international human rights norms. U.S. policies and assistance should be focused on reducing poverty and violence and combating corruption and strengthening human rights and the rule of law in the region. Assistance must not go towards supporting human rights violators, increasing militarization, or exacerbating the existing push factors. The United States should help not only by providing well-targeted assistance programs, but also by using principled diplomacy and enforcing conditions on aid to spur improvements in protecting human rights and addressing corruption.

U.S. engagement should be guided by an understanding of the different conditions in each of the three countries. It should promote and model transparency and accountability, and actively involve and consult with a diverse group of civil society actors in the design and implementation of aid initiatives. The U.S. State Department, U.S. Agency for International Development, and the Inter-American Foundation are currently providing some positive assistance programs for sustainable rural development, violence prevention, institution-building, and strengthening justice systems in the region. However, these challenges require longer-term and sustainable approaches. Donor strategies in the region should build upon evidence-based models and bring

the most effective programming to scale. Decision-makers should avoid top-down and infrastructure-heavy approaches supported in the past, and all assistance should include clear metrics and specific indicators that can be used to evaluate whether progress is being made on rights-based citizen security, social inclusion, decent work, women and youth employment, poverty reduction, strengthening human rights protections, and combating corruption. In addition, aid strategies must be accompanied by consistent, principled diplomacy to protect human rights and combat corruption.

The following are civil society recommendations touching on core aspects of U.S. assistance, policy, and diplomacy to address Northern Triangle displacement and migration in the region. The recommendations were also reviewed by representatives of civil society organizations, practitioners, and academia from Mexico and Central America.<sup>1</sup>

### **Address Factors that Compel Forced Migration from the Northern Triangle of Central America**

Endemic violence compounded by a lack of opportunities and institutions too weak and corrupt to guarantee the fundamental rights of the citizenry are among the main factors driving Central Americans to leave their homes and communities. Until Central American governments, with the engagement of civil society organizations on the ground and support from international donors, address the needs of citizens to live in safe and sustainable communities, tackle corruption, and invest in strengthening public institutions, children and families will continue to flee their communities. International donors can help not only by providing well-targeted, long-term assistance programs, but also by encouraging governments to increase transparency and accountability over budgets and programs. Perhaps most importantly, donors should use strong diplomacy and enforce conditions on aid to spur improvements by Central American governments in protecting human rights and addressing corruption.

### **Support Effective Violence Reduction Strategies**

#### *Support community-based violence prevention strategies*

- **Expand community-based programs to reduce youth crime and violence.**  
Substantially increase support for evidenced-based, community-level violence prevention

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<sup>1</sup> Marlon Hernández Anzora, consultant, El Salvador; Juan José Hurtado Paz y Paz, Asociación Pop Noj, Guatemala; Sindy Hernández Bonilla, Universidad Rafael Landívar, Guatemala; Idivina Hernández, human rights defender and journalist, Guatemala; Salva LaCruz, Centro de Derechos Humanos Fray Matías de Cordova, Mexico; Celia Madrano, Fundación Cristosal, El Salvador; Aracely Martínez, Universidad del Valle de Guatemala, Guatemala; Indyra Mendoza, Red Lésbica Cattracha, Honduras; Claudia Samayoa, human rights defender, Guatemala; and Ursula Roldán, Universidad Landívar, Guatemala.

programs, particularly for efforts that build local, multi-stakeholder community councils; for training and support for civil society organizations involved in community-based prevention programs with at-risk and gang-involved youth; and to develop training programs, education projects and/or exchanges to improve expertise on violence prevention at the governmental and nongovernmental levels. Mechanisms should be put in place to ensure that U.S. assistance is coordinated with other donors to prevent duplication and maximize impact at the local, state and national levels.

- **Focus resources and technical assistance on the successful reinsertion of youth and children seeking to leave gangs allowing them** to successfully leave the influence of gangs and criminal groups, reconcile with their communities and families, confront the trauma they endured, and become productive and working members of society. Job and vocational training should be linked to economic sectors and activities with decent and sustainable employment opportunities. Establish and expand private sector reinsertion programs and tertiary prevention programs that prepare inmates for release and support newly released inmates to obtain employment and reintegrate into a productive life. Programs should recognize that “reinsertion” must overcome multiple problems faced by youth who have never been fully embraced and “inserted” in society in the first place. Reinsertion should occur within a community and familiar context for the individual, including with programs integrated into their neighborhoods. Ensure that U.S.-funded humanitarian agencies can implement programs to rehabilitate former gang members without running afoul of restrictions on contact with gangs placed on the terrorist list.
- **Encourage investments in comprehensive early childhood development** which has shown to yield significant benefits in the long-term for both healthy development and violence prevention. Family support programs in early childhood should help ensure that children grow up in violence-free homes and with proper care (health, education, psychosocial, etc.). Non-violence should be taught from the outset, and this requires support to parenting programs and family support through a functioning child protection system. Implement public education to de-normalize violence against women and girls and LGBTI persons, including as part of curriculum in primary and secondary schools, and through public and community-based campaigns.
- **Support well-trained, well-resourced, and accountable child protection systems.** Existing systems in all three countries to prevent and protect children against violence, abuse, exploitation, and neglect are inadequate and require greater funding and adequately trained staff. They must also be decentralized in order to have national reach and operational capacity. Resources should be dedicated to increasing the use of home-based placements such as family or foster care, rather than institutionalization, and

ensuring that all shelters for children, whether government or privately run, meet safety and child welfare standards.

- **Support safe shelter for victims of internal displacement and ensure their rights to education, basic services, property, and livelihoods, including specific resources and assistance for shelters for girls and women and LGBTI victims of violence and to access assets left behind.** Legislative frameworks should exist to provide Internally displaced persons (IDPs) with durable solutions including implementing integral, well-funded national systems that track and address the needs of those displaced and provide them with shelter. Governments should work with international organizations to reform existing policies, programs, and build the capacities of authorities to ensure efficient responses to IDPs as an important subgroup of victims of violence.
- **Encourage programs and criminal justice reforms that permit alternatives to prison for young offenders where possible.** The large-scale jailing for gang-related offenses that has taken place in El Salvador and Honduras, for example, has overcrowded prisons and tended to consolidate gang behaviors and structures rather than allow offenders to find a path to a more constructive life.
- **Do not oppose unconditionally and a priori any efforts of national or local governments to dialogue with gangs,** as these efforts may be necessary and when carried out with transparency and with input from victims of gang violence can have a role in reducing violence.

#### *Address sexual and gender-based violence*

- **Expand states' and localities' capacity to respond to violence against women and girls and impunity for sexual and gender-based violence.** Interfamilial violence and impunity for these crimes is a serious problem in the region. These high rates of impunity are the result of gender biases and discrimination within the justice system, combined with a lack of resources and training necessary to effectively investigate and prosecute cases. Violence prevention efforts must confront the widespread normalization and acceptance of violence against women and girls and LGBTI persons in the home, street, school, and workplace.
  - Expand public education and awareness-raising campaigns to de-normalize sexual and gender-based violence in primary and secondary schools and communities.
  - Dedicate additional resources to improve states' and localities' capacity to investigate and prosecute cases of intra-familial violence, sexual violence, and femicide, including the improvement of crime scene investigation and the development of forensic evidence capabilities. Resources must also be dedicated

to the development of appropriate health and psychosocial assistance to survivors with a differentiated approach for lesbians and trans-women.

- Improve official record keeping by governments to provide accurate statistics on the levels of sexual and gender-based crime, including crimes against LGBTI persons, and the resolution of cases.
  - Address the involvement and complicity of authorities, including police and military, in sexual and gender-based violence, including crimes against LGBTI persons, through violence prevention efforts, and the investigation and prosecution of those responsible.
  - Train individuals within law enforcement, hospitals, and courts in non-discrimination practices and in appropriate procedures for handling sexual and gender-based violence cases, with a differentiated approach for lesbians and trans-women.
- **Increase resources and technical assistance for shelters for girls and women victims of gang violence.** Programming should focus on preventing sexual and gender-based violence by gangs. A lack of emergency shelters leaves women and girls fleeing sexual and gender-based violence with few options for seeking safety within their countries. The few shelters that do exist have limited capacity and lack the ability to offer protection to women and girls fleeing forced sexual encounters with gang members or sexual servitude to gangs, a swiftly expanding phenomenon. A network of shelters with both staff and facilities equipped to handle acute security needs of women and girls fleeing violence should be developed in partnership with civil society and international organizations in all three countries.
  - **Address violence against LGBTI people.** LGBTI people face high rates of discrimination and violence in Guatemala, El Salvador, and Honduras, and thousands have left their countries fleeing persecution based on gender identity and/or sexual orientation. The United States should encourage efforts by the governments of the region to develop functional legal protections for LGBTI individuals and invest in prevention, investigation, and prosecution of crimes against LGBTI people. Governments should also address bias and discrimination against LGBTI individuals within the police, legal systems, and state institutions and undertake proactive efforts toward increasing awareness of and respect for the rights of LGBTI individuals through public education. The U.S. government should urge investigation and prosecution of violence and abuse of LGBTI individuals by police forces, a serious and widespread problem. USAID should continue to support LGBTI organizations defending their rights. Assistance should also be made available to LGBTI individuals fleeing violence related to gender identity and sexual orientation, including safe and appropriate shelter options.

***Encourage an end to militarized public security & address abuses committed by security forces***

Without significant reform of the police and public security forces in the region, U.S. support will not be effective in addressing and indeed can intensify the serious crises in citizen security. Therefore, the United States should:

- **Provide police reform training and assistance only where evidence shows governments are fully committed to implement a strategic plan to professionalize the police, raise human rights standards, and rapidly phase out any militarized policing.** Authorities must demonstrate that they are taking significant steps to investigate police corruption and remove and prosecute high-level officials implicated in gross human rights violations and/or criminal activities. In many cases a systematic purge of personnel will be necessary. Where there is political will, support institutional reforms to improve civilian police capacity and capabilities to prevent violence and investigate crimes while enhancing community relations. Among the reforms would be setting appropriate standards for recruits and promotions. The United States should support efforts to bolster internal and external control mechanisms (internal affairs units, inspector generals, etc.) and effective vetting processes; support creation or expansion of systems to receive and process complaints against police officers; and support the strengthening of police investigation techniques while enhancing recruitment and training. Clear and appropriate indicators should be put in place to measure progress in enhancing police capacity and capabilities. Efforts should be oriented toward strengthening the civilian policing capacity overall and improving community relations, rather than targeting resources to specialized vetted units and other programs that have little impact on improving broader law enforcement institutions.
- **Provide no assistance for a military role in policing.** The three governments have invested in continuing or expanding the participation of the military in policing functions, which has led to human rights abuses and has diverted efforts from enhancing police capacity to investigate crimes and protect communities. The U.S. government should not fund military forces involved in policing or joint military-police law enforcement activities and should instead actively encourage the three governments to withdraw the military from policing. An important step to this end would be the naming of civilians to high-level positions leading government agencies on security such as ministries of defense, security and the national police.
- **Specifically address torture and extrajudicial executions allegedly committed by police, military, former security force officials and/or other actors against suspected gang members or youth in gang-controlled areas.** This includes not only urging investigations and prosecutions of suspected perpetrators but also discouraging the development of “green lights” for security forces to commit abuses, whether by statements by high-level public officials, incentives and promotions for abusive officers, or police directives or penal code provisions that shield officials from investigation.

- **Urge governments to end impunity for security force abuses against human rights defenders, journalists, trade unionists, and environmental activists, indigenous and Afro-descendant local leaders.** Such abuses are a particularly serious issue in Honduras, where security forces have used excessive and even lethal force against peaceful protesters with no accountability to date for those responsible, and in Guatemala, where communities resisting the imposition of large-scale development projects are subject to increasing militarization. Security forces and ex-security forces are playing a role as security for companies carrying out controversial mining, palm, dam and other projects in Central America and abuses against activists protecting their communities and the environment are growing.
- **Include and enforce conditions on investigating and prosecuting members of security forces,** protecting human rights defenders and on withdrawing the military from policing. Conditions such as the FY18 State, Foreign Operations appropriations law conditions on aid to the central governments of Honduras, Guatemala, and El Salvador are indeed helpful, but they must be more rigorously enforced. Fully enforce the Leahy Law regarding vetting of recipients of any U.S. security force training.
- **Encourage governments to pursue balanced citizen security strategies** that focus on violence prevention and strengthening the rule of law, rather than “mano dura” strategies.

### **Reframe Development and Poverty Reduction Strategies**

The convergence of crises in the Northern Triangle show that a substantial re-think is essential to adjust past development approaches. In addition, continual monitoring and evaluation on the effectiveness of programming can help inform future investments. U.S. trade and investment policies should be reviewed to ensure that they do not undermine country initiatives intended to strengthen domestic markets, improve food security, and generate employment. The rights of communities in determining development plans must be a central pillar of assistance programs.

- **Support the expansion of small-scale farming and small and medium scale farmers’ access to markets.** Poverty is heavily concentrated in rural areas in the Northern Triangle, particularly among indigenous populations. Small-scale family farming is central to rural livelihoods and investing in sustainable agriculture is critical to reduce poverty and increase resilience to extreme climate events. It has also been shown to help reduce high levels of hunger and malnutrition, factors that also influence out-migration. Strengthening small- and medium-scale farmers’ as well as cooperatives’ access to markets, technologies and participation in value chains, and expansion of rural extension services, have also demonstrated impact for rural poverty reduction. Resilient rural

communities, with strong domestic markets, are the basis for job growth and effective local institutions.

- **Support labor rights enforcement and freedom of association for agro-industrial workers.** Export-oriented agriculture continues as a mainstay economic generator. Where active, agricultural worker unions ensure compliance not only with basic labor rights, but with contractual benefits that allow workers to define what decent work looks like for themselves, and enforce it through bi and tripartite engagement with employers and governments. Yet due to their very successes, agricultural unions are among the most targeted for repression, harassment, refusals by employers or labor ministries to recognize their legal status, and violence. Global brands and the local employers who produce for them are not disappearing – but work on industrial plantations need not equal exploitation. Strong support from the U.S. for freedom of association and an insistence that counterpart governments enforce their own labor laws is critical to allowing agricultural worker rights activists the space to improve their own working conditions, livelihoods, and communities.
- **Strengthen development strategies that address the specific needs of women and girls.** Poverty disproportionately impacts women, who often face discrimination and limited access to land or education and employment opportunities. In many cases, women’s economic dependence limits their ability to leave situations of domestic violence or to protect their children from abuse within the home. Further, the employment opportunities most frequently open to women, including domestic work, factory work, and work within the informal sector, are low-paying, insecure, and leave them vulnerable to workplace abuses. In light of these specific vulnerabilities, there is a need for development strategies that prioritize women’s economic independence and increase access to education, skills training programs, scholarships, access to credit, and well-paid and stable employment.
- **Improve access to health services and potable water for poor and isolated populations.** Health interventions at the household and community levels are crucial for increasing life expectancies and decreasing malnutrition. Particular emphasis should be paid on child and maternal health. Health facilities should be decentralized and accessible to all.
- **Prioritize employment and educational opportunities, particularly for youth.** Youth with few viable opportunities to study or work are particularly at-risk of gang recruitment and irregular migration. Greater, targeted resources are necessary to improve educational systems, improve the quality of government workforce development institutions, including their technologies, expand effective job training and employment opportunities

programs for youth, and support development of small businesses, which are important for employment generation. In tandem with these programs, funding must be invested in providing youth and communities that have suffered high indices of violence with trauma-informed care and resources.

- **Respect and protect the right of indigenous communities to free, prior and informed consent, regular consultations, guarantee the mitigation of environmental impacts, and protect labor rights protection in implementation of projects.** These provisions should be embedded in direct project financing. The projects should include a dialogue with communities on local development models and priorities. The United States should guarantee policy coherence across all trade and investment policies with Central America to ensure strong labor protection provisions; mechanisms to verify compliance with international and national labor laws and standards; and swift and effective mechanisms to present and resolve grievances. Existing CAFTA and NAFTA complaints could, in the future, guide necessary reforms. The U.S. should maximize its leverage as a trade partner to insist in substantive, not merely cosmetic compliance with remediation roadmaps under these trade complaints. U.S. corporations benefiting from trade and investment policies should be required to comply with international and national labor rights laws and standards, pay living wages to workers, and demonstrate responsible purchasing practices, including clear, sustainable contracts with local suppliers; fair, negotiated prices; and responsible retrenchment programs.
- **USAID should establish a regular process of consultation with Central American civil society organizations** to elicit recommendations and provide updates regarding its strategies and programming regarding rural development, violence prevention, and other issues, based on previous consultations. These consultations should not be limited to USAID grantees and should include a full range of civil society groups including human rights, indigenous, Afro-descendant, environmental, humanitarian, faith, women's, LGBTI rights organizations, and trade unions. USAID has taken some steps to increase transparency but should continue to make its Central America programming more transparent.

#### **Address systematic impunity, corruption & weak institutions**

- **Continue to provide financial and political support to international and national efforts to combat corruption and impunity in the region.** Curbing impunity and corruption is key to increasing economic growth and reducing poverty. **The International Commission against Impunity in Guatemala (CICIG)**, has been instrumental in the fight against corruption and organized crime in Guatemala—strengthening the investigative and prosecutorial capacity of the Public Prosecutor's Office, providing support for much-needed reforms, and equipping the country with

modern crime-fighting techniques. The commission has helped launch numerous high-profile cases, prosecuting powerful criminal networks deeply embedded in the state. The Guatemalan President's decision to terminate its mandate is a blow to anti-corruption efforts in Guatemala and must be met with a strong response from the international community. The **Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH)**, though differently structured and with a distinct role than the CICIG, is also beginning to have some success in revealing widespread webs of corruption through breakthrough investigations alongside the Public Prosecutor's Office. Both the MACCIH and CICIG, as well as any potential future initiatives in El Salvador require ongoing U.S. and international financial aid and unwavering diplomatic support in order to withstand government attempts to obstruct and weaken their work and their mandate.

- **Promote fiscal policy and taxation reform to strengthen governments' financial solvency to address social needs and promote economic development.** The United States should encourage countries in the region to strengthen legislation in each of the countries increasing direct taxes on financial transactions, property, personal wealth and income, inheritance, and corporate and capital gains in order to reduce over-reliance on value added tax which disproportionately hurts the poor. Tax avoidance and evasion, which costs Latin American governments more than \$320 billion a year, approximately 6.3 percent of GDP, should be ended by closing loopholes and tax havens. The Central American governments should prioritize public investment in inclusive growth over tax incentives for foreign investors. They should also review all tax incentives using a cost-benefit analysis to determine the impact they have on government revenue and social spending and eliminate those that contribute to growing inequalities and/or reduce the ability of the government to generate sufficient revenue for necessary social programs. They should increase transparency and effectiveness of tax collection and spending through active citizen participation in tax reform processes and government spending oversight.
- **Support transparent and independent processes for the selection of prosecutors and judges.** The United States should encourage governments in the region to ensure that selection processes for key judicial positions are conducted in a transparent and objective manner, and in accordance with international standards. The election processes must require that candidates are impartially evaluated and selected based on merit, their strong legal and professional qualifications, and their commitment to the rule of law, not on proximity to politicians or government officials. At the same time, the processes should allow for the active participation of civil society.

- **Strengthen judicial independence, transparency, and accountability.** The United States should provide clear benchmarks for improvements tied to its funding for strengthening the justice sector, including support for criminal analysis units within the Public Prosecutors' offices in all three countries. Governments should strengthen investigative capacity of specialized prosecutors including those investigating homicides, extortion, organized crime, and sexual and gender-based violence, as well as providing support for improving access to justice. Courts should have improved case management systems. Adequate indicators should be put in place to measure progress in reducing violence and strengthening criminal justice institutions.
- **Provide support and assistance to crime victims and to witness protection systems.** Mechanisms for offering protection, safety, and shelter for crime victims, including providing for the personal security of witnesses to crimes committed by organized criminal enterprises and police, must be enhanced throughout the region. In some cases, victims and witnesses of violence by gangs and other organized criminal groups cannot remain safely within their countries, due to the power and reach of these groups. Long-term support should also be provided for the development of effective witness protection programs. These programs should have the capacity to protect the family members of victims and witnesses and provide protection beyond the conclusion of the legal process when necessary. It is important to eradicate the practice of using witnesses to prosecute reprisals or to pressure against political opponents. Investing in such mechanisms will allow witnesses and crime victims to participate in justice processes while staying in their countries of origin.
- **Support the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala and Honduras with funding** to address broad human rights concerns, including reporting and analyzing abuses allegedly committed by public forces. Support the representation of this office in **El Salvador**. These offices are an important point of reference to strengthen the rule of law in both countries, including ending impunity in attacks on human rights defenders and community leaders.
- **Strengthen the protection of human rights defenders, journalists and social communicators, including indigenous, Afro-descendant, women, LGBTI, and environmental and union activists.** Strengthen the government protection mechanisms to protect human rights defenders by funding and encouraging governments to ensure their longer-term sustainability. However, these mechanisms are inadequate by themselves. Most importantly, the international community must encourage progress in investigating and prosecuting attacks and threats against human rights defenders, including the intellectual authors of such crimes. The U.S. government should press the governments to suspend, investigate, and prosecute state actors implicated in attacks or

threats against human rights defenders and to end false prosecutions of human rights defenders. Strong diplomacy is needed to press the Honduran and Guatemalan governments in particular to ensure their actions and public statements do not place defenders in jeopardy. Partnerships with civil society should be expanded to ensure emergency evacuation and safe shelter for defenders in urgent need of protection.

- **Strengthen civil society oversight capacity.** Provide funding to enhance civil society organizations' capacity to effectively monitor, oversee, and hold public security and justice systems accountable.
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House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
NEW GOVERNMENT, ONGOING AGENDA:  
HUMAN RIGHTS, CORRUPTION AND ACCOUNTABILITY IN EL SALVADOR

March 13, 2019 – 10:00 a.m.  
2200 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Washington Office on Latin America

Will Impunity Continue Under El Salvador's New President, Attorney General?  
Migration, Insecurity and Impunity

Outmigration from El Salvador and other countries in Central America continues to creep up, and the migrant population is increasingly children and families, rather than single men looking for work, according to data from the Department of Homeland Security. The push factors that drive Salvadoran parents and children to leave their homes and seek protection elsewhere include a toxic mix of insecurity, lack of confidence in state institutions, lack of opportunity, and desperation. As the outmigration from Central America became more visible, in 2015, the United States launched a multi-year strategy to promote prosperity, enhance security, and improve governance in Central America, a strategy for which the Congress has appropriated funds for the last four years. A key part of that strategy has been the focus on institution building, and on working with governments that show the political will to improve their own capacity to fight impunity and corruption, and improve security for all citizens. In the last few years, El Salvador has made slow but real progress in combating impunity—the ability of the powerful to manipulate the political and legal system to protect themselves from criminal prosecution for corruption and human rights abuses. Like most of Central America, El Salvador has a long way to go. But there had been signs of progress.

An unusually independent Constitutional Court challenged long-standing political practices in both the legislative and executive branches of government, and compelled both parties to abide by established procedures in decision-making. In one of its most important rulings, in 2016 the court—following a decision by the Inter-American Court for Human Rights—overturned the 1993 amnesty law that ended investigation or prosecution of wartime human rights abuses.

Following the court's ruling, attorneys for the families of those who died in the infamous El Mozote massacre filed to reopen the prosecution of senior military officials charged with responsibility for the 1981 case, in which nearly a thousand civilians were killed. Investigations have also been reopened into the 1989 killings of six Jesuit priests and two women at the University of Central America, as well as in other cases. By investigating and prosecuting high-level military officials, these emblematic cases are challenging the culture of impunity in El Salvador and setting the groundwork for solidifying a culture in which no one is above the law.

At the same time, an attorney general, elected for a three-year term in 2015, launched a series of corruption probes which eventually led to indictments of three former presidents. While overall the Attorney General's Office left a mixed record in terms of strengthening rule of law in the country, the office did take important first steps in investigating and prosecuting high-level corruption cases.

Significantly, El Salvador's now president-elect Nayib Bukele ran on a campaign that placed the fight against corruption as its centerpiece. Bukele promised to crack down on corruption and proposed establishing a commission to investigate corruption and organized crime, modeled on the commissions currently operating in Guatemala and Honduras. Although the details of such a proposed commission are not yet clear, a key question is whether president-elect Bukele is seeking an internationally supported autonomous body that has investigative powers and works closely with the attorney general in prosecuting cases, or whether the commission would be limited to providing international technical assistance. Advocates support the former proposal.

But as we've seen in Guatemala and Honduras, in El Salvador those who benefit from impunity are now pushing back to protect their privileges.

El Salvador's National Assembly is currently debating a "National Reconciliation Law" that would have disastrous implications for truth, justice, and impunity in the country. The proposed law would halt any current prosecutions involving wartime human rights crimes, including cases like the El Mozote massacre, and would forbid any future prosecutions for most war crimes or crimes against humanity. (The law would permit that a narrow set of war crimes be investigated, but it forbids any prosecutions).

The proposed law was presented by a special legislative commission, first established with the support of all the political parties (both left and right) shortly after the Constitutional Court overturned the 1993 amnesty law in its 2016 ruling. The commission was charged with developing a proposal that would lead to national reconciliation. Unfortunately, the proposal now under discussion appears to believe that reconciliation requires forgetting, not truth and justice.

The proposal has yet to be finalized or debated on the National Assembly floor, but it's nonetheless extremely troubling that proposals like this are under serious discussion in El Salvador. The approval of such a law would be a major setback in El Salvador's fight against impunity and for the equal application of the rule of law. Understandably, the proposed

“reconciliation” law is generating significant controversy in the country, with a group of human rights and victims organizations strongly condemning the proposal, and the country’s biggest leftist party the FMLN withdrawing their support.

Another area of concern is the new attorney general: in December, the National Assembly elected a new candidate for the position, declining to re-appoint the current incumbent and naming instead a conservative lawyer, Raul Melara, with no track record of commitment on the issues of corruption and impunity. Chosen in a backroom procedure, and approved unanimously by all the political parties, there is concern that the new attorney general will not advance the important but politically difficult battle against corruption begun by his predecessor.

Early signals have been mixed. In one troubling development, the Attorney General’s Office appointed a deputy attorney general whose name has appeared in the context of a high-profile corruption case. However, the Attorney General’s Office has also moved to file money laundering charges against three senior figures in the conservative ARENA party, all of whom had previously been named but not indicted in connection with another corruption case.

An important question looking forward is whether Attorney General Melara will maintain and strengthen the specialized investigative units—including the units focused on corruption and on wartime human rights crimes—launched by his predecessor.

President-elect Bukele will assume office on June 1. Between now and then, he too will likely experience political pressures to back away from his commitment to fighting corruption and impunity, and in particular to back away from his proposal to create an international commission against impunity in El Salvador.

The citizens, activists, and officials in El Salvador who are the backbone of any fight against corruption and impunity-- and who will, in the long run, address the drivers of migration -- will need the support of international actors to maintain the progress that’s been made in the fight against corruption. Otherwise, El Salvador may have a new attorney general and a new president, but the same structural problems with impunity. Now is the time for the U.S. and the international donor community that has supported human rights and the rule of law in El Salvador to step forward, urge the president-elect and the attorney general to move boldly to combat corruption and strengthen the rule of law, and offer the political, technical, and financial support to enable them to do so.

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
NEW GOVERNMENT, ONGOING AGENDA:  
HUMAN RIGHTS, CORRUPTION AND ACCOUNTABILITY IN EL SALVADOR

March 13, 2019 – 10:00 a.m.  
2200 Rayburn House Office Building

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Vicki Gass  
Senior Policy Advisor for Central America and Mexico  
Oxfam America

Thank you to the Tom Lantos Human Rights Commission and Representative Jim McGovern for allowing Oxfam America to submit this written testimony for today's hearing on El Salvador.

Oxfam America is a non-governmental humanitarian and development organization that has worked in El Salvador for over thirty years and has over 1.4 million supporters in the United States. Although a U.S. based organization with our headquarters in Boston, Oxfam America does not receive any funding from the U.S. government but instead relies on support from individuals and foundations in the United States and abroad.

Oxfam America is part of the Oxfam confederation that works in 90 countries world-wide to reduce poverty and inequality. We assist poor communities after disasters, while building greater resilience and capacity of local responders and governments to deliver holistic disaster response. Oxfam also works to build local food sovereignty around the globe by investing in small and medium producers in rural areas where poverty is most heavily concentrated.

In El Salvador, Oxfam works to prevent violence against women and girls, to economically empower women, and to strengthen local leadership's response and resilience to climate change events. We also work to influence policies that reduce inequality and increase transparency at the local and national level, and seek to resolve the most urgent needs of the people. Finally, we also work on progressive fiscal policy reforms along with the right to water and the right to food. Oxfam works with 50 partner organizations that directly involve 80,000 people and indirectly, over 700,000 people. Of the total population we work with in El Salvador, 60% are women.

While there have been some advances in El Salvador in terms of human rights, there continues to be marked weaknesses in areas including ending violence against women and girls and gender-based violence, implementing fiscal reforms, and combatting corruption and impunity.

To the president-elect of El Salvador, the Honorable Nayib Bukele, Oxfam America offers the following policy recommendations for his Administration and the Legislative Assembly in order to create the conditions so that people do not live in fear or are forced to migrate but can live productive, decent lives. Also, so that the government can have the resources it needs to promote sustainable development in the country.

## GENDER BASED VIOLENCE AND WOMEN'S ECONOMIC EMPOWERMENT

The Salvadoran legislative assembly must appropriate funds that support community-based prevention programs to reduce crime and violence, increase resources for women and girls who are victims of gang violence, and increases state and local government's capacity to reduce impunity for sexual and gender-based violence.

Increasing resources and technical assistance for shelters for girls and women who are victims of gang violence is urgently required given the limited number of shelters available. Too few options leave them with no other option but to migrate outside their country.

The government should prioritize increasing women and girls' economic opportunities - such as access to credit and markets – in particular for small-to-medium scale farmer in rural areas, where poverty is concentrated.

Poverty disproportionately impacts women who face discrimination and limited access to education, land and employment opportunities. Development strategies must prioritize women's economic independence and increase access to education, capacity training and access to credit.

## FISCAL REFORM

The Salvadoran government must revise legislation in each of the countries to increase direct taxes on financial transactions, property, personal wealth and income, inheritance, and corporate and capital gains. The Northern Triangle governments rely heavily on indirect taxes such as the value added tax, which homogenously applies taxes to consumers without regard to their level of income. This means those with more resources pay proportionally less of their income in taxes. In El Salvador, the indirect tax is 61.8%, while in Guatemala it is 64.7% and in Honduras it is 67.7%. In countries with high indices of poverty and inequality, it is the poor who proportionally pay the most yet receive much less in social services.

The Salvadoran government must also end tax avoidance and evasion through closing loopholes and tax havens. Tax evasion and avoidance in Latin America cost governments more than \$320 billion a year, approximately 6.3% of the Gross Domestic Product. In El Salvador, investment in tax havens has multiplied 18 times in the last 15 years, growing twice as fast as the national

economy. Oxfam recommends forging a regional agreement that prioritizes the eradication of tax evasion and avoidance gradually, reducing it by 50% over a five year period, and then by 75% over the following ten years. An aggressive action plan is needed to make tax laws coherent throughout the region, together with a strategy to combat the use of tax havens, for example by applying sanctions against companies and individuals who uses tax havens to reduce the amount of taxes they pay.

Also on tax reform, the government must prioritize public investment in inclusive growth over tax incentives for foreign investors. Investment policies and tax incentives must not be given at the expense of country initiatives intended to strengthen domestic markets, create jobs and improve food security. Studies by the Economic Commission for Latin America (ECLAC), the Central American Institute for Fiscal Studies (ICEFI), and others, show that tax incentives are not effective for attracting foreign direct investment, increasing employment or reducing inequality. Currently, the fiscal burden on multinational businesses in the region is half that of national businesses due to tax concessions, and foreign investors are otherwise required by the U.S. Dominican Republic-Central America Free Trade Agreement to be treated as national investors.

In addition, tax laws in Central America are prejudicial to national businesses. El Salvador and Guatemala have five tax incentive laws and Honduras nine that favor foreign investors. El Salvador's 2013 Industrial and Commercial Free Zone Law, for example, practically converts the entire country into a free trade zone because investors do not have to pay federal or municipal taxes for 20 years, or only pay partial tax for a longer period depending on the company's geographical location. This forces the national and local governments to rely on revenue from more impoverished communities.

To better use the potential of tax incentives, El Salvador and all of the Central American governments should review all tax incentives using a cost-benefit analysis to determine the impact they have on government revenue and social spending.

Finally, the government can increase transparency and effectiveness of tax collection and spending through active citizen participation in tax reform processes and government spending oversight. Clearly there are limitations on the public budget due to the suffocating debt service but it is even more critical, as pointed out by ICEFI, that the remaining funds available be used transparently and be based on a publically agreed fiscal pact. Not only can transparency and efficiency of funds be improved, corruption can be reduced. The new Salvadoran government must act on this.

#### **STRENGTHEN THE RULE OF LAW AND COMBAT CORRUPTION.**

Endemic corruption, widespread impunity, and the infiltration of organized crime across El Salvador, Guatemala, and Honduras have robbed these governments' ability to reduce poverty and inequality, create decent jobs, and reduce violence—all factors behind forced migration.

Ending corruption and impunity is key to increasing economic development and reducing poverty. Implementing the fiscal reforms mentioned previously would be an important first step.

In addition, the government of El Salvador should strengthen investigative capacity of specialized prosecutors including those investigating homicides, extortion, organized crime, and sexual and gender-based violence, as well as providing support for improving access to justice. Courts should have improved case management systems. Adequate indicators should be put in place to measure progress in reducing violence and strengthening criminal justice institutions.

Finally, the Salvadoran government should also provide funding to enhance civil society organizations' capacity to effectively monitor, oversee, and hold public security and justice systems accountable.



## CURRENT HISTORY

February 2015

*"[T]he ceaseless undocumented migration from Central America can be traced back to institutional failures that have blocked the development of peaceful societies under the democratic rule of law. . . ."*

### The Root Causes of the Central American Crisis

JOSÉ MIGUEL CRUZ

Last year, a 15-year-old girl was sexually assaulted by gang members who controlled her working-class neighborhood in El Salvador. The gang threatened to kill her and her family if she reported the crime to the authorities, and forced her to extort money for them. When she went to collect the payment, the police arrested her and detained her for nearly a week. While she was in prison, policemen threatened to rape and kill her. After she was released from jail, she fled to the United States for fear of retribution from the gang because she had told the police about the extortion plot. Some weeks later her 17-year-old brother followed her north, because the gang had threatened to kill him if he did not join it in reparation for his sister's escape.

This case exemplifies the tragedy of tens of thousands of Central American minors who have flocked to the US-Mexican border in recent years. Seventy-eight percent of the 68,541 children who crossed the southern border during the 2014 fiscal year came from what is known as the Central American "northern triangle," a geographic cluster formed by Guatemala, El Salvador, and Honduras. These nations are not only poor—their GDP per capita does not surpass \$4,000—but they are also besieged by the highest levels of criminal violence in the world. During the past decade, according to the United Nations Office on Drugs and Crime (UNODC), they have faced homicide rates above 40 murders per 100,000 inhabitants. Honduras has reached

dreadful levels of well over 80 homicides per 100,000 inhabitants since 2011.

Salvadorans, Guatemalans, and Hondurans have been migrating to the United States in large numbers since the 1990s—a decade, ironically, when all these countries became electoral democracies and reformed their criminal justice institutions in order to ensure the rule of law and the protection of human rights. The recent surge of unaccompanied minors flooding the border is the result of a myriad of factors. These include the appalling security situation in the Central American streets, the worsening of socioeconomic conditions, the increasing consolidation of sophisticated human trafficking networks across Central America and Mexico, and the recent spread of rumors that undocumented children would be granted amnesty in the United States.

Yet the main cause of the ceaseless undocumented migration from Central America can be traced back to institutional failures that have blocked the development of peaceful societies under the democratic rule of law, which was purportedly enshrined by the political liberalization two decades ago. The tragedy of Central American children migrating and seeking refuge in the United States can be viewed as a consequence of the derailing of those institutional reforms that transformed autocracies into electoral democracies in the 1990s.

#### DISAPPOINTED HOPES

The key feature of Central America's recent history is the wave of sweeping political transitions that took place in the 1990s. Those transitions were marked by promising peace processes and institutional reforms that ended bloody internal

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conflicts and set a course for democratization. In contrast to other Latin American transitions that did not have to cope with civil wars, the Central American political processes were shaped by the need to terminate armed internal conflicts and reform the security apparatuses in order to curb the political hegemony of the armed forces. In Guatemala and El Salvador, elections and limited alternation of power had started in the 1980s, but reforms intended to guarantee full observance of human rights and the rule of law did not come about until the 1990s, as a direct result of political pacts and peace agreements between governments and leftist guerrillas. In Honduras, the military renounced control of the executive branch in the early 1980s, but it remained an unaccountable institution in charge of the security apparatus until 1998, when law-enforcement institutions were handed over to civilians.

The most important goal in these processes was to curb the state's power to tyrannize its own population, which had been a hallmark of Central American political systems throughout their history, especially in Guatemala and El Salvador. Many citizens in Central America viewed the political transitions as a historic opportunity to construct new societies, believing that democratization would eventually open the door to development with equity, peace, social justice, and respect for basic freedoms. Public opinion polls consistently reflected this climate of optimism throughout the first years of the postwar era. For instance, a nationwide survey conducted by the University of Central America in 1992 found that nearly 70 percent of Salvadorans believed that the overall situation in the country was changing for the better, only five months after the war's end.

This positive view was held by different sectors. The Central American business community, which for many years had feared any settlement with leftist and insurgent groups, believed that with the end of internal conflicts there would no longer be any obstacle to the region's economic opportunities. Whatever their status, many Central Americans shared this sense of optimism over the future of the region. More than 300,000 Salvadoran migrants, according to the government, returned to the country during the first 14 months following the signing of the peace accord in 1992. Salvadorans already constituted the largest community of Central American immigrants in the United States, but the prospect of rebuilding

their lives in their homeland motivated many of them to return.

However, by the late 1990s this initial optimism had dwindled. The slow pace of societal transformation did not live up to the hopes of many Guatemalans and Salvadorans. A national survey conducted by the Association for Research and Social Studies (ASIES) in Guatemala in December 1998 found that only about one-third of citizens felt that the peace process had been a very positive event for the establishment of democracy in the country. More surprisingly, the survey found that 60 percent of Guatemalans believed that the country was in bad shape; nearly 55 percent thought that the situation was going to get worse in the following year. In El Salvador, the decline in sentiment had started in 1995, just three years after the peace accord was signed. There, public opinion polls showed that the overwhelming popular support of the first two years had been followed by disapproval and apathy.

For many Central Americans, dissatisfaction with the pace of transformation by the late 1990s was related to the meager fruits of a moderate but uneven economic expansion. According to data released by the Economic Commission for Latin America and the Caribbean (ECLAC), no northern triangle economy recorded an impressive rate of growth, with the exception of the Salvadoran economy during the first years of the postwar era. Popular discontent was also stoked by the mounting experiences of crime and insecurity that had followed the end of the political conflicts and, puzzlingly, the overhaul of criminal justice institutions. In Guatemala and El Salvador, public opinion polls showed that people's concern about political violence was replaced with anxiety over the increasing levels of common crime. The polls also showed that a majority of citizens considered the state of the economy the most pressing national and personal problem. In Honduras, distress over criminal violence boiled over in the late 1990s as the reforms of the security apparatus led to violent protests and a political crisis fomented by some elements of the military.

### **ECONOMIC VULNERABILITY**

The profound political reforms attempted in Central America during the 1990s unfolded amid an equally changing economic environment. By the late 1980s, after a decade of political conflicts and statist policies, all northern triangle coun-

tries had implemented reforms with the purpose of stabilizing their troubled economies and public finances. They concentrated on privatizing state companies (particularly in Guatemala and El Salvador), liberalizing trade, introducing greater flexibility to labor laws, and increasing consumption taxes in the form of the value-added tax.

These reforms contributed to fiscal stabilization and some degree of economic recovery, as indicators finally started to turn positive in the 1990s. However, the changes proved to be insufficient—or even counterproductive—when it came to alleviating the economic insecurity of many Central Americans, especially the working classes. Labor flexibility did not help largely unqualified and young people to secure stable jobs, while the privatization of state-owned companies increased the vulnerability of thousands of skilled workers. As a consequence, according to a 2001 ECLAC report, unemployment rates did not decrease considerably during the 1990s, and many workers had to migrate from the formal sector of the economy toward activities characterized by informality, job uncertainty, and low wages. Furthermore, much of the new labor force was absorbed by low-productivity sectors of the economy, which tend to keep workers at the margins of the social security net. By the end of the decade, the informality rates in Guatemala and Honduras had increased; they surpassed 60 percent of the working population, according to research by the Center for Distributive, Social, and Labor Studies at National University of La Plata in Argentina.

The adoption of much of the Washington Consensus (encompassing prescriptions for fiscal discipline and market liberalization) in Central America restricted public policies that could have mitigated the harsh social conditions faced by underprivileged populations. Fabrice Lehoucq of the University of North Carolina at Greensboro has shown that Central American countries, with the exception of Costa Rica and Panama, spent the least on social programs per capita in Latin America. Between 1991 and 1999, Honduras even reduced its social expenditure in terms of GDP percentage. While Guatemala and El Salvador have been increasing their social spending per capita,

they have remained below the regional average in the last two decades. To make matters worse, northern triangle governments failed to make substantial reforms to their tax collection systems in order to increase their fiscal capacity to respond to the demands of the population. Faced with the choice to squeeze either the private sector or the people, governments decided for the latter. The expansion of the value-added tax in all Central American countries meant that families saw their purchasing power significantly reduced while they coped with low wages and reduced assistance programs.

For many citizens living in the impoverished slums and barrios of the northern triangle, the societal transformations that sprang from the economic reforms did little to encourage a renewed sense of opportunity and social mobility; quite the contrary. So it is hardly surprising that many working-age Guatemalans, Hondurans, and Salvadorans were extremely disenchanted

with the path of reforms. Many decided to look beyond their national borders as they concluded that their countries offered few opportunities for progress.

Tapping existing networks in the United

States and Mexico, Central Americans started to swell the migration streams to the north in unprecedented numbers. According to the Migration Policy Institute, the population of Salvadoran origin living in the United States rose from 465,433 in 1990 to 817,336 in 2000, a 75-percent increase. Meanwhile, the number of Hondurans living in the United States nearly tripled during the 1990s, from approximately 109,000 in 1990 to 283,000 in 2000.

Migration flows sharply accelerated in the next decade, following Hurricane Mitch in 1998 and earthquakes in El Salvador during the first months of 2001. Mitch affected most of northern Central America and Nicaragua, but it hit Honduras most severely. There, it killed more than 7,000 people, left 1.5 million homeless, and caused economic losses that amounted to 70 percent of the country's annual GDP. El Salvador faced its own catastrophe when two successive earthquakes struck the central region of the country. The quakes killed more than 1,100 people and displaced more than 1.5 million, mostly in the metropolitan areas.

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*The expansion of street gangs and criminal organizations transformed social life and increased the vulnerability of already frail communities.*

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These disasters accelerated the Central American migration toward the United States. Data from the 2010 US Census indicate that the total population of northern triangle Central Americans living in the United States nearly tripled in the years following the disasters, rising from 1,245,221 in 2000 to 3,326,578 in 2010. The combination of lackluster economic performance, especially in regard to labor and social mobility; the ever-present vulnerability experienced through frequent natural disasters; and the growing threats from criminal organizations prompted thousands of Central Americans to view emigration as the only path to a better future.

### CRIME WAVE

Violence still reigns over Central America. Yet it is different from the kind that was prevalent in the era of authoritarian regimes, civil wars, and political conflicts. This new wave of violence is not political but criminal. Illicit industries, gang wars, and interpersonal violence have replaced the struggle for political power that drove the bloodshed in the past. Seventeen years after the last major political reform, this crime wave has produced the paradox of nations that are allegedly democratic but live under a de facto state of siege produced by violent crime.

The United Nations Office on Drugs and Crime (UNODC) has identified eight areas where the problem of violence is especially serious: drug trafficking, homicide, youth gangs, domestic violence, firearms trafficking, kidnapping, money laundering, and corruption. Indicators are especially appalling with respect to homicide rates, numbers of gang members, and extortion, which disproportionately tend to affect common citizens and impoverished communities. Guatemala and Honduras, for instance, had more than 5,000 homicides each during 2009, surpassing the 4,645 murders in Iraq during the same year, while El Salvador had nearly as many. Homicide rates have kept climbing since then, with the exception of Guatemala and a short respite in El Salvador in 2012.

Street gangs have become one of the hallmarks of contemporary Central American violence. The influx of returned migrants and deportees from the United States after the end of the region's wars transformed the dynamics of local gangs. This

resulted in what have come to be known as *maras*, a vast network of groups of young people associated with the franchises of two gangs that had their origins in Los Angeles: the Mara Salvatrucha Thirteen (MS-13) and the Eighteenth Street gang (Barrio 18). These gangs make up two separate transnational networks that have undergone a process of expansion throughout the past few years, becoming organized crime webs in poor communities across northern Central America.

Maras are responsible for a substantial share of the criminal violence in the region. In El Salvador, Honduras, and Guatemala, they are often involved in the street-level distribution of drugs and in extortion rackets. Data collected by Demoscopia in 2007 indicated that on average, a gang member in the northern triangle is able to collect approximately \$1,000 every week in "protection taxes." In El Salvador, maras are considered responsible for nearly 40 percent of violent deaths. However, the participation of maras in criminal activities did not develop to its current levels until after the

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*Political reforms were thwarted from the very beginning by elites and operators of the old regimes.*

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enactment of zero-tolerance programs, better known in the region as the *mano dura* (heavy hand) plans, which swept the region between 2000 and 2006. These antigang programs were accompanied by an

official narrative that justified the use of excessive force. They extended the scope of police powers, increased the severity of sentences, and unleashed massive security operations. They led to substantial changes in gang dynamics and operations. By 2007, gangs had evolved into more cohesive and powerful organizations, with the capability to control vast territories and urban communities in El Salvador and Honduras.

The process of maras' consolidation paralleled the expansion of major drug-trafficking organizations in northern Central America. As pointed out by UNODC, the war on drugs declared by the Mexican government in 2007 pushed several trafficking routes from the Caribbean and the Pacific to the Central American landmass, upsetting the balance of power between local criminal organizations and triggering all-out wars in cities and rural territories along the Atlantic coast and the jungles of Honduras and Guatemala. Extortion rackets, smuggling rings, and gangs thrived.

The expansion of street gangs and criminal organizations in Guatemala, El Salvador, and

Honduras transformed social life and increased the vulnerability of already frail communities. The worsening of security conditions affected most of the population, but it was particularly acute among economically disadvantaged youth. The lack of access to well-paid jobs, training programs, and quality education disproportionately exposed many Central American youngsters to a life of crime and violence.

High levels of chronic violence also had an extraordinary impact on the way Central Americans perceived and related to their brand-new security institutions. The initial optimism that they at last had law-enforcement organizations respectful of human rights gave way to bitter perceptions of inefficiency, corruption, and abuse when the new institutions proved unable to curtail the swelling rates of crime, and old patterns of policing and social control resurfaced. Although many people welcomed the use of draconian methods to combat crime, the lack of positive results and indications that some police chiefs, government officials, and politicians were colluding with criminal organizations in the northern triangle delivered a major blow to the legitimacy of the young institutional order. A regional survey conducted by Vanderbilt University in 2008 found that 66 percent of Guatemalans, 49 percent of Salvadorans, and 47 percent of Hondurans believed that their police were implicated in criminal activities.

Rampant insecurity and hopeless institutions spurred migration. A study based on Vanderbilt's data by Jonathan Hiskey, Mary Malone, and Diana Orcés found that crime victimization and insecurity, along with having ties to people in the United States, played an important role in Central Americans' intentions to emigrate, especially among youth.

### **OLD REGIMES**

Observers have pointed out different reasons for the dismaying conditions of insecurity and poor institutional performance in northern Central America. First, the limited strength of national economies attenuates prospects for development and social mobility, and also limits resources available to institutions. Second, the migration phenomenon has spawned fragmented families and contributed to the expansion of US-style street gangs in Central America. Third, the penetration of transnational organized crime has brought unprecedented levels of violence to the region.

Although these factors certainly may have played a part in the current Central American crisis, it is misleading to assume that they are the core reasons for the inability of these countries to produce safe and fostering environments; particularly when their closest neighbor to the south, Nicaragua, has also had to face comparable challenges but has not succumbed to the same crises. Nicaragua is the second-poorest country in the Western Hemisphere, after Haiti, and its law-enforcement apparatus is reportedly the most underfunded in the region. Furthermore, Nicaragua went through a long civil war that devastated its economy and displaced a large share of its population. Thousands of Nicaraguans migrated to the United States and Costa Rica, creating opportunities for the diffusion of migrant street culture back in the home country. The penetration of transnational crime organizations was not limited to the northern triangle: Various reports show that drug traffickers have gained a foothold in the Nicaraguan Atlantic region. Yet Nicaragua is remarkably safe in comparison to its northern neighbors, and no significant numbers of Nicaraguan children are coming undocumented to the United States.

The main reasons for the northern triangle countries' seeming collapse under the siege of crime, lack of opportunities, and hopelessness lie elsewhere. They have to do with political reforms that were thwarted from the very beginning by elites and operators of the old regimes. As governments faced the mounting problems of citizen security and economic development, elites were unable and unwilling to remove many of the institutions and practices that had been prevalent under the old regimes. Members of the old political machines and their backers in the business community faced little or no contestation in the emerging order. The unfolding of transitions in northern Central America created conditions that allowed old-regime power brokers to limit the scope and implementation of the reforms, especially in the public security arena.

Two mechanisms were essential to this undermining of the reforms. First, political leaders allowed operators of the former security institutions to remain in the new civilian law-enforcement institutions. Many of them were past violators of human rights and were involved in criminal activities, but amnesty laws and their renewed positions allowed them to evade punishment. Second, the same elites and representatives

who negotiated the reforms weakened the new institutions by scrapping or overlooking the need for accountability and monitoring, allowing the rot of corruption to spread and preparing the ground for criminal infiltration.

### **ZERO TOLERANCE**

Security operators from former regimes maneuvered against the pending transformations by fomenting fear of crime and pressing for hard-line programs to fight gangs and criminal organizations. This was the context in which zero-tolerance programs were implemented in Central America. Just when economic adjustment programs had contributed to swelling the number of under- and unemployed youth with few opportunities, the governments of Guatemala in 2000, Honduras in 2002, and El Salvador in 2003 decided to launch all-out wars against gangs and underprivileged young people.

As a consequence, police abuse and prison overcrowding increased. Instead of creating social programs to ameliorate the deteriorating living conditions of many poor Central Americans, governments devoted their resources to targeting the same populations that had been left adrift by the adjustment policies. The gangs, which in the late 1990s were a secondary security problem, took advantage of the situation by establishing links to foreign organized-crime groups and learned to use their networks to exert control over their territories.

Nicaragua went through a different transformation. Its new security institutions emerged after a complex political process forced elites and power brokers to professionalize law enforcement and institutionalize oversight mechanisms. The differ-

ences in institutional behavior between Nicaragua and the northern triangle were not merely a matter of policy choice. They reflected the ways in which criminal justice institutions were reformed after the political transitions. In northern Central America, those reforms failed to protect the nascent security and justice institutions from the maneuvers of corrupt leaders.

Confronted with the unrelenting challenges of crime, poor economic performance, and social discontent, governments resorted to the old authoritarian practices. In all three countries, the military staged a comeback in the fight against criminal organizations, which nevertheless have kept growing. In Honduras, the resurgence of the military facilitated the 2009 coup d'état and, more recently, led to the creation of the military police, who have taken over domestic policing functions.

For thousands of poor and young Central Americans, the deterioration in security conditions, coupled with a systemic lack of opportunities for development, left emigration as the only way to prosperity, if not mere survival. They and their families turned to the matured and dense migrant networks, deciding that they preferred facing the perils of an uncertain journey, and the complications of undocumented work in the United States, to dealing with the certainty of violence and poverty at home. In the countries of the northern triangle, Central Americans have perceived the combined effects of political reforms, which replaced outdated institutions with inefficient ones, and economic adjustment, which slashed jobs and assistance programs, not only as a withdrawal of the state and its most fundamental functions, but also as confirmation that a better future awaits them elsewhere. ■

# RECASTING THE SECURITY POLICY IN CENTRAL AMERICA, JOSÉ MIGUEL CRUZ, FLORIDA INTERNATIONAL UNIVERSITY

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Blog

## Recasting the Security Policy in Central America

BY [José Miguel Cruz](#) | May 10, 2012

In the mid-1990s, the Inter-American Development Bank published various reports indicating that El Salvador and Guatemala had the highest homicide rates in Latin America. Fast-forward sixteen years later and these two countries form, along with neighboring Honduras, the most violent region in the world by all accounts.

With a combined population of 28 million, Guatemala, Honduras, and El Salvador constitute the northern triangle of Central America; a sub-region that has experienced almost twice-as-much violence as Mexico has since 2006, when Calderon's war on drugs started. According to official data, approximately 50 thousand people have been killed in Mexico since 2006. In contrast, the northern triangle, with a population four times smaller than Mexico, has endured nearly 90,000 murders [during that same period](#). But while Mexico, with an annual homicide rate of 18 deaths per one hundred thousand inhabitants, is a tragedy, the northern triangle, with average homicide rates surpassing 60 per one hundred thousand, is a catastrophe.

Many believe that the appalling rates of violence in the sub-region are the result of the penetration of Mexican and Colombian drug cartels. According to this argument, in their effort to control the drug routes from South America to the United States, criminal organizations are not only bringing unparalleled violence to Central America, but also taking over highly fragile public institutions. The logical extension of this argument then is that this relentless assault of transnational gangs can only be addressed with greater police and military force.

Although the presence of criminal cartels has undeniably contributed to the skyrocketing violence in the northern triangle, the fundamental problem of security in Central America does not have to do merely with drug traffickers—or social conditions, for that matter. It has to do with government institutions. It has to do with local political and criminal-justice organizations that are extremely corrupt. It has to do with institutions that have been historically pervaded by local criminal lords, death squads, crooked politicians, and vicious paramilitaries who were present long before the Mexican Zetas or the Colombian syndicates began crowding the illegal enterprises of the region.

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Despite the fact that corrupt institutions have played a role in the region's ever-increasing levels of violence, the current policy debate aimed at tackling crime in Honduras, Guatemala, and El Salvador revolves almost exclusively around drugs and gangs and ignores the importance of institutions. While the U.S. government is fixated on stopping the flow of narcotics from the Andes and preventing the spread of criminal groups, Central American countries are interested in more resources, weapons and manpower. Although both visions converge in strengthening police and military forces to increase their might against the drug lords, the resulting strategies tend to neglect the necessity of cleaning-up those same corrupted organizations.

Even the [seemingly audacious proposal](#) of Guatemalan President Otto Pérez to legalize drugs in the region is really just an ill-considered distraction in the debate about security in the isthmus. The decriminalization of drugs will not reduce crime in Central America. After all, historically, these countries have always faced violence over state control of already perfectly legal markets, including coffee, dairy products, and even transportation permits.

Nor will the violence be reduced by simply expanding and training police and military forces. Actually, Washington has been doing that since the 1990s, and the results remain less than impressive. This kind of cooperation and the millions invested in criminal-justice institutions in the region have not made them any less prone to corruption. Rather, Central American institutions are legendary for their involvement in mafias and their capacity to suppress political opposition, as the Honduran coup recently illustrated. [In a regional survey](#) conducted by Vanderbilt University's Latin America Public Opinion Project (LAPOP) in 2008, more than sixty percent of Guatemalans, and nearly half of Salvadoran and Hondurans said that their local police were involved in criminal activities. In Guatemala and Honduras, police chiefs, military officers, and government officials have been [repeatedly linked to drug cartels](#) and [death squads](#). Even in El Salvador, whose institutions are generally considered as less infiltrated by drug traffickers, [American officials have expressed concern](#) for alleged ties between recently appointed police officials and organized crime.

Traditional international assistance has also failed to improve the effectiveness of police institutions. The Salvadoran police are perhaps the best equipped and most "American-trained" organization in the region. Yet, the [underfunded Nicaraguan police](#), with a [budget that is a mere fraction](#) of the Salvadoran budget and police officers that earn a third of what their Salvadoran peers earn, has managed to become one of the more effective and highly-reputable law enforcement institutions in Latin America. The difference has to do more with political decisions than just resources.

Washington needs to reshuffle its approach to security in Central America. The renewed commitment of President Obama to the Central American Regional Security Initiative (CARSI) is a unique opportunity to focus in what really matters, namely, the creation of democratic accountable institutions and a far-reaching effort to uproot corruption and crime from local public organizations. Plans that favor military budgets and Special Forces units need to be seriously reconsidered.

Doing anything less than addressing the root, institutional causes of crime and violence in Central America will amount to the U.S. simply lining the pockets of criminals and training the new paramilitary criminals (like the Zetas) in the region. That will require a balanced effort that links traditional security-related assistance with forceful accountability campaigns in the public sector. And more directly it demands an unflinching commitment to removing crooked officials and remodeling Central American democratic institutions to better fight against corruption, abuse, and impunity.

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**Jason Motlagh for *National Geographic*, “Inside El Salvador’s battle with violence, poverty, and U.S. Policy”**

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