

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

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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.