



Human Rights Violations Mount under State of Emergency in El Salvador May 19, 2022

To: Congressional aides

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Serious human rights abuses and violations of due process are being committed by the Salvadoran government during the state of emergency declared by the National Assembly on March 27, 2022 and extended for another 30 days on April 24.

The state of emergency was declared in response to a surge in violence by gangs, with [over 60](#) people killed on March 26 as gang members attacked vendors, bus passengers, and shoppers. Online magazine El Faro [revealed](#) May 17th that a breakdown in covert negotiations between the Bukele Administration and gangs, which had reduced gang violence since 2019, led to the explosion of gang violence. Read the full El Faro story [here](#) detailing how the capture of MS-13 gang members traveling in a Salvadoran government vehicle with a government-paid driver, believing the government had granted them safe passage, led to the end of the covert agreement.

Any government should respond to such violent actions by gangs. However, it should respond with respect for the human rights and civil rights of its citizens and its methods should aim to reduce and prevent violence in the long term. Right now, the government is neither respecting the rights of its citizens nor advancing an effective violence prevention and public security strategy.

The Salvadoran police have reported over [27,000](#) people detained since March 26. Many were detained arbitrarily without warrants, taken from their homes or off the streets, in what one human rights advocate called “arbitrariness without limit.” Families are seeking their relatives whose whereabouts are unknown, in what amounts to enforced disappearances (see this El Faro [photo essay](#) of women searching for their family members). Police, army, and joint police-army operations carried out the detention operations.

Under the state of emergency, those detained can be held up to 15 days without being charged with a crime. They also have no right to be informed of the reasons for their detention and no right to be advised by a lawyer. The constitutional right to freedom of association is suspended, and safeguards on unauthorized wiretaps and searches were removed. Moreover, the National Assembly passed legal reforms that disproportionately increased the penalty for certain crimes, including for minors 12 years and older.

Human Rights Violations Observed in 450 Cases

Human rights organization Cristosal examined over 450 cases it received of human rights or civil rights violations committed during the state of emergency; each case can include multiple violations (see the initial report [here](#); Cristosal is continuing to update its registry of cases). Based on those cases, according to Cristosal, one can “assume that in El Salvador thousands of arbitrary detentions are taking

place as a result of the state of emergency.” Through examining these cases as well as press reports, Cristosal found the following human rights and civil rights violations:

- **Violations of the right to life.** Five people died in police or prison custody according to press reports. For example, Walter Vladimir Sandoval was reportedly beaten by police after he denied belonging to a gang. He later died April 3 in Izalco prison. The Salvadoran Institute of Legal Medicine [asserted](#) that he died of “severe thorax trauma.” Three of the five victims allegedly died from beatings while two died after being denied medical attention while in custody.
- **Arbitrary detention.** The detentions examined by Cristosal were arbitrary detentions. Authorities generally gave no reason for the detention and did not have a warrant. Those detained were often young men from poor neighborhoods. People were detained for not carrying IDs, for carrying IDs with out-of-date addresses, for carrying uncharged cellphones, for having photos of themselves wearing caps like gang members, for having any kind of tattoo, and for having previous arrests, even if charges were dropped or their prison sentences had been fulfilled.
- **Cruel, inhumane, and degrading treatment and torture.** Family members of those detained reported that detainees were physically and verbally abused, and family members themselves were threatened for questioning detentions. Physically and mentally handicapped persons were demeaned and physically abused.
- **Violations of due process.** With these massive detentions, the police and justice system are carrying out minimal investigations. In general, detainees did not have access to a lawyer or public defender during the first days of detention. Hundreds of people at one time are being charged in mass hearings.

Not a Crime Prevention Strategy

Moreover, the methods used under the state of emergency are far from a successful crime-prevention strategy. Youths without gang affiliation swept up in the massive detentions are at risk of violence or being forced to join gangs by gang-affiliated detainees. The mass detentions are overwhelming the already overcrowded prison system and may make gang recruitment within prison easier. Detention of hundreds of innocent young people diminish the disincentives to join gangs. The policy of massive detentions also means careful, detailed investigations of gang leaders get short shrift.

Gang members who have fulfilled their sentences or fully reintegrated into civilian life are being detained or publicly denounced by government officials, including a reported [detention](#) of 27 ex-gang members who were sheltered by a church-run rehabilitation program funded by USAID and the UNDP. **These disturbing actions create a climate which makes it far more difficult for gang members to leave gang life and undercut any strategy to reduce or prevent gang violence by helping young people transition out of gang life.**

Closing Space for Journalists and Civil Society

As human rights violations are intensifying under the state of emergency, so too are steps by the Bukele administration to close space for civil society to organize and defend rights and for journalists to cover the news. The Salvadoran legislature at the behest of President Bukele passed Penal Code [reforms](#) on



April 5 to criminalize media or journalists who “reproduce and transmit messages from or presumably from gangs that could generate uneasiness or panic in the population.” This new crime is punishable with up to 10 to 15 years in prison and will make it harder for the media to report on any policies related to gangs, the human rights abuses against those detained, or the lack of due process for people accused. These laws, and government attacks against journalists, are leading more journalists to flee into [exile](#). The president of the Salvadoran legislative assembly [said](#) of the measures against journalists: “Go. We don’t need you here.” President Bukele has also directly attacked various national and international civil society organizations on Twitter, opening the space for further harassment of these organizations on social media and shutting down critique of his government’s policies.

Recommendations to members of Congress:

- **Express strong concern about the human rights and civil rights violations under the state of emergency via social media or statements.** Urge the Salvadoran government to immediately cease these widespread human rights violations and pursue a balanced crime-prevention strategy which respects due process and includes, as well as investigating and prosecuting violent crime, tackling the root causes of why young people join gangs, including an absence of educational and job opportunities, the need for investment in violence prevention, and the need to strengthen an independent judiciary.
- **Urge the State Department to express its concern with the human rights and civil rights violations expanding under the state of emergency and to take these violations into account in decisions on aid, visa sanctions, and certification** of whether the Salvadoran government is meeting the human rights and rule-of-law conditions the Congress placed on aid to central governments in northern Central America in the FY2022 State, Foreign Operations Appropriations law.